



Appeal Decision

Site visit made on 25 August 2020

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2020

Appeal Ref: APP/L3245/W/20/3254022

Land to the west of Morda Mill, Morda, Oswestry SY10 9PE

- 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 Anderson, Mrs Walsh and Mr Jones against the decision of Shropshire Council.
 - The application Ref 19/04328/OUT, dated 22 September 2019, was refused by notice dated 11 December 2019.
 - The development proposed is residential development (12 apartments).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with all matters reserved and I have determined the appeal on that basis. I have, however, had regard to the location plan showing an indicative access point and the proposed site plan showing an indicative layout and design of a residential development.

Main Issues

3. The main issues are whether the site is a suitable location for housing having regard to local planning policy and the character and appearance of the area, and, the effect of the development on the setting of Morda Mill, a Grade II listed building.

Reasons

Locations for housing

4. The main parties agree that the site lies within an open countryside area outside of the main settlement boundary of Oswestry and the nearby village of Morda. Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) (CS) limits the types of development within countryside areas to those consistent with national policy and that maintain and enhance the countryside vitality and character, and, improve the sustainability of rural communities by bringing local economic and community benefits.
5. Under the terms of Policies CS4 and CS5 of the CS, and Policy MD7a of the Shropshire Council Site Allocations and Management of Development Plan (2015) (SAMDev), development proposals for predominantly market housing in countryside areas are subject to demonstration of local need. There is little evidence within the submissions as to the extent of any rural housing need in the immediate locality of the site and I am not directed to any other specified

- exception to the restriction of new development in countryside areas listed within those policies.
6. Furthermore, at the time of my site inspection the site was substantially covered in scrub with areas of pioneer tree species and larger established trees towards the peripheries. In conjunction with the bordering agricultural field and verdant river corridor situated between more densely developed settlement areas to the north and south, the site contributes positively to the rural character prevalent on the western side of the road (B5069).
 7. The residential development of the site, including surface infrastructure, would remove large parts of the undeveloped area and replace it with built development. Although this could be arranged in a manner to reflect the dispersed distribution of built development closer to the river to the west of the roadside houses, and partly be assimilated by suitable landscaping, the proposal would, nevertheless, contrast sharply with the site's existing green and silvan appearance which contributes to the local countryside character here.
 8. The urbanising effects of the proposal and the domestication of the land would cause erosion of that character and encroach into an important swathe of countryside which acts to maintain a separation between Morda Village and the larger settlement of Oswestry to the north. The proposal would therefore fail to maintain or enhance the countryside vitality and character.
 9. In support of the appeal, the appellant directs me to the Council's record for housing delivery. Although the main parties agree that the Council is able to demonstrate a 5-year housing land supply, there is disagreement between them as to whether the current rate of delivery of housing will be sufficient to meet the Oswestry settlement housing guideline within the plan period to 2026. This is in part due to slow initial delivery and more recently the effects of the Covid-19 pandemic.
 10. Policy MD3 of the SAMDev states that where a settlement housing guideline appears unlikely to be met, additional sites outside the settlement development boundaries that accord with the settlement policy may be acceptable subject to defined criteria. The relevant settlement policy is Policy S14 – Oswestry Town Development Strategy of the SAMDev. This states that new housing development will be delivered through the allocation of a combination of existing brownfield sites within the town and a range of new greenfield sites, together with an allowance for windfall development which reflects available opportunities and past rates.
 11. The appellant's evidence seeks to demonstrate that alternative potential development areas about Oswestry are otherwise restricted in their ability to provide additional housing allocations or, that existing commitments are behind schedule or stalling such that an identified backlog of housing delivery and projected need are unlikely to be met. However, in the absence of full details of those sites' status or substantive evidence to demonstrate potential new site deliverability, or otherwise, this is a matter to which I attribute limited weight.
 12. Moreover, the policy explanation clarifies some restrictions to further allocations. It explicitly refers to the Morda Valley on account of both flood risk and a need to maintain separation between the Oswestry and Morda settlement areas. Although the site lies within an area identified as free from significant

flood risk, the development of the site would encroach into the limited remaining undeveloped areas between the settlements in question. The Council's evidence advises that this restriction is to remain in place as part of the current Local Plan Review. Accordingly, even in the event that delivery of the Oswestry settlement housing guideline could not be achieved, the proposal would directly conflict with the up-to-date settlement policy.

13. I recognise that the site lies within close proximity to services and would contribute to the supply of housing, including entry level accommodation and an affordable unit which would be secured through a planning obligation. The site also benefits from an existing access point and, through reserved matters approval, could be made policy compliant in terms of design without harm to ecological or flood risk interests. However, I do not consider these policy requirements are sufficient to outweigh the harm arising from the conflict with the Council's policies for the management and spatial distribution of new housing development.
14. For the above reasons, I find that the proposed location for new market housing would conflict with Policies CS4, CS5, CS6 and CS17 of the CS, Policy MD3 and MD7a of the SAMDev and the Framework as they seek to prioritise existing settlement areas and housing site allocations for new housing, to restrict market housing in countryside areas to that identified to meet local housing needs and which maintain and enhance the countryside's vitality and character.

Setting of Morda Mill

15. Morda Mill is a Grade II listed former mill building dating from the early C19, now converted to residential flats. The mill was water powered via a pond and race which, in part, occupied the appeal site. The appeal site therefore forms part of the setting of the mill due to the historical relationship between the two.
16. The appeal site, due to its close proximity to the mill, has a strong visual association with it. It currently has an open, undeveloped character and provides a leafy backdrop and rural context in the primary views afforded from the east and a public footpath along the field edge to the south. This in conjunction with its former functional relationship with the mill, means it contributes in no small way to the significance of this listed building.
17. The introduction of built development in the area of the infilled former mill pond, would contrast sharply with the current undeveloped green character of the site to undermine the historic rural context of the building. The fact that the building has been altered from its original form does not affect this relationship.
18. Notwithstanding any assimilation through landscaping, the visual linkage retained by the necessity to provide vehicular access to the site and the continuation of surface infrastructure in conjunction with the erection of new building/s to provide the level of accommodation indicated, would cause a striking visual contrast to the existing character of the site. Such development would be made more prominent on account of the higher land levels of the site in comparison to the mill and existing car park.
19. Although residential building/s could be provided at a distance from the mill and be subject to controls of height or other dimensions, the openness of the

views of the mill from the main vantage points would be diminished. Taken with the existing car park, it would give rise to a significant urbanising effect that would be harmful to the building's setting.

20. The effect would be to undermine the historic rural setting of the building and, if at a scale suggested by the indicative plans, it would visually compete with the mill itself to undermine its stature within the loose grouping of development to the west of the road.
21. Whilst I acknowledge that the formation of a car park to facilitate the re-use of the mill has previously undermined what would have been a semi-natural area, the Council's evidence implies this was of necessity to secure a viable use and thus the long term conservation of the listed building. However, the proposal would exacerbate the effect experienced and the presence of the existing car park does not provide justification for permitting development that would cause further harm.
22. In the terms of Paragraph 196 of the National Planning Policy Framework the harm to the building's setting would be less than substantial given the overall scale and impact on Morda Mill. Less than substantial harm does not, however, equate to a less than substantial planning objection. I note the proposal would provide additional housing, including entry level and an affordable unit and/or commuted sum to the provision of additional affordable units elsewhere. However, these benefits would not outweigh the less than substantial harm I have identified; harm which must be given considerable importance and weight in the balancing exercise.
23. For the above reasons, I conclude that the residential development of the site would not preserve the setting of a listed building and the public benefits of the development would not outweigh this harm. The proposal would therefore be in conflict with Policies CS6 and CS17 of the CS, Policies MD2 and MD13 of the SAMDev and the Framework as they seek to preserve or enhance heritage assets and the historic environment, and avoid harm or loss of significance of designated heritage assets, including their settings.

Conclusion

24. For the above reasons, the appeal is dismissed.

R Hitchcock

INSPECTOR