
Appeal Decision

Site visit made on 23 November 2021

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2021

Appeal Ref: APP/L3245/W/21/3278453

Boreton Farm, Boreton, Cross Houses, Shrewsbury SY5 6HJ

- 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 G H Davies (G H Davies Farms Ltd) against the decision of Shropshire Council.
 - The application Ref 20/03554/FUL, dated 4 September 2020, was refused by notice dated 31 March 2021.
 - The development proposed is a change of use of land from motocross/agricultural to tourism use for the siting of 16 holiday lodges, construction of an associated access track, parking area and associated works (amended description).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address in the banner heading above is taken from the appeal form as this more concisely describes the location than the address given in the planning application form. Similarly, due to the revision of the proposal prior to refusal of planning permission, the description in the banner is taken from the decision notice rather than the application form, which is more concise.
3. During the course of the appeal, the revised National Planning Policy Framework (July 2021) (the Framework) was published. Parties were provided with an opportunity to comment on the relevance of this, and I have taken any subsequent comments received into account in my determination of this appeal.

Main Issues

4. The main issues are whether the proposal would be suitably located with regard to the spatial strategy for the plan area and the effect of the proposal on the character and appearance of the area.

Reasons

Whether Suitable Location

5. Policy CS5 of the CS¹ states development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities. This includes rural

¹ Shropshire Local Development Framework Adopted Core Strategy (adopted March 2011)

tourism which requires a countryside location, in accordance with Policies CS16 and CS17.

6. Policy CS16 of the CS requires tourist accommodation in rural areas to be of an appropriate scale and character for their surroundings, be close to or within settlements, or an established and viable tourism enterprise where accommodation is required. Linked to CS16, Policy MD11 of the MDP² states tourism, leisure and recreation 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, among others, and relevant local and national guidance.
7. These policies are broadly consistent with the Framework which advises at paragraph 84 that decisions should enable sustainable rural tourism and leisure developments, while paragraph 85 states planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.
8. The appeal site is located in the countryside outside of any recognised settlements. Notwithstanding matters of character and appearance, the site is located adjacent the existing farm which includes an established and viable tourism enterprise, evidence of which has been provided by the appellant. It is approximately 2.2km from the village of Condover, which includes some services including a post office and shop, and 2.5km from Cross Houses where the nearest public house is located. This would involve walking along the local public footpath network, part of which transects the site.
9. I agree that some visitors may use the footpath to visit Condover and explore the countryside. However, this may be dependent on other factors such as the condition of the path and there is no information before me as to how this means of accessing nearby areas would be encouraged or exploited. Moreover, Condover and Cross Houses are in opposing directions and the distances to either would likely make this path undesirable for older visitors, those with mobility issues or parents with young children.
10. As such, it seems to me there would still be a primary reliance on private vehicles for access to services and facilities. Given there are 16 units proposed this would be a significant number of additional vehicles moving between the site and nearby services, facilities and visitor attractions. This would be additional to the initial travelling to and from the site and is the least sustainable travel option. Regardless of whether the site is considered previously developed land or the status of enforcement action, this leads me to conclude that the appeal scheme would serve to promote unsustainable patterns of new development.
11. Based on the above, the appeal site would not constitute a suitable location with regards to the spatial strategy for the plan area. The proposal would therefore be contrary to Policies CS5 and CS16 of the CS and Policy MD11 of the MDP. These seek, among other aims, for development to improve the sustainability of rural communities. The proposal would also be contrary to paragraph 85 of the Framework which seeks to ensure that development

² Shropshire Council Site Allocations and Management of Development Plan (adopted December 2015)

exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).

Character and Appearance

12. The proposal seeks to site 16 holiday let units, which are described as falling under the definition of caravans for legal purposes. These would be located approximately 180m to the southeast of the main farm buildings and constructed on the site of an existing motocross track. A new track would be taken from the farm across agricultural fields towards the appeal site, where a car park would be laid adjacent the caravan pitches and an internal network of tracks.
13. The appeal site is located at a lower elevation than the farm buildings within a wider system of gently rolling open fields. The area is interspersed with farm buildings and woodland while settlements generally consist of small villages and hamlets giving the area a quiet and tranquil rural character.
14. The submitted Landscape and Visual Appraisal (LVA) makes clear it does not assess impacts on landscape character, although it does provide local viewpoints whereby the proposal would theoretically be visible. In all but two of these viewpoints, views of the proposal would be screened by woodland and built form. This would align with my observations on the site visit and long-range views would likely be interrupted and screened by the varied topography and landscape features such as woodland, stone walls and buildings.
15. However, the proposal would introduce significant built form to a largely undeveloped and open area. While I note the presence of the motocross track has degraded the condition of the land and appears somewhat unsightly in the wider context of the area, it is formed of earth mounds and informal structures and any harm to the landscape would be reversible. The proposal would include elements of urban incursion, such as the large stretch of new access track and the laying of hardstanding for the car park and track within the caravan pitches. The caravans themselves, while described as mobile, would not be moved from the site and would therefore form further incursion into the landscape. Moreover, due to the scale of the proposal there would be significant numbers of vehicles entering and exiting the site crossing fields to park in an open and rural area.
16. This would be most prevalent from views along the public footpath which would run through the proposed site. From here, the proposal would be conspicuous by virtue of its incongruous appearance. As such, the proposal would be an uncharacteristic and unsympathetic form of development in the local landscape context.
17. While I note the proposal includes a landscaping plan to afford screening around the proposal, there is little detail on the type of vegetation this would entail. In any event, this would take some time to mature and while this could reduce views of the proposal in the longer term, it would not negate harm to landscape character.
18. Based on the above, the proposal would harm the character and appearance of the area. This would be contrary to Policies CS5, CS6 and CS17 of the CS and MD2 and MD12 of the MDP. These seek, among other aims, for development to protect, restore, conserve and enhance the natural environment and ensure

development is appropriate in scale and design taking into account the local context and character having regard to landscape character assessments. The proposal would also be contrary to the Framework which advises development in rural areas should recognise the intrinsic character and beauty of the countryside while even though rural diversification proposals may be sought in the countryside, it will be important to ensure that development is sensitive to its surroundings.

Planning Balance and Conclusion

19. The development of tourist accommodation in this location would produce economic benefits through initial spending to rent the units and subsequent trips to visitor attractions and nearby towns and villages for services and facilities. This would aid in the diversification of the farm business for which there is clear support in the development plan and the overarching aims of the Framework at a national level. This attracts some positive weight in favour of the proposal.
20. However, although it is alluded to, there are no details on whether new employment opportunities would arise. Similarly, the increase in the number of transient tourists would be unlikely to make a significant social contribution to the local rural community. As such these considerations are attributed little weight.
21. There would be some limited benefit to local biodiversity from the planting of landscape screening, although this would be required to meet other requirements of the development plan. In any event, the screening would take considerable time to mature and is therefore afforded little weight in favour.
22. While there would be no harm to nearby areas of woodland, and there are no objections from the parish council or Council consultees such as the highways advisor, the lack of harm or objection would neither weigh in favour of or against the proposal.
23. I understand there have been noise complaints from local people linked to the existing use of the motocross track. This would be removed from the local environment were the proposal to proceed. However, the removal of another type of harm would not be justification for the harm I have identified.
24. My attention is drawn to other appeal decisions and planning applications approved by the Council. Notwithstanding apparent similarities from the excerpts included in the appeal statement, I have little information on any of these. As such, I cannot be certain that they are directly comparable to the proposal including in terms of the main issues considered herein. Therefore, it is not a justification for the appeal scheme, which has been considered on its own merits.
25. While it is argued the development of tourist facilities in the UK would aid in the transition to a low carbon future and reduce the effects of climate change, there is no substantive evidence of this before me. The appeal site would still require travel in private vehicles in the first instance to arrive and travel home, while I have already outlined my concerns regarding the appeal site location and access to services and facilities. Moreover, there is nothing to indicate holidays abroad would decrease as a result of an increase in the spread of UK based tourist facilities.

Conclusion

26. The proposal would conflict with the development plan taken as a whole. While I have considered the benefits of the proposal, these would not outweigh the harm I have identified. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR