



Appeal Decision

Site visit made on 25 February 2025

by **G Sibley MPLAN MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 April 2025

Appeal Ref: APP/C3240/W/24/3350102

Nissen Hut, Dawley Road, Lawley, Telford, Shropshire TF4 2PD

- 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 James Bastable of Tierce Properties Ltd against the decision of Telford and Wrekin Council.
 - The application Ref is TWC/2023/0737.
 - The development proposed is demolition of corrugated cement sheeting Nissen hut. Erection of light industrial unit comprising of office and store accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of corrugated cement sheeting Nissen hut. Erection of light industrial unit comprising of office and store accommodation at Nissen Hut, Dawley Road, Lawley, Telford, Shropshire TF4 2PD in accordance with the terms of the application, Ref TWC/2023/0737, subject to the conditions in the attached schedule.

Main Issues

2. The main issues relevant to this appeal are whether the site is in a suitable location for the proposed development with regard to national and local policies; and the effect of the proposal upon the character and appearance of the area.

Reasons

Location

3. The appeal site is located outside of the settlement boundary for Telford and as such it is in a rural area as defined in the Telford and Wrekin Local Plan 2011-2031 (LP). Policy SP3 of the LP states that development in rural areas will be supported where it addresses the needs of rural communities. This policy also directs development in rural areas to the reuse of previously developed land.
4. Policy EC3 of the LP supports new employment development in rural areas where it involves the reuse of previously developed land, subject to three criteria which all must be satisfied for development to comply with the policy. On the appeal site is a single storey Nissen hut and it is not disputed by the parties that the site is previously developed land and based on the evidence before me I find no reason to conclude otherwise.
5. The first criterion requires that development relates to agricultural, forestry or assists in the diversification of the rural economy. The proposed use of the site would be for construction, building maintenance and landscape services and this use would not be agricultural, or forestry related.

6. The policy does not define what 'diversification of the rural economy' should involve. The policy also does not state that this diversification needs to benefit the rural economy, only to assist in diversifying it. The National Planning Policy Framework (the Framework) provides support for a prosperous rural economy through the sustainable growth and expansion of all types of business in rural areas.
7. The supporting text for the policy states that conversions or refurbishment to provide facilities for service business, amongst other uses, in the rural area are considered to be suitable. As such, this identifies that service businesses, like the appeal proposal, could support the diversification of the rural economy.
8. The redeveloped site would offer different employment opportunities, other than agriculture or forestry, in a rural area. Whilst the appellant's business may currently operate in the Wolverhampton area that is a significant distance from the appeal site and by operating the business from the appeal site, the proposal would provide alternative employment opportunities in this rural area.
9. The appellant has identified that they work with a wide variety of customers and provide services in both urban and rural areas and service businesses can assist the diversification of the rural economy. Given that the site is located in a rural area, albeit just outside of Telford, there is no reasoned justification that the appellant's business would only work in urban areas. Consequently, the proposal would provide services to assist businesses in rural areas and create alternative job opportunities that are not currently provided by the appeal site in this rural area as well as support the growth of an existing business. On balance, this development would assist in the diversification of the rural economy. Therefore, the scheme would comply with criterion 1.
10. The Local Highways Authority did not object to the application and the Council was satisfied that the proposal complied with the second criterion insofar as the local highway network is capable of accommodating the traffic generated by the proposed development. Based on the information before me I find no reason to come to a different conclusion on this matter.
11. The third criterion requires the proposal to be supported by an appropriate business case which demonstrates that the proposal will support the local economy and help sustain rural communities.
12. The application form identifies that the company intends to employ two full time equivalent employees on the site. The proposal would provide construction, building maintenance and landscape services, and the appellant states that the business provides services in both urban and rural areas and there is no robust justification that once relocated to the appeal site that this business would only operate outside of the local economy.
13. While the business currently operates in the Wolverhampton area this is a significant distance from the appeal site and the site is located on the opposite side of Telford to Wolverhampton. Additionally, even if there would be some overlap of work in the same areas the business would continue to provide services, and it would thus continue to support the local economy.
14. Furthermore, the two employees would work, in part, at the appeal site and whilst there would be no control over who was employed at the site, it is likely that most

employees would want to live within a reasonable distance of where they work. As such, the scheme would likely provide employment opportunities for people living in the local economy. Those working at the appeal site would also support nearby businesses through day-to-day spending which would help to sustain rural communities. Even if employees would have to travel further afield to go to certain services or facilities, it is not clear that it would not be possible to do so during work breaks. The company would also help support and address the needs of rural communities through the services it would provide in the rural area.

15. Therefore, the development would comply with the third criterion and thus all three criteria would be complied with, and the development would be in accordance with LP Policy EC3. Consequently, the site would be in a suitable location for the proposed development with regard to national and local policies. As a result, it would comply with Policies SP3, SP4 and EC3 of the LP insofar as they support new employment in rural areas where it involves the reuse of previously developed land.

Character and Appearance

16. The Nissen hut is a modestly sized building with a curved roof built from corrugated cement sheeting. It is not disputed between the parties that the building is in a dilapidated condition and the land around the site is overgrown and having seen the site, I concur. There is a gated access to the site which is bound by trees and hedges, and these do partly screen the site, but the appeal building is visible within the street scene. These trees and hedges form part of a wider vegetative boundary along Dawley Road and Church Hill and this is a notable feature of the area. Opposite the appeal building are dwellings that are generally brick built two storey buildings.
17. Whilst the appeal site is located in a rural area as defined in the LP, it is situated just outside of Telford and as a result it is in a residential area next to the open countryside. Near to the site is a modestly sized garage and this includes a building that appears to be brick built with corrugated sheeting on parts of the walls and roof and a roller shutter door. There is also a smaller brick-built office building with a large canopy extending out the front of it. The wider area has a residential character however the immediate area, including the appeal site and the garage has a mixed residential and commercial character, although this remains a low-density area with the buildings mostly two storeys tall.
18. The proposed building would be built with brick walls with corrugated metal sheeting above as well as across the roof and it would have a large roller shutter door. Overall, the building would be similar in appearance to the garage near to the site. The height of the building would also be similar to other buildings in the area, and it would sit comfortably within the appeal site with space around it for access as well as generally retain the trees and hedges that bound the site.
19. The brick-built walls would be the prominent surfacing material, and this would respond to the brick-built buildings around the site. The corrugated metal walls and roof as well as the roller shutter door would introduce a material that would be more commercial in appearance. Whilst the dwellings in the area do not use such materials, the building would be seen in the context of the other commercial buildings in the immediate area and thus this material, including the roller shutter door, would respond to the mixed commercial and residential character of the

immediate area. The two commercial sites would be viewed together which would concentrate the commercial uses and buildings within a relatively well contained area from the residential development nearby, which is generally located on the opposite side of the road to the appeal site.

20. The proposal would reuse the existing access via Dawley Road, and this would generally retain the trees and hedges around the site. This would ensure the vegetative boundary along Dawley Road and Church Hill would partly be retained by the scheme and this would be supported by additional soft landscaping around the site which could be secured by condition. As a result, the development would respect and respond to this notable feature of the area.
21. Consequently, the development would be consistent with the mixed residential and commercial character of the immediate area. The scale and siting of the building would also retain the low-density character of the wider area. Moreover, the proposal would result in the demolition of the existing Nissen hut which is in a dilapidated condition and would replace it with a modern commercial building and would supplement the landscaping around the building which would enhance the quality of the local built environment.
22. For the reasons given above the replacement of the Nissen hut with the proposed development would not harm the character or appearance of the area. Therefore, the proposal would comply with Policy BE1 of the LP which expects development to, amongst other matters, respect and respond positively to its context and enhance the quality of the local built and natural environment.

Conditions

23. Having had regard to the requirements of the Framework and the Planning Practice Guidance I have imposed those conditions I consider meet the relevant tests, subject to minor amendments to ensure precision and brevity without changing their overall intent.
24. Further to the standard commencement condition [1] a condition requiring the development is carried out in accordance with the approved plans is necessary in the interest of certainty [2].
25. Condition 3 is necessary to ensure works which could affect the trees that are to be retained on and around the site are protected during construction. It is necessary for this to be pre-commencement to ensure works which could affect trees are not undertaken until the protection measures are in place.
26. The site is located in a Development High Risk Area as defined by the Coal Authority and is near to the boundary of a former opencast site. As such conditions ensuring works are undertaken to confirm the building would be located outside of the part of the site that was where the opencast activity may have taken place is necessary in the interest of the safety and stability of the development [4 and 7].
27. Whilst condition 4 was suggested by the Council as a pre-commencement condition, the Coal Authority's suggested wording would allow for demolition and site clearance to take place prior to the submission of details. Based on the information before me the Coal Authority's suggested condition would ensure the safety and stability of the development without requiring the details to be approved before development takes place.

28. Conditions 5 and 6 are necessary in the interest of the character and appearance of the area. It is not necessary for these details to be agreed prior to development taking place given that these are details that would only need to be approved prior to their use and much of the development could take place below slab level without such details being implemented.
29. Condition 8 is necessary in the interest of highway safety.

Conclusion

30. The proposed development would comply with the development plan as a whole and the material considerations do not indicate that the appeal should be determined other than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal should be allowed.

G Sibley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: Location Plan; Z-002 Rev P4; A-003 Rev P1; and A-004 Rev P1.
- 3) The development hereby permitted shall not take place until the tree protection measures, including the protective fencing, as set out in the Tree Protection Plan and in paragraphs 3.0 – 3.3 of the submitted Tree Condition Report, dated February 2022, prepared by Arborist & Ecological Services Ltd have been implemented in accordance with those details. Thereafter the implemented tree protection measures must remain in place on the site throughout the construction of the development hereby permitted.
- 4) No development shall take place above ground level (excluding the demolition of existing structures and site clearance) until:
 - i. A scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, including works to establish the extent of former opencast workings and any associated buried opencast highwall present within the site; and
 - ii. Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative United Kingdom guidance.
- 5) The development shall not take place above slab level until details of types and colours of all external materials, including hard surfacing have been

submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

- 6) The development shall not take place above slab level until details of both hard and soft landscaping have been submitted to and approved in writing by the local planning authority. These details shall include:
- i. Existing and proposed finished levels or contours
 - ii. Means of enclosure
 - iii. Planting plans
 - iv. Written specifications including cultivation and other operations associated with plant and grass establishment
 - v. Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate. The planting scheme shall include a mix of native species of local provenance, berry-producing shrubs and/or nectar-rich flowers; and
 - vi. Implementation timetables.

All hard and soft landscaping works shall be carried out in accordance with the approved details prior to the building being brought into use or in accordance with the implementation timetables agreed as part of this condition. Any trees or plants that within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of a similar species, size and number by the end of the first available planting season.

- 7) Prior to the building being brought into use, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the local planning authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
- 8) The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking, loading, unloading and turning of vehicles have been provided, properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

End of Schedule