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## Appeal Decision

Site visit made on 8 December 2020

**by Thomas Hatfield BA (Hons) MA MRTPI**

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

**Decision date: 20<sup>th</sup> January 2021**

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**Appeal Ref: APP/L3245/W/20/3258230**

**Land off Hollins Lane, Tilstock, Whitchurch, SY13 3NT**

- 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 Mrs Jane Murphy against the decision of Shropshire Council.
  - The application Ref 20/01043/OUT, dated 1 March 2020, was refused by notice dated 14 July 2020.
  - The development proposed is 4 No. plots for self-build dwellings with garages.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application is in outline with all matters reserved for future consideration. Drawings showing an indicative layout of the development were submitted with the application, and I have had regard to these in determining this appeal.
3. The site has been subject to a previous dismissed appeal decision<sup>1</sup> for housing development. I attach significant weight to the previous Inspector's findings, albeit I note that the previous scheme did not propose self-build dwellings.
4. A Unilateral Undertaking ('UU') has been submitted that commits the owner to provide 4 serviced plots to persons included on the Council's Self-Build Register. The UU is signed and dated, and I have taken it into account in reaching my decision.

### Main Issues

5. The main issues are, firstly, the effect of the development on the character and appearance of the area and, secondly, whether the site is in a suitable location for housing having regard to local planning policy.

### Reasons

#### *Character and appearance*

6. The appeal site comprises an area of open countryside on the north eastern side of Hollins Lane. It is located at an entrance point to the village of Tilstock and is prominent in views along the street.

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<sup>1</sup> APP/L3245/W/15/3140631

7. The Inspector who determined the previous appeal at the site noted that it marks the beginning of open countryside when leaving the village and is a pleasant open contrast to the ribbon of houses on the other side of the road. He further noted that the site appears as part of the countryside setting to the village and forms part of a wider area of attractive, high quality landscape which rises northwards from Hollins Lane. Based on my own observations, I concur with that assessment. Whilst all matters are reserved at this stage, the development of 4 dwellings would harmfully eat into this pleasant piece of countryside, in a prominent position at an entrance point to the village.
8. It is asserted that the landscape impact of the development would be no different to that of other sites allocated for housing in Tilstock. However, those allocations were assessed by the Inspector who examined the Shropshire Site Allocations and Management of Development ('SAMDev') Plan, who concluded that they were sound. I see no reason to revisit this matter here.
9. For the above reasons, I conclude that the development would significantly harm the character and appearance of the area. It would therefore be contrary to Policies CS5 and CS6 of the Shropshire Core Strategy (2011), which seek to ensure that new development maintains the character of the countryside. It would also be at odds with the National Planning Policy Framework ('the Framework'), which requires that development is sympathetic to local character.

#### *Suitable location*

10. The site lies outside of the settlement boundary for Tilstock and is therefore in the countryside for planning purposes. Policy CS5 of the Shropshire Core Strategy and Policy MD7a of the SAMDev Plan seek to exercise strict control over new development in the countryside. The development does not fall within the limited range of uses allowed for in these policies and it is therefore contrary to the development plan in this regard.
11. It is asserted that the development plan is out of date as it does not refer to the provision of self-build or custom-build housing. However, my attention has been drawn to a recent appeal decision<sup>2</sup> in Shropshire that also considered this matter. That Inspector found that whilst Policies in the Shropshire Core Strategy and SAMDev Plan do not refer specifically to self-build housing, the development plan is neither silent nor out of date in relation to these matters. I attach significant weight to this appeal decision, which refers to the policies currently under dispute, and I concur with that Inspector's view.
12. The SAMDev Plan was subject to a Main Modification that committed the Council to an early review of the plan, including a detailed review of the Green Belt boundary. Whilst I understand that the Council is in the process of undertaking this review, it is currently at a relatively early stage of preparation. However, it is common ground that the Council is able to demonstrate a deliverable 5 year supply of housing sites, and so the policies most relevant for determining the application are not out-of-date in this regard. Moreover, the Inspector for appeal Ref APP/L3245/W/19/3224318 emphasised that the Council's policies should not be considered out of date simply because they predate the publication of the Framework and the Self-build Act.

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<sup>2</sup> APP/L3245/W/19/3224318

13. The appellant asserts that the housing allocations in Tilstock should already have been delivered. However, that is not stipulated in Policy S18.2 of the SAMDev Plan, and I note that the plan period runs to 2026. Moreover, the Council state that site TIL008 is now built out, and that both TIL001 and TIL002 benefit from planning permission. Moreover, housing completions and approvals in the wider Whitchurch Rural & Ightfield and Calverhall Community Cluster significantly exceed the relevant housing guideline of 100 dwellings. Accordingly, there is no shortfall of housing sites in this area.
14. For the above reasons, I conclude that the development is not in a suitable location for housing with regard to local planning policy. It is contrary to Policies CS4 and CS5 of the Shropshire Core Strategy (2011) and Policies MD7a and S18.2 of the Shropshire SAMDev Plan (2015) in this regard.

### **Other Matter**

15. The Council has a duty under the Self Build and Custom Housing Act 2015<sup>3</sup> to keep a register of persons who are interested in acquiring a self-build or custom-build plot, and to grant enough permissions to meet this demand. However, the extent to which the Council is meeting demand for this type of housing is disputed. I return to this matter in my Overall Balance and Conclusion, below.
16. An interested party states that the appeal site is located within the Green Belt. However, that is not the case.

### **Overall Balance and Conclusion**

17. As set out above, I conclude that the development would significantly harm the character and appearance of the area, and would be in an unsuitable location for housing with regard to local planning policy. It would be contrary to the development plan in these respects.
18. Set against this, the development would provide 4 self-build dwellings for persons included on the Council's Self-Build Register, in a relatively accessible location. It would also generate economic benefits through the creation of employment and the purchasing of materials and furnishings.
19. In these circumstances, even if the 'tilted balance' at paragraph 11 of the Framework were engaged, and the shortfall in self-build housing were as significant as is alleged, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. Accordingly, the material considerations in this case do not indicate that the proposal should be determined other than in accordance with the development plan.
20. For the reasons given above I conclude that the appeal should be dismissed.

*Thomas Hatfield*

INSPECTOR

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<sup>3</sup> As amended by the Housing and Planning Act 2016.