



Appeal Decision

Site visit made on 13 January 2021

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th February 2021

Appeal Ref: APP/L3245/W/20/3261032

Resting Fields, Snailbeach, Nr Minsterley

- 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 C Rowson against the decision of Shropshire Council.
 - The application Ref 19/03189/OUT, dated 15 July 2019, was refused by notice dated 12 June 2020.
 - The development proposed is the erection of a detached open market dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is in outline with all matters reserved for future consideration except for the means of access. Drawings showing an indicative layout of the development were submitted with the application, and I have had regard to these in determining this appeal.

Main Issues

3. The main issues are:
 - (a) Whether the appeal site would accord with the locational requirements of development plan policy for new housing development;
 - (b) The effect of the development on the Shropshire Hills Area of Outstanding Natural Beauty ('AONB');
 - (c) The effect of the development on the setting of the Snailbeach Conservation Area; and
 - (d) The effect of the development on the ecological value of the site.

Reasons

Locational requirements of development plan policy

4. The appeal site is located towards the edge of Snailbeach, which is a small settlement surrounded by open countryside. It is characterised by a relatively dispersed pattern of development and contains limited services and facilities.
5. Collectively, Snailbeach, Stiperstones, Pennerley, Tankerville, Black Hole, Crows Nest and The Bog are identified as a Community Cluster under Policies MD1 and S2 of the Shropshire Site Allocations and Management of

Development ('SAMDev') Plan (2015). Policy S2 states that within this area development by infilling and conversions may be acceptable on suitable sites. A housing guideline of around 15 dwellings is set for the Community Cluster over the plan period to 2026, of which the Council states that 22 dwellings have already been built or granted planning permission.

6. There is no defined settlement boundary for Snailbeach, and so whether the appeal site is located within the village is a matter of planning judgement. In this regard, the appeal site is set above the nearest dwellings, within an area of woodland that extends up the hillside. This woodland is visually and topographically distinct from the properties to the west that front onto the main road and is separated from them by a dismantled railway line. Moreover, given the topography of the appeal site and the position of mature trees, any dwelling would inevitably be positioned away from the nearest dwelling at The Sidings. In these circumstances, I consider that the appeal site forms part of the woodland setting to Snailbeach and is not within the village itself. It is therefore in the countryside for planning purposes. However, even if I had come to a different view on this matter, the development would not comprise 'infilling' as required by Policy S2 as it is largely surrounded by woodland.
7. Policy CS5 of the Shropshire Core Strategy (2011) supports development on appropriate sites which maintain and enhance countryside vitality and character, where they improve the sustainability of rural communities by bringing local economic and community benefits. However, for the reasons set out below, I do not consider that the development would enhance the character of the countryside, nor would it deliver any significant community benefits. The development is therefore at odds with Policy CS5. Moreover, SAMDev Policy MD7a is clear that new market housing will be strictly controlled outside of identified settlements. A number of exceptions are listed in both of these policies, none of which would apply to the appeal proposal. Whilst SAMDev Policy MD3 states that permission will be granted for other sustainable housing developments, this is caveated as being subject to other plan policies, including Policies CS5 and MD7a.
8. Reference is also made to the presumption in favour of sustainable development at paragraph 11 of the National Planning Policy Framework ('the Framework'). However, there is nothing before me to indicate that the most important policies for determining the application are out-of-date. Moreover, even if that were the case, the application of policies in the Framework relating to AONBs provide a clear reason for refusing the development.
9. My attention has been drawn to a number of recent approvals for new housing development in Snailbeach. However, the full details of those cases, including the Officer Reports and approved plans, are not before me. I am therefore unable to assess any direct comparability to the current appeal proposal. In any case, I have come to my own view on this matter rather than relying on the approach the Council may have taken elsewhere.
10. For the above reasons, I conclude that the development would not accord with the locational requirements of development plan policy for new housing development. It would be contrary to Policies CS4 and CS5 of the Shropshire Core Strategy (2011) and Policy MD7a of the SAMDev Plan (2015) in this regard.

AONB

11. The appeal site is located within the Shropshire Hills AONB. Decision makers have a statutory duty¹ to conserve and enhance the natural beauty of AONBs, which are afforded great weight by the Framework.
12. The appeal site is situated within the scenic wooded hills that form the backdrop to Snailbeach at the edge of the AONB. These hills are prominent in longer views from the surrounding area and are an attractive feature within the landscape. The proposed dwelling would be positioned on steeply rising land and would inevitably be set away from existing properties within the village. It would relate poorly to the existing pattern of development, being on higher ground and largely surrounded by woodland. In this regard, it would appear as a prominent outward encroachment of the village up the hillside. Whilst existing trees and planting would provide some screening when in leaf, my site visit took place in January when most of the trees had shed their leaves. At this time, the site was clearly visible from along the main road and in longer views, and the development would appear as a discordant intrusion into the hillside for much of the year. This would be harmful to this part of the AONB in my view.
13. The development would also necessitate the removal of a number of mature trees and would also create significant pressure to remove further trees within the site (I return to this matter below). This would erode the wooded character of the hillside, to the detriment of the natural beauty of the AONB.
14. An extract from the ordnance survey map of 1882 has been provided that appears to show the appeal site as being outside of the wooded area at that time. However, the site is currently dominated by mature trees and is mostly surrounded by existing woodland. This defines the site's present character to a far greater degree than the lightweight fencing along its boundaries.
15. For the above reasons, I conclude that the development would significantly harm the scenic qualities of the Shropshire Hills AONB. It would therefore be contrary to the relevant sections of Policies CS6 and CS17 of the Shropshire Core Strategy (2011), which seek to protect the landscape and natural environment. It would also be at odds with the Framework in this regard.

Conservation area setting

16. The appeal site is positioned on the edge of the Snailbeach Conservation Area, which encompasses much of the village as well as land and buildings associated with historic mine workings. The significance of the conservation area stems from its large number of well-preserved buildings and spaces that reflect the development of the lead mining industry in the village.
17. The setting of the conservation area is dominated by the wooded western flank of the Stiperstones ridge, which rises steeply from the village. This provides an attractive edge to the settlement that is highly visible in the surrounding area. As set out above, the development would result in a significant visual encroachment into this wooded area and it would be an elevated and discordant feature. This would harmfully intrude into the setting to the conservation area in my view. Whilst I note that 3 properties (The Oaks, Highview House, and Galena) are located a short distance to the north east,

¹ Section 85(1) of the Countryside and Rights of Way Act 2000 (as amended)

they are better related to the existing village and are less visually isolated than the appeal proposal.

18. For the above reasons, I conclude that the development would fail to preserve the setting of the Snailbeach Conservation Area. This harm would be 'less than substantial' in the context of Paragraphs 195-196 of the Framework. However, the public benefits associated with the scheme, including the provision of a new family dwelling and the generation of economic benefits, would not outweigh the harm in this case.
19. The development would therefore be contrary to guidance in the Framework relating to designated heritage assets. It would also be at odds with the relevant sections of Policies CS6 and CS17 of the Shropshire Core Strategy (2011), Policies MD2 and MD13 of the SAMDev Plan (2015). These policies seek to ensure, amongst other things, that new development contributes to local distinctiveness, preserves its historic context, and avoids harm to designated heritage assets.

Ecology

20. The appeal site consists of native broadleaf woodland, which is a UK Biodiversity Action Plan priority habitat. It contains a significant number of mature trees, 9 of which are proposed for removal in order to facilitate the development. Of these, 6 trees are identified as being in Category A3 in the submitted Tree Condition Report².
21. Whilst layout is a reserved matter, the position of the proposed dwelling is largely dictated by the topography of the site and by existing trees. The illustrative layout would necessitate the removal of 9 trees in order to accommodate the proposed dwelling and access route. However, I note that almost the entirety of the outdoor amenity area serving the dwelling would also consist of woodland. In this regard, mature trees would dominate the rear of the property and would heavily restrict light to any rear facing windows or patio areas. This would be likely to cause significant resentment and lead to pressure to remove further trees once the dwelling is occupied. Moreover, a number of trees positioned in front of the property would obscure open views to the north west and so are also likely to cause resentment, leading to pressure for their removal.
22. In addition, it would not be possible to create a traditional garden and lawn area without removing a number of other trees. Any lawn or flowerbeds that were created would also be heavily overshadowed. Furthermore, future occupiers may perceive the nearest trees as a potential hazard to the property. These factors are likely to create significant additional pressure to remove trees once the dwelling is occupied. The visibility of many of the trees from public vantage points is also limited and so any unauthorised felling would be difficult to detect.
23. Accordingly, I consider that the development would significantly undermine the longer term existence of other trees within the site, in addition to those currently identified for removal. The loss of further trees would clearly detract from the ecological interest of the site. It is unclear from the information before me whether the proposed buffer planting would be capable of

² Forester & Arborist Services Ltd (20 June 2019)

adequately mitigate this, and only limited detail has been provided in this regard.

24. For the above reasons, I conclude that the development would be likely to significantly harm the ecological value of the site. It would therefore be contrary to the relevant sections of Policies CS6 and CS17 of the Shropshire Core Strategy (2011), and Policy MD12 of the SAMDev Plan (2015). These policies seek to ensure, amongst other things, that new development avoids harm to natural assets, and protects and enhances the natural environment.

Other Matters

25. The precise orientation of the dwelling and the position of its windows do not fall to be considered at this stage. However, given the distance to the nearest dwellings to the west, I am satisfied that it would be possible to develop the site without significantly harming the living conditions of neighbouring occupiers with regard to overlooking and loss of privacy.
26. The development would not involve the loss of any high-quality agricultural land. However, that is a neutral consideration rather than a positive benefit.

Conclusion

27. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR