

Appeal Decision

Site visit made on 7 November 2016

by M Seaton BSc (Hons) DipTP MRTPI

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

Decision date: 07 June 2017

Appeal Ref: APP/L3245/W/16/3156582

Land adjacent to The White House, Aston Rogers, Shrewsbury, SY5 9HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Delwyn Jones against the decision of Shropshire Council.
 - The application Ref 15/05508/OUT, dated 16 December 2015, was refused by notice dated 5 February 2016.
 - The development proposed is for the construction of a house (170m²) and garage with office above and new vehicular access.
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Procedural Matter

1. The application has been submitted in outline with only matters related to access and scale for consideration at this stage. The remaining matters related to layout, appearance, and landscaping are reserved for later approval. I have dealt with the appeal on this basis, treating the plans submitted as indicative of the development that could be carried out.
2. As a consequence of the publication on 2 November 2016 of the High Court Judgement in *Shropshire Council v SSCLG [2016]EWHC 2733 (Admin)* quashing planning permission for the development of 68 dwellings at Teal Drive, Ellesmere, Shropshire, SY12 9PX, and published 2 November 2016, the appellant and the Council have been provided with the opportunity to make further comments as to whether the judgement has any implications on their respective cases. I will return to this matter later in the Decision Letter.

Decision

3. The appeal is dismissed.

Main Issue

4. The main issue is whether the proposal would be consistent with local and national planning policies relevant to the location of housing, and whether the proposal would have an adverse effect on the character and appearance of the area, having regard to its location within the countryside.

Reasons

5. The appeal site occupies a roughly rectangular parcel of land within the south-east corner of a large irregularly shaped field, adjacent to a dwelling known as The White House. The site is relatively flat, albeit that the land in part slopes down towards the road which runs between Aston Rogers and Aston Pigott, which is where the submitted plans highlight the access to be provided from.
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6. The Council has contended that the appeal site is located beyond the settlement of Aston Rogers, and therefore within the open countryside. In this respect, the Council has drawn my attention to various policies within Shropshire Council Local Development Framework Core Strategy 2011 (the Core Strategy), and Shropshire Council Site Allocations and Management of Development Plan 2015 (the SAMDev Plan). In particular, reference is made to Policy CS4 of the Core Strategy, which allows for sensitively designed development that reflects the needs of the local community within *Community Hubs and Clusters* within the rural area, with Aston Rogers and Aston Pigott identified as part of a cluster settlement at Policy MD1.1 of the SAMDev Plan, along with Worthen, Brockton, Little Worthen, Little Brockton, Binweston, Leigh, and Rowley.
7. The appellant has highlighted that Aston Rogers is a relatively dispersed settlement. I would agree with this statement and noted the comparatively loose knit form of development in the vicinity of the site and within the settlement itself. Whilst neither the Council nor the appellant has indicated that Aston Rogers possesses established settlement boundaries, it is clear that there is an existing ribbon of development stretching from Aston Rogers towards Aston Pigott. The appellant has indicated within the submitted Appeal Statement that the effect of the proposal would be to reduce the existing gap between the two settlements from an estimated 250m between The White House & No. 20 Aston Pigott, to approximately 220m.
8. Whilst I have had regard to the appellant's identification of The White House adjoining the site as having been previously occupied as a shop during the 1950's and 1960's to serve Aston Rogers, the location of the appeal site beyond the furthest extent of existing development from the highlighted *nucleus* of the settlement would seem to support the Council's contention that the appeal site is located within the gap between settlements. In this respect, I have also been mindful of the Explanation to Policy CS4 of the Core Strategy, which explicitly sets out that *for planning purposes, the countryside between the settlements is not part of the cluster*.
9. In addition to Policy CS4, I have also had regard to Policy S2.2(x) of the SAMDev Plan which accepts that development by infilling and conversions may be acceptable on suitable sites within the Community Cluster incorporating Aston Rogers and Aston Pigott. Nevertheless, on the basis of my observations of the disposition of existing development, and the relationship between Aston Rogers and Aston Pigott, I am satisfied that the appeal site could not be considered to be within the Cluster settlement, but within the gap between settlements, and therefore within the open countryside. I would also conclude that the proposal would not represent development by infilling between existing built form, but would result in an undesirable extension of the existing ribbon form of development into the countryside, thus reducing the gap between the settlements. The proposal would not therefore in this respect accord with the policies governing Community Hubs and Community Clusters or be a form of development which would be acceptable within the Community Cluster.
10. As a consequence, it is therefore necessary to assess the proposed development on the basis of its location within the open countryside. The Council has highlighted Policy CS5 of the Core Strategy, and Policy MD7a of the SAMDev Plan. Policy CS5 refers to national planning policies which protect the

countryside, but also provides for development on appropriate sites which maintain and enhance countryside vitality and character and improve the sustainability of rural communities. Furthermore, Policy CS5 promotes support for certain forms of development, including dwellings to house agricultural, forestry or other essential countryside workers and other affordable housing/accommodation to meet a local need. Policy MD7a also reflects the control to be exercised over new dwellings within the countryside where proposed to meet evidenced local needs and to house essential rural workers.

11. Whilst I have had regard to the appellant's stated employment in agriculture at a nearby farm, the proposal has not been promoted as being housing to meet the need for an essential rural worker. Furthermore, there is no suggestion that the indicated 4-bedroom dwelling would be provided in order to meet an evidenced local need for either affordable or a specific type of housing.
12. Insofar as national policy is concerned, one of the core planning principles in the National Planning Policy Framework (the Framework) recognises the intrinsic character and beauty of the countryside. The proposal would result in the development of part of a large field, with the appellant contending that the plot size and dwelling size is comparatively modest in the context of existing surrounding development. However, whilst accepting the outline nature of the proposals and on the basis of the submitted evidence, I observed the proposal would result in a relatively prominent form of development given that the appeal site sits in a more elevated position than both the neighbouring property and the road. Although the field contains no particularly distinctive features in the context of the wider area, it forms part of the pleasant rural landscape, which would be eroded as a consequence of the building, residential curtilage, and extended vehicular drive to provide access to the road. I consider that this loss of open land, and further encroachment of built development into the countryside, would result in an adverse visual intrusion into the open countryside causing moderate harm to the character of the area.
13. I am satisfied that the appeal site is not located within a Community Cluster and therefore represents development within the open countryside, for which the appellant has not drawn my attention to accordance with any of the circumstances or requirements which would provide support for a new dwelling within the countryside. The proposal would represent an encroachment into the countryside and an undesirable increase in the existing extent of ribbon development, which would cause environmental harm as a consequence of the adverse visual impact on the character and beauty of the countryside. The proposal would therefore not accord with Policies CS4 and CS5 of the Core Strategy, and Policies MD1, MD7a, MD12 and S2.2(x) of the SAMDev Plan, which define Community Hubs and Community Clusters and set out the basis for managing housing development in the countryside. Furthermore, the proposal would conflict with paragraph 17 of the Framework as the development would not protect the intrinsic character and beauty of the countryside.

Other Matters

14. I am mindful that paragraph 7 of the Framework sets out that there are economic, social and environmental dimensions of sustainable development. I have already identified moderate harm related to the environmental dimension of sustainable development as set out above. I have also had regard to the

access that would be available to limited services and facilities in the vicinity, with the availability to local and school bus services particularly highlighted by the appellant.

15. In respect of the social dimension, I note that with reference to an allowed appeal decision for 68 dwellings dated May 2016 at Teal Drive, Ellesmere, Shropshire (Ref: APP/L3245/W/15/3867596), the appellant has contended that the Council is unable to demonstrate a five-year supply of deliverable housing sites. However, as I indicated within the procedural matters at the beginning of this decision letter, as a consequence of the judgement within *Shropshire Council v SSCLG [2016]EWHC 2733 (Admin)*, the planning permission has been quashed. I note that the appellant has not submitted any further detailed evidence to support the contention regarding an undersupply of housing, and I have also had regard to the Council's *Five Year Housing Land Supply Statement* published 26 August 2016, which concludes that the Council possesses a 5.97 year supply. In the absence of any detailed evidence to the contrary, and even if there were not such a supply, I consider that the contribution this development would make towards addressing any undersupply would in itself be very limited. I have also had regard to the stated links that the applicant and their family have to the village and nearby Worthen in respect of their current residency and schooling, but also do not consider that this would result in any more than limited weight in support of the proposed development.
16. I accept that the proposed development would provide some limited economic benefit as a result of the creation of employment from the construction of the dwelling as well as the addition to the local housing market. The development would also provide limited support to existing local services. I have noted the reference to the payment of Community Infrastructure Levy, however I consider that this would have no more than a neutral effect as it would mitigate the impacts of the development.
17. The appellant has drawn my attention to various other appeal decisions granting planning permission for residential development in support of the appeal case. Whilst I have already addressed the decision at Teal Drive in Ellesmere, I have also had regard to a recent decision at Cross Houses, Shrewsbury, allowing 6 dwellings. However, I note that whilst this appeal site was not in a settlement, it was in use as a caravan site and therefore did not result in any further encroachment into the countryside. I do not therefore consider it to be comparable for the purposes of these appeal proposals.

Conclusion

18. I have had regard to the limited economic and social benefits which would arise from the construction of the property and the provision of an additional dwelling. However, I have found that the proposals would not protect the existing natural environment and countryside resulting in moderate harm, and would not therefore accord with the environmental dimension. Given that these roles should not be taken in isolation as they are mutually dependent, the proposal does not therefore amount to sustainable development.
19. For the reasons given above, the appeal should be dismissed.

M Seaton

INSPECTOR