



Appeal Decision

Hearing (Virtual) Held on 18 May 2021

Site Visit made on 19 May 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 May 2021

Appeal Ref: APP/L3245/W/20/3264190

The Riddings, Hopton Wafers, Cleobury Mortimer DY14 0JL

- 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 Christopher Woodward (Hopton Court Estate) against the decision of Shropshire Council.
 - The application Ref 20/01086/FUL, dated 10 March 2020, was refused by notice dated 4 June 2020.
 - The development proposed is change of use of land including existing access route and pathways to provide a six-pitch seasonal use glamping site; existing hard standing to provide parking; provision of temporary toilet/washing facilities and septic tank plus a reed bed.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address above is taken from the appeal form but with the post code added. It is more accurate than the address on the application form and the main parties agreed to its use at the hearing.
3. I have been advised that the named appellant is a trustee of Hopton Court Estate, rather than one of the directors as referred to on the application form. However, I am satisfied that the applicants and the appellant represent the same body and that the appeal has been lodged by an appropriate party.
4. On my site visit, I saw bell tents, toilet cabins, a sauna, communal fire pits and a honesty shop. As such, the development has commenced although elements such as the provision of a reed bed have not been carried out. I have had regard to the features that I saw but my decision is based on the appeal plans.
5. The description of development in the header above is different to that on the application form as it includes the word 'provision' rather than 'retention' which is not an act of development. While not specified in the description, the submissions indicate that the site would be open seasonally from 1 May to 30 September each year. My assessment is made on this basis.
6. An emerging Shropshire local plan has been the subject of public consultation but has not yet been submitted to the Secretary of State for examination. There is a significant degree of uncertainty over whether the emerging policies will be adopted in the form provided to me and so they attract limited weight.

Main Issue

7. The main issue is whether the development is in an appropriate location having regard to the policies of the Shropshire Core Strategy 2011 (CS), the Shropshire Council Site Allocations and Management of Development Plan 2015 (SAMDev), the National Planning Policy Framework (the Framework) and accessibility.

Reasons

8. The site is in an area that is generally vacant of buildings and is predominantly woodland, pasture fields and heathland. It is a significant distance from any settlement as defined in the CS or SAMDev. CS policy CS4 looks to make rural communities more sustainable by resisting development outside defined settlements unless it meets CS policy CS5. This allows proposals which maintain and enhance countryside vitality and improve the sustainability of rural communities by bringing local economic and community benefit. Policy CS5 goes on to list developments which could be permissible.
9. The first bullet point in the policy CS5 list refers to small-scale development that diversifies the local economy. It is expected that such schemes will be in settlements or linked to existing development and business activity. The sixth bullet point allows sustainable rural tourism, leisure and recreation proposals which require a countryside location in accordance with CS policy CS16. Amongst other things, this policy places an emphasis on visitor accommodation in accessible locations served by a range of facilities. Also, these proposals should be close to or within settlements or at an established tourism enterprise where accommodation is required.
10. The appellant does not dispute the Council's claim that the site is 1.8 km from Hopton Wafers and 2.6 km from the Crown Inn at the village. Other facilities at Oreton, Cleobury Mortimer and in the wider area are further away from the site. CS policy CS16 provides no guidance as to the meaning of 'close to a settlement'. However, the significant separation distances and isolated location indicate the development is not near to Hopton Wafers or any other village. Also, while noting the limited on-site facilities, there are no serviced shops, catering outlets or built tourist venues convenient to the development.
11. Various festivals take place at Hopton Court but these are short events and there is no evidence to demonstrate that they will continue. In any case, the glamping site is set away from the main part of Hopton Court and open when no festivals are taking place. As such, the development is not clearly connected to an established tourist business enterprise.
12. The scheme is in line with the aims of CS policy CS16 to support tourism development which diversifies the existing offer and promotes visitors' access to the natural environment and rights of way network. However, compliance in these regards does not address the specific policy requirement in respect of the location of visitor accommodation. The development is outside and not close to a settlement and it is not linked to an established business. As such, it would not accord with CS policy CS16 when read as a whole and bullet points 1 or 6 under CS policy CS5.
13. The main parties agreed at the hearing that the development is a green tourism scheme and so it is supported to a degree by CS policy CS13. The

justification to this policy recognises that such development may need to be in the countryside away from settlements but the policy itself states proposals must accord with CS policy CS5. Also, SAMDev policy MD11 includes the same requirement. As such, the identified non-compliance with CS policy CS5 means the development is also contrary to CS policy CS13 and SAMDev policy MD11.

14. The referred to CS and SAMDev policies are generally consistent with the Framework in terms of the stated support for sustainable rural tourism and leisure development. The Framework recognises local rural business needs may have to be accommodated on sites beyond existing settlements. However, at the same time it encourages the use of sites that are physically well-related to settlements where opportunities exist. As CS and SAMDev policies are generally consistent with the Framework, I attach significant weight to the identified non-compliance with policy.
15. At the hearing, I was advised that most visitors to the glamping site arrive by car, which is understandable given its isolated location and lack of realistic alternatives. Visitors can reasonably walk to nearby public rights of way and local countryside. Some may make longer walking or cycling trips to facilities in Hopton Wafers, Cleobury Mortimer and elsewhere in the surrounding area. The development has attracted no highway safety objections and does not generate significant levels of traffic and so there is no conflict with CS policy CS6. Nevertheless, the isolated position and general lack of nearby facilities is likely to place a high reliance on car travel to and from the site. This goes against the aim to improve the sustainability of rural communities as set out in policy CS5.
16. For the above reasons, I conclude the development is not in an appropriate location having regard to CS policies CS5, CS13 and CS16 and SAMDev policy MD11.

Other Matters

17. The development is outside but a short distance from Catherton Common Site of Special Scientific Interest (SSSI), which is also designated as a local wildlife site. The SSSI notification record indicates the common is an extensive area of wet and dry heathland that includes flora and dragonfly species of ecological interest. The development has no direct effect on the SSSI but it is likely to lead to additional visitors. However, the glamping use is low key and seasonal and so any extra recreational pressure on the SSSI is likely to be limited. There is no firm evidence before me that the scheme has negative effects on the ecological value of the SSSI and so it is acceptable in this regard.
18. The on-site pond is identified as containing great crested newts (GCNs), a European protected species. The development has no direct effect on the pond but includes a change of use of surrounding land. Subject to the implementation of measures set out in the appellant's Reasonable Avoidance Method Statement, the Council raises no concerns that the scheme would cause harm to GCN's. There is no reason for me to arrive at a different view on this matter and so I find the scheme is acceptable in this respect. The provision of bat and bird boxes as part of the development is a minor benefit to the ecological value of the site.
19. Shropshire Hills Area of Outstanding Natural Beauty lies some 1.3 km to the north west. Given the separation distance and intervening tree and vegetation cover, the development would have no meaningful effect on this area or its

setting. Furthermore, the main part of the site is set back from the road and largely screened from public views by trees and hedges. As such, the scheme causes no harm to the rural character and appearance of the locality. Acceptability in these regards is a neutral factor in my assessment.

20. The appellant refers to permitted development rights (PDRs) that allow the use of land as a camping site on a temporary basis. However, the appeal development's seasonal use is a markedly longer period than that allowed each year under PDRs. As such, the scheme is significantly different and more harmful than the fallback position provided by PDRs. Therefore, this factor attracts limited weight in my assessment.
21. The support for the proposal by local residents and businesses is noted. However, this fails to address the identified non-compliance with development plan policies and so attracts limited weight in my consideration.
22. The development would help meet demand for local holiday accommodation and promotes tourism, which is supported in general terms in the development plan and the Framework. The site generates maintenance, cleaning and other employment. Also, visitor spending supports local businesses although the benefits in these regards are likely to be curtailed due to the significant separation of the site from facilities. Nevertheless, these factors attract positive weight in my consideration.
23. The development lies in a tranquil rural environment and allows easy access to the surrounding countryside. Therefore, the accommodation promotes leisure and recreational activities with subsequent social and health benefits. These advantages attract positive weight in my assessment. However, I am unconvinced by the claim that such benefits rely upon the use of an isolated site away from settlements and facilities, particularly as significant parts of the surrounding rural area are just as tranquil and closer to villages.

Planning Balance and Conclusion

24. The conflict with CS and SAMDev policies means the scheme is contrary to the development plan when read as a whole. Its benefits and other considerations are of insufficient weight to justify allowing the appeal contrary to the development plan policies. As such, I conclude the appeal should not succeed.

Jonathan Edwards

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Chris Woodward	Appellant
Sian Griffiths BSc (Hons), DipTp, MScRealEst, MRTPI, MRICS	Planning agent
David Fellows LL.B (Hons)	Planning agent

FOR THE LOCAL PLANNING AUTHORITY:

Andrew Sierakowski BSc(Econ)Hons,
MSc, GDL, LLM, MRTPI, IHBC

Consultant Planner – Development
Management

Tim Rogers

Team Manager – Development
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INTERESTED PARTIES

Madge Shingleton

Nick Davis

Clare Todd

Amber Wykes