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## Appeal Decision

Site visit made on 9 February 2021

by **B Davies MSc FGS CGeol**

an Inspector appointed by the Secretary of State

Decision date: 16 March 2021

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**Appeal Ref: APP/L3245/W/20/3262561**

**Land on Nobold Lane, Nobold, Shrewsbury, SY5 8NW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Lloyd against the decision of Shropshire Council.
  - The application Ref 20/03190/FUL, dated 7 August 2020, was refused by notice dated 28 September 2020.
  - The development proposed is the erection of a self-build dwelling and garage and new vehicular access.
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### Decision

1. The appeal is dismissed.

### Preliminary matters

2. The application form does not contain a description of the development, referring instead to one in the Design and Access Statement. This is consistent with that in the decision notice. I have therefore used this description in the banner above.

### Main issue

3. The main issue is whether or not the site is suitable for open market residential development with regard to local and national policies.

### Reasons

4. The appeal site is a paddock on the edge of the hamlet of Nobold with far reaching views across fields towards the valley below and Shrewsbury in the distance. It is adjacent to Grade II listed Nobold Hall and shares a rural lane with the heritage assets of Nobold Farmhouse and Grange.
5. Policy CS1 of the Shropshire Local Development Framework Core Strategy (adopted March 2011) (CS) states that development in rural areas should be predominantly in community hubs and clusters. These are named in Policy MD1 of the Shropshire Council Site Allocations and Management of Development Plan (adopted December 2015) (SAMDev). The site is not close to a named 'community cluster settlement'.
6. I acknowledge that there is small-scale development nearby and housing estates within walking distance. However, I consider that proximity to one of the named community cluster settlements is critical in meeting this aspect of the policy and is a criterion that this proposal does not achieve. I note that the

appellant considers that the village should be re-evaluated as a cluster settlement in the policy, but this is beyond the scope of this decision.

7. Policy CS4 of the CS and Policy MD7a of the SAMDev allow development for exceptional reasons beyond the cluster settlements, as expanded upon in Policy CS5 of the CS. The proposal does not meet any of the exceptions listed. However, I consider that the introductory wording of 'particularly where they relate to' and use of 'other relevant policy requirements' in MD7a means that this is not a closed list.
8. The examples given in the policy are notable for their clear association with economic activity in rural areas. The appellant works at a local farm, but evidence has not been provided to demonstrate that this meets the requirements to qualify as an essential countryside or rural worker. In addition, the policy makes it clear that open market housing beyond cluster settlements will only be allowed if conservation of an existing building is proposed. I therefore conclude that the proposal does not meet the requirements of Policies CS5 and MD7a.
9. Permission was recently granted for a self-build house<sup>1</sup> close to the appeal site. This was in a different setting because it was tightly surrounded by housing on 3 sides. The appeal site is a much larger plot of land, loosely surrounded on two sides by development and would result in a large gap between buildings to the west. In addition, the appeal site's exposed position in the corner of the hamlet and current use as a field would lead to a greater sense of encroachment into the countryside than the permitted house, albeit this would be to a modest extent. While there are clearly similarities between the two cases in terms of overall location, I find that the exceptional conditions characterising the other site are not applicable in this case.
10. Several approvals for local housing have been drawn to my attention<sup>2</sup>. All were first decided prior to adoption of the latest policy and at a time when Shropshire Council were not able to demonstrate a 5-year housing land supply. I therefore do not consider that they form a precedent. Reference is also made to a recently permitted large housing estate less than a mile away, reportedly on unallocated land, but I do not have any of the details before me to make a meaningful comparison.

#### *Self-build and custom housing supply considerations*

11. The Government is actively seeking to increase the supply of self-build housing and the demand established by the Council's self-build and custom housebuilding register is a material consideration in decisions involving such proposals<sup>3</sup>.
12. The Housing and Planning Act (2016) (the Act) requires that authorities must give suitable development permissions in respect of enough serviced plots of land to meet the demand for self-build houses in each base period. The Council has provided figures to demonstrate that it has granted sufficient permissions to have complied with the Act. The appellant disputes this, but the email<sup>4</sup>

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<sup>1</sup> 20/03061/FUL, 30 November 2020

<sup>2</sup> 14/03050/OUT, 14/00425/OUT, 14/02394/FUL

<sup>3</sup> Paragraph: 014 Reference ID: 57-014-20210508, revised 8 February 2021

<sup>4</sup> 'London Road Self Build', from Andria Cox to John Peters, 29 September 2020

supplied does not clearly confirm this position and I must base my decision on the evidence before me.

13. The appellant states that no suitable sites are available. However, I interpret 'suitability' as being generally suitable for self-build purposes, rather than suitable for an individual, although the two need not be mutually exclusive. The PPG<sup>5</sup> states that 'there is no duty on a relevant authority to permission land which specifically meets the requirements expressed by those on the register', although it can be used to guide its decisions.
14. I note that the local development plan was adopted before the Act and does not contain specific policies regarding self-build housing. However, as sufficient plots have been provided since the Act was established, this strongly indicates that the existing policies are effective in meeting its requirements.
15. I also note that the local development plan predates the National Planning Policy Framework (2019) (Framework). However, I am satisfied that policies supporting appropriate development in the open countryside are consistent with paragraphs 61, 77 and 78 of the Framework and they therefore attract full weight. Paragraph 11d) of the Framework is therefore not engaged.
16. The Council is meeting its quota of self-build housing and this element of the scheme therefore attracts small weight, which does not outweigh the lack of support for open market housing at this location in both local and national policies. The proposed location therefore conflicts with Policies CS1, CS4 and CS5 of the CS, and Policies MD1 and MD7a of the SAMDev, which together protect the countryside from inappropriate development.

#### *Other matters*

17. Grade II Nobold Hall is situated to the immediate south east of the site, and Grade II Nobold Grange a short distance down the lane to the south west. It is possible that the main ranges of the farmstead were within the appeal site. Nobold Farmhouse is adjacent to the western boundary and, along with its traditional outbuildings, is classified as a non-designated heritage asset. These buildings are all listed for their architectural interest, and together make a significant contribution to the character of the small hamlet.
18. The buildings share a setting linked by the lane, which would be interrupted to some degree by the proposed building. The Heritage Statement submitted does not specifically assess these impacts, nor the effect of potential competition from the development on appreciation of the front elevation of Nobold Hall. I note that there has been other new development on Nobold Lane. However, no new development is as close to the front elevation of Nobold Hall or interrupts the setting of the grouping of heritage assets, and I therefore do not consider that this sets a precedent.
19. For this reason, the Council states that the proposal has failed to adequately address the requirements of local policy and the Framework, and, for the reasons above, I concur with this. However, as I am dismissing for other reasons, I have not considered it necessary to further pursue this matter.

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<sup>5</sup> Paragraph: 028 Reference ID: 57-028-20210508, 8 February 2021

### **Other considerations and conclusion**

20. The location of the proposal beyond the named settlements would undermine the Council's plan-led approach to the delivery of housing, the relevant objective of which is to protect the character and appearance of the countryside, and this is a matter of substantial weight.
21. There would be benefits from contribution to the local housing supply, economy and community. In addition, the appeal site and nearby facilities would be reasonably accessible using public transport. It would provide a self-build dwelling, in line with government priorities, and a high standard of living for future users including those that are disabled, all of which are beneficial. However, given the small scale of the development these benefits only attract modest weight.
22. I do not find that the modest benefits of the scheme outweigh the harm from development of housing at a location contrary to the local development plan. The proposal therefore conflicts with the local development plan when read as a whole, and for this reason, the appeal is dismissed.

*B Davies*

INSPECTOR