



Appeal Decision

Site visit made on 22 March 2019

by **D Child BA BPL MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 February 2020

Appeal Ref: APP/L3245/W/18/3207878

Land off Shop Lane, Snailbeach, Shrewsbury, Shropshire SY5 0NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Alan Hughes against the decision of Shropshire Council.
 - The application Ref 17/06003/FUL, dated 29 November 2017, was refused by notice dated 13 March 2018.
 - The development proposed is the replacement of an existing touring caravan with a new caravan for occupation as a dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application and the Council's decision were made prior to July 2018. The submissions of both parties therefore refer to the National Planning Policy Framework published in March 2012. However, I have had regard to the revised Framework 2019 (the Framework) in reaching my decision.

Main Issues

3. The main issues are:
 - The effect of the development upon the character and appearance of the countryside, having particular regard to the location of the development and the landscape of the Shropshire Hills Area of Outstanding Natural Beauty (the AONB);
 - Whether the proposal would preserve or enhance the Snailbeach Conservation Area (the CA) and the setting of the Snailbeach Lead Mine Scheduled Ancient Monument (SAM) heritage assets;
 - The effect of the development upon Highway safety, having particular regard to access and delivery arrangements; and
 - The effect of the development upon the adjacent Special Area of Conservation (the SAC) and Site of Special Scientific Interest (the SSSI).

Reasons

Character and appearance

4. The site is located in a rural area, occupying an elevated position at the foot of Stiperstones Ridge within the Shropshire Hills AONB. The proposal is for the siting of a caravan for occupation as a dwelling.

5. Policies CS1, CS4, CS5 and CS11 of the Shropshire Local Development Framework Adopted Core Strategy 2011 (the Core Strategy) seek to protect the countryside and ensure that Shropshire flourishes. Residential development in the rural areas is directed to a list of named 'Community Hubs' and 'Community Clusters'. Outside these areas, development will primarily be for economic diversification and to meet the needs of the local communities for affordable housing.
6. Snailbeach is a component of the Bishop's Castle Area Community Cluster Settlements, as defined under Policy MD1 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan 2015. SAMDev Policy S2.2 (viii) states that within Snailbeach infilling and conversions may be acceptable on suitable sites. Paragraph 4.69 of the associated text to Policy CS4 explains, Development in Community Hubs and Community Clusters will be within the village, or on land that has been specifically allocated for development. To prevent fragmented development, windfall development adjoining a village is not acceptable, unless it is an exception site for affordable housing or other development allowed under Policy CS5.
7. The proposal is not for infilling or affordable housing, or development allowed under Policy CS5. The site is not allocated for housing and the proposal is not for the conversion or change of use of the touring caravan. Because Snailbeach has no defined settlement boundary, it is a matter of planning judgement on a case-by-case basis whether a proposal is located within the village.
8. Snailbeach has a fairly dispersed spatial pattern of development, extending along roads and trackways. Development is loosely concentrated around former lead mining buildings and along Shop Lane, and the appeal site has the characteristics of a domestic garden. Nevertheless, the proposal would be sited beyond the existing built-up area of Snailbeach, at the edge of an extensive area of woodland. The proposed caravan would be located on the opposite side of a railway track bed, which forms a clear boundary marking the edge of residential development below. In my assessment, the site is not therefore located within the village.
9. While I do not have full details, the application states that the proposal would fall within the statutory definition of a caravan, not exceeding 60 feet in length, 20 feet in width and 10 feet in overall height. The existing touring caravan would be removed, and the replacement caravan sited behind residential properties on Shop Lane. However, by its very nature, the existing touring caravan is modest in scale. From the submitted block plan the proposal would have a much larger footprint, and because it would not be a tourer, it would appear more permanent.
10. Although the proposal would be single storey, it would not complement or enhance its surroundings as caravans occupied as permanent dwellings are not an established feature of the area. Because of its elevated position, the proposal would also be visible from the footpath to the southeast and the wider area. The proposal would encroach into the woodland on Stiperstones Ridge and be a visually harmful addition to the landscape. Furthermore, because it is not specific to the proposal, I cannot be certain from the submitted arboricultural report whether the development would harm adjacent mature trees, and thereby reduce their screening effect.

11. The Council has issued a certificate of lawfulness relating to the site, for the 'use of land for private amenity purposes and for stationing of a touring caravan for domestic storage and private amenity purposes only thereon'¹. However, this does not establish a dwelling, or justify the identified harm.
12. I have considered the use of planning conditions to make the proposed scheme acceptable, for example to require the prior approval of the scale, design and colour of the caravan and a tree care plan. However, for occupation as a dwelling the proposed caravan would necessarily require it to be larger than the existing accommodation and therefore such conditions would not overcome the identified harm.
13. For the above reasons, I therefore find that the proposal would be harmful to the character and appearance of the countryside having particular regard to the location of the development and the landscape of the Shropshire Hills Area of Outstanding Natural Beauty. In accordance with Paragraph 172 of the Framework, I attach great weight to conserving and enhancing landscape and scenic beauty in the AONB.
14. Accordingly, the proposal would conflict with Core Strategy Policies CS1, CS4, CS5, CS6, CS11 and CS17, and SAMDev Policies MD1, MD2, MD3, MD7a and S2. Amongst other things, together, these policies set out the spatial approach to accommodating new housing development to meet Shropshire's needs, while ensuring the quality of the environment is protected, including the Shropshire Hills AONB. Because the application of policies in the Framework that protect the AONB also provides a clear reason for refusing the proposal, the presumption in favour of sustainable development does not apply. Although the Council in its decision refers to Core Strategy Policy CS16, I have not been provided with copies and there is nothing to demonstrate its relevance.

Heritage considerations

15. The site is situated within the Snailbeach CA, a short distance from the Snailbeach Lead Mine SAM. The Framework advises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. Paragraph 190 requires that the particular significance of any heritage asset that may be affected by a development proposal (including by development affecting the setting of a heritage asset) is identified and assessed. The Glossary to the Framework defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced.
16. The significance of the CA lies, in part, in the historic evolution of Snailbeach as a leading lead ore producing area. The remnants of the Snailbeach District Railway adjacent to the appeal site provide highly legible links between the above ground remains of the lead mining industry covered by the SAM designation and the CA. The proposal would not harm the setting of any listed building. However, and notwithstanding the findings of the submitted heritage statement, Historic England objects to the proposal, confirming that the significance of the railway infrastructure around the Snailbeach complex is of demonstrably equal significance to the SAM itself.
17. The proposal would be larger in size than the touring caravan and incorporate a parking area for two cars. For the reasons given above, the proposal would

¹ Local Planning Authority Ref: SS/1/08/21315/CE

have a greater degree of permanency and this would be appreciable from along the adjacent track bed.

18. As a result, the proposal would be more conspicuous in the CA and the historic setting of the former railway. It would therefore fail to preserve or enhance the character and appearance of the CA and result in harm to the setting of the SAM. The harm to these heritage assets would be less than substantial. However, I attach considerable importance and weight to this harm, and the public benefits do not outweigh it.
19. Accordingly, the proposal would conflict with Core Strategy Policies CS6 and CS17 and SAMDev Policies MD2 and MD13. Amongst other things, these policies seek to ensure that all development protects, restores, conserves and enhances the natural, built and historic environment. The proposal would also conflict with the heritage protection aims of the Framework.

Highway Safety

20. The proposed access would be located in the place of the existing vehicular entrance to the south-west corner of the site. Adequate parking provision for two vehicles would be provided, with access taken across the existing track which continues north-east to join Shop Lane.
21. I acknowledge the concerns of the Council in relation to additional vehicular movements over the public footpath to the southeast of the site, the width and geometry of the local highway network, and the practicalities of delivering a large prefabricated caravan. I also note the comments of the Shropshire Ramblers Association and interested parties, in relation to an application to have the former route of the railway registered as a Public Right of Way, and that delivery of the caravan would take a route through the SAM.
22. Nevertheless, having regard to the existing lawful use of the site and the scale of the proposal, it is unlikely to result in a significant additional of vehicular movements. I am also conscious that buildings falling within the definition of a caravan can be assembled in a 'kit of parts', thus aiding delivery in restricted situations, and that a suitably worded planning condition could require a scheme for the safe management of delivery arrangements.
23. Furthermore, I am mindful that Paragraph 109 of the Framework states that development should only be prevented or refused on highways grounds, if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
24. For the above reasons I therefore find that the proposal would not harm highway safety, having particular regard to access and delivery arrangements. Accordingly, the proposal would not conflict with the accessibility and highway safety aims of Core Strategy Policies CS6 and CS7. Because the proposal would not result in residual cumulative impacts that would be severe, planning permission should not be refused on highways grounds.

Special Area of Conservation and Site of Special Scientific Interest

25. Planning permission was refused, in part, due to concern over a lack of information. Specifically, on the scheme's arboricultural implications in order to assess the effect upon the adjacent The Stiperstones and The Hollies Site of Special Scientific Interest and Special Area of Conservation, the primary

feature of which are the woodland itself. Furthermore, the submitted Ecological Survey Report followed a Phase 1 Habitat Survey and Protected Species Survey of the site carried out in late 2014, and this would require updating.

26. Following the refusal of earlier proposals for housing on the site, the application seeks to address these concerns, asserting that because no foundations would be involved the development would not affect adjacent trees. However, in the absence of precise details of proposed levels, I cannot be certain that root protection areas would not be affected by the creation of a level platform for the siting of the caravan. Furthermore, for use as a dwelling the proposed caravan would be likely to require foul water drainage services.
27. In the absence of such detail and taking the precautionary approach I cannot therefore be satisfied that the proposal would not have an adverse effect on the special interest of the SSSI or the SAC. It would conflict with Core Strategy Policies CS6 and CS17 and SAMDev Policy MD12 which seek among other things to ensure development protects, restores, conserves and enhances the natural environment and the avoidance of harm to natural assets.

Other Matters

28. There would be some limited social and economic benefits to the proposal, through the addition to the local supply of housing of a caravan for occupation as a dwelling, and from the local expenditure of future occupants. This would help contribute to sustaining local services and facilities and support the economic and social objectives of the Framework. However, for the above reasons, the proposal would be at odds with the overarching environmental objective of the Framework.
29. The proposal would allow the appellant to reside at the appeal site full-time and reduce the need to travel to and from the site to benefit from the lawful use of the land. However, as this benefit is mostly private, I give this matter little weight.
30. The proposal would not harm the living conditions of existing residents and the site would be capable of accommodating the proposal while allowing for a usable amount of outdoor amenity space to serve future occupants. These are neutral factors in the planning balance.
31. My attention has been drawn by photographs in the Heritage Statement to residential development adjacent to the railway on other sites. However, I do not have details of the considerations that led to their approval. In any case, each application must be considered on a case-by-case basis, and I have determined the appeal on its individual planning merits.

Conclusions

32. I have found that the proposal would not harm highway safety, having regard to access and delivery arrangements. However, I have found that it would be harmful to the character and appearance of the countryside, having regard to the location of the development and the Shropshire Hills Area of Outstanding Natural Beauty.
33. I have also found that it would result in less than substantial harm to the character and appearance of the Snailbeach Conservation Area and the setting of the Snailbeach Lead Mine Scheduled Ancient Monument. The public benefits

do not outweigh this harm, and I cannot be certain that the proposal would not harm the Stiperstones and The Hollies Special Area of Conservation and Site of Special Scientific Interest.

34. Material considerations do not outweigh the resulting conflict with the development plan. For these reasons, I therefore conclude that the appeal should be dismissed.

D Child
INSPECTOR