



## Appeal Decision

Site visit made on 15 June 2023

**by Gareth W Thomas BSc (Hons) MSc (Dist) DMS MRTPI**

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

**Decision date: 24 July 2023**

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### **Appeal Ref: APP/L3245/W/22/3295124**

### **Boundary Cottage, Linley, Bishops Castle, Shropshire, SY9 5HW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
  - The appeal is made by Mr GW Pryce against Shropshire Council.
  - The application Ref 21/05140/FUL, is dated 23 November 2021.
  - The development proposed is for the change of use of agricultural land for siting of three camping pods, installation of septic tank, formation of parking area and landscaping works.
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### **Decision**

1. The appeal is dismissed.

### **Main Issue**

2. The main issue is whether the development is in an appropriate location having regard to national and local planning policies.

### **Reasons**

3. The site is located within open countryside and in an area generally vacant of buildings save for a few scattered dwellings and farmsteads. Although it is some 0.8km from Norbury according to the Council, this small rural settlement has limited facilities other than a pub and a church. The appeal site comprises a sloping agricultural field that is separated from the unclassified highway by a high mature hedgerow. It appears that the adjoining small cottage is in holiday use; the appellant maintains that this proposal would complement the use of that property.
4. I travelled up and down the lanes that serve the site and found that they were of narrow single width with high banked hedges, few passing places and no footways. At certain points, intervisibility through the bends was inadequate. I drove to the nearest town of Bishops Castle and the large village of Churchstoke as these would provide the facilities necessary for people coming to Norbury for vacation. From the public footpath to the east and roughly at the same elevation as the appeal site, the vistas over far-reaching countryside and rolling hills are very attractive.
5. It is a significant distance from any settlement as defined in the Core Strategy (CS) or Shropshire Council Site Allocations and Management of Development Plan 2015 (SAMDev). CS policy CS4 looks to make rural communities more sustainable by resisting development outside defined settlements unless it meets CS policy CS5. This allows proposals which maintain and enhance countryside vitality and improve the sustainability of rural communities by

- bringing local economic and community benefit. Policy CS5 goes on to list developments which could be permissible.
6. The first criterion in the policy CS5 refers to small-scale development that diversifies the local economy. It is expected that such schemes will be in settlements or linked to existing development and business activity. The sixth criterion allows sustainable rural tourism, leisure and recreation proposals which require a countryside location in accordance with CS policy CS16. Amongst other things, this policy places an emphasis on visitor accommodation in accessible locations served by a range of facilities. Also, these proposals should be close to or within settlements or at an established tourism enterprise where accommodation is required.
  7. CS policy CS16 provides no guidance as to the meaning of 'close to a settlement' but whilst the closest settlement of Norbury is relatively close-by, the site is some distance from any notable town or village containing services. There are no serviced shops, catering outlets or built tourist venues convenient to the development. There would be a high reliance on the motor vehicle to access even the most basic of facilities. This would not be sustainable in terms of the National Planning Policy Framework (the Framework).
  8. The appellant believes that the scheme is in line with the aims of CS policy CS16 to support tourism development which diversifies the existing offer and promotes visitors' access to the natural environment and rights of way network. However, compliance in these regards does not address the specific policy requirement in respect of the location of visitor accommodation. The development is outside and not close to a settlement and it is not linked to an established business in the manner intended in that policy. As such, it would not accord with CS policy CS16 when read as a whole and bullet points 1 or 6 under CS policy CS5.
  9. The CS and SAMDev policies are consistent with the Framework in terms of the stated support for sustainable rural tourism and leisure development. The Framework recognises local rural business needs may have to be accommodated on sites beyond existing settlements. However, at the same time it encourages the use of sites that are physically well-related to settlements where opportunities exist and it appears to me that the appeal site is not well connected to any settlement containing services.
  10. The site is relatively steeply sloping and elevated above the road. The removal of a highly attractive roadside hedge to facilitate an access, which would be cut into the bank to provide necessary visibility splays would result in a stark development out of keeping with the tranquil rural character and appearance of the area. While the appellant describes the site of the glamping pods as a plateau, it would still be visible from surrounding roads and countryside and represent a discordant feature in an otherwise unspoilt countryside.
  11. For the above reasons, I conclude the development is not in an appropriate location having regard to CS policies CS5, CS13 and CS16 and SAMDev policy MD11.

### **Planning Balance and conclusion**

12. The support for the proposal by local residents is noted. However, this fails to address the identified non-compliance with development plan policies and so

attracts limited weight in my consideration. I have no reason to dispute the fact that the development would help meet demand for local holiday accommodation and promote tourism, which is supported in general terms in the development plan and the Framework. I also accept that visitor spend in the local area would also represent a modest boost to the local economy but as noted above, this would be in Bishops Castle or Churchstoke rather than in the immediate area. Nevertheless, I attach modest weight to this factor.

13. However, these benefits do not outweigh the harms that have been identified. The conflict with CS and SAMDev policies means the scheme is contrary to the development plan when read as a whole. Its benefits and other considerations are of insufficient weight to justify allowing the appeal contrary to the development plan policies. As such, I conclude the appeal should not succeed.

*Gareth W Thomas*

INSPECTOR

