



Appeal Decision

Site visit made on 6 September 2022

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2022

Appeal Ref: APP/L3245/W/22/3294622

Wychend, 24 Snailbeach, Shrewsbury SY5 0NS

- 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 Ryan Jones against the decision of Shropshire Council.
 - The application Ref 21/01569/FUL, dated 25 March 2021, was refused by notice dated 3 November 2021.
 - The development proposed is for the erection of a dwelling and formation of a vehicular access (amended).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a dwelling and formation of a vehicular access (amended) at Wychend, Shrewsbury SY5 0NS in accordance with the terms of the application, Ref 21/01569/FUL, dated 25 March 2021, subject to the conditions set out below.

Preliminary Matters

2. The proposal was originally applied for as an outline application but was amended during the planning application process to a full application. I have therefore treated it as such in my considerations below. As a result, I have also taken the description of development in the header above from the Council's decision notice and appellant's appeal form.

Main Issues

3. The main issues are (i) whether the site is suitable for new housing; and, (ii) the effect of the proposal on the character and appearance of the surrounding area, with particular regard to the conservation area, scheduled monument and Area of Outstanding Natural Beauty.

Reasons

Whether Suitable Location

4. Policies CS1 and CS4 of the Shropshire Local Development Framework: Adopted Core Strategy (the CS, March 2011) and Policies MD1, MD3 and S2 of the Shropshire Council Site Allocations and Management of Development Plan (the SAMD, December 2015) collectively, and amongst other matters, set out the spatial strategy for residential development. In particular it supports some rural development, in part directing it towards Community Clusters.

5. The appeal site is within Snailbeach, one such Community Cluster, and under SAMD Policy S2 a guideline is set for the provision of around 15 new dwellings within the plan period up until 2026. It is clear from the wording of the policy that this is not a hard ceiling to development, and SAMD Policy MD3 sets out a number of points to be considered when residential development is likely to exceed this guideline. From the evidence before me, I understand that within the Snailbeach Community Cluster there have been 10 completions during the plan period and there are a further 13 extant permissions for residential development.
6. Given the above, there is a potential for 8 dwellings over the guideline limit of 15 to be provided, the proposal would increase this to 9. I note the Council's concerns that such an increase would have the potential to put undue strain on the services and facilities of Snailbeach. However, I have not been provided with any substantive evidence to demonstrate that local services and facilities could not accommodate a further increase of 1 dwelling.
7. Moreover, lacking any evidence to demonstrate that all of the extant permissions would, or would not, be completed out during the plan period, I find it likely that most of the permissions would be completed. However, even if only one dwelling was not completed during the plan period this would result in the proposal before me not creating any greater over provision than has already been found acceptable.
8. I note that both main parties also agree that the proposal would result in at least some economic and social benefits as a result of the new dwelling. Given this, and the above, there would not be an unacceptable impact on the Community Cluster as a result of a strain on services and facilities stemming from an additional 1 dwelling.
9. In light of the above, the proposal by way of its location within a Community Cluster and the limited increase of 1 new dwelling over the accepted number of new dwellings, would not result in harm to services and facilities or the Council's spatial strategy. The proposal would therefore comply with Policies CS1 and CS4 of the CS and Policies MD1, MD3 and S2 of the SAMD as outlined above.

Character and Appearance

10. The appeal site is located at the end of a terrace of properties on Shop Lane which is within the Snailbeach Conservation Area (the SCA) and the Shropshire Hills Area of Outstanding Natural Beauty (the AONB). Near the site is the Snailbeach Lead Mine Scheduled Ancient Monument (the SLM) and the former railway which served the mine passes close to the front of the appeal site.
11. Snailbeach is formed of a small and loose collection of dwellings that surround the historic lead mine. It appears to have largely arisen in a very sporadic and organic manner. Dwellings are, on the whole, older and traditional in their appearance. Given their hillside siting, buildings are often prominent in views, but the significant tree coverage within and surrounding the village softens this somewhat. Although the majority of dwellings are older, while on site I noted a number of more modern features on these properties, such as glass balustrades.

12. As noted above, the proposal would be close to the former railway track leading towards the SLM. From my observations on site and the evidence before me, I understand that the former track has largely been repurposed as part of the road and footpath network. Although not a feature of the mine itself, the track would have been an integral part of the mine and I find that it does provide some contribute towards the SLMs significance. The significance of the SLM stems from the ready legibility of its former use and the extent to which the mine buildings are still present and intact. I find that the significance of the SCA in part stems from the importance of the SLM, as well as from the residential development that would have sprouted up to support it.
13. The proposal would be a simple dwelling that presents a single storey to Shop Lane which would be visually similar to the existing dwellings within the street scene. As such, and given its linear form, the dwelling would follow the pattern and general appearance of development on Shop Lane. Moreover, in more distant views, including from near the village hall, even though the dwelling would present some more modern features, such as the large area of glazing and glass balustrade, it would nevertheless be sympathetic to the other dwellings visible on the hillside.
14. Although the proposal would introduce a new dwelling close to and read in relation to the former railway, it would do so along a street which is already characterised by residential development. Therefore, although there would be a visual change, the character and historic interest of the railway line would not be adversely affected. Likewise, as Snailbeach and in particular Shop Lane are primarily residential, and as the dwelling would be in keeping with the appearance of the area and seen within the existing envelope of development, it would not result in harm to historic significance of either the SCA or SLM and nor would it result harm to the landscape and scenic beauty of the AONB.
15. In light of the above I find that the proposed new dwelling would not, as a result of its siting, design or relationship to its context, unacceptably affect the character and appearance of the surrounding area including the SCA, SLM and AONB. The proposal would therefore comply with CS Policies CS6 and CS17 and Policies MD2 and MD13 of the SAMD which collectively, and amongst other matters, require that developments are of a high quality that protects and conserves the natural, built and historic environment with consideration to appropriate scale, density and design for the local context.

Other Matters

16. In reaching this decision I have been mindful of the recently dismissed appeal¹, brought to my attention by the appellant, for the erection of one dwelling within a Community Cluster. However, I do not find the Inspector's wording to be so definitive as to be determinative on my judgement, and nevertheless all proposals must be considered on their own merits and that scheme was in a different Community Cluster. Whilst the Council have also referred to a pair of appeals², I have not been provided with any details of these and so cannot ascertain their circumstances or relevance.

¹ APP/L3245/W/21/3274087

² APP/L3245/W/20/3251667 and APP/L3245/W/21/3273622

Conditions

17. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the PPG. In the interests of clarity and enforceability, I have made some changes to the wording. There are a number of pre-commencement conditions proposed by the Council. The appellant had the opportunity to comment on them during the appeal process and confirmed that they would accept any conditions deemed necessary by the Inspector. I consider this also covers the pre-commencement conditions.
18. For certainty, I have set out the timescale for the commencement of development. A condition is also necessary for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans.
19. Given the location of the site in close proximity to a former lead mine and features associated with its functioning, there is a potential for contamination to be found on site. In the interests of health and safety a condition is therefore necessary requiring investigations and, if needed, remediation work to be carried out. As development works may disturb such contamination it would be necessary for the relevant checks to be carried out prior to works starting in earnest, an allowance for some demolition is given as this would ensure a fuller picture of any potential contamination to be gained.
20. Given the historic nature of the site's location, conditions would be necessary to ensure that proper consideration is given to the external materials and detailing of the dwelling and the potential presence of any archaeological works. Archaeological investigations would be necessary prior to the commencement of works in order to ensure that the development does not disturb or otherwise compromise any historic features of interest.
21. Given the nature of the surrounding area as a lush and verdant setting for the development, it would be necessary for a landscaping scheme to be submitted in order to ensure that the site sits suitably within it. Such a scheme would need to come before any developments started in order to ensure that no existing vegetation of importance is lost.
22. As the appellant's environmental impact assessment demonstrates the likelihood of the site supporting animals within the wider area, it would be necessary to ensure that the development does not unacceptably erode its contribution. As such I have imposed a condition requiring the development be carried out in accordance with the recommendations of the assessment. I have not however, included the Council's conditions specifying the provision of artificial habitats or limiting external lighting as these are set out within the assessment's recommendations.
23. In the interests of highway safety, conditions would be necessary to ensure that a suitable access, parking and turning area are provided and that no new boundary treatments or enclosures are erected between the site and Shop Lane.

Conclusion

24. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1:1250, RJVA002-2020, RJVA004-2020.
- 3) No development, with the exception of demolition works where this is for the reason of making the site available for investigation, shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 28 days of the report being completed and approved in writing by the local planning authority.
- 4) No development shall commence until the applicant/owner/developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which shall first be submitted to and approved in writing by the Local Planning Authority.
- 5) No works associated with the development hereby permitted, including site clearance, shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. This shall include: (i) a survey of all existing trees and hedges on and adjacent to the site; (ii) identification of existing trees and hedges which are to be retained, and measures for their protection during the course of construction works; (iii) details of the type/construction, alignment and height of all walls, fences trellises, retaining structures and other boundary treatments/means of enclosure; (iv) details/samples of hard surfacing materials; and (v), timetables for implementation

- 6) The landscaping works shall be completed in accordance with the approved details. Thereafter any trees or plants which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) No above-ground development shall commence until samples/precise details of all external materials and finishes, including for the roof, have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details and retained thereafter.
- 8) No external windows, doors or other glazing or joinery shall be installed until precise details of their material, form and style, including details of glazing bars, mullions, sill mouldings and surface treatments/decorative finishes, have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with approved details and retained thereafter.
- 9) The development hereby permitted shall be carried out in accordance with the Proposed Avoidance Measures, Mitigation and Enhancement set out under Section 5 of the 'Ecological Impact Assessment of Land' by Churton Ecology. Prior to the first occupation of any part of the development, suitable evidence shall be submitted to the Local Planning Authority in order to demonstrate the implementation of these recommendations. These features shall be permanently retained, and the site occupied in accordance with these recommendations thereafter.
- 10) Prior to the first occupation of the development, the vehicular access, parking and turning areas shall be laid out and surfaced in accordance with the approved plans and the details agreed under Condition 5 above. They shall be retained for their intended purposes for the lifetime of the development.
- 11) Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order modifying, revoking or re-enacting that Order), no new or replacement wall, fence, gate or other means of enclosure shall be erected or installed along the front (southeast) boundary of site with Shop Lane without a further, express planning permission first being obtained from the Local Planning Authority.