



Appeal Decision

Site visit made on 23 November 2021

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2021

Appeal Ref: APP/L3245/W/21/3276199

Land at Wallop Road, Westbury, Shrewsbury SY5 9HA

- 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 James Roberts against the decision of Shropshire Council.
 - The application Ref 20/03995/FUL, dated 27 August 2020, was refused by notice dated 3 December 2020.
 - The development proposed is the erection of three bedroomed single plot exception dwelling, with detached double garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) was published on 20 July 2021. I have determined this appeal in the context of the revised Framework, on which the parties have been given the opportunity to comment.
3. Amended plans were submitted with the appeal which showed a revised internal floor area of the proposed dwelling. This was evidently a drafting error, but clarification was nevertheless required so that the dwelling would not exceed 100m² under the guidance for affordable housing exception sites stipulated in the Type and Affordability of Housing Supplementary Planning Document (SPD). I note the Council does not take issue with the amended plans being considered in the appeal and agree that the changes now address the second reason for refusal given in the decision notice, which is no longer contested.
4. A completed planning obligation in the form of a Unilateral Undertaking (UU) has been submitted. It seeks to secure the dwelling as affordable housing for the appellant and subsequent occupiers. The Council have acknowledged this document but have not offered further comments.
5. The Draft Shropshire Local Plan 2016-2038 has been submitted for examination and is referred to by the Council. Having regard to paragraph 48 of the Framework and the evidence before me, I understand this Plan is at an early stage of preparation. As such, this carries little weight in the determination of this appeal.

Main Issue

6. The main issue is whether the appeal site is a suitable location for the proposed dwelling.

Reasons

7. Paragraph 5.13 of the SPD states other than when built as part of the rural occupational dwelling scheme, local needs for single plot exception sites (exception sites) must be demonstrably part of, or adjacent to, a recognisable named settlement.
8. Although Westbury is not listed in the settlement hierarchy in the MDP¹, I see no reason why it would not be classified as a 'named settlement'. However, from my observations on the site visit and the evidence before me, the appeal site is clearly physically and visually outside of Westbury. While the SPD advises locations a short distance outside of loose-knit settlements may be considered adjoining, from my observations Westbury is formed of several clusters of residential streets set around the settlement core, which includes a church and school. This gives a relatively tight-knit pattern of development. As per the SPD, tight-knit settlements would not allow dwellings to be considered under the exception a 'short distance' away.
9. Paragraph 5.14 of the SPD advises that sites that do not lie in a settlement, constituting isolated or sporadic development, are not considered acceptable. The appeal site is located between two detached dwellings and part of a small cluster of four properties in total accessed off Wallop Road. These dwellings are separated by significant distances and using the appellant's measurement of 800m from the appeal site to the nearest building in Westbury, development is sporadic in the locality.
10. I have no reason to doubt the appellant's strong local connections to the area, while they also state they have an identified local need. I note the Council do not dispute these factors and I see no reason to disagree. However, these are not the only tests that proposals for exception sites must demonstrate they meet in order to be considered acceptable. Similarly, whether the proposal is located on a 'B' or a 'C' road has not factored into my decision making.
11. My attention is drawn to a planning application² approved by the Council for an exception site in the area. I have little information on this other than the officer report to the planning committee, although the map on the front page of that document indicates the settlement in question is of a looser-knit pattern of development than that before me. I have also been made aware of other dwellings beyond the centre of Westbury. While the appellant considers these are part of the settlement, I have no substantive information to justify this, as they appear quite clearly to be some distance from the main built form of Westbury. In any event, I have assessed the proposal on its own merits based on the information before me.
12. I acknowledge the Parish Council and the Ward Councillor both regard the appeal site as being within Westbury. Their views were sought by the Council decision maker as per guidance in the SPD. However, this input of local knowledge of an area is for the purposes of informing the professional

¹ Shropshire Council Site Allocations and Management of Development Plan (Adopted December 2015)

² 16/03879/FUL

judgement of the decision-maker. While a material consideration of some weight, it is not in itself determinative. While taking on board their comments, it is incumbent on me to form my own view.

13. To conclude, the proposal would not meet the requirements of an exception site and is therefore contrary to Policies CS5 of the CS³ and MD7a of the MDP. These state that, among other things, suitably located exception site dwellings and residential conversions will be positively considered where they meet evidenced local housing needs and other relevant policy requirements.

Other Matters

14. The Council did not identify harm with the design of the dwelling, highway safety or to the living conditions of occupiers of neighbouring properties. However, alongside an absence of objections from local residents, a lack of harm is neutral in the planning balance rather than weighing in favour of the scheme.
15. Although I am informed of benefits associated with the proposal, these are not expanded upon. Nevertheless, there would be some social and economic benefits insofar as the proposal would add an additional unit of affordable housing to the Council's stock and there would be a limited increase in the use of local services and facilities by occupiers of the dwelling. However, given the scale of the proposal and the Council's current housing land supply position, this would invariably be of limited weight.
16. Conversely, walking into Westbury would be along unlit country roads with no footpaths. This is unlikely to be a desirable option for future occupiers of the dwelling, particularly those with mobility issues or young children, who would in all likelihood favour private vehicles to travel to Westbury and nearby towns and villages. This would be the least sustainable travel choice and would be contrary to the environmental objectives of the Framework and the development plan.

Conclusion

17. The proposal would conflict with the development plan taken as a whole. While I have considered the personal circumstances of the appellant, there are no material considerations of sufficient weight that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR

³ Shropshire Local Development Framework Adopted Core Strategy (adopted March 2011)