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## Appeal Decision

Site visit made on 1 October 2024

**by J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13<sup>th</sup> November 2024

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**Appeal Ref: APP/L3245/W/24/3343394**

**Paddock Lodge Site, Kinnerley Road, Kinnerley, NR. Oswestry, Shropshire SY10 8DB**

- 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 Mark Sheppard against the decision of Shropshire Council.
  - The application Ref is 23/05025/FUL.
  - The development proposed is proposed change of use of existing holiday lodges (C1/Sui Gen) to residential dwelling (C3) and associated works.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - whether the appeal site would be a suitable location for housing, having regard to planning policies; and,
  - whether the loss of holiday lets would have a significant adverse impact on the local visitor economy.

### Reasons

#### *Open Countryside*

3. The appeal site is located off Kinnerley Road and is located between Kinnerley and Knockin. Four buildings which are currently used as holiday lodges are located in the site, which for the purposes of planning policy, are located in the open countryside. Policy MD7a of the Shropshire Council Site Allocations and Management of Development Plan 2015 (SAMDev) deals with managing housing development in the countryside. Part 4 of the policy addresses the use of existing holiday lets as permanently occupied dwellings.
4. There would be no conflict with Point A of Policy MD7a which requires buildings to be of permanent construction and have acceptable residential amenity standards for full time occupation. Point C is not relevant, because the buildings under consideration do not meet the definition of a heritage asset as set out in Policy CS5.
5. Point B supports the use of existing holiday lets as residential dwellings if they are restricted to affordable housing for local people. The Type and Affordability of Housing Supplementary Planning Document 2012 (SPD) further acknowledges that the conversion to use holiday let accommodation as residential dwellings, where they enter into a Section 106 legal agreement to

restrict their value in perpetuity as an affordable home, could be supported. The appellant has not proposed to enter a Section 106 agreement to restrict these building as affordable housing units. Therefore, Point B would not be met as these buildings would not be restricted as affordable units.

6. To conclude, the proposal would not be a suitable location for housing, having regard to Policy MD7a of the SAMDev and the guidance found within the SPD.

#### *Effect on the Local Visitor Economy*

7. Tourism can contribute to a successful visitor economy. Policy MD11 of the SAMDev further stipulates that proposals for the conversion of holiday lets to a permanent residential use should demonstrate that their loss will not have a significant, adverse impact on the visitor economy. As noted in the supporting text of Policy CS16 of the Shropshire Local Development Framework Adopted Core Strategy 2011 (CS), tourism is a key local economic sector which generates economic benefits, including a large number of jobs.
8. The Council has provided a map, taken from the booking agent website used by the appellant, of 5-star self-catering accommodation in the area. This evidence shows that this level of accommodation is fairly evenly distributed across Shropshire and over into the Welsh border, but there is an absence of accommodation to the east of the appeal site. However, alternative evidence provided by the appellant illustrates that there is visitor accommodation to the east, but that there is also a greater amount of accommodation generally in the Shropshire area than shown in the evidence presented by the Council.
9. This evidence highlights just a snapshot of what accommodation may be available. Neither evidence sets are backed up by total figures from a verified and independent source. Overall, I am not convinced that the loss of four holiday lets, would have a significant, adverse impact on the visitor economy, or on Shropshire as a whole.
10. The Council has suggested that the loss of four holiday lets would also lead to the loss of jobs. The financial circumstances of the appellant appear to suggest that any jobs which may have existed no longer exist as they cannot be afforded. Even if jobs do exist, the loss of these jobs overall would be limited in number due to the small size of the site and therefore, would not be significantly detrimental to the local visitor economy.
11. As such, I conclude that the loss of four holiday lets would not have a significant adverse impact on the local visitor economy. Therefore, the proposal would not conflict with Policy MD11 of the SAMDev. The Council have cited Policy CS16 of the CS and Policy MD7a in their reason for refusal on this matter. These policies are not directly applicable to the main issue.

#### **Other Matters**

12. As proposed, it is noted that there is an absence of objections from neighbouring properties. It is suggested that the proposal would not result in unacceptable effects upon the living conditions of future occupiers or neighbouring properties as it would meet the policy requirements relating to these matters, and I have no reason to disagree.
13. The appeal site has a history of noise complaints and subsequent curfew restrictions imposed by the site operators. The issues relating to noise would

continue if the buildings were sold as holiday homes. The buildings have permission for this use class and therefore, this could be undertaken. The change of use would reduce the effect of noise on neighbouring properties as large groups of visitors would no longer utilise the site for holidays. This change of use would offer a degree of betterment and as such, I ascribe moderate weight to this matter.

14. The appellant allege the Council lack consistency and fairness in making their decision on the planning application. However, these are matters between the main parties that have no bearing on the appeal before me, which I have assessed on its planning merits. Apparent similarities between the proposal and other developments in the area have been cited by the appellant but limited details of each case have been provided. I am unable to draw meaningful comparisons between those developments and the scheme before me and attribute them limited weight.
15. The appellant suggests that there is an acknowledged housing shortfall in Shropshire. The Council however has confirmed in their statement that they have an up to date 5 Year Housing Land Supply of 5.91 years. In a further assessment of this matter, the SAMDev identifies Kinnerley as being part of a community cluster which will provide around 50 dwellings over the plan period. Information provided suggests that there is no undersupply of housing in the Kinnerley community cluster as its supply target has been exceeded. There is no substantive evidence to counter the Council's housing land supply position. As such, I ascribe limited weight to this matter.
16. The future occupiers would provide economic benefits to the local area once the development would be complete through their regular use of local shops and services throughout the year. This would be more regular than visiting tourists. In consideration of the environmental benefits, there would be a reduction of visitors to this site by private vehicle due to the reduction in the turnover of guests, when operating at full capacity. I do however disagree with the appellant that the change of use would also not place further pressure on local amenities or utilities. Regular occupants are more likely to use doctors' surgeries for example. However, the effect of this would be limited. I find that these public benefits are limited and do not outweigh the harm I have found to the open countryside.
17. Furthermore, it is argued that the requirement to enter into a Section 106 legal agreement to restrict the value of the buildings in perpetuity as an affordable home is not in line with the typical conditions set for smaller developments and is unfair on the appellant in the circumstances cited. Whilst I have taken this into account, Policy MD7a Part 4 Point B of the SAMDev clearly states that the use of existing holiday lets as residential dwellings will only be supported if the dwellings are restricted as affordable housing. This is a policy requirement which must be met when considering the change of use of holiday lets to residential dwellings. I have therefore given this limited weight.
18. The appellant states that their financial circumstances are such that they cannot continue to operate the lodges as tourist accommodation, as doing so has caused them to incur significant losses. The financial circumstances cited by the appellant and its effect upon relationships and health is covered extensively. This is noted. The appellant further suggests that the site has

been for sale in its current form for a number of years. I have been conscious of these circumstances during my assessment of this appeal. However, there is little evidence that the lodges have been marketed, or if so what level of interest has been shown from prospective purchasers. There is an absence of a robust independent financial appraisal of viability. While I am sympathetic to the appellant's circumstances, this only attracts limited weight in favour of the proposal.

### **Planning Balance and Conclusion**

19. In consideration of the matters explored above, whilst some of these attract some weight, they do not outweigh the harm to the open countryside, and the conflict with planning policy in respect of this issue. The proposal would conflict with the development plan. Material considerations, including the Framework, do not indicate that the decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

*J Smith*

INSPECTOR