

Appeal Decision

Site visit made on 17 June 2024

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12th July 2024

Appeal Ref: APP/L3245/W/24/3337530

Land South of Moor Cottage, Knowle Sands, Bridgnorth, WV16 5JL

- 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 Billy Joe Watton against the decision of Shropshire Council.
 - The application Ref is 23/03695/FUL.
 - The development proposed is the erection of a pair of semi-detached holiday lets and carport.
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Decision

1. The appeal is dismissed.

Preliminary and procedural matters

2. The second of the Council's two reasons for refusal relates to an alleged failure to conform with local highway safety standards. However, for the reasons set out in the Council's statement, this relates to an issue concerning site layout design capable of being addressed by condition in the event of the appeal succeeding. I share that view.
3. In his final comments, the appellant referred to examples of what he regarded as similar developments to that proposed that had been granted planning permission by the Council. The appellant was subsequently invited to provide further details, which he did. The Council did not respond to an invitation to comment on the further information submitted by the appellant.

Main issue

4. The main issue is the appropriateness of the proposed development having regard to development plan policies governing tourist accommodation and the protection of the countryside.

Reasons

5. The Council relies principally on the provisions of policy MD11 of the Site Allocation and Development Management Plan (SAMDev). The policy is directed to Tourism Facilities and Visitor Accommodation within the Council's area. The policy provides that tourism development will be permitted where it is compatible with other listed development plan policies. The policy also lists several criteria which should be met.

6. Several of the criteria relate to visitor accommodation in rural areas and add detailed guidance to the provisions of Policy CS16¹ of the Shropshire Core Strategy (SCS). The explanatory text to this latter policy envisaged additional guidance eventually being provided in the SAMDev.
7. Criterion 8 of SAMDev policy MD11 says:
Holiday let development that does not conform to the legal definition of a caravan, and is not related to the conversion of existing appropriate rural buildings, will be resisted in the countryside following the approach to open market residential development in the countryside under Policy CS5 and MD7”.
8. The proposal does not involve a caravan. Indeed, the development is of permanent construction with its design resembling a pair of semi-detached dwellings. The appellant suggests that Knowle Sands is a centre in its own right, with good access to the services available in Bridgnorth². However, the site lies well outside the designated settlement boundary for Bridgnorth in an area which for policy purposes is clearly countryside. The other development plan policies referred to in MD11 are generally resistant to the development of new open-market housing in the countryside.
9. There is no doubt in my mind that the proposal is at odds with the provisions of SAMDev policy MD11. That being the case, are the material considerations raised by the appellant of sufficient weight to indicate that the provisions of development plan policy should be set aside?
10. Knowle Sands, as the appellant says, is a loosely knit settlement displaying tourist accommodation and a tourist attraction, Daniel Mill. There are other tourist attractions within a relatively short distance. The accommodation is said to be needed to assist in fostering the local economy. Moreover, the appellant contends that the placing of caravans on the site would be allowable and/or not conflict with policy³. None of these points in my view are of sufficient weight to set aside the provisions of policy – they could be repeated too often and the policy objective of protecting of the countryside for its own sake would be put at risk.
11. The appellant asserts that the Council has granted planning permission for similar development and has produced the references of the relevant cases relied upon.
12. The references provided for the development at Daniels Mill relate to a planning permission and listed building consent for replacement tearooms. There is no mention of residential tourist accommodation in either document. It is for the appellant to provide the evidence in support of his case, and none of relevance has been provided for this example.
13. The permission at Alveley related to the change of use of an existing building used as stables to tourist accommodation. It is not therefore directly comparable. I note that a recent application was made to remove the conditions restricting the occupancy of the converted building to enable it to become an open market dwelling. The application was refused earlier this year.

¹ On which the appellant principally relies

² Including a bus service

³ Although no planning permission or certificate of lawfulness has been produced

14. The permission at Brosely is more directly comparable in the sense that it was a new build development outside the settlement boundary. It was permitted in 2012 as being compliant with the provisions of SCS policy SC16. However, as already indicated above, the explanatory text to that policy envisaged additional guidance on this type of development being provided in the SAMDev. That was provided a few years later when the SAMDev was adopted. It is a moot point whether the Brosely development would be allowed today having regard to the provisions of criterion 8 of SAMDev policy MD11. In this case too, a recent application was made to remove an occupancy condition so that the building could become an open market dwelling.
15. The appellant suggests that the site is relatively well screened, additional landscaping could be established and the development would not prove conspicuous in the wider landscape. I share that view to an extent but I also note from historical Google imagery that the site's frontage until fairly recently was lined with conifers, but these have been felled and removed to be replaced by timber fencing. Notwithstanding this, local policies are designed to protect the countryside from inappropriate development, and the proposal clearly falls into that category.
16. I therefore conclude that the proposal would conflict with the provisions of SAMDev policy MD11 and the general presumption contained in other development policies directed to protecting the countryside from inappropriate development. No material consideration raised is of sufficient weight to justify a departure from development plan policy.

Other matters

17. I note the references to other development plan policies, but those to which I have referred are considered the most relevant in this case.
18. I also note the appellant's passing reference to the past use of the site, but no documentation has been provided indicating that the site had a past lawful use. No other matter raised is of such strength or significance as to outweigh those considerations that led me to my conclusions.

G Powys Jones

INSPECTOR