
Appeal Decision

Site visit made on 12 March 2020

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2020

Appeal Ref: APP/L3245/W/20/3244190

Stapleton Grange, Long Lane End of to the Cottage Junction, Longden, Shrewsbury, Shropshire, SY5 8HF

- 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 A N Abbott against the decision of Shropshire Council.
 - The application Ref 19/01908/FUL, dated 17 April 2019, was refused by notice dated 2 August 2019.
 - The development proposed is demolition of two existing residential dwellings and erection of 1 replacement dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading has been taken from the planning application form. Part E of the appeal form states that this description of development has changed. This matches the description of development on the decision notice which I understand was agreed between the main parties. Consequently, I have considered the appeal based on the following description of development: *"Erection of 1no. replacement dwelling following demolition of an existing residential annex and an agricultural barn (amended description)."*

Main Issue

3. The main issue is whether the proposed development would accord with development plan policies relating to the location of development and the character and appearance of the countryside.

Reasons

4. The appeal site is to the north of Stapleton Grange which is a detached dwelling that has replaced the previous farmhouse known as Bodell Farm. The appeal site itself comprises of 'The Grooms Cottage', which is next to a garage building with dormer windows within the roof space, and 'The Cattle Shed' a little further to the north. A steel portal frame building is in the process of being constructed to the east of the appeal site. Two vehicular accesses serve the site. The primary access is from the east, with the secondary access passing Little Vinnals from the north. The surrounding area is characterised by open countryside with sporadic development.
5. Policy S16.2(xi) of the Site Allocations and Management of Development (SAMDev) states that Longden, Hook-a-Gate, Annscroft, Longden Common, and Lower Common/Exfords Green are a Community Cluster in Longden Parish.

The policy goes on to say that in the Community Cluster development by infilling, conversions of buildings and groups of dwellings may be acceptable on suitable sites within the villages, with a housing guideline of approximately 10-50 additional dwellings over the period to 2026. Policy CS4 of the Shropshire Local Development Framework: Adopted Core Strategy (CS) says that in the rural area, communities will become more sustainable by: focusing private and public investment in the rural area into Community Hubs and Community Clusters, and not allowing development outside these settlements unless it meets CS Policy CS5.

6. Although the appellant says that the site is located within the area of Longden, this settlement is some distance from the site. The appellant does not also dispute the Council's current thinking that the site is outside of Lower Common/Exfords Green. While the Council's stance differs from that previously taken, as there is no defined settlement boundary before me, it is a matter of judgement. Having viewed the site and the surrounding area, I do not disagree with the Council's current stance.
7. New development will be strictly controlled by CS Policy CS5 in accordance with national planning policies protecting the countryside. The policy goes on to say that open market residential conversions will only be considered where respect the heritage asset and high standards of sustainability are achieved. In all cases, development proposals should be consistent with the requirements of Policies CS6 and CS17.
8. The proposal does not seek to convert The Cattle Shed or The Grooms Cottage as they would be demolished. I agree with the appellant's Heritage Statement that the latter is not a heritage asset.
9. SAMDev Policy MD7a states that further to CS Policies CS5 and CS11, new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters. Suitably designed and located exception site dwellings and residential conversions will be positively considered where they meet evidenced local housing needs and other relevant policy requirements. To create a mixed, balanced and inclusive community as sought by CS Policy CS11, the Type and Affordability of Housing Supplementary Planning Document (SPD) outlines the need to maintain and provide an appropriate stock of smaller, lower cost, market dwellings. The proposed dwelling would comprise of a large 4 bedroomed property that would be likely to be expensive and not in tune with the local housing needs detailed in the SPD.
10. SAMDev Policy MD7a also says that, replacement dwelling houses will only be permitted where the dwelling to be replaced is a permanent structure with an established continuing residential use. Such dwellings should not be materially larger and must occupy the same footprint unless it can be demonstrated why this should not be the case. Where the original dwelling had been previously extended or a larger replacement is approved, permitted development rights will normally be removed.
11. The Grooms Cottage was granted planning permission to be used as ancillary accommodation in connection with Stapleton Grange¹. A planning condition was imposed to prevent its use as an independent dwelling. The Grooms Cottage is

¹ Council Ref: 13/03950/FUL

a permanent structure, but it has not been occupied since around April 2014. During my site visit, the ground floor of the building was being used for storage and there was no sign that it was occupied or had been for some time. It is therefore unclear whether the established residential use at The Grooms Cottage is 'continuing'. I recognise the appellant's points about the configuration and layout of The Grooms Cottage along with the associated cost. Energy efficiency improvements may be possible, but planning is concerned with land use in the public interest, so the purely private interests of financial gain are not a relevant consideration.

12. On 21 December 2016 the Council granted planning permission² to enable The Cattle Shed to be converted to an open market residential dwelling. However, the appellant does not dispute the Council's view that this planning permission has not been implemented. Thus, it has lapsed and although the building is a permanent structure, there is no established continuing residential use. This reflects my own observations that I made on site. The use of Class Q permitted development rights may be an option that the appellant explores, but I do not have any information before me to explain whether The Cattle Shed would accord with the criteria and conditions of this class. Furthermore, it would be a matter for the Council to consider whether a fresh grant planning permission would be forthcoming for the conversion of The Cattle Shed.
13. I note the appellant's points about the conversion of The Cattle Shed involving a significant amount of work, which may not achieve the same efficiency standards as a new build dwelling. I also recognise the points about the associated cost and a restricted internal living space, but there is no substantive evidence to support these claims.
14. It follows that the proposal does not accord with SAMDev Policy MD7a. However, should I be wrong about The Cattle Shed and/or The Grooms Cottage, the policy requires dwellings not to be 'materially larger' and to 'occupy the same footprint unless it can be demonstrated why this should not be the case'. The main parties have put figures to me about the dimensions, footprint and volume of the proposal in comparison to the existing buildings.
15. The Council say that The Cattle Shed should not be included as part of a 'materially larger' assessment. Yet, even if I were to include this building within the assessment, the proposed dwelling would be of a greater length, depth, height and volume. The footprint of the proposed dwelling is also larger than the joint footprint of The Cattle Shed and The Grooms Cottage. The former of these could not be extended using permitted development rights for a dwelling house given that The Cattle Shed is not in such a use. I am therefore in no doubt that the proposal would be materially larger than the buildings which it would replace notwithstanding the use of surrounding land for parking and turning facilities, patio's and as a garden.
16. The proposed dwelling's footprint would overlap part of The Cattle Shed's footprint, but this does not apply to the majority of the new dwelling which would be to the east of The Cattle Shed and to the north and east of The Grooms Cottage. The appellant has also not demonstrated why the proposal should not occupy the same footprint.
17. Turning now to the proposal's effect on the character and appearance of the

² Council Ref: 16/03278/FUL

countryside. The appeal site comprises of, and is near to a smattering of other built form, but the site is not within a built-up area as this indicates more widespread development beyond what is essentially a small collection of buildings set within an open rural countryside which affords long-range views across the landscape.

18. The mock Georgian design principles used at Stapleton Grange are proposed for the new dwelling, albeit on a smaller scale. Even so, the proposed dwelling would still be a dwelling of considerable scale and mass which would be an apparent addition to the landscape when viewed from the lane or the public footpath to the east. In isolation, I understand the Council's stance about the proposal not reflecting the site's rural context or its character.
19. However, the proposed dwelling would be near to and viewed in the context of Stapleton Grange and the garage building. Given this, the proposed dwelling would, on balance, appropriately respond to the form, layout, scale, pattern and design of existing development. As a result, the proposal would not harm the living conditions of neighbouring residents. Moreover, the proposed dwelling could be built to be energy-efficient and planning conditions could be imposed to secure suitable materials, landscaping and measures to help mitigate and adapt to climate change. The new dwelling would also be accessible and safe for all. That said, this is not the same as the site being an accessible rural location given that services and facilities are some distance from the site and future occupants would be likely to be heavily dependent on the use of the private motor vehicle to access them, though I do recognise sustainable transport solutions will vary between urban and rural areas. To summarise on this matter, the appeal scheme creates tension within the facet of design, but overall, the proposal would not harm the character and appearance of the area.
20. Various other schemes have been referred to by the appellant. The cases³ at Four Winds and Arun Cottage are subject to different policy designations such as the Green Belt, a Conservation Area and a National Park. I do not also have copies of the plans associated with these schemes or that of the schemes⁴ at Walnut Farm, The Walls and The Lodge. As such these cases are not either directly comparable to the appeal scheme or there is insufficient detail for me to be able to draw comparisons from. The decision at Summerhill⁵ explains that the replacement dwelling would not be larger than the fallback position advanced in this case. The same circumstances do not apply here.
21. In drawing these matters together, I have found the proposed dwelling would not be harmful to the character and appearance of the area. In this regard, the proposed development would accord with CS Policy CS6 and SAMDev Policies MD2 and MD13. The proposed dwelling would also, at best, modestly contribute towards the supply and mix of houses in Shropshire, though The Grooms Cottage may negate this. Modest economic benefits in the form of jobs, construction, the supply chain and future spending would also stem from the proposal. However, I conclude that these matters would be clearly outweighed by the conflict that the proposed development would have with development plan policies relating to the location of development. The proposal would not accord with CS Policies CS4, CS5 and CS11, SAMDev Policies MD7a and

³ Appeal Decision Refs: APP/J3720/W/17/3177670 and APP/Y9507/W/17/3191287

⁴ Appeal Decision Ref: APP/P1615/W/16/3148717; Council Refs: 19/01740/FUL and 18/02584/FUL

⁵ Appeal Decision Ref: APP/L3245/W/15/3003087

S16.2(xi) and the SPD. Jointly, these policies strictly control new market housing outside of the settlement hierarchy with replacement dwellings only permitted where the dwelling to be replaced is a permanent structure with an established continuing residential use. Such dwellings should not be materially larger and must occupy the same footprint unless it can be demonstrated why this should not be the case. New market dwellings should also contribute to a suitable mix of housing that caters for local needs.

Other matter

22. I note the comments of an interested party about the lack of assessment for protected species. There is no substantive evidence either way about the proposal's effect on such species, but I am dismissing the case in any event relating to the substantive matters raised.

Conclusion

23. For the reasons set out above, I conclude that the appeal is dismissed.

Andrew McGlone

INSPECTOR