
Appeal Decision

Site visit made on 25 March 2019

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th April 2019

Appeal Ref: APP/L3245/W/18/3219323

The Old and New Stations, Leaton Hall Junction B5067 to Station House Junction, Bomere Heath, Shrewsbury SY4 3AP

- 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 Lord Ambrose Langley-Ingress against the decision of Shropshire Council.
 - The application Ref 18/00544/OUT, dated 31 January 2018, was refused by notice dated 27 September 2018.
 - The development proposed is to include access arrangements and the proposed siting of two holiday lets.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline, with only access to be determined at this stage. I have dealt with the appeal on that basis. The drawings submitted with the application indicate the layout of the two holiday lets. In addition, the supporting information indicates that the holiday lets would be detached, two-storey, four-bedroom buildings. However, as the application form clearly identifies 'Layout' and 'Scale' as not being reserved matters to be determined at this stage I have treated these matters as indicative only.

Main Issues

3. The main issues are the effect of the development on the character and appearance of the area, including the non-designated heritage asset, and whether the site is a suitable location for tourist accommodation, having regard to local and national policy.

Reasons

Character and Appearance

4. The appeal site is located within the open countryside and lies adjacent to a railway line. It is currently a vacant parcel of land adjacent to the 'The New Station' and 'The Old Station', which are located immediately to the south. Together with the existing buildings, the overall site once formed the historical Leaton railway station. To the north east is a cricket field and on the opposite side of the railway track are open fields. Whilst to the south are industrial buildings, these are on the opposite side of the road and therefore, due to this

- separation, I consider that the appeal site is read in the context of the surrounding rural setting rather than the industrial buildings. Due to its low profile, the railway track is not readily visible within the landscape and does not detract from the rural setting. The overall openness of the site makes a positive contribution to the open and rural character of the area.
5. The New Station is of red brick construction with blue brick quoins and window surrounds with prominent decorative brick chimneys. Due to its modest size and simple form, the building is clearly read as being subservient to the larger Old Station. This also reflects the original functional relationship between the two buildings. There is no dispute between the parties that the building is a non-designated heritage asset. I consider that its significance derives from the character and appearance of the building and its historic association as a railway station facility.
 6. Due to the narrow width and long length of the site, it is likely that the holiday lets would be sited along the railway track, similar to the existing two buildings. Whilst the layout and scale of the holiday lets are reserved matters, in conjunction with the existing buildings, it is likely that they would create a linear pattern of development extending away from the road and along the railway track. Due to the openness of the site, the holiday lets would likely be highly prominent in the landscape, particularly on approach along the road from the west. As a consequence, the erosion of three-dimensional space and the intrusive built form would erode the openness of the area and create a more urban form of development that would be detrimental to the rural character of the area.
 7. Furthermore, whilst scale is not considered at this stage, the appellant states that the holiday lets would be two-storeys. As a consequence, they would likely be significantly larger than the New Station and therefore fail to reflect the modest size of the building. Moreover, it would fail to respect the built form of the existing buildings, which diminish in scale from the road along the railway track. Therefore, the proposal would be detrimental to the significance of the non-heritage asset.
 8. The appellant states that the residential development that is currently under construction in Bomere Heath would eventually bound the football pitch and cricket ground to the north of the site as per the allocation in the Local Plan Review. Whilst the site to the north of the football pitch is identified as a preferred site for housing, there is no evidence before me of the current status of the Review and therefore I can only attribute it limited weight. In any event, if the proposed allocated site was developed for housing, the openness of these sports facilities would create a transition between the rural setting, within which the appeal site is located, and the urban form of the settlement. Therefore, even if the allocated site in the Review was developed, I do not consider that the proposal's significantly harmful effect on the character and appearance of the area would be reduced to such an extent that it would be acceptable.
 9. I have had regard to the use of landscaping to assist in reducing the visual impact of the development. Whilst no details of landscaping have been provided, I am not satisfied that this would be effective at mitigating the harm to the character and appearance of the area, particularly as it would take time to establish.

10. I find therefore that the proposal would significantly harm the character and appearance of the area and the significance of the non-designated heritage asset. As such, it would fail to comply with Policies CS6 and CS17 of the Shropshire Core Strategy (CS) 2011, which seek to ensure that development protects, restores, conserves and enhances the built and historic environment. It would also fail to comply with Policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan 2015, which seek to ensure that development contributes to and respects local distinctiveness or valued character and protects the historic context and character of heritage assets and their significance, including non-designated heritage assets. Furthermore, it would fail to comply with the design and historical environment objectives of the National Planning Policy Framework (the Framework).

Suitable Location

11. Despite the appellant's argument that the site forms part of an industrial setting, for the purposes of the development plan, it lies within the open countryside.
12. Policy CS5 of the CS restricts new development in the open countryside to appropriate sites which maintain and enhance the character and vitality of the countryside, and where they improve the sustainability of rural communities by bringing local economic and community benefits. In particular, this may include sustainable rural tourism which requires a countryside location, and which accords with Policies CS16 of the CS.
13. In support of Policy CS5, Policy CS16 of the CS states that visitor accommodation should be in accessible locations, served by a range of services and facilities. In rural areas it should be of an appropriate scale and character for its surroundings and be close to, or within, settlements or an established tourism enterprise where accommodation is required.
14. The site forms part of an existing bed and breakfast business that operates from the Old Station. The proposal would expand this existing business. The appellant contends that the holiday lets would be focused on providing accommodation that would be accessible for all.
15. I acknowledge that the appellant has permission to use the cricket pitch in order to access the newly constructed footpath that leads into the village and the services contained within it. However, there is no evidence before me of the circumstances of this agreement and therefore I cannot be certain that is on a permanent, formal basis. Accordingly, I attribute this agreement limited weight and have based my assessment of the accessibility of the proposal on the route that the users of the proposed accommodation would have a right of access. This route would in part be along a relatively busy, unlit road with no footway, which would be unattractive for visitors to walk. Nevertheless, the nearby bus stop would allow access to the local bus service that has good links with Shrewsbury.
16. Notwithstanding this, Policy CS16 of the CS requires development to be of an appropriate scale and character to their surroundings. For the reasons I have set out in the first main issue regarding the harm to the character and appearance of the area and the non-designated heritage asset, the proposal would fail to satisfy this requirement and therefore fail to accord with Policy

- CS16. For the same reason, it would fail to satisfy Policy CS5 of the CS, which seeks to ensure that development in the open countryside maintains and enhances the character and vitality of the countryside.
17. Policy MD11 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan December 2015 provides further support to Policies CS5 and CS16 of the CS, stating that tourism development proposals that require a countryside location will be permitted where the proposal complements the character and qualities of the site's immediate surroundings. It also states that holiday let development that does not confirm to the legal definition of a caravan, and is not related to the conversion of existing appropriate rural buildings, will be resisted in the countryside following the approach to open market residential development in the countryside under Policies CS5 and MD7b. I acknowledge that the proposed development for the conversion of the New Station¹ comprises a conversion in accordance with Policy MD11 and MD7b. However, whilst it is on the same overall site as the appeal site and is in the same ownership, it is a separate development.
18. Whilst it is not explicitly clear in the submission as to how the lets would be constructed, based on the indicative drawings and the appellant stating that they would be two-storey buildings they would not fall within the definition of a caravan or comprise a conversion. Accordingly, it would fail to comply with Policy MD11.
19. The submitted Business Plan states that the proposal would be privately funded and provide tourist accommodation where there is currently very little within the area. Although the Business Plan provides details regarding the current number of rooms within the existing bed and breakfast, there is no information regarding the viability of the business or whether there is a demand for further accommodation due to a lack of capacity. I acknowledge that the proposals would provide more accessible accommodation, which is very limited within the existing business. However, there is no substantive evidence that there is a demand for two holiday lets that would provide such accommodation.
20. I find therefore that due to the harmful effect of the proposal on the character and appearance of the area; the fact that the holiday lets would be purpose built buildings and not fall within the legal definition of a caravan; and, that there is insufficient evidence demonstrating that the existing business is viable, the site is not suitable for the proposed tourist accommodation. As such, it would be contrary to Policies CS5 and CS16 of the CS and Policy MD11 of the SAMDev. It would also be contrary to Policies MD2 and MD4 of the SAMDev, which seek to ensure that development contributes to and respects local distinctiveness or valued character and employment development is on suitable development sites. Furthermore, it would fail to comply with the objectives of the National Planning Policy Framework, which promote sustainable rural tourism.
21. The Council also rely on Policy CS1 of the CS. However, this is a strategic policy which does not restrict rural tourism development. In addition, the Council also relies on Policy CS11 of the CS and, which relates to housing need. Furthermore, MD7b does not relate to new build tourist accommodation. Accordingly, as the proposal is for new build tourist accommodation, I find no conflict with these policies.

¹ Appeal Ref APP/L3245/W/18/3219326

Other Matters

22. The appellant argues that that as the Local Plan is currently under review it is therefore not up to date and as such the presumption in favour of sustainable development applies. However, the review is a legal requirement for all local plans. I do not consider that this review makes the relevant development plan policies out of date for the purposes of paragraph 11 of the Framework. Therefore, paragraph 11d of the Framework is not engaged.
23. I acknowledge that the proposal would comprise the redevelopment of previously development land. However, I do not consider that this outweighs the harm I have identified above.

Conclusion

24. For the reasons given above, the appeal is dismissed.

Alexander Walker

INSPECTOR