



Appeal Decision

Site visit made on 4 March 2019

by Jan Hebblethwaite MA Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 2nd May 2019

Appeal Ref: APP/L3245/W/18/3218574
Summerhill, Trefonen, Oswestry, SY10 9DT

- 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 S Gaddoura against the decision of Shropshire Council.
 - The application ref 18/03422/OUT, dated 24 July 2018, was refused by notice dated 2 October 2018.
 - The development proposed is the provision of three holiday chalets.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The site address in the heading to this letter is as used by the Council and as set out on the appeal form. I have adopted the address from the appeal form and consider it to be accurate.
3. The application is made in outline form with all matters reserved.

Main Issue

4. The main issue is whether the benefits of the proposed chalet development to tourism and economic development in the countryside are sufficient to outweigh the policy requirement that such development should be within or close to existing settlements.

Reasons

5. The site is located in the countryside some 5 minutes' drive from the village of Trefonen. The chalets are proposed to be built within the extensive grounds of a recently renovated cottage. The site of the chalets is lower than the road and is part-way down steeply sloping paddock land, with views over countryside towards the village. The appellants intention is to cut the chalets into the slope, thereby reducing their impact on the immediate area.
6. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that planning applications and appeals are to be determined in accordance with the development plan policies for the area unless material considerations indicate otherwise.

7. Policy CS1¹ sets out the strategic approach for Shropshire and confirms that development will be located primarily in community hubs and clusters. Outside these settlements, development will primarily be for economic diversification and to meet local needs for affordable housing. SAMDev² contains a table at MD1.1 which identifies community hubs and clusters. Trefonen does not appear in the table.
8. Policy CS5 provides that development in the countryside will be strictly controlled in accordance with national planning policies. The policy states that development on appropriate sites which maintain and enhance the countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. These may include small scale new economic development diversifying the rural economy, including farm diversification schemes.
9. Policy CS5 requires applicants for development in the countryside to demonstrate the need and benefit for the development proposed. Development is expected to be in primarily recognisable named settlements or linked to other existing development and business activity.
10. Policy CS16 deals with tourism culture and leisure. This policy acknowledges the role tourism plays in the local economy and lists matters which will be relied upon in making decisions on planning applications. These include supporting new tourism development which is appropriate to its location, and which enhances and protects the existing tourism offer in Shropshire.
11. SAMDev policy MD11 deals with tourism facilities and visitor accommodation. Where holiday accommodation is not a caravan and is not related to the conversion of existing rural buildings, development will be resisted.
12. Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development which in this case means granting permission for development which accords with the up-to-date local development framework.
13. The roads leading to the development site are narrow and with bends which could place pedestrians at risk. It is unlikely that the occupiers of the chalets would walk to Trefonen around the roads, not least because there is a steep hill to climb on the way back. The public footpath which runs through the site, descends steeply to access the village. The appellant has indicated that cycles will be available for use by the visitors free of charge, but there is no guarantee that they would be used. The steep hill up to the site presents the same difficulty for cyclists as for walkers.
14. The appellant points out that most supermarkets make deliveries which means that the occupiers would not need to use a car to shop. However, no guarantee can be offered that supermarket deliveries would always be used by the occupants. In any event, the delivery of goods by van would also create vehicular trips.
15. The policies require that new tourism development should be appropriate to its location. Whilst the setting for the chalets is peaceful and attractive, there is a lack of connection with existing facilities which would attract tourists, necessitating car journeys to attractions at some distance from the site.

¹ Shropshire Local Development Framework

² Shropshire Council Site Allocations and Management of Development Plan

16. The appellant has described the potential for “visitor spend” as a benefit of the development. I have some doubts that this spend would be in the locality because of the need to travel by car to reach popular visitor attractions and other local services. As a result, there is likely to be little by way of contribution to community benefits or the local economy. Furthermore, the proposals do not arise from an existing business and are not linked to an existing settlement.
17. For these reasons, the proposal is not development which is appropriate to its location under Policy CS16 and does not fall into the categories of development which would be permitted in the countryside under Policy CS5. The proposal for holiday-let accommodation is not a conversion of an existing building and does not therefore comply with Policy MD11. I have looked at the development proposals in the context of Policies MD2 and CS17 (design and protection of the environment). Whilst I accept that the proposed development would have no adverse effect, the absence of harm does not satisfy the requirements of the policies which require protection and enhancement of the natural environment.
18. I conclude that the proposal is not sustainable development and the presumption in favour of sustainable development (NPPF para 11) does not apply.

Other matters

19. The Council acknowledge that the appearance of the development would not give rise to visual harm and as all details are reserved, the Council would have control over the detailed design and exact location of the chalets, if the appeal were to be allowed. This matter does not add to or alleviate my concerns.
20. The appellant states that his proposals will demonstrate that the buildings will be sustainable because they would be wholly recyclable. As the application was made in outline form with all matters reserved, I am only considering the principle of development in this decision letter, rather than the design and construction of the buildings.

Conclusion

23. I note the support of the Parish Council for the scheme, nevertheless, for the reasons given above and having regard to all other matters raised, I conclude that the appeal be refused

Jan Hebblethwaite

INSPECTOR