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# Appeal Decision

Site visit made on 25 March 2024

**by Tamsin Law BSc MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 03 April 2024**

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**Appeal Ref: APP/L3245/W/23/3322079**

**Benthall Grange, Benthall Lane, Benthall, Broseley, Shropshire, TF12 5RR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Mr Kelvin Bailey against the decision of Shropshire Council.
  - The application Ref is 22/05245/OUT.
  - The development proposed is described as "outline application (all matters reserved) for the erection of three dwellings following demolition of all existing buildings.2"
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The appeal proposal was submitted in outline with all matters reserved for future consideration. Notwithstanding that, an indicative block plan together with other illustrative material has been provided. However, the details shown on the additional particulars are not being considered at the outline stage. I have therefore treated these drawings as being indicative to show a possible way of developing the site.

## Main Issue

3. The main issue is whether the location of the proposed development would be acceptable with specific regard to the principle thereof, the Council's spatial strategy and access to services.

## Reasons

4. The appeal site is a builder's yard and associated workshop units on land located within the north of Benthall Grange, a residential dwelling in the same ownership. The appeal site is located outside the development boundary of Benthall.
5. The strategy for the area is set out in the Shropshire Council Local Development Framework Adopted Core Strategy (2011) (CS). It directs most new development to settlements. Policy CS1 addresses the spatial strategy, where Market Towns and Key Centres will be the primary focus for development. It goes on to state that rural areas will become more sustainable through a "rural rebalance" with development being located predominantly in community hubs and community clusters.
6. The appeal site lies outside a development boundary and does not fall within any of the Community Hubs or Community Cluster Settlements listed in the Shropshire Council Site Allocations and Management of Development Plan

(2015) (SAMDev). SAMDev Policy MD3 allows for housing outside defined settlement boundaries where the settlement housing guideline is unlikely to be met subject to amongst other things, the benefit thereof and the presumption in favour of sustainable development. Policy S4 of the SAMDev details that a housing requirement of 200 dwellings for Broseley, Benthall lies in the Broseley Neighbourhood Plan area, and the most up to date housing figures detail 231 completions and a further allocation for 92 dwellings. Therefore, meeting and exceeding the demand.

7. CS Policy CS5 CS allows new development in the open countryside where it maintains and enhances countryside vitality and character and improves the sustainability of rural communities. It also provides a list of particular development types that this relates to including dwellings for essential workers, affordable housing to meet local need, and the conversion of rural buildings. The proposal would not fall into any of the identified examples.
8. Although CS5 does not explicitly restrict new market housing in the countryside, Policy MD7a of the SAMDev is clear that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters. As the proposal is for open market residential development, it would fail to accord with Policies CS5 and MD7a.
9. Therefore, by virtue of its location outside of any defined settlement boundary, the appeal site would not be a suitable location for the proposal, having regard to the development strategy for the area. Consequently, it would conflict with CS Policies CS1, CS4 and CS5 or SAMDev Policies MD1, MD3, MD7a and S4 which, amongst other things, seek to direct housing development to sustainable locations.

### **Planning Balance**

10. The Council in their appeal statement have included an up-to-date assessment of housing land supply. This identifies that the Council is able to demonstrate a 5-year housing land supply. Consequently, the presumption in favour of sustainable development contained in paragraph 11(d) of the Framework is not engaged.
11. Exceptional circumstances put forward by the appellant for development outside the boundary include an extant permission<sup>1</sup> for three dwellings, the ceasing of a commercial use at the site which conflicts with residential dwellings near to the site and the provision of self-build dwellings.
12. From reviewing the planning history, it appears that the three dwellings were given permission as a result of a combination of the removal of the commercial use and a financial contribution towards affordable housing. The policy context at the time meant that a financial contribution for affordable housing was required for development of this scale, the affordable housing contribution was given weight in the planning balance. No affordable housing contribution is proposed on the scheme before me, as such I am unable to attach the positive weight given previously. The appellant asserts that the financial contribution towards affordable housing is unviable. I have not been provided with any

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<sup>1</sup> Ref 14/02614/FUL (12 October 2015)

evidence relating to the viability of the scheme, and as such can only give this limited weight.

13. The description of development states that the proposal is for self-build dwellings. No evidence or information pertaining to its self-build nature has been submitted with the appeal and no legal agreement securing it as such has been provided. In any event, the Council's evidence detail that sufficient self-build plots have been approved to meet the demand. As such, I can only give this limited weight.
14. The construction of dwellings could be a more compatible use to the surrounding area, which largely includes residential properties and would likely improve the living conditions of nearby residents. I therefore give this benefit moderate weight.
15. I find that on this occasion the benefits of allowing the proposed development, including removing the conflict between employment and residential uses, would not outweigh the conflict that would be caused to the Council's housing strategy.

### **Conclusion**

16. For the above reasons, there are no relevant material considerations, including the approach of the Framework, that would indicate a decision otherwise in accordance with the development plan. It is for this reason that the appeal should be dismissed.

*Tamsin Law*

INSPECTOR