



# Appeal Decision

Site visit made on 25 June 2024

**by Elaine Moulton BA (Hons) BPI MRTPI**

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

**Decision date: 5<sup>th</sup> July 2024**

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**Appeal Ref: APP/L3245/W/23/3331170**

**Northcote, Aston Square, Aston, Oswestry, Shropshire SY11 4LR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Mr Humphrey against the decision of Shropshire Council.
  - The application Ref is 23/01904/OUT.
  - The development proposed is erection of a detached bungalow following demolition of the existing workshop building.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The application was submitted in outline, with all matters reserved. I have therefore taken any details pertaining to the reserved matters, as shown on the submitted drawings, to be for indicative purposes only.

## Main Issue

3. The main issue is whether the appeal site is suitable for the proposed development, having regard to local and national policy.

## Reasons

4. The appeal site is in the hamlet of Aston Square. It adjoins a small cluster of dwellings beyond which are buildings set sporadically within the wider surroundings. The site contains a single storey corrugated iron-clad building, formerly used as a workshop, and an associated vehicle ramp and hard surfacing.
5. Policy CS5 of the Core Strategy (CS) allows new development in the open countryside only where it maintains and enhances countryside vitality and character and would improve the sustainability of rural communities through economic and community benefits.
6. Policy MD7a of the Site Allocations and Management of Development Plan (SAMDev) states that, further to CS Policies CS5 and CS11, new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres, Community Hubs and Community Clusters. It indicates that suitably designed and located exception site dwellings and residential conversions will be positively considered where they meet evidenced local housing needs and other relevant policy requirements.

7. There is no robust evidence before me that demonstrates that the appeal site is in a Community Hub or Community Cluster or that it is for anything other than an open market dwelling. Consequently, the proposal fails to accord with CS Policy CS5 and SAMDev Policy MD7a as it is not in a location identified for new market housing.
8. Oswestry, the nearest settlement to the appeal site containing shops and services, would be accessed, in part, along unlit roads subject to the national speed limit and without a footway. As a result, it is unlikely that the occupants of the proposal would walk to Oswestry, particularly during times of darkness and inclement weather. The speed of vehicles along the route is likely to be off-putting for all but the most competent and confident cyclists. Furthermore, there is no evidence before me that the occupants would have access to a frequent bus service from nearby bus stops, thereby providing a realistic alternative mode of transport. Consequently, the future occupants would be highly dependent on the use of private cars for their day-to-day needs.
9. The National Planning Policy Framework (the Framework) highlights, at paragraph 83, that to promote sustainable development in rural areas, housing should be located where it will enhance and maintain the vitality of rural communities. In view of the accessibility concerns I have identified, the benefits of the proposal due to the support it would give to services in a nearby settlement would be minimal.
10. Accordingly, for the reasons given above, I conclude that the appeal site is not suitable for the proposed development and is contrary to CS Policies CS5, CS6 and CS17, SAMDev Policies MD2 and MD7a and the Framework.
11. The reason for refusal also refers to the Type and Affordability of Housing Supplementary Planning Document. However, no evidence has been presented that would lead me to conclude that the proposal is contrary to the guidance set out within it.

#### *Other considerations*

12. I have had due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010. This sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic (in this case disability) and people who do not share it.
13. The proposed dwelling would provide purpose-built accommodation that could meet the accessibility needs of the appellant at ground floor level in a location where he has lived for a long period of time. However, this is set against the harm arising from the appeal site being poorly related to the settlements identified for growth and the associated conflict with the overall Development Plan. Furthermore, it has not been satisfactorily demonstrated that, if the appeal were dismissed, that there are no other appropriate alternatives to provide accessible accommodation for the appellant. Therefore, dismissal of the appeal is a proportionate response.
14. The proposal would, through the delivery of an additional housing unit, contribute towards the Frameworks aim to boost the supply of housing. It would also add to the mix and type locally available. However, the Council state that it has a five-year housing land supply, which is not disputed by the

appellant. As such there is nothing before me to suggest that current policy is not providing enough housing to meet the requirements for the area. I therefore attach limited weight to the provision of one dwelling as proposed. Benefits to the local economy would also be limited due to the small scale of the scheme.

15. The proposal would result in the removal of a building and an associated structure that are in a relatively poor state of repair and are utilitarian in appearance. Consequently, the appeal site currently does not positively contribute to the open rural setting. Nonetheless, the proposed dwelling is likely to have a greater scale and massing than what is currently on site and would introduce domestic paraphernalia and activity. Therefore, whilst the site adjoins other dwellings and is previously developed land, the proposal would represent an unacceptable encroachment into the open countryside that would have a detrimental effect on the local landscape character.
16. The appellant has referred to SAMDev Policy MD3, which states that planning permission will be granted for sustainable development on unallocated sites, and its explanatory text which explains that windfall housing development is important. However, even if I were to find that SAMDev Policy MD3 offers some support for the proposal, this would not outweigh the policy conflict that I have identified.

### **Other Matters**

17. There has been some support of the appeal proposal, including from Oswestry Rural Parish Council. However, such public support does not justify the harm identified.

### **Conclusion**

18. The development conflicts with the development plan when considered as a whole and there are no other considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
19. I therefore conclude that the appeal should be dismissed.

*Elaine Moulton*

INSPECTOR