
Appeal Decision

Site visit made on 26 October 2015

by B J Sims BSc(Hons) CEng MICE MRTPI

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

Decision date: 25 November 2015

Appeal Ref: APP/L3245/W/15/3065822

Wenlock Edge Inn, Easthope, Much Wenlock, Shropshire TF13 6DJ

- 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 Longville Arms Limited against the decision of Shropshire Council.
 - The application Ref 14/02184/FUL, dated 14 May 2014, was refused by notice dated 9 December 2014.
 - The proposed development is described on the application form as the erection of 2 No visitor accommodation blocks, removal of derelict function room and creation of new parking area, change of use of outbuilding (letting room) to site shop and installation of sewage treatment plant.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two tourist accommodation blocks with meeting room, creation of parking areas, demolition of derelict outbuilding and installation of sewage treatment plant, at Wenlock Edge Inn, Easthope, Much Wenlock, Shropshire, TF13 6DJ, in accordance with the terms of the application, Ref 14/02184/FUL, dated 14 May 2014, subject to the conditions set out in the Schedule appended to this decision.

Procedural Matters

2. Before the application was considered by the Council, the proposal was amended to omit the creation of a new parking area and shop on the east side of the B4371, together with other amendments to the design and layout of the proposed accommodation blocks. The application was refused, and this appeal is determined, on the basis of the revised description set out in the refusal notice and with reference to the details shown on the plans listed within Condition No 2 in the Schedule appended below.
3. The application was refused by the Council contrary to the views of its officers in favour of the proposed development in its amended form. However, this appeal is decided following a completely fresh and independent appraisal of all of the evidence for and against the proposal.
4. During their consideration of the appeal proposal, the Council discussed a suggestion that the proposed visitor accommodation blocks be finished in stonework, in place of timber as proposed on the submitted plans. Although the Appellants would be agreeable to this, no such amendment has been

either formally proposed or subject to public consultation. It would therefore not be appropriate for an alternative stone finish to be considered further in connection with this appeal, which is determined strictly on the basis of the amended plans showing the buildings finished in timber.

5. Equally, no account is taken of references made in the written representations to earlier consideration of placing the proposed accommodation alongside the Inn on the east side of the B4371. The appeal is decided with respect to the location of the proposed buildings indicated on the detailed plans.
6. The Appellants have provided a Unilateral Undertaking (UU), pursuant to Section 106 of the Act (as amended), that, whilst the Wenlock Edge Inn shall trade as a public house, the sites of the Inn and the proposed accommodation blocks shall be retained as one whole and indivisible land holding and the two tourist blocks shall not be sold separately. The materiality of this UU is considered in the Overall Conclusions below.

Planning Issues

7. There is no evidence of substantive objection to those elements of the proposed development related to the removal of the derelict function room (outbuilding) close to the main Inn building east of the B4371, nor to the new sewage treatment plant east of the road, subject to certain conditions discussed below.
8. The main issues in the appeal relate to:
 - 8.1 the principle of the proposed development, having regard to adopted local planning policy and the National Planning Policy Framework (NPPF);
 - 8.2 the financial viability of the business of the Wenlock Edge Inn;
 - 8.3 the effect that the two tourist accommodation blocks and the associated parking areas would have on the appearance and character of the appeal site and its surroundings within the Shropshire Hills Area of Outstanding Natural Beauty (AONB).
9. It is also necessary to consider the proposal in the light of the proximity of the proposed development to the Wenlock Edge Site of Special Scientific Interest (SSSI) and to a Shropshire Country Wildlife Site, and also with reference to highway safety at the site entrance.

Reasons

Principle of the Development

10. The statutory development plan for the area includes the adopted Shropshire Core Strategy 2011 (CS) and the Much Wenlock Neighbourhood Plan 2014 (NP). CS Policies CS5, CS6 and CS17 and NP Policy EJ7 together support proposals for rural tourism development where its siting, scale and design conserve the built and natural environment, including the surrounding countryside and the Shropshire Hills AONB. CS Policy CS16 refers to the vital role of the tourism sector to the local economy and places emphasis on development in appropriate locations to extend and enhance the tourism offer to visitors to the area. This includes the AONB and sites close to established and viable tourist enterprise where accommodation is required. NP Policies GQD1-2 and LL3 together seek high quality design, reinforcing local

distinctiveness and retaining features of high nature conservation or landscape value. NP Policy CW2 further protects the environment and safeguards the local road network from unacceptable impacts.

11. These policies are essentially consistent with the NPPF at paragraphs 58, 60 and 115 in terms of development quality, local distinctiveness and giving great weight to protecting the AONB.
12. The two-part appeal site is located in the open countryside and the proposed tourist accommodation and parking would be located on the larger portion of the site, west of the B4371 and just within the Shropshire Hills AONB. Thus, in order for the development to be acceptable in principle, it must be evident that the accommodation blocks and car parking area would be necessary to the viability of the Wenlock Edge Inn and would also conserve the local distinctiveness of the built and natural environment and landscape of the AONB.

Business Viability

13. The Wenlock Edge Inn is a long-standing community facility and tourist attraction but it has been closed for business since May 2014.
14. There is no dispute between the Appellants and the Council that the proposed tourist accommodation is necessary to the future business viability of the Wenlock Edge Inn, which is intended to reopen in conjunction with the development now proposed.
15. The Appellants provide a financial appraisal by consultants specialising in the field of public house commercial viability. This quotes the public record that, on closure, the Inn was some £500,000 in deficit. The appraisal includes forecasts for business models with and without the proposed tourist accommodation. These show that, trading without the accommodation, the business would incur a substantial annual loss of around £28,000 whereas, with the accommodation, the business would show an annual profit of some £25,000, after allowing for the capital cost of the proposed buildings and renovation of the Inn itself.
16. There are many local objectors to the proposed development who consider that the previous financial failure of the business was related to the quality of its management. It is pointed out that there is living accommodation within the Inn itself. However, as the submitted financial appraisal indicates, it is likely that rooms within the main Inn building would be required for staff accommodation.
17. It must be acknowledged that these widely held, local views are based on long-term personal experience and observation of the Inn in its years of operation. At the same time, these representations are essentially anecdotal and there is no comparable professional evidence to refute the findings of the financial appraisal put forward by the Appellants and accepted by the Council.
18. On the evidence, and in the circumstances, the proposed development is to be regarded as compliant with the foregoing CS and NP policy provisions, to the extent that the tourist accommodation is required for the Wenlock Edge Inn to become viable. In terms of Policy CS16, the development would be appropriately located close to the Inn, as an established tourist enterprise,

and would extend and enhance the tourism offer to visitors to the area, including to the AONB.

Character and Appearance in the AONB

19. The buildings would occupy a currently open area within the AONB away from any other buildings on the opposite side of the road. There is widespread opposition locally to the development as an unacceptable visual intrusion into the AONB, with nearby Wenlock Edge as a major landmark at its heart. Whilst such strong local views must be respected, a detached review of the evidence leads to a different conclusion.
20. The buildings now proposed would be of modest scale, simple rectilinear design and low profile. Notwithstanding objection by the Council and residents to the use of timber construction, which they see as out of accord with the local architectural vernacular, the proposed use of timber cladding under tiled roofs is not without parallel in the area. Although principal buildings are generally of stone, including several farmhouses and the Wenlock Edge Inn itself, many are accompanied by timber outbuildings, including the function room beside the Inn to be demolished. Timber construction is also used in other structures within the forest areas of the AONB.
21. The new built development would occupy an area already in established use as a car park serving the Inn and already visually contained and screened from the wider AONB by vegetation. The appearance of the buildings and the associated car parking would be softened by careful additional landscape planting secured by planning condition.
22. When seen passing the site on the B4371, or from viewpoints to the east, the accommodation blocks would appear subsidiary to the main Inn building. As a matter of judgement, the development would not appear significantly incongruous or unacceptably obtrusive. It would accordingly not harm the sensitive rural landscape. Indeed it would in some measure add to its wooded character.
23. It follows that in siting, scale and design the proposed development would conserve the local distinctiveness of the surrounding countryside and features of the Shropshire Hills AONB. As a result, the proposal would be in further compliance with the aims of the CS and NP policies quoted above to protect the environment of the AONB and to seek good design.

SSSI and Country Wildlife Site

24. There is understandable further concern that the development must prevent harm to the nearby Wenlock Edge SSSI and Country Wildlife Site. However, the built development and car parking would be kept within the bounds of the present parking area and away from any direct contact with these protected sites. By imposition of a planning condition, suggested without prejudice by the Council, to secure appropriate foul and surface water drainage measures, including percolation tests and construction details required by Natural England, there is no substantive evidence that these material interests would be adversely affected by the development or its users.

Highway Safety

25. There is also concern lest the use of the proposed development by patrons of the Inn would give rise to a risk to road safety at the site entrance off the B4371. However, there is no objection from the highway authority to the proposed development on the west of the road. The car park entrance has been in use by Inn customers for some time previously and there is nothing to say that its level of use would much increase as a result of the proposed tourist accommodation. Moreover, the maintenance of adequate vision splays can be secured by a further planning condition. There is no substantive objection on highway safety grounds and thus no conflict with NP Policy CW2 in this regard.

Conditions

26. Otherwise, for the development to be acceptable in its effects, further conditions need to be imposed, based on those suggested without prejudice by the Council. For the avoidance of doubt and in the interests of proper planning, the development is expressly required to comply with the approved plans and with the recommendations of a submitted approved Protected Species Survey and bat loft plan. Advance approval and subsequent implementation of details of finishing materials, hard surfacing, landscaping and lighting are required together with a construction method statement to protect safety and amenity. The use of the proposed accommodation is limited to tourism to prevent the establishment of permanent residential accommodation contrary to planning policy. Finally, a suggested condition that parking associated with the accommodation only take place west of the B4371 is not imposed due to doubtful enforceability but the parking areas are required to be complete before occupation of the buildings and retained thereafter.

Overall Conclusions

27. For the foregoing reasons and subject to those conditions, it is evident that the proposed development is necessary to the viability of the Wenlock Edge Inn and would conserve the local distinctiveness of the built and natural environment and landscape of the AONB. The proposal is thus compliant with the relevant policies of the adopted CS and NP and with the development plan as a whole.
28. It is appropriate that the accommodation blocks and the Inn be kept as a single unit in order for the benefit of the development to the viability of the Inn to be realised in perpetuity. The UU to retain the sites of the Inn and the accommodation as one land holding is thus necessary, relevant and reasonably related to the development in terms of Regulation 122 of the Community Infrastructure Levy Regulations 2010 as amended.
29. With that obligation in place and in the absence of any significant environmental harm, the socio-economic benefit of supporting the viability of the Inn adds to the case for permission in terms of the presumption of the NPPF in favour of sustainable development. The appeal succeeds accordingly.

B J Sims

Inspector

SCHEDULE OF PLANNING 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 the following approved plans: 1275/14-01 Revision D; 1275/14-03 Revision B; 1275/14-04; and 2020-00.
- 3) The development hereby permitted shall be carried out in accordance with the Protected Species Survey by Shropshire Wildlife Surveys, July 2014, and the bat loft plan received by the Local Planning Authority 26th November 2014.
- 4) No development shall take place until full details of surface and foul water drainage systems have been submitted to and approved in writing by the local planning authority. These shall include:
 - percolation test results and sizing calculations for all drainage fields,
 - foul drainage assessment form (FDA1),
 - type and capacity of any septic tank or private sewage treatment plant, and
 - drainage layout plan.

The drainage systems shall be completed in accordance with the approved details prior to the first occupation of any part of the buildings hereby approved and shall thereafter be retained in the form approved unless the local planning authority gives written consent to any variation.

- 5) No development shall take place until full details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) No development shall take place until full details of hard surfacing materials for the car parking areas west of the B4371 and a scheme of landscaping to the north east field boundary, the south east boundary between Block A and the B4371 and the area currently occupied by the derelict outbuilding to be demolished, have been submitted to and approved in writing by the local planning authority. The scheme shall include written specifications, plant schedules and timetable. The development shall be carried out in accordance with the approved details and any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged shall be replaced with others of similar species unless the local planning authority gives written consent to any variation.
- 7) No part of the buildings hereby approved shall be occupied until the parking areas west of the B4371 have been completed and those areas shall thereafter be kept available for the parking of cars associated with the occupation of the buildings hereby approved.
- 8) No development shall take place, including any works of demolition, until a Construction Method Statement (CMS) has been submitted to, and

approved in writing by, the local planning authority. The approved CMS shall be adhered to throughout the construction period. The CMS shall provide for:

- i) the parking of vehicles of site operatives and visitors,
 - ii) loading and unloading of plant and materials,
 - iii) storage of plant and materials used in constructing the development,
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate,
 - v) wheel washing facilities,
 - vi) measures to control the emission of dust and dirt during construction, and
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 9) No development shall take place until full details of any external lighting 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.
- 10) The existing access vision splays shall be kept permanently free of all obstacles or obstructions over a height of 0.9 metres above the level of the adjoining carriageway.
- 11) The development hereby permitted shall be occupied only as holiday accommodation and not as the main residence of any person. The operator of the holiday accommodation shall keep a register of occupiers and their main home addresses and shall make this information available to the local planning authority at all reasonable times.