



Appeal Decision

Site visit made on 23 September 2024

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th October 2024

Appeal Ref: APP/L3245/W/24/3341420

**Quatford Wood House, Chapel Lane, Quatford, Bridgnorth, Shropshire
WV15 6QH**

- 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 Nigel Philp against the decision of Shropshire Council.
 - The application Ref is 23/05416/FUL.
 - The development proposed is the erection of two detached dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposed development on the openness of the Green Belt;
 - the effect of the proposed access arrangement on highway safety with regard to users of Chapel Lane;
 - the effect of the proposed development on the character and appearance of the area, with specific reference to the Quatford Conservation Area (the QCA); and
 - if the proposed development is inappropriate, whether the harm by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

3. The appeal site is located within the Green Belt. New buildings in the Green Belt are inappropriate development which the Framework states is, by definition, harmful and should not be approved except in specific circumstances. The main parties agree that the exception relevant to the appeal site is whether or not the proposed development would constitute limited infilling in a village.

4. Policy CS5 of the Core Strategy¹ is broadly consistent with the Framework's approach to the protection of the Green Belt through resisting new development therein and supported by Policy MD7a of the SAMDev². Policy CS5 does, however, further restrict limited infilling to the Community Hubs and Community Clusters identified in Policy MD1 of the SAMDev. Quatford is not listed in Policy MD1 and as I have no substantive evidence before me to conclude this status has been proposed by Quatford Parish Council (as required by Policy MD1) this exception does not apply in this case. Whilst the supporting text to Policy MD1 indicates that the Community Hubs and Community Clusters have been designated primarily on the aspirations of those communities, it is unclear if these settlements constitute villages for the purposes of the Framework.
5. The Framework does not define the term, as a whole or in parts, limited infilling in a village. Nor does it preclude the use of additional restrictions on development in the Green Belt within local policies. However, the approach adopted in Policy CS5 of the Core Strategy does pre-empt, to a certain degree, any conclusions a decision maker may have as to whether or not a settlement is a village. On this basis, as concluded in the Wood Decision³, as the decision maker, it is necessary for me to have regard to the situation 'on the ground,' in addition to the relevant policies when determining if the appeal site is located in a village.
6. The settlement of Quatford straddles the A442 which connects the larger settlements of Bridgnorth and Kidderminster. The majority of development is located on the eastern side of the road, with the River Severn providing a natural barrier on its western side. Few buildings are sited close to the road and only a handful of roads provide access to development off the A442. As such, the edges of the settlement are hard to define on the ground.
7. However, the variations in the age, use and pattern of built form across the settlement, have led to the creation of areas with differing characters. The appeal site is located within the most northerly of these areas which comprises a cluster of development around Chapel Lane and the access to Quatford Grange. Due to the close relationship of the built form to these roads, combined with the architectural styles, features and materials present, this part of the settlement has a traditional and rural character.
8. In contrast, the most southerly part of the settlement is dominated by several large static caravan parks, accessed off both sides of the A442. Although some of the caravans are residential, nevertheless with their arrayed siting alongside looped access roads, these properties are, on the whole, indistinguishable from those used as holiday accommodation.
9. Between these caravan parks and the Quatford Grange access, a small group of dwellings is located, bookended by a public house and the church. Although centrally located, this area is physically and visually separated from other parts of the settlement. As a result, the features and characteristics of the dispersed pattern of development in Quatford create a disjointed settlement with the A442 being the only feature that connects them.

¹ Shropshire Local Development Framework: Adopted Core Strategy (the Core Strategy)

² Site Allocations and Management of Development (SAMDev) Plan

³ *Julian Wood v SSCLG, Gravesham Borough Council* [2015] EWCA Civ 195 (the Wood Decision)

10. Aside from the small Village Hall on Chapel Lane and a cattery near the Quatford Grange access, the other facilities in Quatford, including two roadside cafes, are located alongside the A442, near the caravan parks. These do not amount to a wealth of facilities and services which would meet the daily needs of the residents of Quatford. It would therefore be necessary for residents to travel to larger settlements, such as Bridgnorth. Although the A442 is served by a bus route with stops located close to its junction, the absence of pavements and the narrowness of Chapel Lane is likely to discourage most people from using public transport for everyday needs such as food shopping.
11. My attention has been drawn to the Norton Green decision⁴ where there was a dispute related to whether the settlement constituted a village. Whilst the Inspector in this case concluded that Norton Green is a village, I have not been provided with sufficient evidence to conclude it is comparable to the appeal scheme before me. Therefore, I give it no weight in my consideration of this appeal and have assessed the status of the settlement of Quatford based on the situation on the ground and taking all the above into account.
12. It is my planning judgment that, for the purposes of the Framework, the settlement of Quatford is not a village.
13. The appeal site comprises a small paddock between Highgate Cottage and the access drive to Quatford Wood House. The parking area and garden associated with Roccabrun Cottage are located opposite the site, although it does not extend the full length of the site's frontage. A mature hedgerow defines part of the site's boundary with the lane, whilst the remaining frontage is open, through which views across the site towards the fields beyond are possible. Nonetheless, the domestic boundary features, garden and parking areas to each side mean the site is experienced as being located between existing development. Therefore, the introduction of built form into this gap would amount to infilling for the purposes of the Framework. Together with the limited size of the proposed development in numerical terms and the small size of the site itself, the proposed development would amount to limited infilling.
14. Nevertheless, having assessed the site-specific circumstances on the ground, I do not consider that the appeal site is located in a village. Consequently, it would not meet the limited infilling in a village exception set out in the Framework and would constitute inappropriate development in the Green Belt which should not be approved except in very special circumstances. It would also conflict with Policy CS5 of the Core Strategy and policies MD1 and MD7a of the SAMDev which seek to direct the location of development towards specific settlements and control new buildings in the Green Belt.

Openness

15. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. The essential characteristics of the Green Belt are its openness and permanence. Openness has spatial and visual aspects. Given its undeveloped nature, the construction of two dwellings on the site and all the associated domestic features would result in the introduction of built development where there is presently none. This would result in a loss of the spatial aspect of openness, albeit to a modest degree.

⁴ APP/M3455/W/22/3299359

16. Combined with the changes in the topography of its surroundings, the lack of built form on the site permits views from Chapel Lane to the paddock land and wooded ridge behind. Whilst the appeal scheme has been designed to retain part of this view, nonetheless, the proposed dwellings would reduce its width and intrude upon the visual connection between the lane and open countryside. The retention of the existing hedgerow would provide limited screening given its lower height than the proposed dwellings. The proposed development would, therefore, lead to a permanent change to the visual aspect of the Green Belt.
17. I conclude that the proposed development would lead to some loss of openness, albeit localised and modest, which would be harmful to the Green Belt. It would, therefore, conflict with the fundamental aim of the Green Belt and its ability to serve its purpose of safeguarding the countryside from encroachment.

Highway safety

18. Chapel Lane is a narrow, single track unclassified road. There are no pavements on either side of the carriageway and vehicular passing points are limited to breaks in plot frontages and driveway entrances. Its meandering route between the built form restricts forward visibility. Therefore, should a driver encounter another vehicle or a pedestrian walking on the road, there would be limited time for the driver/pedestrian to stop and/or move safely out of the way.
19. Whilst highway safety was not determinative in the previously refused planning applications and dismissed appeals⁵ on the site, I have limited information demonstrating that the proposed access arrangements in these schemes are comparable to the case before me.
20. Concerning the appeal scheme, no visibility splays are indicated on the application plans. Given the curvature of the road, the proximity of the built form to the carriageway, the lack of pavements and the presence of tall boundary treatments near the site, I am unable to conclude with certainty that the appropriate visibility splays for the proposed access can be provided. As such, it has not been demonstrated that drivers exiting the site would have adequate visibility in either direction to see other road users and therefore avoid a collision.
21. The use of a pre-commencement condition requiring details of the visibility splays to be submitted and approved by the Council has been suggested as a means to overcome this concern. However, there is sufficient doubt regarding the ability of the appropriate visibility splays to be provided and I conclude that the proposed access arrangements would harm the safety of users of Chapel Lane. Although no specific Core Strategy or SAMDev policy is listed on the decision notice relating to this reason for refusal, I find conflict with Chapter 9 of the Framework which requires safe and suitable access to be achieved for all users.

⁵ Planning application ref: 14/00719/FUL and appeal ref: APP/L3245/A/14/2225478 and planning application ref: 15/03606/FUL and appeal ref: APP/L3245/A/16/3148172

Character and appearance

22. As the appeal site is located within the QCA I am required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The significance of the part of the QCA containing Chapel Lane, insofar as it relates to this appeal, is predominantly derived from the relationship of the built form to the narrow lane which rises and meanders away from the River Severn valley.
23. Although no particular architectural period or style dominates, the differing relationship of the buildings on each side of the lane is more distinctive. On the appeal site side of Chapel Lane, many of the dwellings abut the lane, with low walls further defining garden boundaries, thereby creating an intimate pattern of development. Where more modern buildings, including garages and the occasional dwelling, have been constructed, these are orientated towards the lane but set back to provide driveway space. Whilst this breaks the continuity of the treatment of the edge of the carriageway, the stepped nature of the built form permits views of the open paddocks to the rear.
24. In contrast, dwellings on the opposite side of Chapel Lane are more strongly influenced by the topography, with the built form set back and at a higher level to the lane. This provides a sense of space to this side of the lane.
25. Access to the proposed dwellings would be provided via a shared driveway off Chapel Lane, with the detached buildings orientated towards the site boundary with Highgate Cottage. Whilst the proposed layout has been designed to retain part of the visual connection between the road and open countryside, nevertheless, a shared driveway is not a feature I observed elsewhere along Chapel Lane. The development would, therefore, have a character which does not respond to either the intimately located cottages alongside the lane or the more dispersed and setback dwellings on the opposite side.
26. Moreover, the identical, albeit mirrored dwellings would be incongruous features within a street scene comprising individual or one-off building typologies. The orientation of the gable ends towards the lane and the use of architectural features and materials which respect the local vernacular would do little to alter the discordant effect of the proposed layout on the area. Despite the attempts to evolve previously refused schemes by combining traditional and modern designs the proposed development would be detrimental to the character and appearance of the area.
27. It would also fail to preserve the character or appearance of the QCA and would be harmful to its significance as a whole. Given the scale of the appeal scheme, the proposed development results in less than substantial harm to the significance of a designated heritage asset. I have attached great weight to the desirability of avoiding such a harmful effect. In these circumstances, the Framework states that this harm should be weighed against the public benefits of the proposed development.
28. The proposed development would provide some public benefits through the provision of two dwellings. Whilst of a size considered by the appellant to be preferable locally, the evidence before me indicates that the Council have a five-year supply of deliverable housing sites. Therefore, along with the scale of the proposed development, the public benefits it would provide are limited.

The proposed wildlife meadow and pond would provide environmental benefits by supporting local wildlife in the area. However, it is unclear if these areas would be accessible so as to amount to a public benefit.

29. Nevertheless, when considered in combination, the public benefits that would be derived from the proposed development would be small and I attribute limited weight to them. Consequently, they do not outweigh the great weight to be given to the harm to the QCA. As a result, the proposed development does not satisfy the requirements of the Act, the Framework and it conflicts with policies CS6 and CS17 of the Core Strategy and policies MD2 and MD13 of the SAMDev. In combination, these policies require development, amongst other things, to protect or conserve the features which contribute to the local character of the natural, built and historic environment.
30. I also find conflict with Chapters 12 and 16 of the Framework with respect to the need for new development to be sympathetic to the character and appearance of its surroundings, including the historic environment.

Other considerations

31. While some benefits have been highlighted in support of the proposed development, for the reasons given above, they attract limited weight in my decision.
32. Whether or not representatives of the Council undertook a site inspection is not a matter for this decision.

Green Belt Balance and Conclusion

33. The proposed development would be inappropriate development in the Green Belt and would result in a harmful loss of its openness, in both visual and spatial terms. The Framework requires that any harm to the Green Belt be given substantial weight. I have also found that the proposed access arrangement would harm the safety of users of Chapel Lane. Although the proposed development would result in less than substantial harm to the QCA, I have found that this harm is not outweighed by the public benefits of the appeal scheme.
34. The Framework indicates that inappropriate development should not be approved except in very special circumstances. Such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. As set out above, the other considerations would not clearly outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness and any other harm. Consequently, the very special circumstances required to justify a grant of planning permission have not been demonstrated.
35. The proposed development would conflict with the development plan when taken as a whole and material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

Juliet Rogers

INSPECTOR