



Appeal Decision

Site visit made on 3 March 2023

by Lewis Condé Msc, Bsc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 March 2023

Appeal Ref: APP/L3245/W/22/3304936

Old Roc Post, Church Road, Dorrington, Shrewsbury SY5 7JL

- 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 Mrs Chatha against the decision of Shropshire Council.
 - The application Ref 21/05809/OUT, dated 13 December 2021, was refused by notice dated 19 May 2022.
 - The development proposed is described as 'Erection of 5 bedroom house and detached garage on the former R.O.C Post site'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline form with all matters reserved for future consideration. I have determined the appeal on this basis.

Main Issue

3. The main issue is whether the site is a suitable location for the proposed development having regard to local and national planning policy.

Reasons

4. The appeal site lies approximately 100m to the west of the village of Dorrington. It comprises a parcel of land off of Church Road that contains an existing prefabricated building that I understand is being used as residential accommodation. The site is largely laid with hardstanding/gravel and also contains a separate store/outbuilding. It has a gated access from Church Road, whilst its boundaries mainly comprise a mix of brick walls, wooden fencing and hedges. The appeal site lies outside of any identified settlement boundaries and is therefore considered to be in the countryside.
5. Policy CS1 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) (the Core Strategy) outlines the strategic approach to development across the plan area. This establishes a hierarchical approach to residential development that is to be directed towards Shrewsbury (25% share), Market Towns and other Key Centres (40%) and rural areas (35%). Policy CS4 further sets out a strategy for development in rural areas, promoting development that enables communities to become more sustainable. This includes through focusing development within Community Hubs and Community Clusters and not allowing development outside these settlements unless it complies with other relevant policy.

6. Furthermore, Core Strategy Policy CS5 and Policy MD7a of the Shropshire Council Site Allocations and Management of Development Plan (adopted 2015) (the SAMDev) seek to strictly control developments in the countryside whilst providing various exceptions for new dwellings. This includes dwellings to house essential rural workers, affordable housing to meet a local need, or replacement dwellings where the dwelling to be replaced is a permanent structure with an established continuing residential use (subject to further criteria).
7. The appellant contends that the site already has a long established lawful residential use and continues to be used for residential purposes.
8. However, the Council highlight that the static caravan on the site is not a permanent structure having been granted planning permission in 2008 (ref: 07/1222/F) to provide accommodation for a gypsy family. Whilst I do not have the full details of the 2008 permission, I understand permission was granted for the siting of a caravan for residential use subject to a personal condition, based on the original applicant's personal circumstances. This has meant that whilst the permitted residential use was not temporary in nature, it could only be occupied by the relevant named persons. A further condition was also attached requiring the land to be restored to its prior condition within 6 months of the land ceasing to be occupied by the relevant family member(s).
9. I understand that the 2008 permission has subsequently been varied to enable other named members of the gypsy community to occupy the site. Nevertheless, the relevant permissions retain conditions restricting the use of the site to specified persons, and the requirement for the land to be returned to its previous condition once it has ceased to be occupied by the relevant persons.
10. The Council also informs that the site is no longer occupied by the relevant named family, with the land having previously been sold. I am also informed that the appellant is in breach of the conditions attached to previous permissions. No robust evidence has been provided by the appellant to refute the Council's arguments. Accordingly, I do not consider that the proposal involves the replacement of a permanent structure with an established continuing residential use. Furthermore, the proposed development of an open market, self-build, dwelling would not meet any of the other identified exceptions of Core Strategy Policy CS5 and Policy MD7a of the SAMDev.
11. The appellant has also raised that the site is nearby to amenities. Dorrington does contain a range of facilities and services, including a primary school, church, village hall, medical centre and village convenience store. The site, however, is not closely related to the existing built form of the village. It is also located some distance from the nearest pavements, along a section of unlit rural road that is bordered by only limited grass verges. Therefore, whilst the site is located within a reasonable walking distance of the village it remains somewhat detached. The absence of pavements and lighting may not deter all persons from walking or cycling to nearby facilities. Nevertheless, in this instance, I consider it would still be a hinderance that would deter most occupants of the proposed dwelling, especially during adverse weather or periods of darkness. Therefore, future residents are likely to be heavily reliant on the use of private vehicles. This would be the least sustainable travel option.

12. Overall, given the appeal site's location and that it would not adhere to any of the exceptions outlined within the development plan, I conclude that it is not a suitable location for a new dwelling. Accordingly, the proposal does not comply with Policies CS1, CS4 and CS5 of the Core Strategy or Policy MD7a of the SAMDev. It would also conflict with the housing strategy set out within the National Planning Policy Framework (the Framework).

Other Matters

13. There may be potential for the proposed development to be of a design quality that is more sympathetic to the surrounding area than the current static caravan on the site. However, I do not find this to suitably justify the proposal's conflict with the above development plan policies.

Conclusion

14. The appeal scheme conflicts with the development plan as a whole and there are no other considerations, including the Framework's provisions, which outweigh this finding. Therefore, for the reasons given above and considering all other matters raised, the appeal is dismissed.

Lewis Condé

INSPECTOR