



Appeal Decision

Site visit made on 22 June 2021

by **B Davies MSc FGS CGeol**

an Inspector appointed by the Secretary of State

Decision date: 13 August 2021

Appeal Ref: APP/L3245/W/20/3261877

Land adjoining Middlemarch, Homer, Shropshire, TF13 6NE

- 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 John Williams against the decision of Shropshire Council.
 - The application Ref 20/00684/FUL, dated 3 February 2020, was refused by notice dated 24 April 2020.
 - The development proposed is the erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The National Planning Policy Framework (the 'Framework') was revised on the 20 July 2021, during the appeal period. Both parties have had the opportunity to comment on the implications of this on their submissions.

Main issues

3. The main issues are:
 - whether or not the appeal site is a suitable location for residential development, having regard to local policies for housing in the countryside,
 - whether or not the proposed development would conserve or enhance the character and appearance of the area and the Shropshire Hills Area of Outstanding Natural Beauty (AONB), and
 - whether or not the development would provide appropriate living conditions for future occupants, with particular regard to provision of private outdoor space.

Reasons

4. The appeal site comprises the lower section of a long, narrow garden attached to 'Middlemarch', a 2-storey, red-brick house on the edge of the small village of Homer. The longest side of the site runs along the main road through the village, from which it is separated by a hedge and five bar gate. It is surrounded on the other two sides by high hedging, beyond which are detached houses set in substantial plots.

Location

5. The appeal site is located in the open countryside, outside the Much Wenlock development boundary and the named Community Hubs or Clusters. It is not in dispute that an open market dwelling can only be built at this location under exceptional circumstances.
6. The appellant contends that this is such a circumstance because the proposal seeks to replicate an old building that may originally have been a squatter's cottage at 'No 8 Homer'. This was located approximately 160 metres away from the site until being demolished in 2014. According to the appellant, the development would therefore represent a 'heritage gain'.
7. Policy CS5 of the Shropshire Local Development Framework Core Strategy¹ (CS) provides support for open market residential conversions. To my mind, the proposal does not meet the definition of a conversion because the building does not already exist at this location, nor is it reconstruction of a building from elsewhere, but rather a new building taking cues from an older structure. No other local policies providing support for this type of 'heritage gain' have been brought to my attention.
8. I do not doubt that there was opposition to demolition of the old cottage from local parties, including the Much Wenlock Civic Society, and I recognise the concerns raised regarding loss of older properties. However, although it may have been locally valued, No 8 Homer was not a listed building, nor identified as a non-designated heritage asset. With this in mind, I consider that any benefit from imitating No 8 Homer would be small, and not sufficient to overcome the harm caused by development of open market housing at this location in conflict with local policies.
9. The definition of previously developed land includes gardens in an area that is not built-up². Although no specific local policy for redevelopment of brownfield land in the open countryside is before me, paragraph 119 of the Framework provides general support for re-use of previously developed land, and this is a material consideration. Given the small scale of the proposal and a lack of evidence that the previous use has limited future options on the site, I conclude that the benefit of re-development in the context of brownfield land would be minimal.
10. The appeal site is therefore not in a suitable location for residential development having regard to local policies for housing in the countryside, including Policies CS4 and CS5 of the CS, Policy S13 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan³ and Policy H5 of the Much Wenlock Neighbourhood Plan (2013 – 2026)⁴.

Character and appearance of the area and the AONB

11. The small size of the proposed external space would be in marked contrast to the otherwise large gardens observed locally. In addition, a significant proportion of the garden of Middlemarch would be lost, making this unusually small for the area. The large gardens associated with local housing contribute

¹ Adopted March 2011

² Dartford Borough Council v Secretary of State for Communities and Local Government & Anor [2017] EWCA Civ 141

³ Adopted December 2015

⁴ Adopted July 2014

positively to the character of the locality and, by significantly intensifying this, the development would appear harmfully cramped.

12. The Council observes that large gardens are an important feature of the village of Homer, which in turn contributes positively to the AONB landscape and I see no reason to come to a different conclusion. The harm from the unusual size of the garden may be small, but Paragraph 176 of the Framework states that the conservation of the AONB landscape is a matter of great weight.
13. The design of the cottage broadly replicates a local building that was demolished in 2014. For this reason, I am satisfied that the building design would not be out of character for the area. Various configurations of buildings can be seen along the main road through Homer, including older houses facing the road and opening directly onto it. In this context, I do not find the orientation and proximity of the house to the road harmful to the character and appearance of the area and AONB.
14. Policies CS6 and CS17 of the CS, and MD2 and MD3 of the SAMDev require that development responds positively to local character, having regard, among other things, to density and plot sizes. Policies CS17 of the CS and MD12 of the SADMP protect the special qualities of the AONB. The unusually small garden size would not contribute positively to the established character of the area, including the landscape of the AONB, and I therefore find conflict with these policies.

Living standards

15. Policy MD2 of the SAMDev requires provision of useable outdoor space of at least 30 sqm per person. Based on the plans before me, there would be in the order of 70 sqm of outdoor amenity space, which is therefore small for a three bedroom house in this area. In addition, the space would feel tightly constrained by the high hedging and trees surrounding the site, resulting in a restricted outlook.
16. Paragraphs 2.16 and 2.17 of the Supplementary Planning Document⁵ states external space should be sufficient to allow for children's play, drying of washing, and for garden and waste storage. While I am satisfied that there would be sufficient space to undertake these activities, it remains unclear that the proposal would meet the requirements of Policy MD2 and outlook would be limited. For these reasons, I conclude that provision of outdoor space would be below the reasonable expectations for a family house in the area.
17. I do not have detailed evidence before me regarding the overshadowing that could be caused by the high, conifer boundary hedges. I note that the hedges on the approximately southern side provide necessary screening between neighbours and conclude that a high screen in some form is likely to remain. My attention has also been drawn to the high shrubs in the neighbouring garden that would likely endure, even if the boundary hedge was lowered. The two main garden areas in the appeal site would therefore be surrounded by high hedging and the house. Given their small size, I find it highly likely that there would be overshadowing of the garden and that this would be to a harmful degree.

⁵ Shropshire Local Development Framework, Type and Affordability of Housing (September 2012)

18. I do not doubt that some modern housing estates have small gardens but the appeal site is in a setting where there is an expectation of a characteristically larger garden.
19. It is not clear that the provision of outdoor space would meet the size requirements of Policy MD2 of the SAMDev, which is protective of the high standard of living in this area. In addition, the outlook from the outdoor amenity area would be poor and would lack sunlight. For these reasons, I find conflict with Policy CS6 of the CS and MD2 of the SAMDev, which together are protective of the standard of residential amenity.

Planning balance and conclusion

20. There would be a contribution to the housing supply and local economy from the construction and occupation of the proposed house, and a minor benefit from development of brownfield land. There is also support in paragraph 79 of the Framework for rural housing where it enhances or maintains the vitality of communities, which given the site's proximity to Much Wenlock, I am satisfied would apply here. However, as this is a single dwelling, the benefits from these factors would be small.
21. The proposal to build an open market house in the open countryside conflicts with local policies and there are no applicable exceptional circumstances. The unusually small size of the external space would cause harm to the character of the area and AONB, which is a matter of great weight, and would not meet the policy requirements in respect of living standards for future occupants.
22. I conclude that the proposal conflicts with the local development plan when read as a whole and the appeal is dismissed.

B Davies

INSPECTOR