



Appeal Decision

Site visit made on 6 February 2024

by **David Murray** BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th February 2024

Appeal Ref: APP/L3245/W/23/3326378

Maitland, The Barns of Litley, Chorley, BRIDGNORTH, WV16 6PP

- 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 Craig Roberts against the decision of Shropshire Council.
 - The application Ref 22/05234/FUL, dated 30 November 2022, was refused by notice dated 24 January 2023.
 - The development proposed is the siting of 2 no. domestic garden storage outbuildings with associated groundworks, hardstanding, fencing and landscaping (retrospective) and the associated change of use of land to garden curtilage.
-

Decision

1. The appeal is allowed and planning permission is granted for the siting of 2 no. domestic garden storage outbuildings with associated groundworks, hardstanding, fencing and landscaping (retrospective) and the associated change of use of land to garden curtilage, at Maitland, The Barns Of Litley, BRIDGNORTH, WV16 6PP in accordance with the terms of the application, Ref 22/05234/FUL, dated 30 November 2022, and the plans submitted with it, subject to the following conditions:
 - 1) Unless within six months of the date of this decision a scheme for the landscaping of the site is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within a further period of six months of the local planning authority's approval, the use of the extended curtilage shall cease until such time as a scheme is approved and implemented.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
 - 2) The scheme of new landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
 - 3) The outbuildings hereby approved shall only be used for purposes ancillary to the residential use of Maitland and not for any separate residential use or for commercial purposes.

Preliminary Matter

2. The government issued a revised version of the National Planning Policy Framework (the Framework) on the 19th December 2023. I have considered the changes in relation to the main issues in this appeal but find that the changes are minor and not material to the decision. The parties were therefore not invited to make submissions on the application of the amended Framework.

Main Issue

3. The main issue is the effect of the proposal on the open countryside landscape character of the area.

Reasons

Background

4. The appeal site comprises a dwelling arising from a barn conversion and its curtilage which lies in an area of countryside to the west of the village of Chorley. There is another dwelling adjacent converted from a barn and two further houses to the north of the site and the land rises up on a valley side with a brook and stone bridge to the south.
5. The proposal, which is retrospective, seeks to extend the previously approved curtilage of the property and site two single storey outbuildings to be used as a store/home office.

Effect on countryside character

6. The present property of Maitland has a relatively limited curtilage around it reflecting its agricultural origins. Its dark stained timber elevations are seen set back from the lane in views from around the stream bridge. The proposed outbuildings also have a similar dark stain timber applied to match the existing dwelling and detached double garage.
7. On the face of it the degree of additional curtilage proposed to bring into the garden would not be extensive however, because of the sloping nature of the land, wire and stone gabions have had to be used to bring the land up to a height about level with the manoeuvring space around the double garage.
8. This raising of the land and the siting of the outbuildings close to the lane has resulted in the structures being seen in views from the lane however they are seen in the context of the permitted buildings at Maitland which have a similar profile and external materials and do not appear out of place in the rural landscape.
9. I have also taken account of the existing vegetation and landscaping proposed. Although the roadside hedge appeared to have been cut back in the local area just before my visit, there was still a sizeable hedge along the frontage down to the stream. I also noted the landscaping that the appellant has carried out but this appeared to be sparse in places and the outer edge of the gabion wall was visible to public view as a relatively stark feature. The appellant has submitted photographs taken at a different time of year which show the surrounding landscaping in full bloom.
10. Subject to further landscaping being carried out I am satisfied that the proposed extension to the residential curtilage of the existing property and the

siting of the timber clad outbuildings do not have an imposing and harmful visual effect on the prevailing rural landscape. I see no conflict with the provisions of Core Strategy Policies CS5, CS6 and CS17 as the countryside character would be maintained and the design of the outbuildings respects the existing development. Neither is there conflict with SAMDev policy MD2 on securing sustainable design.

11. As the proposal reasonably accords with the relevant policies in the development plan and this is not outweighed by other considerations the appeal should be allowed.
12. The Council recommends that only one condition is needed and this relates to the carrying out of development in accordance with the submitted plans but as the development has been implemented such a condition is now unnecessary. However, as mentioned above it is necessary for the development to have additional landscaping which the appellant has offered to undertake. I will therefore impose a condition to achieve this although it has to be worded to reflect the retrospective nature of the proposal. It is also necessary to impose a condition to restrict the use of the outbuildings to that ancillary to Maitland as that is the scheme put forward and on which the development has been assessed.

Conclusion

13. For the reasons given above I conclude that the appeal should succeed.

David Murray

INSPECTOR