



# Appeal Decision

Site visit made on 30 April 2024

by **Samuel Watson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 17 May 2024**

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**Appeal Ref: APP/L3245/W/23/3327037**

**Cosford Business Park, Long Lane, Shifnal, Shropshire TF11 8PJ**

- 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 Robert Wood (R & P Wood) against the decision of Shropshire Council.
  - The application Ref is 22/05379/FUL.
  - The development proposed is for the erection of a detached single dwelling building containing three starter units for employment.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The appeal site is located within the Green Belt and therefore the main issues are:
  - Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
  - The effect of the proposal on the openness of the Green Belt;
  - The effect of the proposal on the living conditions of neighbouring occupiers;
  - The effect of the proposal on nearby designated and non-designated heritage assets; and,
  - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

## Reasons

### *Whether Inappropriate Development*

3. Paragraph 152 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 states that substantial weight should be given to any harm to the Green Belt and very special circumstances 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.

4. Subject to a number of exceptions, as listed in Paragraphs 154 and 155, the Framework makes it clear that the construction of new buildings should be regarded as inappropriate in the Green Belt. The listed exceptions include the limited infilling of previously developed land where this would not have a greater impact on the openness of the Green Belt than the existing development. Policy CS5 of the Adopted Core Strategy (March 2011, the ACS) and Policy MD6 of the Site Allocations and Management of Development Plan (December 2015, the SAMD) primarily rely, in so far as they are relevant to the matters of the appeal before me, on the exceptions set out within the Framework. Where ACS Policy CS5 goes on to support small-scale economic development, this is subject to the Green Belt requirements of the Framework.
5. The site contains a cluster of buildings formed of one group and one linear row. These, along with their associated parking and vehicular routes take up a great portion of the appeal site. The proposed buildings would be between the development within the appeal site and a dwelling adjacent to the site, Linden House. As the site is within the business park, and sited closely to development on two sides, I consider the proposal would comprise infilling on previously developed land. Whilst complying with the first part of the exception, I must also consider whether the proposal would have a greater impact on the openness of the Green Belt.
6. The area of the appeal site proposed for the siting of the scheme is currently an open area of grass that wraps around the rear and one side of the business park. By way of the lack of any built development across this portion, it contributes to the openness of the Green Belt. This is primarily through the area being physically open, as views from outside the site are largely screened by the mature planting and buildings on and around the site.
7. The proposal includes the provision of one new building containing three commercial units and three smaller buildings serving as bin, bike and e-scooter stores. These would all be located on the area of grass. It does not appear from the information before me that the associated areas of hardstanding would be enlarged.
8. The proposal would, by way of it siting over an open area, and the scale of the area that would be developed, result in a loss of openness and encroachment into the countryside. This would be primarily related to the physical presence of the buildings rather than a visual appreciation of openness for the reasons outlined above. However, the presence of the buildings would still be visible within the site and, although to a more limited degree, the surrounding area. Consequently, I consider that there would also be a very modest loss of visual openness.
9. Overall, in light of the above I find the proposal would result in a greater impact on the openness of the Green Belt than the existing development. Therefore, whilst the proposal would be infilling, it would nevertheless be inappropriate development.
10. I recognise the scale of the proposal in relation to the Green Belt as whole, as such I find that the harm to its openness would be more limited. However, the Framework, under Paragraph 153, is clear that any harm to the Green Belt should be given substantial weight.

11. By harming the openness of the Green Belt, the proposal would be inappropriate development and conflict with ACS Policy CS5 and SAMD Policy MD6 as outlined above, as well as Section 13 of the Framework, including Paragraphs 143 and 153 as noted above.
12. Although I am mindful that SAMD Policy MD6 does have some support for development related to RAF Cosford and the museum, the appeal site is not part of either of these locations and has not formed part of the RAF site for some considerable time. This part of Policy MD6 has not, therefore, been determinative.

### *Living Conditions*

13. As noted above, adjoining the site is Linden House. I understand from the submissions before me that it was formerly in the ownership of the appellant but is now under separate ownership. The dwelling is modestly set back from the shared boundary with the appeal site and there are no windows that face over it. However, the dwelling's garden does immediately adjoin the appeal site and would be to the rear of the proposed commercial units, close to the bike and scooter stores. I understand that the site is currently covered by Class E uses and that the proposed units would also be covered by this class.
14. I have not been provided with a site-specific noise assessment identifying the existing noise levels generated on and around the site, or the levels experienced from the nearby dwelling.
15. The appellant has submitted extracts from a noise assessment associated with a proposed residential development to the side of the appeal site. The extracts relate primarily to Monitoring location 1 (ML1). This was the closest monitoring point to the appeal site, but its exact location, and distance, in relation to the appeal site is not clear. I cannot, therefore, be certain that the relationship between ML1 and the appeal site, and between the neighbouring dwelling with the appeal site are comparable. Likewise, as I have only been provided with an extract, I cannot be confident that it accurately reflects the full findings.
16. My site visit was carried out on a weekday during the typical working hours. Whilst my visit can only provide a snapshot in time, lacking any substantive evidence to the contrary I consider that the level of noise I witnessed was typical. The surrounding area was generally quiet but significant noise levels, in the form of music, were being generated from the gym. This noise was audible from the shared boundary with Linden House, and would likely be audible from the dwelling too.
17. I am mindful of the proximity of Linden House to RAF Cosford and that this may cause periods of noise during the take-off or landing of aircraft. However, from information before me I do not know when this occurs, whether it is frequent and if it would be disruptive to the living conditions of those at Linden House.
18. I cannot be certain what types of businesses would occupy the three proposed units, although I note the appellant has suggested an extension to the gym and the provision of dog training facilities. These, and similar uses, could both generate significant noise levels. Given the proposed units' close proximity to Linden House, I find that any noise levels similar to that already stemming from the business park would be disruptive and detrimental to the living

conditions of the occupiers at Linden House. From the information before me, I cannot be certain that the noise generated at the proposed units would be masked by the existing background noise levels from the business park or airfield.

19. I note the suggestion of a condition restricting the hours of operation within the new building. However, this would not be sufficient to protect the living conditions of the occupiers at Linden House during the day.
20. Although the storing and removal of bikes and e-scooters from their respective stores may result in some degree of noise, this would largely stem from the opening and shutting of the store's door, the movement of the vehicles and the use of locks. These actions would not, either cumulatively or alone, be significant sources of noise and would not be detrimental to the living conditions of the neighbouring occupiers.
21. Nevertheless, without the submission of suitable noise level information I cannot be confident that the appeal proposal would not cause an unacceptable level of noise to the detriment of the living conditions of the neighbouring occupiers at Linden House. The proposal would therefore conflict with ACS Policy CS6 which seeks to safeguard health, wellbeing and residential amenity.

#### *Heritage Assets*

22. Three heritage assets have been identified by the Council as potentially being affected by the proposed development. These are Neach Hill and Fulton Block, both Grade II Listed Buildings, and Kilsall Farm, a non-designated heritage asset. The Council's concerns primarily stem from the lack of a heritage impact assessment submitted by the appellant. As part of their appeal submissions the appellant has provided a plan identifying the three heritage assets and their relationship to the appeal site. I have not, however, been provided with the full details of each building.
23. Whilst I have only been provided with very limited information on these heritage assets, it is sufficient to assess the relationship between the site and these assets. They are at various distances from the proposed building, the furthest being Neach Hill whilst the closest is Fulton Block. Significant screening, in the form of mature trees, hedgerows and buildings on and off site, block intervisibility between the proposal and all the heritage assets. In all, I consider the appeal site to be visually contained, and I note that the Council's Historic Environment Officer found similarly that the site is enclosed.
24. I am mindful that vegetation can easily die, be cut back, or be removed. Should this occur, it may reduce the level of screening afforded to the site. However, given the scale of vegetation surrounding the site, I find it unlikely that this would occur to such an extent as to afford intervisibility. The proposed building is comparable to the existing buildings in terms of design, appearance and siting. Therefore, even if it were possible to see the building in relation to the heritage assets, it would read as part of the existing business park.
25. In all, the proposal would have a neutral impact on the settings of the nearby designated and non-designated heritage assets. It would therefore comply with ACS Policies CS6 and CS17 and SAMD Policies MD2 and MD13 which collectively, and amongst other matters, seek to protect and conserve the historic environment and the setting and significance of heritage assets. The

proposal would also comply with Section 16 of the Framework, especially Paragraphs 205 to 206 which similarly seek to conserve and enhance the historic environment with particular regard to designated and non-designated assets.

#### *Other Considerations*

26. Although landscaping could result in some improvements to the appearance of the site, I have not been provided with any detailed information on what landscaping would be provided. Moreover, the proposal would result in the reduction of green space. As such, I cannot be certain that any landscaping resulting from the proposal would result in a net gain. I am also mindful that it has not been demonstrated that the proposal is necessary in order to secure any additional landscaping. I consequently afford this matter only very modest weight.
27. It is likely that the building materials proposed and the use of green energy generation on site would collectively support the business park in reducing their energy use and carbon emissions. This would be a public benefit in terms of tackling climate change. However, it has again not been demonstrated that such a reduction could not be achieved without the proposal and so I consider this matter to have modest weight.
28. By fact of it being for the expansion of a business park, the proposal would result in economic benefits through job creation and supporting smaller businesses. I am mindful of its rural location and the Council's support for rural economic development. However, the scheme is modest in scale providing only three new units. I therefore find that the proposed economic benefits would be moderate.
29. The appellant has made reference to the Council's plans to use 39 hectares of undeveloped land to meet the needs of businesses. Although the proposal may meet some of the Council's identified needs, given its scale this would only be very limited. Moreover, I have not been provided with details of this land's identification and so I cannot be certain that the type of units would be comparable or meet the same needs. Lacking demonstrable evidence, this matter has not been determinative in my considerations.
30. My attention has been drawn to pre-application advice<sup>1</sup> provided by the Council relating to the conversion of Neach Hill to a hotel and spa served by a new 48 room building and economically supported by the provision of 48 new dwellings. I have not been provided with the full details and facts of this pre-application submission. However, it is clear that the scheme is significantly different to that before me with regards to nature and scale. It is also clear that the Council had concerns regarding the impact of the proposal on the Green Belt and whether it would be deemed to not be inappropriate development in the Green Belt. Whilst other planning and appeal decisions are capable of being material considerations, all decisions turn on their own particular circumstances based on the facts and evidence before those decision-makers at the time. Given the above, this example has not been determinative in my considerations of the appeal scheme before me.

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<sup>1</sup> Council's reference: PREAPP/22/00037

*Green Belt Conclusion*

31. The proposal would amount to inappropriate development in the Green Belt. Further harm would also occur, through the impact on the living conditions of neighbouring occupiers. These matters carry substantial weight. I have attached, at most, moderate weight to the considerations in support of the proposal. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist.

**Conclusion**

32. 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