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## Appeal Decision

Site visit made on 11 July 2024

**by J D Clark BA (Hons) DpTRP MCD DMS MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 2<sup>nd</sup> December 2024**

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**Appeal Ref: APP/L3245/W/24/3339634**

**Former Anvil Café, A41 from Bletchley Dual Carriageway to Upper College Junction, Sandford, Shropshire, Whitchurch SY13 2HY**

- 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 Paul Archer of Archers Transport Ltd against the decision of Shropshire Council.
  - The application Ref is 23/04441/FUL.
  - The development is proposed redevelopment of site of former transport café to provide new café and facilities building with associated landscape works, trailer and car parking and servicing areas.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are: -
  - whether the proposal is a suitable location for the proposal having regard to the locational requirements of the development plan.
  - the effect of the proposal on the living conditions of nearby residential properties with regard to noise; and
  - the ecological effects of the proposal.

### Reasons

#### *Location*

3. The appeal site is located in open countryside to the west of the A41. It comprises a large area of hardstanding and a single storey building. Parts of the site are roughly vegetated and there are trees and hedges to its boundaries. Previously the site has been used as a transport café and associated truck park. The building was last used for residential accommodation and parts of the site have large trailers parked/stored on it. The appellant also describes the site as having been used as a workshop/parking/storage yard.
4. The proposed new café and facilities (WC and showers) and a large area for lorries to park would mainly be aimed at providing a service for passing lorry drivers travelling along the A41. It is directly related to the transport of goods by road.

5. The planning application indicates that the proposal would provide employment for five full time, or equivalent, staff. A parking area for cars would be provided which would include electric charging points and parking space for bicycles. However, the site is not easily accessible other than by a car although the appellant refers to a regular bus service from Shrewsbury to Whitchurch (route 512 – Shrewsbury – Wem – Prees – Whitchurch).
6. The nearest settlement is Prees Higher Heath and although its edge is described as being 500 metres away, the route or distance from people living in this settlement to the appeal site is likely to be more than 500 metres and would involve approaching and leaving the site via the busy A41. The footpath is on the opposite side of the road and there is no crossing place. Manor House Lane runs off the A41 but is a country lane with no footpath. Neither sections of road have any street lighting. Neither route is therefore likely to be attractive to walkers or cyclists.
7. Core Strategy Policy CS8 permits, amongst other things, facilitating the timely provision of additional facilities, services and infrastructure to meet identifiable needs. There may be a national need for HGV parking and facilities and the National Planning Policy Framework (the Framework) indicates, in paragraph 113 that planning policies and decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account local shortages. However, convincing evidence that there is a local shortage of such facilities has not been submitted.
8. Core Strategy Policies CS6 relates mainly to sustainable design principles but there is no dispute between the parties regarding the design of the proposal. I have no reason to come to a different conclusion. This policy is not therefore applicable to this issue. Reference has been made to Policy CS13 but a copy has not been submitted.
9. Core Strategy<sup>1</sup> Policy CS5 seeks to protect the countryside and provided the vitality and character of the countryside is maintained and enhanced, development will be permitted provided it relates to one of the criteria listed. One such criteria is small scale economic development diversifying the rural economy which the appellant considers applies to this development. I disagree. The proposal is small scale in that just 5 full time staff, or equivalent, would be employed, but the number of lorries that could be accommodated would be substantial.
10. Furthermore, the contribution to the rural economy arising from this development would be limited as it would not be directly related to a rural enterprise. It is a commercial business that is not specifically reliant on a rural location. The explanation to the policy emphasises its aim to facilitate a wide range of beneficial rural development that provides for local needs. Whilst the proposal would generate a small number of jobs, the site has limited accessibility for staff other than by car, and therefore would conflict with this policy.
11. Consequently, I conclude that the proposal would not be in a suitable location having regard to development plan Policies CS5 and CS8.

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<sup>1</sup> Shropshire Council – Shropshire Local Development Framework : Adopted Core Strategy, March 2011.

### *Living Conditions*

12. I have no evidence about the proximity of the nearest residential properties nor have details been submitted concerning the noise levels likely to be generated from the proposal. It has been indicated that hours of operation could be controlled by condition if necessary. However, I have no information as to whether a condition would be necessary as no noise survey or assessment has been submitted. Also, given the nature of the proposal, it is not clear how restricting the operating hours would impact on the operation of the proposal. I do not therefore consider a condition reasonable.
13. Whilst I appreciate that this issue was not raised earlier with the appellant by the Council, on the basis of a lack of evidence to the contrary, the scale of the proposal in terms of the number of lorries that could be accommodated would have a harmful effect on the living conditions of the occupiers of surrounding residential properties. This would conflict with Core Strategy Policy CS6 which aims, amongst other things, to safeguard residential amenity.

### *Ecology*

14. The proposal includes areas of rough vegetated land, trees and hedges but no information has been submitted with regard to habitats or the natural ecology of the site. The proposal would involve clearance of the site and whilst new landscaping could be secured through a condition, the extent of the loss of any natural assets is unknown. Whilst a condition could be secured to address any ecological implications this would only be appropriate once the ecological implications were known.
15. I also note that the Council did not raise this matter with the appellant prior to issuing its decision but given the lack of information as to the ecological attributes or otherwise of the site, the proposal would have a harmful effect on the natural assets, habitats and ecological features on the site. This would conflict with Core Strategy Policy CS17 and SAMDev<sup>2</sup> Policy MD12 which seek to protect the natural environment.

### **Other Matters**

16. The Framework states in paragraph 85 that planning policies and decisions should help create the conditions in which business can invest, expand and adapt. Furthermore, significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. However, there is no evidence that this proposal would fulfil a local business need nor would it meet any community needs as indicated in paragraph 89 of the Framework when assessing local business and community needs outside existing settlements.
17. The Framework supports the effective use of land and the site has been described as a previously developed one. This matter is not disputed between the main parties and I have no reason to reach a different conclusion. Sustainable development is a key aim of the Framework and the proposal would have economic benefits in providing jobs for a small number of people and by creating a business use on a site which is currently unused. It would also support the businesses that used the facilities in terms of the HGV

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<sup>2</sup> Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Adopted Plan 7 December 2015.

drivers. This would also benefit the welfare of drivers but otherwise its social benefits are limited. Its environmental benefits include bringing a vacant site into use but the uncertainty over the ecological implications of the development limit any benefits in this regard.

18. I note that there are no objections to the proposal with regard to highway safety, subject to conditions. However, this does not overcome the harm I have identified in my three main issues above.

### **Conclusion**

19. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, the appeal should be dismissed.

*J D Clark*

INSPECTOR