



Appeal Decision

Site visit made on 18 July 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2022

Appeal Ref: APP/L3245/W/22/3292122

The Paddocks, Chapel Lane, Knockin Heath SY10 8ED

- 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 Messrs M and T Shuker against the decision of Shropshire Council.
 - The application Ref 21/02618/FUL, dated 21 May 2021, was refused by notice dated 1 October 2021.
 - The development proposed is the erection of two self-build dwellings with the formation of two vehicular accesses.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The address in the banner heading above is taken from the planning application form however this varies from the address given in the decision notice and the appeal form. The appellant has clarified that the most accurate address for the appeal site is 'Land adjacent to Mulberry Cottage, Chapel Lane'.

Main Issues

3. The main issues are a) whether the appeal site would be a suitable location for residential development having regard to local and national planning policy; and b) the effect of the proposal on the character and appearance of the area.

Reasons

Whether suitable location

4. The appeal site is a parcel of land occupying a corner plot on Chapel Lane. The site falls outside the development boundary of Knockin Heath, which is designated as a community cluster in Policy MD1 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (December 2015). As such, the site falls within open countryside. The siting of features such as a post box, defibrillator and signage close to the appeal site does not alter this finding.
5. Policy CS4 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (the CS) seeks to make communities more sustainable by directing development to community hubs and clusters and not allowing development outside these settlements unless it meets CS Policy CS5. This policy strictly controls new development within the countryside and the Green Belt. Development proposals on appropriate sites which maintain and enhance

- countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits.
6. CS Policy CS5 goes on to set out a number of circumstances in which development in the countryside may be permitted. One such exception is the provision of affordable housing/accommodation to meet a local need.
 7. The appellant has intimated that the proposed properties would be self-build, affordable dwellings. Paragraph 62 of the National Planning Policy Framework (the Framework) states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).
 8. Although the development plan pre-dates the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) (the Act) and the Framework, and it does not explicitly refer to self-build developments, CS Policy CS5 and Policy MD7a of the SAMDev allow for residential developments, which could include self-build residential development, in certain locations, and Policy MD7a makes provision for exception site dwellings where they meet evidenced local housing needs. As such, the development plan policies most relevant for determining the proposal are afforded full weight as they are consistent with the approach of the Framework.
 9. The Act requires local planning authorities to establish and publicise a local register of custom-builders who wish to acquire land to build their own home. The SPD states that the Council will explore ways of supporting self-build as part of achieving mixed and balanced communities. The evidence before me indicates that the Council is carrying out its statutory duty imposed by the Act in terms of granting sufficient permissions to meet the demand for self-build and custom housebuilding development in the borough.
 10. The appellant's connections to the locality are noted. However, I am not convinced that locational requirements/needs for every self-build individual need to be met for the Council to satisfy its duty and meet the demand for self-build and custom housebuilding in the area.
 11. Regardless of this however, there is no mechanism before me to secure the development as self-build, affordable housing, such as a planning obligation, and none which I could legitimately impose. The Type and Affordability of Housing Supplementary Planning Document (September 2012) notes that homes that do not meet the definition of affordable housing (as set out in the Framework), such as low-cost market housing and unrestricted market self-build housing, may not be considered as affordable housing for planning purposes. Accordingly, this proposal is for open-market dwellings within the countryside.
 12. The list of exceptions in CS Policy CS5 is not exhaustive and does not explicitly restrict market housing in the countryside. Nevertheless, this policy is supported by Policy MD7a of the SAMDev which does strictly control new market housing outside of Shrewsbury, the Market Towns, Key Centres and

Community Hubs and Community Clusters, unless it is suitably designed and located and meets an evidenced local housing need and other relevant policy requirements.

13. Turning therefore to the accessibility of the site, there are no day-to-day facilities within Knockin Heath, with the nearest shops and services being in Kinnerley and Knockin, both a considerable distance from the appeal site. Therefore, although the appeal site is not isolated in respect of its relationship with surrounding built form, it is located far from shops and services. The poor highway conditions, specifically the lack of pavements and street lighting along long stretches, the distances involved and speed limits along parts, would likely deter future residents from walking or cycling to access the limited facilities, particularly in inclement weather.
14. Public transport is also extremely infrequent in this locality. There would therefore be limited realistic alternatives to the private car to access everyday shops and services thus the appeal site is not in an accessible location.
15. Even if this proposal could be secured as a self-build development, the Act makes clear that only suitable planning permissions should be granted. There is nothing to suggest that any self-build credentials of the proposal would overcome the inaccessible location of the appeal site.
16. The appellant suggests that the Kinnerley Neighbourhood Plan identified a need for 7 additional dwellings to be located within Knockin Heath. This plan is of a considerable age and, although housing targets should not be seen as a ceiling figure, the most up-to-date evidence before me suggests that, overall, the Council are meeting their housing supply requirements within the area. Moreover, the appeal site is located within the countryside rather than Knockin Heath. This matter does not therefore outweigh the harm I have identified above.
17. Taking all the above into consideration, the proposal would fail to enhance countryside vitality and improve the sustainability of the rural community. Therefore, the appeal site would be an unsuitable location for the proposal and it fails to accord with Policies CS4, CS5 and CS6 of the CS and Policies MD1 and MD7a of the SAMDev which set out the Council's approach to the delivery of housing and collectively seek to control development within the countryside. It would also conflict with paragraph 79 of the Framework, in its aim to locate housing where it will enhance or maintain the vitality of rural communities.

Character and appearance

18. The appeal site is an undeveloped corner plot of land, with residential properties to the west and opposite on the other side of Chapel Lane. On the approach to the site from the east, the unbroken built form on the northern side of Chapel Lane is evident and clearly distinct from the field to the south. However, once at the crossroads, the characteristic of the street scene changes, and the surrounding dwellings largely create the backdrop to the appeal site. Similarly, on the approach from the south east, the appeal site is read in context with the adjacent built form and that opposite on Chapel Lane.
19. The appeal site therefore has a closer association to the existing residential properties than the land immediately to the south and across the highway to the east. The highway visually assists in creating this boundary and separation.

Therefore, whilst the proposal would result in the loss of this undeveloped parcel of land which is largely green and open, it would not significantly erode the open characteristics of the wider countryside or interrupt the distinction between it and the existing cluster of development.

20. The proposed dwellings would be large, two storey properties with attached garages. They would be set back within their plots however would remain prominent in the street scene. Regardless, their scale, design and siting would be in keeping with the variety and arrangement of properties in this locality. They would follow the existing pattern of development and would be sited adjacent to and opposite existing dwellings within the community cluster.
21. Accordingly, the proposal would not result in harm to the character and appearance of the area and thus would accord with Policy CS6 of the CS and Policy MD2 of the SAMDev which seek to ensure that proposals respect the character of the locality.

Other Matter

22. I have been provided with examples of appeals which were allowed. All but one concern a different local planning authority, thus the policy context is different. With regards to the example in Shropshire¹, I note that the development concerned previously developed land and was found to improve the character of the area. Based on this, and the lack of any further information, I cannot firmly conclude that it is directly comparable to this appeal.

Conclusion

23. The proposal would make a small contribution to housing supply and the properties would likely be delivered quickly. Temporary jobs would be created during construction. On occupation future residents would use the shops and services in adjacent settlements and children may attend local schools, albeit this is not guaranteed. The weight I afford to this matter is tempered due to the high reliance on private vehicle. Overall, given the small scale of the proposal, I collectively afford the benefits of the proposal limited weight.
24. The evidence is not conclusive that the environmental credentials of the proposed development is no more than policy compliant, thus this is a neutral factor in the planning balance. Council tax payments resulting from the proposal would not represent a benefit as they would correspond with the increased demand on services.
25. The proposal conflicts with the development plan when considered as a whole. The benefits of the proposal carry limited weight and would not be sufficient to outweigh that conflict and lead me to a decision other than in accordance with the development plan. Therefore, the appeal should be dismissed.

H Ellison
INSPECTOR

¹ Appeal Ref: APP/L3245/W/16/3144703