



Appeal Decision

Site visit made on 28 November 2019

by **R Morgan MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 January 2020

Appeal Ref: APP/L3245/W/19/3236987

Shelvock Hall, Ruyton XI Towns, Shrewsbury, Shropshire SY4 1JL

- 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 James Corbett against the decision of Shropshire Council.
 - The application Ref 19/00075/FUL, dated 7 January 2019, was refused by notice dated 19 June 2019.
 - The development proposed is an agricultural building and access track.
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Decision

1. The appeal is allowed and planning permission is granted for an agricultural building and access track at Shelvock Hall, Ruyton XI Towns, Shrewsbury SV4 1JL in accordance with the terms of the application, Ref 19/00075/FUL, dated 7 January 2019, and the plans numbered AT-04; AT-03; AT-GD-01; AT-GD-02 and Landscaping plan AT-03, subject to the following conditions:
 - 1). Unless the approved landscaping scheme shown in plan AT-03 is implemented by the end of the first planting season following the date of this decision, the use of the building shall cease and all equipment and materials brought onto the land for the purposes of the use shall be removed until such time as the approved landscaping scheme has been implemented. Any trees which within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of a similar species, size and number, by the end of the first available planting season.
 - 2). Notwithstanding the provisions of Town and County Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification) no floodlighting or any other external lighting shall be installed at the site.

Procedural Matter

2. The agricultural building and access track which are the subject of this appeal have already been constructed. The application is therefore retrospective and I have determined the appeal on the same basis.

Main Issues

3. The main issues in this case are:
 1. Whether the location of the development is appropriate;
 2. Whether the amount of additional storage space is justified in relation to the size and nature of the agricultural operations;

3. The effect of the agricultural building and access track on the character and appearance of the area; and
4. Whether the access track is satisfactory for the type of development proposed.

Reasons

Location of the development

4. The appeal relates to a steel portal framed agricultural building which is located adjacent to another, slightly smaller agricultural building of a similar design. This second building has recently been constructed under permitted development rights, the Council having confirmed that prior approval was not required¹. Both buildings are in an elevated position on the top edge of a field which slopes up from the lane which is known as Grug Hill. The buildings are positioned in front of a coppice of trees, which has been partly cleared to accommodate them, and are served by an access track which runs from the lane up to the site, following the field boundary.
5. The main farm buildings at Shelvock Hall are located around 600 metres to the north east of the appeal building, on the other side of Grug Hill. The complex includes a number of listed buildings, and planning permission was granted in 2013 for the conversion of some of the buildings to leisure facilities including holiday accommodation and a function venue². This permission has been implemented and is therefore extant.
6. Policy MD7b of the Shropshire Site Allocations and Management of Development Plan 2015 (SAMDev) sets out criteria for assessing applications for new agricultural development. Criterion 3(b) states that, where possible, buildings should be sited so they are functionally and physically closely related to existing farm buildings.
7. In this case, the appeal building is located next to another barn which it is closely related to, both physically and functionally. The adjacent building may not have been completed when the Council made its decision, but by the time of my visit it was fully finished and in use.
8. I note the Council's concerns that the appeal building is located some distance from the original farm complex, and that options for siting it closer to those buildings have not been adequately addressed. It is clear, however, that once implemented, the approved leisure development will represent a significant change which will impact on the agricultural activity on the farm. Given the nature of the activities involved, a degree of functional and physical separation from the agricultural operation will be required.
9. Any new agricultural building would therefore need to be some distance from the original farm buildings and would have the potential to appear distinct from it. The appellant also states that the area to the north of the original buildings, suggested as an alternative location by the Council, would require extensive engineering operations to create level ground for an agricultural building. The siting of the appeal scheme, adjacent to another barn, set against the backdrop

¹ Application reference 17/00469/AGR

² Application references 11/05772/FUL, 11/05774/LBC

of the existing tree coppice and accessed via a shared track is therefore appropriate and justified.

10. I acknowledge the Council's concerns regarding the potential for fragmentation of the agricultural unit, and that further intensification of the area around the appeal site could cause harm to the rural character of the area. These concerns, whilst understandable, do not make the appeal development unacceptable. Any future proposals for development would need to be considered on their own merits.
11. I therefore conclude that by reason of its siting adjacent to an existing farm building, and set against the backdrop of the existing coppice, the location of the development is acceptable. In this regard there is no conflict with the requirements of SAMDev Policy MD7b 3(b). There is also no conflict with Core Strategy Policy CS5 which supports the principle of agricultural development in the countryside, or Core Strategy Policy CS6 and SAMDev Policy MD2 which are concerned with sustainable design.

Whether the additional storage space is justified

12. The farm is over 170 hectares in size and is a mix of arable and livestock. The appeal building is of a functional type and design which is clearly appropriate for agricultural use. It provides some 725 square metres of storage space which, in addition to the adjacent barn, gives a total floorspace of around 1,165 square metres.
13. The appellant confirms that, other than the appeal building and adjacent barn, the holding has no other agricultural buildings. Although the conversion of the original farm buildings is not yet complete, the Council accepts that they are in a dilapidated state and are no longer viable for modern farming. It is not unreasonable to expect a farm holding of this size to have agricultural buildings on site to support the activities on the farm.
14. I acknowledge that detailed evidence as to the farm operations and associated storage requirements is limited. However, invoices have been submitted which clearly show that the appellant has had to rent storage space in barns nearby. This indicates that alternative, off site options have been used to support the agricultural operation.
15. Furthermore, during my site visit I saw that the appeal building was being used for the storage of hay and housing cattle, whilst the second barn was being used for storing hay and tractors. Both buildings were well used and there did not appear to be any surplus storage space. Immediately behind the buildings was an area which had been cleared of trees and was being used for storage of tractors, trailers and other vehicles as well as hay bales and timber. Other livestock including sheep and guinea fowl were also present.
16. Based on the evidence provided, and observations at my site visit, I therefore conclude that the additional storage space is justified and proportionate to the size and nature of operations at the farm. As a result, there is no conflict with SAMDev Policy MD7b which permits agricultural development where it can be demonstrated that the development is of a size, scale and type which is consistent with its required purpose and the nature of the agricultural enterprise. There is also no conflict with Core Strategy Policy CS5 which supports the principle of new agricultural development in the countryside.

Character and appearance

17. The appeal building is sited in an elevated position but appears to be 'tucked in' in front of the coppice of trees and does not exceed them in height. The Council's statement refers to the building as having blue clad walls and a white colour roof. However, by the time of my visit the walls and roof had been changed to a dark green colour, to match the adjacent building. The trees behind the buildings are predominately coniferous and the dark green colour metal cladding of the barn helps it to blend in.
18. From the surrounding countryside, the undulating form of the landscape and the hedges which line the lanes provide effective screening from many vantage points. Where the building and adjacent barn are visible, the views are distant, across fields. Despite its size and position, the building does not appear as a prominent feature in the landscape.
19. Notwithstanding that, additional planting as shown on the landscaping scheme would provide better screening and further help to reduce the visual impact of the building. The submitted landscaping plan does not show the position of the access track, but the line of recently planted trees in front of the track shows the intended position of the trees and demonstrates that it is capable of being implemented. Requiring the landscaping to be completed could be adequately controlled through the use of an appropriately worded planning condition.
20. I therefore conclude that the development does not cause harm to the character and appearance of the area. As such there is no conflict with Core Strategy Policies CS5, CS6 and CS17 regarding the impact of development on the natural environment, local context and character; SAMDev Policies MD2 and MD7b which are concerned with location, design and landscaping; and Policy MD12 regarding the protection of Shropshire's natural assets. Similarly, the proposal accords with section 15 of the National Planning Policy Framework (Framework) concerning the conservation and enhancement of the natural environment.

Access track

21. The Council states that insufficient information has been provided to demonstrate that the new access track will avoid highway safety concerns. However, at the time of my site visit I saw that the gate leading to the access track was set-back from the highway. The appellant also confirms that the site entrance is approximately 16 metres wide. Sufficient space has therefore been provided to allow agricultural vehicles to pull clear of the highway when entering the site, and to stop and give way to oncoming traffic when re-joining Grug Hill.
22. It is also important to consider that within the vicinity of the site Grug Hill is a very quiet country lane, in places only wide enough for one vehicle to pass. Moreover, the level of additional traffic expected to be generated by the appeal scheme is low. Based on the evidence provided, and observations at my site visit, I am not persuaded that the access arrangements will give rise to any dangerous vehicle movements. Although the Council refers to current highway standards, no details have been provided, nor any robust information to show that the access is unsafe.

23. I therefore conclude that the access track is satisfactory for the type of development proposed and will not prejudice highway safety. As a result, there is no conflict with SamDev Policy MD2 which requires development to have appropriate infrastructure, or Core Strategy Policy CC6 which requires all development to be safe and accessible to all. For the same reasons I also find no conflict with the Framework which requires the provision of a safe and suitable access to the site for all users.

Conditions

24. The development has already been carried out in accordance with the approved plans, except for the landscaping scheme which has not been fully implemented. In the interests of safeguarding the character and appearance of the area, a condition is required to ensure compliance with that scheme and to ensure that any trees which are damaged or replaced within 5 years are replaced.

25. The Council's suggested condition requiring retention of hedges is not needed. There is nothing to suggest that the hedges would be removed, and their retention is not necessary to make the development acceptable in planning terms. Furthermore, the hedges mentioned are outside of the site boundary and therefore beyond the scope of this permission.

26. It is also unnecessary to specify the colour of the building as it is already dark green. Similarly, the description of development refers to the approved building as being for agriculture and it is not necessary to impose a condition to specify this.

27. To protect the rural character of the area a condition restricting floodlighting is required. However, it is not necessary to insert the word 'permanent' in this condition, as suggested by the appellant, as it should be relatively easy to differentiate between floodlighting and internal or vehicle lights.

28. The Council has suggested a condition requiring the gate to be set back by 15 metres, but this is not needed as the gates are already well set back from the road and I have found the access to be suitable. A further condition is suggested which would require the access apron to be made to the Council's specification, but I have seen no details of what this would entail or any explanation as to why it is necessary to make the development acceptable. Given my earlier conclusions about the access, these suggested conditions are therefore unnecessary, and I have not imposed them.

29. The Council has also suggested a condition removing permitted development rights for the erection of new agricultural buildings 'within the application site or on this parcel of land'. Whilst I appreciate the Council's concerns regarding the potential for additional development away from Shelvock Hall, no convincing justification has been provided to demonstrate why this is reasonable or necessary in the interests of the character and appearance of the area. Given that the appeal site boundary is drawn tightly around the building and access track it is also unclear which parcel of land is being referred to. The condition therefore also fails the test of precision.

30. The Council's suggestion to restrict the storage of goods or materials of any description outside the building is very broad in its scope. It could include items which would be expected in the countryside, such as hay bales, which would

not necessarily cause harm to the general appearance of the area. The condition is unduly restrictive and would be difficult to enforce. I have therefore not imposed it.

Conclusion

31. For the reasons given I conclude that the development is acceptable subject to the conditions. The appeal is therefore allowed.

R. Morgan

INSPECTOR