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## Appeal Decision

Site visit made on 25 June 2018

**by Kevin Savage BA MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7 September 2018**

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**Appeal Ref: APP/L3245/W/18/3195876**

**Former Haulage Yard, Bourton Road, Much Wenlock TF13 6AJ**

- 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 Mark Bradley against the decision of Shropshire Council.
  - The application Ref 17/04678/FUL, dated 25 September 2017, was refused by notice dated 29 November 2017.
  - The development proposed is change of use of land for the siting of two timber holiday lodges for visitor accommodation.
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### Decision

1. The appeal is allowed and planning permission is granted for change of use of land for the siting of two timber holiday lodges for visitor accommodation at Former Haulage Yard, Bourton Road, Much Wenlock TF13 6AJ, in accordance with the terms of the application Ref 17/04678/FUL, dated 25 September 2017, and subject to the conditions listed in the attached Schedule.

### Application for costs

2. An application for costs was made by Mr Mark Bradley against Shropshire Council. This application is the subject of a separate Decision.

### Preliminary Matter

3. The revised National Planning Policy Framework (the Framework) was published on 24 July 2018, replacing the first Framework of March 2012. The main parties have been given the opportunity to comment on the relevance of the new Framework to their cases, and I have taken their comments into consideration. References hereafter in the decision are to the new Framework.

### Main Issue

4. The main issue in this appeal is whether the proposal would provide a suitable location for visitor accommodation, having particular regard to the provisions of the development plan and the accessibility of services and facilities.

### Reasons

5. The appeal site is located to the side of the B4378 road around a half mile outside the built-up area of the market town of Much Wenlock. The site is a roughly rectangular area enclosed by trees and hedges, with views into the site from the road only possible at the access point. Submissions indicate a past use as a haulage site, and for the siting of a caravan. However, the site is now

vacant with no structures. The proposal seeks to provide two holiday lodges on the site for visitor accommodation. Indicatively, the lodges would take the form of log cabins.

6. The Council argues that the site would be located within an unsustainable rural area, due in particular to a lack of a footpath connecting it to Much Wenlock, and the resulting need for visitors to utilise the private car to access local services and facilities.
7. Policy CS1 of the Shropshire Local Development Framework Adopted Core Strategy (March 2011) (the ACS) sets out the strategic approach to development and sets out a settlement hierarchy for Shropshire, within which development in rural areas is directed to designated Community Hubs and Clusters. Policy CS5 addresses development outside of these areas and takes a restrictive approach to new development in the open countryside, but supports sustainable rural tourism proposals which require a countryside location and accord with Policies CS16 and CS17.
8. Policy CS6 requires, amongst other things, proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced.
9. Policy CS16 of the ACS, and Policy MD11 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (December 2015), both emphasise support for new and extended tourism development appropriate to their location, and high quality visitor accommodation in accessible locations served by a range of services and facilities. Policy MD11 specifies that in rural areas, 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.
10. Policy CS17 of the ACS, amongst other things, seeks to ensure that new development protects and enhances Shropshire's natural, built and historic environment.
11. Policy EJ7 of the Much Wenlock Neighbourhood Plan (MWNP) offers further support for tourist accommodation where the siting, design and scale of the development conserves the quality of the parish's built and natural environments.
12. These policies are broadly consistent with the Framework which promotes a prosperous rural economy through enabling sustainable rural tourism and leisure developments which respect the character of the countryside<sup>1</sup>, and recognises that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport, provided the development is sensitive to its surroundings.<sup>2</sup>
13. These policies together offer strong support for sustainable tourism development within Shropshire, reflected in the text of Policy CS16 which emphasises the vital role the tourism, cultural and leisure sector plays in the local economy. The main qualifications to this support in this case are the

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<sup>1</sup> Paragraph 83

<sup>2</sup> Paragraph 84

appropriateness of the site's location with respect to access to services and modes of transport.

14. The Council contends that the proposal does not require a countryside location. However, the rural location of the site would likely be a fundamental part of its attraction to tourists, providing an escape from urban environments. Log cabins are also not typically associated with urban locations. Other examples cited by the appellant indicate the locating of some tourist accommodation within the countryside has been accepted by the Council. Although the site is within the open countryside, the proposed accommodation would be near to an existing dwelling and agricultural buildings. Given this, and its proximity to Much Wenlock, the site is not remote in a rural context.
15. The B4378 road from Much Wenlock to the site is relatively narrow, with steep verges in places, a steady uphill slope, and no footpath beyond the built-up area. Whilst at the site entrance, I noted cars passing at speed. Such conditions may discourage some visitors from walking into Much Wenlock. The appellant points to an access to a public right of way (PROW) a short distance beyond the site, which leads back towards Much Wenlock over open fields. However, whilst it may provide a convenient point of access to the PROW network for recreational walkers, it is unlikely to be used as a route to access day-to-day services in the town, given the extra walking distance and uncertain terrain which may be encountered.
16. Notwithstanding these pedestrian conditions, it is reasonable to suppose that tourists on a rural holiday may be more prepared to contemplate walking or, indeed, cycling the relatively short distance to access the range of services available in Much Wenlock. With due care and the use of appropriate equipment, such journeys would not be inherently unsafe, but typical of many rural roads, and would reduce reliance on the private car.
17. I note the appellant's reference to permission granted at Withies Farm<sup>3</sup> a short distance from the appeal site, and a similar distance from Much Wenlock, where the Council considered the site in an accessible location despite the absence of a footpath for pedestrians and being located outside of the settlement with likely reliance on the private car. Whilst this case involved an expansion of an existing business, there are similarities between the sites' locations, indicating the Council has been prepared to accept tourism developments where sustainable forms of transport are less likely to be used.
18. The Framework states that in considering proposals, it should be ensured that appropriate opportunities to promote sustainable transport modes have been taken up, given the type of development and its location<sup>4</sup>, but it also recognises that these opportunities will vary between urban and rural areas, and this should be taken into account in decision-making<sup>5</sup>. It is not feasible to expect that tourists in rural areas would not require use of a car at all, even if staying within defined settlements, and longer journeys by car to rural tourist attractions would be inevitable. The scale of the proposed development would be very modest, and journeys into Much Wenlock for day-to-day needs are likely to be relatively short and infrequent. Therefore, in this context, I find

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<sup>3</sup> Council Ref: 16/03878/FUL

<sup>4</sup> Paragraph 108

<sup>5</sup> Paragraph 103

that the site would be accessible to Much Wenlock and would accord with the location qualifications of Policies CS5, CS16 and MD11.

19. The Council also raises concern that the viability of the business has not been demonstrated, citing the indent to the second bullet point of Policy CS5, which requires proposals for small-scale new economic development diversifying the rural economy to demonstrate the need and benefit for the development proposed. However, the sixth bullet point refers separately to sustainable rural tourism proposals which require a countryside location, and which accord with Policies CS16 and CS17, but does not apply the qualifications of the second bullet point. That sustainable rural tourism proposals are listed separately indicates they are to be considered separately to small-scale economic development, and not subject to the qualifications to demonstrate the need and benefit of the development. In any event, I do not read 'demonstrate need and benefit' to amount to a requirement to demonstrate the financial viability of the proposed enterprise.
20. Notwithstanding this, the appellant has provided several examples of permissions granted by the Council for expansion of tourism enterprises within Shropshire, which would suggest a continuing demand for tourist accommodation across the county. The appellant also provides information on the economic contribution of tourism to the local economy. There is some evidence, therefore, of unmet and ongoing demand in the area, and a need for further facilities. Whilst the proposal is small in scale, it would make an economic contribution through spending by visitors at local businesses and attractions which would be a benefit of the proposal.
21. Taking these matters together, I find that the proposed development would be within a suitable and accessible location relative to Much Wenlock, where visitors could travel by means other than the private car to avail of local services and facilities. The site would also provide an appropriate form of rural tourist accommodation for which there is broad support within the development plan. Accordingly, I find that the proposal would comply with Policies CS1, CS5, CS6, CS16 and CS17 of the ACS; Policies MD11 of the SAMDev; Policy EJ7 of the MWNP and with relevant provisions of the Framework.
22. The Council further refers to Policy MD2 of the SAMDev in its reason for refusal, which refers to sustainable design. Whilst relevant to the proposal in other respects, I do not consider this policy directly applicable to this main issue.

### **Other Matters**

23. The proposed cabins have not been fully detailed on plans, but the indicative images provided by the appellant show traditional log cabins which would be appropriate within a countryside setting. The site is enclosed by trees to all sides, which would ensure that the cabins were not prominent within the landscape. It would be possible to secure details of the cabins through a condition to ensure an acceptable appearance. Subject to this, the proposal would preserve the character and appearance of the area.
24. Various Council decisions, both granting and refusing permission, and appeal decisions have been referred to me by the parties. I have taken these into consideration, and have referred to the Withies campsite decision above. However, the decisions relate to a variety of proposals, in various locations around Shropshire, and with differing material considerations, which prevent

me from drawing direct comparisons in every case. I have in any event considered this appeal on its own merits.

25. The Council raises no objection in respect of the effect of the proposal on highway safety. Visibility at the entrance to the site is sufficient in both directions, and there is ample space on the site for parking and turning. I have no reason, therefore, to reach a different conclusion in this respect.
26. The proposal would have a small, but nonetheless positive, economic effect through adding to the range of visitor accommodation within the area, and through spending by visitors on the accommodation and at local businesses and attractions. Indeed, the Council acknowledges this in its reason for refusal. Socially, tourists could also help to maintain the viability of community services and facilities within nearby villages and market towns.
27. Environmentally, whilst there would be some reliance on the private car, the number of journeys and level of greenhouse gas emissions generated by such a small-scale development would be limited. In the context of the relevant development plan policies, and guidance of the Framework with respect to rural transport, I have found that the site would be within an accessible location for tourist accommodation for which the development plan as a whole offers support. This does not therefore weigh against the proposal in this case.
28. Overall, the proposal would accord with aims of the development plan and the Framework to support tourism and the rural economy within Shropshire. There are no other material considerations before me of such weight as to indicate development should be restricted.

### **Conditions**

29. The Council has suggested conditions to be imposed in the event the appeal is allowed, which I have considered in light of the advice set out in both the Framework and the Planning Practice Guidance. Where necessary, and in the interests of clarity and precision, I have altered the conditions to better reflect the relevant guidance.
30. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings and plans as this provides certainty. The appellant's plan SA27708-03 is labelled as an Indicative Layout Plan, and I have therefore considered it as such. Conditions are therefore required specifying the siting of the cabins within the site, the external materials to be used for the cabins, and details of hard and soft landscaping, in order to ensure a satisfactory appearance.
31. A condition requiring investigation, and if necessary, remediation of site in respect of contamination is necessary and reasonable in view of its documented past use as a haulage site, and in order to ensure that the development can be carried out safely without unacceptable risks to human health. For conciseness, I have condensed the Council's suggested condition.
32. Details of the access and parking layout are necessary to ensure vehicles can park, load and unload within the site, in the interests of highway safety. A condition requiring gates to be set back from the road and to open inwards is also necessary to ensure highway safety.

33. Conditions requiring details of proposed site and surface water drainage measures are necessary to mitigate flood risk and pollution.
34. Conditions 3-7 are required to be pre-commencement conditions as it is fundamental to have these details agreed before development commences, given the limited works which would be necessary to construct the lodges and then bring them into use.
35. The Council's Biodiversity Officer has recommended a condition requiring the submission and approval of a lighting plan in order to minimise disturbance to bats, for which the submitted Protected Species Survey concluded there was potential, albeit low, for roosting bats in adjacent trees. Given the protected status of bats and the rural location of the site, I agree such a condition is necessary and reasonable.
36. Finally, it is necessary to restrict the use of the cabins to holiday purposes only, in order to prevent use of the site as permanent residential accommodation.

### **Conclusion**

37. For these reasons, and taking all relevant matters into consideration, the appeal is allowed.

*Kevin Savage*

INSPECTOR



### **Schedule – Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: SA27708-01 (Location Plan); SA27708-02 (Site Context Plan).
- 3) No development shall commence until details of the siting of the holiday lodges hereby permitted, and samples/details of the materials to be used in the construction of their external surfaces, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 28 days of the report being completed and approved in writing by the local planning authority.
- 5) No development shall commence until full details of the proposed drainage package treatment plant and surface water drainage system have been submitted to and approved in writing by the local planning authority. The drainage package treatment plant and surface water drainage system shall be installed in accordance with the approved details prior to first use of the holiday lodges.
- 6) No development shall commence until details of the access, parking and turning area for vehicles have been submitted to and approved in writing by the local planning authority. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter only be used at all times for those purposes.
- 7) No development shall commence until full details of both hard and soft landscape works, and a programme for their implementation, have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in accordance with the approved implementation programme. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the local planning authority, seriously damaged or defective, shall upon

written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

- 8) No gates provided to close the proposed access shall be set closer than 5 metres from the carriageway edge and shall be made to open inwards only.
- 9) The holiday lodges shall be occupied for holiday purposes only; and shall not be occupied as a person's sole, or main place of residence. The owners of the holiday lodges shall maintain an up-to-date register of the names of all occupiers of the lodges and their main home addresses, and shall make this information available at all reasonable times to the local planning authority.
- 10) No external lighting shall be installed on the site, until a lighting plan has been submitted to and approved in writing by the local planning authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's *Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting* (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

END OF SCHEDULE