



Appeal Decision

Site visit made on 14 August 2018

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4th October 2018

Appeal Ref: APP/L3245/W/18/3196948

Land at Mickley Stud, Mickley Lane, Mickley, Shropshire, TF9 3QW

- 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 Richard Kent against the decision of Shropshire Council.
 - The application Ref 17/01252/FUL, dated 4 March 2017, was refused by notice dated 1 September 2017.
 - The development proposed is Stud Farm Office with First Floor Accommodation.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. A revised version of the National Planning Policy Framework ('the Framework') has been published since the appeal was lodged. Both main parties were given the opportunity to comment on any relevant implications for the appeal. I have had regard to the responses and the Framework in reaching my decision.

Main Issues

3. The main issues are, firstly, whether there is an essential need for the development and, secondly, the effect of the development on the living conditions of neighbouring occupiers with regard to loss of outlook and privacy.

Reasons

Essential need

4. The appeal site consists of an area of open land opposite to the main complex of buildings within Mickley Stud. It backs onto open land at the rear and is adjacent to Mickley Lane.
5. The proposed building would contain office accommodation and a guest room at ground floor level, with a manager's apartment above. It would serve a number of purposes, including monitoring access into the stud complex, CCTV monitoring of the stables, new parking facilities, and new office and residential accommodation. In this regard, Policy CS5 of the Shropshire Core Strategy (2011) is supportive of dwellings to house essential countryside workers, and extensions to established rural businesses, that are located on appropriate sites that maintain the character of the countryside.

6. The appeal site currently consists of open land and is partly bound by mature hedgerows. It has an open, undeveloped character and does not contain any significant buildings or structures. The development would introduce a large building onto the site in a relatively prominent location next to the road that would also be visible in longer views to the south. Whilst it is opposite to the existing stud complex, those buildings have a rural character are partly screened by mature landscaping. In my view, the development would erode the undeveloped character of the site and would appear as a visual encroachment into open countryside.
7. The Council's Decision Notice states that the business may well be able to demonstrate an essential and functional need for a permanent dwelling. However, it notes that there is already residential accommodation within the stud complex, and raises concerns about the location of the proposed building. In this regard, the appellant's submission includes an assessment of potential alternative sites within and adjacent to the stud complex. This includes 2 sites (Nos 2 and 3) that are also on open land. However, Site 1 is within the existing stud complex near to the entrance, and is currently occupied by caravans, a cattle shed, and a portacabin.
8. The appellant sets out a number of reasons for selecting the appeal site over the alternatives. However, from the information before me, it is not clear that the proposed offices, manager's apartment, reception lounge, or CCTV monitoring facility, would require this particular location. Moreover, a development at Site 1 would be well positioned to monitor visitor arrivals at the stud complex and to provide security. It is also sufficiently large to accommodate a new building and car parking should the existing buildings be demolished / removed. In this regard, I note that a planning application has recently been submitted for the redevelopment of Site 1 for 4 dwellings (Ref 18/03061). Whilst the full details of that application are not before me, it clearly indicates that there is scope to accommodate additional development within the existing stud complex without encroaching into the countryside.
9. There are currently 2 static caravans within the stud complex that already provide onsite rural worker accommodation, which are not proposed for removal under this application. In this regard, the development would create a third unit of rural worker accommodation at the stud complex. It is not clear from the information before me that it is essential for this number of rural workers to live permanently at the stud complex. Moreover, it is unclear where the stud manager currently resides or how this existing arrangement affects the business. These uncertainties limit the weight I can attach to the stated need for the residential component of the scheme.
10. Separately, Part 2 c. of Policy MD7a of the Shropshire Site Allocations and Management of Development Plan (2015) states that where an additional rural worker dwelling is proposed, this should be treated as affordable housing. It further states that where such a dwelling is no longer required as an essential rural workers' dwelling, it should be made available as an affordable dwelling, or a financial contribution to the provision of affordable housing will be required. In this regard, there is no mechanism before me to deliver this policy requirement, and it would not be possible to secure this by condition.
11. I conclude that it has not been demonstrated that there is an essential need for the development on this site. It is therefore contrary to Policies CS5 and CS6

of the Shropshire Core Strategy (2011), Policies MD2 and MD7a of the Shropshire Site Allocations and Management of Development Plan (2015), and guidance contained within the Type and Affordability of Housing SPD (2012). These policies and guidance seek to ensure, amongst other things, that new rural worker dwellings are only permitted where an essential need can be demonstrated, and that new development respects its context.

Living conditions

12. The development would introduce a side gable wall that would face towards the neighbouring property at The Hazels. However, this would be positioned a significant distance from the eastern elevation of that property, and would not contain any side facing windows. The proposed side gable would also broadly align with the side elevation of The Hazels, and would be positioned away from its front and rear garden areas. This would ensure that no significant harm to the outlook from either the front or rear gardens would occur.
13. Separately, the proposed parking area would only contain 6 spaces and would be unlikely to be subject to frequent use outside of normal working hours. These spaces would therefore not result in any significant disturbance.
14. For the above reasons, I conclude that the development would not significantly harm the living conditions of neighbouring occupiers with regard to loss of outlook and privacy. It would therefore accord with guidance contained within the Type and Affordability of Housing SPD (2012). This guidance seeks to ensure, amongst other things, that new development does not have an unacceptable impact on neighbours.

Other Matters

15. The appellant states that the site has previously been subject to engineering works, and is tantamount to previously developed land in this regard. However, at the time of my site visit no buildings or fixed surface infrastructure were visible, and to the extent that these may previously have existed, they have now blended into the landscape. Moreover, the disused well is identified as falling outside of the appeal site on the Proposed Block Plan. Accordingly, I am not persuaded that the site consists of previously developed land. In any case, that would not overcome my other concerns regarding the development, as set out above.
16. The appeal site contains a soakaway and a septic tank that serve The Hazels. Any movement or modification of these facilities is a civil rather than a planning matter, and is subject to other legislation.

Conclusion

17. As set out above, I conclude that it has not been demonstrated that there is an essential need for the development on this site. Whilst it would not significantly harm the living conditions of neighbouring occupiers, and would generate some modest economic benefits, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR