



Appeal Decision

Site Visit made on 12 October 2021

by Samuel Watson BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2021

Appeal Ref: APP/L3245/W/21/3277608

**Land between the A49 and the Shrewsbury/Hereford railway line,
All Stretton, Church Stretton SY6 7JJ**

- 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 Alexander Nixon (Stretton Livestock Husbandry Centre) against the decision of Shropshire Council.
 - The application Ref 20/05241/FUL, dated 14 December 2020, was refused by notice dated 19 February 2021.
 - The development proposed is a temporary timber cabin (for 2 years) to provide a farm office, meeting facility and custodial farm living accommodation.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development above is taken from the appeal form, I find it is more precise and the Council also used it in their decision notice. I have removed the phrase "retention of" as it is not a description of development.

Background and Main Issues

3. The existing timber cabin was granted a temporary permission under Ref 18/04699/FUL to provide an agricultural workers dwelling and office. The permission required that the use cease within 18 months, and that the building be removed within two years, of the permission. The proposal before me seeks a second temporary permission for a further two years.
4. Therefore the main issues are, whether there is an essential need for a dwelling to accommodate a rural worker; and, the effect of the proposal on the character and appearance of the area, including the Shropshire Hills Area of Outstanding Natural Beauty (AONB).

Reasons

Need for Rural Workers Dwelling

5. The existing cabin is located in the corner of a field close to the A49. The appeal site lies in open countryside and outside of any settlement boundary where new residential development is restricted by local and national policy. The exception for this is agricultural workers dwellings where there is a suitable justification of need. The Council's evidence makes it clear that permission 18/04699/FUL was granted on the grounds of on-site security needs, although I am mindful that the appellants dispute this being the sole reason they applied

- for the original dwelling. I understand that the security systems on site have been upgraded.
6. In this case, the appellants consider that a new temporary permission would be needed in order to ensure security on the site, the feeding and monitoring of livestock, and to accommodate an office. Further to this, the presence of a cabin reduced the need to visit the site a number of times each day.
 7. Given the position of the dwelling away from the site entrance and the majority of public views, I find that it is unlikely that its presence alone deters criminal behaviour. I understand that the dwelling was occupied for a short period of time by a member of staff, but it is now not permanently occupied, with the appellants only visiting irregularly. No substantive evidence has been provided to demonstrate any criminal behaviour, including burglary, has occurred while the dwelling was not occupied or following the additional security being added. I cannot be certain that the intermittent occupation of the dwelling provides any significant or meaningful additional security over and above the existing security features on site. I therefore find that there is insufficient evidence before me to justify that the dwelling is necessary for this purpose.
 8. At the time of my site visit, the barn was still under construction and is not currently used to house livestock, such as calves. I understand that this is the result of delays, including the recent Coronavirus pandemic. Although the potential remains for livestock to be brought on site and kept in the barn, there is currently no livestock or evidence of when they would be brought on site. I cannot therefore be certain that any will be introduced. Therefore, whilst livestock may need round the clock supervision, without sufficient evidence I it has not been demonstrated that this need exists now.
 9. It has also been put forward that the dwelling is necessary for providing office and meeting space for the agricultural business. However, it would not be necessary for a dwelling to be provided for this purpose alone.
 10. I note that the dwelling has a smaller floor space than the maximum recommended by the Type and Affordability of Housing Supplementary Planning Document 2012 (the SPD), and that the appellants are willing to accept a condition restricting future occupiers. Moreover, the dwelling may reduce the number of journeys to and from the site which is supported by paragraph 85 of the National Planning Policy Framework (the Framework). However, these matters do not outweigh the identified harm.
 11. The stated intention of the agricultural business is to showcase modern farming techniques, including the demonstration of automated feeding equipment, and the proposal is intended to support this. However, there is no compelling evidence that the proposal would be necessary to support the modernisation of farming. Notwithstanding the suggestion that the dwelling would support the diversification of the rural economy and the growth of the business it has not been indicated how this would occur.
 12. I therefore conclude that it has not been demonstrated that there is an essential need for a dwelling to accommodate a rural worker. Accordingly, the proposal would result in a dwelling within open countryside where both local and national policy seeks to restrict residential development. The proposal therefore conflicts with Policies CS1, CS3, CS4 and CS5 of the Shropshire Local Development Framework: Adopted Core Strategy (the ACS) and Policies MD1

and MD7a of the Shropshire Council Site Allocations and Management of Development Plan 2015 (the SAMDev). These policies, amongst other things, set out the location strategy for development; directing residential development to settlements, community hubs and clusters unless it is demonstrated that there is a need to house rural workers, such as those involved with agriculture. It would also conflict with the guidance contained in the SPD with regards to demonstrating a need for an agricultural workers dwelling. There would also be conflict with the locational aims of paragraph 79 of the Framework with regards to supporting villages and rural communities.

Character and Appearance

13. The site lies within the AONB. From my observations on site and from the evidence before me, the special qualities of the AONB in part stem from a varied landscape which includes farms and woods set across hills and valleys. With the exception of All Stretton, a nearby settlement, buildings are limited and sporadic within the surrounding area. The site itself contains a field, a large agricultural building and the temporary rural worker's dwelling. The dwelling is a single storey log cabin set on hard standing.
14. The cabin is a small and simple building which has a somewhat rural character as a result of its materials and design. Given its siting lower than the A49 and the significant mature vegetation which surrounds it, close views of the building are limited to within the appeal site. Whilst there are hills nearby which would afford views of the appeal site, the vegetation and large agricultural building would limit any views of the dwelling itself. Moreover, the proposed cabin would be temporary for a period of up to two years and so any impact would be limited to this time period. As such, and given its connection with the agricultural business on site, I find that the cabin would not harm the agricultural character of the area, an integral part of the special qualities of the AONB.
15. Therefore, the proposal would have an acceptable effect on the character and appearance of the area, including the AONB and complies with Policies CS6 and CS17 of the ACS and Policies MD2 and MD12 of the SAMDev. These collectively, and amongst other things, require that development is of a high quality design which respects local distinctiveness and the special qualities of the AONB. It would also comply with the guidance set out within the Shropshire Hills AONB Management Plan and the design aims of Paragraph 130 of the Framework which requires that development is visually attractive and sympathetic to the local character and landscape.

Other Matters

16. The appellants have raised that there would be no unacceptable harm resulting from the proposal with regard to flood risk, drainage, lighting or highway safety. However, these matters are not benefits resulting from the scheme and therefore do not outweigh the harm identified above. Moreover, whilst environmental improvements may have been made in connection with the existing agricultural business and more are proposed, such as tree planting, bird and bat boxes, it has not been demonstrated that the dwelling would be required for their provision.

17. Although I am mindful of the appellants' work with charities, which is likely to be of some social benefit, it appears this is somewhat limited or at an early stage and does not outweigh the identified harm.
18. The appellants have also referred to paragraphs 8 and 11 of the Framework, these set out the presumption in favour, and three objectives, of sustainable development. However, as outlined above the proposal would not accord with the up-to-date development plan. Paragraphs 16, 83 and 196 of the old Framework, now 16, 84 and 202 of the new Framework, have also been referred to by the appellants but these are not directly relevant to the main issues upon which this appeal turns.

Conclusion

19. The proposal would result in a dwelling in the open countryside and would conflict with the development plan taken as a whole. Whilst the proposal would not harm the character and appearance of its surroundings, this would not outweigh the harm to the Council's strategy for housing. Consequently, there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR