



## Appeal Decision

Site visit made on 23 June 2020

by **M Shrigley BSc (Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 July 2020

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**Appeal Ref: APP/L3245/W/20/3246734**

**Land opposite 3 Corner Cottages, Oreton, Cleobury Mortimer, Shropshire DY14 0TL**

- 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 Mrs Sharon Oakley against the decision of Shropshire Council.
  - The application Ref 19/01489/FUL, dated 1 April 2019, was refused by notice dated 16 January 2020.
  - The development proposed is 3 self-build dwellings with garages.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. Following the commencement of the appeal a signed Unilateral Undertaking (UU), which deals with self-build housing, has been received under Section 106 of the Town and Country Planning Act 1990. I will return to that matter later in my decision.

### Main Issue

3. The effect of the development on the character and appearance of the area.

### Reasons

4. The appeal site is a paddock within an open countryside location, featuring some modest outbuildings to one side. The landscape setting mainly comprises undeveloped undulating hills containing open fields and trees, interspersed with some residential properties and agricultural buildings. There is a small row of dwellings and a public house opposite the site access.
5. The land proposed to be developed is a flat area and occupies a much lower level than substantial parts of the adjacent highway which climbs a hillside. Owing to the considerable level differences evident the development would be highly visible from public approaches along the highway.
6. Whilst I appreciate that the design of the proposed dwellings would have a rustic appearance, the development would nevertheless introduce a considerable amount of built form and bulk to the landscape. In doing so the development would erode from the prevailing open undeveloped character of the area. I accept that from some vantages the development would be seen

against the large rock face present along the highway boundary, but despite that the presence of the development would still be prominent. The introduction of the proposed built form would be at odds with local landscape distinctiveness where natural undeveloped land areas dominate. The reduction in openness would be noticeable and harmful to the attractiveness of the landscape setting.

7. Therefore, I conclude that the development would be harmful to the character and appearance of the area. It would conflict with Shropshire Local Development Framework: Adopted Core Strategy (2011) Policies: CS4, which states that all development in Community Clusters is sympathetic to the character of the settlement; CS6 which supports high quality design and CS17 which seeks to protect and enhance local character and distinctiveness including the landscape. It would also conflict with the Council's Site Allocations and Management of Development (SAMdev) Plan 2015 Policies: MD2 which requires development to contribute to and respect local character; MD12 criterion 2 (viii) and (xi) which protect visual amenity and landscape character; and S6.2 (iii) which requires new development to have regard to its setting. As well as paragraphs 127 and 170 of the National Planning Policy Framework (the Framework) which seek that development adds to the overall quality of an area and recognises the intrinsic character and beauty of the countryside.

### **Other Matters**

8. I note Oreton is a designated Community Cluster Settlement defined by SAMdev policy MD.1 and that SAMdev Policy S6.2 point (iii) allows for limited infilling of small, market priced houses on single plots immediately adjacent to existing development. However, the site is separated from the small enclave of other nearby dwellings by an intervening road. The development would also comprise of more than one plot. Therefore, the proposal would not be a form of limited infilling the SAMdev supports.
9. Although a small component of the overall site is occupied by outbuildings the remainder is an open field. Therefore, I give little weight to the proposal making use of previously developed land.
10. I acknowledge the provisions of the Self-Build Custom House Building Act 2015 (as amended), alongside paragraph 61 of the Framework which supports self-build and custom housebuilding, and that the development could provide this for the local community. I also acknowledge that the proposal does not seek to comprise of affordable housing, and I agree with the appellant that self-build proposals can include both affordable and open market housing in accordance with the Framework. But the benefits from allowing self-build provision on the site do not outweigh the harm to character and appearance I have identified. Moreover, there is no substantive evidence that local self-build or rural housing requirements cannot be met through proposals that accord with the Development Plan. The Council having a 5-year housing land supply is not in dispute.
11. Accordingly, whilst a UU has been submitted, the associated tests under Regulation 122 of the Community Infrastructure Levy Regulations 2010 do not require any further consideration because the development would be unacceptable for other reasons.

12. The appellant has brought my attention to a number of other appeal decisions<sup>1</sup>, to further her case. However, the examples include circumstances that are not directly comparable to the context of the appeal scheme. In this case there would be harm and the harm identified is not outweighed by other benefits as the main overriding differences when compared to the other decisions referenced. The effects to landscape character and appearance are also unique to the appeal site location in question.

**Conclusion**

13. For the above reasons I dismiss the appeal.

*M Shrigley*

INSPECTOR

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<sup>1</sup> APP/W1850/W/18/3201641, APP/L2630/W/17/3167831, APP/L2630/W/17/3180722, APP/P1615/W/18/3213122, APP/L3245/W/19/3224318, APP/W1850/W/18/3215131, APP/W1850/W/18/3215135, APP/W1850/W/18/3209710