



Appeal Decision

Site visit made on 30 April 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2024

Appeal Ref: APP/L3245/W/23/3330024

Land adjacent to 6, Orchard Cottage, Sandy Lane, Pell Wall, Market Drayton TF9 2AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Louis Tomkinson against the decision of Shropshire Council.
 - The application Ref is 23/02227/FUL.
 - The development proposed is the construction of single local needs dwelling including the provision of access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the appeal site is suitable for a new dwelling; and,
 - The effect of the proposal on the character and appearance of the surrounding area.

Reasons

Whether suitable for a new dwelling

3. Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011, the ACS) sets out support for some development in the countryside. In particular, it permits development on appropriate sites where they maintain and enhance countryside vitality and character, and would improve the sustainability of rural communities through economic and community benefits. Both ACS Policy CS5 and Policy MD7a of the Shropshire Council Site Allocations and Management of Development Plan (December 2015, the SAMD) set out that residential development to meet local needs is also specifically supported where it would meet identified and evidenced needs.
4. ACS Policy CS5 is also clear that there is an expectation that such residential development will primarily take place within recognisable named settlements or be linked to existing development and business activity where appropriate. I have not been provided with any substantive details as to the location of Pell Wall. However, it is clear from the information before me and my observations on site that the appeal site is detached from any settlements and instead forms part of a small cluster of buildings. Therefore, irrespective of Pell Wall's status, I consider the site to be outside of any recognisable named settlements. It has

also not been demonstrated that the proposal would be linked to any development and business activity.

5. However, ACS Policy CS5 only states that this type of development is expected to primarily take place under these circumstances and so I consider it possible that it can take place even where it is outside of a settlement and is not related to the support of an existing business. Nevertheless, it would still be necessary to demonstrate that the proposal would meet an identified need and provide a benefit. The proposal would also need to improve the sustainability of rural communities with particular regard to economic and community benefits.
6. In this case, I have not been provided with any substantive evidence as to a local need for housing. I am mindful that the Government's objective is to significantly boost the supply of housing and proposal would provide one new dwelling. Nevertheless, without a need identified in this local area, such new housing should be located in accordance with the development plan as set out above.
7. The proposal would lead to a small and temporary economic benefit during the construction phase, as well as some very limited social and economic benefits resulting from future occupiers. However, as the site is outside of any identified settlements I consider that future occupiers would likely need to travel to Market Drayton for their daily needs. I therefore find that the proposal would not support any rural communities, either in an economic or social way. Moreover, given the nature of the road network and lack of any public transport future occupiers would be reliant on private motor vehicles to reach Market Drayton for services, facilities, education and employment.
8. Although the proposal would result in some very modest benefits, they would not be in line with the aims of the development plan and, moreover, the proposal would not meet an identified local need or improve the economic and community sustainability of any rural communities. The proposal would not, therefore comply with the Council's spatial strategy or the exceptions to it set out above.
9. Given the appeal site's location, and that it would not meet any exceptions within the development plan, I conclude that it is not within a suitable location for a new dwelling. It would therefore conflict with ACS Policy CS5 and SAMD Policy MD7a as set out above. The proposal would also conflict with Section 5 and Paragraph 82 of the National Planning Policy Framework (the Framework) which supports rural exception sites to meet identified local needs. It would also conflict with the guidance contained within the Type and Affordability of Housing Supplementary Planning Document with regard single, local needs housing.

Character and Appearance

10. As noted above, the appeal site forms part of a small cluster of buildings. These range from a dwelling and a small workshop or garage to much more significant utilitarian commercial warehouses. Although I did not see them during my site visit, I also understand that there are caravans and lodges associated with a holiday site to the rear of the appeal site. In all, these features present a varied character of independent buildings and uses. This is within an otherwise broadly agricultural, rural setting where development is predominantly only sporadic.

11. Into this setting, the proposal would introduce a design that would not reflect that of any of the surrounding buildings. However, given the lack of uniformity or similarity between the existing cluster, I consider that this would not be unacceptable. It would, nevertheless, be a somewhat prominent feature given its close proximity to the road. However, as it would be read within an existing domestic garden and amongst existing buildings it would not contribute to an unacceptable expansion or visual encroachment of domestic land or development. The small scale and height of the proposed dwelling would further help reduce the visual prominence of the building. Overall, I consider the proposal would not be detrimental to the surrounding character, appearance and landscape.
12. In light of the above, the proposed siting, design and scale of the proposed dwelling would not unacceptably affect the character and appearance of the immediate or wider surrounding area. The proposal would therefore comply with ACS Policies CS5 and CS6 and SAMD Policy MD2 which, amongst other matters, require that developments is of an appropriate scale and design that takes account of, and respects the, built environment and local distinctiveness. It would also comply with Paragraph 135 of the Framework which, amongst other matters, requires developments to be sympathetic to the local character, including the built environment, and to maintain a strong sense of place.

Other Matters

13. My attention has been drawn to several Council¹ decisions and an appeal decision² relating to proposals for exception sites and I note the comparisons made. I have not been provided with the full details and facts of these applications and decisions. However, having considered the available details, I find the examples are substantially different to the proposal before me with regard to their context and nature. In particular, it appears that there was sufficient evidence, before the Inspector at the time, to determine that Rye Bank was a settlement. Similarly, I note that Oreton was considered a Community Cluster where residential development, including open market housing, can be supported. It also appears a number of the decisions were supported with much more substantive information to establish an identified local need for housing. I am mindful the decision for the two log cabins adjacent to the current appeal site found the site to be close to settlements. However, I do not find the daily needs for such accommodation to be comparable.
14. Whilst other planning and appeal decisions are capable of being material considerations, all decisions turn on their own particular circumstances based on the facts and evidence before those decision-makers or Inspectors at the time. Therefore, and given the above, I cannot make any meaningful comparisons to the appeal scheme before me, which I must consider on its own merits.

Conclusion

15. The proposal would be contrary to and erode the Council's spatial strategy and would conflict with the development plan taken as a whole. There are no

¹ Council references: 19/04045/FUL, 22/00805/FUL, 22/01353/FUL, 22/03728/FUL, 22/03996/FUL, 22/04011/OUT, 22/04908/FUL and 22/05605/FUL

² Planning Inspectorate reference: APP/L3245/W/21/3275873

material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR