The Planning Inspectorate

Appeal Decision

Site visit made on 20 September 2016

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 28 October 2016

Appeal Ref: APP/L3245/W/16/3154498
Cwm Bydd Farm, Clunton, Craven Arms, Shropshire SY7 0QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr & Mrs Griffiths against the decision of Shropshire Council.
- The application Ref 15/03024/COU, dated 14 July 2015, was approved on 29 April 2016 and planning permission was granted subject to conditions.
- The development permitted is the change of use of land for the siting of a holiday caravan.
- The condition in dispute is No 1 which states that: The holiday accommodation hereby permitted shall be removed from the application site and the land reinstated to its former condition on or before 5 years from the date of this planning permission.
- The reason given for the condition is: To enable the Local Planning Authority to review the viability of the holiday let venture to ensure that the holiday accommodation is able to both fund itself and supplement the farm income.

Decision

1. The appeal is allowed and the planning permission Ref 15/03024/COU for the change of use of land for the siting of a holiday caravan at Cwm Bydd Farm, Clunton, Craven Arms, Shropshire SY7 0QH granted on 29 April 2016 by Shropshire Council, is varied by deleting condition No 1.

Application for costs

2. An application for costs was made by Mr & Mrs Griffiths against Shropshire Council. This application is the subject of a separate decision.

Procedural Matter

3. Section 79(1) of The Town and Country Planning Act 1990 as amended (the '1990 Act') makes provision for an appeal made under Section 78(1)(a) thereof, as is the case here, to be allowed, dismissed or any part of the decision of the local planning authority reversed or varied. However the only matter in dispute in this case is condition No 1, and there is nothing before me nor reason apparent from my site visit to arrive at a different conclusion regarding the acceptability of the proposal in other respects.

Background

4. Planning permission was granted in April this year for the change of use of land for the siting of a holiday caravan. Condition 1 of that permission requires the holiday caravan to be removed on or before 5 years from the date of the permission. The reason for the condition stated on the decision notice is to allow the Council to review the viability of the holiday let venture. However, in its appeal statement the Council have stated that as the site is within the

Shropshire Hills Area of Outstanding Natural Beauty (AONB) the temporary nature of the permission required by Condition 1 is also necessary to ensure no lasting harm is imposed on the AONB.

Main Issue

5. Taking into account the above the main issue is whether condition No 1 is necessary and reasonable taking into account the nature of the use, the character and appearance of the AONB and national and local policies.

Reasons

6. The appeal site comprises part of a field adjoining agricultural buildings associated with Cwm Bydd Farm. The farm is located within the open countryside and the AONB approximately 1.2 miles from the settlement of Clunton.

7. Policy CS5 of the Shropshire Core Strategy (the CS) controls new development in the countryside. It states, amongst other things, that small-scale new economic development diversifying the rural economy, including farm diversification schemes will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. It goes on to state that applicants will be required to demonstrate the need and benefit for the development proposed and that development will be expected to take place primarily in recognisable named settlements or be linked to other existing development and business activity.

8. CS Policy CS16 relates to tourism, cultural and leisure developments and it requires, amongst other things, that proposals for high quality visitor accommodation in rural areas must be of an appropriate scale and character for their surroundings, be close to or within settlements or an established and viable tourism enterprise. CS Policy CS17 relates to environmental networks and it requires, amongst other things, that development protects and enhances the high quality and local character of Shropshire's natural environment. The CS predates the National Planning Policy Framework (the Framework). However, CS Policies CS5, CS16 and CS17are broadly consistent with the Framework and as such I attach significant weight to these policies.

9. Policy MD11 of the Site Allocations and Management of Development Plan (SAMDev) provides more detail in relation to tourism facilities and visitor accommodation. It states, amongst other things, that tourism development proposals that require a countryside location will be permitted where the proposal complements the character and qualities of the site's immediate surroundings and meets the requirements in Policies CS5 and CS16. It goes onto to state that static caravans, chalets and log cabins are recognised as having a greater impact on the countryside.

10. These policies are underpinned by paragraph 28 of the Framework that explains that local development plans should promote the development and diversification of agricultural businesses and support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

11. The proposal would comprise of siting a caravan for holiday lets adjacent to the farm. The business plan submitted in support of the application states that the need for the proposal is to bring in additional income to the farm following the end of a Higher Level Environmental Stewardship Agreement. Reference is made within that document to an existing low key presence on a website

providing 'holiday' accommodation for horses. There is no assessment of the viability of the farm or the existing equine related business within the business plan.

12. However, the economic and other benefits of the proposal are outlined in the business plan and planning statement submitted with the original planning application. These benefits include supplementing the income to the farm, the development of the equine 'holiday' stables, utilising locally sourced produce for welcome boxes for visitors, the promotion of local businesses and events via information and leaflets given to visitors and a collection service from local train stations. Consequently, the proposal would comply with CS Policy CS5 in relation to farm diversification.

13. In relation to CS Policy CS16 the development would be of an appropriate scale and character for its surroundings taking into account that the proposal is for a change of use that would only facilitate 1 caravan, the location adjacent to the agricultural buildings and the proposal to clad the caravan in timber and the proposed landscaping. However, the site is not within a settlement and taking into account the distance to Clunton, the topography and that Redwood Lane is a narrow minor unlit road it cannot reasonably be classed as being close to a settlement. As stated above there is no evidence provided within the business plan that there is an established and viable tourism enterprise at Cwm Bydd Farm. It follows that the proposal does not comply with CS Policy CS16.

14. The Council consider that due to the conflict with CS Policy CS16 that condition No 1 is required to allow it to re-assess the viability of the holiday let enterprise in 5 years. This is on the basis that the economic benefits of the tourism enterprise have not been sufficiently demonstrated and that those benefits may not offset the harm arising from the unsustainable nature of the location in the future. However, the proposal also has to be considered as a farm diversification scheme and there is no dispute between the parties that the economic and social benefits in support of the farming business provide substantial weight in its favour. Moreover, even if the holiday enterprise is not viable the occupancy of the caravan would be tightly controlled by other conditions on the planning permission.

15. In relation to the impact of the proposal on the character and appearance of the AONB. I acknowledge that static caravans, given their form and colour, normally white or a light colour can have a negative visual impact on the character and appearance of the area. However, the condition requiring the cladding of the caravan is entirely appropriate and necessary to mitigate the potential impact on this sensitive location in the AONB. The proposal also includes new landscaping which would assist in minimising the impact of the new structure on the character and appearance of the AONB. Taking into account the above and the location of the site adjacent to existing farm buildings and close to an existing tall field hedge, the impact of the proposal would be mitigated by the other conditions on the planning permission and the proposal would comply with CS Policy CS17and SAMDev Policy MD11. As such condition No 1 is not necessary in this respect.

16. The Framework contains a presumption in favour of sustainable development. The proposed caravan would constitute accommodation in a rural location with poor access to services and facilities. Future occupiers even on a temporary basis would be reliant on the private car. However, the economic and social benefits associated with the farm diversification proposal provide substantial

weight in its favour outweighing the harm in relation to the unsustainable location. Although there would be conflict with some elements of CS Policy CS16 the proposal would comply with the policies before me considered in the round. Consequently there is no necessity to restrict the development to a specified temporary period.

17. For the reasons set out above, I allow the appeal and delete condition No 1 of planning permission Ref 15/03024/COU.

D. Boffin

INSPECTOR