



Appeal Decision

Site visit made on 12 July 2022

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 August 2022

Appeal Ref: APP/L3245/W/22/3293162

Land East of Mill Lane, Ruyton XI Towns, Shrewsbury, SY4 1LS

- 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 Robert & Emily Hamlett against the decision of Shropshire Council.
 - The application Ref 21/04897/FUL, dated 12 October 2021, was refused by notice dated 29 November 2021.
 - The development proposed is change of use of land to allow siting of 2 no. holiday cabins (Shepherds Huts)
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land to allow siting of 2no. holiday cabins (Shepherds Huts) at Land East of Mill Lane, Shrewsbury SY4 1LS, in accordance with the terms of the application, Ref 21/04897/FUL, dated 12 October 2021, subject to the attached schedule of conditions.

Main Issue

2. The main issue is whether the site is a suitable location for the proposed development, having particular regard to:
 - i) the effect of the proposal on the character and appearance of the area, and
 - ii) access to local facilities.

Reasons

Character and appearance

3. The principle of new tourist accommodation in the countryside is accepted in policies CS5 and CS16 of the Shropshire Core Strategy 2011, and Policy MD11 of the Site Allocations and Management of Development Plan 2015 (SAMDev). This policy support is subject to a number of criteria, which include the need for developments to be sensitive to Shropshire's intrinsic natural and built environment, and to compliment the character and qualities of the site's immediate surroundings.
4. The appeal site forms part of a field used for grazing livestock, in an area of countryside between the small settlements of Ruyton XI Towns and Baschurch. The landscape in this location is gently undulating, characterised by small to medium sized fields, bounded by hedgerows, and interspersed with blocks of woodland and individual trees.

5. The appeal site is currently a field, and its location close to the River Perry is rural and peaceful in character. However, the site is only a short distance from residential development at Marches Meadow, and the nearby farm buildings and wastewater facility means that it is not a remote or particularly isolated location.
6. The proposed use of the site for holiday accommodation would result in a change in the character of the site, which is currently free from hardstanding or other built development. However, policies in the development plan provide for tourist accommodation in rural areas, which implies that some degree of visual impact is accepted.
7. From Mill Lane, the site is well screened by trees and hedgerows, and views of the development from the road would be largely restricted to the field gate which provides access to the site. The site would be visible from the footpath which runs along the other side of the river, from Platt Bridge to the footbridge on Mill Road, but views would be from a reasonable distance away. The area on either side of the river is fairly open, but the proposed shepherd's huts would be located alongside the edge of the field, which is demarcated by a hedgerow and mature trees. As a result, when viewed from the footpath, the development would be seen against the backdrop of existing trees and vegetation, so would not appear to be in an open or isolated position. Views of the development would be partly screened by existing trees, with additional screening provided by the proposed tree planting.
8. The two shepherd's huts would be modest in scale and the wheeled structures would have the appearance of mobile features, rather than permanent buildings. The Council has not raised any objection to the design of the huts, and I agree that their timber clad appearance would be acceptable in this location. The proposed use of grasscrete would limit the visual impact of the access road and areas of hardstanding, and would enable the site to retain a more natural appearance.
9. There is no requirement within relevant development plan policies that holiday accommodation should be located close to existing farm or other buildings. Policy CS16 encourages the re-use of existing buildings where possible, but there is no suggestion that any other buildings on the wider farm holding are available for the proposed use. The appellants have explained that siting holiday accommodation close to the existing agricultural buildings would cause a conflict with the farm operations.
10. Policy CS16 requires that rural tourism developments do not harm Shropshire's tranquil nature. The proposed use would inevitably involve a degree of activity, including vehicle movements along Mill Lane. However, the proposed huts would be of small scale, each only large enough for 2 people. The modest scale of the development would mean that the levels of activity associated with it would be low, and this would limit any impact on the peaceful character of the area. Furthermore, the appellant has indicated that the proposed use would only be seasonal, with the site reverting to use for grazing at other times.
11. Taking account of the above considerations, the effect on the character and appearance of the area would be acceptable.

Access to local facilities

12. Core Strategy Policy CS16 supports high quality visitor accommodation in accessible locations served by a range of services and facilities. In rural areas, developments should be close to, or within settlements.

13. The nearest settlement to the appeal site is Ruyton XI Towns, which is identified as a community hub in the development plan. It has a basic range of facilities, including a pub and café. Whilst the appeal site is not within the village, at around 0.35km from the development boundary, it is close to the settlement.
14. The appeal site is a short walk to Ruyton IX Towns along Mill Lane and the B4397. The main road has a pavement, but Mill Lane is a narrow route with no footway. However, as it serves few properties, it is very lightly trafficked, and the proposed development would not alter this to any notable extent. Any conflict between road users would be infrequent, and although the road is narrow, this serves to keep traffic speeds low. The Highways Officer has raised no objection to the scheme on safety grounds, but has noted that the creation of a passing place along Mill Lane would be of assistance. The appellant has submitted details showing how such a passing place could be provided within land in their ownership. I agree that this would help ensure that the site could be accessed safely, and would be a benefit for other users of the road, including pedestrians and cyclists.
15. Mill Lane is not lit, and the alternative footpath route along the river may be muddy. Whilst this may discourage use by some, holiday makers attracted to a rural area such as this may well be equipped for walking, and be prepared to do so, including in the dark.
16. Overall, I am satisfied that users of the proposed holiday accommodation could access local facilities in Ruyton XI Towns safely, without the need to drive.
17. Facilities in Ruyton XI Towns are basic, but additional services, including a convenience store, farm shop and takeaways are available nearby at Baschurch, which is slightly larger but a little further away. The most direct route to Baschurch is along the B4397. This is not a particularly attractive proposition for pedestrians, as the road is reasonably busy with only a very narrow footpath, and no pavement at all over Platt Bridge. Holiday makers may well choose not to walk or cycle that way. However, some degree of car usage is likely with any tourist accommodation, and there is an alternative, albeit less direct, footpath route to Baschurch.
18. In terms of other activities, the appeal site has good access to the local footpath network, and there are opportunities to explore the local countryside without the need to drive. Circular walks to nearby attractions including The Cliffe and Nesscliffe Woods are available from the site. The appellant has also indicated that holiday makers would be able to make use of fishing rights on the River Perry, providing an activity which could take place without the need to travel off site.
19. Overall, I conclude that the site is a suitable location for the proposed development. The effect of the proposal on character and appearance of the area would be acceptable, and there are a range of local facilities which could be accessed by walking, cycling or driving a short distance.
20. The proposal is therefore consistent with Policy CS5, which provides for sustainable rural tourism uses in the countryside. The proposal would be appropriate in scale taking account of local context and character, so it would comply with Policies CS6 and CS17, and SAMDev Policies MD2 and MD11. The site is close to Ruyton-XI-Towns and there are a range of services and facilities nearby, so the requirements of Policy CS16 would also be met.

Other Matters

21. Concerns have been raised about flooding and drainage of the site, and its proximity to a sewage outlet. The location of the site in relation to the sewage works has been taken into account by the appellants in their site selection process, and the Council has raised no objections on environmental protection grounds. The appellant has stated that the field is well drained, and the site is outside of an identified flood zone. No objection has been raised by the Council's drainage consultants.
22. Questions have been raised as to the provision of services to the site, but given the fairly close proximity to nearby built development, this is unlikely to be unsurmountable.
23. Concerns have been raised about the potential for further development in the future, but any such proposals would need to be assessed in terms of their own impact, in accordance with relevant policies.

Conditions

24. The Council has suggested a number of conditions which I have considered in light of relevant advice in the Planning Practice Guidance.
25. In addition to the standard implementation and plans conditions, I have imposed a condition restricting the use to holiday accommodation. This is needed to ensure that the proposed huts are not used as a permanent residence, which would be unacceptable in this location. In order to monitor the proposed use, a condition requiring a register to be maintained detailing all occupiers is also necessary.
26. The appellant has indicated that the proposed accommodation would be used seasonally, between the months of April – October. Given that the accessibility of the site involves the use of local footpaths and unlit lanes which will be darker and potentially less usable during the winter months, a condition restricting use of the huts to these times is reasonable.
27. I have imposed a condition requiring a passing place to be constructed along Mill Lane prior to occupation of the units, to provide a satisfactory and safe access for all road users.
28. The Council has suggested conditions requiring details of external lighting and bat and bird boxes. However, this information has already been provided in the submitted landscaping proposal (Peter Richards, October 2021), which sets out details of tree and shrub planting and maintenance, hard landscaping, external lighting and ecological enhancement measures. No further details are necessary, but I have imposed a condition requiring the implementation of these measures, which are necessary to safeguard biodiversity and ensure that the scheme has a satisfactory appearance.

Conclusion

For the reasons set out above, the appeal is allowed.

R. Morgan

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 plans:
 - Drawing No. A1.1 – location plan, site plan, floor plans and elevations
 - Landscaping proposal, Peter Richards & Co, October 2021
 - Ecological Appraisal, Greenscape Environmental, 4 November 2021
 - Details of Tuff Tank submitted with application
- 3) The holiday accommodation hereby approved shall only be occupied in strict accordance with the following requirements:
 - i. the shepherd's huts shall be occupied for holiday purposes only and shall not be occupied as a person's sole, or main place of residence;
 - ii. A register of occupancy of the shepherd's huts, to include the names and addresses of all occupiers and their arrival and departure dates, shall be kept by the site manager and shall be made available at all reasonable times for inspection by officers of the local planning authority; and
 - iii. occupation of the shepherd's huts shall only take place between the months of April – October (inclusive).
- 4) The holiday accommodation hereby permitted shall not be occupied until a passing place has been constructed on Mill Lane, in accordance with details previously agreed in writing with the local planning authority.
- 5) Prior to the occupation of the approved holiday accommodation, soft and hard landscaping and ecological enhancement works shall be carried out in accordance with the details set out in the Landscape Proposals (Peter Richards & Co, October 2021), and so retained thereafter.

Maintenance shall be carried out in accordance with the approved tree maintenance schedule (Table 2).

Any external lighting shall be installed in accordance with the details contained in the approved Landscape Proposals, and thereafter retained and operated for the lifetime of the development.