

## Appeal Decision

Site visit made on 20 August 2024

**by Nick Bowden BA(Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 12<sup>th</sup> November 2024**

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**Appeal Ref: APP/L3245/W/24/3339673**

**Land adjacent to The Royal Oak, Alveley, Bridgnorth WV15 6LL**

- 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 Gary Smith against the decision of Shropshire Council.
  - The application Ref is 23/04211/FUL.
  - The development proposed is to upgrade existing licensed caravan site from 5 to 10 pitches for caravans / motorhomes together with construction of reception, toilet / shower block.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The above description of development is taken from the application form. However, the decision notice includes the words 'associated works'. This reflects the fact that there are other elements of the proposal requiring planning permission, including an access track and lighting columns. I have determined the appeal on the basis that these elements, which are clearly shown on the plans, form part of the scheme.
3. The National Planning Policy Framework (the Framework) was revised in December 2023. I am also aware of the consultation draft from July 2024. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. References to paragraph numbers in this decision relate to the December 2023 version of the Framework.

### Main Issues

4. The main issues are:
  - a) whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
  - b) the effect of the proposal on the openness of the Green Belt;

- c) the effect of the proposed development on the character and appearance of the area; and
- d) whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

## **Reasons**

### *Whether inappropriate development*

5. The site is located in the Green Belt as set out in policy CS5 of the Shropshire Core Strategy 2011 (SCS) and policy MD6 of the Shropshire Site Allocations and Management of Development Plan 2015 (SAMDev). The policies of the SCS pre-date the Framework in its earliest iteration and both development plan documents pre-date the current version of the Framework. Policy CS5 of the SCS does however reference the national policy that was applicable at the time of its adoption, stating that new development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt. My determination of this appeal is therefore made using the Framework as the starting point.
6. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraphs 154 and 155.
7. Exceptions include paragraph 154(b) for the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
8. The proposed development incorporates the erection of a reception and toilet and shower block building, an increase in the number of pitches from five to ten together with the formation of a new access track to formalise the pitch arrangement. This would all be set within the existing field which presently accommodates five pitches with no specific layout together with a small, previously converted, building containing a number of short-term holiday lets.
9. The appellant suggests that the development would not be inappropriate as it would be a form of outdoor recreation in accordance with the provisions of paragraph 154(b). In this regard, I note the existing use of the land for the siting of five caravans. The proposal is for additional pitches and an amenity block to provide toilets and showers. As a form of outdoor recreation that would comprise facilities in connection with this established use, the development would be not inappropriate. It would therefore meet the exception criteria of paragraph 154(b) of the Framework, but only as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

### *Effect on openness*

10. Pursuant to policy CS5 of the SCS, it is national policy that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. The openness of the Green Belt has both spatial and visual dimensions.
11. Although the proposed building would not be especially large, it would still have the effect of reducing openness on the site, both visually and spatially. The proposal would introduce the potential for five additional caravans to be sited on the land. Although these, of themselves, would not be operational development; they would still have a detrimental impact upon the openness of the Green Belt when stationed on the site. This is especially the case when considering the other paraphernalia and activity that would be associated with them including parked vehicles, chairs and tables, awnings, lighting and the like. This would be a marked intensification of the existing use. Likewise, the access track, through the change in surfacing materials to the existing grassed area would also have an impact on openness.
12. I therefore conclude that the additional pitches and reception, toilet and shower block would harm the openness of the Green Belt in both a visual and spatial manner. They would, as a consequence of their failure to preserve the openness of the Green Belt, be inappropriate development and in conflict with policy CS5 of the SCS, policy MD6 of the SAMDev and the provisions of the Framework.

### *Character and appearance*

13. The site is set within a fairly small field on the edge of the village of Alveley. Whilst the field itself is relatively flat it is set within gently rolling countryside. The land is screened by trees and hedges along its boundaries and because of the prevailing topography and this screening, it is not prominent in longer views. Whilst the boundary treatment does succeed in screening much of the site, it is not a perfect to all boundaries as certain areas of the hedging are more well developed than others. There are further gaps in the boundary treatment at the access to the site and through the various field gates. A landscaping condition could not resolve such concerns fully as it could not reconcile open areas used for access.
14. The proposed development would introduce additional urbanising form to this rural area. This would be the reception, toilet and shower block together with the additional caravans and associated chattels. Whilst I accept that the caravans and the like are liable to have a seasonal impact, invariably when screening would be at its greatest, there would nonetheless be an adverse effect on the countryside.
15. The development would be detrimental to the rural character and appearance of the area through the introduction of new built form, including the access track, light poles and additional activity including the siting of additional caravans. I therefore conclude that the proposal would be contrary to policy CS5 of the SCS, policy MD6 of the SAMDev and provisions of the Framework. These policies, when read together, require development to maintain and enhance countryside character.

### *Other considerations*

16. Policies CS5 and CS16 of the SCS and policy MD11 of the SAMDev are supportive of small-scale economic development in the countryside, sustainable rural tourism, leisure and recreational activities. Despite the relative age of the SCS, its policies remains consistent with paragraph 88(c) of the Framework which promotes sustainable rural tourism and leisure developments which respect the character of the countryside.
17. In this regard I recognise the benefits of the proposed development, that it is an existing site that operates in connection with the adjacent pub that provides employment. Whilst the proposal may generate additional income, I do not have any substantive evidence to demonstrate that the pub would be unviable were this development not to go ahead. Judging by the level of local community support, it is a successful and well-liked operation. This is an important factor in determining the viability and success of a rural business. I further recognise the economic and social benefits of the proposal that would align with the objectives of paragraph 8 of the Framework.
18. I am mindful of the lack of objections from consultees, this however is a neutral consideration and weighs neither for, nor against, the proposal. I have further considered that the adverse effects of the development may be easily reversible as the mobile homes, by their very nature, are easily removed. Such arguments do not apply to the same extent insofar as it relates to the access track and lighting columns as these would be more permanent features.
19. In reaching my conclusions here I have had regard to the noteworthy level of support for the proposal that has been expressed by local residents. I have factored this support into my decision here.

### **Green Belt Balance and Conclusion**

20. Paragraphs 152 and 153 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I have considered the appellant's representations relating to various Court Judgments and the manner in which they have been applied in relation to what amounts to an 'other consideration' or 'very special circumstances'<sup>1</sup>.
21. I have concluded that the appeal scheme would be inappropriate development due to its effects on openness that would, by definition, harm the Green Belt. Paragraph 153 of the Framework requires substantial weight to be given to any harm to the Green Belt and accordingly I must do so here.

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<sup>1</sup> Wychavon District Council v Secretary of State for Communities & Local Government & Ors (2008) EWCA Civ 692 (2008), Brentwood Borough Council v Secretary of State for the Environment (1996) 72 P & CR 61, Sullivan J in Basildon District Council, R (on the application of) v Temple (2004), Herba Foods Limited v Secretary of State for Communities and Local Government and Anor (2008) EWHC 3046 (Admin)

22. In this case, the other considerations, both individually and cumulatively, do not clearly outweigh the harm to the Green Belt and other harm that I have identified and for this reason the very special circumstances needed to justify inappropriate development in the Green Belt do not exist. The proposed development would conflict with the development plan taken as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For these reasons, the appeal is dismissed.

*Nick Bowden*

INSPECTOR