



Appeal Decision

Site visit made on 18 October 2022

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2022

Appeal Ref: APP/L3245/W/22/3300965

Westhope, Lyth Bank, Shrewsbury SY3 0BE

- 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 Phyllis Botfield against the decision of Shropshire Council.
 - The application Ref 21/03828/FUL, dated 4 August 2021, was refused by notice dated 20 December 2021.
 - The development proposed is the erection of a 3-bedroom self-build dwelling on infill plot.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the appeal site is suitable for a new residential dwelling.

Reasons

3. Policies CS3, CS5 of the Shropshire Local Development Framework: Adopted Core Strategy (the ACS) and Policies MD1 and MD7a of the Shropshire Council Site Allocations and Management of Development Plan (the SAMD) direct development primarily towards larger settlements but also support some development at smaller settlement types, including Community Hubs. Outside of these areas, residential development is more strictly controlled, and in particular Policy CS5 relates to development in the countryside and green belt. This policy only supports new residential development within the countryside where it would maintain or enhance the vitality and character of the countryside and improves sustainability, by way of economic and community benefits. Although providing a preferred list of development it does not preclude the consideration of new, open-market dwellings in the countryside.
4. In this instance, the appeal site is located at the edge of Lyth Bank which, whilst clearly a settlement, is not one of the recognised settlements for the purposes of the policies above. The site is outside of, and not related to, the settlement boundaries for any of the recognised settlements set out by the policies above, including Bayston Hill. Therefore, although the appeal site is not isolated and sits at the edge of Lyth Bank, for the purposes of the policies set out above, it is considered to be within the open countryside. Moreover, given it is bounded by development on only one side, it is clear the proposed dwelling would not comprise infill development.

5. The proposed new dwelling would be sited within an existing area of residential garden and as such would not adversely affect the operation of any rural businesses, including agriculture, to the detriment of the vitality of the countryside. Moreover, as the proposal is fairly limited in scale and would be read as an extension to an existing settlement, I do not find that it would unacceptably harm the intrinsic rural character of the countryside.
6. However, from the evidence before me and my observations on site, it is clear that Lyth Bank does not provide any services or facilities. Future occupiers would therefore not be able to meet their daily typical needs, such as shopping, education and employment, without traveling to more distant settlements.
7. There are no pavements or streetlights linking the site to larger settlements, such as Bayston Hill. Pedestrians would therefore have to walk in the carriageway which is narrow and could lead to conflict with motor vehicles. This would be especially so during the hours of darkness or inclement weather. It is therefore likely that the route would be difficult and unsafe for future occupiers, especially vulnerable occupiers, to walk or cycle. Although the appellant has referred to a bus stop within a 10 minute walk of the appeal site, it is not clear how accessible, given the above, this would be or how regular the bus service is. This context would cumulatively put pressure on occupiers to make use of private motor vehicles to reach services and facilities.
8. Although there would be a very temporary and limited economic benefit resulting from the construction works associated with the proposal, given the nature of Lyth Bank, I find it very unlikely to be beneficial to the rural community. Moreover, as there are no services or facilities within the community, there would be no long-term uplift as a result of the spending power of future occupiers. The proposal would therefore not support the rural community via economic means.
9. Increasing the population of the settlement may have some modest benefits to the social life of the community, but given the scale of the development this would be very limited, especially as there are no community spaces that I have been made aware of that could accommodate, or benefit from, an increase in residents.
10. As the appeal site is located outside of any settlement boundaries in an area with poor access to services and facilities, future occupiers would be reliant on private motor vehicles to meet their daily needs. Therefore, whilst the proposal may provide social benefits to the Lyth Bank and not harm the character or vitality of the countryside, it would not be an effective use of land and conflicts with the locational strategy of the development plan for sustainable development.
11. Given the appeal site's location, and that it would not meet any of the exceptions or criteria set out within the development plan, I conclude that it is not within a suitable location for a new dwelling, future occupiers would also not have reasonable access to services and facilities. The proposed development is therefore contrary to ACS Policies CS3 and CS5 and SAMD Policies MD1 and MD7a as outlined above. The proposal would also conflict with the housing strategy set out under Section 5 of the National Planning Policy Framework (the Framework), and in particular Paragraphs 78 and 79 on rural housing.

Other Matters

12. Appellant is on the self-build register, the Council has a statutory duty to provide sufficient land to accommodate self-build and custom build dwellings. It has not been demonstrated that the Council's provision is insufficient. I therefore give this matter neutral weight.
13. I am also mindful that the dwelling would meet the needs of the appellant with regards to care and living close to family members who can provide it. I note also that the design of the dwelling could accommodate adaptations to help with potential mobility issues arising in the future. However, these matters are personal circumstances, that are likely to change, and the dwelling, along with the above harm, would likely be permanent.
14. The appellant has made reference to two recent permissions that they consider to be similar to the proposal before me. I have only been provided with the Council's Delegated Management Report and so I cannot be certain of the complete circumstances of each case. Although, both examples are relatively close to the appeal site, I find that they are located in markedly different locations given that both are within villages, namely Longden¹ and Bayston Hill². Of particular note in this is regard is that Bayston Hill is a location where new residential development is directed by the development plan. Moreover, the permission at Longdon Hill relates to the erection of an annex, rather than a discrete dwelling. Consequently, neither permissions have been determinative in my consideration of this appeal.

Planning Balance and Conclusion

15. The Government's objective is to significantly boost the supply of housing and the proposal would provide one new dwelling. The scheme would also lead to a small and time-limited economic benefit during the construction phase, as well as some social benefits resulting from future occupiers. Given the small scale of the proposal, these benefits attract moderate weight.
16. Although the proposal may not result in harm to the character and appearance, or vitality, of the countryside, this is not a benefit in itself and therefore I afford these matters neutral weight.
17. Conversely, the location of the proposal outside of both a recognised settlement and with poor access to services and facilities would undermine the Council's plan-led approach to the delivery of housing. This matter attracts significant weight and outweighs the benefits associated with the proposed development.
18. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR

¹ Permission reference 22/01079/FUL

² Permission reference 21/03387/FUL