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# Appeal Decision

Site visit made on 5 March 2024

**by Samuel Watson BA (Hons) MSc MRTPI**

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

**Decision date: 12 April 2024**

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**Appeal Ref: APP/L3245/W/23/3323787**

**Land At Forton Airfield, Montford Bridge, Shrewsbury, Shropshire SY4 1AS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Shrewsbury Dog Daycare Limited against the decision of Shropshire Council.
  - The application Ref is 22/05712/FUL.
  - The development proposed is the change of use of land to dog exercise area and erection of a building to provide indoor facility for dog daycare business.
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## Decision

1. The appeal is allowed and planning permission is granted for the change of use of land to dog exercise area and erection of a building to provide indoor facility for dog daycare business at Land At Forton Airfield, Montford Bridge, Shrewsbury, Shropshire SY4 1AS in accordance with the terms of the application, Ref 22/05712/FUL, subject to the following conditions:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans numbered: 740.01, 740-02, and 740-03
  - 2) No dogs shall be delivered to, or collected from, the appeal site except where this is carried out by a member of staff associated with the dog daycare business.

## Applications for costs

2. An application for costs was made by Shrewsbury Dog Daycare Limited against Shropshire Council. This application is the subject of a separate decision.

## Preliminary Matters

3. At the time of my site visit the building had been built and the outside area of the site was being used for the exercising of dogs. The appeal therefore seeks retrospective permission for the development, and I have determined the appeal accordingly. Although there was also a caravan on site at the time of my visit, I understand from the submissions before me that this is not connected to the appeal scheme.
4. The description in the header above has been altered from that supplied by the appellant. The term 'retrospective' has been removed as this is not a descriptor of development and so is superfluous.

## **Main Issues**

5. The main issues are:

- Whether the location of the appeal site is suitable for a dog daycare and exercising business; and,
- The effect of the development on the character and appearance of the surrounding area.

## **Reasons**

6. The appeal site comprises a small area of land within the grounds of a former RAF airfield. The area still presents the former runways, a number of roads that would have served the airfield and other smaller concrete pads. Although these are collectively in a generally poor condition, they are readily visible features. The appeal site contains a small portion of one of the former airfield roads and a concrete pad, it is immediately adjacent to an area of trees to one side but is open to fields on the remaining sides. As part of the scheme the site has been surrounded by a tall boundary fence and a timber building has been erected on the concrete pad. There was also dog exercise and agility equipment across the site.

### *Suitability of Location*

7. Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011, the ACS) sets out that development within the countryside can be supported where it maintains and enhances the vitality and sustainability of rural communities through economic and community benefits. The Policy goes on to pay particular regard to small-scale economic development that diversifies the rural economy. Although such diversification can relate to farms, on a plain reading of the policy this is not necessary.
8. In this case the development is a small business that would provide employment on site. The revenue going into a local business, and the employees it supports would benefit the local economy. Moreover, it would diversify the rural economy by introducing a new type of business in this location. I also find that there would be a degree of community benefit through the caring of dogs for their owners.
9. Although the development involves the movement of an existing business, rather than the creation of a new business, I do not find that this precludes the development from complying with the requirements set out under ACS Policy CS5. I am also mindful that it would not, due to the likely levels of noise generated, be appropriate for more residential areas.
10. If clients were to be required to drop-off and pick up their dogs this could lead to a significant increase in movements to and from the appeal site. Given its location it is likely clients would be reliant on private motor vehicles. However, I note that the appellant intends to make these journeys, instead of relying on clients. I find that this would limit the number of journeys to and from the site and could be controlled by way of a condition. I find that such a condition would meet the relevant tests and, in particular, could be enforced through random spot-checks by the Council and passive observations by any interested parties.

11. In light of the above, the appeal site is suitably located for the small-scale business set out in the appeal scheme. The development therefore complies with ACS Policy CS5 as outlined above.

### *Character and Appearance*

12. The appeal building is a simple and timber clad structure located towards the rear of the appeal site. It is clear that the building is not designed to replicate the existing nearby building or the agricultural storage units typically associated with rural areas. However, I do not consider this building to appear as a dwelling or other domestic outbuilding. I find that in its siting the building appears as a modest site, or farm office. Furthermore, I consider the nearby trees and hedgerows would largely screen the site. Although some views may be possible from the nearby road, these would only be glimpses over, and softened by, the intervening hedgerows and trees. In these views the building would not be visually isolated as it would be seen in the context of the existing building further along the airfield road. The building does not, therefore, harm the character or appearance of its rural setting.
13. Given the nature of the fencing it would have a retiring appearance in more distant views and would largely be screened by the surrounding hedgerows and trees. I similarly find the small scale of any likely agility equipment would not be prominent or readily visible from public vantages. I do not, therefore, consider these features to unacceptably affect the character and appearance of the surrounding area.
14. The glossary of the National Planning Policy Framework (the Framework) describes previously developed land (PDL) as that which is, or was, occupied by a permanent structure including the curtilage of the developed land. However, it goes on to set out that not all of the curtilage should necessarily be considered as PDL, and nor should it be considered PDL where the remains of the structure has blended into the landscape.
15. In this case, the partial remains of the runways, airfield roads are still present and clearly visible against the landscape. Moreover, the site itself contains a concrete pad of a former building, and there is an existing, and sizeable, building near to the appeal site. I therefore consider that the appeal site consists of PDL and its curtilage.
16. In light of the above the development does not, by reason of its siting, scale or design, unacceptably affect the character and appearance of the surrounding area. The development therefore complies with ACS Policy CS5 and Policy MD2 of the Site Allocations and Management of Development Plan (the SAMD). Amongst other matters these seek for developments to contribute and respond positively to the local countryside character. Although the Council have also referenced SAMD Policy MD7b, I do not find that this policy is particularly relevant to the appeal before me as it only relates to re-use and agricultural buildings.

### **Other Matters**

17. My attention has been drawn to a planning permission<sup>1</sup> for a dog daycare and exercise business and I note the comparisons made. However, I have not been provided with the full details and facts of the application. Whilst other planning

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<sup>1</sup> Permission reference: 13/01096/FUL

decisions are capable of being material considerations, all decisions turn on their own particular circumstances based on the facts and evidence before those decision-makers at the time. Therefore, I cannot make any meaningful comparisons to the appeal scheme before me, which I must consider on its own merits.

### **Conditions**

18. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability, I have made some changes to the wording.
19. As development has already commenced it is not necessary to impose a condition setting out the timescale for the commencement of development. However, a condition is necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans. A condition is also necessary, to ensure the development would not unacceptably increase the number of vehicular movements to and from the appeal site as set out above.
20. The Council have not justified why a condition would be necessary to limit the development to only being carried out for 5 years. I understand that the appellant has suggested a temporary condition for 5 years. However, when imposing conditions, I must be certain that they meet the six tests of the Framework. In this case, as the condition would not mitigate any identified harms, such a condition would be unnecessary and unreasonable.

### **Conclusion**

21. There are no material considerations that indicate that the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

*Samuel Watson*

INSPECTOR