



Appeal Decision

Site visit made on 25 May 2021

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th June 2021

Appeal Ref: APP/L3245/W/21/3268464

Land to the South of Bedstone and Hopton Castle Village Hall, Bedstone, Bucknell, SY7 0BE

- 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 Savery against the decision of Shropshire Council.
 - The application Ref 19/05109/FUL, dated 19 November 2019, was refused by notice dated 11 September 2020.
 - The development proposed is erection of a self-build family home.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A Unilateral Undertaking ('UU') has been submitted that commits the owner to provide a serviced plot to persons 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 Issue

3. The main issue is whether the appeal site is in a suitable location for new residential development with regard to its accessibility to services, facilities, and public transport, and the provisions of local planning policy.

Reasons

4. The appeal site is located within Bedstone, which is a small village approximately 10 miles west of Ludlow. It consists of an open area of land on the edge of the village that is partly surrounded by existing properties.
5. Policy CS4 of the Shropshire Core Strategy (2011) states that in rural areas investment will be focused into identified Community Hubs and Community Clusters. The appeal site is not located within one of these settlements and is therefore in the countryside for planning purposes. In this regard, Core Strategy Policy CS5 and SAMDev Plan Policy MD7a seek to strictly control new market housing development in the countryside. A number of exceptions are listed in these policies, none of which would apply to the appeal proposal.
6. The Shropshire SAMDev Plan was subject to a Main Modification that committed the Council to an early review of the plan. 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a deliverable 5 year supply of housing sites, and so the policies most relevant for determining the appeal are not out-of-date in this regard. Moreover, paragraph 213 of the National Planning Policy Framework ('the Framework') states that existing policies should not be considered out-of-date simply because they were adopted prior to its publication.

7. Bedstone is served by a church and a village hall but otherwise contains limited services or facilities. In this regard, the nearest convenience store and primary school are some distance away in Bucknell. Moreover, the route to that settlement is mostly along an unlit road with no pedestrian footway that is subject to national speed limits. It is therefore unlikely that future occupiers would walk or cycle to Bucknell on a regular basis, and to do so after dark would be dangerous. The nearest railway station is also in Bucknell, and my attention has not been drawn to any local bus services. In these circumstances, I consider that the site has poor accessibility to services, facilities, and public transport. Accordingly, future occupiers would be heavily reliant on the use of a private car.
8. The appellant's business, and other family members, are located in Bedstone and it is therefore asserted that the development would result in a significant reduction in car journeys. However, a personal permission has not been sought and there is nothing to prevent the dwelling being sold on in the future. Accordingly, I attach little weight to this consideration.
9. For the above reasons, I conclude that the appeal site is not in a suitable location for new residential development with regard to its accessibility to services, facilities, and public transport, and the provisions of local planning policy. The development would therefore be contrary to Policies CS4 and CS5 of the Shropshire Core Strategy (2011), and Policies S2 and MD7a of the Shropshire SAMDev Plan (2015) in this regard.

Other Matters

10. The Council has a duty under the Self Build and Custom Housing Act 2015¹ 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, particularly in the south of the county. Moreover, it is asserted that the development plan is out of date as it does not refer specifically to the provision of self-build or custom-build housing. I return to these matters in my Overall Balance and Conclusion, below.
11. The development proposes an orchard and other new planting within the site. This would be beneficial in biodiversity terms and would provide some visual enhancement.
12. The appeal site is located within the Bedstone Conservation Area, which encompasses the village and includes a number of attractive historic buildings. The effect of the development on the character and appearance of the conservation area was not a reason for refusal, and the Council do not object to the development on this basis. In this regard, it would have only limited visibility from within the village and would be sympathetically designed.

¹ As amended by the Housing and Planning Act 2016.

Accordingly, I am satisfied that the development would preserve the character and appearance of the conservation area, in accordance with national policy.

13. The development would allow the appellant to live near to their business in the village. However, there is little evidence before me that the business requires an onsite presence, or that alternative properties in the vicinity are either unavailable or unaffordable. I further note that the appellant has not sought to justify the development against the Council's 'build your own affordable home' rural exception site policy. In these circumstances, I attach only limited weight to the appellant's personal circumstances.
14. I note that there is significant local support for the appeal proposal. However, that does not alter the status of the development plan, which is the starting point for determining proposals such as this.

Overall Balance and Conclusion

15. As set out above, I conclude that the development would be in an unsuitable location for new residential development with regard to accessibility to services, facilities, and public transport, and the provisions of local planning policy. It would be contrary to the development plan in this regard.
16. Set against this, the development would provide a new self-build dwelling for persons included on the Council's Self-Build Register. It would also provide biodiversity and visual enhancements through new planting, and some economic benefits through the creation of employment and the purchasing of materials and furnishings.
17. 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 in my view. Accordingly, the material considerations in this case do not indicate that the proposal should be determined other than in accordance with the development plan.
18. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR