



## 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/20/3249305**

**Land to the east of Pennerley House, Pennerley, Shrewsbury SY5 0NE**

- 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 A Lawton against the decision of Shropshire Council.
  - The application Ref 18/04261/OUT, dated 31 August 2018, was refused by notice dated 23 October 2019.
  - The development proposed is dwelling east of Pennerley House.
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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. I have had regard to the details provided on the Site Plan (SA29847\_PL\_05 Rev B) and Proposed Site and Surrounding Cross Section Typical Elevation showing Maximum Heights (SA29847\_PL-06) 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.

### Background and Main Issues

5. Albeit not in the refusal reasons, issues have been raised by third parties in relation to the suitability of the appeal site with regard to development plan policies, including the number of potential dwellings in the area. The appellant has had the opportunity to comment on these matters and the relevant policies. As such, they would not be prejudiced by my approach below.

6. Therefore, 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*

7. 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.
8. 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.
9. Policy MD1 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) 2015 identifies Pennerley, along with Snailbeach, Stiperstones, Tankerville, Black Hole, Crows Nest and The Bog as a Community Cluster within the Bishop's Castle Area.
10. Policy S2.2(viii) of the SAMDev states the housing guidelines for the cluster is around 15 additional dwellings in the form of infill and conversion over the plan period to 2026. 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.
11. There is no defined boundary for the settlement of Pennerley. 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.
12. Consequently, although I note reference to alternative definitions put forward outside of the adopted development plan, 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.
13. There is no distinct core to the settlement of Pennerley. It is characterised by loose knit development in the form of individual farmsteads and properties with occasional small groups of dwellings. There is a considerable area beyond the appeal site towards The Bog with an absence of residential development and built form. This gives that area the characteristics and appearance of open

countryside. I acknowledge the presence of roadside signage as well as historical and political interpretations of where Pennerley extends to. However, while not viewed with all of them, there are several properties that are physically relatively close to the appeal site including Pennerley House, Ritton Place, Bog Marsh Cottage and Brook House. I consider these properties from part of Pennerley. The appeal scheme would not appear divorced from these. Therefore, the appeal site would be within the settlement.

14. The appeal site adjoins the garden area of Pennerley House with a further residential property opposite. Nonetheless, Ritton Place is set back in its plot across a lane, creating a visual separation from the appeal site in that direction. Moreover, where the main part of the site adjoins the lane there is no adjacent residential development or buildings along the same frontage. Other than the proposed access, one side of the site would remain an open field. To the other side a wooded area would separate the site from the nearest built form further along the lane.
15. I note comments regarding the loose knit nature of the settlement potentially preventing infill plots. Notwithstanding this, there would be a visual and physical separation of the proposed dwelling from others along the same side of the lane it fronts. The appeal scheme would not fill any obvious gap in a continuous built up frontage or result in a clear row of properties with the land adjacent to the appeal site remaining largely undeveloped. Therefore, the appeal site would not represent infill development.
16. My attention has been drawn to a permission at Bog Marsh Cottage for a single dwelling<sup>1</sup>. That scheme had a property adjacent to one side of the same road frontage and therefore while not a significant distance from the site, the locational context is materially different to the appeal scheme. In any event, I have assessed the appeal on its own individual merits.
17. The Council confirm that the housing guideline for the Community Cluster has already been exceeded. While they indicate there has only been 5 completions, there are a further 17 dwellings with planning permission.
18. SAMDev Policy MD3 states that the housing guideline 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.
19. If allowed, the appeal proposal would result in the number of commitments and completions further exceeding the housing guidelines, being 8 properties above the anticipated level of development for the cluster. I acknowledge the suggestion that Pennerley may receive an additional housing guideline beyond 2026 in the local plan review and that permissions in Pennerley include sub-division of an existing property. Nevertheless, in this context, although the appeal scheme is for a single dwelling, I consider the exceedance would be significant.

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<sup>1</sup> (18/00924/OUT).

20. There is no guarantee all approvals will be built out. However, I have no specific evidence before me to suggest that any of the committed sites will not come forward for development in the cluster during the plan period or in relation to the low build rate the appellant suggests.
21. 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 property with regard to local services and facilities. Nonetheless, being for 1 dwelling, these benefits would be limited.
22. 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.
23. Even if Pennerley and the wider community cluster do 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.
24. 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 S2.2(viii) of the SAMDev regarding the scale and distribution of housing development in the area.
25. 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*

26. The site is a largely open field with mature boundary landscape features. As such, it contributes to the character and appearance of the area in this part of the AONB.
27. The Management Plan<sup>2</sup> supports a vision of sustainable rural communities. While there is a loose scattering of development in the area, small groups of properties are characteristic of Pennerley and the wider area. These groups vary in size, number and density with no consistent pattern or arrangement. In addition, there is variation in terms of the design and scale of the properties.
28. The appeal scheme would introduce a new dwelling and associated features. This would inevitably alter the appearance of the site. Nonetheless, the site would be seen in many views with other properties and as part of the settlement rather than encroaching on the open countryside. Other views

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

would be contained by the wooded area adjacent. The land continues to rise beyond the site towards Ritton Place and landscape features would filter views, reducing the prominence of the site. The proposal would be seen as abutting the garden of another property and forming part of a small group of properties within a settlement. It would not appear isolated or encroaching on the open countryside and would be set in a generous plot, comparable to those nearby. Even in the context of another property granted permission in the area<sup>3</sup>, the density of this small group would not be incongruous with the general loose knit pattern of development in the area. Therefore, the presence of residential development at the site would not be discordant.

29. The Management Plan states that housing developments need to be of appropriate scale to the location and its landscape sensitivity, and of a high standard in terms of design. 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.
30. Therefore, the proposal would not be harmful to the character and appearance of the area including the scenic beauty of the 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.
31. 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.

### **Other Matters**

32. As I have found other harm sufficient to dismiss the appeal, the development will not take place and thus there would be no resultant effect on the Stiperstones and The Hollies Special Area of Conservation SAC/SSSI. Consequently, I have no need to consider this matter or the Habitats Regulations further. This is also the case for highway safety considerations that have been raised. In any event, the lack of harm would be a neutral factor.
33. I appreciate that the appellant sought pre-application advice and that the application was recommended for approval by officers. Nevertheless, Members ultimately came to a different conclusion. I have dealt with the appeal on its planning merits based on the evidence before me and found it would result in unacceptable harm.

### **Conclusion**

34. 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> 18/00924/OUT

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

*Stuart Willis*

INSPECTOR