



## Appeal Decision

Site visit made on 7 September 2021

**by Helen B Hockenhull BA (Hons) B.PI MRTPI**

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

**Decision date: 24 September 2021**

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**Appeal Ref: APP/L3245/W/21/3276897**

**Site of former Four Crosses Public House, A41 Four Crosses to Sweet Apple Crossroads, Shakeford, Hinstock TF9 2SP**

- 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 Ed Atkinson, Commercial Development Projects Ltd against the decision of Shropshire Council.
  - The application Ref 21/00661/FUL, dated 5 February 2021, was refused by notice dated 6 May 2021.
  - The development proposed is the erection of four dwellings and associated infrastructure.
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### Decision

1. The appeal is dismissed.

### Procedural matters

2. The address of the appeal site stated above is taken from the original planning application form. This differs slightly from that used by the Council.
3. Since the determination of the planning application, a revised National Planning Policy Framework (the Framework) has been published. The parties have had the opportunity to comment on whether these changes have any implications for their respective cases. I have taken comments received into account.

### Main Issues

4. The main issues in this case are:
  - whether the appeal site is a suitable location for residential development having regard to national and local planning policies;
  - the effect of the proposal on the character and appearance of the area.

### Reasons

#### *Suitable location for residential development*

5. The appeal site lies at the junction of the A41 and Hatton Road to the north west of the village of Hinstock. It forms a cleared, vacant, overgrown site formerly occupied by the Four Crosses Public House. The site is surrounded by agricultural land some distance from other development.

6. Policy S11 of the Shropshire Council Site Allocations and Management of Development Local Plan (SAMDev) defines the settlement policies in relation to Market Drayton and the surrounding area. This includes Cheswardine as being part of a hub or cluster, however as the appeal site lies outside the defined boundary, it is therefore within open countryside.
7. Policy CS5 of the Shropshire Core Strategy identifies the type of development which would be acceptable in the countryside to ensure the protection of the countryside and the Green Belt from inappropriate development. The policy states that development proposals on appropriate sites which maintain and enhance countryside vitality and character, will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. The policy then outlines a list of development types which would be considered favourably. New dwellings should provide for the essential needs of rural workers or affordable housing to meet a local need.
8. Core Strategy Policy CS4 focusses private and public investment in the rural area into Community Hubs and Community Clusters. This helps rebalance rural communities by providing facilities, economic development or housing for local needs.
9. Policy MD7a of the SAMDev reinforces Core Strategy Policy CS5 and seeks to manage housing development in the countryside. It states that new open market housing will be strictly controlled outside of Shrewsbury, identified market towns, key centres, community hubs or clusters.
10. SAMDev Policy MD3 concerns the delivery of housing development. It permits housing on allocated sites and on other sustainable housing developments subject to the requirements of other relevant policies including CS4, CS5 and MD7.
11. The proposed market housing would not fall within any of the exceptions or circumstances set out in the development plan policies outlined above. This is not disputed by the appellant.
12. Turning to the issue of accessibility, the site is located approximately 1.2 kilometres from Hinstock which provides a village store, post office, public house, primary school (1.6km away) and leisure facilities. There is no bus service to Hinstock and no public transport operating close to the site. Future occupants would need to walk to Hinstock along the A41 which is a busy unlit road with a narrow footway on the north eastern carriageway. It is not an attractive route for walkers. Whilst Hinstock could be reached by cycling, the nature of the road, with significant number of HGV's would be likely to deter potential cyclists.
13. I accept that in the rural area the level of accessibility would be lower than in an urban area, a situation that the Framework recognises in paragraph 105. However, in this case, future residents of the appeal scheme would be very much car dependent. The site's poor accessibility makes it an unsuitable location for residential development.
14. The appellant has brought my attention to the approval of a scheme for 47 dwellings in Hinstock. I note that the lack of public transport to the village did not weigh against the scheme. This was not unreasonable as future residents would be able to access the existing services in the village.

15. The appellant has also referred me to two other appeal decisions for development in the countryside, where residential development located some distance from the nearest settlements has been allowed (Appellant's Appendices 10 and 11). In the Allostock case<sup>1</sup>, the road to the nearest shops in Goostrey was considered to be lightly trafficked forming a reasonable route for walkers and cyclists. There was also public transport available to another settlement. In the Byley case<sup>2</sup>, the Inspector determined that cycling was a suitable alternative to the car. I have found this is not the case here. These schemes do not therefore appear to be totally comparable to the case before me. In any event, each appeal must be considered on its individual merits having regard to its context.
16. The scheme includes a self-build detached home and an affordable bungalow. The appellant has provided data from the Council's Self Build Register that illustrates the demand for this type of accommodation in Shropshire. This appears to be unmet by the current supply. I accept that the development proposed would go towards meeting the demand for self-build homes in the area. However, the site is in the open countryside and as I have already discussed would not form an appropriate location for housing.
17. In terms of affordable housing there is clearly a local need towards which the construction of the proposed bungalow would make a contribution. However, the site is not in an accessible location, with no public transport and poor pedestrian connectivity. It would therefore not comprise a suitable location for this type of housing. Policy CS5 permits affordable housing to meet local need, if sites are appropriate, the scheme maintains and enhances countryside vitality and character and improves the sustainability of rural communities. The appeal scheme would not achieve these objectives.
18. The appellant has suggested that an affordable First Homes scheme would represent a fallback option. I acknowledge that Planning Practice Guidance allows for First Homes exception sites in rural areas including the delivery of market housing where it can be demonstrated that this is necessary to ensure overall viability on a site. However, I have already found that the site would not be suitably located to provide affordable housing, thus a First Homes scheme would, for the same reasons, also be inappropriate. I do not therefore consider this forms a viable fallback option.
19. In summary, I have found that the proposed development, would fail to comply with Core Strategy Policies CS4 and CS5 as well as SAMDev policies MD3 and MD7a, which seek to control development in the countryside. The appeal site would not form a suitable location for residential development.

#### *Character and appearance*

20. The appeal site lies in a prominent position next to the A41. The area is generally flat and there is little other development in the immediate vicinity, though other built form can be seen in the distance to the north, south and east.
21. The scheme proposes the erection of 4 dwellings. The Design and Access

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<sup>1</sup> APP/A0665/W/16/3155442

<sup>2</sup> APP/A0665/W/19/3224970

Statement describes the development as having the appearance of a farmstead with a barn, farmhouse cottage and small workers lodge in keeping with the countryside locality.

22. Plot 1, the four-bed dwelling is typical of any housing development in this part of Shropshire. Plots 3 and 4 form a pair of semi-detached dwellings designed to have the appearance of a barn conversion. The use of brick and timber cladding would be appropriate materials in the area. The Council has raised concern about the proposed rooflights, dormer and garage doors. A dormer would in my view not be an appropriate feature on a barn conversion, however this is not a true conversion rather it is a 'barn style' design. Rooflights are not uncommon in such a scheme and conservation style rooflights could be required through an appropriate planning condition. The garage doors could also be the subject of an appropriate condition to require a more sympathetic design and materials. The proposed bungalow is of a simple design and being single storey would have limited impact in the local landscape.
23. The appellant advises that the proposed scheme results in a footprint 31% greater than that of the former pub. The scale of development proposed would occupy significantly more of the site than the former pub buildings, having an urbanising effect in this countryside location. Plot 1, the 4-bed dwelling, would have a ridge height approximately 0.7 metres above that of the former public house and Plots 3 and 4, the semi-detached units, would be around 0.6 metres higher. This increased height, together with the form and layout of the development on this flat and visually open site, would have a significant adverse effect on the character and appearance of the area.
24. Clusters of other development are evidenced on the A41, notably a caravan sales premises and associated dwellings approximately 200 metres from the appeal site. The appellant suggests that this site with the extent of hardstanding and car parking area has a greater impact on the character of the area than the appeal scheme. This site however is linear in nature, extending along the road, rather than a compact development as in the appeal case. In any event, each site must be considered on its individual merits.
25. I note from the plans that it is proposed to erect a two-metre-high brick wall with a narrow-planted border around the garden of Plot 1 adjacent to the A41 to provide noise mitigation. Whilst this feature may reduce the impact of traffic noise, the high boundary wall would form an alien feature out of character in this rural area.
26. Given the above, I conclude that the appeal scheme would cause harm to the character and appearance of the area. The proposal would therefore be contrary to Policies CS4, CS5 and CS6 of the Shropshire Core Strategy and Policies MD2 and MD7b of the SAMDev. These policies seek to ensure that new development is of a high quality, using sustainable design principles taking account of local context and character.

### **Other matters**

27. Local residents and the Parish Council have raised concern about the junction at this location and matters of highway safety. It is submitted that the A41 is a heavily trafficked route with a number of HGV's and visibility at the junction of the A41 and Hatton Road is poor. I noted on my site visit the operation of the road and the available sight lines at the junction. I consider visibility to be

adequate. The proposal would result in a reduction in vehicle movements compared to the previous use as a public house. I am therefore satisfied that the proposal would be acceptable in terms of highway safety. I note that the Highway Authority have raised no objections.

### **Planning balance**

28. The Government's objective is to significantly boost the supply of housing. I am advised that the Council can demonstrate in excess of 5-year supply of housing land such that the delivery of housing set out in Policy MD3 is being met. However, this is not a minimum requirement in the context of the Government's objective. The appeal scheme would provide 4 new dwellings. As this would be a modest contribution to the supply, I give moderate weight to this benefit.
29. The proposal would provide a mix of homes. The provision of an affordable bungalow, an overprovision on the site, weighs in favour of the scheme. However, this must be tempered by the site's poor accessibility to services and facilities by means other than the car. The appellant argues that the bungalow would provide for the needs of older people in Shropshire, however there is no certainty who would occupy the property. The provision of a self-build unit would contribute to meeting the demand which is currently outstripped by supply and provides a positive benefit of the scheme.
30. The proposal would provide economic benefits during its construction through local employment opportunities and support to the supply chain. However, this would be for a short time only. Furthermore, future residents would spend in the local economy though this would be modest in extent. The scheme would make efficient use of a brownfield site. It would also bring environmental benefits in terms of the amenity space, allotments, and landscaping, which would enhance the biodiversity of the site.
31. Set against these benefits is my finding that the site would not form a suitable location for residential development, undermining the Council's plan led approach to the delivery of housing. It would also, due to its scale, cause harm to the character and appearance of the rural area. These matters attract significant weight in the planning balance and outweigh the benefits I have identified.
32. Accordingly, the proposal would fail to comply with the development plan. The other material considerations in this case, do not outweigh this conflict.

### **Conclusion**

33. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

*Helen Hockenhull*

INSPECTOR