
Appeal Decision

Site visit made on 23 April 2019

by Martin H Seddon BSc DipTP MPhil MRTPI

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

Decision date: 15 August 2019

Appeal Ref: APP/L3245/W/19/3221693

Secret Cottage, Linley Brook, Bridgnorth, Shropshire, WV16 4SZ

- 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 T Hughes against the decision of Shropshire Council.
 - The application Ref: 18/03796/OUT, dated 24 August 2018, was refused by notice dated 29 November 2018.
 - The development proposed is residential development (outline).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The National Planning Policy Framework (the Framework) was revised in February 2019. However, this mainly concerned the housing delivery test. I consider that there is no prejudice to the main parties from basing my decision on the revised version as a material consideration.

Main Issues

3. The application is in outline with all matters reserved except means of access. The main issues are:
 - whether the proposal is a suitable location for new residential development having regard to the spatial strategy of the development plan, and
 - the effect on the character and appearance of the area.

Reasons

4. The appeal site is located within the small rural settlement of Linley Brook and within the open countryside. Secret Cottage is situated in its own grounds at the end of a track which leads from the B4373. Nearby houses form a random low density assemblage on the valley side. They vary in age and design, being generally detached houses on large plots. An indicative site layout plan has been submitted showing how the proposed dwellings could be accommodated on the site. I have treated this as being for illustrative purposes only.

Whether the proposal is a suitable location

5. The development plan includes the Shropshire Core Strategy (2011) and the Shropshire Site Allocations and Management of Development Plan (SAMDev

Plan) (2015). The Council can demonstrate that it has a 5 year housing land supply and hence the development plan can be considered to be up to date. Core Strategy policy CS1 indicates the broad distribution of development between Shrewsbury, Market Towns and Key Centres, and the rural area. It explains that in rural areas development and investment will be located predominantly in community hubs and community clusters and will contribute to social and economic vitality.

6. Core Strategy policy CS4 forms the basis for community hubs and settlements as part of a rural rebalance approach to development. Outside these settlements, development will primarily be for economic diversification and to meet the needs of the local communities for affordable housing. Linley Brook is not identified as a hub or cluster in SAMDev Plan policy MD1.
7. The spatial strategy does not set a complete prohibition of housing development in the countryside. Core Strategy policy CS5 supports development proposals on appropriate sites which maintain and enhance countryside vitality and character and where they improve the sustainability of rural communities by bringing local economic and community benefits. This is consistent with rural housing objectives in the Framework. Linley Brook is around 6 km from Bridgnorth and has no public services or facilities, or easy access to services. In view of that situation the proposed 2 houses could only contribute in a very limited way towards meeting these development plan and national policy objectives.
8. The Framework also indicates that local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this. Even if the site was to be considered to be appropriate in accordance with Core Strategy policy CS5, no compelling need for entry level housing in Linley Brook has been identified by the Council or demonstrated by the appellant.
9. The appellant has submitted details of the bus timetable for Telford to Bridgnorth via Linley Brook. This service does not appear relatively frequent, with no late evening buses and none on Sundays. The bus stop is said to be a short distance away, but the B4373 has no pavements near the appeal site and is difficult for pedestrian use, even in daylight, because of passing traffic and the road layout. In these circumstances I consider that any occupants of the proposed buildings would be heavily reliant on private car use.
10. The proposal would not be in a sustainable location and development would conflict with Core Strategy policy CS6 which sets the broad framework for considering the sustainability and development credentials of individual applications. I find that the proposed development would conflict with the spatial strategy of the development plan and Core Strategy policy CS5, which indicates that new development will be strictly controlled in accordance with national planning policies protecting the countryside.

Effect on the character and appearance of the area

11. Secret Cottage is a solitary detached dwelling with an outbuilding, but although secluded, could not be considered to be isolated. The proposed dwellings would introduce additional built development in this rural location and diminish the open character of the landscape. I consider that it would be possible to

build dwellings which met the design sustainability aspects of Core Strategy policy 17 and SAMDev policy MD2. However, because of its rural location, development would be harmful to the character and appearance of the countryside, contrary to Core Strategy policies CS6 and CS17 which, amongst other things, seek to protect and enhance the high quality and local character of Shropshire's natural environment.

Other Matters

12. The appellant has referred to an appeal that was allowed for 4 dwellings (including one affordable) at Queens Head. However, the site constituted a gap in a small group of dwellings, the bus route had a half hourly service in either direction and there was a nearby neighbouring settlement which contained a village shop and primary school accessible by a 10-15 minute walk. I consider that the circumstances differ significantly from those in the appeal before me and this previous appeal decision is insufficient reason to justify allowing the appeal.
13. The appellant considers that the site constitutes brownfield land, being garden land not in a built up area. The Framework defines previously developed land as "Land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure". Despite this, the definition notes that it should not be assumed that the whole of the curtilage should be developed.

Conclusions

14. The proposal could result in local economic and community benefits through employment and services in the construction stage; there would be a potential CIL contribution; the buildings could be energy efficient and use sustainable urban drainage systems; be specifically developed to preserve and enhance biodiversity and to prevent crime. It would also make a small contribution towards the housing land supply as a windfall development, potentially utilising previously developed land. However, these claimed benefits would be clearly outweighed by the conflict with the spatial strategy and harm to the character and appearance of the countryside in an unsustainable location.
15. I have taken all other matters raised into account. However, for the reasons given above the appeal is dismissed.

Martin H Seddon

INSPECTOR