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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/19/3242933**

**The Sun Inn, B4368 From Pedlars Rest B4365 junction to start of 30mph section Diddlebury, Corfton SY7 9DF**

- 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 Roger Burgoyne against the decision of Shropshire Council.
  - The application Ref 18/03863/OUT, dated 17 August 2018, was refused by notice dated 10 October 2019.
  - The development proposed is erection of detached cottage and garage.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. I have taken the address and description of development above from the application form. While different to those 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. I have had regard to the details provided on the Proposed Block Plan (72401/18/03 Rev A) and Street Scene (72401/18/04 Rev A) in relation to this matter 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/20/3251667

### **Application for costs**

6. An application for costs was made by Mr Roger Burgoyne 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 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 and other groups of dwellings beyond the junction. Travelling uphill from the Sun Inn, the field where the appeal scheme would be located marks the beginning of a distinct gap without built form on this side of the road to the next small group of properties which I note has been referred to as Corfton Bache by some parties. These are visually and physically separate from the appeal site. The appeal scheme would therefore not be within the settlement of Corfton.
15. The appeal site would occupy only part of the frontage of the wider field with space either side. It would be separate from any dwellings uphill, to the rear or opposite. The proposal would not fill any obvious gap in a continuous built up frontage or form part of a clear row of properties. The appeal scheme would be visually separate from other dwellings as the surrounding land would remain largely open and undeveloped. Therefore, the appeal proposal, would not represent 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 3 properties above the anticipated level of development for Corfton. In this context, although the appeal scheme is for a single dwelling, 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. I note the potential for the access to be used as a passing place. There would also be benefits associated with spending and job creation during the construction period and from the future occupants of the property with regard to local services and facilities. Nonetheless, being for one dwelling, as with energy efficiency, these benefits would be limited. Furthermore, while additional planting may add to overall levels of biodiversity on the site, there is no detailed information before me in this regard.
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. Consequently, the proposal would not be a suitable site for housing, with 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 absence of built form and the presence of the boundary features contribute to the rural character and appearance of the area in this part of the AONB.
25. The appeal site would be located off the narrow, gently curved lane that separates the development at the junction adjacent to the Sun Inn from the group of properties beyond the appeal site. The tall banks, walls and mature landscaping either side tightly enclose the lane giving it a distinctly different character to the wider and more open feel at the junction and along the 2-way road through Corfton.
26. From the evidence before me part of the existing bank, walls and landscaping would be removed or set back to create the access and visibility splays. This would erode the existing feeling of enclosure they currently create on this part of the lane. Along with the alterations to land levels that would be required, the proposal would create an obviously artificial arrangement at odds with the current appearance of the lane and significantly alter its character.
27. Views into the appeal site are limited at present. However, there are glimpses of the field from the lane, the existing access to the field and nearby properties. The proposal would result in the site having a residential appearance given the need for the access, driveways, parking and the domestic paraphernalia that would be associated with the dwelling itself. This would unacceptably damage the largely undeveloped qualities of the site. While landscaping conditions can be appropriate in certain instances, they should not be used to try to hide development which is unacceptable.
28. Details relating to the appearance, scale and layout of the proposal are not part of this outline application. While I acknowledge indicative details were provided, were the appeal to be allowed, details of the dwelling itself could be conditioned to form part of a reserved matters submission.
29. Notwithstanding this, the proposal would have a significant harmful effect on the character and appearance of the area and the scenic beauty of the AONB. It would be contrary to Policies CS6 and CS17 of the CS as well as Policies MD2 and MD12 of the SAMDev. These policies, amongst other things, require development to conserve and enhance the natural environment, local context and distinctiveness.

30. Moreover, it would fail to accord 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 CS4 of the CS is included in this refusal reason, however, as I have found the site is not within the settlement and therefore community cluster, 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 highway safety or ecology. 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. My attention has been drawn to the potential formation of an access at the site under permitted development rights. Nonetheless, there is no certificate of lawful development, little information and no specific design of such a scheme provided. Consequently, it is not clear what proposals under such development rights would entail or what effect they would have. Furthermore, there is no guarantee that any potential scheme would be built were the appeal dismissed. As an access alone would not have a dwelling and associated paraphernalia it would not be directly comparable to the scheme before me and I give this potential fallback position little weight.
34. I appreciate that the application was recommended for approval by officers. Nonetheless, Members ultimately came to a different conclusion, as have I.
35. I acknowledge that there have been a number of permissions at other sites nearby for residential development<sup>2</sup>. Nonetheless, while some relate to single dwellings, none are located off the same lane as the appeal scheme. Therefore, they are materially different to the proposal before me. Moreover, I do not have full details of the considerations, including housing guideline figures, that were relevant at the time of their determination.

### **Conclusion**

36. For the reasons set out above, and having taken into account all matters raised, I therefore conclude that the appeal is dismissed.

*Stuart Willis*

INSPECTOR

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<sup>2</sup> 18/03510/FUL, 16/04550/OUT, 17/03549/OUT, 19/0358/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