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# Appeal Decision

Site visit made on 11 April 2023

**by Paul Griffiths BSc(Hons) BArch IHBC**

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

**Decision date: 15<sup>th</sup> May 2023**

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**Appeal Ref: APP/L3245/W/22/3305288**

**The Tithe Barn, Diddlebury, Shropshire SY7 9DH**

- 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 & Mrs S & J Husband against the decision of Shropshire Council.
  - The application Ref.22/02425/FUL, dated 23 May 2022, was refused by notice dated 8 August 2022.
  - The development proposed is a two bedroom, single-storey, self-build, downsizing dwelling.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. This is whether the proposal accords with the approach of the development plan to new housing and if not, whether there are any material considerations that would indicate otherwise.

## Reasons

3. The development plan for the area includes the Shropshire Local Development Framework: Adopted Core Strategy of March 2011 (CS) and the Shropshire Council Site Allocations and Management of Development Plan adopted in December 2015 (SAMDev). In order to provide for sustainable patterns of development, CS Policy CS5 strictly controls development in the countryside. In policy terms, Diddlebury is considered to be in the countryside. While CS Policy CS5 does not explicitly rule out the provision of 'open market' housing in the countryside, SAMDev Policy MD7a directs its provision towards larger settlements, allowing for local exception site dwellings and residential conversions in the countryside only.
4. It is said that the proposed dwelling would be 'self-build' and intended to allow the occupants of the Tithe Barn to downsize to future-proofed, and accessible accommodation. However, self-build legislation does not provide carte-blanche for new housing in unsuitable locations. Moreover, the Council's Type and Affordability of Housing SPD (2012) and their Build Your Own Affordable Home Information Pack (2016), highlighted by the appellant, concern themselves with the provision of affordable housing. There is nothing before me that would enable the dwelling at issue to be considered as affordable housing, for the purposes of the development plan, or as defined in the National Planning Policy Framework (the Framework).

5. In that overall context, the proposal has to be considered to be 'open market' housing. As such it would fall contrary to SAMDev Policy MD7a, what I regard as the intention behind CS Policy CS5, and the approach of the development plan as a whole to new housing in the countryside.
6. On top of that, the proposal would sit at the heart of the Diddlebury Conservation Area, near a number of listed buildings, including the Church of St Peter (Grade II\*), the Parish Room (Grade II), Glebe Farmhouse (Grade II), Church Cottage (Grade II), and the War Memorial (Grade II). The appellant suggests that the design and location of the proposed dwelling would allow it to fit into its surroundings in such a way that it would avoid harm to the setting of these listed buildings and preserve the character and the appearance of the conservation area.
7. I do not share that view. Save for the Village Hall, the heart of the village is dominated by these buildings of traditional form, and their relationship with each other is a significant contributor to both the character, and the appearance, of the conservation area. The proposal would insert a building of non-traditional form into that mix, that would be plainly visible from the road and areas around the Church.
8. There are times when a mixture of old and new can be pleasing, but from what I saw, the heart of Diddlebury is very sensitive to change. With that in mind, I take the view that the visual presence of the proposed dwelling would be incongruous and would undermine the coherence of the traditional grouping of listed buildings at the heart of the village.
9. The setting of the listed buildings would be harmed as a result, and there would be a failure to preserve both the character, and the appearance, of the conservation area. That provides a strong presumption against a grant of planning permission for the proposal and brings it into conflict with SAMDev Policy MD13. In Framework terms, the harm to the significance of these designated heritage assets would be 'less than substantial' but the public benefits of one 'open market' dwelling are nowhere near sufficient to outweigh that harm.
10. Concerns have also been raised about the potential impact of the proposal on the existing hedgerow that separates the site from the Village Hall. The planting provides a strong boundary that dilutes the impact of the Village Hall on the heart of the settlement and would provide some screening for the proposed dwelling. It is an important feature, therefore, but I am content that the separation between the proposed dwelling, and the hedgerow, would be sufficient to allow conditions to be imposed on any grant of planning permission that would ensure that the hedgerow could be properly protected in the course of construction work.
11. Bringing those points together, the proposal is very clearly contrary to the approach of the development plan to new housing and moreover, it would cause unjustified harm to the significance of designated heritage assets. There are no material considerations that would support a decision contrary to the development plan. On that basis, the appeal is dismissed.

**Paul Griffiths**

INSPECTOR