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## Appeal Decision

Site visit made on 17 April 2025

**by J D Westbrook BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 08 May 2025.**

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**Appeal Ref: APP/L3245/W/24/3357915**

**Brookside Leisure Park, Bronygarth, Shropshire, SY10 7LY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Brookside Leisure Park against the decision of Shropshire Council.
  - The application Ref is 24/01336/FUL.
  - The development proposed is the change of use of existing Manager's House to holiday accommodation; the erection of extensions to Sports Hall to provide an indoor swimming pool & associated facilities, including green roof and enclosed glass atrium, and a new first floor Owner/Manager's Apartment; and the provision of new Manager/Customer parking served by the existing vehicular access to the south.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. It would appear that the description of the proposed development as submitted on the planning application form, and as repeated on the Council's Decision Notice refers to an earlier scheme which was refused and has since been amended. For clarification, the current scheme, as determined by the Council and subsequently appealed against, does not include a green roof or atrium, and the new parking area is served by a different access, currently unused in the context of the proposal but in existence at the western end of the appeal site.

### Main Issues

3. The main issues in this case are the effects of the proposed development on:
  - The character and appearance of the area surrounding the Leisure Park,
  - The countryside around Bronygarth, and
  - Highway safety along Bronygarth Road and roads off it around the appeal site.

### Reasons

4. The Leisure Park is sited to the west of Bronygarth Road, with access off a narrow unclassified lane that runs past the site and a small number of other properties before continuing into open countryside beyond. The Park includes a manager's house, 4 lodges, and a sports hall with two squash courts and a gym. The leisure facilities are also used as a sports club which apparently has around 70 members. A related company (Brookside Manor Estates) owns the large adjacent Brookland

Manor which is rented out for large groups and, from the planning statement accompanying the planning application, it would appear that the estate also includes an indoor swimming pool and a tennis court. The appellants also apparently own the neighbouring Mews Cottage and The Hayloft. It is unclear as to the precise relationship between the companies, the buildings and their facilities.

5. The proposed development would involve the change of use of the current three bedroom manager's house to a holiday rental property; the construction of a new, larger one-bedroom manager's dwelling above the existing sports hall; the construction of an extension containing an indoor swimming pool and sauna to the rear of the sports hall; and the construction of a new parking area to serve the manager's dwelling and extended facilities at the Sports Hall. The parking area would use an existing access from the narrow lane that runs alongside the western boundary of the site, although at the time of my inspection, the roadway within the site was not usable by anything other than large construction or farm vehicles. The parking area would, therefore, effectively require the construction of a completely new access within the site.

#### *Character and appearance*

6. The immediate surroundings of the appeal site are characterised by a small group of buildings including Pentre Newydd Farmhouse and its farmyard with agricultural buildings, along with what appear to be converted farm buildings now in residential use. These are concentrated around a sharp bend in the narrow lane that runs from Bronygarth Road into the open countryside around the appeal site. The residential properties are stone-built or grey-brick fronted, whilst the agricultural units are utilitarian and functional.
7. The proposed change of use of the current manager's house would not entail any physical or visual changes. The impact of the proposal on the character and appearance of the surrounding area would, therefore, be restricted to the structural works associated with the new manager's accommodation and the new indoor pool and gym. The existing sports hall is essentially a cube with single-storey extensions. Given the topography of the area, the building is almost entirely at or below the level of the lane that passes the southern and western sides of the building. As such, whilst it is uncharacteristic of the area, it is of very limited visibility and has very little impact on the appearance of the area.
8. The proposed managers accommodation would be built on top of the existing building. It would be 3.3 metres high and would be readily visible in the street scene. It would be a modern structure, timber-clad but with extensive glazed elements and a terrace/balcony around three sides. As such it would become a prominent and incongruous feature in the street scene, especially when seen in the context of the stone-built Oak Croft Barn to the south east, and the farmyard buildings to the south west.
9. It appears that the proposed development could include some screening planting between the managers accommodation and the road, but there is little detail on this and, although such matters could be conditioned, the accommodation would remain an incongruous feature constructed on top of the otherwise practical and plain sports building. Moreover, there can be no guarantees that such screening would remain in place or be adequate in bulk in the long term, while the visibility of the building would increase at the western end by opening up the new access.

### *Effect on the countryside*

10. The proposal would result in the change of use of the existing manager's house into a holiday let property, and the construction of a new unit of accommodation for the manager above the sports building. The need for a manager's unit of accommodation is not disputed. However, there is already such accommodation available, and the need for the new provision is based solely upon business grounds. The appellants contend that the sports building needs significant repair – especially to the roof – and that the proposal is designed to produce revenue for this purpose. However, I have no details of any business plan to support this contention and, since the sports building has apparently been in existence for around 40 years, while the Leisure Park has operated for over 20 years, it would seem reasonable to assume that provision for maintenance and repair would have been part of any relevant business plan.
11. Policy MD11 of the Council's Site Allocations and Management of Development Plan (SAMD) states that holiday let development that does not conform to the legal definition of a caravan, and is not related to the conversion of existing appropriate rural buildings, will be resisted in the countryside. The proposal conflicts with this policy and, if carried out, would result in an extra permanent unit of accommodation in the countryside contrary to Policy CS5 of the CS which indicates that developments will be permitted where they improve the sustainability of rural communities including dwellings to house essential countryside workers and other affordable housing/accommodation to meet a local need. No local need has been established beyond that already catered for in the existing manager's house.
12. The existing manager's house is subject to a Section 106 agreement that, if no longer required for its purpose, it should revert to a unit of affordable housing. This accords with the requirements of Policy MD7a of the SAMD, which states that If a new dwelling is permitted and subsequently no longer required as an essential rural workers' dwelling, it will be made available as an affordable dwelling, unless it can be demonstrated that it would not be suitable. In this case, the dwelling is clearly suitable. The appellant contends that the agreement could again be made to apply at a time when the holiday letting itself was to cease. However, this implies that the dwelling could potentially continue to change its use any number of times before the Section 106 agreement were to be implemented. In this case, the Section 106 agreement was required for a specific policy-related purpose, and I consider that it should be implemented should the dwelling cease to be a manager's house.

### *Highway Safety*

13. The current access into the Leisure Park is from the narrow lane some 80 metres from its junction with Bronygarth Road. The access also serves the manager's house which includes the reception for the Park. From the submitted plans, it is clear that, while the existing access would be retained, an additional access would come into use at the western end of the site, to serve a new car park at the rear of the sports building and which would become the main entrance due to its direct access to the reception area. This would entail additional journeys being undertaken past Pentre Newydd Farm and farmyard, and the other houses, at a point where the narrow road makes a sharp right angle turn, and beyond into the open countryside. In addition, the point of access would be very close to a bend in the narrow road where the road condition is poor and visibility to the north is limited.

14. The Highways Authority has raised a number of concerns regarding the proposed access arrangements. These include that no traffic information has been forwarded to identify a potential change in traffic movements resulting from the increased attractiveness of the enhanced sports facilities; that there is no detail on the provision of parking for the new manager's accommodation and the parking for leisure facilities and how this would be controlled; and that visibility and layout of the access onto the unclassified lane would appear to be compromised with no layout and visibility details submitted to demonstrate the suitability of the access.
15. In the light of the above and the concerns of the Highway Authority, with which I concur, I find that the increased traffic that would be generated by the proposal, both in terms of diverted existing traffic and newly generated traffic, would have the potential to result in significant harm to highway safety along the unclassified lane. In particular, it would be harmful to safety along that section of the lane from the existing access onwards to the proposed new access and beyond, which is narrow and has restricted visibility in places.

### **Other Matters**

16. The appellants state that there is no risk of flooding from rivers. However, the planning statement also indicates that a small stream flows alongside the site, which has been culverted in the past due to problems with flooding in times of heavy rainfall. There is little detail provided of the impacts likely to be caused by the proposed extensions to the sports building and the provision of a new access and car park, on potential for localised flooding. The planning statement refers to the benefits that would accrue from a green roof and rainwater harvesting, but the green roof/atrium feature would appear to have been removed from the final amended plans.
17. The appellants have stressed that the building works will use sustainable materials and construction methods. However, the Leisure Park itself is situated in a very isolated location, distant from any settlements that offer a range of facilities and services, and with no public transport available. The existing sports facilities are available to members, of whom there are around 70, most of whom must need to travel some distance by car. The enhanced leisure facilities and the addition of a new holiday let would likely result in an increased number of journeys. On this basis, the proposal would not be of a sustainable nature and would conflict with Policies CS5 and CS16 with regard to the need for development to be appropriate to its location.
18. The main case for the appellants is the need for finance to pay for essential repairs to the sports facilities. As stated above, I would expect such matters to be dealt with by way of an ongoing business plan that takes into account likely future maintenance costs. However, there is no business plan provided to evidence the situation. The planning statement gives some information as to the potential finances available through the sister company and other property assets, and it is not possible from the evidence before me to determine whether the viability of the Leisure Park is, therefore, solely dependent on the current proposal.
19. I acknowledge that the leisure park provides sports facilities for a number of members and school groups. On this basis, it has some value to the community, although it is difficult to ascertain where the community is based, and there would not appear to be any specific letters of support for the proposal. In any case, any

benefits of the proposed enhancements of the facilities at the Leisure Park would be outweighed by the harmful effects on the character and appearance of the area; the unsustainability of the location of the park with regard to any planned expansion; and the dangers to highway safety resulting from the creation of what is effectively a new main entrance to the site on a narrow lane with poor visibility both approaching and around the site.

## **Conclusion**

20. I find that the proposed new manager's accommodation, by virtue of design, scale and siting, would be harmful to the character and appearance of the area surrounding the Leisure Park. In addition, the new accommodation, by way of its nature and unsustainable location would conflict with development policy regarding new development, and especially residential development, in the countryside. Finally, the proposed new parking and access arrangements within the western part of the site, would be likely to result in harm to highway safety along the narrow unclassified lane in the vicinity of the Leisure Park. On this basis, the proposal would conflict with a number of development Plan policies including Policies CS5, CS6 and CS16 of the CS and Policies MD7 and MD11 of the SAMD, which relate to development in the countryside, tourism, and sustainable development in general. Accordingly, I dismiss the appeal.

*J D Westbrook*

INSPECTOR