
Appeal Decision

Site visit made on 14 October 2014

by Thomas Shields MA DipURP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 November 2014

Appeal Ref: APP/L3245/A/14/2222980

Affcot Mill, Affcot, Church Stretton, SY6 6RL

- 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 Ms Judy Collyer against the decision of Shropshire Council.
 - The application Ref 13/03443/FUL, dated 24 August 2013, was refused by notice dated 5 February 2014.
 - The development proposed is change of use of agricultural land for the siting of a transportable log chalet for occupation as a holiday lodge.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The parties refer to the potential of stabling and livery utilising the adjoining field shelters. However, those are outside of the appeal site. In addition, the application description, and hence the appeal before me, did not include such activity. To clarify, I have determined the application on the basis of the application description as set out above in the fourth bullet.
3. The Government's Planning Practice Guidance (PPG) was published on 6 March 2014. I have considered the content of the PPG but in the light of the facts of this case the document does not alter my conclusions.

Main Issue

4. The main issue is whether the proposal would be sustainable development having regard to local and national planning policy regarding development in the countryside.

Reasons

5. The appeal site is a small parcel of land located in the lower part of a field within which there is a timber shed building. It lies in the countryside and within the Shropshire Hills Area of Outstanding Natural Beauty (AONB), close to the appellant's house and other nearby properties within Affcott Mill. Along with these other properties the appeal site is surrounded by agricultural land. To the rear of the site the land forms part of the steeply rising wooded slopes of Wenlock Edge, and access to the appeal site is from a long single track lane which runs to the village of Strefford. Overall, the character and appearance of the area is one of an unspoilt tranquil and verdant natural landscape.

6. The Framework¹ sets out (paragraphs 6-7) that the purpose of the planning system is to contribute to the achievement of sustainable development of which there are 3 dimensions; economic, social and environmental, and which should not be undertaken in isolation (paragraph 8). This approach is reflected in its core principles (paragraph 17) which identify the need to *proactively drive and support sustainable economic development*, while also *taking account of the different roles and character of different areas and recognising the intrinsic character and beauty of the countryside*.
7. Paragraph 28 of the Framework sets out the need to promote and support the sustainable growth and expansion of all types of business and enterprise in rural areas, including well designed new buildings, the diversification of agricultural and other land-based rural businesses, and sustainable rural tourism and leisure developments which respect the character of the countryside, and also in appropriate locations where identified needs are not met by existing facilities in rural centres.
8. Paragraph 115 of the Framework provides guidance in respect of higher value environmental assets. It states that *great weight* should be given to conserving landscape and scenic beauty in AONBs *which have the highest status of protection in relation to landscape and scenic beauty*.
9. With a few exceptions Policy CS5 of the Shropshire Adopted Core Strategy (2011) strictly controls development in the countryside. One such exception is sustainable rural tourism and leisure and recreation proposals which require a countryside location in accordance with Policy CS16 (and CS17). Policy CS16 supports development that promotes opportunities for accessing, understanding and engaging with the AONB. However, it also restricts development by requiring proposals for visitor accommodation to be of high quality, and in rural areas: to be of an appropriate scale and character for their surroundings, be close to or within settlements, or an established and viable tourism enterprise where accommodation is required. While it places an emphasis on re-using existing buildings where possible, it does not prohibit new buildings.
10. Contrary to the appellant's view, I consider that Policies CS5 and CS16, taken together, are broadly consistent with the aims and objectives of the Framework's policies with regard to encouraging rural-based enterprise, while also restricting development in order to protect the intrinsic character and beauty of the countryside and to conserve the landscape and scenic beauty of AONBs.
11. I have been provided with a copy of an email from a holiday letting agency indicating their recommendation on rental occupancy levels, price banding, and expected net income. However, it does not contain any detailed and robust quantitative or qualitative analysis, for example in respect of total current supply and demand for rural accommodation units in the area, and hence the "identified needs"². This falls well below the level of evidence that would be necessary for me to be able to conclude that the proposal is in an appropriate location where identified needs are not met by existing facilities in rural centres. Accordingly, I attach only limited weight to it in support of the appeal.

¹ National Planning Policy Framework (2012)

² National Planning Policy Framework (2012), paragraph 28

12. Clearly, the remote location of the proposal would not be close to or within a settlement or an established and viable tourism enterprise where accommodation is required. Given that the purpose of the Council's policies, as with the provisions of the Framework, is to limit development in the countryside as I have set out previously, I conclude that the proposal would be unjustified and hence unsustainable development in the countryside. As such, it would conflict with Policies CS5 and CS16 and the overarching aims and objectives of the Framework in achieving sustainable development.

Other matters

13. The proposed chalet building would be constructed in timber with a shingle roof approximately 10 metres in length, 6 metres in width, and 3.6 metres to ridge height with a veranda, and would sit on a hard core base with rolled gravel surface. The drawings and other evidence before me indicates that it would be a standardised prefabricated Scandinavian design.
14. Policy CS5 requires new development to maintain and enhance the character and appearance of the Shropshire countryside. The policy's supporting text at paragraph 4.72 indicates the need to pay particular regard to the landscape character for development proposals in the AONB. Policy CS16 requires new developments to be sensitive to Shropshire's intrinsic natural and built environment qualities, and that they should be of an appropriate character for their surroundings. In addition, Policy CS17 requires new development to contribute to *local distinctiveness*. These aims and objectives are consistent with the provisions of the Framework which states that good design is a key aspect of sustainable development. In particular, paragraph 60 states that in terms of design it is proper to seek to promote or reinforce local distinctiveness.
15. Given all the above factors and policy background, I am unable to reconcile how a timber chalet of Scandinavian design would appropriately reflect local character and distinctiveness. Nonetheless, the Council considered³ that the proposed chalet building would result in only *limited harm* to the character and appearance of the area and the AONB. Due to its scale I consider it would be highly visible from many views and would result in a greater level of harm. However, this did not form a part of the Council's reason for refusal, although it adds to my concerns that the proposal would represent unsustainable development and so adds further weight against allowing the appeal.
16. From my observations of the appeal site and the access route to it, I have no doubt that a degree of care would need to be taken along the access lane and when entering and leaving the site, particularly in poor weather. However, there is no convincing evidence before me that leads me to conclude that the proposal would result in any significant increase in risk to highway safety. I also acknowledge that the proposal would produce a diversified form of income for the appellant which in turn would benefit the local economy. However, these positive aspects of the proposal do not lead me to reach a different conclusion.

³ Development Management Report 13/03443/FUL, paragraphs. 6.3 -7.0.

Conclusion

17. For all the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Thomas Shields

INSPECTOR