



Appeal Decision

Site Visit made on 24 August 2021

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2021

Appeal Ref: APP/L3245/W/21/3273317

Well House Farm, White House Junction A442 To Hill Cottage Junction, Marchamley SY4 5LE

- 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 & Mrs D & S Brettell against the decision of Shropshire Council.
 - The application Ref 20/04552/FUL, dated 3 November 2020, was refused by notice dated 25 January 2021.
 - The development proposed is described in the Council's decision notice as "change of use of agricultural land to mixed use (agriculture and camping); siting of three shepherd huts; creation of a parking area".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021. I have determined this appeal in the context of the revised Framework, on which the parties have been given the opportunity to comment.

Main Issues

3. The main issues in this case are:
 - whether the appeal site is within a suitable location, with regard to its relationship to a settlement or existing tourism facilities; and,
 - the effect of the development proposed on the character and appearance of the site and its surroundings.

Reasons

Suitability of Location

4. The appeal site is a large field accessed off Rookery Lane, at the time of my visit it contained a small number of horses. From my observations on site it was clear that the field was physically and visually outside of the settlement. I have also been provided with a copy of the settlement boundary which clearly shows that the appeal site is outside the boundary and set away from it by some distance. While it is close to a cluster of properties which are also outside of the settlement boundary, their presence does not justify describing the appeal site as being within the settlement. I note the Appellant considers the Marchamley Conservation Area (MCA) boundary to also denote the settlement

boundary however, it is clear from the evidence before me that this is not the case.

5. Given the lack of facilities or attractions within the site and village, I find that future occupiers would need to travel further afield to meet these needs. During my site visit I noted that there was a pavement along the road from Marchamley to Hodnet. However, from the appeal site and within Marchamley itself there were significant sections of road which did not have any pavement and the whole route was unlit.
6. I find that this and the distance between the two settlements would make walking unattractive and unsafe for visitors, especially given the limited services and facilities, brought to my attention, within Hodnet. This would be exacerbated at night given the lack of street lighting along the route. Whilst the Appellant has raised other tourist attractions and facilities within walking distance it has not been demonstrated that it would be attractive, or safe, for future visitors to walk to these destinations. Given the above I therefore find that visitors would be largely reliant on private motor vehicles to reach such attractions and facilities.
7. Although I am mindful of the appellants' intention to diversify their income through the provision of the shepherd huts, for the reasons above the accommodation would not be sustainable and as such would conflict with the objectives of the Framework to support the diversification of the rural economy by providing sustainable rural tourism. Whilst I note the dispute as to whether the Appellants are farmers or involved with an agricultural business, given my findings it is unnecessary to investigate this further.
8. The appeal site is within open countryside where it has poor access to tourism facilities and other services, and future visitors would be required to use private motor vehicles to access these. As such the development would conflict with Policies CS5, CS6 and CS16 of the Shropshire Local Development Framework: Adopted Core Strategy (ACS). Collectively, and amongst other things, these policies require that development is appropriately sited in a sustainable location with good access to existing assets, services and facilities. The development would also conflict with Paragraph 84(c) of the Framework which is supportive of sustainable rural tourism.

Character and Appearance

9. The entrance and dingle serving the appeal site are within the MCA. This is characterised by varied and individual properties, including some timber framed examples, set within spacious plots. The area is verdant and clearly a rural setting. I find the significance of this area to predominantly come from the visual and physical connection between the historic architecture and its rural setting and the extent to which the historic buildings are still intact. To the north of the site is a Grade II Listed cottage, Bench-Mark. This is timber framed and its significance stems from its age and the traditional vernacular materials of its construction. It is separated from the site by a mature hedgerow which screens some views. There are other designated heritage assets in the surrounding area such as Hawkstone Park, however those are at a greater distance from the appeal site and the proposal would not appreciably affect their setting.

10. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national planning policy on heritage assets is set out in the Framework. At paragraph 197, it sets out matters which should be taken into account including sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.
11. Being positioned on the slope of a hill, the proposed shepherd huts would be in a fairly prominent position, visible from a distance across the lower sections of vegetation. Therefore, they would be visible in views in to and out of the MCA. However, they would be screened in some closer views such as from Rookery Road and the houses to the north of the site, including Bench-Mark. Nevertheless, the huts would be agricultural in appearance and as such would be sympathetic to the character of the surrounding area. Equally, while some changes to land levels would be required to accommodate them, this would likely be very minor in relation to the field as a whole. Therefore, I find that the shepherd huts and limited reprofiling would not harm the character and appearance of the surrounding area or the significance of the MCA.
12. The car parking area within the dingle would be somewhat screened by the embankments and mature vegetation surrounding it. Whilst the trees and hedgerows may be removed in the future, the embankments would continue to provide sufficient screening to prevent motor vehicles from being intrusive in public views within the MCA. Moreover, a number of the larger trees would likely need permission to be reduced or felled given their position within a conservation area. In view of the small scale of the proposed accommodation I find it unlikely that all six parking spaces would be filled at any one time. As such parked motor vehicles would not unacceptably affect the character and appearance of the surrounding area or conservation area.
13. During my observations on site, I noted an area of bare earth within the field which formed a short track. While I note the Appellant refers to the proposed surfaced footpaths formalising this existing route, I find the proposal would go well beyond this and would include the creation of a new path. Limited details of what surfacing materials would be used for the footpaths or the car parking area have been provided. Likewise, very limited information has been provided regarding the soft landscaping for the land around the huts. The hard surfacing would stretch over a significant area and would be visible within, and in views in to and out of, the MCA.
14. It would appear as an artificial man-made intervention in what is at present a primarily natural site, which, as I have reasoned above, contributes towards the significance of the MCA and the character of the area. The effect of the proposed surfacing would be exacerbated by the topography of the field which would afford distant views, and it has not been shown that the landscaping would mitigate this. Mindful of the statutory duty on me, their scale relative to the development as a whole, and the potential for harm to the MCA, both the surfacing and landscaping are integral to the acceptability of the scheme and are not matters which could be deferred to a later date and dealt with via a condition should the appeal be allowed.

15. As a result of the limited information with regard to the surfacing materials and landscaping scheme I cannot be certain that the proposal would protect or conserve the character and appearance of the area or the significance of the MCA. As such the proposal would conflict with Policies CS5, CS6, CS16 and CS17 of the ACS and Policies MD2, MD11, MD12 and MD13 of the SAMDev. Amongst other matters these policies collectively require that development is of a high quality which complements its surroundings and protects, conserves or enhances any heritage assets. The development would therefore also conflict with the overarching heritage and, character and appearance aims of the Framework.

Other Matters

16. The Council have raised a concern that the description would not limit camping across the site to just the three shepherd huts shown on the submitted drawings. However, I find from the evidence before me that it is clear that the shepherd huts comprise the 'camping' portion of the mixed use. Were the appeal to be allowed a suitably worded condition could be formulated to ensure this.

17. During my observations on site, I did not note any evidence that work had started towards the proposed development. While I am mindful of the concerns over clearance of the dingle and the storage of rubble, I have no evidence to demonstrate that this was connected to the development before me, or in respect of what consents, if any, are necessary in that regard.

Conclusion

18. The proposal would provide some enhancements by way of providing rural tourist accommodation and economic uplift to existing services, facilities and attractions in the local area. The proposal would also provide some limited diversification of the rural economy. Given the scale of the development I find these benefits would be modest and collectively I attribute moderate weight to them. Conversely the proposal would not be sustainably located and would have the potential to harm the character and appearance of the area and the MCA. I find that these matters attract significant weight. Therefore, the benefits do not outweigh the harm arising.

19. Therefore, the proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. As such, for the reasons given above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR