
Appeal Decision

Site visit made on 24 November 2022

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2022

Appeal Ref: APP/L3245/W/22/3302026

Roundabout Cottage, Clee Hill Road, Nash SY8 3DE

- 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 and Mr F and R Beaumont against the decision of Shropshire Council.
 - The application Ref 21/05898/FUL, dated 14 December 2021, was refused by notice dated 11 February 2022.
 - The development proposed is a change of use of agricultural land to residential, detached garage and use of access for residential dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the interests of clarity I have added the road name into the appellants' description of the address in the banner heading above.

Main Issues

3. The main issues are:
 - whether the proposal is in a suitable location, having regard to the local development strategy for the area; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Suitable location

4. The appeal site is one of a pair of dwellings fronting onto Clee Hill Road. The dwelling plots sit within part of a much larger field, which also contains some substantial farm buildings within its south. The access is off a driveway to the farm buildings, which then runs in front of both dwellings. Further fields surround the site on all sides.
5. In 2014 planning permission¹ was granted for two detached affordable dwellings, each with a detached garage/carport in between. Roundabout Cottage and Nashville Cottage were permitted as a rural exception site, with a Section 106 agreement restricting their size, occupancy, and value. Both dwellings have been built, however neither the detached garage for

¹ Reference 13/03957/FUL

Roundabout Cottage nor the vehicular access directly off Clee Hill Road in front of the dwellings have been constructed. The permission is extant which means these aspects could be implemented without requiring further permission.

6. The appeal proposal is to instead erect a detached garage to the opposite side and forward of Roundabout Cottage, with an associated increase in its garden plot to accommodate this. The proposal also seeks to formalise the existing access point, including hedgerow amendments to create better visibility splays.
7. I acknowledge the parties' differing submissions relating to the overall plot size, and whether the proposed garden increase would meet the guidance in the Shropshire Local Development Framework Type and Affordability of Housing Supplementary Planning Document (SPD) (2012). However, I do not need to consider whether in isolation such an extension to the garden may be appropriate, including its visual impact. The garden extension is only required as a result of the placement of the garage, so my consideration is only related to the impact of the garage together with its setting within the new garden area.
8. Policy CS5 of the Shropshire Local Development Framework Adopted Core Strategy (CS) (2011) outlines that new development will be strictly controlled in accordance with national policies protecting the countryside. It states 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 economic and community benefits. Further, it then outlines that this is particularly where they relate to a number of development types then specified in the policy.
9. Both parties agree that the proposal does not fall within any of these criteria. However, this does not lead me to the need to apply the provisions of paragraph 11 of the National Planning Policy Framework ('the Framework') for when a development plan is silent on a matter. The policy is not silent on the type of development proposed, but rather outlines aspects which all development should be judged against, with support 'particularly' given to the types specified.
10. I have not seen any compelling evidence that the proposal will maintain and enhance countryside vitality and character, or bring local economic and community benefits. In conclusion therefore, the proposed development is not in a suitable location, having regard to the local development strategy for the area, and so would conflict with policy CS5 of the Shropshire CS in its aim to protect the countryside.

Character and appearance

11. As a material consideration there is a real prospect of a fallback position for the appeal scheme's garage, this being the extant permission for the garage in between the dwellings. In my consideration of the impact on character and appearance of the area, it is therefore highly relevant to compare the effect of both potential garages.
12. The fallback proposal would already be a substantial structure, as can be seen for the identical existing garage to Nashville Cottage. The current proposal would be slightly wider and higher, with an external staircase and fully solid sides instead of the previous carport element. Notwithstanding that its

materials and design would be consistent with the buildings on the site, the amendments would create a noticeable increase in massing.

13. Furthermore, the extant garage would read subservient to the dwelling. This is due to its adjacent position, including the juxtaposition with the dwelling's single storey side projection and its architectural features. In contrast, this would not be the case for a larger garage in the proposed location, because as well as its size, its position significantly forward of the building line and turned at a right angle would make it prominent and incongruous. It would not appear as sufficiently subservient to its host dwelling, and overall this would undermine the character of the surrounding landscape.
14. No specific justification has been provided for why a larger garage is required. That a home office use may be ancillary to the primary dwellinghouse use on a site which is already residential, is insufficient justification for creating additional living space on a restricted plot in this location. While I have some sympathy that a garage in the original position would reduce the appellants' existing garden land, I find that the garden size is not particularly modest for a young family, especially including the area to its front and in its countryside setting.
15. While the original decision to approve the dwellings may have accepted that the design required a local generic vernacular, and thus they may not be of specific architectural merit, this does not outweigh the need to take account of the rural character of the area. In refusing the application the Council has sought to protect the countryside in line with its suite of policies which address character and appearance of development proposals. CS policies CS6 and CS17 aim to ensure that all development protects and enhances the diversity, high quality, and local character and visual value of Shropshire's range of environments, and be appropriate in scale, density, pattern, and design. The Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (2015) policy MD2 sets out further detailed sustainable design principles. Policy MD12 also seeks to protect the natural environment with reference to refusing proposals which have a significant adverse effect on visual amenity unless certain criteria are met.
16. Turning to the proposed access element of the scheme, the extant permission also provides a clear fallback for a gated central access point. The Council has objected to the proposed access due to impact on character and appearance, and particularly that it would have a detrimental impact on the rural character of the location and create a suburban development in the open countryside. I acknowledge that there has been no special justification as to why the extant access has not been constructed or why it cannot now be constructed. However, a hedge set back with a grass verge, with no additional gates or walls, is a minor visual amendment to the current situation and would not look untoward in its rural context.
17. In addition, under the fallback, the existing access would still remain to serve the farm buildings. Adding an additional entrance in such close proximity would overall have a greater negative impact on the rural character of the countryside. It would permanently remove more hedgerow, and also would not improve the visibility splays for the farm access, which is a highway safety improvement. The Council's Highways Department considers that the proposed appeal scheme improvements would be better than the extant scheme access.

18. In conclusion, while the proposed access element of the scheme would be acceptable, the proposed development overall would result in harm to the character and appearance of the area. This would conflict with the Shropshire CS policies CS5, CS6, and CS17, and the Shropshire SAMDev policies MD2 and MD12, as well as guidance in the Shropshire Affordability of Housing SPD.

Other Matters

19. The Council considers that a Deed of Variation to the S106 Agreement would be required for the appeal to be allowed. The appellants have suggested that this could be achieved via a condition. As I am dismissing the appeal I have not considered this matter further.

Planning Balance and Conclusion

20. The proposed access point would be more beneficial to highway safety and visual appearance than the consented access point, and I give these benefits moderate weight.
21. The outcome of a slightly larger garden and a garage is only a private benefit for the appellants, with no special justification provided as to why this is necessary. I therefore give this benefit minor weight.
22. Overall, the benefits of the scheme do not outweigh the visual harm which would be caused by the proposed garage's position. The scheme conflicts with the development plan as a whole. With no other material considerations outweighing this conflict, for the reasons given above I conclude that the appeal is dismissed.

L Hughes

INSPECTOR