



Appeal Decision

Site visit made on 23 March 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 April 2020

Appeal Ref: APP/L3245/W/19/3242915

**The Royal Oak, Kidderminster Road, Alveley, Bridgnorth, Shropshire
WV15 6LL**

- 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 David Skitt against the decision of Shropshire Council.
 - The application Ref 19/01487/FUL, dated 19 March 2019, was refused by notice dated 30 July 2019.
 - The application sought planning permission for "retrospective application relating to erection of toilet block, shower block and change of use to glamping and touring caravan site".
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Decision

1. The appeal is dismissed.

Procedural matters

2. The ablution buildings are in situ but on my visit the site was not in active use. The appellant has reported that the pods were recently removed from the site. However, the proposal is presented as development already undertaken notwithstanding the recent removal of some demountable elements. As such, I shall take this into account in my decision.

Main Issues

3. The main issues are:
 - whether the proposal would affect openness and therefore be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - the effect of the proposed development on the character and appearance of the area; and
 - if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances to justify it.

Reasons

Inappropriate development

4. The appeal site is within the Green Belt. The Development Plan for the district includes the Shropshire Council Adopted Core Strategy (CS) (2011) and the Shropshire Council Site Allocations and Management Development Plan (SAMDev) (2015). Policy CS5 of the CS, states that new development will be strictly controlled in the Green Belt subject to national planning policies. This also states that subject to national Green Belt policies, development which would maintain countryside vitality and character of the area would be permitted where it would improve the sustainability of rural communities. This is especially where such improvement relates to benefits including where it would provide sustainable rural tourism and leisure which require a countryside location.
5. The National Planning Policy Framework (The Framework) explains that the Government attaches great importance to the Green Belt. Inappropriate development is harmful to the openness of the Green Belt and should only be approved if very special circumstances exist. Paragraph 145 establishes that a new building would be inappropriate unless it meets a listed exception. Furthermore, the Framework explains that substantial weight is to be afforded to any harm to the Green Belt. Paragraph 145(b) of the Framework states that facilities for outdoor recreation would not be inappropriate provided that they would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. Furthermore, paragraph 146 states that other forms of development, such as a material change of use and engineering operations, are also not inappropriate. This is also on the provision that they would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.
6. Paragraph 133 of the Framework identifies that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. The openness of the Green Belt has both spatial and visual dimensions. Although some distance from the highway, the proposed buildings and the associated activity of the use would be clearly visible from surrounding land. The site is partly located to the rear of the existing building. However, the appeal site is open and exposed to longer views especially to the rear and south where boundary landscaping only provides a partial screen. It is also clearly visible from the public highway over the car park of the public house.
7. Therefore, although the pods would be demountable, low density and modest in scale, they would occupy a formerly open field. Notwithstanding the proximity of the existing static caravan, the proposed development would populate the open and exposed site with new development. This would visually occupy the space between the rear of the public house and its rear boundary to the detriment of the openness of the field. The visual impact of both the ablution block, pods and associated attendant equipment and activity would fundamentally alter the perception of its openness.

8. The site is set away from the public highway and partially behind the main building, with some field boundary screening. The screening is not complete, providing gaps and views through. It is therefore not a heavily planted screen. Accordingly, although the proposed use would attract vehicles and camping equipment that may be temporary in nature, the combined effect of the buildings and use would have a greater impact on openness than the existing site. However, it would be relatively low-key and partially screened by landscaping and the existing public house. These factors would result in the proposal being of moderate visual harm to the openness of the Green Belt.
9. Paragraph 134 establishes five purposes of including land within the Green Belt. Of those, the Council maintains that the proposal would result in encroachment of development into the countryside. The proposal would extend development towards the rear of the site and occupy land that was largely previously open and undeveloped. The proposal would increase the quantum of development on site and would spread away from the existing main building. Accordingly, the proposal would have a spatial impact on the Green Belt. As a consequence, the proposal would also breach a key purpose of Green Belt policy by encroaching into the rear of the site.
10. As such, the proposal would have a moderately adverse effect on the openness of the Green Belt and would result in encroachment. Consequently, as the proposal would not preserve the openness of the site it would be inappropriate development.

Character and appearance

11. The appeal site is to the rear of a public house, on the edge of the village of Alveley. The site consists of two parcels of land. Purely for convenience I shall refer to the site to the rear of the building as parcel A and the site to the south as parcel B. Parcel A includes a loose gravel access track and a toilet and shower block. The site also includes a static caravan that is used as staff accommodation associated with the public house. A neighbouring dwelling is to the side of parcel A. The shared boundary consists of a fir tree hedge and fence. The boundary between parcel A and B consist of a wooden post and rail fence. Parcel B is a field that is set back slightly from the highway. Parcels A and B largely have field boundaries which are mostly a combination of trees and hedging. Despite the presence of field boundaries, the appeal site is relatively exposed to wider views of the open countryside. Consequently, both Parcels A and B, in their undeveloped form, make a positive contribution to the character and appearance of the surrounding open countryside.
12. The proposal would provide a shower and toilet block and pitches for 7 camping pods on parcel A. The pods would be timber clad and of various styles and shapes. Parcel B is proposed to be used by up to 5 touring caravans. This second parcel connects to the highway via a gateway that links through parcel A to the car park of the public house. The field boundaries provide only partial screening to the site and views of distant fields are therefore visible. This is especially observed to the rear, south and the highway. Consequently, the proposal would not be readily assimilated into the landscape as it would be highly visible. The proposal would consist of buildings, vehicles and activity that would not be discrete or subdued. The ablutions block is clearly visible from the highway. Furthermore, these structures are not visually associated with the main public house as they are set some distance behind it. The proposed use

would result in the appearance of a disparate group of pods, buildings and vans that would not conform with the appearance of the local area. These would therefore appear as disorganised and eclectic features in the landscape. The appearance of built form in combination with the proposed use would therefore erode the rural character of the site. Consequently, the proposal would be substantially harmful to the character and appearance of the area.

13. Accordingly, the proposal would be contrary to policies CS16 and CS17 of the CS. These seek amongst other things for the delivery of high-quality sustainable tourism which would be appropriate in scale and character to its surroundings and for development to protect Shropshire's environmental assets. Furthermore, the proposal would fail to comply with policies MD2, MD11 and MD12 of the SAMDev, which include to require development to respect local character, permit tourism where it would complement the local character and avoid harm to visual amenity. The proposal would also fail to comply with the Framework which seeks rural tourism to respect the local character of the countryside and to recognise its intrinsic character and beauty.

Other Considerations

14. The appellant asserts that very special circumstances exist. He explains that the public house suffers financial difficulties and requires the camping business to support it or it will be likely to close. Furthermore, the appellant also explains that when the camping business was active its customers supported a number of local businesses. This included supporting the two local village pubs, a working men's club and the nearby Mill hotel providing overspill overnight accommodation.
15. The appellant's financial summary¹ indicates an important financial relationship between the public house and the campsite. This illustrates that the profits gained from the campsite off-set the losses created by the public house and this returns a net profit. The Royal Oak employs 14 staff and provides for the catering needs of the nearby social club. Therefore, the introduction of a further funding stream has clear benefits to the ongoing viability of the premises and to the wider community. However, it is not established whether other funding avenues have been explored; whether the scale of development is essential to derive a certain minimum return and therefore whether this is the only option to create a viable business. Also, it has not been explained why the business overheads are substantially different to the other public houses in the village that appear to be trading without the benefit of such a funding stream. Furthermore, no clear legal mechanism has been advanced that would prevent the camp site becoming severed in the future. Accordingly, the financial benefits of the proposal outlined above are only of moderate weight in favour of the proposal.
16. Support has been given by operators of local services suggesting that the proposal would increase visitors to the village and improve their businesses' viability. Support was also given from the local community and users of the proposed camp site citing benefits to the local economy. However, this support appears to be largely anecdotal in suggesting that the camp site has had a positive financial impact on local businesses. Notwithstanding the support, it is not compelling that the proposal would result in substantial or sustained off-site benefits to the wider community. It is also unconvincing that guests of the

¹ The Royal Oak, Management figures, profit/loss for 2017 and 2018

camp site would necessarily venture beyond the services provided by the Royal Oak for further goods or services. It is therefore unpersuasive that the proposal is of a sufficient scale to make a significant or determinative contribution to the economic wellbeing of the wider community. Therefore, this benefit only attributes limited weight in favour of the proposal.

17. Furthermore, the Council's CS conveys support for new tourism opportunities and recognises that visitor accommodation in rural areas can have economic and social benefits. Also, the Council's SamDev seeks to encourage tourism, leisure and recreation development whilst balancing this against potential negative impacts of tourism development on the site and the wider area. However, the economic and social benefits of the proposal defined by the appellant have been found to be of limited to moderate weight in favour of the proposal.
18. Paragraphs 143 and 144 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
19. I have concluded that the appeal scheme would result in moderate harm to the openness of the Green Belt and would represent encroachment. I have thereby concluded that the appeal scheme would be inappropriate development and, by definition, harm the Green Belt. Paragraph 144 of the Framework requires substantial weight to be given to any harm to the Green Belt. I have also concluded that the proposed development would harm the character and appearance of the area, a point of significant further weight.
20. On the other hand, the other considerations I have identified either in isolation or in combination, are of limited to moderate weight in favour of the proposal. As such, the harm to the Green Belt is not clearly outweighed by the other considerations identified and therefore the very special circumstances necessary to justify the development do not exist. Accordingly, the proposal fails to adhere to the local and national Green Belt policies I have already outlined.
21. Consequently, the proposed dwelling would be contrary to policy CS5 of the CS, which seeks to strictly control development in the Green Belt. Furthermore, the proposal would be contrary to policy MD6 of the SAMDev which amongst other things seeks development in the Green Belt to not conflict with its purposes. These policies are also consistent with the objectives of Green Belt policy as defined by the Framework.

Other matters

22. It is unlikely that screening could be planted to adequately or fully screen the site without substantial detriment to the open character of the site. Consequently, the visual harm cannot be mitigated through the imposition of a landscape condition. Also, the appellant has offered a condition to prevent the creation of permanent residential use and thereby retain the transient nature of the proposal. However, such a condition would not address the harm I have identified in regard to the main issue.

23. The parish council supported the application on the basis that strict conditions could be imposed. Although I have not found very special circumstances exist, I also recognise that conditions required by the parish council in relation to movement and noise restrictions would be unlikely to be reasonable and pass the tests of paragraph 55 of the Framework.
24. A recent approval² was given by the Council for the erection of dwellings to the north of the appeal site. This may result in an increase in the quantum of development to the east of the highway in the local area. However, the impact on views of the appeal site and of the proposal would be unlikely to be affected by that development.

Conclusion

25. For the above reasons the appeal is dismissed.

Ben Plenty

INSPECTOR

² Planning Application Reference: 18/01358/FUL