



Appeal Decision

Site visit made on 7 December 2021

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday 13 January 2022

Appeal Ref: APP/L3245/D/21/3281361

3 Lee Hill, Lee Brockhurst, Shrewsbury SY4 5RZ

- 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 Ms Jane Thompson against the decision of Shropshire Council.
 - The application Ref 21/01645/FUL, dated 30 March 2021, was refused by notice dated 2 July 2021.
 - The development proposed is ancillary annex in residential curtilage of 3 Lee Hill.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I observed that the development described above has been partially completed. I have dealt with the appeal on that basis.

Main Issues

3. The main issues are whether the development is subservient to the main dwelling with regard to functional need and the effect on the character and appearance of the area.

Reasons

4. The appeal site is a detached building within the grounds of 3 Lee Hill and is located within a rural setting. The intention for the building is to use it as an ancillary annex to No 3 for family members to reside in, including an elderly relative.
5. The host dwelling consists of the main house and its existing annex. From my observations on site, the development was further away from the main dwelling than the existing annex. Due to its distance from the host dwelling it appeared physically detached and separated from the main residency and therefore could not function as an ancillary annex to the main dwelling. As the development sits on a sloped bank on ground higher than the host dwelling, it was unclear to me how an elderly relative would be able to access the development safely. I conclude that the connection between the development and the host dwelling is disjointed and not practical for an ancillary annex due to its distance from the host dwelling and its siting on a sloped bank.
6. The development is sited within the garden of No 3. If permission were given this could lead to the subdivision of the garden at No 3 with a separate access being created to the development. This combined with the physical separation of the development from the host dwelling could lead to a separate dwelling

being formed in the future. I have considered restricting the use of the development on the land by way of a planning condition, but the siting of the development some distance from the host dwelling makes this development unacceptable as an annex that is ancillary to the main dwelling because it would rely on the main dwelling for facilities such as the kitchen and living room space. Paragraph 80 of the Framework states that isolated homes in the countryside should be avoided. Policy CS5 of the Shropshire Council's Core Strategy (CS) (adopted 2011) strictly controls development within the open countryside. The development is contrary to policy as it is tantamount to a new dwelling in the countryside. I do not have a signed and dated S106 before me and a condition would not be reasonable as the distance between the annex and the main dwelling would mean it could not successfully function as an ancillary unit.

7. Although the footprint of the development is smaller in size than the main dwelling and the existing annex, the height of the development and the scale of the pitched roof is imposing on the landscape. The height of the structure was further elevated by the sloped bank it was positioned on. When viewed from the lane, the development appeared as a prominent feature on the landscape and not sympathetic or subservient to the host dwelling. The eaves and ridge line of the development is higher than the existing annex and the outbuildings on site.
8. In addition, the design of the annex is of poor-quality design and not in keeping with the main dwelling. The development has a stark, utilitarian appearance. The sides of the development have a limited number of openings and appear as blank faceless elevations that are unremarkable in design. I found the development to be incoherent and at odds with the other buildings on site, and it did not blend in well with the predominant character of the surrounding plot. I note the appellant has suggested the inclusion of a planning condition to deal with the external cladding and materials of the development to match the other buildings on site. However, this would not overcome the harm arising from the siting and scale of the annex.
9. Overall, I found the development to be unrelated to the host dwelling. The development does not respond well to the local character or reflect the identity of its rural surroundings. Due to its prominent location and height, I considered the development to be intrusive and detracted from the qualities of the area.
10. I note the appellant's claim that the Shropshire Council's Core Strategy (adopted 2011) should be considered out-of-date and paragraph 11d of the National Planning Policy Framework engaged. However, the Framework (para 219) states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Policies CS6 and CS17 from the Shropshire Council's Core Strategy (adopted 2011) are relevant to this appeal. These policies are both broadly consistent with the design principles set out in the Framework, in particular paragraphs 126, 130 and 134 and are not out-of-date for the purposes of NPPF paragraph 11d. I therefore give these policies significant weight in this appeal.
11. Therefore, for the reasons given, the development fails to accord with CS Policy CS5, which strictly controls development within the open countryside. The development fails to accord with CS Policy CS6, which seeks to ensure development conserves and enhances the built and natural environment. The

development also fails to accord with CS policy CS17, which seeks to protect and enhance the high quality and local character of Shropshire's built and natural environment.

12. In addition, the development fails to comply with policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan (adopted 2015). This policy seeks to ensure development responds appropriately to the form and layout of existing development including considering scale, proportion and building heights.
13. The development fails to accord with the National Planning Policy Framework (para 130), which emphasises the importance of securing good design and states that development should respond to local character.

Other Matters

14. I note the personal circumstances advanced by the appellant with regard to the support needs of the family member as set out in the Grounds of Appeal. Taking these personal circumstances into account, I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010. I have also had regard to rights conveyed within the Human Rights Act. While I sympathise with the appellant's desire to provide accommodation within the annex for their relative who requires essential care and support, I have borne in mind that the development will remain long after those circumstances have ceased to be material. Therefore, whilst I acknowledge the personal circumstances of the appellant, as well as the needs of the family member, I conclude that these are not matters which outweigh the harm I have identified to the character and appearance of the area.
15. I note the appellant claims the use of the annex as a habitable dwelling would be temporary. However, the application is not for a temporary use.
16. The appellant states that a building could be constructed under Permitted Development Rights (PD) if the height of the building was reduced. However, what could be achieved through PD would not be as harmful as the proposal in front of me. Therefore, little weight has been attached to this fallback position in the determination of this appeal.

Conclusion

17. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Helen Smith

INSPECTOR