



## Appeal Decision

Site visit made on 29 July 2019

**by A Denby BA(Hons) DipTP MRTPI**

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

**Decision date: 11 September 2019**

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**Appeal Ref: APP/L3245/W/19/3229542**

**Land east of Erdington Close, Shawbury SY4 4DQ**

- 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 P Davies against the decision of Shropshire Council.
  - The application Ref 18/03983/FUL, dated 24 August 2018, was refused by notice dated 27 November 2018.
  - The development proposed is for the extension and resurfacing of an agricultural field access track.
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### Decision

1. The appeal is allowed, and planning permission granted for the extension and resurfacing of an agricultural field access track at land east of Erdington Close, Shawbury SY4 4DQ, in accordance with the terms of the application Ref: 18/03983/FUL, dated 24 August 2018, and the plans numbered PD\_001 RevB & PD\_003, subject to the following condition:
  - 1) No agricultural machinery shall use the access track after 2300 or before 0700hours on any day.

### Procedural Matters

2. The description of development given above is taken from the Council's decision notice as the proposed development was amended during the application process. The description of the application did not refer to the agricultural field access track and the agricultural building referred to was subsequently removed from the proposed development. This is also the description used by the appellant on the appeal form.
3. Plans for the previous scheme have been submitted as part of the appeal. For the avoidance of doubt, I have determined the proposal on the basis of drawings ref: PD\_001 Rev B & PD\_03. The access track has already been constructed in accordance with these plans and therefore I am considering this appeal retrospectively.

### Main Issue

4. The main issue is the effect of the development on the character and appearance of the surrounding area.

## Reasons

5. The track extends from Bridge Way and largely follows the alignment of the existing field boundary terminating part way along the northern boundary. There are limited views of the access track from the public realm within the adjacent residential development. Whilst the track may be more visible from the dwellings closer to the field boundary any views will be limited due to existing boundary treatment, hedging and trees to the field boundary which screen the development.
6. The land levels within the field lower towards the track and residential properties and as such any longer views of the track from the surrounding countryside will similarly be limited.
7. I saw on site that due to the loose surface material used in the construction of the track, plants have begun to grow along and within the track itself, this aids in softening its visual appearance and assimilating it into the landscape
8. Whilst the hard surface of the track may become more apparent during winter months, due to its siting, design and the existing landscaping to the field boundaries I do not consider that it would be a highly visible or incongruous addition. Furthermore, any views of the track from the wider countryside would be viewed against the backdrop of the adjacent residential development.
9. I note that concerns have been raised in relation to the need for the track. However, the site is within agricultural use and the construction of a hard surface to improve access for large farm vehicles around the field is not unreasonable and I consider the width and extent of the track is consistent with its purpose and the area of land it serves.
10. For the reasons given above I therefore consider that the development is appropriate for its agricultural purpose and its siting and design ensure it does not have an adverse impact on the character and appearance of the surrounding area in accordance with the requirements of Policy MD7b of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan and Policy CS5 of the Shropshire Adopted Core Strategy which seek to ensure that developments do not result in unacceptable adverse environmental impacts and are well designed and located.

## Other Matters

11. Concerns have been raised with the safety of agricultural traffic accessing the site through a residential area, the speed of vehicles, mud on the road and damage to the highway. Whilst these concerns are noted it appears the access arrangement to the site off Bridge Way, which also includes access to the Severn Trent Sewage Pumping Station, has been in place for some time. The current proposals do not include any change to the site access nor intensification of the existing use and therefore would not impact on this existing situation.
12. The appellant has however indicated that the construction of the access track within the site will aid in reducing mud and debris on the road. Any future proposals to develop the site further would be subject to normal planning controls.

13. Concerns raised over flooding and drainage appear to relate to the construction of a building on site. This is outside the scope of this appeal. The appellant has indicated that the access track is of permeable construction and I note that the Council have raised no concerns in this regard. I have seen nothing that would lead me to a different conclusion.

**Conditions**

14. I have specified a condition restricting the hours of use of the access track. Whilst I acknowledge that the appellant currently has unfettered use the purpose of the track is to provide improved access within the site and as such will likely concentrate vehicular movements along the field boundary adjacent to the existing residential properties. Considering the proximity of the track to these residential dwellings it is considered reasonable to restrict its use to minimise any impacts to the occupants from noise and general disturbance. A condition relating to the plans is unnecessary in this case as the application is for retrospective permission.

**Decision**

15. For the reasons given above I conclude that the appeal should be allowed.

*A Denby*

INSPECTOR