
Appeal Decision

Site visit made on 4 July 2017

by Mike Worden BA (Hons) DipTP MRTPI

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

Decision date: 14th August 2017

Appeal Ref: APP/L3245/W/17/3171380

Varda Farm, Wood Lane, Marchamley Wood SY4 5LH

- 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 Daniel Lewis against the decision of Shropshire Council.
 - The application Ref 16/02990/FUL, dated 4 July 2016, was refused by notice dated 12 October 2016.
 - The development proposed is construction of a new two storey dwelling to replace existing agricultural building in a poor state of repair.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the site is a suitable location for a new house.

Reasons

3. The appeal site lies on a smallholding in open countryside. The nearest settlement is around 1.7 km away. There are a few scattered houses around the local area and a handful in close proximity to the site on Wood Lane. On the smallholding there is an existing house and some barns which are used for storage.
 4. The proposed development would be a new detached open market dwelling on part of the smallholding currently occupied by a small agricultural barn, its attached minor structures, and a small adjacent paddock. The barn is mainly wooden with a tin roof and is in a poor state of repair. The barn would be demolished as part of the proposal. The proposed new house would share the same access as the existing house and barns.
 5. The Shropshire Local Development Framework, Adopted Core Strategy 2011 (the Core Strategy) Policies CS4 and CS5 set down a clear framework for controlling housing in the countryside. New housing is directed towards Community Hubs and Clusters, and should provide for local needs or benefit. Dwellings which are essential for agriculture, forestry, or other needs can be allowed in the countryside in accordance with those policies.
 6. Whilst the adoption of this policy predates the publication of the National Planning Policy Framework, Policies CS4 and CS5 accord with Paragraph 55 of the Framework in that they seek to promote sustainable development in rural
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- areas and refer to groups of settlements. I have therefore afforded those policies considerable weight.
7. Policies MD1 and MD3 of the Shropshire Council Site Allocations and Management of Development Sites Plan 2015 (the SAMDev) identify the Community Hubs and Clusters and provide additional policy context.
 8. On the basis of the evidence provided to me, the Council can demonstrate that there is a five year supply of housing land. I therefore consider that the policies of the development plan are not out of date.
 9. The nearest settlement is Marchamley. I have not been provided with a plan showing the Marchamley, Peplow and Wollerton Community Cluster, but it would appear to me that those three settlements form a triangle well to the south of the appeal site. I consider that the appeal site is therefore not within that Cluster.
 10. Policy MD3 of the SAMDev would allow for windfall sites outside of clusters providing that it would be sustainable development. The National Planning Policy Framework (the Framework) sets out that sustainable development has social, economic, and environmental dimensions.
 11. The proposed house is not to meet the essential need of an agricultural or forestry worker. Although the proposal would enable the appellant to assist in the running and managing of the family smallholding, no evidence has been provided that the dwelling is for an identified essential need and the Council's officer's report indicates that a functional needs test has not been demonstrated.
 12. The proposal is not for an affordable house and the Council officer's report suggests that the appellant has indicated that it would be difficult to obtain the necessary finance to build the house if it was not an open market property.
 13. The parties agree that the site is brownfield and this weighs strongly in its favour as the Framework encourages the re-use of such sites. There are already some houses in the vicinity along Wood Lane. The site would provide additional living accommodation which would contribute, albeit very modestly, towards meeting Shropshire's housing need. I recognise that the rural areas of the County have a valuable contribution to make to the provision of new housing. I also recognise that small sites and self-build projects can contribute to boosting housing supply generally as set out in the recent White Paper¹
 14. However, the site is not in a sustainable location being relatively isolated in the countryside and is over 1.7km away from the nearest settlement with poor footpath links and public transport provision.
 15. On balance, having regard to the definition of sustainable development within the National Planning Policy Framework, I consider that the proposed development would represent unsustainable development.
 16. I therefore conclude that the site is not a suitable location for the development proposed which I consider would conflict with Policies CS5 and CS6 of the Core Strategy and Policies MD1 and MD3 of the SAMDev. It would also conflict with

¹ 'Fixing our Broken Housing Market' - Secretary of State for Communities and Local Government February 2017

CS10 of the Core Strategy, which prioritises the re-use of brownfield land in sustainable locations.

Other matters

17. I have no evidence of the suitability of converting any of the other farm buildings on the smallholding to residential and so I cannot afford the fall-back position any significant weight.
18. The appellant has drawn my attention to two recent appeal decisions² for housing development in Shropshire. The case at Cross Houses was for 6 dwellings and the Inspector considered that the proposal constituted sustainable development and that the site was within a reasonable walking distance of shops and services. I consider that is significantly different to this appeal site which is not close to shops and services. In the Knowbury case the Inspector considered that the proposed development would bring significant environmental benefits to a former pub car park.
19. Whilst recognising that both Inspectors applied the same policies which are relevant in this case, I consider that the circumstances of those two appeals were different to the current one. In any event I have considered the appeal on its merits and on the basis of the evidence before me.
20. The issues concerning ecology, particularly the need to avoid disturbance or harm to great crested newts and bats could be dealt with by condition, should the appeal be allowed.

Conclusion

21. Whilst I recognise that the appellant wishes to live close to the smallholding and family home, the site is in an unsustainable location, a significant distance from shops and services. It is a brownfield site, has the support of the local parish council and would contribute to housing supply. Nevertheless it would not be for any demonstrable or acknowledged need in this countryside location and would constitute unsustainable development contrary to the development plan.
22. For the reasons given above I conclude that the appeal should be dismissed.

Mike Worden

INSPECTOR

² APP/L3245/W/16/3144703 and APP/L3245/W/15/3134152