



Appeal Decision

Site Visit made on 2 November 2021

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 15th December 2021

Appeal Ref: APP/L3245/W/20/3262542

Land to the West of Houlston Lane, Myddle, Shrewsbury SY4 3RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Griffiths against the decision of Shropshire Council.
 - The application Ref 19/05044/FUL, dated 15 November 2019, was refused by notice dated 21 May 2020.
 - The development proposed is described as, 'proposed Paragraph 79 Dwelling on Land to the West of Houlston Lane.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The National Planning Policy Framework (Framework) was updated since the Council issued its Decision Notice. I have consulted the main parties on the implications for the appeal and had regard to the comments received.

Main Issues

3. The main issues are:
 - whether the proposed dwelling would comply with development plan housing policy; and
 - whether other material considerations indicate that the appeal should be allowed.

Reasons

Development plan housing policy

4. Policy CS1 of the Shropshire Local Development Framework: Adopted Core Strategy March 2011 (CS) directs new development to within settlements and states that outside these settlements, development will primarily be for economic diversification and to meet the needs of local communities for affordable housing.
5. CS Policy CS5 states that new development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt. It sets out a number of circumstances where new dwellings would be permitted within the countryside. Since the proposal is for new market housing, none of the circumstances apply and the proposal would conflict with these Policies.

6. Policy MD7a of the Shropshire Council Site Allocations and Management of Development Plan Adopted Plan December 2015 (SAMDev) states that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters. Since the proposal would not meet any of the exceptions within, it would conflict with this Policy as well.
7. Consequently, the proposed development would conflict with development plan housing policy.

Other considerations

8. Planning law requires that determination of the appeal must be made in accordance with the development plan unless material considerations indicate otherwise. Accordingly, the Appellant has proposed the scheme on the basis of paragraph 80(e) of the Framework which permits isolated homes in the countryside as long as, among other things, the design is of exceptional quality, in that it is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
9. The site comprises part of an agricultural field and a belt of woodland. The field is part of the wider open countryside and the woodland provides an attractive feature in the landscape. Given the relatively flat agricultural land to the north and west, the site is visible in views from these directions. The site can also be seen from the south though it is partially screened by a hedge.
10. The proposal includes the erection of a two-storey dwelling on the part of the site that comprises an agricultural field. It would be accessed via a sweeping driveway that would curve around the existing woodland. The proposed dwelling would comprise a group of rectangular elements in a linear arrangement on a north-south axis, that would lie roughly parallel to the woodland to the east. The curved roof would extend from near ground level at the south end of the dwelling to a two-storey element at its north end.
11. The proposed curved green roof would soften the views of the building from the south, and given the hedgerow that runs along the south of the site, views of the building from this direction would be partially screened in any event. The building would also be largely screened in views from the east as well as from both directions along Houlston Lane, by the belt of woodland.
12. However, given the proposed two-storey height of the building above ground level, along with its linear layout and length of the west elevation, the majority of the dwelling would appear unduly prominent in the landscape primarily in long views from the west. While the wild meadow grass proposed for the green roof would echo the grass of the surrounding fields, the curved roof would provide little contribution to softening the form of the building in the rural landscape since the building would still largely project two storeys above ground level. As such, the proposal would significantly harm the rural character and appearance of the area.
13. The use of timber or timber-clad slanted columns to support the roof as well as the timber cladding on the external walls, would complement the woodland backdrop. However, the large number and considerable size of the windows on

the west façade would appear contrary to the rural landscape particularly given the height and massing of the building. The wrap around windows at the corners of the building would break up the vertical edges of the structure. However, while they may allow reflections of the trees, they would not break down the bulk of the building sufficiently to result in a building that blends into the landscape.

14. While I recognise that the window shapes and proportions have been amended following the first design review, they nevertheless appear detached as a design element, neither reflecting the organic lines of the woodland nearby, nor appearing to follow the visual lines of the wider building. I also acknowledge the design detail of the recess at the top of the cladding to provide a subtle transition to the roof structure.
15. However, these features would not fully mitigate the dominant effect that the proposal would have in the landscape. Given its height and form, the building would appear prominent in the landscape, rather than appearing as an integral part of the wider countryside.
16. In terms of materials, other than the sandstone gabion wall, there is little evidence that the materials have been inspired by the local landscape. Timber cladding would be highly likely to weather and its appearance over time could not be guaranteed. While the species of timber for the cladding and columns could be secured via a suitably worded condition, there is little evidence before me to demonstrate that the use of these materials would result in a building of exceptional design quality.
17. A number of environmental aspects of the design have been proposed including a passive cooling strategy. However, the building would not be orientated east-west as per 'Passivhaus' principles and the glazing would be primarily sited on the west elevation with a deep overhang of the roof that would further reduce the extent that the building would be heated naturally. Therefore, while I acknowledge global warming, I am not persuaded that the building would not require a mechanical heating system to provide a comfortable living environment for future occupiers.
18. The proposed passive cooling system would use ducts that run under a pond and into the house to draw heat away from the internal spaces via a chilled ceiling or beams. While this appears to be a novel system, given the location of the dwelling in Shropshire, I have reservations regarding how often this cooling system would be likely to be used in reality.
19. I acknowledge the suggestion that a condition could monitor the effectiveness of the system over a number of years. However, other than a sketch and a brief explanation of the principle of the system, there is little detailed technical information before me which demonstrate that this method would be substantially effective. As such, I am not persuaded that the building could be entirely heated and cooled naturally.
20. Overall, I recognise that the form, massing and layout of the proposed building is unusual. However, there is little substantial evidence before me to demonstrate that the design, including the cooling system, would be truly outstanding or help to raise standards of design more generally in rural areas.

21. The landscaping strategy includes a sunken terrace that would minimise views of hard surfacing and domestic paraphernalia from wider views. In addition, the solar panels would be set into hidden ha-ha's that would be sunken into the ground and screened from wider views. The western and northern boundaries would be defined by a post and wire fence. Since these features would partially mitigate the impact that the proposed hardstanding, solar panels and boundary treatment would have on the sense of openness of the area, they would not provide a benefit to the area in terms of character and appearance.
22. The landscape proposals also include new tree planting, extensive wildflower grass, restoration of the existing pond and two new ponds. The evidence indicates that these would provide a benefit in ecological terms given the site's existing use as an agricultural field. While these measures alone would enhance the immediate setting, since they largely seek to mitigate the urbanising effect of the development, the scheme, as a whole, would not significantly enhance its immediate setting.
23. Therefore, the proposal would not accord with paragraph 80(e) of the Framework. The scheme would contribute a single dwelling to the housing supply and there would be associated economic and social benefits through the contribution of future occupiers to the local community and temporary economic benefits during the construction phase. However, since the scheme is for a single dwelling, these benefits would be limited. Therefore, given the significant harm to the character and appearance of the area that would result from the proposal, even if the terms of paragraph 11(d) of the Framework were engaged, the adverse impacts would significantly and demonstrably outweigh the benefits.
24. Consequently, there are no material considerations which indicate that the appeal should be allowed.

Other Matters

25. The Council has cited a number of other policies in the Decision Notice. Given my findings above, the scheme would also conflict with CS Policies CS6 and CS17 which seek development that will be designed to a high quality and that will enhance Shropshire's natural environment, among other things.
26. In addition, the Council has cited CS Policies CS9 and CS11 which seek contributions towards infrastructure and affordable housing. There is no planning obligation before me that would secure contributions in accordance with these Policies. While I have had regard to these Policies, they have not been determinative for the outcome of this appeal.
27. I recognise that the Appellant has engaged with Made, the design review panel, and I have had regard to their comments. However, for the reasons given above, I disagree with their findings.
28. I acknowledge the personal circumstances of the Appellant who has family connections in the area. I note that he has renovated another property and uses a ground source heat pump and electric car. While I do not doubt his intentions to create an environmentally responsive scheme for the appeal site, given the evidence, these matters have not altered my overall decision.

Conclusion

29. For the reasons given above the proposed development would conflict with the development plan as a whole and in the absence of material considerations to indicate otherwise, the appeal is dismissed.

R Sabu

INSPECTOR