

## Appeal Decision

Site visit made on 11 January 2017

by **Elizabeth Pleasant DipTP MRTPI**

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

Decision date: 13 February 2017

---

**Appeal Ref: APP/L3245/W/16/3161843**

**Land adjacent to the Inn on the Green Public House, Bank Farm Road, Shrewsbury SY4 6DU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by NewRiver Property Unit Trust No.4 against the decision of Shropshire Council.
  - The application Ref 15/04910/OUT, dated 11 November 2015, was refused by a notice dated 4 July 2016.
  - The development proposed is the erection of 4no residential units.
- 

### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by NewRiver Property Unit Trust No.4 against Shropshire Council. This application is the subject of a separate decision.

### Procedural Matters

3. The application is for outline planning permission with all matters except access being reserved for future consideration. A drawing showing an indicative site layout<sup>1</sup> was submitted with the application and I have had regard to this in determining the appeal.

### Main Issue

4. The main issue in this case is the effect of the proposal on existing facilities and amenities which contribute to the quality of life of residents and visitors in the local area.

### Reasons

5. The appeal site lies within Radbook Green Commercial Centre which supports the surrounding residential development. The Centre comprises a food store with ancillary shops, café and the post office, there is also a doctor's surgery, community centre, primary school and the Inn on the Green Public House. The surrounding area is characterised by residential development and areas of attractive open space.

---

<sup>1</sup> Sketch Site Layout, SK02 Revision D.

---

6. The appeal site lies in a prominent location, adjacent to the Inn on the Green and on the corner of Bank Farm Drive and Calverton Way. It is predominantly open in character and hard surfaced. There are some grassed areas and a number of trees/bushes around the site's perimeter edge. The site is partially laid out with tables and chairs which are used in connection with the Pub, and the remaining area is available for parking/servicing. The access to the Public House from Calverton Way would be retained and this would also serve the proposed residential units. The Council are concerned that the proposed development would diminish the quality of the amenities provided by the Public House to local residents and visitors to the area.
7. Policy CS8 of Shropshire Local Development Framework: Adopted Core Strategy, 2011 advises that the development of sustainable places in Shropshire with safe and healthy communities where residents enjoy a high quality of life will be assisted by, amongst other things, protecting and enhancing existing facilities, services and amenities that contribute to the quality of life of residents and visitors. The indicative site layout shows that the proposed residential units would be sited on an area of land currently used as a beer garden. It is clear from the number of third party representations received that the Inn on the Green is a cherished facility at the heart of the local community. It would appear to be not only a drinking establishment, but also a place for local sports teams to meet, a music venue and a place which hosts fundraising events. The spacious beer garden adds to the attraction of the Public House as it provides a place for outdoor drinking in the summer months, where children can be supervised and has been used to site bouncy castles for community events.
8. The appeal proposals indicate that a new beer garden/communal area would be provided immediately to the rear of the Public House and a small area also retained on its frontage adjacent to the function room. However, the replacement beer garden would be less than half the size of the existing facility and it would be shoe-horned into an area at the rear of the Public House, where the bins are currently located and servicing takes place. The entrance to the Public House from the adjoining parking area would also pass through this area. It is difficult to see how this area would provide an attractive area for patrons to sit or be large enough to provide an area for children to play.
9. I accept that the Public House as a drinking establishment would remain, and I have taken into consideration the Appellant's ascertain that the land which forms the application site is surplus to requirements. However, from what I have seen and the evidence provided, it would seem to me that the existing beer garden contributes to the vitality of the Inn on the Green. The replacement offer would be significantly less attractive or flexible for use than the existing provision, and consequently the existing facilities and amenities would not be protected or enhanced by the appeal proposal.
10. I recognise that the application is in outline, however to accommodate the amount of the development proposed, it is more than likely that the new residential units would be sited in the location shown on the indicative site layout which accompanied the application. The introduction of residential accommodation occupied by persons unconnected with the business, and in such close proximity to it, could raise potential issues of noise and disturbance from patrons inside and outside the facility and from amplified music, beyond a time when residents would reasonably expect a degree of quiet. While sound

proofing measures can be required by condition, such measures would not have a bearing on noise and disturbance from people congregating outside the premises in the communal areas or from coming and goings late at night. This would be particularly the case in the summer months when windows are open and would impact significantly on the use of the proposed outdoor amenity space for the residential development which is shown to be located immediately adjacent to the function room and proposed communal area. Whilst this could be controlled by a management regime, such measures are likely to impact on the flexibility with which the pub could operate. As such the proposal could have an adverse effect on the future availability of the facility.

11. I conclude that the appeal proposal would have a harmful effect on the existing facilities and amenities which contribute to the quality of life of residents and visitors to the local area. I therefore find conflict with the development plan and in particular Policy CS8 of the Shropshire Local Development Framework, Adopted Core Strategy which aims, amongst other things, to protect and enhance existing facilities, services and amenities that contribute to the quality of life of residents and visitors.

### **Other Matters**

12. Whilst this consideration did not form a reason for refusal, I share the third party concerns regarding over the effect the proposal would have on the character and appearance of the area. In particular, given the sites proximity to a prominent road junction which currently provides an open setting for neighbouring commercial uses. In the event that I had found this proposal acceptable in principle, I would have required further information on the scale and appearance of the proposed residential units to be satisfied that the proposal would not cause harm to the character and appearance of the area.
13. I have taken into consideration the social and economic benefits which would be attributed to this development, in particular by adding to the supply of housing in the area. However, given the small number of market houses proposed those benefits would be limited and do not outweigh the harm I have identified to the quality of life of residents and visitors to the local area.
14. I recognise that the Appellant is frustrated with the manner in which the Council came to their decision; however this is not a matter for my consideration.

### **Conclusion**

15. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*Elizabeth Pleasant*

INSPECTOR