
Appeal Decision

Site visit made on 10 March 2014

by Elizabeth Jones BSc (Hons) MTCP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 March 2014

Appeal Ref: APP/L3245/D/14/2213072

15 The Knotches, Seifton Batch, Craven Arms SY7 9LQ

- 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 Roger Bowsher against the decision of Shropshire Council.
 - The application Ref 13/02643/FUL, dated 3 July 2013, was refused by notice dated 20 November 2013.
 - The development proposed is to erect a steel framed building on a concrete base.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application forms refer to the site as The Notches. The Council's refusal notice refers to the site as The Knotches. The appeal forms and the submitted plans refer to it as 15 The Knotches. I have therefore taken 15 The Knotches as the name of the site in this decision.
3. The submitted plan scale 1:500 shows the proposed building sited alongside the western boundary of the residential curtilage of 14 The Knotches. The submitted plan scale 1:2,500 shows a separation between the siting of the proposed building and the residential curtilage of No 14. This latter plan more accurately reflects what I saw at my site visit.
4. The Planning Practice Guidance came into force on 6 March 2014 and I have taken it into account in reaching my decision.

Main Issues

5. The main issues in this case are the effect of the proposal on: (a) the character and appearance of the area which lies within the Shropshire Hills Area of Outstanding Natural Beauty (AONB); and (b) the living conditions of the occupiers of 14 The Knotches having regard to outlook, light, noise and disturbance.

Reasons

Character and appearance

6. 15 The Knotches is a detached dwelling set in sloping spacious grounds. It is in an elevated, isolated, rural location within the Shropshire Hills AONB. The surroundings are notable for the distant views to the Clee Hills.

7. The property is accessed via a track from the B4368. A public footpath between the eastern boundary of No 15 and the rear boundary of No 14 joins this track. The proposed building would be sited adjacent to this public footpath approximately 120 metres from the main dwelling and other outbuildings. A further public footpath which crosses the garden area of No 15 affords views across the appeal site towards the Clee Hills.
8. The proposed steel framed building would be large, with an overall height of 6.5 metres. Whilst efforts have been made to site the building on the lowest part of the land, due to its size and height, it would be conspicuous in its open countryside setting and would have an imposing presence given its position adjacent to the site boundary and close to public footpaths.
9. Paragraph 115 of the National Planning Policy Framework (the Framework) indicates 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 proposal would result in a sizable building which would be prominent from localised viewpoints on the public footpaths and in the wider AONB.
10. I conclude that the proposal would detract from its rural setting and materially harm the intrinsic character and appearance of the area. It would also fail to conserve the landscape and scenic beauty of the AONB. The planting of trees around the proposed building would not overcome this harm.
11. Therefore, the proposal conflicts with Policies CS5, CS6 and CS17 of the adopted Shropshire Local Development Framework: Adopted Core Strategy (2011) and the Framework, which aim to maintain and enhance countryside character and the natural environment and safeguard the AONB from development which would harm its landscape and scenic beauty.
12. The appellant states that the building is necessary for the storage of tools and machinery used in connection with agricultural land and woodland adjacent to his property. Given the function of the building as ancillary to the domestic use of the property, any economic and employment benefits arising from the proposal are unlikely to be significant and would not justify this as an acceptable form of development in the countryside. In any event this does not outweigh the harm I have identified. Reference has also been made to agricultural buildings formerly on the site, but I have not been provided with any details for me to take into account in my decision.

Living conditions

13. Views of the appeal site from some of the first floor windows of No 14 are quite direct in nature. Whilst this would mean that the proposed building would be readily visible from these openings, it would be seen at a distance of over 30 metres. Given this degree of separation, I consider that it would not appear unduly overbearing from inside the property.
14. However, the proposal would introduce a steel and block work structure some 15.5 metres in width and up to 6.5 metres in height on the eastern boundary of the appeal site and within about 4 metres of the rear boundary of No 14. Whilst the conifer trees and fencing along this boundary would afford some degree of screening, due to the height of the building, the gap between the conifers and the difference in land levels the proposed building would be

prominent from No 14, and would dominate the outlook from its rear garden. As such, the building would have an overbearing impact on the garden area of No 14 which would make it a markedly less attractive one to enjoy. I understand the wishes of the neighbouring residents for their present view to remain unchanged; however this has no significant bearing on the planning merits of the proposal.

15. The occupiers of No 14 have expressed concerns regarding the loss of light to their house and garden. The proposed building would lie to the west of the dwelling, but due to the separation distance of at least 30 metres and allowing for the sloping land, I consider any loss of light to the house would not be significant. As to the garden, the existing conifers along the boundary already block some light to its western end. However, due to its size, the proposed building would cast a significant shadow onto the rear garden in the afternoon. Thus, the reduction in the current level of light to the garden would be below that which the occupants of No 14 could reasonably expect to enjoy.
16. With respect to noise and disturbance, the appellant states that the proposed building would be used to store, amongst other things, a tractor, tractor mower and mini-digger required for the maintenance of the land. Given the size of the building, there is scope to accommodate a significant amount of machinery which could prove noisy and give rise to an undue level of smells and fumes if used regularly. Due to the proximity of the building to No 14, such fumes and noise and disturbance could be harmful to the residents of No 14, and this adds weight to my concerns.
17. I conclude that the proposal would have an unacceptable adverse effect on the living conditions of the occupiers of No 14 The Knotches. It would therefore conflict with Policy CS17 of the Core Strategy which, amongst other criteria, aims to ensure proposed development safeguards residential amenity. The proposal would also conflict with one of the core principles of the Framework which seeks to ensure a good standard of amenity for all occupiers of land and buildings.

Conclusion

18. Having regard to all other matters before me, including the appellant's reference to local "verbal support" and his need for secure storage, I find nothing to outweigh the conflict with the development plan that would arise if the appeal were to succeed. I therefore conclude that the appeal should be dismissed.

Elizabeth Jones

INSPECTOR