



Appeal Decision

Site visit made on 16 February 2021

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2021

Appeal Ref: APP/L3245/W/20/3262914

Applecross Equestrian, Vicarage Bank, Alveley WV15 6NB

- 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 Mrs J Matthews against the decision of Shropshire Council.
 - The application Ref 20/03213/FUL, dated 10 August 2020, was refused by notice dated 6 October 2020.
 - The development proposed is described as 'the conversion of part of building to 1no. live/work unit'.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The proposal is for the conversion of part of an existing building on a site within the Green Belt. Paragraph 143 of the National Planning Policy Framework ('the Framework') states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very specific circumstances. However, Paragraph 146 (d) allows for the re-use of buildings within the Green Belt provided that they are of permanent and substantial construction, and where the development would preserve the openness of the Green Belt and the purposes of including land within it. Policy CS5 of the 2011 Shropshire Core Strategy ('the Core Strategy') indicates that new development in the countryside and Green Belt will be strictly controlled in accordance with national planning policies.
3. The existing building which would be converted is both permanent and substantial, and no enlargement of it is proposed. The Council's view is that the development falls within the exception set out in Paragraph 146 (d) of the Framework and, notwithstanding its other concerns about development in the countryside, it accepts that the proposed development would be 'not inappropriate in the Green Belt' in the Framework's terms. On the basis of the evidence before me and what I saw on site I agree with that assessment. I therefore consider that the main issues are:
 - Whether or not the proposal would be an acceptable form of development for its countryside location, having regard to local and national policy in respect of the location of development; and
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Location of development

4. The appeal site is part of the 'Applecross Equestrian' complex, set in open countryside outside, although reasonably close to, the village of Alveley. The proposal principally relates to part of an existing barn, though the appeal site also encompasses a small grassed area to the rear of the barn, part of the external concrete hardstanding, and the gravel drive which provides access to the site from Vicarage Bank some 200m or so away from the barn. The wider Applecross Equestrian site beyond the appeal 'red line boundary' includes stables, storage buildings and an outdoor riding arena, as well as open fields. There is also a set of dog kennels which are used as part of the appellant's dog breeding business, 'Poolehall Labradors'.
5. The proposed development is the conversion of the two bays within the existing building to create a unit with work facilities on the ground floor, and residential accommodation on the first floor. The ground floor would have office, utility and storage space, as well as a whelping room and viewing area, to be used by the dog breeding business. Upstairs would be two double bedrooms and a single open-plan kitchen, dining and living area.
6. A previous planning application for a dog breeding facility at ground floor and residential accommodation at first floor¹ was refused in January 2020 on the basis that it would lead to the development of an isolated home in the countryside for which, having regard to local and national planning policies, a functional need had not been demonstrated. The appellant states that she is keen to seek a form of development that would support the existing business and provide necessary on-site accommodation, and that at the time of this earlier application she was unaware of live-work units but now recognises that this is the type of development she is seeking. The evidence before me indicates that the outdoor space in the current scheme is larger than previously proposed and now described as a garden rather than a dog run, and a ground floor room previously described as a washing room would now be an office and utility room. The proposal appears to be otherwise substantially the same as that refused permission in 2020.
7. As a live-work unit, the proposed development would be a *sui generis* use with economic development and residential elements. I have not been made aware of any development plan policies specifically addressing proposals for live-work units, though several are nonetheless relevant.
8. Policies CS1 and CS4 of the Core Strategy set out the Council's overall strategic approach to development and investment, indicating that it will be located predominantly in community hubs and community clusters, and not permitted outside these settlements unless it complies with the requirements of Policy CS5. Policy CS13 encourages home-based enterprise, including the development of live-work schemes, although it also reflects the need for proposals for development in rural areas to comply with the requirements of Policy CS5.
9. As well as addressing development in the Green Belt as described above, Policy CS5 provides some support for development on 'appropriate sites, which

¹ LPA ref: 19/04868/FUL

maintain and enhance countryside vitality and character', including small-scale new economic development diversifying the rural economy, and dwellings to house agricultural, forestry or other essential countryside workers. The policy requires the need for, and benefits of, such development to be demonstrated, and expects it to take place primarily in recognisable named settlements or be linked to other existing development and business activity.

10. Policy MD7a of the 2015 Shropshire Site Allocations and Management of Development Plan ('the SAMDev Plan') permits dwellings to house essential rural workers where certain criteria including financial and functional tests are met.
11. It is also appropriate to consider the consistency of the development plan policies with the requirements of the Framework. Paragraph 77 advises that in rural areas that planning policies and decisions should be responsive to local circumstances and local needs. Paragraph 78 states that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. Paragraph 79 seeks to avoid the development of isolated homes in the countryside except in certain circumstances. Paragraph 81 requires planning policies to allow for new and flexible working practices, including live-work accommodation. Taken together, I consider that the policies outlined above are consistent with these requirements of the Framework, and provide an appropriate basis for assessing the proposal.
12. The appellant has been breeding dogs for more than 30 years, and states that a presence is required on the site 24 hours a day to ensure the welfare and security of the dogs. The appellant lives in a bungalow some 225m or so east of the appeal site, from where the kennels and animals cannot be seen. In the light of reported increases in the theft of dogs lately, as well as two recent break-ins at the site and advice from West Mercia Police that the lack of surveillance makes the area vulnerable, security concerns are the primary justification put forward in support of the scheme. The residential element of the scheme would allow for closer surveillance of the kennels and other buildings within the Applecross Equestrian complex, and I recognise that this may deter crime and reduce the fear of crime. However there is no evidence that other options such as remote monitoring have been considered, and given how close to the site the appellant lives it seems very likely to me that alternative methods could also improve the security, or perceived security, of the business. The possible security benefits therefore appear representative of the appellant's preferences rather than being a substantive operational need or economic benefit in the terms set out in Policy CS5.
13. The appellant suggests not only that the existing business may be forced to close resulting in job losses if the proposed live-work unit were not permitted, but that the additional dog training the proposal would support could lead to the creation of two additional jobs. However, the appellant has been running a dog breeding business for a significant period of time, and the evidence before me describes the reputation of, and demand for, dogs bred by Poolehall Labradors. It is therefore not clear why a failure to secure planning permission for the proposed development might lead to the business becoming unsustainable. While the facilities proposed for the ground floor could enable extra dog training activities to take place, there is no substantive evidence before me to indicate why this would need a combined live-work unit on the site. I am not therefore persuaded either that the scheme as proposed would

support diversification of the rural economy, or that it is necessary to ensure the ongoing success of the appellant's business.

14. The appellant considers that the Council has 'unreasonably' assessed the proposal as a rural worker's dwelling. However, in determining an application for a live-work unit it is necessary to consider the effect of introducing residential as well as economic uses to the site. Furthermore, the argument that there is an essential need for the appellant (or a member of her family or staff) to live on the appeal site to support the needs of the business forms a substantial part of the appellant's case, and it is necessary for the matter to be addressed. Based on the submitted evidence, and for the reasons I have already set out, I do not consider that the proposal justifies the development of new residential accommodation in a countryside, even within a live-work unit.
15. The appellant has referred to two examples elsewhere where the Council has granted planning permission for live-work development². I do not know the full details of those other schemes, and although neither had existing residential accommodation within the site boundary (as in this appeal) this is not particularly indicative of relevant similarities given the close proximity of the appellant's existing home as I have already described. Neither of the other cases appears to be directly comparable to this appeal, and neither lends weight in support of this proposal.
16. Taken as a whole, although there would potentially be some modest economic benefits arising from the proposal they do not in my view amount to a justification for a live-work unit in the terms set out in the development plan. I therefore conclude that the proposal would not be an acceptable form of development having regard to local and national policy. For the reasons I have set out above it would conflict with Policy CS5 of the Core Strategy and MD7a of the SAMDev Plan which seek to restrict development outside settlements. The proposal would also be at odds with the aims and objectives of the Framework in respect of development in the countryside.
17. The Council's decision notice also indicated conflict with Policy MD6 of the SAMDev Plan, which requires that development proposals within the Green Belt should not conflict with the purposes of the Green Belt. However, this was not explained in either the Council's officer report or its appeal statement. On the basis of the evidence before me I find no conflict with this policy.

Character and Appearance

18. The building to be part-converted for the proposed live-work unit is a modern open-fronted barn type unit, with a steelwork frame, concrete panels forming the lower parts of three side walls and open timber panelling above. Two of the existing five bays of the building would be filled in to create the live-work unit, the materials and form of which would reflect those of the existing building.
19. Other than being within the Green Belt, which I have addressed above, there is nothing before me to indicate that the site is in a visually-sensitive location, or that it is part of or close to any heritage assets. Although the proposed live-work unit would undoubtedly be simple and agricultural in its appearance, this would reflect the remainder of the building. To the extent that a live-work unit within a modern barn possibly could, it would form a coherent part of the

² LPA refs: 18/03993/FUL and 18/04311/FUL

building as a whole. In turn, it would also be in keeping with the wider surroundings of the Applecross Equestrian complex.

20. The Council's reason for refusal indicated that it considered that the extent of works required to form the live-work unit would be 'tantamount to the construction of a new dwelling under the roof of the existing steel framed structure rather than the conversion of the building'. I agree, but while I understand why this may be relevant in cases where prior approval for a change of use is at issue, there is no indication of what actual harm the Council considers may arise here as a consequence. None of the Council's arguments persuade me that the proposal would have an unacceptable visual impact.
21. I therefore conclude that no harm to the character and appearance of the area would result from the proposal. It would therefore comply with Policies CS5 and CS6 of the Core Strategy and Policy MD2 of the SAMDev Plan, which seek to protect the countryside and the Green Belt, and to ensure that development respond appropriately to local character and the form, layout, design and details of existing development. It would also comply with the requirements of the Framework in these respects, including the provisions of paragraphs 79 and 145.

Planning Balance and Conclusion

22. Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
23. The development would be acceptable in terms of its effects on the character and appearance of the area, and there would be no unacceptable impacts on living conditions for nearby occupiers. These are matters which have a neutral impact on the overall balance.
24. The proposal would provide a live-work unit, with employment and other economic benefits likely to arise during construction and its future use. However, given the scale of the scheme the contribution it would make both to housing supply and economic growth would be small, and carries limited weight in favour of the proposal. The development plan seeks primarily to locate development in community hubs and community clusters, limiting the siting of development in other locations in the countryside. In this case, the location of a live-work unit in the countryside has not been adequately justified by reference to the need for or benefits arising from the proposal. Permitting the scheme to go ahead in such circumstances would undermine the plan-led approach to the location of development. This weighs significantly against the proposal, and outweighs the modest benefits associated with the scheme.
25. The scheme consequently conflicts with the development plan read as a whole. None of the material considerations identified, including the Framework, outweigh this conflict or justify a decision other than in accordance with the development plan. The appeal is therefore dismissed.

M Cryan

Inspector