



Appeal Decision

Site visit made on 6 March 2023

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th April 2023

Appeal Ref: APP/L3245/W/22/3305728

The Cottage, Nordley, BRIDGNORTH WV16 4SX

- 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 Anthony Walker against the decision of Shropshire Council.
 - The application Ref 22/01171/FUL, dated 25 February 2022, was refused by notice dated 29 April 2022.
 - The development proposed is the erection of agricultural store with roof mounted solar panels.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of agricultural store with roof mounted solar panels at The Cottage, BRIDGNORTH WV16 4SX in accordance with the terms of the application, Ref 22/01171/FUL, dated 9 March 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 2021-276-01, Proposed block plan 2021-276-02, and Proposed elevations and floor plan 2021-276-07 rev G.

Preliminary Matters

2. Policy MD7a, of the Council's Site Allocations and Management of Development (SAMDev) Plan, is referenced in its reason for refusal. However, this policy refers to managing housing development in the countryside and is not therefore relevant to the proposal. However, the Council has stated in its Statement of Case that the proposal would be contrary to policy MD7b. This policy relates to the management of development in the countryside and is therefore germane to the merits of the proposal. I have therefore considered the appeal against policy MD7b, rather than MD7a, without causing prejudice to any party.
3. An appeal was dismissed¹ in 2020 for development that included the change of use of the paddock to residential use. In that decision the Inspector found that the domestication of the rural site would not respect the local context or character of the area. The Inspector also considered that the site could be used as a small paddock, despite its small size, due to being sited alongside an

¹ Planning Appeal Reference: APP/L3245/W/19/3238872

access track. I shall take this decision into account in my consideration of this appeal.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is within the small hamlet of Nordley, accessed from the B4373. The site is an area of paddock land to the side of a residential plot, with no clear physical boundary between these components. The paddock is largely undeveloped save for a concrete slab close to the boundary with the dwelling. The site is within a dispersed settlement. Local buildings consist of a combination of dwellings and barns, some within domestic grounds, whilst others provide for agrarian use. Local agricultural buildings consist of a variety of materials including metal cladding and brick. The site is adjacent to a public footpath and bridleway providing views into the site through breaks in the hedge boundary. The site slopes down gradually from this hedge to the south and provides views of the surrounding countryside through hedge field boundaries. Due to its undeveloped and open nature the site makes a positive contribution to the character and appearance of its surrounding rural setting.
6. The proposed barn would be located upon the concrete slab. It would be single storey with a relatively tall ridge. The proposed brick and aluminium materials would be in keeping with existing outbuildings and barns found within the local area. Having only two roof lights and solid doors, the barn would have an agricultural character that would complement its rural setting. The previous appeal decision found that the proposed residential use would result in the domestication of the rural site. Whereas this proposal would support the existing agricultural use of the site.
7. The evidence indicates that the Council finds the principal of an agricultural building to be acceptable. SAMDev Policy MD7b requires new agricultural buildings to be a) of a size/scale consistent with its required agricultural purposes and the agricultural enterprise it is intended to serve, b) be well designed and closely related to existing farm buildings and c) have acceptable impacts on environmental quality and neighbour's living conditions. However, the policy does not require buildings to be commensurate to the size of the site they are within, and it's explanatory text does explain how a building would be determined as being an appropriate size.
8. Nevertheless, the Appellant has explained that the building would be used to accommodate a range of agricultural equipment and vehicles. It would be of an appropriate scale to accommodate the equipment listed for its intended purpose within a building of relatively modest size and scale. Therefore, whilst the paddock is relatively small, the list of items sought to be stored relate to agricultural activity and the scale of the building. Consequently, it's size would be reasonable and not excessive.
9. Furthermore, the proposed barn would be read in the context of adjacent buildings, including the existing dwelling, and clustering with existing built-form. As such, the proposed barn would blend in with the existing pattern of development, especially the barns to the north of the site beyond the

bridleway. Consequently, the proposal would not materially erode the open and rural character of the site or its context within the surrounding countryside.

10. For these reasons, the proposed building would complement the character and appearance of the area. Accordingly, the proposal would satisfy policies CS5, CS6 and CS17 of the Core Strategy, policies MD2 and MD7b of the SAMDev, and the National Planning Policy Framework. These policies seek, among other matters, for agricultural buildings to be consistent with the nature of the agricultural enterprise it is intended to serve and to respect local architectural design.

Conditions

11. It is necessary to apply conditions in connection with a commencement period and to list the approved plans to define the permission and accord with the advice within the Planning Practice Guidance. The Council has offered three conditions in the event that the appeal be allowed. Its third condition requires the building be used only for purposes incidental to the adjacent dwelling and for it not to be used as a dwellinghouse. However, such a condition would prevent the barn being used for broader agricultural purposes in the wider area which would be an unreasonable restriction. Furthermore, to prevent it from being used as a dwelling separate to 'The Cottage' or a commercial use would require a material change of use and is therefore also unnecessary.

Conclusion

12. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed, and planning permission be granted subject to the listed conditions.

Ben Plenty

INSPECTOR