



Appeal Decision

Site visit made on 30 April 2018

by **Alexander Walker MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24th May 2018

Appeal Ref: APP/L3245/W/17/3191251

Sheinwood, Sheinton, Shrewsbury, Grid Ref Easting: 361576 Grid Ref

Northing: 302734

- 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 Neil Maybury against the decision of Shropshire Council.
 - The application Ref 17/02677/FUL, dated 2 June 2017, was refused by notice dated 17 August 2017.
 - The development proposed is the conversion of existing 1.5 storey outbuilding to form 2 storey, low impact timber framed holiday let accommodation.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the description of the development as set out in the appeal form. This is more accurate than that set out in the application form. I have determined the appeal on that basis.

Main Issues

3. The main issues are whether the site is a suitable location for tourist accommodation, having regard to local and national policy; the effect on the character and appearance of the area; and, the effect of the development on biodiversity.

Reasons

Suitable Location and Character and Appearance

4. Policy CS5 of the Shropshire Core Strategy (CS) 2011 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 and CS17 of the CS.
5. 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. The policy allows

- conversions of rural buildings which take account of and make a positive contribution to the character of the buildings and the countryside.
6. Policy CS17 of the CS, amongst other things, seeks to ensure that new development protects and enhances Shropshire's natural, built and historic environment.
 7. 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. I note that the appellant states that Policy MD11 does not relate to conversions. However, it clearly refers to tourism development, which the proposal is for, and therefore is relevant.
 8. Paragraph 28 of the National Planning Policy Framework (the Framework) states that in order to promote a strong rural economy local policies should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. I find no inconsistency between the development plan policies and the Framework.
 9. The appeal site is located within Sheinwood, which comprises a collection of several dwellings and holiday lets. There is no evidence before me that there are any public services or facilities available within Sheinwood. Access to the site is via a narrow country lane that serves the two existing neighbouring dwellings – Sheinwood Manor and Sheinwood Cornmill. The lane is unlit and has no footways. The nearest settlements of Sheinton and Homer are only a short distance from the appeal site. Notwithstanding the limited facilities and services available in these settlements, the route to these is via an unlit road with no footway, which would be unattractive for visitors to walk. There are also a number of public footpaths within the vicinity of the site, which provide access to these settlements and the wider area. However, these are similarly unlit and, particularly in inclement weather, would also be unattractive to visitors.
 10. I note the appellant's argument that Sheinwood would accord with the Oxford Dictionary's definition of a 'settlement'. However, the final bullet point of Policy CS16 of the CS seeks to ensure that tourist development is in accessible locations served by a range of services and facilities. It then goes on to state that in rural areas such development should be close to or within settlements. Given the lack of accessibility of the site to services and facilities, I do not consider that Sheinwood is a settlement envisaged by Policy CS16. Furthermore, given that the roads and footpaths leading to the nearby settlements of Sheinton, Homer and Much Wenlock would likely be unattractive to pedestrians, and therefore it is reasonable to conclude they would use a private car, for the purposes of Policy CS16, I do not consider that the site would be close to a settlement either.
 11. Moreover, whilst the public footpaths may be used by walkers seeking to enjoy the intrinsic natural beauty of the countryside, in particular the Shropshire Hills AONB, the historic town of Much Wenlock and Iron Bridge are not within reasonable walking distance. Consequently, it is reasonable to conclude that such tourist attractions would likely be accessed via the use of a private car.

Overall, the proposed development would not represent the accessible type of location envisaged by Policy CS16. I have had regard to the appellant's contention that the proposal need not satisfy the bullet points of Policy CS16. Nevertheless, it must satisfy the opening paragraph to the policy.

12. The proposal is described as the conversion of the existing building. However, it is not clear to what extent the existing building would be retained. The existing building is a modest single-storey double garage with storage space in the loft. Whilst no longer associated with Sheinwood Cornmill, it nevertheless remains visually subservient to it. In addition, its modest size ensures it is not intrusive in this open countryside location. The drawings indicate a significantly higher building than the existing with an extension to the side and a porch. The chalet style design of the proposed building would have little regard to the simple, modest character of the existing garage. Moreover, by reason of its increased height and bulk, the building would appear as a significantly more dominant and intrusive feature within the area. This dominance would be exacerbated by its elevated position on the side of the hill above that of Sheinwood Cornmill. Consequently, the proposal would not make a positive contribution to the character of the existing building and the immediate surroundings. I have had regard to the proposed screening of the building through additional planting. However, this would take time to establish and I am not satisfied that it would adequately screen the building or that non-native species would be appropriate to the woodland setting.
13. The appellant also contends that the proposal satisfies the first bullet point of Policy CS5 of the CS, which allows for small-scale new economic development diversifying the rural economy. However, the indent below the second bullet point clearly states that applicants will be required to demonstrate the need and benefit for the development proposed. It goes on to state that development will be expected to take place primarily in recognisable named settlements or be linked to other existing development and business activity where this is appropriate. There is no evidence before me demonstrating the need for holiday lets in this area. In addition, the site is not within a recognisable named settlement or linked to an existing development and business.
14. Visitors to the accommodation would make a positive contribution to the local economy and therefore be of benefit to local business and tourist facilities. However, given the scale of the proposal, this economic and community benefit would be very limited.
15. I therefore conclude that the proposal would not be situated in an accessible location and would significantly harm the character and appearance of the area, contrary to Policies CS5, CS16 and CS17 of the CS and Policy MD11 of the SAMDev. In addition, it would also fail to accord with Policy MD2 of the SAMDev, which seeks to ensure that development contributes to and respects locally distinctive or valued character. Furthermore, it would fail to accord with tourism and design objectives of the Framework.
16. In their first reason for refusal, the Council have cited Policy MD7a of the SAMDev, which relates to housing in the countryside. It is not proposed that the building would be used as a dwelling. Nevertheless, this does not affect the overall conflict the proposal has with the Council's housing strategy.

Biodiversity

17. The Phase One Habitat Survey prepared by Arbor Vitae Environment Ltd submitted with the appeal indicates that subject to mitigation measures, including restricting external lighting and the installation of bat and bird boxes, the proposal would not have any harmful effect on habitats or protected species.
18. I note that the survey also indicates that the adjacent pond has 'excellent' potential for great crested newts. It also states that further investigative work is necessary to ascertain whether they are present. However, based on the evidence before me, I am satisfied that, were I minded to allow the appeal, an appropriately worded condition would ensure such investigative works are undertaken and any necessary mitigation measures are implemented.
19. I find therefore that the proposal would not have any significantly harmful effect on biodiversity and therefore would accord with Policy CS17 of the CS and Policy MD12 of the SAMDev, which seek to protect Shropshire's natural assets.

Other Matters

20. The appeal site is located within an attractive rural area within the Shropshire Hills Area of Outstanding Natural Beauty. Paragraph 115 of the Framework states that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty. The building would be adjacent to a wooded setting and would not be readily visible from public vantage points. The Council raise no objection with regard to the effect of the proposal on the AONB. Based on the evidence before, I concur with this view. I conclude therefore that the proposal would preserve the landscape and scenic beauty of the AONB.
21. Sheinwood Manor and Sheinwood Cornmill are grade II listed buildings. I have a statutory duty under sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard to the desirability of preserving the listed buildings or their settings. I must attach this duty significant importance and weight. Sheinwood Cornmill is a detached former mill. It is surrounded by woodland to the east and west and open fields to the north. The appeal site is located to the south east of the mill, adjacent to the woodland tree line. The existing garage is visible from numerous viewpoints from within the mill and its curtilage and the proposed building would be significantly more prominent. However, given the set-back position of the proposed building against the backdrop of the trees and the separation distance between the properties, I do not consider that it would significantly harm the setting of the mill.
22. With regard to Sheinwood Manor, given that there would be a greater separation distance than with the mill and views of the proposed building from it would be limited, although I accept that they would be obtainable from some parts of the extensive garden area, I do not consider that it would harm its setting. I note that whilst the Council recognise that the proposal must have regard to the sensitivity of the heritage assets, it raises no objection with regard to this matter. Based on the evidence before me, I find no reason to conclude otherwise. Accordingly, I find no conflict with Policy CS6 of the CS or

Policy MD13 of the SAMDev, which seek to protect heritage assets and the historic environment.

23. The appellant refers me to historical permissions for holiday lets at Sheinwood Barns¹ and Penkridge Cottage². Whilst I note that there are similarities between these schemes and the appeal proposal in terms of location, these schemes appear to have been granted against different local and national policies than the proposal before me. Therefore, it is not possible to conclude that the Council has been inconsistent in applying the relevant development plan policies.
24. I acknowledge the apprehension of neighbouring residents with regard to noise generated by occupants of the holiday let. However, given the separation distances between the properties, I do not consider that any noise would have a significantly harmful effect on the living conditions of neighbouring residents.
25. Concerns regarding contributions to the maintenance of the access road have not had any bearing on my considerations of the planning merits of the proposal.
26. I have had regard to the proposed use of a septic tank and I am satisfied that, subject to appropriately worded conditions, any potential effect on watercourses within the vicinity of the site could be adequately mitigated against.

Conclusion

27. I find that the proposal would not have any significantly harmful effect on biodiversity. However, this is a neutral effect and does not affect the harm the proposal would have on the character and appearance of the area and the harm by virtue of undermining the Council's tourism strategy.
28. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR

¹ LPA Ref SA/99/0077

² LPA Ref SA/02/0507/F