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# Appeal Decision

Site visit made on 6 December 2022

**by K Stephens BSc (Hons) MTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13<sup>th</sup> January 2023**

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**Appeal Ref: APP/L3245/W/22/3300984**

**Whitehouse Farm Barn, Netherton Lane, Highley Shropshire WV16 6NJ**

- 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 Sid Davies against the decision of Shropshire Council.
  - The application Ref 22/00848/FUL, dated 18 February 2022, was refused by notice dated 19 May 2022.
  - The development proposed is for a new dwelling comprising partially completed, previously approved stable block. New dwelling to remain as an annexe to the main dwelling.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters and Background

2. Planning permission<sup>1</sup> was granted on the appeal site for the erection of a timber building for 4 stables with hay store/tack room. The planning permission conditioned the building to be for purposes incidental to the enjoyment of Whitehouse Farm Barn, a converted former barn where the appellant and his family currently live.
3. On my visit I saw that the building was under construction and substantially progressed. The appellant confirms the 'stable' building has not been occupied by horses. The construction was of block work with external timber cladding. Internally stud-partition walling was being erected and openings had been glazed. The development is part retrospective. I also saw that the building has not been built in full accordance with the approved 'stable' plans or the 'Proposed Plans and Elevations', having a taller and steeper pitched roof. Nonetheless, I have dealt with the appeal on its planning merits and on the submitted plans before me.
4. Planning permission<sup>2</sup> was also granted retrospectively for the conversion of a triple detached garage into ancillary living accommodation for Whitehouse Farm Barn. This building sits opposite the proposed dwelling. The converted garage was intended for occupation by the appellant's daughter who needs additional care. I saw that this building was occupied.

## Main Issue

5. The main issue in this appeal is whether the appeal site would be a suitable location for housing with regard to local and national policies.

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<sup>1</sup> Local Planning Authority ref: 15/03600/FUL granted 18 January 2016

<sup>2</sup> Local Planning Authority ref: 11/05413/FUL and 19/00052/FUL

## Reasons

6. The appeal site is located in Netherton, a small, dispersed settlement, outside and south west of Highley. The site comprises the partially finished stable building within part of the yard shared with the converted triple garage. Access is via a shared drive off Netherton Lane that also serves Whitehouse Farm Barn and Whitehouse Farm.
7. The proposal seeks to complete the partially built building for use as a 2-bedroom dwelling for the appellant. I have been provided with only limited details of the appellant's condition and family circumstances. The appellant has been diagnosed with a debilitating disease that causes pain and often affects much older people. Using the stairs is a struggle, hence living on a single level would be more suitable. The appellant's daughter, who currently lives in Highley, would then move to live in Whitehouse Farm Barn with her family.
8. The Council has a suite of policies in its Core Strategy<sup>3</sup> and SAMdev<sup>4</sup> that set out its strategic approach to the location and distribution of housing. Core Strategy Policies CS1, CS3 and SAMdev Policy MD1 describe how growth is to be managed sustainably, with Shrewsbury, Market Towns or other Key Centres as the main focus for development and where balanced housing and employment development will be supported within the towns' development boundaries and on allocated sites. With its range of services and facilities, Highley is identified as a Key Centre.
9. In rural areas, a number of policies seek to control the pattern and distribution of housing. Core Strategy Policies CS1 and CS4 and SAMdev Policy MD1 describe how new housing development will be located predominantly in Community Hubs and Community Clusters. Netherton is not listed or identified as being a Community Hub or in a Community Cluster.
10. Outside Market Towns, Key Centres and Community Hubs and Community Clusters, Core Strategy Policy CS5 and SAMdev Policy MD7a together restrict new housing, unless it fulfils a number of exceptions and criteria. The proposal is not a conversion of a completed building; it is not put forward as a dwelling to house an essential rural worker and it is not a replacement dwelling. Nor has the proposal been put forward to help small economic or agricultural/forestry related development; community uses that cannot be located within settlements; affordable housing or other uses appropriate to a countryside location listed in the policies. SAMdev Policy MD3 will grant permission for sustainable housing development, other than on allocated housing sites, recognising the role windfall sites can play in the supply of housing. However, such development needs to have regard to the above policies. Core Strategy Policy CS6 and SAMdev Policy MD2 are broad policies that deal with sustainable design and development principles to ensure that development is right for its location.
11. The centre of Highley is about 900 metres to 1 kilometre from the appeal site, which the appellant considers to be within a reasonable walking or cycling distance, although it is at the upper limit of tolerance. Highley offers a range of services and facilities and I am informed that there are public buses, accessible

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<sup>3</sup> Core Strategy Development Plan Document – adopted 24 February 2011

<sup>4</sup> Site Allocations and Management of Development Plan - adopted 17 December 2015

from the main road in Highley, offering hourly services to centres such as Kidderminster and Bridgnorth.

12. However, distance and proximity to services and facilities is not the only factor to consider. The nature and type of route to them will have an effect on their suitability and likelihood of them being used. Netherton Lane has no pavement, grass verges to walk on, or street lighting. It is also steep, rising up from the valley bottom and appeal site. This would present a challenge for many people to walk or cycle, and the appellant has a painful debilitating disease whereby using the stairs is a struggle. However, on reaching the top of Netherton Lane and the 'main' road into Highley there is a pavement one side of the road or the other, with dropped kerbs for crossing places, and the route is relatively level.
13. Nonetheless, I find the nature of Netherton Lane would not be conducive to encourage people to walk or cycle for day-to-day local services and facilities, especially in the dark or in inclement weather. As such, future occupiers would be reliant on the use of the private car to access the facilities, even if car journeys are relatively short. In this countryside location, the site is not sustainably located with regard to access to services, facilities and public transport.
14. The National Planning Policy Framework (the 'Framework') seeks to restrict isolated housing in the countryside, unless the development meets one of a number of identified forms of development. Even if the site was not isolated, due to its proximity to a number of other dwellings, it would not accord with the Council's spatial housing strategy. The Council's housing strategy is broadly consistent with the Framework, which states that to promote sustainable development in the rural areas housing should: be located where it will enhance or maintain the vitality of rural communities, seek opportunities to promote walking, cycling and public transport, and by limiting the need to travel offer a genuine choice of transport modes.
15. I have also had regard to nearby Whitehouse Farmhouse as a non-designated heritage asset, recorded on the Historic Environment Record as part of the Historic Farmsteads Characterisation Project where it is noted for having a loose farmyard. The principle of allowing a building in the courtyard has already been accepted by the granting of planning permission for the stable block. On this basis the Council's Conservation Officer did not raise any heritage objections, provided suitable external materials were used. However, whilst the building is of a simple design and the use of materials can be conditioned, the proposal would not be for an equine or farmyard type building, but for a dwelling with its associated domestic paraphernalia that would urbanise the countryside and detract from its character and appearance. This would not be altered even if the building was conditioned to be an annexe in association with Whitehouse Farm Barn.
16. In conclusion, the erection of a dwelling outside of Highley in the countryside would be contrary to the development plan, which is the starting point for any decisions as planning law requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise.
17. I am sympathetic to the appellant's wish for living accommodation on a single level, but I am not satisfied that the development proposal is the only way of

achieving this or that this justifies a departure from the development plan. Accordingly, the proposal would be contrary to Core Strategy Policies CS1, CS3, CS4, CS5 and CS6 and SAMdev Policies MD1, MD2, MD3 and MD7a, whose aims have been outlined above.

**Conclusion**

18. For the reasons given above I conclude that the appeal should be dismissed.

*K Stephens*

INSPECTOR