



## Appeal Decision

Site visit made on 11 August 2020

**by K Savage BA MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 September 2020**

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**Appeal Ref: APP/L3245/W/20/3250255**

**Bigwood Farm, Snowdon Road, Beckbury, Shifnal TF11 9DG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mrs MJ Kemp against Shropshire Council.
  - The application Ref 19/04606/FUL, is dated 15 October 2019.
  - The development proposed is residential development of 2 self-build dwellings, garages and associated infrastructure.
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### Decision

1. The appeal is dismissed.

### Background and Main Issues

2. The appeal arises from the failure of the Council to determine the application within the prescribed period. As such, no formal reasons for refusal exist, but I have based my main issues on the reasons set out by the Council in its statement of case.
3. The appeal site is located within an area of Green Belt. Therefore, the main issues are:
  - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and local development plan policies;
  - The effect of the proposal on the openness of the Green Belt and the purposes of including land within it;
  - The effect on the character and appearance of the area;
  - If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

### Reasons

*Whether inappropriate development*

4. The Government attaches great importance to Green Belts. Paragraph 145 of the Framework states that the construction of new buildings within the Green Belt is inappropriate development, but lists certain forms of development which

- are not regarded as inappropriate, of which criterion e) limited infilling in villages is the only one potentially applicable to the appeal scheme.
5. Policy CS5 of the Shropshire Local Development Framework Adopted Core Strategy (March 2011) (the CS) seeks to control development in the Green Belt in line with government guidance. Though this policy refers to the now withdrawn PPG2 and not the Framework, both set out the general presumption against inappropriate development in the Green Belt and therefore I find Policy CS5 is consistent with the Framework and attracts significant weight. Policy MD6 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (December 2015) further requires development to demonstrate that it does not conflict with the purposes of the Green Belt and is also consistent with the Framework in this respect.
  6. The appeal site is located on Snowdon Lane to the east of Beckbury village. The site comprises a paddock area located between a dwelling, Big Wood Farmhouse, and a cluster of agricultural buildings. Another dwelling, The Croft, stands beyond these in the direction of Beckbury, after which there is a short gap, then two further dwellings and a large, open playing field. This is adjacent to the primary school which lies within the main built-up area of the village, although the Council indicates the inset boundary of the Green Belt lies further to the north-west and does not include the school or several properties on Badger Lane.
  7. The Council's putative reason for refusal states that the proposal would not constitute limited infilling in a village as the site is location outside the main built envelop of the village and is located someway outside the boundary of the inset area.
  8. The proposal would amount to infilling in so far as it would largely fill the existing gap between the farmhouse and the agricultural buildings, and would form part of a short run of development to The Croft. A proposal for two dwellings would also be limited in scale. Therefore, the determinative question is whether the proposal would fall within a village.
  9. The Framework does not define or qualify 'village' for the purposes of applying Green Belt policy or guidance. The Council refers to the site falling outside the inset boundary of the village, but case law has established that whilst a village boundary as defined in a Local Plan is a relevant consideration, it is not necessarily determinative, particularly where the boundary as defined does not accord with the Inspector's assessment of the extent of the village on the ground.
  10. I saw the built-up area of Beckbury to comprise compact linear development along Badger Lane and Caynton Road. The site is not far from the continuous built-up area of the village along Badger Lane and there is development between this and the site. However, it is interspersed with tangible tracts of open space, including the playing fields, with expansive open countryside to the north and south which serve to physically detach it from the village. Accordingly, whilst I find that the extent of the village on the ground includes some properties falling within the Green Belt, it does not include the development along Snowdon Lane or the appeal site.
  11. Therefore, taking these considerations together, I find that the proposal would not amount to limited infilling within a village within the meaning of criterion e)

of Paragraph 145 of the Framework, and in conflict with Policies CS5 and MD6. Consequently, the proposal would constitute inappropriate development within the Green Belt.

*Effect on Openness and Green Belt Purposes*

12. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect.
13. The proposal would result in development of two dwellings and two detached garages on land which is presently open and free of any built form. This would lead to an inevitable and demonstrable loss of openness, in both visual and spatial terms, and any gaps maintained between the buildings would not be comparable to the existing situation.
14. With respect to the purposes of the Green Belt, given my findings above that the proposal would not amount to infilling within a village, the proposal would lead to encroachment of development into the countryside and would impact on the related Green Belt purpose.

*Effect on character and appearance*

15. The Council does not take issue with the design of the proposed dwellings, nor do I given their scale, design and materials reflect a rural vernacular. However, the Council refers to the loss of the existing gap and creation of a continuous line of development as harmful to the character and appearance of the countryside. The flat, expansive topography of the surroundings means that the existing buildings along Snowdon Lane are visible across the fields and prominent in the landscape, but the gaps between them, including the appeal site, reduce their cumulative visual impact. The proposed dwellings would infill one of these gaps, creating a longer stretch of development which would be more prominent in the landscape and would detract from the open, rural surroundings and harm the character and appearance of the countryside. I accept this effect would be localised and the harm arising would be limited, but it would nonetheless conflict with Policies CS5, CS6 and CS17 of the CS and Policies MD7a and MD12 of the SAMDev which together seek to maintain and enhance countryside and landscape character and the natural environment. There would also be conflict with the Framework's recognition of the intrinsic character and beauty of the countryside.

*Other Considerations*

*Location for housing*

16. The appellant refers to the Council's Policy CS5 being inconsistent with the Framework as it seeks to apply a blanket protection of the countryside for its own sake, citing recent case law<sup>1</sup> in support of her position. However, I agree with the Council, and the Inspector in a decision in Shrewsbury<sup>2</sup> referred to me by the appellant, that Policy CS5 is supportive of certain forms of development in the countryside, and in doing so is consistent with the balanced approach of

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<sup>1</sup> Borough of Telford And Wrekin v Secretary of State for Communities and Local Government [2016] EWHC 3073 (Admin)

<sup>2</sup> Appeal Ref: APP/L3245/W/18/3206619

the Framework to development in the countryside. Accordingly, I do not consider the policy out-of-date and the presumption in favour of sustainable development at Paragraph 11 of the Framework is not engaged for this reason.

17. In view of the harm I have identified above, the proposal would not be an 'appropriate site' for development under Policy CS5, and it would not constitute any of the other forms of development supported in the countryside by Policy CS5 or Policy MD7a of the SAMDev and so would conflict with those policies. The appellant also refers to Policy MD3 of the SAMDev supporting residential development on windfall sites both within and outside of settlement development boundaries. However, this is subject to compliance with other policies, including CS5 and MD7a, and therefore the proposal would not enjoy support under this policy.
18. I have had regard to the Hierarchy of Settlements document (November 2018) referred to by the appellant, and to her disagreement with the Council's scoring of services in Beckbury. The Council indicates this document forms part of the evidence base for the on-going local plan review and the description of Beckbury as a 'recognised named settlement' has no status as part of the development plan, and is not an indication of a future elevated status for Beckbury in the settlement hierarchy. Indeed, the Council has published its Pre-Submission Draft Local Plan 2016 to 2038 in July 2020, and though still at an early stage in its preparation, it does not list Beckbury as a Community Hub or Cluster.
19. Arguments over scoring aside, I recognise that the village has a number of services, including the school, a local shop, a church, a pub/restaurant, village hall, play areas, a playing field and a bus service to Telford, which future occupants could avail of. The site would be located sufficiently close for occupants to access these services on foot or bicycle, reducing the need to use the private car, though the scale of the proposal means this the environmental benefits arising would be small. Additional custom from new residents would provide some economic benefit, as would the construction of the dwellings, but these benefits would be limited in view of the scale of the proposal.

#### *Self-build housing*

20. I have paid close attention to the evidence put to me with respect to the dwellings being self-build plots, including the provisions of the Self Build and Custom Housebuilding Act 2015, and recent appeal decisions<sup>3</sup> relating to this issue. In short, I concur with the Inspector's findings in the decisions in Shropshire that the development plan is supportive of self-build housing where it accords with relevant policies for the supply of housing generally, and that the self-build legislation is not carte blanche for development in otherwise unsuitable locations.
21. In this case, the Council indicates that it has met its duty with respect to granting sufficient permissions for self-build plots, and I have no firm evidence to contradict this position. Moreover, the evidence before me does not indicate that the Council is suffering a shortfall in its overall housing supply. However, I recognise that the proposal would add two self-build dwellings to the local

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<sup>3</sup> Appeal Refs: APP/L3245/W/19/3224985 and APP/L3245/W/19/3224318 (both 20 June 2019) and APP/G2435/W/18/3214451 & APP/G2435/Q/18/3214498 (both 25 June 2019)

housing stock, but given the small scale of the proposal, the benefit of this would be limited.

*Loss of best and most versatile agricultural land*

22. The Council indicates the site falls within an area of Grade 2 best and most versatile (BMV) agricultural land. The extent of land to be lost would be small in this case, and I have no evidence to suggest its loss would result in an agricultural enterprise becoming unviable. Therefore, the very limited economic harm arising from its loss would weigh only modestly against the proposal.

**Planning Balance**

23. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition, there are adverse impacts on openness, on the Green Belt purpose of safeguarding the countryside from encroachment and on the character and appearance of the area. Paragraph 144 of the Framework indicates that substantial weight should be given to the harm to the Green Belt, and very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
24. As explained, I give limited weight to each of the material considerations in support of the proposal and conclude that, taken together, they do not *clearly* outweigh the harm the scheme would cause. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt.
25. Paragraph 11(d)(i) states that the presumption in favour of sustainable development does not apply where application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Land designated as Green Belt is one such area or asset, as made clear by Footnote 6 of the Framework. In view of the harm to the Green Belt that I have identified, the presumption in favour of development is not engaged in this case.

**Conclusion**

26. For the reasons given, the proposal would result in conflict with the development plan, taken as a whole, which would not be outweighed by the other material considerations, including the Framework. The appeal is therefore dismissed.

*K Savage*

INSPECTOR