



## Appeal Decision

Site visit made on 21 January 2022

**by Martin H Seddon BSc MPhil DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 08 FEBRUARY 2022**

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### **Appeal Ref: APP/L3245/D/21/3285541**

### **Claypits, Stocks Lane, Welshampton, Shropshire SY12 0NP**

- 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 Miss Jane Marshall against the decision of Shropshire Council.
  - The application Ref: 21/02514/FUL, dated 10 May 2021, was refused by notice dated 6 August 2021.
  - The development proposed is internal alterations to existing house including construction of a first-floor addition above existing utility, plus construction of single storey extension to accommodate ground source heating equipment along with construction of a two-storey extension and the conversion of an existing outbuilding which is to be connected by a glazed link. Works to include constructing a detached garage and altering the route of the driveway including change of use of land to domestic.
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### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. I have based my decision on the Council's description of development because that includes reference to the change of use of part of the site to domestic use. The Council refers to Shropshire Local Development Framework Core Strategy (Core Strategy) policy CS16 in its reasons for refusal. However, that policy concerns tourism, culture and leisure use and does not appear to be directly relevant to the appeal proposal.

### **Main Issues**

3. The main issues in this appeal are the effect of the proposal on the character and appearance of the dwelling and the surrounding rural area.

### **Reasons**

4. Claypits is a detached 2-storey dwelling set within its own grounds in a countryside location. An access track passes the house and serves a large agricultural building, an outbuilding and stables. There is also a disused swimming pool.
5. According to the Council the proposal would equate to approximately 105 m<sup>2</sup> of additional floor area resulting in an increase of over 160% in the floor area of the original dwelling (not including the floor area for the proposed converted

- outbuilding, which would be attached via a glazed link). The appellant has not disputed the Council's calculations.
6. The appellant has referred to appeal decision APP/L3245/D/21/3267907 in which a 2-storey extension to provide living accommodation for elderly parents was allowed at The White House, Weston Ryn. However, the circumstances of that case would have differed to those in the appeal before me.
  7. My attention is also drawn to an appeal decision relating to a property in Bowmere Heath (ref: APP/L3245/D/19/3240051) in which the Council had advised the appellant that an extension of no more than 70% is a "useful guide" to remain subservient. The Inspector advised that there is no policy basis for a specific percentage increase to be applied and therefore gave the 70% figure limited weight. Nevertheless, the appeal proposal before me represents a significant increase in the size and massing of the original dwelling and involves a two-storey extension which would not be subservient to the building in its proposed form and scale.
  8. The appellant contends that the property is in extensive grounds and is a substantial residential property and is not a small dwelling that should be retained in order to provide a property in the lower price range; more suited to local persons (first time buyers etc). The Council's supplementary planning document: *Type and Affordability of Housing* indicates that the size of dwellings in the countryside can be of concern because the market is towards providing larger and more expensive dwellings and this tends to exclude the less well-off including those who need to live and work in rural areas.
  9. The Council is therefore concerned to control the size of extensions to houses in the countryside and to ensure that development is sympathetic to the character and appearance of the original building. The proposed extensions to the appeal building and conversion of the outbuilding would clearly represent a significant increase in the size of the residential accommodation and conflict in principle with the Council's supplementary guidance in *Type and Affordability of Housing*. Moreover, the dwelling, as extended in the appeal proposal, would detract from the rural character of the development in this countryside location.
  10. I find that the proposed extensions would harm the character and appearance of the dwelling and surrounding rural area. The proposal would therefore conflict with Core Strategy policy CS5 which seeks to strictly control new development in accordance with national policies protecting the countryside. It would also conflict with Core Strategy policy CS6 which indicates that all development should be in scale taking into account the local context and character. It would fail to comply with Shropshire Council Site Allocations and Management of Development (SAMDev) Plan policy MD2 which, amongst other things, requires development to respond appropriately to the form and layout of existing development including scale. It would also conflict with the objective of achieving well designed places in the National Planning Policy Framework.
  11. Although the conversion of the outbuilding was considered to be acceptable to the Council it would be linked to the proposed extension and cannot be considered as a separate free-standing element of the proposal. The Council also considers that the proposed access changes and garage would be

acceptable. However, no plan has been submitted to precisely define the area which would be subject to the change of use. Moreover, the proposed garage would add to the amount of built development at the site.

### **Other Matters**

12. Permission was granted in 1986 for the erection of a two-storey extension at the property. That permission is no longer extant, and the design and form of the scheme was not identical to the appeal proposal. The permission pre-dates the adopted Core Strategy and SAMDev Plan by several years. Planning policy changes are likely to have occurred since that permission. I therefore find that the planning history of the building does not justify allowing the appeal before me in relation to the proposed extensions to the dwelling.
13. The appellant indicates that the dwelling may be construed due to its age as a non-designated heritage asset. I have no evidence to confirm that it is formally recognised as such by the Council. Issues raised by the appellant regarding the processing of the application by the Council regarding the need for pre-application advice and failure to consult the Conservation officer are not for my resolution and do not affect my determination of this appeal. I acknowledge that the Council did not seek to negotiate with the appellant or offer the opportunity for withdrawal. That is regrettable but does not remove the requirement for me to assess the appeal proposal on its own merits, having regard to its particular site circumstances and relevant development plan and national planning policies.
14. The proposal includes the provision of renewable energy through ground source heating equipment. However, that benefit would not outweigh the harm to the character and appearance of the dwelling and the surrounding rural area from the proposal that I have identified.

### **Conclusion**

15. I have taken all other matters raised into account, including the lack of objection by Welshampton and Lyneal Parish Council. For the reasons given above, I conclude that the appeal should be dismissed.

*Martin H Seddon*

INSPECTOR