
Appeal Decision

Site visit made on 20 November 2017

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 29th November 2017

Appeal Ref: APP/L3245/W/17/3181951

Land adjacent to B4380, Buildwas Road, Buildwas, Telford TF8 7DB

- 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 Messrs Brassington against the decision of Shropshire Council.
 - The application Ref 16/04668/OUT, dated 11 October 2016, was refused by notice dated 15 February 2017.
 - The development proposed is described as "outline application (all matters reserved) for residential development on land at Buildwas, Shropshire."
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with all matters reserved. I have determined the appeal on this basis treating the plans that show a site layout and the appearance of the houses as indicative.

Main Issues

3. The main issues in the appeal are:
 - The effect of the proposed development on the character and appearance of the area and on Shropshire Hills Area of Outstanding Natural Beauty; and
 - Whether or not the site represents a suitable location for housing having regard to policies for the location of new housing.

Reasons

Character and Appearance

4. The appeal site forms part of a large field to the south of the road, which together with adjacent fields are used for agricultural purposes. These fields create a large expanse of open land between the road and the river, and provide attractive views across to the wooded hills on the other side of the valley.
5. The site lies within the Shropshire Hills Area of Outstanding Natural Beauty (AONB). The statutory purpose of including land within an AONB is to conserve and enhance its natural beauty. Paragraph 115 of the *National Planning Policy Framework* (the Framework) states that in AONBs great weight should be given to conserving the landscape and natural beauty.

Policy CS17 of the *Shropshire Core Strategy (adopted February 2011)* (SCS) and Policy MD12 of the *Site Allocations and Management of Development Plan (adopted December 2015)* (SAMDev) indicate that development within the AONB should not have a significant adverse effect on its special qualities, and should contribute positively to its special characteristics and local distinctiveness.

6. Development on the southern side of the road takes the form of sporadic, individual houses, separated by areas of open land and small areas of woodland. As such, in marked contrast to the other side of the road, the area has an open and rural character, to which the appeal site, and its roadside hedge, currently makes a positive contribution.
7. The proposed development of the site for up to 7 houses would create an alien and incongruous form of development along this side of the road. Nor would it respect the local context or the distinctiveness of the village, which results from development being focused to the north of the road, with only limited sporadic development to the south.
8. The open and relatively flat nature of the surrounding land means that the houses would be a prominent feature when viewed both from the road and from the footpath that crosses the field to the south, even if as suggested a variety of materials could be used on the houses. Moreover, the open and expansive views from the village across to the river and the other side of the valley would be lost by the proposal.
9. Although landscaping is not to be determined at this stage, it has been suggested a copse could be developed on the western edge of the site to help screen views of the development, that an area of open space could be included within the site and, to help integrate the site into the village, that the roadside hedge would be moved to the rear of the site and at the same time enhanced by the addition of other species. Nevertheless, given the dispersed nature of dwellings along this side of the road, a development of this many houses would not readily assimilate into the pattern of development in the area.
10. The houses and their gardens, together with the access road that would be required to serve them, would introduce a domestic and urban character to the site, which would erode its rural character and would represent a detrimental encroachment of the urban form into the countryside. In addition, the development would result in the loss of the hedge along the roadside. Whilst the hedge may not be historic or species rich, it is still an attractive roadside feature. As a consequence, the contribution the site makes to the rural character of the area would be unacceptably harmed.
11. All in all, I consider that the proposal would unacceptably harm the character and appearance of the area and the Shropshire Hills AONB. Consequently, it would conflict with Policies CS17 and MD12 and the Framework outlined above. It would also be contrary to Policy CS6 of the SCS, and Policy MD2 of the SAMDev which seek to ensure that new development protects and enhances the natural, built and historic environment, is appropriate in scale, density and design, and takes into account local context and character.

Whether a suitable location for new housing

12. In order to make the rural areas of Shropshire more sustainable Policy CS4 of the SCS seeks to direct new development into Community Hubs and Clusters. Such development needs to be of a scale and design that is sympathetic to the character of the settlement and its environs, and satisfies Policy CS6. It also indicates that housing schemes should provide a suitable mix of housing that caters for local needs.
13. The SAMDev classifies Buildwas as a Community Cluster settlement. There are no housing allocations within the settlement, but Policy S13.2(i) identifies the village as being suitable for limited infilling and conversions providing approximately 10 additional dwellings over the plan period to 2026. The policy states that preferably no more than 5 houses should be developed in each half of the plan period, and that no more than 3 dwellings should be developed on any single site.
14. There is no settlement boundary for Buildwas, and so whether the site forms part of the village or not is a matter of judgement, and is disputed by the parties. The appellants have argued that the site lies within walking distance of the main facilities within the village, and opposite other houses, and so forms part of the village. Whereas the Council consider that as there is so little development on this side of the road, the site is isolated from the village which is focussed to the north of the road.
15. The site forms part of open agricultural land. Although it lies in close proximity to Brook Cottage, houses on this side of the road are sporadic, isolated dwellings, with the focus of development otherwise being entirely to the north of the road. In this regard, the village has a very different nature to the neighbouring village of Leighton, where dwellings are clustered either side of the road. Given that the overriding pattern of development is to the north of the road, in my opinion the site appeared visually and physically separated from the village, especially as the houses opposite are set back some distance from the road frontage. Thus I consider it represents agricultural land surrounding the village rather than part of the village itself.
16. However, even if it is accepted that the site does form part of the village, to conform to Policy S13.2(i) development should take the form of either conversion or limited infilling. Although the site has a single dwelling to one side, it forms part of a long stretch of open fields to the other, and thus the site does not constitute an infill plot.
17. Moreover, even though it is proposed to provide a mix of housing, the development of up to 7 houses on the site would be significantly greater than the guideline of allowing no more than 3 houses on any one site given in policy S13.2(i), and would represent a scale of development that would be inappropriate given the modest size of Buildwas. Whilst the appellant has highlighted that permission has previously been granted for developments of 4 houses in the village, these appear to pre-date the adoption on the SAMDev, which includes this guideline. In addition, at more than twice the guideline figure, the appeal scheme is considerably larger than these other schemes.

18. In rural areas, outside of settlements designated as community clusters and hubs, Policy CS5 of the SCS and MD7a of the SAMDev strictly control development. New housing in the open countryside is limited to that which is needed to house essential rural workers, to affordable accommodation to meet a local need, and to the replacement of existing dwellings. Although the appellants have indicated that they would be willing to enter into a Section 106 agreement to ensure that 2 of the dwellings could be affordable housing, the rest of the scheme would be open market dwellings. Moreover, no such agreement to secure affordable housing has been put before me. Therefore, the appeal scheme does not meet any of these criteria, and so would be contrary to these policies.
19. Policy MD3 of the SAMDev indicates that as well as the allocated housing sites, permission will also be granted for other sustainable housing development, subject to other policies in the plan and the SCS, including Policy CS5, to which I have concluded the proposal would be contrary. The policy envisages housing beyond the settlement boundary, but only where the settlement housing guideline appears unlikely to be met.
20. The Council's evidence is that between 2011/12 and 2016/17, two houses have been completed in the village and a further eight sites either have permission or prior approval granted, and that since then another two houses have been granted permission¹, making a total of 12 dwellings. The appellants' figures are that since 2006 seven houses have been approved, with an additional two affordable houses, which they consider should not be included within the total as they are on exceptions sites. In addition, they argue that having carried out an assessment of potential infill sites within the village there are no other suitable sites for development.
21. The appellants have not provided specific details of each scheme or of their assessment of the village. As a result, it is not possible to identify where the differences between the figures lie, and in particular it is not clear whether the appellant's figures include the most recent permissions. Notwithstanding this, even taking the lower figures, and accepting the housing figures are a guideline and not a maximum, given there are still nearly 9 years of the plan period remaining, I am not persuaded that it is currently necessary to bring forward land outside the village.
22. The Council have indicated that the latest Five Year Housing Land Supply Statement ² is that they have a 6.04 years supply. This has not been disputed by the appellant. As such, policies for the supply of housing can be considered up to date.
23. To conclude on this matter, the development strategy for the area recognises that Buildwas is a village that can accommodate a limited amount of growth over the plan period, and that this growth will help the village to be more sustainable. This growth is to take the form of conversions and limited infilling. The appeal scheme would not lie within the village but on agricultural land adjacent to it that forms part of the AONB. Bearing in mind the strong policy objective to protect land within the AONB, the fact that the Council can currently demonstrate a five year housing land supply, and

¹ Application Reference 17/0194/OUT

² Dated 11 September 2017

without substantive evidence to indicate that the village will be unable to achieve the proposed level of growth, I consider that the proposal would be contrary to the development strategy for the area. Therefore, the proposal would not represent a suitable location for new housing, and it would conflict with Policies CS4 and CS5 of the SCS and Policies S13.2(i), MD3 and MD7a of the SAMDev.

Other Matters

24. The construction of the houses would provide some work for local contractors, and spending by the new residents would also be beneficial to the local economy. The scheme would also result in a Community Infrastructure Levy payment, towards local infrastructure improvements. However, given the size of the development these benefits would be limited, and common with developments located within the community hubs and clusters.
25. It is indicated that the development would also make a contribution to both open market and affordable housing in the area. However, as outlined above, in the absence of any mechanism to secure the affordable housing, there is no guarantee that the scheme would deliver this, and so I give this element limited weight. In addition, in the light of the Council being able to demonstrate a 5 year supply of housing I give only modest weight to the contribution it would make to the general housing supply for the area.
26. Buildwas has a limited range of facilities and services, including a primary school, a church and a village hall. These would be within walking distance of the site, and future occupiers would help to strengthen and sustain the local community by using them. A greater range of services are available in Much Wenlock and Telford, and the village has a limited bus service to the latter, during the day at least, and so future occupiers would not be entirely reliant on the private car to access day to day needs.
27. The village contains a number of listed buildings including the adjacent dwelling and the church. Subject to careful consideration at reserved matters stage, I consider that it is likely that a scheme could be developed that would not harm the setting of these heritage assets. It has also been suggested that the scheme could be designed in a way to limit external lighting to help protect "dark skies". Be that as it may, an absence of harm in these matters is a neutral factor.

Conclusion

28. The proposal would be contrary to the overall development strategy for the area as set out in the development plan, would unacceptably harm the character and appearance of the area, and would be contrary to national and local policies that seek to conserve the landscape and natural beauty of AONBs. Whilst I have given weight to the benefits of the scheme in my decision, they would not outweigh the harm that I have identified it would cause, and the conflict the scheme has with the policies of the development plan.

29. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR