



Appeal Decision

Site visit made on 28 March 2023

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 May 2023

Appeal Ref: APP/L3245/W/22/3301373

Land Adjacent 2 Moorland Cottages, Marton Road, Baschurch SY4 2BS

- 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 Shiraz Jessa, Basway Properties Limited, against the decision of Shropshire Council.
 - The application Ref 21/01967/OUT, dated 15 April 2021, was refused by notice dated 27 April 2022.
 - The development proposed is outline application (all matters reserved) for residential development of (up to) 14 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters reserved for future consideration. The drawing submitted, which shows an illustrative site layout, is therefore for indicative purposes only. I have dealt with the appeal on this basis.
3. I have taken the description of development above from the decision notice and the appeal form as this most accurately describes the proposal.

Main Issues

4. The main issues are a) whether satisfactory living conditions would be achieved for future residents, with particular regard to noise; b) whether adequate open space would be provided; and c) the effect of the proposal on the character and appearance of the area.

Reasons

Living conditions

5. A considerable stretch of the appeal site abuts an embankment leading to a railway line. Given the maximum number of dwellings proposed, it is likely that some properties and/or their gardens would be within very close proximity to this noise source.
6. It is proposed that an acoustic fence would be erected along the site's boundary with the railway line, and that measures such as acoustic glazing could be incorporated into the properties. I also note, as shown on the indicative plan, that the nearest dwellings to the railway may be orientated at

90 degrees to it. These measures appear to reflect those adopted in the previous approval¹.

7. Nevertheless, no details of the existing noise levels and the impact on future residents of the proposed development have been provided. I cannot therefore ascertain whether the proposed measures would be sufficient so as to mitigate against any harmful noise.
8. It is also not clear exactly what level of detail regarding this matter was before the Council when it made its decision on the previous approval. I cannot therefore make a direct comparison or conclude that a suitably worded condition would be appropriate in this circumstance.
9. Accordingly, due to the lack of information with regards to noise, I consider that the proposal would fail to provide satisfactory living conditions for future occupiers. It therefore conflicts with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (the CS) which seeks to ensure developments contribute to the health and wellbeing of communities, including safeguarding residential and local amenity, amongst other things.

Open space provision

10. In so far as it relates to this proposal, Policy MD2 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (December 2015) requires at least 30sqm of open space per person to meet local needs in terms of function and quality. The indicative layout plan does not include open space.
11. I appreciate that the terms of the development refer to 'up to' 14 dwellings, therefore a lower number may materialise during the reserved matters stage and thus areas for the required open space may become available. Nevertheless, it is important that I consider the total quantum of development sought as this too may be achieved. Therefore, whilst the plans are illustrative only, given the size and shape of the appeal site and the maximum number of dwellings proposed, it is difficult to envisage where the required provision of open space could be achieved.
12. It appears that the previous approval at the appeal site did not make provision for open space and that this appeal proposal is largely reflective of the approved layout. However, that approval was a considerable time ago and the evidence indicates that the relevant policy in this matter was not a consideration then.
13. I therefore conclude that the proposal would fail to provide the required level of open space provision as set out above. For this reason, it would conflict with Policy MD2 of the SAMDev Plan.

Character and appearance

14. The appeal site adjoins the Baschurch Station Conservation Area (the BSCA) whose significance appears to be largely derived from its historical association with the railway and the collection of characterful buildings, some of which are listed.

¹ Council ref: 12/00074/FUL

15. The illustrative site layout plan, whilst for indicative purposes only, seeks to continue the existing access route and arrange the properties in a similar manner to the surrounding built form. As noted above, in order to achieve the maximum number of dwellings proposed, I consider it likely that the proposal would be of a similar arrangement to that indicated.
16. Furthermore, there is and would remain generous separation from the appeal site to the nearest listed buildings, and there is no convincing reason before me to suggest that an appropriate design of the properties could not be achieved so as to preserve the setting of the BSCA.
17. Whilst I appreciate that an alternative design and total number of dwellings may be advanced for future consideration, the reserved matters stage would provide further scope to explore options relating to layout, appearance and scale, so as to arrive at an acceptable design.
18. Consequently, the proposal would preserve the heritage assets and would not harm the character and appearance of the area. It would not therefore conflict with Policy CS17 of the CS and Policy MD13 of the SAMDev Plan. Among other things, these policies collectively seek to ensure developments protect the natural, built and historic environment.

Other Matter

19. The communication between the parties during the application process and the Council's handling of the application are not matters for me within the context of this appeal, which I have determined on its own merits.

Conclusion

20. There is no dispute between the main parties that a residential use of the site is acceptable in principle. The proposal would boost the supply of housing in the area by a moderate amount and it is also indicated that provision would be made for affordable housing, although the details and a mechanism to secure this are not before me. Jobs would be created during construction and there would be spending in the local economy on subsequent occupation. Collectively, I afford these benefits moderate weight.
21. Conversely, the proposal would fail to provide satisfactory living conditions for future residents and the required level of open space. These matters attract significant weight. The lack of harm to the character and appearance of the area is a neutral matter.
22. The proposal conflicts with the development plan as a whole and there are no material considerations which indicate that a decision should be made other than in accordance with it. The appeal is therefore dismissed.

H Ellison
INSPECTOR