



Appeal Decision

Site visit made on 25 May 2021

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd July 2021

Appeal Ref: APP/L3245/W/20/3265966

Maesbrook Nursing Home, Church Road, Shrewsbury, SY3 9HQ

- 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 Maesbrook Care Home Limited against the decision of Shropshire Council.
 - The application Ref 20/01976/FUL, dated 19 May 2020, was refused by notice dated 30 June 2020.
 - The development is described as "*erection of a building to provide occasional accommodation for visiting families with associated works*".
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Decision

1. The appeal is allowed and planning permission is granted for erection of a building to provide occasional accommodation for visiting families with associated works at Maesbrook Nursing Home, Church Road, Shrewsbury, SY3 9HQ in accordance with the terms of the application, Ref 20/01976/FUL, dated 19 May 2020, subject to the conditions set out in the attached schedule.

Application for Costs

2. An application for costs was made by Maesbrook Care Home Limited against Shropshire Council. This application is the subject of a separate decision.

Preliminary Matter

3. A revised plan was submitted at appeal stage that corrected an error in the original plan and clarified the direction that each elevation would face. It also altered the internal layout and showed a proposed window in the south east elevation as being obscurely glazed. These changes are minor in nature and would not significantly alter the appearance of the building. I do not consider that any party would be prejudiced by my acceptance of this plan, and I have therefore determined the appeal on this basis.

Main Issues

4. The main issues are the effect of the development, firstly, on the character and appearance of the area and, secondly, on the growth of existing businesses.

Reasons

Character and appearance

5. The appeal site comprises a small area of hardstanding on the north western side of Church Road. It backs onto a high retaining wall to the main care home building, which is positioned on higher ground.
6. The properties along this part of Church Road are varied in style and consist mainly of detached bungalows and houses, with no consistent building line. The northern side of the road is dominated by mature planting and the care home building, which is set back significantly. In this regard, the development would appear visually separate from the host building, being a small single storey structure set on lower ground. However, it would be subservient in scale and would be located in a relatively secluded position where views of the care home are filtered by mature planting. It would not significantly detract from or compete with the character and appearance of the host property, nor would it appear at odds with the varied built character along this part of the street. The site is also large enough to accommodate a building of this size and it would not appear visually cramped in this regard. In addition, the development could be landscaped to ensure that it integrates with the mature planting on either side, which could be secured by condition.
7. For the above reasons, I conclude that the development would not significantly harm the character and appearance of the area. It would therefore accord with Policies CS6 and CS17 of the Shropshire Core Strategy (2011) and Policies MD2 and MD12 of the Shropshire Site Allocations and Management of Development Plan (2015). These policies seek to ensure, amongst other things, that new development is appropriately designed and preserves local distinctiveness.

Growth of existing businesses

8. The development proposes a single unit of accommodation with self-catering facilities. There are no hotels in the immediate vicinity of the care home, although there are a significant number in Shrewsbury town centre, and a Travelodge is located near to the A5 to the south. However, the appellant states that the travel time from these hotels to the care home has led to situations where residents have passed away without their family around them. In this regard, the development would provide on-site accommodation that would be available to friends and relatives of residents of the care home.
9. It is asserted that the development could limit the growth of existing businesses and would be at odds with Policy CS13 of the Shropshire Core Strategy (2011) in this regard. However, Policy CS13 is a strategic policy that seeks to promote economic development and business investment. It provides no basis for refusing the appeal proposal on the grounds cited in the Decision Notice. Moreover, no substantive evidence or analysis has been provided to demonstrate that the development would limit the growth of any existing business. Given that it proposes only a single unit of accommodation for use in association with the care home, I consider that to be highly unlikely.
10. It is suggested that an existing bedroom within the care home could be used for these purposes. However, I note that there is a significant shortage of care home accommodation in the area. It is also unclear whether the existing rooms have self-catering accommodation or are capable providing of the same facilities that are proposed here.
11. For the above reasons, I conclude that the development would not significantly harm the growth of existing businesses. It would therefore not conflict with

Policy CS13 of the Shropshire Core Strategy (2011), which seeks to encourage economic development, enterprise, and employment.

Other Matters

12. The development would include a bedroom window in the side elevation facing onto Church Road. This would be positioned opposite windows in Southfield at relatively close quarters. However, the revised plan indicates that this window would be obscurely glazed, which could be secured by condition. This would ensure that no significant overlooking or loss of privacy would arise.
13. The development proposes a single unit of accommodation that would not be in continuous use. The associated levels of traffic would therefore be relatively minor. Whilst the unit could generate occasional comings and goings in the evening and at night if occupants were called into the care home at these times, I note that the proposed entrance is in close proximity to a stairway up to the main building. In my view, it is highly unlikely that this arrangement would result in any significant disturbance to neighbouring occupiers.
14. The means of foul and surface water drainage are capable of being controlled by condition. I further note that a mains connection is envisaged.

Conditions

15. The Council suggested a number of conditions, some of which I have edited for clarity and enforceability. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is necessary in the interest of certainty. I have also imposed a condition relating to foul and surface water, which is necessary to ensure that the site is appropriately drained. Further conditions relating to external materials, landscaping, and the removal of permitted development rights in relation to gates, fences and walls are necessary in order to protect the character and appearance of the area. A condition requiring a window in the south eastern elevation of the building to be obscurely glazed is also necessary in order to prevent overlooking. Finally, a condition restricting the occupancy of the building is necessary to prevent it being used as a separate unit of accommodation, as per the description of development.

Conclusion

16. For the reasons given above I conclude that the appeal should be allowed.

Thomas Hatfield

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 0.01B.
- 3) No development shall take place above slab level until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the first occupation of the development and shall thereafter be retained.
- 4) No development involving the use of any facing or roofing materials shall take place until samples of the materials to be used in the construction of external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 5) Notwithstanding Condition No 2, the development hereby permitted shall not be occupied until a scheme of hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include boundary treatments and means of enclosure, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), details of existing plants/trees to be retained, and a timescale for the implementation of the works. The approved scheme shall be implemented in accordance with the approved details and timescale. Any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
- 6) The proposed window in the south-eastern elevation of the building hereby approved shall be glazed in obscure glass and shall be non-opening below a height of 1.7m measured from the internal finished floor level. It shall thereafter be retained as such, and no further openings shall be created in this elevation of the building.
- 7) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the use of the residential institution known as Maesbrook Nursing Home.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no gates, fences or walls shall be erected, other than those specifically identified on the approved plans.