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# Appeal Decision

Site visit made on 25 August 2020

**by Stuart Willis BA Hons MSc PGCE MRTPI**

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

**Decision date: 15 September 2020**

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**Appeal Ref: APP/L3245/W/20/3251667**

**Lower House, The Sun Inn Junction B4368 To Beechwood, Corfton SY7 9DE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Gary Smith against the decision of Shropshire Council.
  - The application Ref 19/03538/OUT, dated 24 July 2019, was refused by notice dated 2 April 2020.
  - The development proposed is construction of 3 detached houses and garages (gross external size to be approved) and creation of new vehicular access and installation of private treatment plant.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. I have taken the description of development above from the application form. While different to that on the decision notice, no confirmation that a change was agreed has been provided to me.
3. Outline planning permission is sought with all matters reserved except for access and scale. I have had regard to the details provided on the Indicative Site Plan (10586-002) in relation to these matters and have regarded all other elements as illustrative. I have determined the appeal on this basis.
4. The National Planning Policy Framework (Framework) states that the weight given to relevant policies in emerging plans should be according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the plan with the Framework. While reference has been made to a Local Plan review, I am not aware if there are any unresolved objections and it is at an early stage. Moreover, limited details of the relevant parts of the document have been provided. Consequently, it carries little weight in my decision.
5. I am also considering an appeal at a nearby site<sup>1</sup>. I have dealt with both schemes on their own individual merits.

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<sup>1</sup> APP/L3245/W/19/3242933

### **Application for costs**

6. An application for costs was made by Mr Gary Smith against Shropshire Council. This application is the subject of a separate Decision.

### **Main Issues**

7. The main issues of the appeal are;
  - Whether the site is a suitable location for housing, having regard to the Council's housing strategy; and
  - The effect of the proposal on the character and appearance of the area, including the scenic beauty of the nearby Shropshire Hills Area of Outstanding Natural Beauty (AONB).

### **Reasons**

#### *Whether suitable location*

8. Policy CS1 of the Shropshire Council Adopted Core Strategy (CS) 2011 sets a target of delivering 27,500 additional new homes over the plan period of 2006-2026. A "rural rebalance" approach would accommodate 35% of these within rural areas to make them more sustainable. Development in rural areas is to be located predominantly in Community Hubs and Community Clusters.
9. Policy CS4 of the CS states that investment in rural areas will be focused into Community Hubs and Community Clusters at a scale appropriate to the settlement. The supporting text indicates that development in these areas will be within the village, or on land that has been specifically allocated for development. It also comments that windfall development adjoining a village is not acceptable unless for an exception site for affordable housing or development under Policy CS5.
10. Policy MD1 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) 2015 identifies Corfton, along with Bache Mill, Bouldon, Broncroft, Middlehope, Peaton, Seifton, (Great/Little) Sutton, and Westhope as a Community Cluster within the Craven Arms Area.
11. Policy S7.2(ii) of the SAMDev states it is expected that each settlement in this cluster would deliver around 5 additional dwellings, but not exceeding 10, on small sites or through conversion over the plan period to 2026 in the form of infilling and conversions. The supporting text refers to the housing numbers as guidelines and having regard, amongst other things, to the aspirations of those communities as well as matters such as past rates of development and site suitability.
12. There is no defined boundary for the settlement of Corfton. While the Council's Type and Affordability of Housing Supplementary Planning Document 2012 provides guidance on whether a site is part of a settlement, this guidance relates explicitly to exception sites, which the proposal is not for. Moreover, while there is said to be a definition of infill in the Local Plan review, there is not one within the current development plan.
13. Consequently, my assessment of whether the site lies within the settlement and is infill development has been based on the evidence before me and my observations on site.

14. There is a cluster of development around the crossroads adjacent to the Sun Inn. However, there is further development to the rear of the appeal site towards Corfton View which is located on the B road frontage beyond the site. The appeal site sits within this existing development. Travelling towards the Sun Inn junction from the direction of Corfton View, this property appears as the beginning of the settlement on that side of the road. From near the Sun Inn junction itself, while currently an undeveloped field, the appeal site is viewed with development to part of its rear boundary. The appeal site is within the context of existing properties and therefore within the settlement of Corfton.
15. There are no properties directly opposite much of the site along the B road. Nonetheless, there are properties and other buildings located to the rear. Moreover, while there are lanes at either end of the field, there are properties in close proximity to the site along the same B road frontage. Although there is some variation in plot sizes, the indicative layout shows that the proposed plots could be arranged to have a frontage width that would not be at odds with the existing pattern of development. Given the development would be bookended by existing properties along the same side of the road, rather than appearing fragmented, by filling the existing gap, the appeal scheme would appear as creating a relatively continuous frontage. Therefore, it would be infill development.
16. The Council confirm that Corfton has already exceeded the housing guideline for the settlement with a total of 12 completions and commitments.
17. SAMDev Policy MD3 states that the housing guidelines is a significant policy consideration and sets out criteria for the consideration of schemes which would result in the figure being exceeded. These are i) the increase in the number of dwellings relative to the guideline; ii) the likelihood of delivery of the outstanding permissions; iii) the benefits arising from the development; iv) the impacts of the development, including the cumulative impacts of a number of developments in a settlement; and v) the presumption in favour of sustainable development.
18. If allowed, the appeal proposal would result in the number of commitments and completions further exceeding housing guidelines, being 5 properties above the anticipated level of development for Corfton. In this context, I consider this exceedance to be significant. I have no specific evidence before me to suggest that any of the committed sites will not come forward for development in the settlement.
19. The proposal would contribute to the housing stock in the area and the Framework seeks to significantly boost the supply of housing. There would also be benefits associated with spending and job creation during the construction period and from the future occupants of the properties with regard to local services and facilities. Nonetheless, being for 3 dwellings, these benefits would be moderate.
20. Paragraph 3.21 of the SAMDev supporting Policy MD3 states that the guideline figures reflect detailed consideration by the local planning authority and the community on what level of development is sustainable and appropriate during the plan period. Moreover, while not a maximum figure, going beyond it by too great a degree could result in unsustainable development that stretches infrastructure and community goodwill towards breaking point.

21. Even if Corfton does not display any evidence of being overwhelmed by development at present, this shows that the current policy approach is being effective. I am also mindful that there are permissions yet to be implemented. Over-provision, that the scheme would add to, could undermine other elements of the development strategy for the area such as to direct development to areas with greatest access to facilities whilst protecting the countryside. I am mindful of the objections to the scheme submitted by the Parish Council and other residents with regard to community goodwill.
22. Therefore, the proposal would not be a suitable site for housing, having regard to the Council's housing strategy and would fail to accord with Policy CS4 of the CS and Policies MD1, MD3 and Policy S7.2(ii) of the SAMDev regarding the scale and distribution of housing development in the area.
23. I have found that the proposal does not accord with the up to date development plan. The presumption in favour of sustainable development, as set out in paragraph 11 of the Framework, therefore does not apply in this case.

#### *Character and Appearance*

24. The appeal site is located in close proximity to the AONB which begins opposite the site. It is clearly visible along the main road and is currently an open, undeveloped field. There are views to and from the AONB across the site and the surrounding area which can be appreciated from several public vantage points.
25. The absence of built form and the presence of mature boundary landscape features contribute to the rural character and appearance of the area. The Management Plan<sup>2</sup> supports a vision of sustainable rural communities. The appeal scheme would introduce 3 new dwellings, and this would inevitably alter the appearance of the site. However, there is built development to the rear and at either end beyond minor roads. The site would be seen with these and as part of the settlement rather than encroaching on the open countryside.
26. While there is a tighter cluster of buildings at the junction by the Sun Inn, much of the rest of the settlement and wider area has a more open character with generous plots. The proposal is in outline. Nonetheless, the indicative layout shows that similarly generous plots, with detached dwellings set back from the road with gaps between buildings could be accommodated. This would provide a spacious feel to the scheme retaining much of the openness and would not be at odds with the existing pattern of development nearby. Consequently, the proposal would be read as part of the existing development along the main road, rather than separate to, or extending, the settlement.
27. A single access is proposed. This would allow the majority of the roadside vegetation to be retained, in keeping with the green and pleasant frontages frequently found in the area. Although scale is to be considered, appearance is a reserved matter. Therefore, the materials and form of the proposed dwellings are not before me as part of this appeal and would be subject to future submissions.

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<sup>2</sup> Shropshire Hills AONB Management Plan 2019-24

28. There are listed buildings in the vicinity of the site<sup>3</sup> and a Scheduled Ancient Monument<sup>4</sup>. The Council have not raised any concerns over the effect of the development on the setting of these. I have found that the site would assimilate with the existing pattern and form of development in the area. This along with the separation between these assets and the site as well as with the intervening landscape and built form, would prevent the scheme causing any harm to the setting of these.
29. Therefore, the proposal would not be harmful to the character and appearance of the area including the scenic beauty of the nearby AONB. It would accord with Policies CS4, CS6 and CS17 of the CS as well as Policies MD2 and MD12 of the SAMDev. These, amongst other things, require development to conserve and enhance the natural, built and historic environment, local context and distinctiveness.
30. Moreover, it would comply with the Framework where it seeks to ensure development is sympathetic to local character, contributes to and enhances the natural and local environment, recognises the intrinsic character and beauty of the countryside as well as the scenic beauty of AONB's.
31. Policy S7.2(ii) of the SAMDev is included in this refusal reason. However, as this does not relate to character and appearance considerations it weighs neither for nor against the proposal in regard to this issue.

### **Other Matters**

32. The Council have not included refusal reasons relating to flooding, highway safety, ecology or access to services and public transport. As I have found harm sufficient to dismiss the appeal on other issues, there is no need for me to consider these matters further. In any event, a lack of harm would only be a neutral factor.
33. I appreciate that the appellant sought pre-application advice and note comment on the approach of the Council in their handling of the application. However, I have dealt with the appeal on its planning merits based on the evidence before me and found it would result in unacceptable harm.
34. I acknowledge that there have been a number of permissions at other sites nearby for residential development<sup>5</sup>. However, these relate to developments of varying scale and I do not have full details of the considerations, including housing guideline figures, that were relevant at the time of their determination. Therefore, they are materially different to this appeal scheme.

### **Conclusion**

35. While I have found the proposal would not lead to an unacceptably harmful effect on the character and appearance of the area, my finding with regard to locational suitability is determinative.

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<sup>3</sup> Nos.1-2 Lower Corfton, No.9 Lower Corfton, Hill House Farm, Corfton House, No.16 Upper Corfton, Elsie Manor  
<sup>4</sup> Corfton Castle

<sup>5</sup> 18/03863/OUT, 18/03510/FUL, 16/04550/OUT, 17/03549/OUT, 16/04746/FUL, 16/02751/OUT, 20/00629/FUL, 14/05307/OUT, 16/04173/REM, 17/05800/FUL, 16/03699/FUL, 18/02934/FUL and 16/03628/FUL

36. Therefore, for the reasons given, and having taken into account all matters raised, I conclude that the appeal is dismissed.

*Stuart Willis*

INSPECTOR