
Appeal Decision

Site visit made on 21 August 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 11 September 2017

Appeal Ref: APP/L3245/W/17/3173619

Land at Upper Marsh, Catherton Common, Cleobury Mortimer DY14 0JJ

- 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 Mr Paul Harding against the decision of Shropshire Council.
 - The application Ref 16/02758/FUL, dated 16 June 2016, was refused by notice dated 7 February 2017.
 - The development proposed is the erection of 4 detached holiday caravans.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Revised plans were submitted with the appeal. These plans include a number of changes to the application submission, including the reorientation of the chalets and a reduction in their size from 4 bedrooms to 2 bedrooms. There is no evidence that the revised plans have been through any public consultation process and therefore I am not satisfied that interested parties would not be prejudiced by my consideration of them. Furthermore, the amendments are so significant, particularly with regard to the change in the size of the chalets, that it substantially alters the nature of the proposal. Accordingly, I have determined the appeal on the basis of the plans considered by the Council in their determination of the planning application.

Main Issues

3. The main issues are the whether the site would be a suitable location for tourist accommodation having regard to local and national policy; the effect of the proposal on the character and appearance of the area; and, the effect of the proposal on biodiversity, in particular the Catherton Common SSSI.

Reasons

Location

4. The appeal site forms part of a large verdant field located in the open countryside. The settlement of Hill Houses, which forms part of the Oreton, Farlow and Hill Houses Community Cluster as identified in the development plan, is located to the west of the site. However, the site is both physically and visually detached from the built form of the settlement and is clearly read as within the open countryside.

5. Policy CS5 of the Shropshire Council Adopted Core Strategy (CS) 2011 allows new development in the open countryside only where it maintains and enhances countryside vitality and character and improves the sustainability of rural communities. The policy provides a list of particular development that it relates to including small-scale new economic development diversifying the rural economy, including farm diversification schemes. The indent below the second bullet to this policy states that for such development applicants will be required to demonstrate the need and benefit for the development proposed. It goes on to state that development will be expected to take place primarily in recognisable named settlements or be linked to other existing development and business activity where this is appropriate.
6. The nearest settlement to the site is Hill Houses. However, the appeal site is clearly not within the settlement. Furthermore, whilst the site lies adjacent to a forestry business operated by the appellant, there is no indication that the holiday accommodation would be linked to the existing business other than by proximity and ownership. The existing business and the proposal would have their own access points and would clearly be read and operate as two separate businesses with no interconnectivity between the two. Therefore, I do not accept the appellant's assertion that it is a diversification proposal. Accordingly, the proposal fails to fall within any of the development listed within Policy CS5.
7. In rural areas, Policy CS13 of the CS recognises the importance of supporting rural enterprise and diversification of the economy, including green tourism. There is no evidence before me that the proposal would be 'green tourism'. Policy CS13 also states that development must accord with Policy CS5 of the CS.
8. Policy CS16 of the CS supports the development of high quality visitor accommodation in accessible locations served by a range of services and facilities. In rural areas, such proposals must be of an appropriate scale and character for their surroundings, be close to or within settlements, or an established and viable tourism enterprise where accommodation is required. Development must also accord with Policy CS5 of the CS.
9. From the evidence presented to me and the observations I made during my site visit, Hill Houses and the nearby settlements of Oreton and Farlow lack any services or facilities that would likely be utilised by visitors to the holiday chalets. Whilst there may be services and facilities within the wider area, these are not within reasonable walking distance of the site. Moreover, the roads between the site and the nearby settlements are generally narrow, have no pavement and are unlit. As such, they do not represent an attractive pedestrian route, particularly when it is dark. Consequently, it is reasonable to conclude that visitors would be highly reliant on the use of a private car to access services and facilities. Therefore, I do not find that the proposal would be in an accessible location as envisaged by Policy CS16.
10. There is no evidence to indicate that the proposal is required for an established and viable tourism enterprise. I note that there are visitor attractions in the area; however, these appear to be limited. Furthermore, whilst I acknowledge that there is a market for the proposal in the 'Heart of England', this is a very broad area. There is no evidence that there is any identified need for visitor accommodation within the local area, or that it could not be accommodated

within recognised settlements. Indeed, the evidence from local residents and Farlow Parish Council suggests there is an oversupply of holiday accommodation in the area.

11. Policy MD11 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) 2015 supports Policy CS5 of the CS. It permits tourism development where the proposal complements the character and qualities of the site's immediate surroundings. Whilst I address the character and appearance of the proposal later on in this decision, the requirements in Policies CS5 of the CS must also be met to satisfy Policy MD11.
12. The National Planning Policy Framework (the Framework) supports sustainable rural tourism that benefits businesses in rural areas, communities and visitors, and which respects the character of the countryside. This includes the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres. Given that the site lies within the open countryside and is not linked to an existing business and is not accessible to services and facilities it is not in an appropriate location.
13. I note that the Place Plan for Cleobury Mortimer and Surrounding Area seeks to reintroduce village services including a village shop, post office and pub. Visitors to the proposed chalets would likely use such facilities. However, there is no indication of how these facilities would be reintroduced or what the likelihood is of them opening if I allow the appeal. Furthermore, if such facilities were reintroduced, due to the small scale of the proposal, it would likely only have a limited positive effect on the local economy.
14. The appellant refers to policies contained within the South Shropshire Local Plan 2004. However, this plan no longer forms part of the development plan for Shropshire. Furthermore, the Good Practice Guide on Planning for Tourism (referred to as the Good Practice Guide for Tourism) no longer forms national guidance. As such I do not attribute any weight to these documents. In addition, the appellant also refers to the Shropshire Hills Area of Outstanding Natural Beauty Management Plan 2014-2019 (referred to as the AONB Management Plan). However, the appeal site is not located within the AONB and therefore I do not consider that it is relevant to the appeal proposal.
15. I find therefore that the proposal would not represent a suitable location for tourist accommodation and therefore fails to accord with Policies CS5, CS13 and CS16 of the CS and Policy MD11 of the SAMDev.

Character and Appearance

16. The appeal site forms part of an area that consists of open fields, common land and woodland interspersed with farmsteads and dwellings. The proposed chalets would be set out in a regimented pattern, which would be in marked contrast to the sporadic, organic development of the surrounding area.
17. There is an existing band of trees lining the road serving the site. These trees would assist in screening the chalets from view, particularly the two most northern units. Gaps in the tree line would still allow views of the two southern most units. I note that the appellant suggests a phasing scheme that would involve the introduction of the two northern units first and then then the second two would be erected in the following year. This would enable the band

of trees that have recently been planted behind the established tree line to grow and provide further screening. However, I am not satisfied that the newly planted trees would provide sufficient screening within such a short period of time, particularly during the months when the trees have no leaves.

18. Notwithstanding the visibility of the chalets from the adjacent road, the existing field has a very open, verdant character which makes an important contribution to the rural setting of the wider area including the adjacent open common land. The four units, the access track, areas of hardstanding and any domestic paraphernalia, such as clothes lines, waste bins, outdoor seating, etc. would introduce a form of urban development that would significantly diminish the rural setting.
19. I find therefore that the proposal would significantly harm the character and appearance of the area, contrary to Policies CS5, CS6, CS16 and CS17 of the CS and Policies MD2, MD11 and MD12 of the SAMDev, which, amongst other things, seek to protect the character of the area and enhance local distinctiveness. Furthermore, it would fail to accord with the design objectives of the Framework.

Biodiversity

20. The appeal site lies adjacent to the Catherton Common SSSI. An existing septic tank serves the adjacent forestry business and has a drainage field to the north east of the proposed chalets. The appellant confirms that there is no problem with the existing septic tank. However, he acknowledges that septic tanks in general produce an effluent that is rich in nutrients, particularly phosphates, which can be potentially harmful to sensitive areas such as SSSI's. The proposed treatment plant would serve the chalets and would intercept the discharge from the existing tank, therefore significantly reducing the level of phosphates released.
21. The Ecological Assessment, dated June 2016, carried out by Churton Ecology identifies that without the necessary precautions, there is potential for a significant negative impact on the Catherton Common SSSI. English Heritage concur with this view, raising concerns regarding the discharge from the proposal. In response to this, B M Evans Groundworks and Drainage confirm that the proposed treatment plan would produce an exceptionally clean effluent, stripping out nearly all phosphate. The treatment plant would be sited on the opposite side of the field from the boundary with the SSSI and any discharge would have to first travel through the width of the field before it reached the nearest watercourse.
22. It seems to me that the existing septic tank poses a far greater threat to the SSSI than the proposed treatment plant, although I note there is no evidence that it is causing any actual harm. Whilst the proposal would result in an increase in the amount of waste produced, the proposed treatment plant would nevertheless still produce significantly cleaner effluent than the existing.
23. Therefore, based on the evidence before me, I am satisfied that the proposal would result in a reduction in the amount of harmful waste produced and therefore I do not consider that it would have an adverse effect on the SSSI.
24. I have also had regard to the concerns raised regarding the recreational pressure on the SSSI. However, the proposal is only relatively small in scale

and therefore there would be limited increase in the use of the SSSI, which, as confirmed by the appellant, is publicly accessible.

25. Concern has also been raised regarding the effect of the proposal on Curlews. The Ecological Assessment identifies that any negative impact on birds is likely to be temporary and of negligible significance. If I was to allow the appeal, I am satisfied that appropriately worded conditions can adequately address these concerns.
26. I find therefore that the proposal would not significantly harm biodiversity and therefore find no conflict with Policies CS17 and CS18 of the CS which, amongst other things, seek to ensure that development protects Shropshire's environmental assets and avoids an adverse impact on water quality. In addition, it would comply with Policy MD12 of the SAMDev, which seeks to conserve, enhance and restore Shropshire's natural assets. Furthermore, it would accord with the Framework's objective of protecting the natural environment, in particular SSSI's.

Other Matters

27. The appellant refers to planning permission for 4 holiday yurts at Skelton Bank Farm¹. However, this was a farm diversification scheme that evidently supported the existing farming enterprise. Therefore I cannot draw any direct comparison with the appeal proposal before me, which, as I have found, is not a diversification scheme. In any event, I have determined the appeal on the basis of the evidence before me and the merits of the proposal.

Conclusion

28. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR

¹ LPA Ref 14/00405/FUL