
Appeal Decision

Site visit made on 9 January 2020

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 February 2020

Appeal Ref: APP/L3245/W/19/3239013

Land adjoining Rose Cottage (formerly Plas Cerrig), Wern, Oswestry, Shropshire SY10 7LE

- 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 M J Carroll against the decision of Shropshire Council.
 - The application Ref 19/01332/OUT, dated 11 March 2019, was refused by notice dated 30 August 2019.
 - The development proposed is residential development and formation of new access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application was submitted in outline with all detailed matters reserved for future approval. I have therefore treated the submitted sketch layout and revised sketch for plot 1 as being purely indicative.

Main Issue

3. The main issue is whether the appeal site would provide a suitable location for housing, having regard to planning policy in respect of the distribution of development and the protection of the countryside.

Reasons

4. The appeal site is located in the countryside on the edge of Wern. Wern is a small, linear hamlet comprised of a pub and a number of houses fronting onto either side of Station Road, with a small number of properties along Coalpit Lane.
5. Planning permission has previously been granted for one affordable dwelling on land adjoining Rose Cottage, which fronts onto Station Road and is marked on the indicative site plan as plot 1. The current proposal is for residential development to the rear and side of Rose Cottage. The indicative plan shows four houses, of which one would be sited on plot 1. There is no indication that any of the proposed houses would be affordable.
6. Wern is identified as a 'Community Cluster Settlement' (CCS) in Policy MD1 of the Shropshire Site Allocations and Management of Development Plan 2015 (SAMDev). Some residential development is allowed in CCSs under Policy CS4 of the Shropshire Core Strategy 2011 (CS). Wern has no development boundary but SAMDev Policy S14.2(xi) explains that new housing in Wern

- should comprise individual or very small groups of infill housing located immediately adjacent to existing development; have a frontage onto Station Road and be to the south-west of the junction to Upper Hengoed and to the north-east of the access to Wern Farm.
7. The site is located between the two road junctions referred to in Policy S14.2(xi). However, new development is also required to have a frontage onto Station Road but only the dwelling on Plot 1 would do so. In addition, whilst not defined in the adopted Local Plan, infill development is generally regarded as being the filling of a gap in an otherwise built up frontage. The proposed houses would be immediately adjacent to Rose Cottage itself, but to the west and north of the site is agricultural land. To the north east is a narrow lane, beyond which are open fields. The site does not form a gap in a built-up frontage so the proposal does not constitute infill development. The proposed development therefore would not meet the criteria for residential development within Wern.
 8. The development of new houses in the field to the rear of Rose Cottage would represent an encroachment into the open countryside and would not reflect the established linear pattern of development in the settlement. Paragraph 170 of the National Planning Policy Framework says that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. The construction of dwellings on the site would erode this natural character. Furthermore, Core Strategy Policy CS5 seeks to protect the countryside, and new housing development is limited to dwellings to house agricultural or other essential countryside workers, and other affordable housing to meet a local need. The proposal would not provide such accommodation and does not meet the requirements of the Policy.
 9. I note the appellant's comments about hedgerows and existing buildings providing screening for the development and that the houses could be designed to respect local character. However, the existing topography is not sufficient to completely screen new dwellings on the site and regardless of how the houses would be designed, the loss of open countryside would not be overcome.
 10. I also note the appellant's comments that permission for a small number of dwellings on land to the south west of the appeal site did not strictly comply with requirements for infill development. However, the Council has confirmed that permission for these houses was granted under different policy circumstances, prior to the adoption of the SAMDev plan and at a time when it was unable to demonstrate a five-year supply of deliverable sites for housing¹. As such, I give little weight to that example and I have determined this appeal on its own merits.
 11. I conclude that the appeal proposal would not provide a suitable location for housing having regard to planning policy in respect of the distribution of development and the protection of the countryside. I have found that the proposal conflicts with Policies CS4 and MD1. It would also conflict with Policies CS5 and MD7a which, amongst other matters, seek to protect the character and appearance of the countryside.

¹ Planning application references 14/03178/OUT and 15/05133/REM

12. The Council's decision notice also refers to Policy CS17 which is concerned with protecting and enhancing environmental networks. However, this policy is not directly relevant to the appeal proposal.

Other Matters

13. In its reason for refusal, the Council has indicated that the proposal would promote rather than reduce the need to travel to services. However, apart from the dispute over whether the proposal meets the criteria for development in Wern, no specific evidence has been submitted by either party in respect of access to services and modes of travel. However, as I am dismissing the appeal due to the conflict with the above policies, there is no point in me pursuing this matter further.

Conclusion

14. For the reasons given, I conclude that the appeal is dismissed.

R Morgan

INSPECTOR