



Appeal Decision

Site visit made on 12 January 2021

by **B Davies MSc FGS CGeol**

an Inspector appointed by the Secretary of State

Decision date: 22 February 2021

Appeal Ref: APP/L3245/W/20/3260681

14 Crumpsbrook, Hopton Wafers, Shropshire, DY14 0EP

- 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 Mr Luke Howells against the decision of Shropshire Council.
 - The application Ref 19/01742/FUL, dated 8 April 2019, was refused by notice dated 18 August 2020.
 - The development proposed is a dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. During the process the address and description of development were amended with agreement between both parties, and I have reflected these changes in the banner above.

Main issue

3. The main issue is whether or not the location is suitable for housing with reference to local and national policies.

Reasons

4. The appeal site is a field surrounded by trees and hedges, located on the lower slopes of Catherton Common. It is separated by fields and woodland from other houses in the small, loose and rural settlement of Crumpsbrook, which is accessed from the main road via a series of unmade tracks. The settlement is otherwise surrounded by open moorland. It is proposed to self-build a detached, 4-bedroom house in a traditional style.
5. Policy CS1 of the Shropshire Local Development Framework Core Strategy (adopted March 2011) (CS) states that development in rural areas should be predominantly in community hubs and clusters. These are identified in Policy MD1 of the Shropshire Council Site Allocations and Management of Development Plan (adopted December 2015) (SAMDev).
6. The nearby 'community cluster settlements' of Hopton Wafers and Doddington are both approximately 2 km south of the site. Hill Houses, part of the Cleobury Mortimer community cluster, is approximately 0.5 km to the north. No definite boundaries are associated with cluster settlements.

7. However, although these villages are easily accessible from Crumpsbrook, in the same parish, and no doubt share many of the same facilities, these factors do not necessarily qualify it to be part of a named cluster settlement. The Council has confirmed that Crumpsbrook was consciously omitted from the list in Policy MD1 and I therefore conclude that the appeal site is not in a cluster settlement.
8. I also note that, even if the appeal site was located in a cluster settlement, it would not meet the requirements of Policy S6 because it does not comprise an infill plot adjacent to existing development.
9. Policy CS4 of the CS and Policy MD7a of the SAMDev state that development will not be allowed outside cluster settlements unless it meets the requirements of Policy CS5. The proposal does not meet any of the exceptions listed in Policy CS5. However, I consider that the introductory wording of 'particularly where they relate to' and use of 'other relevant policy requirements' in MD7a means that this is not a closed list.
10. However, all of the examples given are notable for their clear association with economic activity in rural areas. The appellant works at a local construction firm, but evidence has not been provided to demonstrate that this meets the requirements to qualify as an essential countryside or rural worker. In addition, the policy makes it clear that open market housing beyond cluster settlements will only be allowed if conservation of an existing building is proposed. I conclude that the proposal does not meet the requirements of Policies CS5 and MD7a.
11. There is similar provision in paragraph 77 of the National Planning Policy Framework (2019) (Framework) for market housing on rural exception sites. However, this is for the purpose of meeting an identified local need, which, for the reasons above, has not been demonstrated.
12. I sympathise with the desire for the appellant to build his own house within the settlement in which he grew up. However, there is no specific support for this in local or national policies. A local connection test can be designed for such a purpose by the Council, but this has not been developed for open market housing in Shropshire. The appellant argues that the Council's decision not to have a local connection test for open market housing is one that should be subject to a development plan process. Assessment of this is beyond the scope of this decision.
13. The proposal would therefore conflict with Policies CS1, CS4 and CS5 of the CS, and Policies MD1 and MD7a of the SAMDev, which together protect the countryside from inappropriate development.

Self-build and custom housing supply considerations

14. The Government is actively seeking to increase the supply of self-build housing. The Planning Practice Guidance (PPG) relating to self-build and custom housebuilding was updated in February 2021. This re-iterated that the demand established by the Council's self-build and custom housebuilding register is likely to be a material consideration in decisions involving such proposals.
15. The Housing and Planning Act (2016) (the Act) requires that authorities must give suitable development permissions in respect of enough serviced plots of

land to meet the demand for self-build houses in each base period. The Council has provided figures to demonstrate that it has granted sufficient permissions to have complied with the Act. The fact that the development would be self-build therefore attracts negligible weight.

16. The appellant is sceptical of these figures, but no evidence has been provided to demonstrate that they are incorrect, and I must base my decision on the information before me. The legislation does not specify how suitable permissions must be recorded. However, the figures provided show that sufficient open market plots were granted planning permission to exceed the number of self-build applications over the base period. The open market plots were identified through monitoring applications for self-build relief from CIL, which is a recognised method for recording suitable permissions¹.
17. I acknowledge that Paragraph 61 of the Framework recommends that planning policies should reflect the housing need for different groups in the community, including self-build homes. In addition, the local development plan was adopted before the Act and does not contain specific policies regarding self-build housing. However, as sufficient plots have been provided since the Act was established, this indicates that the existing policies are effective in meeting its requirements. Paragraph 213 of the Framework states that existing policies are not automatically out of date because they were made prior to the Framework, but rather according to their degree of consistency with it. I do not find the LDP to be inconsistent with the Framework in respect of reflecting and meeting local housing need.
18. In his final comments, the appellant has also drawn my attention to a nearby planning application for a self-build house, but in the absence of further details, I am unable to make an assessment of this.
19. I have had regard to the 3 appeals brought to my attention by the appellant. It is not in dispute that a Unilateral Undertaking or Section 106 agreement could be an appropriate method to secure the development as a self-build property. In the Ledbury, Herefordshire case², the Inspector did not agree with the method used by the Council for self-build calculations, which is not applicable here. In the remaining cases^{3,4}, the Inspectors could not be confident that the plots cited by the Council would help meet the demand for self-build. I have not found this to be the case in the current appeal.

Other matters

20. The site does not meet the definition of previously developed land. The definition in the Framework excludes land where the remains of a permanent structure has blended into the landscape. In this case, the original house burnt down in the 1950s and the remains are no longer obvious.
21. The appellant has provided amended figures for housing need in Shropshire based on calculations from an external consultant's website using the 2020 Standard Method. Details of the methodology are not before me, and regardless, as these were received as part of the appellant's final comments, the Council has not had an opportunity to comment, so I have not taken these

¹ Planning Practice Guidance: Paragraph:038 Reference ID:57-038-20210508 (Revision date 8 February 2021)

² APP/P1615/W/18/3213122

³ APP/G2435/W/18/3214451

⁴ APP/W1850/W/19/3237354

figures into account. The government's 2020 Housing Delivery Test results⁵ indicate that delivery of housing in Shropshire has significantly exceeded the number of homes required.

Other considerations and conclusion

22. The proposal is for a building with high quality insulation, using local materials where possible. It is stated that rainwater capture, solar energy and ground source heating will be considered, which, if they came to pass, would weigh in favour of the proposal. However, they would be of minor overall benefit given the small scale of the development and would not be sufficient to overcome the significant conflict with the local development plan.
23. Local housing and self-build quotas are being fulfilled, no exceptional local need has been identified and the site is not otherwise a suitable location for open market housing according to local and national policies.
24. The proposal conflicts with the local development plan when read as a whole, and for this reason, the appeal is dismissed.

B Davies

INSPECTOR

⁵ Published 19 January 2021