



Appeal Decision

Site Visit made on 15 March 2021

by Mr Andrew McGlone BSc(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2021

Appeal Ref: APP/L3245/W/20/3263531

Land adjacent Four Lane Ends, Marsh Lane, Cheswardine TF9 2SA

- 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 Shaun Holyhead against the decision of Shropshire Council.
 - The application Ref 20/02126/FUL, dated 1 June 2020, was refused by notice dated 29 July 2020.
 - The development proposed is two detached bungalows.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development set out above is taken from the planning application form however the version found on the decision notice and the appellant's appeal form better describes the scheme that is before me. I have considered the appeal on this basis.

Main Issue

3. The main issue is whether the appeal site is a suitable location for the proposed development, having regard to the site's countryside location and its effect on the character and appearance of the area, including the proposal's effect on trees and hedgerows within or bounding the appeal site.

Reasons

4. The appeal site is located close to but outside of the development boundary for Cheswardine to the west and north as defined by Shropshire Council Site Allocations and Management of Development Plan (SAMDev). As such, the site lies within the open countryside. The site is next to the bungalow at Four Lanes End. While the site was once occupied by sheds and other structures these have been removed and it is now grassed over. A high native hedgerow lines the site's boundary with the lane to the neighbouring dwelling.
5. Policy CS5 of the Adopted Core Strategy (CS) explains that new development will be strictly controlled in accordance with national planning policies protecting the countryside. CS Policy CS11 sets out the Council's approach to meeting the diverse housing needs of Shropshire residents now and in the future to create mixed, balanced and inclusive communities. It outlines how this will be achieved. SAMDev Policy MD7a further states that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters. Suitably designed and located exception site dwellings and residential conversions will be positively considered where they meet evidenced local housing needs and other relevant policy requirements.

6. According to CS Policies CS1, CS4 and S11, the development of open market housing should be in identified areas where open market housing is considered to be acceptable in terms of location and sustainability. Broadly, these policies and the Type and Affordability of Housing Supplementary Planning Document (SPD) when taken collectively are not supportive of the creation of open market housing in the open countryside.
7. The Community Hub of Cheswardine under SAMDev Policy S11.2(ii) has a housing guideline of around 11 dwellings over the period to 2026. These houses will be delivered within the development boundary. Two houses were completed between 2011 and 2019, but a further 18 have been granted planning permission or prior approval. There has been no update to the appellant's figures since 31 March 2019, but there are 5 years left for the housing guideline to be fulfilled. Hence, even with the economic effects of the pandemic I am not convinced that this guideline is unlikely to be met. It remains that the case that regard needs to be given to the policies of the Local Plan which outline the approach to development.
8. CS Policy CS5 states that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. The policy goes on to establish a list of developments particularly these relate to. Although the list is not closed, it is detailed, and the type of development proposed does not fall into that list.
9. The CS pre-dates the National Planning Policy Framework (the Framework), but age is not a reason alone to consider the policies within it to be out-of-date. It is about their consistency. The wording of CS Policy CS5 and Framework paragraph 79 are not the same as they were drafted some years apart. But, CS Policy CS5 is not more restrictive than Framework paragraph 79 as both seek to control development in the countryside unless in particular circumstances. Broadly, this is to focus development towards the right places, to build and sustain communities and protect out natural and built environment whilst making effective use of land. While this means that I consider CS Policy CS5 to not be out-of-date, Framework paragraph 79 is still a relevant consideration.
10. Notwithstanding the site's position in relation to the development boundary, when I consider its location against the dictionary definition of 'isolated', the proposal would not be the development of an isolated home in the countryside. It follows that Framework paragraph 79 e) does not need to be explored further, but I shall still consider the proposal's effect on the character and appearance given the concerns raised.
11. Developing the site would infill the gap between two existing dwellings along a lane that is populated by a handful of other dwellings which are dotted beside the lane with intermittent gaps comprising of paddocks or fields. This typifies the rural setting that surrounds Cheswardine. However, there is a distinction between the tighter knit character of development within the settlement boundary and that which lies outside of, but not too far away from it which is of a lower density and set within spacious plots which marks a transition to the fields to the south, east and west. The proposal would split the site into two and introduce two good-sized dwellings that would not reflect the density of development found along the lane.

12. The design of the bungalows would broadly respond to the varied yet traditional style, scale, form and finish of properties along the lane and those which I saw in the wider area. They would be of an appropriate layout, visually attractive and sympathetic to local character. A planning condition could secure the use of suitable materials. As such, I consider that they would have a neutral effect on the setting, and thus significance of the Cheswardine Conservation Area which derives its significance from the traditional development which closely lines either side of High Street and the focal point of St Swithin's Church which can be viewed from the road, and from across the surrounding landscape due to its elevated position in the settlement.
13. Internally the dwellings would function well for the lifetime of the development in respect of space, access, circulation and the provision of natural light serving the main rooms. The proposal would therefore accord with CS Policy CS11.
14. The retention of the existing landscaping would help assimilate and reinforce the development in its rural surroundings. The formation of the access and visibility splay would cause a section of the roadside hedgerow to be lost, but a planning condition could secure details of how the remaining landscape features would be retained post development and how further planting could be added to mitigate the effects of developing the site and the loss of the roadside hedgerow. On this basis, the proposal would accord with SAMDev Policy MS12. While the number of dwellings proposed may make efficient use of the site, this, nor the other design matters considered alter or outweigh the harm that would be caused by the delivery of housing outside the development boundary to the character and appearance of the area.
15. The proposal would result in modest economic benefits for the rural community through future occupier spending in the local pubs and shop. There would be economic benefits from Council Tax and a New Homes Bonus payment, but there is no guarantee that they would improve the sustainability of the rural community as they are general benefits to Shropshire as a whole. Similarly, there would be time limited employment opportunities and construction related spending. These may benefit the local economy or specifically the rural community around the site, but there is no certainty that they will either.
16. The bungalows could provide housing for the local community, but there is no assurances or mechanism to be certain that this will be achieved either. They would also be outside the development boundary, and thus would not accord with the approach to deliver the housing guideline identified in SAMDev Policy S11.2(ii). The provision of two dwellings would add to the existing supply and type of housing in Shropshire which is currently in excess of the five years that the Framework requires authorities to demonstrate as a minimum. While this is not a ceiling, the proposal would make a modest contribution at best and not one that may directly benefit the rural community.
17. It is proposed for each dwelling to be energy efficient and include energy saving measures and construction techniques that will ensure that they contribute towards reducing carbon and transiting to a low carbon future. They would be of some benefit to society and the environment in general, but it would be future occupiers who would chiefly benefit from the measures and techniques proposed, and not the local economy or community. In this

regard, the proposal would accord with CS Policy CS6 and the Framework.

18. By not developing the site, the appellant suggests that it would become an eyesore. I do not consider that this would necessarily happen to the site or that it would be such an eyesore given that it is already covered in grass, screened by a mature hedgerow and reflective of the nearby rural fields.
19. Although the proposal would accord with parts of CS Policies CS6 and CS11 and SAMDev Policy MD12, this does not alter or outweigh my overall conclusion on this issue about the harm that the proposal would cause due to its countryside location and its effect on the character and appearance of the area. The proposal would therefore conflict with CS Policies CS1, CS4, CS5, CS6, CS17 and SAMDev Policies S11, MD1, MD2, MD3 and MD7a and the SPD. Among other things, these confirm that outside of Community Clusters new residential development will be strictly controlled and only permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. Development should also be appropriate in density and pattern taking into account local context and character which is also reflected in Framework paragraphs 122, 127 and 170. My findings concerning Framework paragraph 79 e) do not alter my conclusion.

Other Matters

20. The proposed dwellings would not result in harm to the living condition of neighbouring occupants. Adequate refuse provision and drainage would also be provided while each dwelling would benefit from sufficient parking provision. Given the site's location future occupiers would depend on the car to access facilities and services, but they would also be able to access those in Cheswardine on foot or by using a bicycle.

Conclusion

21. The Government's objective is to significantly boost the supply of housing and the proposal would provide two modern homes in a location with adequate access to facilities and services. Due to the proposal's scale and the supply of deliverable sites in the Borough, the provision of two extra houses attracts modest weight. The scheme would also lead to a modest and time-limited economic benefit during the construction phase, which may give rise to extra local employment, and modest occupier spending in the local community.
22. Conversely, the location of the proposal beyond the settlement boundary would undermine the Council's plan-led approach to the delivery of housing. In doing so, it would harm the character and appearance of the area. These matters attract significant weight and outweigh the benefits associated with the proposed development. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.
23. For the reasons set out above, I conclude that the appeal is dismissed.

Mr Andrew McGlone

INSPECTOR