



Appeal Decision

Site visit made on 4 April 2014

by G Powys Jones MSc FRTPI

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

Decision date: 22 April 2014

Appeal Ref: APP/L3245/A/14/2211475

Little Broomcroft, Kenley, Shrewsbury, SY5 6NQ

- 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 John Harmer against the decision of Shropshire Council.
- The application Ref 13/02812/FUL, dated 8 July 2013, was refused by notice dated 4 October 2013.
- The development proposed is a new two-bedroom bungalow for holiday letting in existing wooded area.

Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the sustainability of the proposal and its effect on the character and appearance of the surrounding countryside.

Reasons

3. The appeal site lies deep in the heart of the open countryside where local and national policies are generally inimical to new development other than in defined circumstances. One such circumstance, provided for in policy CS16 of Shropshire Council's Adopted Core Strategy (CS), is the provision of high quality visitor accommodation. However, the policy contains a proviso that '*..in rural areas, proposals must be of an appropriate scale and character for their surroundings, be close to or within settlements, or an established and viable tourism enterprise where accommodation is required. Where possible, existing buildings should be re-used.'*'
4. The CS was adopted a year or so before the publication of the *National Planning Policy Framework* (the Framework). However, the thrust of the policy is not inconsistent with provisions of the Framework at paragraph 28, in particular that local plan 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...*' In this regard CS policy CS16 is generally consistent with the provisions of the Framework and attracts full weight.
5. The proposed bungalow would be sited in an elevated position alongside a large open field on a cleared area of ground within a belt of trees. It would share an existing access off the public highway with Little Broomcroft, but in view of its

relative dislocation from that property, the new bungalow would also require a lengthy new drive to be built on a fairly steep slope at the edge of the field.

6. The proposal involves 'new-build' rather than the re-use of an existing building, and there is no suggestion that the accommodation is required in association with an established and viable tourism enterprise. Being isolated, the site is not within a settlement, and nor is it close to one, particularly one offering a range of services.
7. In this respect, I visited the church in Kenley and saw evidence in nearby buildings of a former school and post office, long disused for these purposes and converted to residential use. The appellant correctly describes Kenley's form as 'dispersed'; it has no clearly identifiable heart, and other than the church it does not appear to have retained any facilities. The nearest bus stop is said to be two miles away from the appeal site, and it is therefore likely, given the relative isolation of the appeal site from shops, pubs and other services that most, if not all journeys from the proposed tourist accommodation would need to be made by car.
8. The bungalow's design is such that it would not look out of place in an urban suburb, and there is no convincing evidence that its countryside location influenced its proposed appearance. Its main saving grace, given the screening currently afforded by trees, is that it would not be widely seen. However, the construction of an inappropriately designed building in this isolated location would materially affect the intrinsic character of this area of largely unspoilt and attractive countryside, to its detriment.
9. The proposal is therefore at odds with the provisions of CS policy CS16 in several respects, and does not amount to the form of sustainable rural tourism envisaged and encouraged in the Framework.
10. The appellant has pointed to several other matters which are material to my considerations, including:
 - the bungalow is designed to cater for the needs of disabled visitors, and a paucity of such accommodation exists locally;
 - the '*low carbon*' credentials of the property;
 - the attractiveness of the location to visitors;
 - that the applicant is employed in the agricultural industry and that the proposal is a diversification of such a use, assisting the local rural economy. In this respect, however, it was clarified at the site visit that the applicant's main connection with agriculture is in a consultancy role.
11. These considerations, singly and in combination, attract some but not sufficient weight to indicate that a departure from the provisions of the development plan is justified. The provisions of the development plan must therefore prevail.
12. I conclude that the proposal represents an isolated, unsustainable form of development in the terms of national and local policy and would harm the intrinsic character of the countryside. A conflict accordingly arises with those provisions of CS policy CS16 already referred to in paragraph 3 of this decision.

Other matters

13. The Parish Council objects to the proposal for much the same reasons as the Council. References to other development plan policies and to other parts of the Framework have been made, but the local statutory policy and those aspects of the Framework to which I have referred are considered the most relevant in the particular circumstances of this appeal.
14. The new national *Planning Practice Guidance* has been published recently, but having regard to the facts in this case and the main issues identified at the outset, it has no material bearing on my conclusions.
15. The appellant's reference to another appeal decision¹ concerned with new tourism accommodation in the area has been considered. I am not aware of all the details or circumstances of that case but they appear, judging from the published decision letter, to be significantly different to those before me. Of especial note is that the Inspector considered the other appeal site to be sufficiently close, particularly on foot, to two settlements offering shops, public houses and other services. The other site was also more accessible to public transport facilities.
16. All other representations have been taken into account but none are of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

¹ APP/L3245/A/13/2193029