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## Appeal Decision

Site visit made on 9 November 2021

**by Thomas Hatfield BA (Hons) MA MRTPI**

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

**Decision date: 9<sup>th</sup> December 2021**

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**Appeal Ref: APP/L3245/W/21/3272416**

**Land to the east of The Moors View, Diddlebury, Shropshire**

- 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 Adrian Wilkes against the decision of Shropshire Council.
  - The application Ref 20/02519/OUT, dated 27 June 2020, was refused by notice dated 16 October 2020.
  - The development proposed is erection of 12 dwellings and operational supporting development.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application is in outline with all matters reserved for future consideration. A drawing showing an indicative layout was submitted with the application and I have had regard to this in determining the appeal.
3. The address given above is taken from the appeal form rather than the application form, as it provides a more accurate description of the site location.
4. A Unilateral Undertaking ('UU') has been submitted that would secure the provision of 8 affordable dwellings and 4 self-build plots. The UU is signed and dated, and I have taken it into account in reaching my decision.

### Main Issues

5. The main issues are:
  - (a) Whether the development would accord with the locational requirements of development plan policy for new housing;
  - (b) The effect of the development on the setting of the Grade II listed Bache Mill House; and
  - (c) Whether there are other material considerations that would outweigh any conflict with the development plan, or any other harm, in this case.

### Reasons

#### *Locational requirements of development plan policy*

6. The appeal site is located on the edge of Diddlebury, which is a small village located around 5 miles north east of Craven Arms. It consists of part of an open field that is adjacent to existing properties to both the north and west.

7. Policy CS4 of the Shropshire Core Strategy (2011) states that in rural areas investment will be focused into identified Community Hubs and Community Clusters. In this regard, Bache Mill, Bouldon, Broncroft, Corfton, Middlehope, Peaton, Seifton, (Great/Little) Sutton, and Westhope are identified as a Community Cluster within Diddlebury Parish under Policies MD1 and S7 of the Shropshire Site Allocations and Management of Development ('SAMDev') Plan (2015). Whilst the Council state that the appeal site is not within any of these identified settlements, there is evidence before me that it may in fact be within Bache Mill. In this regard, my attention has been drawn to a recent nearby approval (Ref 18/01465/FUL) for 4 dwellings, on a site located a short distance to the north west. Supporting documents for a subsequent application at that site (submitted by the appellant) identify it as being within Bache Mill. I further note that the Grade II listed Bache Mill House is located nearby.
8. However, even if I were to regard the appeal site as being within Bache Mill, Policy S7.2(ii) states that each settlement within the Community Cluster is expected to *"deliver around 5 additional dwellings (but not exceeding 10 dwellings)"*. In this regard, at least 4 dwellings have already been consented and the development would therefore significantly exceed the settlement cap of 10 dwellings. Moreover, Policy S7.2(ii) states that local demand for housing will be met by *"infilling and conversions on small scale sites"*, whereas the appeal site is 0.84 hectares in size. In my view, it is not *"small scale"* particularly in the context of the size of the existing settlement.
9. For the above reasons, I conclude that the development would not accord with the locational requirements of development plan policy for new housing. It would therefore be contrary to Policy CS4 of the Shropshire Core Strategy (2011) and Policy S7.2 of the Shropshire SAMDev Plan (2015).

#### *Setting of listed building*

10. The appeal site is located to the east of Bache Mill House, which is a Grade II listed early 17<sup>th</sup> Century building that is timber framed with brick infill. It reflects the prosperity of the agricultural economy in this area at a time when the miller would have been an important local figure. Its significance stems from its attractive vernacular form and historic association with the surrounding area.
11. Whilst Bache Mill House is now partly enclosed by modern development, it would once have stood in a more open setting. The field immediately to the east of the building, which incorporates the appeal site, is a remaining connection between the listed building and the open countryside, and there is a significant degree of intervisibility between them. In my view, the appeal site clearly falls within the setting of the listed building.
12. The appeal is in outline and the precise layout, scale, and appearance of the development do not fall to be considered at this stage. However, the indicative site plan shows 12 dwellings occupying the majority of the site and jutting out into the field to the east of the listed building. Such a layout would significantly erode the open setting of Bache Mill House to the east and would partially enclose it along this side. Whilst an alternative layout could be secured at reserved matters stage, it is difficult to see how 12 dwellings could be accommodated on the site in a way that would preserve the setting of the

listed building. I further note that the submitted Heritage Statement<sup>1</sup> acknowledges that the development would cause some harm to its setting.

13. For the above reasons, I conclude that the development would harm the setting of the Grade II listed Bache Mill House. This harm would be 'less than substantial' in the context of paragraphs 201 and 202 of the National Planning Policy Framework ('the Framework'). I return to this matter in my Overall Balance and Conclusion, below.

#### *Other considerations*

14. The development would provide 8 affordable dwellings, which would be sold at 80% of open market value to persons meeting defined local need criteria. In this regard, Paragraph 72 of the Framework supports the development of entry-level exception sites, suitable for first time buyers. However, it requires that such sites are proportionate in size to the existing settlement and do not exceed 5% of its size.
15. Neither main party has commented on whether the development would exceed 5% of the existing size of Bache Mill<sup>2</sup>. However, given the relatively small size of that settlement it appears highly likely that it would exceed this threshold, both in terms of the site area and the number of dwellings proposed. In this regard, the settlement would need to contain more than 240 dwellings in order for the development to comprise an increase of less than 5%. The site area also appears to be in excess of 5% of the existing built up area of Bache Mill. Moreover, and as set out above, the development would significantly exceed the settlement cap set out in Policy S7.2 of the Shropshire SAMDev Plan. In these circumstances, I consider that the proposal would not be proportionate in size to the existing settlement, as required by paragraph 72 of the Framework.
16. The Framework also states that entry-level exception sites should be supported unless the need for such homes is already being met within the authority's area. However, there is only limited evidence before me regarding the need for this type of accommodation or the extent to which this is being met. In this regard, it is unclear how many of the respondents to the Diddlebury housing need survey (July 2019) required shared-ownership or discounted for sale properties, or were first time buyers. The extent to which entry-level properties are needed in this area is therefore uncertain.
17. In addition, the proposed discount of 20% is the minimum which is permitted in order to qualify as affordable housing. However, little information has been provided to demonstrate that this level of discount would be genuinely affordable in this location.
18. Notwithstanding the above, the development would provide 8 affordable dwellings and this would be a significant benefit of the scheme. I return to this matter in my Overall Balance and Conclusion, below.
19. The development would also provide plots for 4 self-build properties. The Council has a duty under the Self Build and Custom Housing Act 2015<sup>3</sup> to keep a register of persons who are interested in acquiring a self-build or custom-build plot, and to grant enough permissions to meet this demand. However,

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<sup>1</sup> CJR Heritage Services Ltd (December 2018)

<sup>2</sup> Assuming that it is adjacent to this settlement

<sup>3</sup> As amended by the Housing and Planning Act 2016.

the extent to which the Council is meeting demand for this type of housing is disputed, particularly in the south of the county. I also return to this matter in my Overall Balance and Conclusion, below.

### **Other Matter**

20. There is no dispute that the Council is able to demonstrate a five year supply of deliverable housing sites.

### **Overall Balance and Conclusion**

21. As set out above, the development would be contrary to the locational requirements of development plan policy for new housing, and would result in less than substantial harm to the setting of the Grade II listed Bache Mill House.
22. Set against this, the development would provide serviced plots for 4 self-build properties, and 8 affordable dwellings. However, for the reasons set out above, the proposed affordable units would not accord with the exception sites policy set out at paragraph 72 of the Framework. The development would also generate economic benefits through the creation of employment and the purchasing of materials and furnishings.
23. In these circumstances, even if the shortfall in self-build housing were as significant as is alleged, the other considerations/public benefits in this case would not outweigh the conflict with the locational requirements of the development plan and the harm to the setting of the listed building. The development would also be contrary to SAMDev Plan Policy MD13 in this regard. Accordingly, the material considerations in this case do not indicate that the proposal should be determined other than in accordance with the development plan.
24. For the reasons given above I conclude that the appeal should be dismissed.

*Thomas Hatfield*

INSPECTOR