
Appeal Decision

Site visit made on 7 September 2021

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2021

Appeal Ref: APP/L3245/W/21/3276701

Land at Gyrn Road, Selattyn, Oswestry SY10 7DL

- 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 Mrs Patricia Jones against the decision of Shropshire Council.
 - The application Ref 21/01572/FUL, dated 25 March 2021, was refused by notice dated 18 May 2021.
 - The development proposed is described as *'we would like to place a twenty foot steel container on the land. This unit is required to store our old Ferguson tractor and various tools and equipment in. We intend to disguise the container by setting it into the sloping land and planting trees and shrubs around it'*.
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Decision

1. The appeal is allowed and planning permission is granted for the siting of a metal storage container at Land at Gyrn Road, Selattyn, Oswestry, SY10 7DL, in accordance with the terms of the application Ref 21/01572/FUL, dated 25 March 2021, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The National Planning Policy Framework was revised in July 2021 (the Framework) and this post-dates the Council's refusal notice. The main parties were afforded the opportunity to comment on the implications of the Framework from the point of view of determining this appeal. I have also taken it into account.
3. The Council's decision notice describes the proposal as *'the siting of a metal storage container'*. Relative to the description of development in the banner heading above, this is more succinct. I have therefore referred to the latter description of development in the decision.

Main Issues

4. The main issues are whether the proposal would accord with policy MD7b of the Site Allocations and Management of Development Plan 2015 (SAMDev) in terms of location and the effect of the development on the character and appearance of the area.

Reasons

5. The appeal site falls within the countryside and is located a few hundred metres to the south of the settlement of Selattyn. It is to the west of Gyn Cottage and

- falls within a wider parcel of land of about 6 acres and known as Little Gyrn Fields.
6. It is proposed to position a green container measuring 6.1 metres in length by 2.4 metres in width by 2.9 metres in height on an area of existing flat land and which is surrounded by existing mature trees and vegetation. The appeal site is relatively flat and is at the bottom of land which slopes downwards from Gyrn Road. New tree planting is proposed around the container.
 7. The planning application is accompanied by a report called '*Little Gyrn Fields Restoration Plan*' (LGFRP). There is some family history associated with the historic use and ownership of the land. The evidence is that the appellant lives a long way from the local area and consequently has to transport tools and equipment to and from the site each time she visits the area. The evidence also indicates that the appellant has a five-year restoration and enhancement plan for Little Gyrn Fields which will include a 1 acre wildflower meadow; removal of fallen trees from the existing woodland; an extension of the existing woodland, and improved access and security.
 8. I am satisfied that the appeal development would offer a much needed secure and watertight storage facility for the appellant's tractor, strimmers, hand tools, tree stakes, tree shelter guards and power tools. Given the LGFRP, I am satisfied that the appellant has suitably justified that there is a need for an agricultural storage facility on the land. I would add, however, that both the Framework and the Shropshire Local Development Framework Adopted Core Strategy 2011 (CS) are supportive, in principle, of new agricultural development in countryside locations and in that regard a need case need not be advanced. From an overall size and scale point of view, I do not find that the proposal would conflict with the requirements of policy MD7b of the Site Allocations and Management of Development Plan 2015 (SAMDev).
 9. I accept that in some rural locations the use of storage containers may not be acceptable in visual terms. However, in this case the container would not be significant in terms of its size, would be positioned at the bottom of a steeply sloping field and would be well screened by existing trees. It is proposed to plant a number of additional evergreen trees around the container and, furthermore, the container itself would be finished in a dark green colour. Taking all of these factors into account, I consider that the development would blend in with the surrounding landscape and would assimilate well with the surrounding trees and vegetation.
 10. Subject to the retention of the existing trees and the planting of new trees as shown on drawing No. LG02c, I am satisfied that the development would not appear as a striking, conspicuous or out of place addition in this rural environment. It is proposed that the new trees would be evergreen and, in this regard, the container would not be perceptible from public views even when the existing surrounding deciduous trees were without leaf. Planning conditions could be imposed in respect of new tree planting, the retention of existing trees, as well as the container being permanently finished in a dark green colour.
 11. Policy MD7b of the SAMDev indicates that applications for agricultural development will be permitted where it can be demonstrated that '*the development is well designed and located in line with CS6 and MD2 and where possible, sited so that it is functionally and physically closely related to existing*

farm buildings'. The policy does not require all agricultural development to be sited next to existing farm buildings and, in this case, I observed on my site visit that there were no farm buildings within the immediate vicinity of the appeal site.

12. In this case, there is justification for locating the development in an area which is not next to existing farm buildings. This is because the development would not be conspicuous when seen from surrounding public areas and would be in a location where the development would suitably blend in with the surrounding rural environment. While in plan form the site may appear isolated from other buildings, my site visit observations revealed that the development would not actually cause harm to the character and appearance of this part of the countryside from a location point of view. In reaching this view, I have taken into account the representation from Selattyn and Gobowen Parish Council who support the proposal for similar reasons.
13. Given the above, I therefore find that the appellant has suitably justified why locating the container in a position which is away from existing farm buildings is acceptable. In this regard, I do not therefore find conflict with policy MD7b of the SAMDev. I conclude that the proposal would not conflict with the character, appearance, design, environmental quality and landscape requirements of policies CS5, CS6, CS17 of the CS; policies MD2 and MD7b of the SAMdev, or with paragraphs 130(c) and 174(c) of the Framework which collectively seek to ensure that developments are sympathetic to the landscape setting, while not preventing or discouraging appropriate innovation or change, and recognise the intrinsic character and beauty of the countryside.
14. Given my reasoning and conclusion above, I do not agree with the Council that the development would be seen within the local landscape as a sporadic form of development. Indeed, and subject to the imposition of conditions, it would not be seen as a conspicuous or alien feature in the wider landscape setting when viewed by passers-by. Consequently, allowing the appeal would not in turn mean that sporadic development elsewhere in the countryside would be an inevitable outcome.

Conditions

15. The conditions set out in the accompanying schedule are partly based on those suggested by the Council. Where necessary, I have amended the wording of the suggested conditions in consultation with both of the main parties, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.
16. Planning permission is granted subject to the standard three-year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have therefore imposed a condition to this effect.
17. In order to safeguard the character and appearance of the countryside, it is necessary to impose conditions relating to the colour of the storage container and the retention and planting of trees.
18. In order to define the scope of the planning permission, and to maintain suitable control from the point of view of ensuring an appropriate use in this countryside location and indeed the container, a condition is necessary in

respect of confining the permission to that of the storage of agricultural machinery and equipment only.

Conclusion

19. For the reasons outlined above, the proposed development would not conflict with the development plan for the area. Therefore, I conclude that the appeal should be allowed.

D Hartley

INSPECTOR

Schedule of 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: 1:2500 site location plan 'area 16ha'; block site plan 'area 90m x 90m'; drawing referenced as 'proposed shipping container dimensions'; drawing referenced as 'plan showing areas of design 1-4'; drawing LG02c; drawing LG02e and drawing LG02f.

3) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include both the retention of all existing trees shown on approved drawing No LG02 and set out measures for their protection throughout the course of development. The scheme shall also include details of new tree planting as shown on approved drawing No LG02. All planting comprised in the approved details of landscaping shall be carried out in the first planting seasons following the completion of the development; and any new or retained trees which within a period of 10 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.

4) The container shall at all times be finished in a dark green colour.

5) The container hereby approved shall be used only for the storage of agricultural equipment and vehicles.