



Appeal Decision

Site visit made on 25 November 2019 by Hilary Senior BA(Hons) MCD MRTPI

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 4 February 2020

Appeal Ref: APP/L3245/W/19/3236850

Brickyard Farm, Poynton Road, Shawbury, Shrewsbury, SY4 4JR

- 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 Masters against the decision of Shropshire Council.
 - The application Ref 19/00833/FUL, dated 19 February 2019, was refused by notice dated 17 July 2019.
 - The development proposed is erection of one detached two storey dwelling together with formation of new vehicular access and alterations to the current access.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of one detached two storey dwelling together with the formation of a new vehicular access and alterations to the current access at Brickyard Farm, Poynton Road, Shawbury, Shrewsbury, SY4 4JR in accordance with the terms of the application Ref 19/00833/FUL, dated 19 February 2019, subject to the conditions set out in the schedule attached to this decision.

Application for costs

2. An application for costs was made by Mr Masters against Shropshire Council. This application is the subject of a separate Decision.

Appeal Procedure

3. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

4. Brickyard Farm is a dwelling constructed in 1874, which the Council has identified as a non-designated heritage asset mainly due to its age and largely unaltered appearance. Whilst I note the building does not appear on any list of non-designated heritage assets, I have assessed the proposal on that basis.

Main Issues

5. The main issues are:
 - the effect of the proposal on the setting of the non-designated heritage asset and on the character and appearance of the area; and

- whether the site is a suitable location for housing with regard to national and local planning policy.

Reasons

The effect of the proposal on the character and appearance of the area and setting of the non-designated heritage asset.

6. Brickyard Farm lies within the settlement of Shawbury. It is a detached dwelling in a predominantly residential area, which incorporates a mix of house types. The site lies close to a primary school and other village facilities. The proposal is to construct a detached dwelling in the grounds of the host building, with a frontage to Poynton Road and a separate access from it.
7. Paragraph 197 of the National Planning Policy Framework (the Framework) requires that the effect of a proposal on the significance of a non-designated heritage asset should be taken into account in determining the application and states that a balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset. Whilst the Council has drawn my attention to the balancing exercise of harm against public benefits set out in paragraphs 195 and 196, that exercise relates to designated heritage assets and is not required by paragraph 197.
8. The significance of Brickyard Farm as a non-designated heritage asset, lies, as the Council suggests, primarily in its age and appearance. In addition, some significance is derived from its historic association with a former brickworks, albeit that significance in that respect has been diminished by intervening building work. The wider setting of the building has significantly altered since the property was built. Moreover, the original grounds of the property have also been somewhat eroded by recent development at the rear of the house. The proposed dwelling would be sited on garden land adjacent to the dwelling which I understand was historically an orchard, although there is now no evidence of that on site. The space, which comprises mainly gravel and grass, is relatively flat and has a modern appearance. Accordingly, the setting of the building makes a neutral contribution to the significance of the asset.
9. The proposal would clearly lie within the setting of the building. The proposed dwelling would significantly reduce the space at the side of the existing house and would clearly change the appearance of the present garden. However, the proposal has been sympathetically designed to take into account the siting, scale and detailed design of the existing building. The Council raises no objection to the proposal in that regard. Moreover, the existing building would be retained and its significance in terms of its age and architectural detailing would still be apparent.
10. The site is not within a Conservation Area but nevertheless I have taken into consideration the Council's view that the proposal would result in a cramped form of development that would harm the character and appearance of the area and the setting of the asset. The existing dwelling occupies a corner plot and is set back from its front and side boundaries behind areas of garden land. The proposed dwelling would represent an infill development between the house and the neighbouring property beyond. The distance between Brickyard House and the proposed dwelling would be modest. However, both properties would be provided with a moderate amount of space around them. Moreover, from all I have seen and read the distance involved would reflect that between

existing properties in the area and consequently the development would not appear unusually or unduly cramped when viewed from public vantage points..

11. For these reasons the proposal would not harm the character and appearance of the local area or the significance of the non-designated heritage asset. The proposal would therefore accord with Policies CS6 and CS17 of the Shropshire Council Adopted Core Strategy (2011) and Policies MD2, and MD13 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (2015) and the Framework which together seek to ensure that development is of a high standard, takes into account local context and character and protects the character of the built and historic environment including the context and character of heritage assets including their setting and significance.

Whether the proposal lies in a suitable location for development having regard to national and local planning

12. Shawbury is identified as a community hub in the SAMDev Plan, with a guideline for the level of housing growth during the plan period. The Council contend that that this guideline for development has been met, through previous planning permissions and the allocation of a large site. This may be the case, although there is no evidence of the approvals and whether the dwellings are complete, before me.
13. Policy MD3, Delivery of Housing Development, introduces criteria to assess proposals for dwellings over and above the guideline figure for settlements. Even if the target for Shawbury has been met, an additional dwelling, within the settlement boundary would have little effect on the overall number of dwellings in the village. In addition, there is no evidence before me that the proposal, even in combination with other developments, would have a harmful effect on the settlement or its infrastructure. The dwelling would be located in an accessible location with regard to services and facilities. Furthermore, there would be an, albeit limited, public benefit from the creation of an additional unit of accommodation in terms of both the provision of housing and local economic and social benefits. Moreover, the proposal would constitute sustainable development which the Framework seeks to promote.
14. For the reasons above the proposal is in a suitable location for housing and therefore accords with Policy MD3 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (2015) which supports the delivery of housing development.

Conditions

15. I have considered the conditions suggested by the Council in accordance with the Planning Practice Guidance. In the interest of proper planning I have attached a condition relating to time limits, and a condition specifying relevant plans to provide certainty.
16. The setting of the new building and its response to the local area is important so a condition requiring the agreement and implementation of details of landscaping and boundary treatments is necessary. Whilst the Council has suggested that such a condition should be a pre-commencement condition, given that landscaping is unlikely to be implemented until after the completion of building operations, this is not necessary.

17. Conditions relating to the provision, implementation and retention of visibility splays, the formation of access, parking and turning areas and the preclusion of any gates close to the highway boundary, are necessary for highway safety. In order to safeguard the character of the surrounding area, conditions requiring details of materials, roof construction and window details are also necessary.
18. In order to protect the setting of the non-designated heritage asset, a condition removing permitted development rights for extensions and alterations is reasonable and necessary in this instance.

Conclusion and Recommendation

19. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is allowed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Susan Ashworth

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, drawing numbers MM001 and MM003.
- 3) Prior to the first occupation/use of the hereby approved building, a scheme of landscaping, which shall include details of both hard and soft landscape works and earthworks, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme as approved shall be carried out in the first planting season following the completion development. Any trees, shrubs or plants that die within a period of five years from the completion of development, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.
- 4) Prior to the first occupation/use of the hereby approved building the visibility splays shall be provided in accordance with the approved details. All growths and structures in front of these lines shall be lowered to and thereafter maintained at carriageway level and shall be fully implemented prior to the dwelling being occupied.

- 5) Prior to the first occupation/use of the hereby approved building the access, parking and turning areas shall be satisfactorily completed and laid out in accordance with the approved details and shall thereafter be maintained at all times for that purpose.
- 6) Prior to the first occupation of the hereby approved building the access apron shall be constructed in accordance with the Shropshire Council's specification currently in force for an access and shall be fully implemented prior to the dwelling being occupied.
- 7) Prior to the relevant works commencing, details of the roof construction including details of eaves, undercloaks, ridges, valleys and verges shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall be carried out in accordance with the approved details.
- 8) Prior to the commencement of the relevant work, details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in accordance with the agreed details.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to Schedule 2, Part 1, Class A or E; shall be erected, constructed or carried out to the hereby approved dwelling, or no development relating to Schedule 2, Part 1, Class A, B, C, D or E shall be erected, constructed or carried out to the host dwelling, Brickyard Farm.