



Appeal Decisions

Site visit made on 15 July 2024

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2024

Appeal A Ref: APP/L3245/W/23/3335681

Wheatland Garage, Bridgnorth Road, MUCH WENLOCK, Shropshire

TF13 6AG

- 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 Mr J Corbo against the decision of Shropshire Council.
 - The application Ref is 23/01805/FUL.
 - The development proposed is 'Partial demolition of the existing retail convenience store and construction of extensions, revision to car parking facilities, provision of four electric vehicle charging points, installation of solar panels on extension roof and change of use of the ground floor of 17 St Marys Road to a coffee shop.'
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Appeal B Ref: APP/L3245/W/24/3343900

Wheatland Garage, Bridgnorth Road, MUCH WENLOCK, Shropshire

TF13 6AG

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Decision

1. Appeals A and B are dismissed.

Application for costs

2. An application for costs has been made by Mr John Corbo against Shropshire Council with respect to appeal B. This is the subject of a separate decision.

Preliminary Matters

3. The proposed developments that relate to Appeals A and B are similar and consist of the same extent of development. Scheme A (of appeal A) was refused due to insufficient information with respect to highway matters, the noise effect to occupiers 18 St Mary's Road (No 18) and heritage effects. It was also refused due to the effect on the living conditions of Wheatland Cottage in terms of outlook, and the Council has raised daylight concerns in its Statement of Case.
4. Scheme B (for Appeal B) was made in an attempt to resolve the Council's concerns with the first proposal. The second scheme was refused with two similar reasons as the first refused scheme, with respect to insufficient

information concerning the noise and highway matters. Also, a third reason of the second refusal, was included that related to insufficient information and/or conflicting details with respect to plans. As a result, Scheme B is a continuation of the planning discussion from Scheme A. Some information provided in support of the application for Scheme B has also been submitted, in the appeal documents, in support of Scheme A.

5. The Council's concerns raised in respect to the first refusal, included the effect on the conservation area and living conditions of Wheatland Cottage but were not raised in connection with the second refusal. I am cognisant that a heritage assessment and daylight evidence was submitted in support of the second appeal. However, the Council is silent on these matters in its Statement of Case for appeal B, and an officer report has not been provided to demonstrate how and why it found these reasons for refusal had been satisfied. The Council's rebuttal to the costs application notes, with respect to heritage, that "this matter is no longer of concern". Nonetheless, I shall consider both of these matters as main issues of dispute in connection with appeal A, if any harm is found this may affect my consideration of appeal B.

Amended plans

6. Amended plans have been submitted (references: Proposed elevations– 1298-06E Rev A, Proposed Floor plans– 4298-05C Rev A and Proposed block plan– 4298-04Exa Rev A) in connection with both appeals. These show the slight relocation of the retail units storage area's access door and the reconfiguring of the electric vehicle (EV) spaces to resolve the conflict of access to the store with these spaces. It seems that this change has not been subject to re-consultation during the Council's consideration of the planning application. Nonetheless, under the Holborn Studios Ltd¹ principles, I have considered whether the development is so changed that to grant approval would deprive those who should have been consulted the opportunity of such consultation.
7. The alteration to the internal arrangement of the car park would be minor and would not change the substance of the proposal. Furthermore, the proposal would have no material effect on surrounding neighbours, due to the distance of the altered area from adjacent residential plots. Consequently, my acceptance of the plan would not cause procedural unfairness to neighbouring occupiers who would have otherwise required re-consultation. As such, I have taken the amended plans into account in these appeals.

Proposed car park layout plans

8. The configuration of car parking spaces between plans 002-1 (swept path analysis – oil tanker) in the Appellant's SLR Transport Statement and plan 04Exa Rev A have different car parking layouts. Whilst plan 002-01 shows the swept path analysis for how a petrol delivery vehicle would move through the site, the Appellant's technical note explains that this plan did not accommodate the tank filler values suitably. As such, car parking layout of 'proposed development 04Exa Rev A', which is part of the amended plans set, showing 28 parking spaces, is the parking configuration I shall use in consideration of the merits of both appeals.

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

Details associated with 17 Mary's Road

9. With respect to Appeal B, the Council's RfR1 raised concerns that the submitted plans were both inaccurate and conflicting. This related to an absence of existing plans and elevations, a plan to show the extent of demolition of parts of the existing building and the proposed plans of the first-floor in association with No 17.
10. The submitted plans demonstrate that the existing garage to the side of the building would be demolished. This is evident when comparing the existing plan (4298-02) with the proposed development plan (4298-04Exa Rev A) showing the footprint of the building changing from a square shape to a rectangle. Furthermore, the proposed development plan (4298-05C) shows sections of internal wall denoting where the original rear wall existed. As such, it is of sufficient clarity to understand how the space would be rearranged to accommodate the proposed change of use. The existing rear elevation includes a window and patio door. Plan 05C shows that this elevation would have the window infilled and patio doors replaced with a standard personal door. Although, the proposed rear elevation is not provided to demonstrate this, it is clear from my visit and the proposed plans what is intended here.
11. With respect to the use of the first-floor, no plans have been provided. The existing stairs would be removed and the Appellant states that the first-floor would be used for storage only. The Appellant has also confirmed that access would be gained via a loft hatch. As such, the residential use at both ground and first floor would be replaced by the proposed coffee shop and the submitted details are sufficient to demonstrate this.

Details associated with the retail store

12. The existing plan (4298-02) shows three sets of stairs. Two accommodate short level changes, within the building, from the shop floor down to a store one side and two offices on another side. Also, a separate set of stairs appears to provide access into a first-floor area partly within the roof space above the existing storage area. The two short level changes do not appear on the proposed layout plan (4298-05C). Thus, it seems that the store area and two offices would have a raised floor height to align with the main store area, removing any internal level changes. Also, the stairway, to the roof space above the store, would be retained but would be likely to require some alterations at its base to align with the raised floor level. The plans do not make these alterations particularly clear, but these are internal changes to parts of the building that are proposed to be retained, as such these works would not require planning permission.

Details of solar panels

13. The description of development explains that the solar panels would be located on the roof of the proposed extension to the retail unit. No details have been provided to show the arrangement or quantity of panels on the roof. However, these would be located in a discreet position within the site at a high level. Consequently, the specific details of the panels could be adequately provided though the imposition of a condition.

Main Issues

14. The main issues associated with both appeals A and B are:

- whether the proposal would function well from access, parking and servicing perspectives, and
- the effect of the proposal on the living conditions of residential occupiers, especially those of No 18, with particular respect to noise effects.

15. The main issues, affecting only appeal A are:

- the effect of the proposal on the living conditions of occupiers of Wheatland Cottage regarding outlook and daylight, and
- the effect of the proposed development on the character and appearance of the area.

Reasons

Highway matters

16. Policy CS6 of the Shropshire Core Strategy [2011] (CS) requires development to be built to a high standard and to include appropriate car parking provision. The National Planning Policy Framework (the Framework) requires development to only be refused if it would cause an unacceptable impact on highway safety. Paragraphs 114-116 require development to provide a safe and suitable access for all users and for priority to be given to pedestrian and cycle movements. Paragraph 116 also seeks to ensure that proposals are safe and minimise the scope for conflict between pedestrians, cyclists and vehicles.
17. The appeal site is a corner plot at the junction between Bridgenorth Road and St Mary's Road. There are three access points, with two onto St Mary's Road. Car parking is arranged in three main areas. These are alongside No 17, alongside the side boundary with Wheatland Cottage and within and around the forecourt area of the petrol filling station.
18. During my visit I found that the site had around 11 spaces adjacent to Wheatland Cottage and 10 spaces alongside No 17 and within the forecourt area, totally about 21 spaces, including a disabled space. This largely aligns with the application form that states that 22 parking spaces are currently provided. Nevertheless, informal parking and parking whilst using the pumps also play a role in the site's parking profile.
19. The Transport Statement² (TS) has demonstrated, through surveys, that the existing car park always has capacity when in use. The Appellant's highway technical note³, in support of appeal B, has provided further information relating to how the TS was prepared. This explains that the site was surveyed on its busiest day of the week and assessed traffic movements in and out of the site, and parking demand.

² Transport Statement, SLR Consulting Ltd, December 2023

³ Technical Note (Highways), SLR Consulting Ltd, April 2024

20. The scheme proposes 28 parking spaces, including a disabled space and in addition 4 EV charging spaces. The proposal includes the demolition of the front half of the retail store. The existing retail use has a floor area of 398sqm retail space and 132sqm of associated storage and office space. The proposed scheme would provide 440sqm of retail space with 209sqm of associated storage and office space and a coffee shop of 55sqm. The proposed demolition of part of the retail unit would enable access to the rear garden of No 17 to provide new parking and would allow for an increased level of parking to be provided.
21. The originally submitted Transport Statement⁴ (April 2023), made in support of the application for the proposal of Appeal A, found that the traffic peaks generated by the proposed development would be acceptable in terms of highway safety and capacity impacts on the surrounding roads. However, this Statement raised several concerns and queries by the Highway Authority.
22. A revised TA, submitted in support of Scheme B, has also identified that the site location and parking capacity would be suitable for the proposed development. The Statement considered the impact of the various proposed uses within the site, noting that the proposed retail store, including demolition and extension, would create similar traffic generation to the existing use of the site and therefore would not materially change the parking requirements of this element. The EV charging spaces would be occupied at a maximum of 3 cars per hour and it is anticipated that users of these spaces would use the coffee shop whilst waiting. The coffee shop use, using forecast modelling, would generate around 81 two-way trips a day, averaging around 5 cars an hour and a demand for 2-3 parking spaces.
23. The TA concludes that the proposal represents an uplift in vehicle movements of 15% and this would not have a material impact on the safety and capacity of the A458. These conclusions are reasonable and seem to be largely uncontested by the Council, I therefore see no reason to question the proposed quantum of parking provision. The TA identifies that the Council's parking policy does not require car parking spaces to conform to any prescribed standards. However, it would be necessary for the parking to be arranged in an easily accessible manner to enable it to function well.
24. Most of the proposed parking would be within an area to the side of the forecourt. Spaces 1-8 would be within an enclosed corner of the forecourt that would be difficult to access. Especially spaces 1 and 5 which would be against a boundary. The substation would be awkwardly placed, and this would be better located in a more discreet area of the car park. An awkward pinch point would be caused between the substation and space No 8 due to the staggered row of spaces. Also, the three access points into the site would lead to users coming on and off site in a haphazard arrangement, causing confusion. As such, the circulation around the car park would be constrained and would cause awkward manoeuvring. Furthermore, the layout is absent a clearly defined and safe pedestrian route through from the main car parking area to the retail store entrance.
25. Without a safe pedestrian route through the site, pedestrians would find conflict with motorists. No safe route is provided for pedestrians alongside the building or walking into the site, and the pedestrian route shown at appendix D

⁴ Transport Statement, HVJ Transport Ltd, April 2023

is part of a superseded layout plan. These conflicts, in combination with the arrival of occasional tanker and goods deliveries and the anticipated awkward on-site vehicle manoeuvres, would create a hazardous environment for the public. As a result, the constrained car parking area would not function well.

26. Accordingly, the proposed layout, in association with Appeals A and B, would not function well and would result in substantial conflict between pedestrians, cyclists and vehicles. Therefore, these proposals would be contrary to CS policies CS6 and CS8 and policies MD2 and MD8 of the Site Allocation and Management of Development Plan [2015] (SAMD) and the Framework. These seek, among other matters, for development to be designed to be safe and for consideration to be given to the potentially adverse effect on traffic and transport during the operation of the infrastructure development.

Living conditions - noise

27. The proposed coffee shop would occupy the ground floor and rear extension of No 17. The counter would be alongside the party wall. The coffee shop would provide access for customers from the side of the building, directly from the car parking area. The front elevation is proposed to be retained in its existing form, but it seems that the existing front door would become redundant.
28. During my visit I entered No 18. The front door is alongside the party wall with No 17. Ahead, beyond a small hallway, is a narrow galley kitchen. To the side of this are stairs running front to back, alongside the stairs is a lounge that also runs front to back. Beyond the kitchen is a conservatory that extends to the full width of the house and beyond this is an access into the rear garden. The rear garden falls towards the rear boundary. The conservatory is alongside the rear extension of No 17.
29. The hours of use, of both the petrol station, shop and coffee shop are proposed to be 6am to 10pm daily. The kitchen for No 18 is a relatively narrow room that would most likely be used only for food preparation and not for dining purposes. As such, this space would not be deemed to be a habitable room where noise effects would be especially invasive. Furthermore, a coffee shop use would be unlikely to generate substantial noise levels or require especially noisy equipment.
30. These factors, coupled with the ability to apply a condition for sound mitigation along the party wall, would result in limited scope for the proposed use to demonstrably harm the living conditions of the adjacent occupiers. Furthermore, the use of the car park within the existing garden of No 17, would be unlikely to create a materially greater noise impact than is generated with the existing commercial setting.
31. The Appellant's Noise Assessment⁵ identified four key noise sources associated with the scheme. These relates to works associated with changes/renovations to the existing structures, implementation of the building to be used as a café, EV spaces and additional parking areas. The Assessment noted that cooling fans would be used in connection with the EV rapid charging points and considered the noise effects of people using the car park, including doors and boots shutting.

⁵ Noise Impact Assessment, SLR, December 2023

32. The proposed scheme does not include details on any fixed plant to serve the proposed coffee shop. This is unsurprising based on the proposed use and the submitted Noise Assessment that confirms that such plant is not proposed. However, the Assessment has modelled the addition of heating, refrigeration and air handling for completeness. Such typical equipment has been anticipated as being mounted 1.5m high, with a sound level output of 62dB(A). The Assessment considered the noise impact on four local noise sensitive receptors, being the nearest residential properties around the site, it assigned No 18: 'receptor 3'. The assessment found that the sound rating levels were significantly lower than the representative background levels at receptor 3.
33. The Assessment did not consider the provision of plant associated with the commercial refrigeration units with the existing retail unit. Nonetheless, it is anticipated that the existing equipment may not be replaced and if it were, new equipment would be located in a similar location at rooftop level. The siting and appearance of any required plant could be agreed through conditions. The Assessment concludes that noise from fixed plant, EV charging points, the additional parking area and car movements is predicted to be slightly above background noise levels for 2 key receptors. These receptors are at receptor locations 2 and 4, being the end of Falcons Court and 13-16 St Mary's Road. However, the effects would result in only low adverse effects due to the low increase in noise and the existing commercial nature of the site.
34. Consequently, the proposed development, associated with appeals A and B, would not cause materially adverse noise impacts for nearby residential occupiers. Furthermore, it has been demonstrated that the proposed coffee shop would not materially harm the living conditions of occupiers of No 18 with respect to noise. As such, the proposals associated with both Appeals A and B, would comply with CS policy CS6 and SADM policy MD2, with respect to matters of living conditions. These seek, among other matters, for development to safeguard residential amenity and respond appropriately to the form and layout of existing development and the way it functions.

Summary of main issues associated with Schemes A and B

35. In summary, I have found that both schemes A and B would fail to function well due to the arrangement of the car park and the range of different activities proposed to take place within a constrained site. However, I have also found that the proposal would not have an adverse impact on the living conditions of No 18 in terms of noise effects.

Living conditions – outlook and daylight

36. The proposed extension to the retail unit would be on a retaining wall where levels have been altered to create a level car parking area. The site is adjacent to Wheatland Cottage, which is recessed from the highway. The boundary consists of a brick retailing wall and fence above. Wheatland Cottage is separated from the boundary by its driveway. The nearest window is a wide bay window that would serve a habitable room on the building's frontage. The proposed extension would be ahead of the front building line and be a similar height as the eaves of Wheatland Cottage. The proposal would include a chamfered front corner, in plan form, that would reduce the scale of the projection from the perceived outlook of the nearest neighbouring window.

37. The extension would be around a metre from the elevated side boundary and planting is proposed here to help soften its visual impact. Despite the front garden being the main external space for the dwelling, due to the separation distance and chamfered footprint, the proposed development would provide a reasonable sense of separation between these two buildings. As such, the proposal would not materially harm the outlook from the nearest window. As a result, the proposal would not dominate the outlook and would not be overbearing. Furthermore, due to the separation distance occupiers of the dwelling would be unlikely to experience a tangible reduction in daylight levels.
38. Consequently, the proposal associated with appeal A would not demonstrably affect the living conditions of occupiers of Wheatland Cottage with respect to outlook and daylight. As a result, the proposal would comply with CS policy CS6 and SADM policy MD2 in relation to matters of living conditions. These seek, *inter alia*, for development to safeguard residential amenity and respond appropriately to the layout of existing development.

Character and appearance

39. The appeal site is a petrol filling station and large shop, on a corner plot within a residential area, opposite open space. The site is halfway up a shallow gradient. It is a short distance from the southern boundary of the Much Wenlock Conservation Area (MWCA) with residential development on three sides. Housing consists of a diverse range of styles being two-storey and including terraced and detached buildings. Development along St Mary's Road shares common front building lines with a regimented formation. However, development along Bridgenorth Road is more staggered with no clearly defined building line or common setback. Due to its commercial nature and limited landscape planting, the site makes a neutral contribution to the character and appearance of the area.
40. Due to the retaining wall, the western side of the site is elevated above natural ground level. The boundary wall, and a fence above, create a hard edge to the site. Nonetheless, the extensive hedge planting along frontages towards the conservation area provide substantial screening that soften many views of the site from southeast views. Accordingly, due to the extent of plant screening and the varied staggered building line of properties along Bridgnorth Road, the elevated car park to the side of the site is not overt in the streetscene.
41. The proposed retail extension would bring built form closer to Bridgenorth Road and over the elevated ground alongside Wheatland Cottage. A line of proposed planting would be placed between some of the boundary fence and the side elevation of the proposal which would soften the visual effect of the scheme and enable only fleeting glimpses of the side of the proposed extension.
42. The heritage assessment⁶, submitted in support of appeal A and for the planning application associated with appeal B, considers the significance of the conservation area and the impact of the proposal on its setting. This identifies that the conservation area consists of a market town formed by traditional rural buildings that include Wenlock Priory and Priory House, both Grade I listed buildings and around 81 other listed buildings. The significance of the conservation area seems to derive from its rural character set within the relatively intimate topographical landscape of a small bowl. The site is close,

⁶ Heritage Statement and Impact Assessment, by Heal Planning and Developments, August 2023

but visually separated, from the conservation area. It is within an area of relatively modern development that makes a negligible contribution, if any, to the significance of the WMCA.

43. The proposal would be on the front facing side of the existing building and set towards Bridgnorth Road. Through demolition it would retreat from St Mary's Road and create a more nucleated form, separated from Bridgnorth Road by the sloped access. The proposal would be relatively well screened in views from the conservation area due to intervening buildings and frontage landscaping. The screening would be supported by new planting providing further enclosure that would integrate the site with local greenery along Bridgnorth Road. As such, the extent of landscaping and the subservient nature of the scheme, the proposal would make a neutral contribution to the appearance of the site.
44. As a result, the proposal associated with appeal A would complement the character and appearance of the area. The proposed scheme would therefore comply with SAMD policy MD13, Historic guidance HEAN12 and the Framework. These seek, among other matters, for development to avoid harm or loss of significance to designated or non-designated heritage assets and be sympathetic to local character.

Summary of main issues only affecting scheme A

45. In summary of those matters that affect only Scheme A, the proposal would complement the character and appearance of the area and would not adversely affect the living conditions of neighbouring occupiers with respect to outlook and daylight.

Other Matters

46. The proposed operation of the business on site would provide a boost to the local rural economy by increasing the services available to the local community and tourists in the area. The business is recognised as important within the community in both serving the local residents and providing employment. The Framework seeks to support a prosperous rural economy and supports the expansion of all types of business in rural areas. The proposal also gains support for similar reasons by the Neighbourhood plan.
47. The Appellant asserts that the proposed additional storage would enable the site to reduce the number of deliveries the business receives a week. It is also suggested that by providing local super-fast electrical car charging points the scheme would boost the sale of electric vehicles in this area as an environmental benefit. The benefits are of limited to modest weight in favour of the proposed Schemes A and B.

Planning balance and conclusion for appeals A and B

48. The proposed scheme, associated with both appeals A and B, would add investment into the local economy during both construction and upon completion through new economic activity. The proposal would also deliver some environmental improvements to the site's frontages. These benefits weigh in favour of the proposal.

49. In contrast, I have found that the proposal, with respect to both Schemes A and B, would result in the provision of a poor car parking arrangement that would prevent the site from functioning well. This would be likely to cause adverse harm to the overall operation of local roads due to the inefficient operation of the car park, causing conflict with the development plan and the Framework. This conflict is of substantial weight. Despite finding no conflict with policy for most of the Council's Reasons for Refusal, an absence of harm in these respects can only be considered as neutral factors in the planning balance.
50. Although the proposal of Schemes A and B, would comply with many policies in the development plan, this has not outweighed the conflict I have found with the relevant planning policies. Consequently, the proposals associated with both Schemes A and B would conflict with the development plan when taken as a whole.
51. For the above reasons, appeals A and B are dismissed.

Ben Plenty

INSPECTOR