



## Appeal Decision

Site visit made on 7 August 2023

**by Ben Plenty BSc (Hons) DipTP MRTPI**

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

**Decision date: 18<sup>th</sup> August 2023**

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**Appeal Ref: APP/L3245/W/22/3312262**

**Clee Stangate Cottage, Clee Stanton, Shropshire SY8 3EL**

- 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 & Mrs Matthew & Kate Brown against the decision of Shropshire Council.
  - The application Ref 22/02748/FUL, dated 12 June 2022, was refused by notice dated 12 August 2022.
  - The development proposed is Change of use of land and the erection of caravan accommodation in association with an existing dog training business and alterations to existing vehicular access, including some demolition.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The proposal includes the provision of a caravan to provide overnight accommodation in support of a dog training business. Main parties agree that this accommodation would meet the definition of a caravan, under S29(1) of the Caravan Sites and Control of Development Act 1960. Accordingly, the proposed development primarily relates to the material change of use of land to accommodate a caravan. I shall deal with this appeal on these terms.

### Main Issue

3. The main issue is whether the proposed use would be in a suitable location with respect to local and national policies.

### Reasons

#### *Planning policy*

4. The development plan for the district includes the Shropshire Core Strategy [2011] (CS) and the Shropshire Council Site Allocations and Management of Development (SAMDev) [2015]. It is a matter of dispute between parties whether the proposed accommodation would be in support of tourism or business purposes. However, I find both tourism and business-related policies to be relevant for the consideration of this proposal in providing accommodation for visitors.
5. CS Policy CS5 seeks to strictly control development in the countryside. It supports development in rural locations that would maintain and enhance the vitality and character of the countryside and would bring local economic and community benefits. In terms of new dwellings, it supports those that would be for agriculture and forestry or essential countryside workers. It also states that

applicants would need to demonstrate the need and benefit for the development and for it to take place in named settlements or be linked to existing business activity. This spatial housing approach is consistent with the aims and objectives of the National Planning Policy Framework (the Framework) that seeks to locate new development in locations that can gain access to infrastructure and facilities.

6. CS policy CS16, relating to tourism, culture and leisure, supports sustainable tourism that would be sensitive to the district's intrinsic natural and built environment. It supports schemes that aim to diversify the rural economy for tourism that are appropriate in terms of their location, scale and nature. Furthermore, SAMDev policy MD11, concerning tourism and visitor accommodation, identifies that this would be supported where it would complement the character and qualities of the site's surroundings, and meet other policies in the plan.
7. CS policy CS13, relating to economic development, recognises the continued importance of supporting rural enterprise and diversification, where it would accord with CS policy CS5. The Framework supports this approach at paragraph 84. This states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas. It also supports the diversification of land based rural businesses, through sustainable rural tourism, which respects the character of the countryside.

#### *Suitability of location*

8. The appeal site is a small parcel of land within a corner of a field adjacent to the Appellants' home and business. The site is occupied by a small metal building and is adjacent to the highway, with access provided by a field gate.
9. The site is accessed by a single width country lane, similar in character to local roads, and connects to the B4364 after around 3kms. The lane provides limited passing points for vehicles travelling in opposing directions for long periods. Although, the proposal would generate limited new traffic to the site, the narrow nature of the site's local lanes identifies a location that is poorly connected to the local highway network.
10. The caravan would provide accommodation for customers seeking to obtain dog training who need to stay close to the site for the duration of the training over several days. Nonetheless, as existing and proposed numbers of customers attending the training use are not disclosed in evidence, it is unsubstantiated that traffic impacts would be no greater or reduced in comparison to the existing arrangement.
11. The Appellant's profit and loss information demonstrates that the business is relatively well established and generates a positive, albeit modest, profit. However, this does not differentiate between the breeding and the training parts of the business. It appears that only the training business requires overnight accommodation. As such, the Appellant has failed to demonstrate that the dog training use is a viable or material component of the business, necessitating on site accommodation. Although recognising that the two components are described as interlinked, it has not been shown that overnight accommodation would be necessary for the business as a whole to grow. This is particularly pertinent as it has not been clearly demonstrated that dog training is an established and substantial part of the business.

12. Consequently, the proposal fails to demonstrate how the two elements would relate to each other, it is also noted that the training use is beyond the application site and not in itself subject to planning approval. Therefore, the evidence does not clearly demonstrate that the proposal would be intrinsically linked to an existing, substantive rural business.
13. Bullet point 7 of CS policy CS16 supports high quality visitor accommodation in accessible locations served by a range of services and facilities. The site is within a location accessed by narrow lanes and is therefore within a relatively inaccessible location in conflict with this policy. Further, I am unconvinced that a planning condition, linking the caravan use to the dog training business that has not been shown to be substantive, would be reasonable or enforceable.
14. Accordingly, the proposed use would not be in a suitable location with respect to local and national policies. Consequently, for the above reasons, the proposed development would fail to comply with CS policies CS5, CS13 and CS16 and SAMDev policy MD11.

### **Other Matters**

15. The site is within the Shropshire Hills Area of Outstanding Natural Beauty. The caravan would be located adjacent to hedge and tree screening limiting views from most vantage points. Consequently, the proposal would not harm the character or intrinsic beauty of the countryside. However, an absence of harm in this respect is only a neutral factor in the planning balance.
16. The Council has questioned the lawfulness of the dog breeding and training uses, stating that neither have the benefit of planning permission. The Appellant has asserted that both uses have been in place for over 10 years. However, this has not been substantiated through a Certificate of Lawfulness and is eroded by the email from the planning agent in November 2021 that seems to state that dog training would be a new venture. Also, the financial details only cover two years of business, which in covering a limited timeframe, does not demonstrate a long-established use.
17. My attention has been drawn to the Council's recent approval of a caravan at Asbatch Farm<sup>1</sup> by the Appellant. Whilst each case must be considered on its own merits, it seems that that case related to an established tourism business and did not raise concerns of accessibility. For these reasons that scheme was substantially different to the proposed development.
18. Health related issues have required one of the Appellants to find alternative employment. This appears to partly motivate the Appellants' efforts to widen the business to create greater income. This is recognised although this would be a private benefit of limited weight in support of the proposed scheme.

### **Conclusion**

19. For the above reasons, the appeal is dismissed.

*Ben Plenty*

INSPECTOR

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<sup>1</sup> Appellants Statement of Case, Appendix 4, officer report