



Appeal Decision

Site visit made on 20 June 2023

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2023

Appeal Ref: APP/L3245/W/23/3314603

Land adj The Limes Paddock, Dorrington, Shrewsbury

- 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 Mr S Comer (Aequus Land Ltd) against the decision of Shropshire Council.
 - The application Ref 22/04882/OUT, dated 26 October 2022, was refused by notice dated 16 December 2022.
 - The development proposed is described as "outline application for the erection of 1 no. detached dwelling."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline, with all matters reserved. I have therefore determined the appeal on this basis and taken all plans submitted to be for illustrative purposes only.

Main Issues

3. The main issue is whether the appeal site would be a suitable location for residential development, having regard to local and national planning policy.

Reasons

4. The appeal site is an undeveloped parcel of land located on the edge of Dorrington. The site is located to the north of Limes paddock, a modern development of detached houses. There are open fields to the north and west of the site and an area of open land directly opposite the access drive, which includes a small pumping station.
5. The appeal site is not located within any defined development boundary and, consequently, is within the open countryside, albeit adjacent to existing residential development.
6. The development plan for the area includes the Shropshire Local Development Framework: Adopted Core Strategy (2011) (CS) and the Shropshire Council Site Allocations and Management of Development Plan (2015) (SAMDev). Policy CS1 of the CS establishes the strategic approach including the broad distribution of development between Shrewsbury, Market Towns and Key Centres, and the rural area. Policy CS4 of the CS indicates that development in the rural area will be focused in Community Hubs and Community Clusters, and states that development outside of these hubs and clusters will not be allowed unless it complies with the requirements of Policy CS5 of the CS.

7. In order to provide for sustainable patterns of development Policy CS5 of the CS strictly controls development in the countryside. However, the policy does allow for new development in the open countryside where it maintains and enhances countryside vitality and character and improves the sustainability of rural communities. While Policy CS5 sets out a list of types of development that it particularly relates to, it does not explicitly restrict market housing in open countryside.
8. Nevertheless, Policy CS5 is supported by Policy MD7a of the SAMDev, which does include strict control against market housing development in areas defined as countryside. MD7a provides for some exceptions where evidence of local housing needs would be met or where there are particular heritage matters which would be addressed, however these matters are not relevant to the proposal before me.
9. Policy MD3 of the SAMDev recognises that windfall residential development, including on sites within the countryside, will play an important part in meeting Shropshire's housing needs. Nonetheless, MD3 requires proposals to comply with other relevant development plan policies.
10. Policy MD1 of the SAMDev identifies Dorrington as being part of a Community Cluster with Stapleton and Conover. The settlement Policy S16 at S16.2(vii) of the SAMDev states that Dorrington, Stapleton and Conover are a Community Cluster in Conover Parish where development by infilling, groups of houses and conversions of buildings may be acceptable on suitable sites within the development boundaries for the villages identified on the Policies Map.
11. Although the application is in outline, the proposed dwelling would result in an extension of the village beyond the development boundary into open countryside.
12. The appeal site would be enclosed by existing built form only on one of its sides, meaning that it cannot be considered as surrounded by built form. Furthermore, given the arrangement of the existing built form, the proposal would not infill a small gap between existing buildings and therefore would not represent an infill plot. Due to the undeveloped nature of the site, it shares a stronger connection with the open fields and wider countryside beyond.
13. Consequently, the proposal would harmfully extend built form into the countryside. As such, the proposal for a new market dwelling would be in conflict with the development plan policies outlined above. Together these policies seek to direct development to the most accessible locations, protect the character of the countryside and support the well-being and vitality of rural communities.
14. Whilst the site benefits from mature planting along its boundaries, this would not be sufficient to screen the proposed dwelling, especially during the winter months when the vegetation is not in leaf. The proposed dwelling would be visible from the site entrance, and in views from neighbouring properties. Consequently, the proposed dwelling would be visually intrusive and would diminish the contribution the site makes to its rural surroundings.
15. There are services, facilities and employment opportunities within a relatively short distance, which means the appeal site would be easily accessible to

everyday needs by sustainable modes of transport. However, the proposal conflicts with the location strategy of the development plan, as the site is located in open countryside and the proposal does not meet any of the exceptions where development in the open countryside is considered appropriate.

16. My attention has been drawn to a previous permission (14/02265/OUT). The scheme relates to a development of 3 dwellings that was subject to an affordable housing contribution. The full details of this approved development are not before me, and the scheme is clearly of a different nature to this current appeal that is for one market dwelling. Therefore, this other scheme has limited bearing on the outcome of this appeal.
17. My attention has also been drawn to appeal decision (APP/L3245/W/21/3288834). However, the Inspector for this other appeal found the site to have a closer affinity, both visually and functionally, with the built form opposite and adjacent to it, which was readily apparent in the immediate vicinity of the site. This is therefore not directly comparable to the proposal before me, which would encroach onto undeveloped land that is not contained by existing built form.
18. I have also been referred to appeal decision (APP/L3245/W/21/3267148). However, this other appeal decision was for 150 dwellings and would therefore make a significant contribution to boosting the supply of homes. In comparison, given the proposal is for one dwelling, its contribution to the local housing supply would be small. I also note that the Council can demonstrate a five-year housing land supply and there is nothing before me to suggest that the policies of the CS or SAMDev are not consistent with the Framework. There are no clear reasons to allow the appeal proposal, which would fail to accord with the current development plan.
19. Accordingly, the appeal site would not be a suitable location for the proposed dwelling as it would conflict with Policies CS1, CS4 and CS5 of the CS, and Policies MD1, MD3, MD7a and S16.2(vii) of the SAMDev. Collectively, these policies restrict development in open countryside, and seek to ensure that new residential development in rural areas is directed to locations within Community Hubs and Community Clusters.

Other Matters

20. Future occupants are likely to contribute socio-economically to the area, including the use of the primary school, village store and post office, which would help maintain the vitality of the rural community. The construction of the proposed dwelling would also result in a small employment and economic boost to local businesses. The proposal may also be liable for a CIL payment. However, the limited scale of socio-economic contribution from the proposed single dwelling would not negate the harm identified.
21. The proposal would contribute to local housing supply in the form of one dwelling. However, for the single dwelling the scale of benefit would be limited and would not outweigh the identified harm.
22. I acknowledge the representations submitted in support of the proposal, which included support for use of local services, employment opportunities, and

benefits to local businesses. However, none of the evidence before me leads me to a different view.

23. The appellant makes reference to land to the west of the appeal site which is recognised in the SLAA as a site with long term potential for residential development. However, there is no evidence before me to indicate that this site is to be released for development. I therefore attribute little weight to this.
24. The appellant has submitted a Preliminary Ecological Appraisal. This appraisal demonstrates that the proposal would cause no adverse impact on local ecology and protected species. Although a matter of note, it does not outweigh my findings in respect of this appeal.

Conclusion

25. The location of the proposal outside any defined development boundary would undermine the Council's plan-led approach to the delivery of housing and protection of the countryside. This is a matter which attracts significant weight and outweighs the modest benefits associated with the proposed development.
26. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it.
27. For the reasons given above, the appeal is therefore dismissed.

H Smith

INSPECTOR