



# Appeal Decision

Site visit made on 6 September 2022

by **Samuel Watson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 October 2022

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**Appeal Ref: APP/L3245/W/22/3298488**

**Rose Cottage, Winnington Green, Middletown, WELSHPOOL, SY21 8DN**

- 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 Malcolm Ellis against the decision of Shropshire Council.
  - The application Ref 21/01650/FUL, dated 30 March 2021, was refused by notice dated 24 January 2022.
  - The development proposed is for the erection of a detached dwelling and garage.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The appellant has submitted further evidence regarding the presence of bats at the appeal site. As a result, the Council have withdrawn their third reason for refusal, and I have not considered it further.
3. They have also submitted drawings demonstrating potential extensions that could be carried out under the permitted development rights afforded by the Town and Country Planning (General Permitted Development) (England) Order 2015. I find that this scheme would be somewhat similar to the proposal before me, in that it would provide a larger dwelling. Although I have not been provided with any substantive evidence to demonstrate that the permitted development rights apply to the host dwelling, it is clear that the Council considers at least some rights would apply. Consequently, I find that there is more than a theoretical possibility for permitted development rights to be carried out and as such a fallback position exists.

## Main Issues

4. The main issues are:
  - The effect of the proposal on the character and appearance of the original building, surrounding area and the setting of the Grade II listed building, the Green Farmhouse; and,
  - Whether it would suitably respond to the challenge of climate change

## Reasons

### *Character and Appearance*

5. The appeal site is located within a rural area surrounded by fields and a small number of nearby buildings, these include two other dwellings along the lane

and a nearby farm. The farm contains the Green Farmhouse, a Grade II listed building. Beyond these building, development is very limited and sporadic. The nearby buildings are relatively simple in appearance and, with the exception of the bungalow, appear to all be of some age and directly related to the current or historic farming associated with the area. The Green Farmhouse itself dates from the 15<sup>th</sup> or 16<sup>th</sup> century and displays examples of subsequent additions and alterations. Its significance stems from its siting within a still clearly rural area as well as its construction and detailing.

6. The appeal site itself contains a detached two-storey dwelling of some age, built in a mixture of red brick and stone. It has a more modern side extension and detached garage. I understand that the host dwelling has been vacant for some time, and I noted that it is somewhat tired inside.
7. The host dwelling, by way of its age, small scale and simple appearance, contributes towards the legibility of the largely intact historic, rural landscape within which it sits. However, I do not find that the building is of such an age or of such significant architectural interest that its loss would unacceptably harm the legibility or the overall character and appearance of the rural setting. This is especially so given the extent to which the legibility of this area and its historic form has been retained in general.
8. I also find that the appeal site does not so closely relate to the listed building that the loss of the host building would affect its setting. In particular, the two buildings are not readily legible in views together, and they are set some distance apart. Therefore, and given the lack of harm identified above, I find that the loss of the dwelling would have a neutral effect on the setting of the listed building.
9. However, the proposed replacement dwelling would be significantly taller than the host building, exceeding the height of the current chimney, and would have a greater footprint. Moreover, by way of the double-fronted design, large porch supported by columns and string course, its design is more formal than the simple cottage building which it replaces. Consequently, the proposed dwelling would present a somewhat grand building incongruous within the simple and rural character of the surrounding dwellings and buildings. Although the appellant proposes the use of local materials, they would not be sufficient in themselves to mitigate the identified harm.
10. Whilst I note a larger dwelling at the end of the lane, from my observations on site, this appears to have a significantly less formal appearance than the proposed dwelling and as such is not an incongruous feature. Moreover, although I am conscious of the examples of increased footprints raised by the appellant, I have not been provided with sufficient details to ascertain their respective contexts or the appearance of the proposals. These examples have not therefore been determinative.
11. Given its prominent position, which would allow views from the nearby public right of way and more distant ones, the proposed dwelling would be an intrusive and harmful feature within the otherwise rural landscape. Nevertheless, again given the relationship between the appeal site and listed building, I find that it would have a neutral impact on Green Farmhouse.
12. The above mentioned fallback extensions would increase the size of the dwelling, but this would primarily be achieved through single-storey

extensions. These would therefore be less prominent or intrusive in views. Similarly, the indicative two-story rear extension would retain the existing height of the dwelling and would largely be viewed against the envelope of the existing building, limiting its appearance in views. Moreover, the suggested extensions would collectively result in a less formal appearance than the appeal proposal and would therefore overall present a more appropriate appearance for the area.

13. In light of the above, the proposal would, by way of providing a significantly larger replacement dwelling which is not sympathetic to the rural character of its setting, be harmful to the character and appearance of the surrounding area. It would therefore conflict with Policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy (the ACS) and Policy MD7a of the Shropshire Council Sites Allocations and Management of Development Plan. These policies, collectively and amongst other matters, seek to limit the scale of replacement dwellings and ensure that they are of a high quality design that protects and conserves the built and historic environment with particular regard to scale and design. The proposal would also conflict with Point 2.23 of the Type and Affordability of Housing Supplementary Planning Document which similarly seeks replacement dwellings to respect the local character of an area and be sympathetic to the size, mass, character and appearance of the original building. It would also conflict with design aims of the National Planning Policy Framework (the Framework), including under Paragraphs 130 and 192 which seek to protect local character and the historic environment.

#### *Climate Change*

14. It is clear from the evidence before me that the host dwelling has not been built to the standards that would be expected, or indeed required, of a modern dwelling. In particular, I note it does not have a damp proof course, wall cavities or insulation. Consequently, the dwelling has poor energy efficiency and remedying this would take significant works.
15. The demolition and replacement of the existing dwelling would result in the release of the associated captured carbon. However, it has not been demonstrated that this would be a significant amount. Therefore, subject to the provision of a suitable level of insulation, I find it likely that the proposed dwelling would recoup this loss over its lifetime as a result of the improved energy efficiency in comparison to the host building.
16. I note the appellant's intention to include an electric vehicle charging point as part of the proposal. Although I am mindful that such a point would not necessarily rely on the appeal proposal, it would nevertheless likely encourage the use of an electric vehicle, to the benefit of reduced emissions related to the site.
17. Therefore, as a result of improved construction of the dwelling and the charging point provision, the proposed replacement dwelling would, suitably respond to the challenge of climate change. The proposal would therefore comply with ACS Policy CS6 which requires developments to, amongst other matters, mitigate and adapt to climate change with particular regard to resource and energy efficiency.

## **Conclusion**

18. The Government's objective is to significantly boost the supply of housing and although the proposal would provide one new dwelling, it would replace an existing dwelling. Nevertheless, the proposal would lead to a small and time-limited economic benefit during the construction phase and as noted above. As the proposal is a replacement dwelling and given the small scale of the development, these matters would at most attract modest weight.
19. Although the proposal may not result in harm to the environment with regards to climate change, this lack of harm is not a benefit in itself and as such I afford it neutral weight.
20. Conversely, the proposal would result in harm to the character and appearance of the surrounding area in conflict with the development plan taken as a whole. This attracts moderate weight and outweighs the benefits associated with the proposed development.
21. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

*Samuel Watson*

INSPECTOR