



Appeal Decision

Site visit made on 6 December 2022

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2022

Appeal Ref: APP/L3245/W/21/3288193

Woundale Farm, Woundale, Bridgnorth WV15 5PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr SC Jones against the decision of Shropshire Council.
 - The application Ref: 21/00665/FUL, dated 5 February 2021, was refused by notice dated 4 June 2021.
 - The development proposed is described as erection of cattery.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It appears that the cattery, for which planning permission has retrospectively been applied, has been constructed.
3. A new version of the National Planning Policy Framework (the Framework) was published in July 2021. The parties have had opportunity to comment on the engagement of this new policy document in relation to the appeal, and so will not be disadvantaged by my consideration of it.
4. The Council considers that the setting of the Grade II* listed Woundale Farm House and, subject to appropriate landscaping, the Grade II listed 6 Woundale would be adequately protected. I accept this, and that the setting of these listed buildings would be preserved.

Main Issues

5. The main issues in this case are:
 - The effect of the appeal scheme on the openness of the Green Belt, and whether it is inappropriate development in the Green Belt; and
 - If the appeal scheme is inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Green Belt openness and whether inappropriate development

6. The appeal site is located in countryside, in the Green Belt. It reads on the ground as part of the rear garden of Woundale Farmhouse.

7. Policy CS5 of the Shropshire Core Strategy (CS) requires that, among other things, development is strictly controlled in accordance with national planning policies that protect the Green Belt. Also, Policy MD6 of the Shropshire Site Allocations and Management of Development Plan (SAMDev) requires that, among other things, development proposed in the Green Belt demonstrates that it does not conflict with the purposes of the Green Belt. As such, Policies CS5 of the CS and MD6 of the SAMDev are broadly consistent with the Framework.
8. Paragraph 149¹ of the Framework sets out that construction of new buildings in the Green Belt should be regarded as inappropriate, unless in a small number of exceptional circumstances. One such exception to inappropriate development in the Green Belt, under Framework paragraph 149(g) is redevelopment of previously developed land (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than existing development.
9. The Council Planning Officer's Report in 2021 indicates that by then the appeal site formed part of the domestic curtilage of the main farmstead dwelling, and that a hedge that appeared to more closely relate the site to the farmyard had been removed around a decade earlier. Also, the Council Officer's on-site observation of June 2016² indicates that there were small temporary moveable timber and wire poultry housing structures enclosed by a wire fence. This chimes with the description in the Council Planning Officer's Report of there previously being a modest poultry house, moveable poultry arks and broody coops, and post and wire netting enclosure on the site. Also, the appellant reports dimensions of previous poultry accommodation on this site. These suggest coops, chicken sheds, a duck house and a goose house with a combined volume of approximately 37cu.m, spaced out across the site.
10. Assuming the accuracy of the reported previous structures' dimensions, I find as follows in relation to Framework paragraph 149(g). The above depictions, together with the reported heights of the poultry sheds, coops and houses as ranging mostly between around 1m to 2m, with much of the compound being occupied by space around the various structures, indicate their likely noticeable relative lack of permanence, scale and bulk compared to the listed farmhouse buildings, and other large farmstead buildings in the vicinity. Moreover, the moving of the poultry coops, sheds and house off the site by forklift vehicle some years ago limited their time on site, and points to their movable nature. Therefore, it is likely that there was a noticeable lack of permanence, and thus an articulation of temporariness, in the character and appearance of the previous poultry accommodation on the appeal site.
11. Various caselaw³ together establishes that, among other things a structure's mobility and lack of attachment to the ground does not in itself automatically mean lack of permanence. Nevertheless, I find that the identified combination of factors in the current appeal case is likely to have reduced the significance of presence of the previous poultry provision on the appeal site, and articulated a lack of permanence to it, such that the previous poultry accommodation structures on the site amounted to temporary buildings.

¹ Numbered paragraph 145 in the previous version of the Framework.

² As described in the Council's Appeal Statement letter, 28th July 2022.

³ *R (oao Save Woolley Valley Action Group Ltd) v Bath and North East Somerset Council* [2012] EWHC 2161 (Admin), and *Skerritts of Nottingham Ltd v SSETR & Harrow LBC (No. 2)* [2000] EWCA Civ 5569.

12. The second part of the Framework paragraph 149(g) exception test concerns whether, in this case the appeal development has a greater impact on the openness of the Green Belt than the previous poultry accommodation on the site. As set out in the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness has both a spatial and visual aspect, and matters relevant to its are subject to planning judgement. I find as follows regarding the impact of the appeal cattery on the openness of the Green Belt.
13. The appeal cattery building is a timber-clad building that is almost 26m long and 5m wide, with a green metal sloping roof up to approximately 2.8m in height. As illustrated in the Cattery Floor Plan and Elevations drawing WFW/PP/03, and in contrast to the approximately 37cu.m. total volume of the reported previous coops, chicken sheds, duck house and goose house, the appeal cattery building has a volume of approximately 319cu.m. As such, the cattery occupies a building volume more than eight times larger than the previous poultry coops, sheds and houses on the appeal site. Also, the appeal cattery building takes the form of one solid mass, compared to the more spaced out and smaller volume of previous reported structures on the appeal site.
14. Thus, the appeal cattery has a greater bulk and presence on this site in the Green Belt than the previous poultry provision. Given the cattery building's length and bulk, it has an adverse spatial impact on the openness of the Green Belt. That the extent of the previous post and wire netting fence was, according to the appellant, reportedly less than that of the cattery building footprint, does not alter this.
15. The following factors go some way towards moderating the visual impact of the cattery. The rustic style timber cladding of the single storey building has some assimilating effect, for example within the farmhouse garden. Also, hedging, garden vegetation and other buildings and rolling topography in the locality screen it from some viewpoints.
16. However, that said, seasonal leaf fall and pruning of hedges and vegetation is likely to lessen their screening effect. Furthermore, located on landform that rises up from the lane, the cattery's southern elevation, almost 26m long, has some prominence in various rural views to the south and south-east, from fields, and from the lane at a gateway to the neighbouring field. In its relatively elevated south-facing position, the cattery's southern facade catches the sun. This and the extent of fenestration on its southern elevation further draws the eye to the cattery. And its presence and usage is likely made more noticeable by illumination visible through its windows. Other elevations of the building are also noticeable from various viewpoints within the site. Consequently, the cattery building noticeably extends the built form of Woundale hamlet southwards, eroding the verdancy and openness of the countryside.
17. Therefore, the building's bulk, mass, appearance, and associated illumination and activity arising from it leads to the building having a greater impact on the openness of the Green Belt than previous development on the site. This causes moderate harm to openness. This harmful loss of openness is at odds with the fundamental Framework aim to keep Green Belt land permanently open. Furthermore, the combination of building mass, use, illumination and activity

results in its encroachment into the countryside. Therefore, it undermines the purposes of the Green Belt as set out in the Framework.

18. Thus, even if poultry on the appeal site was previously kept for domestic not commercial use, given the identified temporariness of previous buildings, and the appeal development's identified adverse impact on openness, the appeal cattery does not satisfy the required range of criteria in exceptions paragraph 149(g) of the Framework. Thus, it is inappropriate development which, by definition, harms the Green Belt.

Other considerations

19. The development provides for a small scale, farm diversification business that employs up to around two people and provides work experience opportunity, with associated supply chain and other socio-economic benefits in the area. The 'live-work' opportunity at the farm reduces the need to commute to work, with associated environmental benefit, albeit tempered by the environmental impact of customers relying on the private car to access this cattery. The appeal cattery provides 18 'luxury rooms' for up to two cats each, including potentially rescue cats, helping meet feline accommodation need in the area, year-round. However, the scale of benefit is modest and thus carries limited weight. That the cattery is in a quieter location, more separated from farm machinery movement, with associated greater potential business and customer appeal than the farmyard building conversion scheme⁴, does not alter this.

Whether very special circumstances

20. Policy CS5 of the CS requires protection of the Green Belt in accordance with national planning policy. As per the Framework, inappropriate development in the Green Belt should not be permitted except in very special circumstances, which will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
21. I have found that the appeal scheme is inappropriate development in the Green Belt, which is, by definition harmful. The appeal scheme also results in moderate harm to the openness of the Green Belt, and conflicts with one of the purposes of including land within it, in conflict with SAMDev Policy MD6. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt. The totality of identified harm to the Green Belt carries substantial weight.
22. On the other hand, the other considerations I have identified are of limited weight in favour of the appeal scheme. Therefore, the harm to the Green Belt is not clearly outweighed by the other considerations identified, and the very special circumstances necessary to justify the development do not exist. As such, the proposal is contrary to Policies CS5 of the CS, MD6 of the SAMDev and the Framework.

Other Matters

23. My attention is drawn to an appeal decision from 2012 about a cattery in the Green Belt (the 2012 decision). In this, the previous Inspector found that need for and economic benefit of the cattery weighed decisively in favour of the

⁴ Which was granted planning permission, Ref: 16/05401/FUL.

proposal. The 2012 decision differs from the current appeal case in several ways. It concerned another site elsewhere in the country, around ten years ago. Also, the following was absent from the 2012 decision. There was no acknowledgement of the substantial weight to be given to any harm to the Green Belt, no clear articulation of the weight attached to other considerations, and no clearly articulated comparison of the weight attached to the harm and other considerations. The absence of these elements from the 2012 decision does not negate the need to address them in the current appeal case. The above limits the equivalence of the 2012 decision to the current appeal case.

24. Also, a cattery scheme in the Green Belt, for which planning permission was granted by the Council in 2016⁵ (the 2016 scheme) differs from the current appeal case in various ways. It concerned replacement of a greenhouse building on another site, and did not involve decisive findings of inappropriateness and adverse impact on the Green Belt. This limits the equivalence of the 2016 scheme to the current appeal case. As such, the other decisions do not set compelling precedents to alter my decision. Moreover, the current appeal scheme has its own setting and circumstances, and I shall determine it on its own merits.

Conclusion

25. The appeal scheme is contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal fails.

William Cooper

INSPECTOR

⁵ Ref: 16/00090/FUL.