
Appeal Decision

Site visit made on 18 June 2014

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 3 July 2014

Appeal Ref: APP/L3245/A/14/2215708

Land Adjoining The Sticks, Aston Rogers, Westbury, Shropshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Aubrey Jones against the decision of Shropshire Council.
 - The application Ref 13/03434/OUT, dated 22 August 2013, was refused by notice dated 22 October 2013.
 - The development proposed is the construction of one detached house.
-

Application for Costs

1. An application for costs was made by Mr Aubrey Jones against Shropshire Council. This application is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Procedural Matters

3. Since the determination of the appeal application the Planning Practice Guidance has been published. Although regard has been had to this guidance it does not materially alter the matters which have been identified by the parties.
4. In the absence of a representative from the Council, the site visit was undertaken on an unaccompanied basis with the appeal site viewed from the adjoining track.
5. For reasons of precision, the site address has been adopted from the Council's decision notice.
6. The appeal application was in outline form but seeking approval for both access to and the scale of the proposed development.

Main Issue

7. It is considered that the main issue is the effect of the proposed development on the character and appearance of the surrounding area.
-

Reasons

8. The proposed development includes the erection of a dwelling within the garden of The Sticks. Gardens are not included in the National Planning Policy Framework's (the Framework) definition of previously developed land but the erection of dwellings is not precluded subject to other policy considerations.
9. In this case, although forming part of a small collection of dwellings, the appeal site is situated within open countryside rather than within or on the edge of the generally linear settlement of Aston Rogers. The Framework refers to avoiding new isolated homes in the countryside unless there are special circumstances. None of the special circumstances identified in the Framework apply to the appeal scheme. Similarly, Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy (CS) does not include criteria which supports the erection of the proposed dwelling on the site.
10. The appellant claims that the proposed development is consistent with the emerging policy of the Site Management and Allocation of Development Document (SAMDEV). The emerging policy includes the potential for a limited number of dwellings to be erected within a cluster of settlements including Aston Rogers. SAMDEV has yet to be submitted for examination and its contents may well change. For these reasons, I have attached only limited weight to the emerging policy. Further, the available information indicates that these dwellings are expected to be erected on sites within or on the edge of the settlements and I do not regard to site to be on the edge of a settlement.
11. The appellant has identified that planning permission was granted by the Council for the erection of 2 adjacent dwellings (Ref 1/04/15387/F). However, this permission appears to have involved the redevelopment of a site which included existing, albeit smaller, dwellings and is, therefore, not directly comparable to this appeal scheme. Although the claims of the appellant concerning the neglected state of the garden have been noted this does not detract from its contribution to the surrounding verdant and open countryside.
12. The scale of the proposed dwelling was not reserved for future approval and the planning application form and the Design and Access Statement both refer to the proposed development being a 4-bedroom house. Because of its scale the proposed dwelling would be noticeable from the adjoining track and, by reason of elevation, the B4386 which would lead to an accentuation of the visual intrusion caused by the existing dwellings.
13. Even if a 3-bedroom dormer style bungalow was proposed then there would still be an adverse visual impact because of the site's elevation. In reaching this judgement the existing vegetation adjacent to the site has been taken into account. The appeal scheme would conflict with CS Policy CS6 which, amongst other matters, requires development to protect, restore, conserve and enhance the natural environment and take into account local context and character.
14. Reference has been made by the appellant to the shortfall in housing land within Shropshire and that housing proposals should be considered against the presumption in favour of sustainable development identified in the Framework. The appellant has also noted that appeals have been allowed within Shropshire because of the lack of an identified 5-year supply of housing sites. The details of these other schemes are not provided and, in such circumstances, whether

they involve the erection of dwellings not within or on the periphery of a settlement is unclear. Accordingly, only limited weight is given to these other schemes.

15. Although the lack of a 5 year supply of housing sites has been noted and the appeal scheme is a housing proposal, by reason of its location within open countryside and the absence of easy access to local facilities, the proposed development would not be a sustainable form of development. Further, the other benefits identified by the appellant in support of the appeal scheme do not demonstrably and significantly outweigh the adverse harm which has been identified. These benefits are claimed to include the absence of an objection from the Parish Council, job creation, re-use of a neglected garden, the potential occupancy by a young family with school aged children and availability of a foul water sewer connection.
16. The comments of local residents concerning potential harm to their living conditions and the effect of traffic and surface water flows along the access track have been noted but none of these matters alter the main issue which has been identified.
17. For the reasons given, it is concluded that the proposed development would cause adverse harm to the character and appearance of the surrounding area and, as such, it would conflict with CS Policies CS5 and CS6 and the Framework. Accordingly, and taking into account all other matters including the Framework's presumption in favour of sustainable development, it is concluded that this appeal should fail.

D J Barnes

INSPECTOR