
Appeal Decision

Site visit made on 20 September 2016

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 17th October 2016

Appeal Ref: APP/L3245/W/16/3153967

Overdale Barn, Caynham Road, Clee Hill, Ludlow, Shropshire SY8 3JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Peter Barrington against Shropshire Council.
 - The application Ref 16/01352/FUL, is dated 29 March 2016.
 - The development proposed is described as "*a long overdue and much needed Homestead for the agricultural unit called 'Overdale Barn'. No change of use is required as area was prepared for a building some 11/12 years ago.*"
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Decision

1. The appeal is dismissed and planning permission for a dwelling is refused.

Preliminary Matter

2. Notwithstanding the description of development contained in the banner heading, which is taken from the application form, based on the evidence before me it is clear that the application is for a dwelling. As such I have used that description within the formal decision above.

Main Issue

3. The Council did not issue a decision within the prescribed period. The appellant exercised his right to appeal against the failure of the Council, as the local planning authority, to determine the application. The Council's appeal statement states that the dwelling would be located in the open countryside and Shropshire Hills Area of Outstanding Natural Beauty (AONB) contrary to local and national policies.
4. Taking into account the above the main issue is whether or not the proposed development would constitute sustainable development having regard to relevant national and local policies.

Reasons

5. The dwelling would be located adjacent to an existing barn on the northern part of the appeal site which is accessed from a no-through track off Caynham Road. The northern part of the appeal site is mainly woodland with the remainder of the appeal site being fields/paddocks.
 6. Policy CS4 of the Shropshire Core Strategy (CS) indicates that in the rural area, communities will become more sustainable by, amongst other things, focusing investment into Community Hubs and Community Clusters and not allowing development outside these settlements unless it meets CS Policy CS5.
 7. CS Policy CS5 states that new development in the countryside will be strictly controlled in accordance with national planning policies protecting the countryside and includes a list of development proposals which will be
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- permitted on appropriate sites which maintain and enhance countryside vitality and character where they improve the sustainability of rural communities.
8. Policy MD1 of the SAMDev Plan relates to the scale and distribution of development. It states that, further to the policies of the CS, sufficient land will be made available to meet the CS housing requirements; sustainable development will be supported in Shrewsbury, the Market Towns and Key Centres and the identified Community Hubs and Community Cluster settlements, having regard respectively to CS Policies CS2, CS3 and CS4.
 9. SAMDev Policy MD3 is also relevant to the proposal and supports sustainable housing development on windfall sites within settlements and in the countryside; particularly when housing guidelines appear unlikely to be met. However, windfall sites need to accord with settlement policy.
 10. Policy MD7a of the SAMDev Plan indicates, amongst other things, that further to CS policy CS5, new market housing will be strictly controlled outside of Shrewsbury, the Market Towns and Community Hubs and Cluster.
 11. The settlement of Clee Hill is identified as a Community Hub and at my site visit I noted that there are a number of services and facilities in that settlement. However, the site is approximately 475m¹ from the settlement boundary and separated by intervening fields. Therefore, a dwelling on the appeal site should be treated as lying outside the settlement of Clee Hill and in the open countryside for planning policy purposes. Although there are other dwellings in the immediate vicinity, these are small in number and they do not form a distinctive settlement, reflecting the small amount and sporadic nature of development in what is generally open countryside.
 12. I note that the appellant states that the dwelling is required to enable the appeal site to be maintained and kept in good condition. However, I have no detailed evidence before me as to demonstrate the need for an agricultural, forestry or other essential countryside worker to live at the site. Moreover, whilst I appreciate the appellant's personal circumstances, wanting to self-build a dwelling on land he owns rather than renting a property, such circumstances seldom outweigh general planning considerations and in any event such matters do not fall within any of the criteria of development allowed by CS Policy CS5 and SAMDev Policy MD7a.
 13. Furthermore, whilst I do not doubt that the new dwelling would be constructed to a high energy efficient standard, and that this energy efficiency is supported by CS Policy CS6, this also does not fall within one of the criteria of development allowed by CS Policy CS5 and SAMDev Policy MD7a. Accordingly, the development of the appeal site for open market housing in the countryside would not comply with CS Policies CS4 and CS5 and Policy MD7a of the SAMDev Plan.
 14. In relation to SAMDev Policy MD3 the proposal would conflict with settlement policy as outlined above. It should also be related to an identified settlement with a settlement guideline figure, factors that do not apply in this case. Therefore, taking the above into account, the proposal would be contrary to SAMDev Policy MD3.
 15. The Council has stated that they can demonstrate a 5 year supply of deliverable housing sites and the appellant has stated that from the figures he has seen the delivery of housing is 'way behind'. However, I have no substantive evidence before me in relation to the 5 year housing land supply

¹ Taken from Council's Statement of Case

situation from either party. As such the evidence on this matter is inconclusive. In any case the National Planning Policy Framework (the Framework) (paragraph 49) is clear that all housing applications should be considered in the context of the presumption in favour of sustainable development.

16. The Framework at paragraph 7 identifies three dimensions to sustainable development: economic, social and environmental. Paragraph 55 advises that to promote sustainable development in rural areas, housing should be located where it would enhance or maintain the vitality of rural communities and that (with certain identified exceptions) local planning authorities should avoid new isolated homes in the countryside. For example where there are groups of smaller settlements, development in one village may support services in a village nearby.
17. There would be economic benefits associated with the proposal including the provision of construction jobs, some additional local spend and New Homes Bonus and community charge receipts. Prospective occupiers would provide some support for local services. However, the contribution one new dwelling would make to the vitality of the rural community and the support it would give to services in nearby towns and villages would not be significant, particularly in comparison with a new dwelling located in Clee Hill itself or other nearby towns or villages. The proposal would provide a new dwelling which would make a small contribution to the housing supply. The development would therefore have some social benefits.
18. Environmentally, the proposal would involve the construction of a dwelling within an undeveloped area adjacent to Overdale Barn. The site is within the AONB. Section 11 of the Framework makes it clear that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection.
19. The dwelling would be sited on a clearing adjacent to woodland and at a higher level than Overdale Barn. The access track to the site is restricted in width and serves two existing dwellings one adjoining Caynham Road and one at its southern end. I note that the Council do not consider that the access would be optimal to serve another dwelling. However, I have no detailed evidence before me to show that the access would not be safe and suitable. Taking into account the distance of the appeal site from Caynham Road and the screening provided by the trees the building would not be visible from the road.
20. The design and materials to be used for the dwelling would not be unattractive and it would be constructed to an energy efficient standard. However, the introduction of a residential use and other associated domestic paraphernalia onto the appeal site would have an inherent and harmful urbanising impact. The impact would be localised to some extent given the adjacent woodland but due to its elevated position the dwelling would still be visible from the public footpaths that run along the access track and through the appellant's land to the south of the proposed dwelling.
21. Consequently, the proposal would cause harm to the character and appearance of the countryside and materially harm the landscape of the AONB even though that effect would be localised. This is a sensitive area in which great care must be taken to assimilate new development into the existing landscape and I must give such harm significant weight in terms of the environmental impacts it represents. It follows that the development conflicts with CS Policies CS5, CS6 and CS17 which, amongst other things, require that all development protects,

restores, conserves and enhances the high quality and local character of Shropshire's natural environment and countryside.

22. I have no evidence before me in relation to the distance to the nearest bus stop or the frequency of the services. Caynham Road is unlit, with no footway and due to the topography it steeply rises up to meet the A4117 towards Clee Hill. This makes it an unattractive environment for walking and cycling. Although, there is a public footpath through the countryside which would connect the proposed dwelling to Clee Hill, notwithstanding its recreational benefits, this would only be likely to be used in the daytime and in good weather. For these reasons, for the majority of the time and for convenience reasons, occupiers would tend to be highly dependent on travel by the private car to access services and facilities.
23. Consequently, the development would be in an isolated location in terms of its accessibility to services and facilities in the wider area. Furthermore, the additional car journeys would result in an increase in greenhouse gas emissions and thus clear harm when considering the environmental dimension of sustainable development. Moreover, the proposal does not meet any of the special circumstances set out within paragraph 55 of the Framework to justify a new isolated home in the countryside.
24. Taking into account all of the above the development would not accord with the environmental dimension of the Framework.

Other Matters

25. There does not appear to be sufficient information about the possible presence of protected species. Imposing a condition requiring protected species surveys would not normally be appropriate. However, as I am dismissing the appeal for other reasons I have not considered the matter further.
26. Both parties have referred to the planning history of the site including enforcement issues. However, I do not have the full details of the circumstances that led to these proposals being refused or approved and so cannot be certain that they represent a direct parallel to the appeal proposal. As such I give them limited weight. In any case, I am required to determine the appeal on its own merits.

Conclusion

27. For the reasons given above I conclude that the proposal would result in a new home in the countryside in an unsustainable location, with a heavy reliance on the private car, for which there are no special circumstances and which would cause harm to the character and appearance of the countryside and materially harm the landscape of the AONB. As such it would conflict with the development plan and would not accord with the environmental dimension of sustainable development. When assessed against the Framework taken as a whole that harm would significantly and demonstrably outweigh the limited benefits associated with the development.
28. Given that the three roles of sustainability are mutually dependent and should not be undertaken in isolation, I conclude that the proposal would not comprise sustainable development for which the Framework indicates there is a presumption in favour.
29. As such, on the basis of the evidence before me I conclude that the proposal would conflict with the development plan as a whole and, having had regard to all other matters raised, I dismiss the appeal.

D. Boffin INSPECTOR