



# Appeal Decision

Site visit made on 26 May 2022

by **G Rollings BA(Hons) MAUD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13<sup>th</sup> July 2022

---

**Appeal Ref: APP/L3245/W/21/3289722**

**Land south of Fitz, Fitz, Shrewsbury, SY4 3AS**

- 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 R & C Clarke & Francis against the decision of Shropshire Council.
  - The application Ref 21/02213/FUL, dated 23 April 2021, was refused by notice dated 14 July 2021.
  - The development proposed is the erection of a new dwelling including provision of access and amenity space (paragraph 79).
- 

## Decision

1. The appeal is allowed and planning permission is granted for the erection of a new dwelling including provision of access and amenity space at land south of Fitz, Shrewsbury, SY4 3AS in accordance with the terms of the application, Ref 21/02213/FUL, dated 23 April 2021, subject to the list of conditions set out in the annex to this Decision.

## Preliminary Matters

2. The application was made whilst a previous version of the National Planning Policy Framework (the Framework) was in force. This 2019 version enabled, at paragraph 79, for the development of isolated homes in the countryside in instances where design was of an exceptional quality. The current 2021 version, at paragraph 80, makes a similar allowance but removes the ability of such design to be tested by way of its innovation. The 2021 version supersedes the previous, and is the version under which this appeal is considered.

## Main Issue

3. The main issue in this appeal is whether the proposal reaches the standard of design sought in Framework paragraph 80, taking into account the character and appearance of the surroundings.

## Reasons

4. A generally high standard of design and an appropriate location and relationship with surroundings is expected for new development as set out in the Council's local plan, including the *Adopted Core Strategy* (2011) and SAMDev<sup>1</sup> Policies provided in its decision notice. In particular, SAMDev Policy MD7a manages the development of new market housing outside of identified

---

<sup>1</sup> Shropshire Council *Site Allocations and Management of Development Plan* (SAMDev) (2015).

locations, with countryside development restricted unless certain criteria can be met, none of which are in this instance.

5. However, the Framework postdates the local plan. Paragraph 80 of the Framework also discourages the development of isolated homes in the countryside but provides for some exceptions. One of these, at paragraph 80(e), is that the design must be of exceptional quality, setting four tests. The development is tested against these in the remainder of this section.

*Whether the design is truly outstanding, reflecting the highest standards in architecture*

6. The site in its present state has different components, comprising woodland, farmland and a semi-wooded bank to the river. The area on which the house is proposed has been previously cleared.
7. The proposal has had a protracted design process. Elements such as a central dome have been altered or eliminated and through a process of consultation and evolution, the scheme now proposes a neo-classical building that is set on high ground back from the river's edge, taking advantage of the varying site levels and existing woodland. The appearance of the building, together with its compact nature, is reminiscent of a folly in the English grand house tradition. The style of the dwelling draws heavily on the classical architecture of the past. In this regard it could be considered a pastiche, in the same way that neo-classical architecture of the past drew on the eras that went before.
8. However, unlike a traditional folly, the building would have a practical purpose as residential accommodation. Views from and towards Fitz from the appeal site are shielded by woodland that would be retained and managed as part of the property, with limited views from other public spaces. The main views of the building would be within the expansive site area with glimpses from the river. The surrounding site area would have a mix of domestic and pastoral space that would both blend and enhance the existing landscape, whilst creating an appropriate setting for the new building. The design process has been subject to robust review to ensure that the development would not only stand as high-standard development in its own right but also be a positive addition to the rural setting.
9. I appreciate that appearance and design can be a subjective matter but consider that in this case, the rigorous design process has resulted in a proposal that successfully blends traditional and modern styles. It is coherent and would provide a legible building that is well integrated within both the altered and existing parts of the surrounding landscape. Its design achieves a very high standard of quality and in this regard, I consider that it passes the relevant test.

*Whether the design would help to raise standards of design more generally in rural areas*

10. The proposal is an example of a development that achieves two seemingly opposing outcomes: to both integrate within an existing bucolic landscape, and to impose a manmade 'statement' in a similar manner to country-house architecture of the past. Accordingly, it is a modern interpretation of a traditional style of English architecture that has been appropriately executed and, as such, could be an exemplar for similar development.

*Whether the design would significantly enhance its immediate setting*

11. The wooded part of the site would be retained and would in future be managed to ensure improvements to its sylvan character. The existing grassland would also be managed but would retain an agricultural character. Other interventions would use materials appropriate to the local landscape. Areas of the site closest to the house would be terraced but mostly shielded in views across open land and from the river. Overall, the domestic interventions would sit well within the landscape and I am satisfied that the development would have a significantly positive visual and operational relationship with the surrounding land.

*Whether the design would be sensitive to the defining characteristics of the local area*

12. The defining characteristics closest to the site are the planted 19<sup>th</sup>-century woodland, the agricultural nature of other parts of the site, its topography and the proximity of, and views to and from, the river. As previously described, the development enhances each element but would not detract from their importance nor their ability to be appreciated.
13. Further afield, Fitz settlement and its listed buildings are on higher land but are not visible from the site. The building is visually and physically separate and takes no design cues from the settlement. However, neither the building nor other parts of the site to be developed would affect the settlement or its constituent buildings, and accordingly, the proposal would be sensitive to the defining characteristics of the area.

*Conclusion on main issue*

14. The proposal reaches the exceptional standard of design sought in Framework paragraph 80, and would not harm the character and appearance of the surroundings. The proposal would not accord with the local plan, including Core Strategy Policies CS1, CS4, CS5 and CS11 and SAMDev Policies S16.2(viii), MD1, MD7a, which together do not allow market housing in the open countryside. The plan does not specifically allow for exceptions, and is consistent with Framework paragraph 80 insofar that isolated homes in the countryside are discouraged. However, the proposal accords with the Framework, including paragraph 80. There is not consistency between the Framework and the local plan, in that the former allows for exceptional development of this nature, and as the former post-dates the latter, I accord the Framework greater weight in my decision.

**Other Matters**

*Effect on listed buildings*

15. Fitz settlement is to the north of and on higher land than the location of the proposed house. Listed buildings within the settlement include the Church of St Paul's and St Peter's, and Fitz Manor, both of which are grade II\* listed. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, its significance, or any features of special architectural or historic interest.

16. The significance of these listed buildings derives from their architectural features and ornaments, and their relationship as part of the historic settlement. Due to topography and vegetation, their setting is limited to the area within and immediately surrounding the settlement, although the woodland forming part of the site continues outwith to adjoin the garden of the Manor. Nonetheless there is no direct visibility between the designated heritage assets and the site and the development would not affect their significance. Additionally, the development would be sympathetic to the topography of the site and its landscape and would not harm any of the traditional relationships between the heritage assets and surrounding land.
17. Therefore, in accordance with the clear expectations of the Act, the setting of the listed buildings would be preserved, together with the significance of the designated heritage assets.

#### *Planning obligation and affordable housing*

18. A completed Section 106 Planning Obligation has been submitted. Given that an obligation may constitute a reason for granting planning permission only if it meets the tests set out in Regulation 122 of the Community Infrastructure Regulations 2010 and paragraph 57 of the Framework, it falls to me to reach a finding on its acceptability.
19. The document provides an undertaking upon the appellants to provide £13,500 to the Council, together with costs, as a contribution towards affordable housing provision within the district. This sum was calculated in accordance with the formula as set out in the Council's *Type and Affordability of Housing Supplementary Planning Document* (2012) and is in accordance with the aims of Core Strategy Policy CS11 in meeting the diverse housing needs of local residents.
20. The contribution is justified and I am content that the obligation meets the requirements of the statutory and acceptability tests.

#### *Local residents' and other submissions*

21. There is both support for and objections against the proposal within the local community. The main concerns not already addressed within this decision would be mitigated through the planning conditions.
22. I have had regard to the previous appeal decision provided by the Council in support of its position. Whilst I consider it relevant to this appeal in that both seek Framework paragraph 80 exemptions, the proposal in this appeal is appropriate in bespoke design terms for the reasons that I have set out above.

#### **Conditions**

23. I have assessed the list of conditions proposed by the parties in the draft statement of common ground and the Council's suggested list against the tests set out in the Planning Practice Guidance (PPG)<sup>2</sup>. Condition 2 is included for the absence of doubt and in the interests of proper planning. Conditions 3, 5 and 6 are imposed to ensure a high-quality finish and to ensure that the site has an appropriate character and appearance. Condition 4 is applied to enable suitable drainage sustainability, and conditions 7 and 8 for the preservation

---

<sup>2</sup> PPG reference ID: 21a-003-20190723; revision date: 23 07 2019.

and appropriate treatment of protected species and biodiversity. Conditions 9 and 10 are provided to ensure acceptable access and highway safety. Given the bespoke nature of the proposal and the aims of the Framework, Condition 11 is appropriate to maintain the design vision during the life of the development and meets the tests of reasonableness and necessity.

## **Conclusion**

24. For the reasons given above I conclude that the appeal should be allowed.

*G Rollings*

INSPECTOR

## **Annex: List of conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 0511 001 Context Plan; AWB.122 000 Location Plan; AWB.122 002 rev. A Site Plan; FITZ01 Proposed Basement Plan; FITZ02 Proposed Ground Floor Plan; FITZ03 Proposed First Floor Plan; FITZ04 Proposed Roof Plan; FITZ05 Proposed South Elevation; FITZ06 Proposed North Elevation; FITZ07 Proposed East Elevation; FITZ08 Proposed West Elevation.
- 3) No development shall take place until samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
- 4) No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).
- 5) Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. All external joinery shall be carried out in complete accordance with the agreed details.
- 6) No above ground works shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall upon written notification from the Local Planning Authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

- 7) Prior to first occupation/use of the building, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:
- A minimum of 1 external woodcrete bat box or integrated bat brick, suitable for nursery or summer roosting for small crevice dwelling bat species.
  - A minimum of 1 artificial nest, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), and/or small birds (28mm or 32mm hole, standard design).
- The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.
- 8) Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes, trees, and hedgerows. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's *Guidance Note 08/18 Bats and artificial lighting in the UK* or any replacement version. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.
- 9) The access, parking and turning areas shall be satisfactorily completed and laid out in accordance with approved plan AWB.122 002 Site Plan prior to the dwelling being occupied. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.
- 10) The access apron shall be constructed in accordance with Shropshire Council's specification currently in force for an access and shall be fully implemented prior to the dwelling being occupied.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to Schedule 2, Part 1, Class; A, B, C, D and E shall be erected, constructed or carried out.

*End of list.*