



Appeal Decision

Site visit made on 26 April 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2022

Appeal Ref: APP/L3245/W/21/3288834

Land adjacent Nesscliffe Hotel, Nesscliffe SY4 1DB

- 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 John Jones against the decision of Shropshire Council.
 - The application Ref 21/02563/OUT, dated 18 May 2021, was refused by notice dated 13 August 2021.
 - The development proposed is outline permission for the erection of two dwellings.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of two dwellings at Land adjacent Nesscliffe Hotel, Nesscliffe SY4 1DB in accordance with the terms of the application, Ref 21/02563/OUT, dated 18 May 2021, subject to the conditions set out in the attached schedule.

Preliminary Matter

2. The planning application was submitted in outline form with matters of access, layout, scale, landscaping and appearance reserved for future consideration. I have determined the appeal on this basis and thus have treated the submitted plans as being for indicative purposes only.

Main Issue

3. The main issue is whether the proposed dwellings would be in a suitable location for housing.

Reasons

4. The appeal site is a parcel of land on the north side of Holyhead Road, which runs through Nesscliffe and along which the built form is laid out in a predominantly linear pattern with buildings sited close to the highway. The site is located below Nesscliffe Hill which provides a wooded backdrop beyond open fields. The site does not appear to have any significant amenity value.
5. Travelling southeast along Holyhead Road, the Nesscliffe Hotel is the last building before the appeal site, however the boundary wall of this building projects up to the appeal site thus further extending the presence of built form. On the approach to the appeal site from the southeast, on passing the signage informing of the approaching village of Nesscliffe and the speed limit signage, the street scene retains a predominantly rural character for a short stretch. However, on turning the bend, glimpses of the built form on the southern side of Holyhead Road and the Nesscliffe Hotel quickly appear. When up close, the

- existing built form changes the earlier rural character and give a clear sense of arrival into Nesscliffe.
6. Whilst the street scene along the immediate short stretch next to the appeal site is semi-rural due to the reduced built form on this northern side of Holyhead Road, this contradicts strongly with the cluster of residential properties opposite which clearly read as part of the settlement. Moreover, the appeal site is not visually closely related to the open fields and wider countryside beyond, which are separated by a fence, sit at a higher level and rise steeply towards Nesscliffe Hill. Therefore, taking a broader view of the streetscene, the appeal site has a closer affinity, both visually and functionally, with the built form opposite and adjacent which is readily apparent in the immediate vicinity, and thus the settlement as a whole.
 7. The introduction of residential properties to this undeveloped site would not appear incongruous as they would therefore assimilate well with the existing built form due to this close relationship. The proposal would not result in fragmented development or sprawl that would result in significant visual harm to the wider countryside given this context. The steep rising of the land to the rear of the proposed development and views of Nesscliffe Hill would also remain visible from various points along the highway. Accordingly, along with the dwellings opposite, the appeal site marks a logical start/end of the built-up area of Nesscliffe.
 8. The appeal site can be seen from nearby public footpaths to the rear. When viewed from this vantage point, the appeal site may appear to somewhat form part of the wider field. However, the land level changes between the field and the appeal site are not readily discernible from this point. Furthermore, any views which would be achieved of the proposed development would largely be read in context with the existing surrounding built form and backdrop. As such, it would not blur the definitions of the village, with open countryside beginning beyond the appeal site away from the existing built form.
 9. The appeal site is currently bound by hedging along its highway boundary. The submitted plans indicate a wall along the highway boundary, to which the Council has raised concern with. However, the plans are for indicative purposes only and, based on the information before me, I can see no reason why an appropriate boundary treatment could not be devised and agreed at the reserved matters stage, notwithstanding the concerns from the Council's highway consultee.
 10. Therefore, subject to a sensitive design, the introduction of built form to this undeveloped site would not be out of keeping in this location and the proposal would not result in harm to the character of the area.
 11. Policy CS1 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (the CS) sets out the strategic approach to development in the district and notes that the rural areas will become more sustainable through a rural rebalance approach. This is supported by CS policy CS4 which seeks to make communities more sustainable by focusing development into community hubs and clusters. CS policy CS3 states that balanced housing development will take place within the towns' development boundaries and on sites allocated for development.

12. The Council consider that the appeal site is located outside of the Community Hub of Nesscliffe and thus for development plan purposes it falls within a countryside location. Although there are limited details before me regarding the Local Plan Review which has been submitted for examination, I acknowledge the suggestion that Nesscliffe is to be given a development boundary, which the appeal site would not fall within. I do not know the stage of the examination or whether there are any unresolved objections and as such, I can only afford this matter very limited weight.
13. Although a development boundary may assist in determining the extent or definition of the settlement, I have nevertheless found that the appeal site, when experienced in the locality, reads as part of Nesscliffe, with a close affinity to the existing built form. Regardless of this matter however, CS policy CS5 strictly controls development in the countryside in order to maintain and enhance countryside vitality and character. I have already found that the proposal would not harm the character of the area.
14. Although the proposed development does not fall within any of the examples listed in CS policy CS5 in terms of development which may be permissible in the countryside, this list is not exhaustive and, moreover, the overall aim of this policy is to ensure developments maintain and enhance countryside vitality and character, where they improve the sustainability of rural communities by bringing local economic and community benefits.
15. The appeal site is located close to the main hub of Nesscliffe which is largely centred around the public house and petrol station, which also includes a convenience store and post office. The proposal would provide two new dwellings which, based on the indicative plans, could constitute family sized dwellings. Future residents would likely use the shops, services and facilities within Nesscliffe and would not rely on private vehicle to do so, given the close relationship with the village and bus stops. The good availability of public transport would also provide access to settlements further afield. The proposal would support the desire for a rural rebalance through contributing towards social and economic vitality and thus provide benefits to the community.
16. Accordingly, taking all the above into consideration, the appeal site represents a suitable location for residential development as the proposal would enhance countryside vitality by bringing local economic and community benefits and would not result in harm to the character of the area. Therefore, the proposal would accord with CS policies CS1, CS4, CS5, CS6 and CS17 of the CS, policies MD1, MD3 and MD7a of the Shropshire Council Site Allocation and Management of Development (SAMDev) Plan (December 2015) and the National Planning Policy Framework (the Framework) in their collective aim to ensure that rural housing developments are sustainable and of a high-quality design which reflects local context, character and environment.
17. Policy S17 of the SAMDev is referred to within the Council's decision notice however this relates to the Wem area, in which the appeal site is not located. CS policy CS11 is also referenced, although as the proposal is for less than 10 dwellings, in light of the Framework and as acknowledged by the Council, the provision of affordable housing is not a requirement of this proposal. Further to the above policies which are referred to in the decision notice, the Council also states that the proposal would conflict with CS policy CS3 however this concerns the market towns and other key centres in the district.

Other Matters

18. The Nesscliffe Hotel is a detached Grade II listed building (the LB) which is identified as a former staging post. It is a dominant three storey property occupying a prominent siting along the highway and forward of the appeal site. Given the distance and relationship to the LB, I consider that the appeal site makes a neutral contribution to its significance and thus, in principle and subject to a sensitive design, the proposed residential development would preserve its setting. This is a neutral matter in the overall planning balance.
19. Concern has been raised that there are badgers within close proximity to the site however no further evidence has been submitted in support of this. The appellants Preliminary Ecological Appraisal¹ (the EA) indicates that the habitat of the appeal site is of very low/negligible ecological value and found no evidence of badgers on the site or within 50m. The Council's ecology consultee has also raised no objection to the proposed development, subject to conditions.
20. With regards to concerns relating to the living conditions of neighbouring occupiers, as the proposal is in outline form with all matters reserved, this would be a detailed consideration for future applications. Nevertheless, the indicative plans indicate that two dwellings could be erected at the appeal site with a generous separation distance across the highway. I also note there are concerns that this proposal would set a precedent however there is nothing before me to indicate that a similar proposal would be forthcoming on another site and, moreover, each development is determined on its own merits. Matters of the effect of hardstanding on natural drainage would be appropriately controlled via a condition.

Conditions

21. I have considered the conditions suggested by the Council and those set out in the consultee responses. The appellant has raised no substantive objections to them. Having regard to the tests set out in the Framework and the advice in the Planning Practice Guidance, where appropriate I have carried out some minor editing to the suggested conditions which has not affected their controlling elements.
22. The first 3 conditions are required by law. A condition specifying the relevant plan showing the application site is imposed for certainty. I have attached a condition relating to drainage as this is necessary in the interests of flooding.
23. Conditions relating to the access, gates, parking and turning areas are not necessary at this stage as they relate to matters which are reserved for subsequent consideration.
24. The EA includes recommended measures for mitigating impacts on and enhancing potential for protected species. Conditions requiring work to be carried out in accordance with the EA, the provision of roosting and nesting opportunities for bats and birds and the submission of details of any lighting scheme are attached as they are necessary in the interests of ecology. I have also attached a condition which ensures the EA remains up-to-date for the duration of the development.

¹ Reference: LSP/2481/20.1, dated 2nd March 2021

Conclusion

25. I note that the Council considers it can demonstrate in excess of a 5 year supply of deliverable housing sites. However, this target is not a ceiling figure. Moreover, I do not consider that this is a strong enough reason on its own to prevent further development. In any event, I have determined this appeal on its individual planning merits and have concluded that the proposal would accord with the development plan.

H Ellison

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the access, appearance, landscaping, layout and scale (the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) The application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) This approval relates to Location Plan: 01.
- 5) No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner) and shall be retained thereafter.
- 6) Prior to first occupation, a minimum of 1 external woodcrete bat box, integrated bat brick or ridge tile bat roost, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on each dwelling hereby approved. They shall be installed at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting, and retained thereafter.
- 7) Prior to first occupation, a minimum of 1 artificial nest, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design), starlings (42mm hole, starling specific), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups) shall be erected on each dwelling hereby approved. The boxes shall be sited at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect (under eaves of a building if possible) with a clear flight path, and retained thereafter.
- 8) Prior to its installation, details of any external lighting to be installed on site shall be submitted to and approved in writing by the local planning authority. The lighting shall be implemented in accordance with the approved details and retained thereafter.
- 9) Construction works on site shall be carried out in strict accordance with the recommendations made in the Preliminary Ecological Appraisal: Land adjacent

to Nesscliffe Hotel, Nesscliffe SY4 1DB, Reference: LSP/2481/20.1, dated 2nd March 2021.

- 10) If the development hereby permitted does not commence (or having commenced is suspended for more than 12 months) within 3 years from the date of the Preliminary Ecological Appraisal: Land adjacent to Nesscliffe Hotel, Nesscliffe SY4 1DB, Reference: LSP/2481/20.1, dated 2nd March 2021, then the approved ecological measures and mitigation secured through conditions shall be reviewed and, where necessary, updated and amended.

The review shall be informed by further ecological surveys (in line with recognised national good practice guidance) in order to i) establish if there have been any changes in the presence and/or abundance of species or habitats on the site and ii) identify any likely new ecological impacts and mitigation requirements that arise as a result.

Where updated surveys show that conditions on the site have changed (and are not addressed through the originally agreed mitigation scheme) then a revised updated and amended mitigation scheme, and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Works will then be carried out strictly in accordance with the proposed new approved ecological measures and timetable.