

## Appeal Decision

Hearing Held on 8 February 2022

Site visit made on 8 February 2022

**by T J Burnham BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24<sup>th</sup> February 2022**

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**Appeal Ref: APP/L3245/W/21/3277620**

**Wollerton Meadows, Wood Lane, Wollerton TF9 3NY**

- 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 J Bradley against the decision of Shropshire Council.
  - The application Ref 20/05112/FUL, dated 3 December 2020, was refused by notice dated 30 April 2021.
  - The development proposed is use of timber lodge as holiday accommodation and siting of temporary dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The description of the proposal has altered from the application form to the decision notice. That on the application form adequately describes the proposal and I have determined the appeal on this basis.
3. The timber lodge which is within the application is already present on the site albeit the appellants are currently residing within it. It was advised at the hearing that its construction was funded out of the savings of the appellants. The temporary dwelling would be sited a short distance to the west and would also be provided in the form of a timber lodge.
4. Notwithstanding the description of the proposal, it was clarified at the hearing that it was not the intention of the appellant to seek the siting of the dwelling on a temporary basis. It was however stated that they would accept a temporary permission were I to deem that acceptable.

### Main Issues

5. The first main issue is whether there is an essential need for a rural worker to live at Wollerton Meadows. The second is whether the provision of a self-catering timber holiday home is justified having regard to the countryside location. The third is the effect of the existing timber lodge, the proposed temporary dwelling and the access driveway on the character and appearance of the area.

## Reasons

6. Wollerton Meadows sits within the Countryside to the north of Wood Lane. The land within the ownership of the appellants extends to just over 15 acres, them having retained this land upon the sale of Wollerton Grange farm, which they previously owned. A Caravan Cub CL site (CL site) (a small 5 caravan site) which was previously set up forms part of the site. I was also advised at the hearing that the appellants have use of a further 25 acres of land off-site at Fauls Green, on an informal basis.

### *Planning policy context*

7. The development plan is the basis on which decisions are made, with the 2004 Act<sup>1</sup> stating that determination must be made in accordance with the plan unless material considerations indicate otherwise.
8. Policy CS5 of the Shropshire Local Development Framework Adopted Core Strategy (2011) (CS) amongst other things relates to development within the Countryside. Amongst other things, in relation to dwellings to house agricultural or other essential countryside workers applicants are required to demonstrate the need for the development.
9. Policy MD7a of the Shropshire Council Site Allocations and Management of Development Plan (2015) (SAMDev) states that in relation to dwellings to house essential rural workers, relevant financial and functional tests should be met. It requires demonstration that the business is viable in the long term and that the cost of the dwelling can be funded by the business.
10. SPD<sup>2</sup> guidance is also relevant. Part 3.2 suggests that applicants will be required to demonstrate that a dwelling at the business is essential by showing a functional need for the occupier to be present at the business for the majority of the time (time being 24 hours a day, 7 days a week).
11. Paragraph 80 of the Framework<sup>3</sup> states that planning policies and decisions should avoid the development of isolated homes in the countryside unless, amongst other circumstances, there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. It was agreed at the hearing that this part of the Framework is applicable to the site.
12. MHCLG guidance<sup>4</sup> on rural housing offers advice when applying paragraph 80(a) of the Framework. Amongst other things, it suggests such considerations include evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of a land-based rural enterprise and the degree to which there is confidence over the future viability of the enterprise.
13. The requirements of policies CS5 of the CS, MD7a of the SAMDev and the SPD are therefore broadly reflective of those within the Framework, which forms an important material consideration in the determination of this case.

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<sup>1</sup> Planning and Compulsory Purchase Act 2004, s38(6).

<sup>2</sup> Shropshire Local Development Framework Type and Affordability of Housing Supplementary Planning Document (SPD) September 2012.

<sup>3</sup> National Planning Policy Framework 2021.

<sup>4</sup> Ministry of Housing, Communities & Local Government - Advice on planning for the housing needs of different groups - Paragraph: 010 Reference ID: 67-010-20190722.

*Essential need – the necessity for a rural worker to live at Wollerton Meadows*

14. Agricultural activities that relate to the current enterprise date from February 2019 when the appellants sold Wollerton Grange Farm and moved into a lodge which was constructed on the retained land in March 2019.
15. Along with a small number of breeding hens, the main farming activities revolve around cattle and sheep in the form of 12 pedigree long horn cows with calves at foot and 75 breeding ewes. In terms of the tourism related activity, the CL site has been in operation since 2015.
16. I understand that stock will sometimes require assistance, especially when calving and lambing. However, it was discussed at the hearing that lambing is generally focused on the months of March/April. Whilst it was suggested the period within which calves could arrive would be slightly more expansive, possibly covering the summer as a whole, the arrival time of the calves is deduced from the period with which the heifer/cow has been placed with a bull. If this could be controlled, it would therefore appear possible to plan for the arrival of the calves within a more focused period.
17. Further, given the limited head of cattle and sheep, it follows that the rate at which problems would likely occur during calving and lambing would also be relatively low.
18. Given the level of livestock on the site, there is nothing to indicate that on site presence is required around the clock at all times of the year. If there was a requirement to be at the site around the clock this may be seasonal only. There is nothing to indicate that the matters which will require attending to could not be attended to by travelling to the site or potentially through looking into seasonal provision.
19. In relation to the tourism activities, it is suggested that the appellants need to be on site to manage the CL site appropriately. However, it appears that incidents of anti-social behaviour requiring immediate action from the appellants have been few and far between.
20. At the hearing I was also made aware of issues with the electric supply to the CL site. However, I am not convinced that the appellants would necessarily need to be on hand to instigate the re-set to the electric supply were the circuit to trip. I also can't rule out that some kind of equipment upgrade could address the problem.
21. Whilst help with caravans is no doubt appreciated by some guests, I see no reason why, for example, that such help could not be pre booked in advance on the occasions it was required.
22. Whilst I understand that some of those that visit the CL site will no doubt appreciate an on-site presence, nothing indicates that such a presence is essential, particularly given the limited number of caravans that are on site at any one time. There is nothing compelling within the evidence to suggest that the tourism enterprise would be susceptible to security concerns to the extent that it would justify the permanent presence of a dwelling on site.

23. I can see no reason why an on-site presence would be required to manage the timber holiday lodge as holiday lets are generally managed remote from the site with attention generally required only on specific pre booked changeover days when cleaning etc would be required between stays. General maintenance could be undertaken by travelling to the site.
24. I am not satisfied that a worker would need to be on the site at most times on a year-round basis. Further, I have not been provided with any calculations as to the man hours which are required to run the various aspects of the enterprise and it is therefore not possible for me to conclude that the work that needs to be undertaken on the site equates to a full-time occupation for either of the appellants.

*Essential need – viability*

25. I was provided with a profit and loss account at the hearing, the most recent for the year ended 31 March 2021. Whilst little commentary was provided on these accounts at the hearing it is noted that the 2021 figures identify a net profit of only £3,316. This is a low figure, which appears to indicate that the business at its current scale makes a very limited profit, which raises concern about its viability.
26. An income/costs/profits forecast has also been provided. This includes income from the provision of the lodge currently on the site as holiday accommodation (estimated at £20,280 per annum) yearly profits are identified at £29,639.
27. However, the projections make no account of the cost of the construction of the second lodge, which would form the appellants dwelling. At the hearing it was suggested that the cost of the second lodge was anticipated to be in the region of £80,000-£100,000, some of which would have to be funded from loans. Any such deductions would be likely to materially cut the anticipated profits arising from the business.
28. It is not clear that the dwelling could be funded by the business as required by Policy MD7a of the SAMDev, whilst the need to fund the new dwelling would also detract from the ability of the business to provide wages for the appellants which are not accounted for within either the profit and loss account or the projected figures.
29. Further, the appellants advised that there was no intention to further develop the business on the site. There does not therefore appear to be any scope for the business generate increased levels of profit and there would be no justification for a temporary permission on the basis that the business could further establish.

*Conclusion – essential need*

30. There is no firm evidence that a home for a rural worker is required to support the proper functioning of the smallholding around the clock at all times of the year. The evidence also fails to persuade me that the enterprise is or would be economically viable. The proposal therefore fails to accord with Policy CS5 of the CS, Policy MD7a of the SAMDev and the SPD guidance.
31. The proposal also fails to accord with Paragraph 80(a) of the Framework which states that planning decisions should avoid the development of isolated homes in the countryside unless, among other circumstances, there is an essential

need for a rural worker, to live permanently at their place of work. Although the appeal should be determined against the development plan, this weighs further against the proposal.

*Self-catering timber holiday home and countryside location*

32. The approach to tourism within Shropshire was discussed at the hearing. The approaches as outlined within policies CS5 and CS16 of the CS and MD11 of the SAMDev effectively seek to balance the acknowledged importance of tourism for the county with protecting its intrinsic natural and built qualities. One key theme is that tourist development should be sustainable.
33. In relation to visitor accommodation in rural areas, Policy MD11 of the SAMDev states that holiday let development that does not conform to the legal definition of a caravan will be resisted in the countryside following the approach to open market residential development in the countryside under Policy CS5 of the CS and MD7 of the SAMDev. These policies broadly seek to strictly control such development in the countryside. Policy MD7a of the SAMDev states that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters.
34. The concept of whether the timber lodge that would be used as tourist accommodation meets the legal definition of a caravan was briefly discussed at the hearing. However, no evidence is before me that it would meet this definition. Further, it was detailed at the hearing that the lodge was constructed in situ at the site, over a period of one month. Nothing indicates that it would have any degree of mobility given its method of construction, which suggests a degree of permanence.
35. There was however agreement that the site would be located within the countryside. The site would be some distance from the nearest services and facilities and bus services which would provide access to services and facilities would have to be accessed at least partially along unlit roads with no footpath. This would limit the potential for walking, cycling or the use of the bus services particularly during the darker months or in periods of inclement weather.
36. The site would not be the accessible location emphasised by Policy CS16 of the CS. I was made aware that Hodnet Hall is a popular tourist attraction with guests at the site. However, the site is not especially close to this attraction. It could also not be considered close to or within a settlement and therefore has limited sustainability given that guests would have a high reliance on a private vehicle to reach attractions, services and facilities.
37. The timber lodge would not therefore form the sustainable tourism development that is sought. The proposal would therefore conflict with Policy CS16 of the CS and Policy MD11 of the SAMDev.

*Character and appearance of the area*

38. The existing lodge is set well back within the site and is largely screened from the road and surrounding fields by the robust boundary planting, such that its presence would not readily be apparent from outside of the site. Whilst the new lodge would be set closer to the road, the resultant visibility would not be significantly different.

39. It was confirmed that the site does not fall within any special landscape designation and the area is characterised by fields interspersed by occasional dwellings and farm buildings, tracks, and accesses of the road along with the existing CL site. The access track has an extremely limited land take within the context of the wider site.
40. With these matters in mind, the proposals have not and would not adversely affect the character and appearance of the area. In relation to this particular aspect, the proposals therefore do not and would not conflict with policies CS5, CS6 and CS16 of the CS, nor policies MD2, MD7a, MD7b or MD11 of the SAMDev.

### **Conclusion**

41. There is no indication that the proposal should be considered other than against the development plan, with which it would conflict. The appeal is therefore dismissed.

*T J Burnham*

INSPECTOR

### **APPEARANCES**

APPELLANTS:

Mr and Mrs J Bradley

FOR THE APPELLANTS:

Mandy Seedhouse

Berrys

FOR THE LOCAL PLANNING AUTHORITY:

Richard Denison

Shropshire Council