



Appeal Decision

Site visit made on 22 March 2022

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2022

Appeal Ref: APP/L3245/W/21/3281756

Land adjoining The Old Vicarage, Bourton Road, Much Wenlock TF13 6AH

- 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 Mr David Lawson against the decision of Shropshire Council.
 - The application Ref 20/04580/FUL, dated 4 November 2020, was refused by notice dated 4 March 2021.
 - The development proposed is erection of 2 no. 3-bedroom dwellings following demolition of existing buildings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted an amended elevations plan for unit 2 with the appeal (Ref 1068-01-SK02 10 20 D A). This would reduce the proposed eaves and overall roof height of that unit, without altering the floorplans or number of bedrooms proposed. As the amended elevation amounts to a relatively minor alteration, in this instance I accept the amendment and have determined the appeal on that basis. In doing so, I do not consider that any interested parties would be prejudiced.

Main Issues

3. The main issues are:
 - whether or not it has been demonstrated that the proposal would have an acceptable effect on highway safety;
 - the effect of the proposal on the setting of Much Wenlock Conservation Area and the setting of nearby listed buildings;
 - the effect of proposed unit 1 on the living conditions of the occupants of No 2 and No 3 Bourton Road, with respect to outlook;
 - whether or not the appeal site is an appropriate location for the development proposed, with particular regard to housing delivery in Much Wenlock;

Reasons

Highway Safety

4. Due to the appeal site being elevated relative to Bourton Road, the proposed driveway from which both houses would be accessed would slope up towards

the rear of the site. The appellant has advised that the access could be altered slightly to ensure it does not exceed a gradient of 1:12, although clear evidence in this respect has not been provided. Retaining walls would be required within the site and are indicated on the submitted plans, although full details of these, including their scale, are not before me. In this context, visibility at the site access needs careful consideration to ensure vehicles would be able to enter and exit the driveway onto Bourton Road without unacceptable compromise to highway safety. However, as visibility splays have not been submitted, it is unclear whether the required splays could be achieved.

5. It is not a matter in dispute between the main parties that there is space within the site for vehicles to enter and exit in a forward gear. However, it appears that the proposed layout, in combination with the internal site gradients, may make such manoeuvres challenging in practical terms. No robust evidence is before me to the contrary. The principle of a footpath along the front of one side of the site, whilst potentially acceptable in principle, is not shown to connect into an existing path. Similarly, the dropped kerb crossing the new site access does not appear to connect with another path. The purpose and safety of these features is therefore unclear.
6. It is not unusual for certain details in respect of site access to be addressed via suitably worded conditions requiring the provision of additional information. However, as reasoned above, given the particular circumstances of this site, the range of constraints present, and the number of outstanding matters in respect of access arrangements to be resolved, I find that it has not been demonstrated that the proposal would have an acceptable effect on highway safety.
7. Accordingly, I find conflict with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (Core Strategy) which requires that developments are safe and accessible to all. The proposal would also be contrary to the approach in paragraph 111 of the National Planning Policy Framework (the Framework) which requires that developments are refused on highways grounds if there would be an unacceptable impact on highway safety.

Conservation Area and Listed Buildings

8. The site adjoins Much Wenlock Conservation Area (the Conservation Area) along its boundaries with Bourton Road and The Old Vicarage. The Conservation Area encompasses the town centre where there is a high density of buildings of historic and architectural interest due to their association with the role of Much Wenlock as a market town. In the vicinity of the appeal site, the Conservation Area extends to the west of the town centre where the density of development is lower.
9. In more peripheral areas of the Conservation Area such as this, its rural setting is more apparent due to the presence of verges, mature trees and landscaping within residential gardens, and glimpses of open countryside beyond. Therefore, insofar as it relates to this appeal the significance of the Conservation Area is primarily derived from its historic role as a market town, the range of period properties and its rural setting.
10. The appeal site is separated from Bourton Road by a steep bank and hedging. It adjoins fields to the rear and to one side. These are broadly on a level with

the site, separated from it by a low stone wall and hedging. The existing site is free from development aside from the low level outbuildings along one side. Two protected trees within the site are visible from the surrounding area. The site therefore appears as a discreet parcel of land but has an open character due to a high level of intervisibility with adjacent fields. Consequently, the site makes a limited but positive contribution to the significance of the Conservation Area and its rural setting.

11. The appeal site comprises an orchard originally associated with The Old Vicarage, a three storey, grade II listed period property. The Old Vicarage is prominent in the locality, particularly on approach from High Street. It faces away from the appeal site and forms part of a group listing comprising Nos 9 to 34 High Street and the Gaskell Arms Hotel. Insofar as it relates to this appeal, the significance of The Old Vicarage is primarily derived from its architectural interest and historic association with the rural market town.
12. The appeal site is physically connected to the garden of The Old Vicarage by the adjoining garden wall which includes a gated pedestrian access. However, it comprises a separate parcel of land, distinct from the garden that immediately surrounds the house. An L-shaped building adjoining the rear of The Old Vicarage is in use as a veterinary practice, with an adjacent access from Victoria Road and parking to the rear. This acts as a further separation between the main house and the appeal site. Consequently, the appeal site makes a very limited contribution to the significance of this asset.
13. Located on the other side of Bourton Road to the appeal site are grade II listed Regency buildings at 1 and 2 Bourton Road. No 1 is a two storey painted brick house with attic windows projecting into the roof. It is set back slightly from the pavement behind a garden bound by low level railings. No 2 is a three storey brick house with a moulded wood cornice. It has symmetrical windows on its road facing elevation, the two largest of which have moulded lintels. It is prominent in the street scene given its height and position close to the road edge, separated only by a narrow strip of landscaping bound by a low stone wall.
14. These high quality historic buildings are visually important examples of their type with some prominence in the street scene on Bourton Road. Insofar as it relates to this appeal, the significance of these buildings is primarily derived from their architectural and historic interest as noteworthy Regency houses in a rural market town.
15. Design and scale of dwellings within the locality varies greatly. Whilst the relationship between the appeal site and that of No 1 is more oblique than that of No 2, the scale of proposed unit 1 and its proximity to Bourton Road would intrude on the appreciation of these listed buildings from Bourton Road. In addition, from land to the rear of the appeal site, including the car park of the veterinary practice, the proposal would be intrusive in views of Nos 2 Bourton Road (and to a lesser extent No 1), where the ability to appreciate their historic significance would be noticeably diminished.
16. Whilst the appellant's evidence makes reference to the ground floor of unit 1 being 'set below that of the street level', information before me on relative site levels (including having had regard to proposed site plan Ref 1068-01-SK13 10 2020 *) is not definitive in this respect. The proposal also includes considerable areas of hardstanding including the central driveway, parking for four vehicles,

- a new section of footpath and various retaining walls. These would erode the pleasing rural character of the site, creating a considerably more suburban one. Together with the addition of residential paraphernalia, this would be to the detriment of the Conservation Area's setting and its significance.
17. Conversely, there is only a limited degree of visual connectivity and historic resonance between the appeal site and the garden immediately adjacent to The Old Vicarage. The main house sits within its own grounds and is orientated towards Much Wenlock centre where the focus of its historical associations lie. Consequently, I find that the proposal would not harm the significance of The Old Vicarage.
 18. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Since the proposal relates to the setting of a listed building, I have had special regard to section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposed development would be harmful to the special historic interest of the grade II listed buildings at Nos 1 and 2 Bourton Road. This would have a negative effect on the significance of these designated heritage assets. This would equate to less than substantial harm. In such circumstances this harm should be weighed against the public benefits of the proposal.
 19. The proposal would provide two private dwellings adjacent to the settlement boundary in an accessible location which would contribute to the supply of housing in the district. The construction of the dwellings would provide short term benefits to the local and wider economy and the occupants would be likely to boost local spending, labour supply and help support local services. These would constitute fairly modest benefits in social and economic terms. I also recognise that the proposal could be said to make efficient use of a site that is currently unused and could be designed to high environmental standards.
 20. However, the Framework is clear that making efficient use of land should include taking into account the desirability of maintaining an area's prevailing character and setting. Overall, the public benefits I have outlined above do not outweigh the harm to the significance of these heritage assets. There is no clear and convincing justification for the harm to the designated heritage assets as required by paragraph 200 of the Framework.
 21. Accordingly, the proposal would be contrary to Policies CS6 and CS17 of the Core Strategy, and Policies MD2 and MD13 of Site Allocations and Management of Development (SAMDev) Plan (December 2015) which, amongst other matters, seek to protect and enhance the historic environment. It would similarly be contrary to the historic environment chapter of the Framework and key characteristics of good design relating to local context, character and identity, as set out in the National Design Guide.

Living Conditions

22. The proposed design of unit 1 has a front projecting gable, slightly offset from centre, extending to 10m in height. This vertical feature, combined with rectangular window surrounds, would emphasise the three storey height of the building. The roof to either side of this gable would be pitched, with side facing gables. This would give the building considerable bulk when viewed from front facing windows in Nos 2 and 3 Bourton Road. Its bulk would be emphasised by

the elevated position of the site and its position within the site, close to Bourton Road. As reasoned above, that the ground level of unit 1 would be lowered, and implications of this on its overall scale relative to existing buildings as well as the scale of retaining walls required as a result, has not been robustly demonstrated.

23. I note that a minimum separation distance between opposite houses is not defined in the Council's planning policies. Whilst the appellant has suggested that a distance of 11-13m is commonplace for new residential schemes, no specific examples of such distances in the locality are provided or were apparent on my site visit. Moreover, the proximity of unit 1 to houses on Bourton Road would be unusual in this edge of settlement location. Nos 2 and 3 both have main windows facing on to the appeal site. I therefore find that the proposed unit 1 would have an unacceptably overbearing effect in views from those properties.
24. Consequently, the proposed development would unacceptably harm the living conditions of Nos 2 and 3 Bourton Road with respect to outlook. It would therefore conflict with Core Strategy Policy CS6 which requires that proposals are of a high quality design and protect residential amenity. It would also be contrary to paragraph 130 of the Framework, which requires that developments achieve a high standard of amenity for existing and future users. For similar reasons it would be contrary to paragraph 2.18 of the Shropshire Type and Affordability of Housing SPD (2012) which requires that proposals protect the residential amenity for occupants of existing dwellings.

Location of Development

25. The site is outside but adjoining the development boundary of Much Wenlock. It therefore falls within the countryside, where new development will be strictly controlled in accordance with Core Strategy Policy CS5 and SAMDev Policy MD7a. The proposal is not submitted as one that would satisfy the requirements of Policy CS5, not being for diversification of the rural economy, agricultural use or other related development, relating to an established business, building conversion, rural tourism, or a required community use. It is similarly not advanced as an exception site, or a replacement dwelling under SAMDev Policy MD7a.
26. Under SAMDev Policy MD3, part 3, housing outside settlement development boundaries may be permitted where a settlement housing guideline appears unlikely to be met. The Much Wenlock Neighbourhood Plan (2014) (the Neighbourhood Plan) establishes a housing guideline for Much Wenlock of 130 dwellings in the period 2013-2026. The Council's evidence at appeal identifies that existing housing completions and current housing commitments in Much Wenlock during that period fall short of the target by circa 20 dwellings.
27. However, the Council expresses confidence that delivery of housing to address the shortfall is achievable without delivery of the appeal site. Evidence in respect of actual housing delivery rates in Much Wenlock during recent years, as well as recent planning permissions, indicate that a suitable rate of delivery would be achievable. Without robust evidence to the contrary, I am satisfied that the housing guideline for Much Wenlock appears likely to be met.
28. In any event, part 2 of Policy MD3 sets out five criteria (i. to v.) that should be taken into account in the event that a settlement housing guideline appears

- unlikely to be met. The proposed development would result in two additional dwellings, thereby making only a very small contribution to the 130 dwelling target (criterion i.). The Council has expressed confidence in delivery of outstanding permissions within the next five years and no robust evidence is before me to the contrary (criterion ii.). There would be social and economic benefits arising from the proposal. However, given its limited scale, benefits arising would be similarly limited (criterion iii.).
29. There are no indications to suggest concerns in respect of cumulative impacts from this development in combination with other developments in Much Wenlock. However, I have found that the development would result in unacceptable impacts with respect to listed buildings and highway safety (criterion iv.). Moreover, in the terms of paragraph 11.d)i. of the Framework, the heritage impacts represent harm to assets of particular importance that provides a clear reason for refusing the development. The Framework's presumption in favour of sustainable development therefore does not apply (Policy MD3, criterion v.). Therefore, even were I to consider it unlikely that the housing guideline for Much Wenlock would be met, it is clear that in the circumstances of this case, criteria i. to v. of Policy MD3 do not provide support for the proposal.
30. The appellant has sought to demonstrate that the proposal would not amount to isolated homes in the countryside and I see no reason to disagree. I also accept that housing delivery on small sites can make a small but valuable contribution to boosting housing supply. However, evidence to indicate that the appeal site should be developed for housing ahead of other potential sites outside or adjoining the settlement boundary, that may be equally as accessible to facilities in Much Wenlock, is not convincing.
31. The appellant highlights the Shropshire Local Plan Review which has been submitted for examination and includes a revised housing target for Much Wenlock of 200 dwellings during 2016-2038. Nevertheless, the extent of unresolved objections or modifications to its policies is as yet unclear. Therefore, I afford its policies limited weight. Although the Council's Strategic Land Availability Assessment (SLAA) may identify a range of sites outside the settlement boundary as potentially suitable for housing release, the SLAA forms part of the Council's evidence base to inform future policy and does not on its own provide a clear indication of acceptable sites for future housing delivery.
32. For these reasons, I conclude that the appeal site is not an appropriate location for the development proposed, with specific regard to housing delivery in Much Wenlock. Accordingly, the proposal would be contrary to Policy MD3 of the SAMDev. It would also be contrary to Policy CS3 of the Core Strategy which promotes limited development within Much Wenlock's development boundary and on allocated sites. In addition, as reasoned above, the proposal would be contrary to Policy CS5 of the Core Strategy and Policy MD7a of the SAMDev.
33. Furthermore, the proposal would not be supported by Policy CS4 which applies to development in Community Hubs and Clusters, nor would it be supported by Policy MD1 of the SAMDev which supports sustainable development in the identified settlements. Finally, the proposal would be contrary to Policy H5 of the Neighbourhood Plan, not being essential to ensure the delivery of affordable housing.

Other Matters

34. The appellant submits that the site represents previously developed land under the definition at Annex 2 of the Framework, and therefore that support for the use of such land should be afforded. Whereas the Council question whether the site falls within the curtilage of The Old Vicarage and note that, in any event, it should not be assumed that the whole of the curtilage of previously developed land should be developed. Definitive evidence is not before me in either respect. I note that paragraph 120 of the Framework requires that substantial weight is afforded to the use of brownfield land for housing, but where that is within a settlement. Even if I were to conclude that the site amounts to previously developed land and afforded this moderate weight, this would not be sufficient to outweigh the substantial harms I have identified in respect of potential highway safety issues, heritage impacts, and living conditions.
35. Therefore, the proposal would not represent an appropriate opportunity to bring forward development on a suitable brownfield site in accordance with paragraph 120 of the Framework. Similarly, given its location outside the settlement boundary, it would not be supported by Policy H3 of the Neighbourhood Plan which supports redevelopment of brownfield sites in the Much Wenlock development boundary. Whilst the site adjoins the settlement boundary on two sides, given the harm I have identified to the Conservation Area's setting and significance of the opposite listed buildings, and the lack of evidence in respect of an identified local housing need, the proposal would not accord with Policy H4 of the Neighbourhood Plan.

Conclusion

36. For the reasons given, and having considered the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Rachel Hall

INSPECTOR