



Appeal Decision

Site visit made on 24 November 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th December 2020

Appeal Ref: APP/L3245/W/20/3256922

Land to the side and rear of 48 Park Lane, Shifnal, TF11 9HD

- 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 Hunt against the decision of Shropshire Council.
 - The application Ref 19/05444/OUT, dated 12 December 2019, was refused by notice dated 11 February 2020.
 - The development proposed is described as *"one detached dwelling and garage off an improved existing access"*.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is in outline with all matters reserved for future consideration. Drawings showing an indicative layout and access have been submitted, and I have had regard to these in determining this appeal.

Main Issues

3. The main issues are:
 - (a) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework ('the Framework') and development plan policy;
 - (b) The effect of the proposal on the openness of the Green Belt; and
 - (c) 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

Inappropriate development in Green Belt

4. Paragraph 145 of the Framework states that the construction of new buildings in the Green Belt is inappropriate, subject to a number of exceptions. One such exception is limited infilling in villages.
5. The appeal site consists of a small disused area of land, set within a short row of properties on the western side of Park Lane. It is largely surrounded by

existing dwellings and gardens, and Nos 46 and 54 are located on either side of it. In my view, the proposal would constitute 'limited infilling' as it relates to a small site positioned between existing buildings. However, paragraph 145 of the Framework refers to limited infilling in villages (my emphasis). In this regard, the site is located on the edge of Shifnal, which is described as a town in both the Shropshire Core Strategy (2011) and the Site Allocations and Management of Development Plan (2015). Accordingly, the site is not within a village, and the exception at paragraph 145 of the Framework therefore does not apply to it.

6. My attention has been drawn to a recent allowed appeal decision¹ at 37 Park Lane, Shifnal, which is on the opposite side of the road to the appeal site. However, that site is designated as safeguarded land and so was not subject to Green Belt protections. The appellant has also highlighted a recent allowed appeal decision² in South Staffordshire. However, I note that that proposal is described as being within a village, which is not the case here.
7. For the above reasons, I conclude that the proposal would not meet the relevant exception at paragraph 145 of the Framework. It would therefore be inappropriate development in the Green Belt, which paragraph 143 of the Framework states is harmful by definition and should not be approved except in very special circumstances. The proposal would also be contrary to Policy CS5 of the Shropshire Core Strategy (2011) in this regard.

Openness

8. The proposal would introduce additional built footprint and volume onto land that is currently undeveloped, and it would be clearly visible from along the street. The proposal would therefore fail to preserve the openness of the Green Belt. In this regard, the Framework advises at paragraph 133 that openness is an essential characteristic of Green Belts.

Other considerations

9. The emerging Shropshire Local Plan Review will shortly be published for representations under Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012. At present, it proposes to remove the appeal site and the adjoining properties from the Green Belt and to include them within the settlement boundary for Shifnal. However, the emerging Local Plan Review is not at an advanced stage and it has yet to be submitted for examination. It is also unclear whether the proposed re-designation of this area will be subject to unresolved objections, and this will only become apparent once the current consultation process has concluded. Moreover, other parts of the Local Plan may be subject to significant unresolved objections, which could lead to it being withdrawn or found to be unsound. Given these uncertainties, and in light of paragraph 48 of the Framework, I attach only limited weight to the emerging Local Plan Review at this stage.
10. It is asserted that the development of nearby areas of safeguarded land under permission Refs 13/04840/FUL and 13/04841/FUL has effectively brought the site into the built up area of Shifnal. However, those developments do not alter the current Green Belt status of the site. In this regard, the Framework is

¹ APP/L3245/W/19/3230499

² APP/C3430/W/18/3207145

clear that Green Belt boundaries should only be altered in exceptional circumstances through the preparation or updating of plans.

11. It is also asserted that a large single storey outbuilding could be constructed on the site using permitted development rights that would be comparable in size to the appeal proposal. However, there is no indication before me that this would be pursued in the event that the appeal is dismissed, and no plans of an alternative scheme have been submitted. Accordingly, there appears to be no greater than a theoretical possibility that this would take place.
12. The proposal would not directly offend any of the 5 purposes that Green Belt serves, as set out at paragraph 134 of the Framework. However, that is not uncommon in the case of smaller developments such as this, and it does not alter the fact that the proposal would constitute inappropriate development in the Green Belt, and would result in a loss of openness.
13. The proposal would make a small contribution towards the local supply of housing. It would also generate some modest economic benefits including the creation of employment, and the purchasing of materials and furnishings. However, such benefits are common to developments of this type and size.
14. The appeal site is within walking distance of a primary school and Shifnal town centre. The site is therefore in a relatively accessible location and future occupiers would not be unduly reliant on the use of a private vehicle.

Other Matters

15. The appeal site is surrounded by existing dwellings and gardens on all sides. However, I am satisfied that it would be possible to develop a single storey dwelling on the site without significantly harming the living conditions of neighbouring occupiers in relation to privacy and outlook. In this regard, full details of the proposed design, height, and layout would be determined at reserved matters stage.

Conclusion

16. The proposal would constitute inappropriate development in the Green Belt and would reduce openness in this location. The Framework states that substantial weight should be given to any harm to the Green Belt. Even when taken together, the other considerations in this case do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would therefore be contrary to Policy CS5 of the Shropshire Core Strategy (2011), and guidance contained in the Framework.
17. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR