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# Appeal Decision

Site visit made on 4 April 2014

**by G Powys Jones MSc FRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 May 2014

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**Appeal Ref: APP/L3245/A/14/2211508**

**Robins Lye, Batch Valley, All Stretton, Shropshire, SY6 6JW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mrs S A Eyre against the decision of Shropshire Council.
  - The application Ref 13/02509/VAR, dated 24 June 2013, was refused by notice dated 10 September 2013.
  - The application sought planning permission for the erection of a replacement dwelling without complying with a condition attached to planning permission Ref 1/08/21268/F, dated 16 December 2008.
  - The condition in dispute is No 2 which states that: *The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and specifications, unless any minor amendments are approved in writing by the Local Planning Authority.*
  - The reason given for the condition is: *To ensure a satisfactory standard of development and to preserve the visual amenities of the area in accordance with Policies E1 and E8 of the adopted South Shropshire Local Plan.*
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## Decision

1. The appeal is allowed and planning permission is granted for the erection of a replacement dwelling at Robins Lye, Batch Valley, All Stretton, Shropshire, SY6 6JW in accordance with application Ref 13/02509/VAR, dated 24 June 2013, without compliance with condition number 2 previously imposed on planning permission Ref 1/08/21268/F, dated 16 December 2008 but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect, and subject to the following new condition:

*Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any Order revoking and re-enacting that Order with or without modification, no alterations, including the insertion of PV panels, shall be made to the roof other than those expressly authorized by this permission, and nor shall its colour be altered.*

## Preliminary matters

2. The planning permission granted in 2008 for a replacement dwelling has been implemented and the building is substantially complete and was occupied when I visited. However, in building the new dwelling the appellant departed from
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the approved plans and specification for the roof. The appellant, in effect, seeks to retain the as-built roof, and I shall proceed on this basis.

3. The site lies within the Shropshire Hills Area of Outstanding Natural Beauty (AONB). The National Planning Policy Framework advises that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty.
4. The Council's sole reason for refusal does not contain a reference to a development plan policy. However, the officer report on the application mentions two policies, CS6 & CS17 of Shropshire's Adopted Core Strategy. Their provisions include requirements that the natural environment and the AONB should be protected from inappropriate development, and both are therefore relevant in the particular circumstances of this case.

### **The main issue**

5. The main issue is the effect of the changes in roof specification on the landscape and scenic beauty of the AONB.

### **Reasons**

6. The replacement dwelling has an isolated location within the folds of the Longmynd. It is designed in a modern idiom, being single storey, rectangular with a flat roof, punctured by a timber clad vertical feature. The property is extensively glazed, with timber cladding being the other prominent external material.
7. Most of the flat roof was to be covered with sedum planting, with PV panels running along one of the roof's longer edges and solar hot water panels inserted within the roof's vertical feature. Having taken technical advice during the construction period, the appellant relocated some PV panels to take maximum advantage of the sun's rays, and the hot water panels have not been inserted. The sedum planting has not taken place, so that the current roof finish is comprised of lead-grey coloured panels.
8. The changes to the roof are not apparent from the lower levels of the Batch Valley, but are clearly seen from the public footpaths on the adjacent slopes.
9. In my view, it is the unexpected presence and visual impact of a dwelling in such an isolated location that catches the eye from above, rather than a specific component of it. The dwelling, with its neatly trimmed hedges and largely lawned curtilage, together with the shed to the rear, give an over-riding impression of domestication in an otherwise natural landscape. The roof, in itself, does not stand out since the dullness of its lead-grey finish tones its visual impact down, and the revised position of the PV panels does not render them particularly more noticeable than if they had been located to accord with the approved plans.
10. Accordingly, I share the thrust of the views expressed by Council officers on the visual impact of the changes. They advised that the application be granted permission, but members did not accept the recommendation.

11. I conclude that what has been built has had no material impact on the landscape and scenic beauty of the AONB, especially when compared with that approved. Accordingly, there is no conflict with those provisions of policies CS6 & CS17 of Shropshire's Adopted Core Strategy requiring the natural environment and the AONB to be protected from inappropriate development.

### **Conditions**

12. The conditions imposed on the original permission in so far as they are still subsisting and are capable of taking effect are re-imposed for the same reasons as cited in the original permission.

13. The Council has suggested another condition, which shall be imposed in a different form especially since the appellant has signalled an intention that she may add further PV panels. The condition is imposed to ensure that no further changes are made to the roof without the prior permission of the Council, in the interests of protecting visual amenity.

### **Other matters**

14. I have carefully considered the views expressed on behalf of the Church Stretton Town Council and the Strettons Civic Society not least because the organizations represent local people who enjoy the Longmynd for its intrinsic beauty. For the reasons already provided, I hold a different opinion to both organizations on the visual effects of the changes made, but I note the concern expressed that to permit the changes, contrary to the originally imposed condition, would '*send out the wrong message*'. Whilst I understand the basis for this concern the appeal must be determined on its merits, which I have done, as required.

15. The views of a local resident walker have also been noted and taken into account, as have the contents of the minutes of the Planning Committee at which the application was determined.

16. The new national *Planning Practice Guidance* has been published recently, but having regard to the facts in this case and the main issues identified at the outset, it has no material bearing on my conclusions.

17. All other matters raised in the representations have been considered, including the description provided of the previous dwelling on the site and the assessment of its visual impact, but none is of such strength or significance as to outweigh the considerations that led me to my conclusion.

*G Powys Jones*

INSPECTOR