



Appeal Decision

Site visit made on 31 October 2024

by B J Sims BSc (Hons) CEng MICE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2024

Appeal Ref: APP/L3245/W/24/3346947

**Oak Tree Cottage, Watling Street, Berrymill, Craven Arms,
Shropshire, SY7 8BX.**

- 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 Steve Mott against the decision of Shropshire Council.
 - The application Ref is 24/00955/FUL.
 - The development proposed is replacement of existing domestic garage and change of use of land from agricultural to residential.
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Decision

1. The appeal is dismissed.

Description and Planning Background

2. The present appeal arises from an application earlier in 2024 which relates to a trapezoidal area of agricultural land around 27m by 13m on the opposite side of Watling Street from Oak Tree Cottage and between Watling Street and the A49 Shrewsbury Road. The site is partly bounded by vegetation and accommodates an old and dilapidated double garage building. Oak Tree Cottage is one of a small group of dwellings fronting the west side of Watling Street outside any defined built settlement.
3. The proposal is to replace the existing building by a double garage in timber boarding under a metal roof, with a gravel driveway accessed via a new entrance from Watling Street. There would be a 2.1m timber fence on the north and east sides of the site.
4. The present appeal site forms the southern part of a significantly larger triangular paddock, the whole of which was the subject of an unsuccessful application in 2023 for a change from agricultural to enclosed domestic use, including a new garage similar to that proposed now but with a concrete driveway.

Procedural Matters

5. This appeal is founded in part on a comparison with the previously refused application. Within the written representations the Appellant also puts forward a range of amendments to the present proposals. However, these have not been formally considered by the Council and some relate to the northern part of the land owned by the Appellant but now excluded from the present appeal site.

6. The extent of the formerly proposed change of use is not truly comparable with that now in dispute and the submitted amendments, also affecting land outside the present site, cannot be considered in the determination of this appeal, which must proceed on the basis of the detailed scheme considered by the Council. One exception is the change of finishing material to the garage roof from corrugated to box profile sheeting that would make minimal material difference to the planning effect of the development.
7. The Appellant is dissatisfied with the handling of the 2024 application by the Council, in particular the absence of any Officer report on the proposals at the time the application was refused or any negotiation around the detailed scheme. However, this appeal provides for a fresh and independent appraisal of the proposed development.

Main Issue

8. The main issue is the effect the proposed change of use, replacement garage and associated works would have on the character and appearance of the appeal site and the surrounding area.

Reasons

Character and Appearance

9. Although not extensive and associated with Oak Tree Cottage by way of ownership, the triangular area, as a whole, is mainly of grass. It appears as part of the rural surroundings of the small group of dwellings on the opposite side of Watling Street to the west, despite the presence of the adjacent main Shrewsbury Road on the eastern side.
10. Although the boundaries of the land are defined by mature trees and hedges, there are views into and across it through gaps in the vegetation. The existing timber building appears as a rustic shed consistent with its rural surroundings.
11. I consider that to change the southern part of this rural enclosure to domestic use as proposed, with a new double garage, fencing and new vehicle entrance even in grasscrete, would have a strongly urbanising effect on the appearance of the site. The active domestic use of the site, including parking and manoeuvring cars, would have a significant negative impact on its rural character.
12. For these reasons it is my view that the proposed change of use, replacement garage and associated works would have an unacceptably adverse impact on the character and appearance of the appeal site and the surrounding area. This would run contrary to Policies CS5, CS6 and CS17 of the adopted Shropshire Core Strategy, which together seek sustainable development protecting the countryside and the local environment. The development would also conflict with adopted development management Policies MD2 and MD12 on sustainable design and avoiding harm to natural assets. All these provisions are consistent with national policy. Overall, the appeal proposal is to be regarded as failing to comply with the development plan as a whole.

Other Matters

13. I recognise that there are material personal reasons for this proposal. The Appellant seeks storage for a number of prized motor vehicles, whilst space at

Oak Tree Cottage is restricted by a very large protected oak tree. However, this amounts to a transient personal preference of little planning weight, given Oak Tree Cottage still appears to have reasonably generous parking space for a domestic dwelling. Otherwise the proposed development would not secure any public benefit.

Conclusion

14. I conclude that there are no material considerations sufficient to override the harm I have identified in terms of the character and appearance of the site and surrounding area and that therefore this appeal should be dismissed.

B J Sims

INSPECTOR