
Appeal Decision

Site visit made on 3 November 2015

by Mark Caine BSc (Hons) MTPL MRTPI

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

Decision date: 16 November 2015

Appeal Ref: APP/L3245/W/15/3005027

The Knotches, Seifton Batch, Craven Arms, SY7 9LQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Roger Bowsher against Shropshire Council.
 - The application Ref 14/03704/FUL is dated 14 August 2014.
 - The development proposed is a new storage barn to store logs and secure gardening and plant equipment.
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Decision

1. The appeal is dismissed and planning permission is refused.

Procedural Matters

2. The Council has confirmed that the location plan (scale 1:2500) that it produced at the appeal site visit was in error and not a plan on which it made its decision. Consequently I have determined the appeal on the basis of the original plans submitted with the application.
3. The appeal follows the Council's non-determination of the application within the prescribed period. However a decision notice was issued on 19 February 2015 which contained reasons for refusal relating to the effect of the proposal on the character and appearance of the landscape within the Shropshire Hills Area of Outstanding Natural Beauty (AONB) and the living conditions of the residents of 14 The Knotches.

Main Issues

4. The main issues in this appeal are:
 - (i) The effect of the proposal on the character and appearance of the landscape having particular regard to its location in the AONB.
 - (ii) The effect of the proposal on the living conditions of the residents of 14 The Knotches having regard to outlook, noise, and fumes.

Reasons

Character and appearance

5. The appeal site is situated in a rural location within the Shropshire Hills AONB. The topography of the area is such that it sits in an elevated and relatively exposed location in the undulating landscape. A public footpath runs between

the eastern boundary of No 15 and the rear boundary of 14 The Knotches. There is also another footpath that runs across the garden area of No 15 and affords views across the appeal site.

6. The National Planning Policy Framework (the Framework) is clear that great weight should be given to conserving landscape and scenic beauty of AONB, which along with National Parks and the Broads have the highest status of protection in relation to landscape and scenic beauty.
7. Whilst I appreciate that the proposed building would be positioned on the lowest part of the appeal site, it would be in an isolated position away from other buildings. It would also be a substantial size and scale and be readily apparent from a number of viewpoints, including the public footpaths and from the wider AONB. This would appear conspicuous and in contrast with this area of open undeveloped landscape.
8. Although the appellant has expressed a willingness to accept a planning condition for a planting programme I have no details of this before me, including the size, height and species that would be used. Nonetheless, the proposed planting, and existing trees, would not, to my mind, be considered to constitute permanent screening or effective mitigation. The proposal would therefore not serve to conserve or enhance the scenic beauty of the AONB.
9. I therefore conclude that the proposal would significantly harm the character and appearance of the landscape having particular regard to its location in the AONB. As such it would conflict with the aims of Policies CS5, CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 (CS) and advice within the Framework. Amongst other matters, these seek to maintain and enhance countryside character and the natural environment and safeguard the AONB from development which would harm its landscape and scenic beauty.

Living conditions

10. At approximately 5.5 metres in height and spanning approximately 15.5 metres in length the proposal would be clearly visible from No 14's rear garden area. Whilst it would be partially obscured by some mature conifer trees it would still be visible as there is substantial gap in between them. Furthermore, its impact would be exacerbated by the raised level of the appeal site in comparison to that of the neighbouring garden. As a result it would be readily apparent above the boundary fence and appear visually dominant and unacceptably overbearing from No 14's rear garden area.
11. A planning condition could be used to control the use of the proposal for storage purposes. Nonetheless, the size of the proposed building is such that there would be scope to accommodate a significant amount of machinery. Given the type of machinery and vehicles that would be stored in there (for the maintenance of the land), the noise levels associated with the comings and goings from the proposed building, and its close proximity to No 14's boundary it would be likely to result in an undue level of disturbance from noise, fumes and smells if used regularly.
12. I therefore conclude that the proposal would have a materially harmful effect on the living conditions of the residents of 14 The Knotches having regard to outlook, noise, and fumes. As a result it would conflict with CS Policy CS6,

which amongst other matters, seeks to ensure that residential amenity is safeguarded.

Other matters

13. The appellant has referred to a number of other matters in support of his case. These include the improvement to facilities, the tidying up of the site and the provision of safe and secure storage for the equipment. I have also had regard to the Culmington Parish Plan, and the employment opportunities that have been put to me. Furthermore, I appreciate that the need for storage is acknowledged by the occupiers of No 14, that no other neighbours have objected and that the proposal would not result in a significant loss of light to No 14 and its rear garden area. Nonetheless, all of these factors do not overcome or outweigh the harm that I have identified above.
14. The appellant considers the proposal to represent a sustainable development. However the subject of "achieving sustainable development" in the Framework has 3 dimensions, which are economic, social and environmental roles that are expected to be delivered equally. For the reasons given above the proposal would not satisfy the environmental dimension and as such does not constitute sustainable development.
15. In reaching my decision I have also had regard to an earlier appeal decision at the site for the erection of a steel framed building on a concrete base (APP/L3245/D/14/2213072). Whilst I note that the appellant considers the revised height of the proposed building to address the concerns raised by the previous Inspector, for the reasons give above, I continue to find that the scheme conflicts with current local and national planning policies.
16. The appellant has referred to chicken sheds around a mile away from the appeal site. Nonetheless, I have not been provided with any further details of this, including location so cannot be certain that it represents a direct parallel to the appeal proposal. I have, in any case, determined the appeal on its own merits.
17. I also note that the appellant is dissatisfied with the Council in respect of advice and guidance regarding the height of the proposal. However, this is a matter that would need to be pursued with the Council in the first instance. I confirm that in this respect, I have only had regard to the planning merits of the proposal that is before me.
18. For the reasons given above, the appeal is therefore dismissed and planning permission is refused.

Mark Caine

INSPECTOR