
Appeal Decision

Site visit made on 26 October 2020

by David M H Rose BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2020

Appeal Ref: APP/L3245/W/20/3256910

14 Myddlewood, Myddle, Shrewsbury, SY4 3RY.

- 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 S Croft against the decision of Shropshire Council.
 - The application reference 20/01357/FUL, dated 26 March 2020, was refused by notice dated 9 July 2020.
 - The development proposed is alterations in association with conversion of existing detached cart shed into a residential dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have considered the proposal on the basis of the revised access drawing 14MM/PP/03 revision A. This shows the relocation of an existing telephone distribution pole to provide unhindered vision at the junction of the private lane with the Class III road.

Main Issue

3. The main issue is whether or not the appeal site is a suitable location for the proposed dwelling having regard to national and local policy.

Reasons

4. The development plan, which comprises the Shropshire Council Core Strategy (CS) and the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan, seeks to focus new development in Shrewsbury, the Market Towns, Key Centres, Community Hubs and Community Clusters.
5. SAMDev Policy MD3 indicates that, in addition to allocated housing sites, planning permission will also be granted for other ('windfall') sustainable housing development, including both brownfield and greenfield sites in the countryside, having regard to the policies of the Local Plan. It is clear that the amount of development in each settlement is to be regarded as a guideline and not as a ceiling. This is acknowledged in an appeal decision¹, for a new dwelling in the settlement framework of a Community Hub, where the Inspector also attributed limited public benefit in terms of both the provision of housing and local economic and social benefits.

¹ Appeal Ref: APP/L3245/W/19/3236850 Brickyard Farm, Poynton Road, Shawbury, Shrewsbury, SY4 4JR

6. The National Planning Policy Framework (Framework) also establishes a presumption in favour of sustainable development with reference to its economic, social and environmental dimensions.
7. Policy S17.2(ii) of the SAMDev indicates that modest growth will take place in the development boundaries of Myddle and Harmer Hill. It is agreed that the appeal site is in the countryside some 1.3 kilometres from Myddle.
8. CS Policy CS5 confirms that new development in the countryside will be strictly controlled. However, like the Framework, it accepts that development proposals on appropriate sites, which maintain and enhance countryside vitality and character, will be permitted where they improve the sustainability of rural communities by bringing local and economic benefits.
9. In turn, SAMDev Policy MD7a, whilst similarly restrictive, makes provision for the conversion of buildings to open market use where the building is of a design and form which is of merit for its heritage/landscape value. It is accepted that the appeal building is not a heritage asset.
10. In support of the appeal, it is said that the proposal is not in an isolated location. I agree, in that the site forms part of the curtilage of an established dwelling and it lies behind, albeit at some distance from, a roadside cluster of houses. At the same time, reference is made to paragraph 79 of the Framework with the claim that the scheme would amount to the subdivision of an existing dwelling. However, it has been established that paragraph 79 d) of the Framework should be taken to mean the conversion of an existing residential dwelling as one physical building rather than a wider residential unit encompassing other buildings².
11. Further support is claimed by reference to paragraph 117 of the Framework regarding the use of previously developed land and buildings. I accept that the proposed dwelling would make use of an existing building, its design would be uncontentious and it would have no greater impact on its surroundings than the existing structure. I also consider that the works reasonably necessary to secure conversion would leave the floor area, mass and height of the building unchanged and conversion works could incorporate high levels of sustainability.
12. Moreover, the proposed dwelling would be located within part of an established domestic curtilage where, with the conditions suggested by the Council, future permitted development could be restricted. The erection of new buildings or structures within the adjacent paddock could also be controlled. I therefore agree that the proposal would have no tangible adverse impact on its surroundings and it would reflect the aims of the Framework in making effective use of land.
13. Drawing these considerations together, the appeal site lies within the open countryside. It is located outside of any settlement where the main focus of development is intended and it is some considerable distance from local services and facilities. It is also a building of no distinguishing merit. Although I acknowledge that development in rural areas will include locations which are some distance from services³, and lack choice of transport modes, the other

² Wiltshire Council v SSHCLG & Mr W Howse [2020] EWHC 954 (Admin)

³ The appellant makes reference to a number of examples in an Appendix to its Statement of Case

drawbacks that I have identified, individually and collectively, tell strongly against the proposal.

14. Set against this, the proposal would re-use an existing building without any perceptible environmental harm. However, the housing, social and economic benefits arising from the creation and occupation of an additional dwelling would be very limited.
15. I also note the appellant's long association with the area and the intimation that he may consider downsizing to the proposed dwelling. The application was also supported, in principle, by the Parish Council. Neither of these points adds material weight.
16. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, I consider that the proposal would be in conflict with the development plan, with particular reference to those policies which seek to guide the distribution and location of new housing development. The environmental, social and economic benefits arising, underpinned by the Framework, would not be sufficient to outweigh the overwhelming conflict with the development plan.
17. In conclusion, having considered all other matters raised, I find that the appeal site is not a suitable location for the proposed dwelling having regard to national and local policy.

David MH Rose

Inspector