
Appeal Decision

Site visit made on 3 September 2014

by Andrew Dale BA (Hons) MA MRTPI

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

Decision date: 25 September 2014

Appeal Ref: APP/L3245/A/14/2220563

Land adjacent to Snailbeach SY5 0NX

- 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 G Lewis against the decision of Shropshire Council.
 - The application ref. 14/00676/FUL, dated 13 February 2014, was refused by notice dated 19 May 2014.
 - The development proposed is "Proposed construction of two dwellings with ancillary construction of a private drive and landscaping."
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Decision

1. The appeal is dismissed.

Main issue

2. I consider the main issue to be the effect of the proposed development on the character and appearance of the locality including the setting of both the Snailbeach Conservation Area (CA) and the Shropshire Hills Area of Outstanding Natural Beauty (AONB), those designated areas being very close to the eastern boundary of the appeal site.

Reasons

3. The appeal site comprises part of a field and its steep roadside embankment situated to the west of the road in Snailbeach that leads south towards Stiperstones village. The settlement of Snailbeach and the slopes up to the Stiperstones ridge to the east of the appeal site lie within the AONB. The field access is currently a grass track descending steeply northwards alongside the site frontage which coincides with the edge of the CA.
4. The main part of the site where the two dwellings would be sited is well below the level of the road. Despite this, given the topography and character of the landscape around Snailbeach, the appeal site is prominent from various vantage points. In views out of the CA and the AONB from the elevated public vantage points close to 43 Snailbeach and the former railway bridge near the appeal site, the proposed development would be readily apparent, as although the site forms part of a vast panorama, it would be towards the front of that view. Looking towards the AONB and the CA, there are open views of the site across the broad valley from the west as shown in the Council's photographs and as I saw on my site visit. In private vantage points, the site is overlooked

- by dwellings at a higher level in the CA and the AONB, particularly by the pair of old cottages at 42 and 43 Snailbeach.
5. The National Planning Policy Framework (the Framework) advises that the significance of a designated heritage asset – in this case the CA – can be harmed or lost through alteration or destruction of the heritage asset or through development within its setting. The Planning Practice Guidance (PPG) notes that the statutory duty to have regard to the purposes of the AONB should apply also to the consideration of the impact of development on land outside its boundaries which might affect the setting. I am in no doubt that the appeal site is sufficiently closely related to the CA and the AONB to form part of their settings.
 6. Policy CS17 of the Council’s Adopted Core Strategy March 2011 relating to environmental networks is broadly consistent with the Framework and the PPG. Adopted Core Strategy Policy CS6 is concerned with sustainable design and development principles; amongst other things it seeks to ensure that all development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character.
 7. There are several irregularly-spaced buildings on the western side of the road between Valley View to the north and Resting Hill holiday cottage to the south, including Snailbeach Methodist Church. The front portion of the appeal site occupies a roughly central location within this linear group of buildings. These buildings, by and large, appear to cling tightly to the slopes immediately behind the road, with the exception of Fairview which is built slightly lower down. The plots in which they stand, including the one at Fairview, constrained as they are by the local topography, are generally laid out in line with the road, rather than at right angles to it. This locally distinctive settlement pattern would not be reflected or respected in the layout of the appeal scheme as this would see the two dwellings set well back on lower ground, further back than Fairview, on sizeable plots which would be set at right angles to the road.
 8. In terms of scale, notwithstanding the proposed dormer bungalow profile adopted in this scheme, both dwellings would be large with each one having five bedrooms, an integral garage and very wide south-facing flank walls. The scale of them and their notable bulk and mass would not appear appropriate taking into account the local context and the character of nearby dwellings.
 9. Whilst there are various housing designs in the village as a whole, the design approach here seems to be somewhat contrived and unduly non-vernacular, but without exhibiting good modern design in itself. The closely-spaced, half-hipped dormers and the half-hipped main roof would clash with the gabled two-storey advanced bays to the front and rear. The long southern side elevations with their poorly resolved eaves lines would be unattractive. The elevation drawings pay no attention to the sloping nature of the field in which the buildings would stand.
 10. I am surprised to see an absence of land survey drawings, levels and detailed sectional drawings across the site, given the dramatic change in levels from the road to the western edge of the site. Whilst the roadside retaining wall and bridge can evidently be protected and retained, the proposed engineered and

tortuous horseshoe-shaped access road would be likely to require some retaining works. The levels and retaining works have not been fully detailed on the plans. In any event, I find that such an access arrangement would be wholly out of keeping with the rural surroundings of the site. I did not see such a convoluted access arrangement in the surrounding area and the appellant does not specifically point to one.

11. The uncharacteristic siting of the proposed dwellings, their excessive scale and the inappropriate design of the buildings and access drive would combine, in my opinion, to produce a development that would fail to reflect or reinforce local distinctiveness, and would detract from the historic settlement pattern. Notwithstanding the roof profile of the development and the position of the dwellings below highway level, this would be a prominent development given the views I identified in paragraph 4 above. As such, I find that the proposed development would harmfully impinge on the setting of the CA and the AONB to a material degree. To that extent, the scheme would not preserve or enhance the character or appearance of the CA and would not conserve the landscape and scenic beauty of the AONB.
12. A public benefit of the proposal would be the delivery of new housing in a sustainable location in a situation, as described in the Council's Development Management Report, where the Council cannot demonstrate a five year supply of deliverable housing land. That factor weighs in favour of the scheme but it does not outweigh the harm I have identified under my assessment of the main issue. Moreover, the weight in favour is effectively negated by the absence of a section 106 agreement to secure a financial contribution towards the provision of affordable housing elsewhere in accordance with Adopted Core Strategy Policy CS11 and the Council's Supplementary Planning Document *Type and Affordability of Housing* September 2012.
13. The Council explains that the Conservation Officer was consulted but did not comment. As the Council says, this does not amount to support for the scheme as such.
14. I conclude on the main issue that the proposed development would have a materially harmful effect on the character and appearance of the locality including the setting of both the CA and the AONB. This would conflict with Adopted Core Strategy Policies CS6 and CS17, the Framework and the PPG.
15. I have noted all the comments made by third parties and the Parish Council both at the application stage and in response to this appeal. A variety of concerns are raised, the chief ones relating to ecology, archaeology/railway heritage, parking and highway safety, residential amenities, drainage, contaminated land and the local housing need for smaller, affordable homes. I have no reason to dispute the findings on these matters reached in the Council's comprehensive and thorough Development Management Report which was informed by a wide range of responses from relevant consultees. I have also had regard to the Council's suggested conditions which would directly address some of the matters raised. In each matter, the Council, acting on the advice of the relevant specialist bodies as appropriate, considered, correctly in my view, that any harm arising would not be of such weight to justify refusal. These other matters do not amount to additional reasons to dismiss this appeal.

16. However, my finding on the main issue dictates the outcome of this appeal. There is conflict with the development plan and I find no material considerations of sufficient weight to justify a grant of planning permission. Accordingly, and taking into account all the other matters raised in the written representations, I conclude that this appeal should not succeed.

Andrew Dale

INSPECTOR