



Appeal Decision

Site visit made on 25 August 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th September 2020

Appeal Ref: APP/L3245/W/20/3253157

Coedygaer, Llansilin, SY10 9BU

- 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 and Mrs DM & JR Parry against the decision of Shropshire Council.
 - The application Ref 19/04787/FUL, dated 28 October 2019, was refused by notice dated 13 December 2019.
 - The development proposed is described as "*change of use of land from agricultural to tourism use for the siting of four shepherds huts, construction of vehicular parking and all associated works*".
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the development would be in a suitable location for visitor accommodation with regard to its accessibility to services and facilities, and the provisions of the development plan.

Reasons

3. Policy CS16 of the Shropshire Core Strategy (2011) encourages the development of visitor accommodation "*in accessible locations served by a range of services and facilities*". It further states that in rural areas, proposals must be "*close to or within settlements*".
4. The appeal site is a small field within the open countryside that is currently used for grazing. It is approximately 1.5 miles from the nearest settlement of Llansilin, and approximately 3.1 miles from the settlement of Trefonen. However, the services and facilities in those settlements are limited, and visitors would therefore need to make longer journeys to Oswestry in order to access a good range of amenities. Moreover, the route to Llansilin and Trefonen is along narrow, steep and winding lanes with no street lighting or footways. These are not attractive pedestrian routes, especially in poor light, which would discourage walking to those settlements. In my view, the appeal site is in a fairly remote location and visitors to the site would be heavily reliant on the use of a car or other vehicle.

5. My attention has been drawn to a recent allowed appeal decision¹ that also related to new visitor accommodation in Shropshire. However, that site was located only half a mile from the market town of Much Wenlock, which contains a range of services and facilities. That is not the case here. Conversely, the Council has highlighted a recent dismissed appeal decision² for visitor accommodation just a short distance from the appeal site. That Inspector concluded that the proposal would be contrary to Policy CS16 due to its location.
6. My attention has also been drawn to a number of recent approvals granted by the Council for new visitor accommodation. However, the full details of those cases are not before me and so I am unable to assess any direct comparability to the current proposal. In any event, I have come to my own view on this matter, rather than relying on the approach the Council may have taken elsewhere.
7. For the above reasons, I conclude that the development would not be in a suitable location for visitor accommodation with regard to its accessibility to services and facilities, and the provisions of the development plan. It would therefore be contrary to Policy CS16 of the Shropshire Core Strategy (2011). This policy seeks to ensure, amongst other things, that new visitor accommodation is accessible to services and facilities.
8. The Decision Notice also refers to Policy CS17 of the Core Strategy and Policy MD2 of the Shropshire Site Allocations and Management of Development ('SAMDev') Plan (2015). However, these policies relate to environmental networks and design and so are not directly relevant to the reason for refusal. In addition, Policy CS6 refers to "*proposals likely to generate significant levels of traffic*", which would not be the case here.

Other Matters

9. Policy CS5 of the Core Strategy provides support for small-scale new economic development that diversifies the rural economy, including small scale farm diversification schemes. However, Policy CS5 also states that rural tourism and leisure proposals should accord with Policy CS16. For the reasons set out above, that would not be the case here.
10. Whilst Policy MD11 is generally supportive of new visitor accommodation, it also states that this is subject to the requirements of Policy CS16. Moreover, any support provided by Policy CS6 in relation to climate change and health and wellbeing is tenuous in my view. However, even if I had come to a different view on this matter, the development would still be contrary to the development plan overall, given the clear conflict with the Policy CS16.
11. Whilst not a reason for refusal, the Council expressed concern regarding the impact of the development on the landscape. In this regard, the development would be positioned next to a public footpath and would be prominent in views along it. The creation of the proposed car parking area would also be likely to require some excavation given the level changes, and parked cars would be positioned next to the footpath. This would significantly alter the pleasant rural character of site and its surroundings. Moreover, the screening provided by trees and bushes around the site edge would reduce in winter months, and it

¹ APP/L3245/W/18/3195876

² APP/L3245/W/18/3218574

would be visible in longer views from the surrounding area. In my view, there would be some harm to the landscape and the character of the countryside arising from the proposal.

12. The Inspector for appeal Ref APP/L3245/W/18/3195876 referred to there being some evidence of unmet and ongoing demand for visitor accommodation in Shropshire. I see no reason to depart from that view.

Conclusion

13. As set out above, the development would have poor accessibility to services and facilities and would be contrary to the development plan in this regard. It would also cause some harm to the character and appearance of the countryside.
14. Set against this, the development would provide an additional stream of income to the farm business and would provide some support to local businesses and the Shropshire visitor economy. It would also generate economic benefits during the construction phase.
15. On balance however, I do not consider that these benefits outweigh the harm associated with the development, including the conflict with Policy CS16. Accordingly, the material considerations in this case do not indicate that the proposal should be determined other than in accordance with the development plan.
16. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR