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## Appeal Decision

Site visit made on 20 May 2020

**by Martin Chandler BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 June 2020

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**Appeal Ref: APP/L3245/W/20/3246306**

**Meadowtown Farm, Meadowtown, Minsterley, Shrewsbury, Shropshire SY5 0DZ**

- 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 & Mrs Dalley against the decision of Shropshire Council.
  - The application Ref 18/03093/FUL, dated 3 July 2018, was refused by notice dated 28 August 2019.
  - The development proposed is conversion of current farm buildings into 4no. holiday lets comprising of: Conversion of the dairy to 2no. 2 bed holiday flat and 1no. 3 bed holiday flat. The conversion of a grain barn (plus demolition of adjoining buildings) to create a 3no. bed holiday let. The formation of a 40m x 20m manège with associated parking and stables to be located within the existing barn. The dairy is to include formation of a car park and amenity space to the rear. Existing access road to be altered.
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### Decision

1. The appeal is allowed and planning permission is granted for conversion of current farm buildings into 4no. holiday lets comprising of: Conversion of the dairy to 2no. 2 bed holiday flat and 1no. 3 bed holiday flat. The conversion of a grain barn (plus demolition of adjoining buildings) to create a 3no. bed holiday let. The formation of a 40m x 20m manège with associated parking and stables to be located within the existing barn. The dairy is to include formation of a car park and amenity space to the rear. Existing access road to be altered, at Meadowtown Farm, Meadowtown, Minsterley, Shrewsbury, Shropshire SY5 0DZ in accordance with application reference 18/03093/FUL, dated 3 July 2018, and subject to the conditions in the attached schedule.

### Main Issues

2. The main issues are:
  - i) whether the appeal site is suitable for holiday accommodation having regard to the locational requirements of the development plan; and
  - ii) the effect of the proposal on highway safety.

### Reasons

#### *Holiday accommodation*

3. Meadowtown is somewhat remote, and the Council acknowledge that it has a limited range of services and facilities. Despite this, it is identified within the Shropshire Local Development Framework: Adopted Core Strategy (2011) (CS) as a defined settlement, referred to as a Community Cluster. Consequently, for

the purposes of the CS, the appeal site is not located within the open countryside. Instead, it is located in a settlement where sustainable development will be supported and where the CS also confirms that development by infilling and conversions may be acceptable.

4. Policy CS16 of the CS relates to tourism, culture and leisure. Amongst other things, the policy places emphasis upon providing high quality visitor accommodation in accessible locations served by a range of services and facilities. The explanation for the policy identifies the value of tourism to the local economy. The policy also states that in rural areas, proposals must be within settlements and where possible, existing buildings should be re-used.
5. The proposal would be within a defined settlement. It would also see the conversion of existing buildings to provide holiday accommodation. In this regard, the proposal would be entirely compliant with Policy CS16. Although services and facilities are somewhat limited, as identified above, Meadowtown is a settlement that can cater for additional development. It therefore follows that, for the purposes of the CS, Meadowtown, and accordingly, the appeal site, is sustainably located. As a consequence, based on the evidence before me, I have no reason to consider that the proposal would fail to comply with the general development strategy for the district.
6. Due to this conformity, no business plan or market research is necessary to justify the proposal. For the same reason, the experience of the appellant in running such accommodation does not need to be considered, neither does the viability of the proposal. The key assessment is whether the proposal is compliant with the development plan, and for the reasons identified above, I am satisfied that this is the case.
7. Accordingly, I conclude that the appeal site would be suitable for holiday accommodation. It would therefore accord with Policy CS16 of the CS and Policy MD11 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (2015). Taken together, these establish the requirements for tourism, culture and leisure proposals within the district.

#### *Highway safety*

8. The immediate road network is formed of narrow roads with limited passing places. In this regard, I note that the proposal was originally objected to by the Highways Development team. Moreover, despite additional information being provided, a robust objection was maintained. Subsequently, a detailed Transport Statement was provided. This identifies the specific routes to the site as well as the prevalence of passing spaces along the roads. It also suggests that the previous use of the site, as a dairy farm, would have generated more traffic than the proposed use.
9. The surrounding road network is typical of a rural location. Roads are narrow and winding, and there are many instances of sloping topography. In addition, due to the location of the site, should guests of the accommodation travel to services and facilities, such journeys would most likely be made by car. Despite this, based on the evidence before me, the farm would have generated a similar number, if not more, traffic movements than that proposed. In addition, whilst my attention has been drawn to the perceived short-comings of the road network, the Council have not substantiated their concerns with specific evidence to articulate its safety concerns.

10. Consequently, although the proposal would generate movements to and from the site, including those for arrivals and departures, as well as throughout the stays, I have nothing compelling to confirm that this would be detrimental for road users. Accordingly, I conclude that the proposal would not harm highway safety. It would therefore comply with Policy CS6 of the CS which requires development to be located in accessible locations.

### **Other Matters and Conditions**

11. The appeal site is near to the Grade II listed Meadowtown Hall. However, based on the evidence before me, I am satisfied that the proposal would not affect the setting of this building. Accordingly, the proposal would comply with the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
12. The site is also located within the Shropshire Hills Area of Outstanding Natural Beauty. Paragraph 172 of the National Planning Policy Framework (the Framework) requires that great weight should be given to conserving the landscape and scenic beauty of such areas. Subject to a necessary condition in relation to landscaping, I am satisfied that the proposal would accord with these requirements.
13. I note the representations in relation to the use of the manege and stables. However, based on the evidence before me, these are to be used by guests of the accommodation. Moreover, this matter can be adequately controlled by way of a suitably worded planning condition, necessary to limit movements to and from the site.
14. The proposal would generate artificial light from the holiday accommodation. However, I have no compelling evidence before me that this would give rise to light pollution. As a consequence, I give this matter very limited weight in my assessment of the proposal. I also have no compelling evidence in relation to noise, littering or water supply. Accordingly, I also give very little weight to these matters.
15. In addition, although the proposal would alter an existing opening, this would be located at ground floor level and consequently, I am satisfied that this would not harm existing privacy levels. My attention has been drawn to a proposal for a horse-walking facility. However, I do not have the full details of this proposal before me, and consequently, I have given the case very little weight in my assessment. Finally, the courts have held that planning is concerned with land use in the public interest. Therefore, the protection of purely private interests, such as the value of neighbouring property is not a material consideration in my assessment of the appeal.
16. Due to my findings set out above, conditions are necessary in the interests of precision to establish the time limit for commencing development as well as to specify the approved drawing numbers.
17. Due to the archaeological value of the site, condition 4 is necessary to ensure evidence is recorded where necessary. Furthermore, conditions 5, 6, 7 and 8 are necessary due to the ecological sensitivities of the site and conditions 9 and 10 are necessary to ensure suitable design details are proposed.
18. Conditions 11 and 12 are necessary in the interests of highway safety. Due to the nature of the surrounding road network, I am satisfied that suitable

justification exists to partially remove permitted development rights. Condition 13 is necessary in the interests of precision and condition 14 is necessary to ensure suitable design details. Condition 15 is necessary to ensure a suitable lighting scheme, sensitive to the surroundings. Finally, conditions 16, 17 and 18 are necessary to control how the development is implemented and managed.

19. Where conditions require work to be carried out before development commences, the appellant has provided their agreement in writing.

**Conclusion**

20. For the reasons identified above, the appeal is allowed and planning permission is granted.

*Martin Chandler*

INSPECTOR

## SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development shall be carried out in strict accordance with the following drawings: 8198-01E; 8198-02H; 8198-03B; 8198-04A; 8198-05; 8198-010; and 8198-011C.
3. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include:
  - Positions of all existing trees and hedgerows on the site and along its boundaries
  - Identification and measures for the protection of existing trees and hedgerows which are to be retained
  - Details/schedules of proposed planting
  - Full details of the alignment, height and construction of any walls, fences, retaining structures or other boundary treatments/means of enclosure
  - Details/samples of hard surfacing materials
  - Timetables for implementation

The landscaping works shall be completed in accordance with the approved details. Thereafter all fences, walls, hardstandings and other hard landscaping features shall be retained in accordance with the approved details, whilst any trees or plants which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
4. The applicant/owner/developer shall notify Shropshire Council's Historic Environment Team in writing not less than three weeks prior to the commencement of ground works associated with the development hereby permitted. A representative of that team shall thereafter be afforded reasonable access onto the site during the course of the development in order to monitor the ground works and record any archaeological evidence as appropriate.
5. No works associated with the conversion of the building labelled 'Grain Barn' on the approved block plan, including demolition or clearance of the adjoining structures, shall commence until there has been submitted to and acknowledged/approved in writing by the local planning authority:
  - a) a European Protected Species (EPS) Mitigation Licence from Natural England, in respect of bats; or
  - b) a statement from an appropriately qualified and experienced ecologist explaining why such a licence is not required, and setting out any additional mitigation measures as appropriate.

Thereafter all works on site shall be carried out in strict accordance with the stipulations of the EPS Mitigation Licence or method statement.
6. No works associated with the conversion of the building labelled 'Grain Barn' on the approved block plan, including demolition or clearance of the adjoining structures, shall commence until there have been submitted to and approved in writing by the local planning authority precise details of bat boxes/tubes to be provided at the site. These shall be broadly as recommended in Section 3.7 of

the submitted 'Preliminary Ecological Appraisal Report' by Pearce Environment Ltd., referenced 040118MM, dated June 2018 and received by the local planning authority on 10th August 2018. They shall thereafter be retained for the lifetime of the development.

7. Prior to the first use or occupation of any part of the development, artificial nesting opportunities for wild birds shall be provided at the site in accordance with details which shall first be submitted to and approved in writing by the local planning authority. This provision shall include a minimum of four artificial 'nests' (either integrated into the building's fabric or external boxes) suitable for starlings (i.e. 42mm hole, starling-specific design), sparrows (32mm hole, terrace design), swifts (swift 'bricks' or boxes) and/or other small birds (32mm hole, standard design). These shall be retained thereafter for the lifetime of the development.
8. The development (including demolition and site clearance works) shall, subject to the provisions and requirements of Conditions 5 and 6 above, be carried out and completed in strict accordance with the bat, great crested newt and badger mitigation/enhancement measures recommended in Section 3.7 and Appendix 4 of the submitted 'Preliminary Ecological Appraisal Report' by Pearce Environment Ltd., referenced 040118MM, dated June 2018 and received by the local planning authority on 10th August 2018.
9. Except for demolition works, no above-ground development shall commence until samples/precise details of all external materials/finishes have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details and retained thereafter.
10. Prior to the installation of any external windows or doors, precise details of their materials, form and style, including details of glazing bars, mullions, sill mouldings and surface treatments/decorative finishes, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with approved details and retained thereafter.
11. Prior to the first use of any part of the development, the northern access to the site shall be upgraded and parking/turning areas provided in accordance with the approved plans and the details agreed under Condition 3 above. These areas shall thereafter be retained for their intended purposes and, in the case of the access visibility splays, maintained clear of any obstruction above 900mm in height.
12. Notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), no new entrance gates or other means of enclosing the vehicular accesses to the site shall be erected or installed within five metres of the edge of the adjacent highway carriageway without the prior written consent of the local planning authority. Any gates shall be hung so as to open inwards, away from the highway.
13. No parts of the existing buildings shown to be retained on the submitted plans and drawings shall be demolished or rebuilt.
14. All external sections of flue included in the development shall be treated with a matt black finish, which shall be retained for the lifetime of the development.

- 15.No new or additional external lighting shall be installed or provided on the site other than in strict accordance with a detailed scheme which shall first be submitted to and approved in writing by the local planning authority. This shall be designed so as to take into account the guidance contained in the Bat Conservation Trust document 'Bats and Lighting in the UK'.
- 16.The buildings labelled 'Grain Barn' and 'Milking Barn' on the approved block plan shall only be occupied by holidaymakers whose main residence is elsewhere. The owner/operator of the holiday accommodation enterprise shall maintain an up-to-date register of occupiers and their main home addresses, and shall make this information available to the local planning authority at any reasonable time.
- 17.The existing dwelling on the site, labelled 'Farm House' on the approved block plan, shall provide the requisite supervision and management of the holiday accommodation enterprise hereby permitted. As such it shall not be sold separately or otherwise severed from the holiday accommodation without the prior written consent of the Local Planning Authority.
- 18.The stables and manège included in the development hereby permitted shall only be used by occupiers of the existing dwelling on the site or by holidaymakers resident at the site, and no horses except those owned by the occupiers of the aforementioned dwelling shall be stabled or kept at the site.