

Appeal Decisions

Site visit made on 17 September 2024

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2024

Appeal B Ref: APP/L3245/W/24/3340949

Sandwell Cottage, A458 from Cardeston Park Junction to Ford B4393 Junction, Cardeston, Ford, Shropshire SY5 9NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs R Walker against the decision of Shropshire Council.
 - The application Ref is 23/04842/FUL.
 - The development proposed is erection of two storey outbuilding to replace existing buildings and change of use to domestic curtilage.
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Decision

1. The appeal is allowed and planning permission is granted for erection of two storey outbuilding to replace existing buildings and change of use to domestic curtilage at Sandwell Cottage, A458 from Cardeston Park Junction to Ford B4393 Junction, Cardeston, Ford, Shropshire SY5 9NG, in accordance with the terms of the application, Ref 23/04842/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have dealt with another appeal APP/L3245/W/24/3340920 on this site. That appeal is the subject of a separate decision.
3. I have taken the description of development from the appeal form and the decision notice, as this more accurately describes the proposal.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons

5. The proposed development relates to a detached dwelling, Sandwell Cottage, which sits in open countryside and fronts the A458 Trunk Road. Other than the road, the appeal site is surrounded by agricultural land.
6. The proposal is for a large two-storey outbuilding comprising a carport, a workshop, and a gym/garage with an office above, which would be situated at the rear of the plot, behind the host property and its rear garden.

7. The proposal would demolish existing outbuildings and erect a single outbuilding. The site currently has permission as an operating centre for a maximum of 2 vehicles (7.5 ton) and it is therefore also sought to change the use of the land to residential.
8. Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) (CS) requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. In comparison to a typical residential garage, the proposal is certainly not small, as it would consist of a carport, a workshop, and a gym/garage and office. However, in consideration of an appropriate scale, design and appearance I have considered the proposal in relation to the plot size and the host dwelling.
9. Sandwell Cottage is a detached property set within a generous plot. I have allowed an appeal¹ for rear and side extensions to the property, which would see its floor area increase. The proposed outbuilding would have a smaller floor area than the extended dwelling and would be smaller in scale and mass and therefore subservient in relation to Sandwell Cottage.
10. Although the outbuilding would undoubtedly be large, taking into account the scale of the host dwelling and garden it would remain subordinate to its context and setting. A large garden area would remain available as private outdoor amenity space, ensuring that the development would not appear disproportionate to the residential curtilage. Given the positioning of the proposed outbuilding, at the rear of the plot, the general attractive openness of the garden would not be affected.
11. The topography of the site leads to the rear of the appeal site being slightly elevated in relation to Sandwell Cottage. The proposal would not be visible from the public domain at the front of the cottage, although it would be visible from partial and fleeting glimpses from motorists and pedestrians along the A458 Trunk Road. However, it would be seen in the context of the site and wider rural landscape. Its timber clad design, with large doors and elements with an open frontage, would be appropriate to the rural surroundings, and would not appear as discordant or be an incongruous addition to the prevailing character of the area. In my view, there would be no material harm to the visual interests of the rural surroundings.
12. Sandwell Cottage is considered a non-designated heritage asset (NDHA). The property is a traditional dwelling of stone construction with gable dormers to the front elevation and decorative chimneys. I consider that the significance of Sandwell Cottage, as a NDHA, lies partly in its historic past use as two stone semi-detached cottages. The attractive cottage, and location of the appeal property within its generous plot, make a positive contribution to the picturesque rural character of the area.
13. Paragraph 209 of the National Planning Policy Framework (the Framework) requires that the effect of a proposal on the significance of a NDHA should be taken into account in determining the application and states that a balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset.

¹ APP/L3245/W/24/3340920

14. The proposed outbuilding would be separated from Sandwell Cottage by garden land, and would be smaller and subservient to the dwelling. From my observations, the scale and design of the proposal and the separation distance and intervening landscape features would not lead to the proposed development having an unacceptable effect on the NDHA or its setting. On this basis, the effect of the proposal would be neutral and on balance it would not be harmful to the significance of the NDHA.
15. I therefore conclude that the proposed development would not harm the character and appearance of the host property and the surrounding area. The proposal would accord with Policies CS5 and CS6 of the CS, along with Policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development Plan (2015). These, taken together and amongst other things, seek development that is of a high-quality design, that protects, restores, conserves, and enhances the built environment, historic context, and the character of heritage assets. It would also comply with the Framework, which seeks to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Conditions

16. I have considered the conditions suggested by the Council, having regard to the Planning Practice Guidance on conditions. I have amended the conditions where necessary in the interest of clarity.
17. In addition to the standard timeframe condition, in the interest of certainty it is necessary to impose a condition requiring the development to be carried out in accordance with the submitted plans. A condition regarding the materials to be used for the roofing and external walls is necessary in order to ensure that the external appearance of the development is satisfactory.
18. The Council suggested a condition regarding the removal of permitted development rights (Schedule 2, Part 1, Classes A-H of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)). The Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The Planning Practice Guidance advises that conditions restricting the use of permitted development rights may not pass the tests of reasonableness and necessity. The Council considers that the removal of permitted development rights is necessary to maintain the scale, appearance and character of the development and to safeguard residential and/or visual amenities. I agree that removing the permitted development rights would be reasonable and necessary in order to ensure that domestic paraphernalia is limited and to safeguard the character of the surrounding rural area.

Conclusion

19. For the reasons given above, I conclude that the proposal would comply with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
20. As a result, the appeal should be allowed.

L C Hughes INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: Location Plan 2145-PL-102; Proposed Outbuildings (Floor Plans and Elevations) 2145-PL-100 Rev A; Outbuildings Proposed Site Plan 2145-PL-101 Rev A.
- 3) No development above ground level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A-H of Part 1 of Schedule 2 to the Order shall be undertaken.

*****END OF SCHEDULE*****