



Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Wednesday, 20 April 2016

**Committee:
Central Planning Committee**

Date: Thursday, 28 April 2016

Time: 2.00 pm

Venue: Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

You are requested to attend the above meeting.
The Agenda is attached

Claire Porter
Head of Legal and Democratic Services (Monitoring Officer)

Members of the Committee

Vernon Bushell (Chairman)
Ted Clarke (Vice Chairman)
Andrew Bannerman
Tudor Bebb
Dean Carroll
Roger Evans
Amy Liebich
Pamela Moseley
Peter Nutting
Kevin Pardy
David Roberts

Substitute Members of the Committee

Peter Adams
Tim Barker
John Everall
Miles Kenny
Jane MacKenzie
Alan Mosley
Keith Roberts

Your Committee Officer is:

Linda Jeavons Committee Officer

Tel: 01743 257716

Email: linda.jeavons@shropshire.gov.uk

AGENDA

1 Apologies for absence

To receive apologies for absence.

2 Minutes (Pages 1 - 6)

To confirm the Minutes of the meeting of the Central Planning Committee held on 3 March 2016.

Contact Linda Jeavons on 01743 252738.

3 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14.

4 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

5 Proposed Temporary Closure of New College Road at London Road (Pages 7 - 18)

6 Land Adjacent To The A5 Kinton Shrewsbury SY4 1AZ (15/05462/EIA) (Pages 19 - 52)

Erection of four poultry rearing buildings, biomass building, ten feed bins and other ancillary buildings, landscaping including ground modelling and tree planting, construction of a surface water attenuation feature and new access.

7 Proposed Affordable Dwelling Westbury Shrewsbury Shropshire (16/00120/FUL) (Pages 53 - 64)

Erection of 1no affordable dwelling and detached garage.

8 Top Farm Kinton Shrewsbury Shropshire SY4 1AZ (16/00451/FUL) (Pages 65 - 72)

Erection of agricultural storage building.

9 Schedule of Appeals and Appeal Decisions (Pages 73 - 150)

10 Date of the Next Meeting

To note that the next meeting of the Central Planning Committee will be held at 2.00 pm on Thursday, 26 May 2016 in the Shrewsbury Room, Shirehall.



Committee and Date

Central Planning Committee

28 April 2016

CENTRAL PLANNING COMMITTEE

Minutes of the meeting held on 3 March 2016

2.00 - 4.30 pm in the Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Linda Jeavons

Email: linda.jeavons@shropshire.gov.uk Tel: 01743 257716

Present

Councillor Vernon Bushell (Chairman)

Councillors Ted Clarke (Vice Chairman), Andrew Bannerman, Dean Carroll, Roger Evans, Amy Liebich, Pamela Moseley, Peter Nutting, Kevin Pardy and David Roberts

89 Apologies for absence

An apology for absence was received from Councillor Tudor Bebb.

90 Minutes

RESOLVED:

That the Minutes of the meeting of the Central Planning Committee held on 4 February 2016 be approved as a correct record and signed by the Chairman.

91 Public Question Time

There were no public questions, statements or petitions received.

92 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

With reference to planning applications to be considered at this meeting, Councillors Andrew Bannerman and Peter Nutting stated that they were members of the Planning Committee of Shrewsbury Town Council. They indicated that their views on any proposals when considered by the Town Council had been based on the information presented at that time and they would now be considering all proposals afresh with an open mind and the information as it stood at this time.

With reference to planning application 15/05011/EIA, Councillor David Roberts declared that he was acquainted with the owner and would leave the room and take no part in the consideration of, or voting on, this item.

93 Proposed Closure of New College Road at London Road

The Chairman informed the meeting that this application had been deferred to a future meeting.

94 Land At Great Ryton, Shrewsbury, Shropshire (15/03259/REM)

The Team Manager – Development Management introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations.

Members had undertaken a site visit on a previous occasion and had viewed the site and assessed the impact of the proposal on the surrounding area.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting.

Mr P Reaney, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Councillor Mrs S MacKay, representing Ryton Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Mr S Atkinson, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers.

RESOLVED:

That, as per the Officer's recommendation, planning permission be granted, subject to

- The conditions as set out in Appendix 1 to the report; and
- An additional condition removing permitted development rights to ensure that no further development shall be undertaken without the express planning permission first being obtained from the Local Planning Authority.

95 Hencote Farm, Cross Hill, Shrewsbury, Shropshire (15/03349/FUL)

The Team Manager – Development Management introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations.

Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area.

Ms J Bucknall, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Dean Carroll, as local Ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement the following points were raised:

- He raised no objections to the winery and the vineyard which benefited the local economy but expressed his disappointment and concerns with regard to the event centre, which detracted from the niche offering that was originally put forward, and the proposed ancillary uses;
- Access – Given the potential for lack of conflict with workers and other road users the proposed new route of access would be the preferred option;
- To protect the amenities of residents, appropriate screening to prevent overlooking should be implemented; and
- If granted, he suggested that conditions should be attached to ensure no direct retail was undertaken from these premises and to restrict the use of fireworks given the distress caused to livestock.

Mr N Harrison, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. In response to questions from Members, the Team Manager – Development Management explained that given the visual impact arising from the new road appropriate landscaping conditions would be attached to any permission; subject to improvements, Highway Officers had raised no concerns or safety issues with regard to either access; the primary use of the development would be as a winery/vineyard; and conditions could be attached to any permission to limit the number of certain functions that took place in any given calendar year.

In response to the concerns of Members, the agent clarified and provided assurance that proposed condition 12 would ensure that that any use of the function room would be ancillary to the use of the site as a winery/vineyard, and would only be allowed to happen if the winery and vineyard were operational and ongoing.

RESOLVED:

That, as per the Officer's recommendation, planning permission be granted, subject to:

- The conditions as set out in Appendix 1 to the report, subject to condition No. 13 being amended to ensure that the development shall not be open outside the hours of 0800 hours and 2330 hours Sunday to Thursday, 0800 hours and 0030 hours Friday and Saturday.

96 Proposed Residential Development West Of Caradoc View, Hanwood, Shrewsbury, Shropshire (15/04119/REM)

The Technical Specialist Planning Officer introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations. Given that the agent had now provided details of materials, as set out in the Schedule of Additional Letters, he suggested that Condition No. 2 (as set out in Appendix 1 to the report) had now been met and could be deleted.

Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Roger Evans, as local Ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement the following points were raised:

- He welcomed the electric points;
- Before any construction took place the splitter island should be constructed and full drainage should be in place; and
- Reiterated the need for a light controlled crossing.

Mr A Sheldon, the applicant, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers.

RESOLVED:

That, as per the Officer's recommendation, planning permission be granted subject to:

- The conditions as set out in Appendix 1 to the report, subject to the deletion of Condition No. 2.

(At this juncture, Councillor David Roberts left the meeting and did not return.)

97 Proposed Residential Development West Of Bryn Road, The Mount, Shrewsbury, Shropshire (15/04627/REM)

The Team Manager – Development Management introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations.

Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Peter Nutting, as local Ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement the following points were raised:

- He drew Members' attention to the recent appeal for this site and, in particular, the additional condition attached by the Planning Inspectorate with regard to the enhancement works of the Severn Way public footpath. He requested that these enhancement works be undertaken prior to the first occupation of the site.

Ms H Read, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Mr H Thorne, the applicant, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers.

RESOLVED:

That, as per the Officer's recommendation, planning permission be granted, subject to the conditions as set out in Appendix 1 to the report.

98 3 Charlton Hill, Wroxeter, Shrewsbury, Shropshire, SY5 6PS (15/04988/FUL)

The Team Manager – Development Management introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations.

Members noted the additional information as set out in the Schedule of Additional Letters and the additional update report circulated prior to the meeting.

Councillor P Davies, representing Wroxeter & Uppington Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Mr D Wright, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers.

RESOLVED:

That, as per the Officer’s recommendation, planning permission be granted, subject to:

- The conditions as set out in Appendix 1 to the report, subject to the deletion of Condition No. 3(d) and Condition No. 2 being amended to refer to drawing number 1650D23A.

99 Land At Snod Coppice, Rowton, Shrewsbury, Shropshire (15/04011/EIA)

The Technical Specialist Planning Officer introduced the application and with reference to the drawings displayed, he drew Members’ attention to the location, layout and elevations.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting.

RESOLVED:

That, as per the Officer’s recommendation, planning permission be granted, subject to:

- The conditions as set out in Appendix 1 to the report, subject to the wording of conditions 3, 4, 5 and 6 being amended as set out in the Schedule of Additional Letters.

100 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the Central area as at 3 March 2016 be noted.

101 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the Central Planning Committee be held at 2.00 p.m. on Thursday, 31 March 2016 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:



Committee and date

Central Planning Committee

28 April 2016

PROPOSED TEMPORARY CLOSURE OF NEW COLLEGE ROAD AT LONDON ROAD

Responsible Officer Mark Wootton

Email: mark.wootton@shropshire.gov.uk Tel: x5438

1. Summary

During the consideration of the consented planning application ref 13/05044/FUL for the expansion of the Shrewsbury College of Arts and Technology London Road campus, subsequently now built, concern was expressed at that time over a possible increase in vehicle movements along New College Road. In order to mitigate those concerns a Section 106 Legal Agreement (s106) was signed between the Council and the College to provide funding for the implementation of a closure of New College Road at its junction with London Road.

A decision however was taken following a report taken to the Central Planning Committee held in December 2014 to close New College Road at its junction with Wenlock Road. This was subsequently implemented as of the 12 March 2015 for an experimental period of 6 months and remains in place at present. The current Traffic Regulation Order (TRO) is affective up until September 2016

The purpose of this report is to both update Members of the success and/or otherwise of the scheme with a view to further action being taken.

2. Recommendations

The officer recommendation is to approve the implementation of a temporary TRO and closure of New College Road for access by all motor vehicles at its junction with London Road. Officers consider that a temporary closure of New College Road at it London Road end for a period of 6 months will enable a proper and reasoned assessment of the merits of the closure at London Road against the current temporary TRO closure of the Wenlock Road/New College Road junction. The junction of Wenlock Road/New College Road will therefore be reopened concurrently with the temporary closure at London Road.

REPORT

3. Risk Assessment and Opportunities Appraisal

We consider that there are no known risks or equal opportunity issues arising for the council or our customers as a result of this proposal.

4. Financial Implications

Funding of £5,000.00 has been granted to the local planning authority under a s106 agreement as part of the planning consent for the expansion of Shrewsbury College of Arts and Technology. The funding should be sufficient to construct the proposed scheme in its current form.

5. Background

To assist Members, the following background information sets out the context of the current TRO temporary closure of Wenlock Road and how Members therefore reached its previous decision.

In December 2013 Shrewsbury College of Arts and Technology lodged a planning application to expand their London Road campus to relocate existing courses from their Radbrook Road campus and to provide capacity for new facilities. The application also included a substantial expansion of the on-site parking facilities and was accompanied by a transport statement. During the consideration of this application concern was raised by local residents, the local councillors and by the local highway authority over the possibility of intensified use of New College Road by people travelling to and from the campus by car.

New College Road is not considered to be suitable for through traffic movements due to its narrow width and 'Local Access' road status; a road of this type would normally form a cul-de-sac. Ebnal Road on the other hand is classed as a 'Secondary Distributor' road as it is suitably wide to safely carry traffic travelling between Wenlock Road and London Road (and vice versa), so this is the appropriate route for these movements.

The local highway authority considered that London Road is an appropriate site for the expansion of the existing campus, so no objection was raised to the planning application subject to a s106 agreement to provide funding to close off New College Road to through traffic movements between the two adjacent 'A' roads. At the time of negotiating the agreement it was proposed that the closure would be implemented at London Road by 'reclaiming' verge running along the main road, so this has been written in to the agreement. However following the signing of the agreement and the granting of planning permission the Council was approached by a group of local residents who requested that the closure be implemented at Wenlock Road instead, as this would remove the perceived risk of drivers by-passing the closure at New

College Road and instead using the service road access some 100m or so further along London Road. The map below sought to demonstrate this:



Following a site meeting with the local residents and ward members it was agreed that the proposed point of closure should be moved to Wenlock Road and the consultation has been carried out on this basis. Whilst this is strictly not fully in accordance with the s106 agreement, 'the spirit' of the agreement is to close New College Road to through traffic to mitigate against additional traffic movements arising from the expansion of the college. The college were satisfied with the proposed change and indicated that they have no interest in being involved in the detail of the closure. Only the signatories to the agreement (the college and Shropshire Council as the local planning authority) are able to appeal the agreement, so officers are content that this change does not pose any significant risks to the council.

Based upon the above a statutory 21-day public consultation on the proposal to close New College Road at its junction with Wenlock Road commenced on 24/7/14, where notices were erected on New College Road and an advert was placed in the Shrewsbury Chronicle on the consultation commencement date. Details of the proposals were published on the council 'Have your say' consultation web pages and the proposals were made available for inspection at the Shirehall and Guildhall.

A total of 18 responses were received to the consultation, which were made up of 4 objections, 2 responses with comments (neither supporting nor objecting) and 12 representations of support for the closure. Of the 4 objections made three were by the residents of Ebnal Road who object on the grounds of most of the traffic that is using New College Road will be directed on to Ebnal Road, if the closure is implemented. They have concerns that this will impact safety on Ebnal Road and its

junctions and request that a full review of traffic patterns should be carried out before a proposal is implemented.

Concern was also raised that they were not directly consulted on the proposals. The consultation for the proposal was conducted in accordance with Shropshire Council's consultation procedures and statutory requirements. As this proposal was campaigned by the New College Road residents we understand that some of the other surrounding residents were under the impression that a letter drop had been carried out, however Shropshire Council does not normally directly canvass on TRO proposals which is the case for this proposal. However we understand that some residents of New College Road carried out some independent canvassing for this proposal.

The remaining objection was made by a resident who takes their access from the service road at the western end of New College Road, who has a Wenlock Road address. They were concerned that they may experience difficulties in receiving deliveries to their address, with some delivery vehicles choosing to park on Wenlock Road. They felt the original proposed point of closure at London Road is more appropriate and would cause less overall disruption to the residents; they suggest a trial closure here should be made. Another resident from this service road also responded with similar concerns, but did not raise an objection to the proposal. However both residents also raised concern over the proposed extension of the existing parking restrictions to cover the turning head that would be formed by the closure.

Prior to the expansion of the college New College Road carried approximately 600 vehicles per day (7-day 24hr average), it was anticipated that this figure would have increased as a result of the college expansion continuing. Whilst we didn't consider this figure to be overly excessive at present, this number of movements is greater than what would be normally expected for a local access road. We estimate that some 150-200 of these movements can be attributed to the local residents of New College Road, so the closure would result in around 400 movements being displaced, with this figure possibly rising by around 5-10% following the completion of the college. Some of these movements will be displaced to Thieves lane and London Rd and the remaining movements are likely to be displaced to Ebnal Road. Whilst no recent traffic figures are available for Ebnal Rd, we consider this route is currently under-utilised as a secondary distributor road and therefore has sufficient capacity for the displaced movements plus future growth as it has been constructed to a sufficient standard to deal with movements travelling between the adjacent A roads and local areas.

Given the potential number of vehicle movements affected is relatively low, we were of the opinion that traffic modelling would not be appropriate for a proposal of this scale.

Whilst we accepted that the closure would be an inconvenience to these residents, they aren't directly affected by the traffic on New College Road which has concerned the local residents here for some time. Most delivery companies now rely upon

satellite navigation systems for deliveries which use regularly updated digital maps, so the closure would eventually appear on these maps. Plus the required detour is short due to other available suitable routes. Due to the number of direct frontages onto Wenlock Road, delivery vehicles being parked on street during the day are commonplace and don't cause traffic issues and if anything contribute to speed management here. We have given further consideration to the proposed changes to parking restrictions and have decided not to proceed with this part of the proposal, as this was intended to prevent parking from the college occurring here but given the level of parking being provided at the college we do not expect this to become a problem.

West Mercia Police Constabulary responded with comments stating they would only support the closure if it's reinforced by physical barriers (I.E. bollards, planters or other street furniture) and signs are provided. The closure is proposed to include a full height kerb and we intended to place planters on site to prevent unauthorised movements. 'No through road' signs would be provided at London Road.

The remaining 12 responses were all notes of support from the residents of New College Road.



The image above shows the current point of closure at New College Road at its junction with Wenlock Road; if the proposals were to be made permanent the existing footway (with a full height kerb) would be extended across the full width of the junction. If required bollards or planters will be provided to prevent unauthorised access. A 'no through road' sign will be erected at the London Road junction. Some

minor amendments to the existing 'no waiting' parking restriction were also included in the advertised proposals.

Based upon the background set out above, the decision of Members following a report presented to the Central Planning Committee on the 11 December 2014 was that the Council pursue the temporary rather than permanent closure of New College Road at its junction with Wenlock Road.

The temporary TRO to close the New College Road/Wenlock Road came into effect on the 12 March 2015 for a temporary experimental period of 6 months i.e. to the 12 September 2015 although in practice the temporary TRO is affective for up to 18 months i.e. 12 September 2016.

6. Post Experimental Temporary TRO Closure of Wenlock Road

Following the end of the consultation period on the 12 September 2015 the comments/support and objections to the temporary TRO have been collated and are set out in Appendix B of this report.

As can be seen, there are 11 objections to the current closure, 15 in support of it being retained and 1 neutral comment. Of those representations from residential properties actually accessed from New College Road, 11 are supportive of the current closure and 4 against.

On the face of it therefore there is a majority of New College Road residents in support of the temporary closure of Wenlock Road being formalised of 11 to 4. Of those other non-New College Road residents either for or against, these raise differing issues including the fact that it shows previous users of New College Road who do not have a legitimate need to use this road other than as a convenient link between London Road and Wenlock Road. The traffic count previously carried out on New College Road clearly showed a level of traffic using this road link between London Road and Wenlock Road that was not attributable to the local residents and clearly has since resulted in those traffic movements being displaced potentially onto Ebnal Road and Kingston Drive or other routes. We have no empirical evidence in this regard other than local representations and anecdotal information that suggest both these alternative routes between Wenlock Road and Wenlock Road have increased in traffic flow since the closure of New College Road.

Further information has been submitted following the 6 months experimental period including a resident's log between March 2015 and January 2016 of issues surrounding the closure. The log indicates that vehicles have crossed the verge area to access New College Road from Wenlock Road together. Tyre wear marks have been seen within the verge area. There have been a number of other traffic issues identified in the resident's log. Whilst we have no way of corroborating the contents of the log carried doubt by an individual resident we have no reason to doubt its veracity.

An incident has also been cited which occurred on the 27 December 2015 where an Ambulance got stuck on the verge trying to get access from Wenlock Road to New

College Road. This is clearly of concern but the temporary nature of the road closure may have been a factor in the Ambulance driver's knowledge of the road system rather than it being a permanent arrangement, where emergency services would be more aware of the situation. It nevertheless highlights that whilst the current arrangement of forming New College Road into a cul-de-sac have advantages to some local residents; it is an impediment to provide through access by refuse, delivery and emergency vehicles.

Some of the traffic issues that have arisen may be due to the fact of the closure being temporary and without a more formalised arrangement of full height kerbing across the junction bellmouth being implemented.

7. Conclusions

It is clear at the outset that the issues surrounding New College Road are not straightforward. The current arrangement to close Wenlock Road has divided opinion from New College Road residents albeit that there is a small majority in favour of the closure being made permanent.

Notwithstanding the views of non-New College Road residents, officers' view is that this residential street should principally function for the benefit of residents. It should not be perceived as a through route to traffic between Wenlock Road and London Road. That function rests primarily via Ebnal Road and although this assertion may not be supportive of those residents fronting onto Ebnal Road, officers' view is that this is appropriate route.

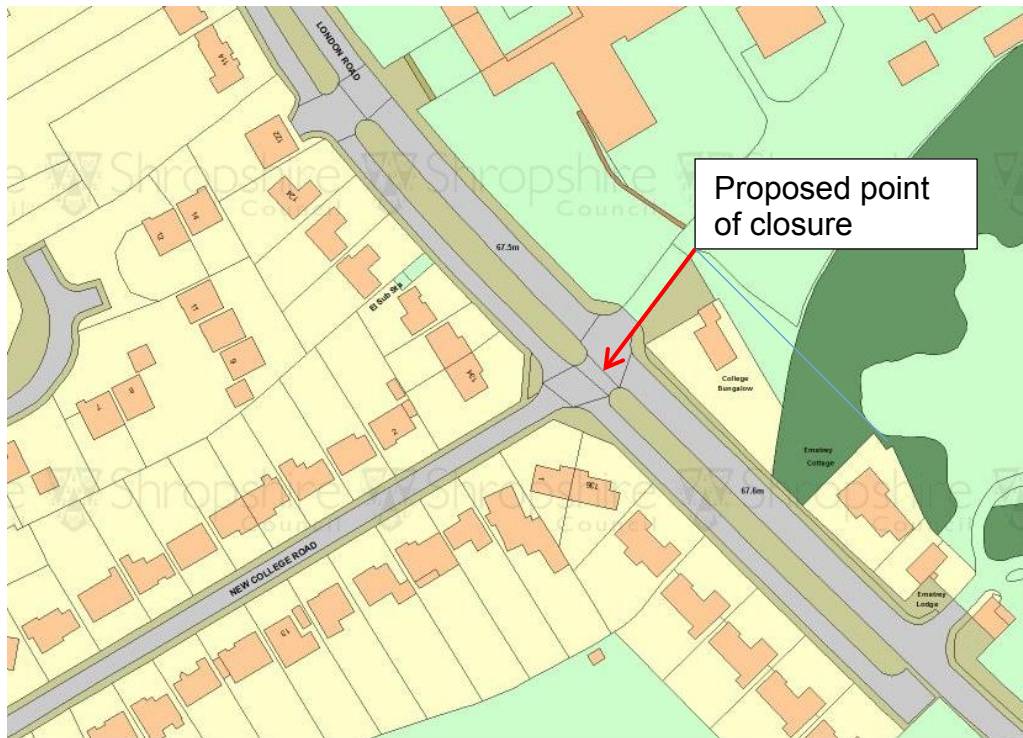
In moving this matter forward it is important to understand what the rationale was in seeking a closure of New College Road, setting aside at which end should or shouldn't be closed. This section road has for many years provided an attractive and direct route between the College car park access and Wenlock Road. Traffic travelling along this route show that actual traffic levels are greater than would be expected from those likely to be generated by residents' properties alone. At the same time however New College Road and its parallel road with London Road provide those residents with a convenient link between London Road and Wenlock Road.

The development of the College Campus site therefore provided the opportunity and funding to resolve and mitigate the issues of New College Road. That planning consent and Section 106 payment sought initially to close the London Road end i.e. opposite the Campus College car park access and therefore remove that vehicle desire line to and from Wenlock Road. Subsequently this option was of course changed due to local representation and supported previously by the Central Planning Committee.

Officers however question the current of New College Road/Wenlock Road as the preferred and permanent option. It is in effect a fait accompli, resulting in New College Road becoming a cul-de-sac. Officers consider that the closure of London Road opposite the College Campus car park entrance should now be tested over a 6 month experimental period, as in the case of the current Wenlock Road closure

option. This would therefore inform Members in a final report of the most appropriate action based upon a properly evidenced assessment.

It is officers' recommendation therefore that New College Road is closed for a temporary period in a similar manner as is currently laid out at Wenlock Road. Again this would be subject to the imposition of a temporary TRO. The plan below shows the point of closure and further below the Google Street View image of the New College Road/London Road junction and its relationship with the access serving the College Campus car park.





One of the concerns previously expressed by residents in relation to the London Road closure, and set out earlier in the report, is that drivers would simply travel a distance of some 100 metres to where there is an access to the service road running parallel with London Road. It is not however immediately apparent that drivers would take this choice when Ebnal Road provides the easier traffic route.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

N/A

Cabinet Member (Portfolio Holder)

Cllr Simon Jones

Local Members

Cllr Jane Mackenzie

Cllr Jon Tandy

Cllr Ted Clarke

Appendices

Appendix A – Summary of Consultation Responses (Pre-implementation Temporary TRO Closure)

Appendix B - Summary of Consultation Responses (Post-implementation Temporary TRO Closure)

Appendix A – Summary of Consultation Responses (Pre-implementation Temporary TRO Closure)

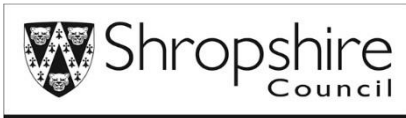
ref no	Objection, Support, Comment?	Summary of Response
1	Objection	Objects to closure on the grounds of having a Wenlock Rd address and would have no direct access to W-R as this would be an inconvenience for deliveries and would lead to delivery vehicles being parked on WR. Would prefer to have the closure at the original position at London Rd, with this being implemented on a trial basis. Also objects to extension of parking restrictions. Also suggested 'signed only' closure. Believes there should have been an informal consultation involving letter drops to all affected residents.
2	Support	Expresses support for closure.
3	Objection	Asks why Ebnal Rd residents haven't been consulted before. Objects to extra traffic on Ebnal Rd and this may make the road less safe, asks if a one way system has been considered. Feels the work should be postponed until the college closure is complete so the impacts can be assessed.
4	Comment	Feels the closure should be implemented at London Rd as they believe it will be difficult/hazardous to emerge from London Rd if closed at Wenlock Rd. Do not see the need for the parking restrictions due to the extra college parking and ask for residents permits if this is implemented.
5	Objection	Feel the proposal is seriously flawed, will just add extra traffic to Ebnal Rd causing a safety concern. Questions why there is no data or traffic modelling to back up this proposal. Extra traffic will be redirected to the Ebnal Rd/London Rd junction where there are lots of pedestrians. Proposal will lead to extra traffic using the service road due to congestion, this will cause a safety problem on the service road and at the crossing point so the zebra will need to be extended. Will lead to extra traffic travelling past Mereside School. Will cause difficulty for residents at the Wenlock Rd service Rd with a W-R address. No consideration has been given to where the traffic will go if the closure is made, should not be dealt with as a stand-alone proposal. Residents surrounding the college deserve a full review that considers all of the local issues, traffic surveys should be taken and a model produced. Suggests closing both Ebnal Rd and New College Rd at London Rd and provide traffic calming on the service Rd. Consider traffic calming for both roads instead, or a signed only closure with camera enforcement. Both streets need to become residential streets only, not rat-runs. If implemented the council should consider back-up measures should further issues arise.
6	Support	Very much in favour of proposal as volume and speed of traffic disproportionate to its size.
7	Support	Support proposal, as parents have been concerned over traffic here.
8	Comment	Requests vertical features such as bollards to support the closure, also requests it should be sufficiently signed. Assume that consideration has been given to the displacement of traffic.
9	Support	Fully support the closure.
10	Support	Offers support of closure to stop inappropriate through traffic. This will be an inconvenience to them but should be worth it.
11	Support	Registers their support and feels this is the most practical and economic solution.
12	Support	Expresses support for proposals.
13	Support	Fully support the closure and feel it will improve safety for residents.
14	Support	Very much support the closure, fed up with the traffic issues.
15	Support	Support the proposal.
16	Support	Registers their support for the proposal as NCR was built as a service Rd and not a distributor Rd.
17	Support	Registers their support.
18	Objection	Objects to the closure as this will have a direct impact on Ebnal Rd, which has increasing numbers of children so the outcome would be extremely undesirable. Feels the consultation should have included Ebnal Rd also as they're directly affected, so is fundamentally flawed.

Appendix B – Summary of Consultation Responses (Post-implementation Temporary

ref14 no	Objection, Support, Comment?	Summary of Response
1	Objection	The closure denies him access to Wenlock Road. Causes additional on-street parking which increases the safety risk to pedestrians.
15	Objection	I see no reason for this closure. Whenever I have used the road it has been very quiet. This seems to be a "not in my back yard" scheme. My worry would be that a successful permanent closure would lead to a rise in New College Road parking for the same.
2	Comment	Request that monitoring be undertaken during the duration of the order.
3	Support	Due to closure vehicles are using Huxley Close to turn around.
4	Objection	Having experienced the trial period of closure I now find the inconvenience of having one end of the road closed far outweighs the hazard created by the students speeding when using this road. The irrational driving will now just take place on Ebnal Road instead.
5	Support	Has to travel southwards on Wenlock Road onto the A458 normally half a dozen times a week. Having what a positive effect the recent road closure has had in improving safety in the area. As parents of primary school aged children we had been concerned for some time about its narrowness and being at the end of the cul-de-sac service road he adds extra traffic to London Road main carriageway suitability as a through road with vehicles mounting pavements when confronted with oncoming and two additional right hand turns across the main road on every return journey. These concerns have been completely eradicated during the trial.
6	Objection	No comment made.
7	Support	Uses the road regularly to commute between Wenlock Road and London Road. It is inconvenient this road being closed.
17	Support	For some time the traffic was at an unbearable level. Have to use either Kingston Drive or Ebnal Road, both putting more traffic on these roads.
18	Objection	For some time the road from Ebnal Road onto the service road of London Road is dangerous, and I await an accident happening.
19	Support	Closure has been a total success. Both from the point of view of safety in the road itself, and in that there doesn't seem to have been any adverse effects to the traffic situation on the surrounding roads.
20	Support	Very inconvenient.
21	Support	Volume of traffic using the road has reduced, which has significantly lessened the number and length of queues onto London Road - particularly at peak times. Safety on New College Road has significantly improved as motorists do not use the pavement to overtake service vehicles so often and instances of speeding have been largely eliminated.
22	Support	Improve safety for traffic and local householders.
23	Support	Since the closure of the road we have eliminated significant numbers of potholes from Shrewsbury College speeding up the road with no regard for safety.
24	Support	Makes New College Road a safer place to live.
25	Support	Makes New College Road a safer place to live.
26	Objection	A road closure is not the answer. Traffic calming measures like those on Sutton Road would solve the problem on New College Road. This proposal would place increased pressure on other interconnecting routes in the area as it really should. Provided huge environmental and safety benefits for residents and from my peak times observations the relocation of this traffic does not seem to have significantly impacted on the Distributor Network which, in fact, previously appeared to be under-utilised.
27	Objection	Negative environmental impact due to increased travel distances. Barrier unsightly. Street bollards are a hazard to the disabled. Large vehicles need to reverse. Increased dog walkers and kids playing. Increased crime (break-ins).
12	Support	These last few months have seen a vast improvement in safety on this road. We have been able to access our drive without having to worry about vehicles speeding along New College using it as a "rat run" through to the College and London Road.
13	Support	Trial closure has been absolutely great.

TRO Closure)

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Committee and date

Central Planning Committee

28 April 2016

Development Management Report

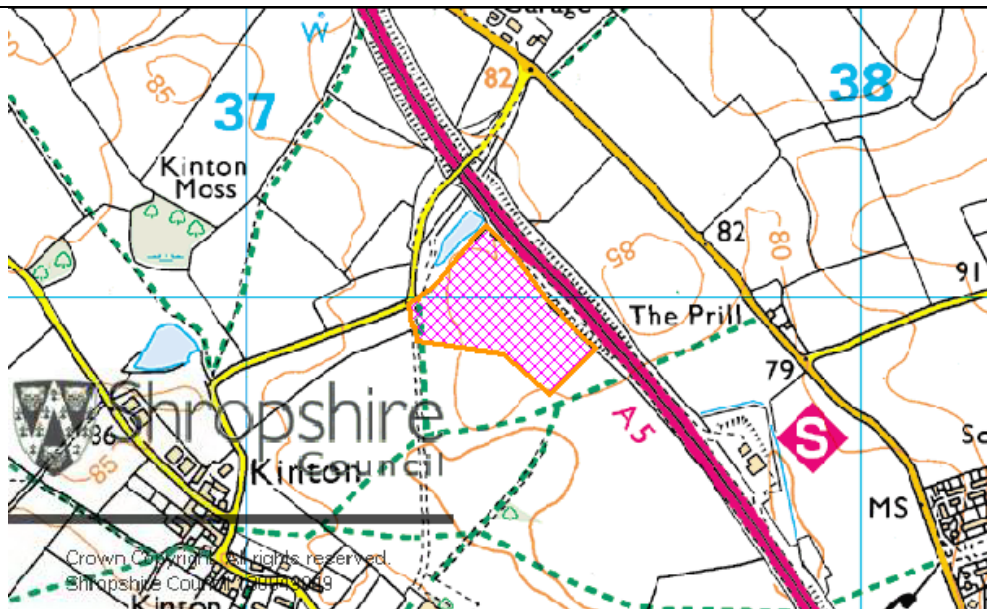
Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 15/05462/EIA	Parish:	Great Ness
Proposal: Erection of four poultry rearing buildings, biomass building, ten feed bins and other ancillary buildings, landscaping including ground modelling and tree planting, construction of a surface water attenuation feature and new access		
Site Address: Land Adjacent To The A5 Kinton Shrewsbury SY4 1AZ		
Applicant: Mr Edward Warner		
Case Officer: Kelvin Hall		email: planningdmc@shropshire.gov.uk

Grid Ref: 337500 - 320011



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Recommendation:- subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 The planning application seeks permission for the erection of four poultry rearing buildings, biomass building, ten feed bins and other ancillary buildings. Each poultry building would accommodate 50,000 birds, with a combined total of 200,000 bird places. Each shed would measure approximately 109 metres x 27 metres with a height of 2.68 metres to eaves and 4.98 metres to ridge. Each shed would include a fan canopy and baffle area to the rear.
- 1.2 The biomass boiler building would measure 30 metres long x 12 metres wide, and 5.4 metres to eaves and 6.5 metres to ridge. It would be constructed of concrete composite panel walls with box profile metal sheeting above with a profile metal sheet roof.
- 1.3 The feed bins would be of cylindrical design with a conical top and bottom. Their diameter would be 3.35 metres, and height would be 9.22 metres. Other development proposed includes six gas tanks within a safety compound, a water tower 6 metres high and 3 metres diameter, and starter crumb feed bin 7.67 metres high and 2.57 metres wide. A surface water attenuation pond would be provide at the western side of the site.
- 1.4 Proposed landscaping would include tree planting around the perimeter of the site, the formation of a landscaped bund on the western side of the site, and hedgerow planting along the western and southern sides of the site.
- 1.5 Production process: Prior to the crop cycle the sheds would be pre-warmed to 31^oc in preparation for chick delivery from the hatchery, and bedding litter would be spread on the building floors. Chicks would be 'thinned' when they reach around five weeks old. This would involve the catching and transport of a proportion of chicks over a two day period. When the birds are around six weeks old the remainder would be caught and removed from the site. Bird catching and removal would take place during the day time and night time over two days. At the end of the growing period the used litter would be taken away in covered vehicles and stored in fields off-site prior to spreading on agricultural land. Wash down and disinfection would then take place ready for the next crop. The wash water would be collected in underground tanks before being spread to agricultural land. The biomass boiler would provide heat for the poultry sheds, using wood chip/pellets, home grown straw or miscanthus as fuel.
- 1.6 As detailed in section 6.1.1 below, the planning application is accompanied by an Environmental Impact Assessment (EIA), and this includes a detailed set of reports assessing the potential impacts of the development.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site comprises the northern part of an arable field located approximately 500 metres to the north-east of the village of Kinton. The application site covers an area of approximately 3.75 hectares. The north-east side of the site is bounded by a tree covered embankment, which falls away to the A5(T) further to the north-east. To the north-west of the site is a drainage pond associated with the A5(T), which is surrounding by trees and other vegetation. Land to the west and south is in agricultural

use. Part of the site has been excavated to a level approximately 2-2.5 metres below the level of the adjacent field to the west.

2.2 Access from the site to the public highway to the north would be gained via a short section of a private access road (in the ownership of the applicants) to the west which provides access to the Kinton Business Park. This links to the public highway at a point approximately 40 metres to the north. The nearest residential properties are located on the opposite side of the A5(T). These include two dwellings at The Prill, approximately 280 metres to the east, and three further dwellings to the north, approximately 300 metres away. Kinton Business Park lies approximately 390 metres to the south-west, and includes a mix of light industrial units and offices. The nearest residential properties in the village are located approximately 400 metres away. The A5(T) Nesscliffe Services area is located approximately 190 metres to the south-east, on the opposite side of the carriageway to the application site. There are a number of public rights of way in the area. The nearest of these runs north-south adjacent to part of the western boundary of the site, and southwest-northeast, approximately 70 metres from the southern boundary of the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The proposals comprise Schedule 1 EIA development and the Council's Scheme of Delegation requires that such applications are determined by Planning Committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 **Great Ness and Little Ness Parish Council** Objects, for the following reasons.

1. Impact on Residents. This site was previously examined as an alternative site to the Great Ness Poultry Farm, in the applicant's submission to Shropshire Council in 2010, for the establishment of their poultry farm in Rodefern Lane Great Ness. They stated in that application that the site at Kinton was unsuitable as a chicken farm development because "significant numbers of receptors" would be affected by that type of development at that location and, "junction safety and accessibility was poor" for that site. In the Parish council's view these reasons for rejection of the site are more relevant now than in 2010, in particular because of the planned housing development within Nesscliffe village which will bring more significant receptors closer to the development. Shropshire Council have allowed the development of an additional 65 residential houses which will be situated closer to the proposed Chicken farm subjecting those residents to odour pollution, increased light pollution and noise due to the 24 hour working duration of a large scale industrial poultry unit as proposed with this application. Planners should take into account complaints that have been made and recorded against the Great Ness Poultry site for odour pollution when deciding on this application.

2. Visual Impact. This application increases the number of large industrial scale Poultry producing developments in an area of natural beauty and although the applicant puts forward screening suggestions to mitigate the large complex from view it will still have a detrimental visual impact on the landscape in particular when viewed from such vantage points as Nesscliffe hill, a view point that is enjoyed by many visitors to the area.

3. Cumulative effect on the community. This development if allowed will be the fifth large industrial chicken establishment within a two kilometre radius surrounding all of the villages in the Nesscliffe Parish Council area and the planners are asked to look at the cumulative effect this additional development will have on the area. (It is understood that the applicant's environment licence is made out for double the number of poultry units and feed bins that is outlined in this application and this should be taken into account when considering the application.)

4. Pollution, Waste Management. The applicant's submission, in our view, does not give serious thought to the issue of waste management. In particular, the amount of land that they have available, to them, to spread this additional chicken manure which have heavy metal content, veterinary medicines and may contaminate the soils with inorganic and organic chemicals both during the construction period and during the operating life of the development. And due to the increase in the number of Poultry units in this area will increase significantly the affect this will have on the local environment both for odour pollution and soil pollution. Already there is evidence that the long term storage of chicken manure presents problems, with the increasing use an unprotected hard-standing in Wilcot, from which run-off is entering the open drains on the adjacent road. The inclusion of the Biomass installation will not negate the need for the applicant to spread manure on the land.

5. Working Hours. There appears to be a conflict between the working hours of the existing business park and the proposed chicken farm. When the business park was approved in 2003, planners ensured that the residents of Kinton were not unduly inconvenienced by the various pollutants, light, noise and smell that would emanate from the business park limiting the hours of operation to daytime working on weekdays only. This application which is adjacent to the business park, will be operating 24/7, with all of the same pollutants but of a much greater magnitude.

4.1.2 **Environment Agency** No objections.

Environmental Permitting Regulations: The proposed development will accommodate approximately 200,000, which is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2010. The EP controls day to day general management, including operations, maintenance and pollution incidents. In addition, through the determination of the EP, issues such as relevant emissions and monitoring to water, air and land, as well as fugitive emissions, including odour, noise and operation will be addressed.

The farm has an EP in place to accommodate the proposed bird numbers (Permit Reference: EPR/YP3031WK). Based on our current position, we would not make detailed comments on these emissions as part of the current planning application process. It will be the responsibility of the applicant to undertake the relevant risk assessments and propose suitable mitigation to inform whether these emissions can be adequately managed. For example, management plans may contain details of appropriate ventilation, abatement equipment etc. Should the site operator fail to meet the conditions of a permit we will take action in-line with our published Enforcement and Sanctions guidance. For the avoidance of doubt we would not control any issues arising from activities outside of the permit installation boundary. Your Public Protection team may advise you further on these matters.

Flood Risk: The site is located in Flood Zone 1 (low probability) based on our indicative Flood Zone Map. Whilst development may be appropriate in Flood Zone 1 a Flood Risk Assessment (FRA) is required for 'development proposals on sites comprising one hectare or above where there is the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off'. Under the Flood and Water Management Act (2010) the Lead Local Flood Authority (LLFA) should be consulted on the proposals and act as the lead for surface water drainage matters in this instance. We would also refer you to our West Area Flood Risk Standing Advice – 'FRA Guidance Note 1: development greater than 1ha in Flood Zone 1' for further information.

Manure Management (storage/spreading): Under the EPR the applicant will be required to submit a Manure Management Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, so long as this is done so within the applicants land ownership. Information submitted within the Design, Access & Planning Statement proposes that poultry manure will be removed from the buildings, loaded directly into sheeted trailers and transported off site. The manure/litter is classed as a by-product of the poultry farm and is a valuable crop fertiliser on arable fields.

Pollution Prevention: Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

The construction phase in particular has the potential to cause pollution. Site operators should ensure that measures are in place so that there is no possibility of contaminated water entering and polluting surface or ground waters. No building material or rubbish must find its way into the watercourse. No rainwater contaminated with silt/soil from disturbed ground during construction should drain to the surface water sewer or watercourse without sufficient settlement. Any fuels and/or chemicals used on site should be stored on hardstanding in bunded tanks.

4.1.3 **Historic England** Does not wish to comment in detail.

The proposed poultry rearing buildings on land adjacent to the A5 at Kinton are within the setting of the Scheduled Ancient Monument of Nesscliffe Hill Camp (National Heritage List for England UID: 1020285) and the historic core of Kinton. The latter, although not designated as a Conservation Area, contains a number of listed buildings, curtilage listed buildings and non-designated built heritage assets which characterise the settlement. The area also has the potential for non-designated archaeology.

The use of visually recessive finishes on buildings and the implementation of the proposed landscape scheme would reduce the impact on Nesscliffe Hill Camp and the built heritage of Kinton. Thus, if the proposal is granted permission, we recommend that the prior approval of all building materials by Shropshire Council's Conservation Officers and the full implementation and maintenance of the landscape scheme is required by condition.

The advice of Shropshire Council's Conservation Officer and Archaeological Adviser should be sought and implemented in full. We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

4.1.4 **Natural England** No response received.

4.1.5 **SC Public Protection** No objections.

Comments 30/3/2016

Having considered the location I do not consider it likely that there will be any impact from any existing noise sources including those associated with the nearby MoD base, on the site applying for consent. I am of the opinion, based on experience of poultry farms and their internal noise environment, that existing noise will not have any adverse impact on the proposed development. Noise will be below the Lowest Observed Adverse Affect Level (LOAEL) cited in the Noise Policy Statement for England. Although the Noise Policy Statement for England clearly considers noise in relation to human impact the term LOAEL is a useful phrase to express the likelihood of noise impact. As a result it is not considered proportionate to request a noise assessment and it is not considered appropriate, relevant or reasonable to place any condition in relation to noise given what is considered to be a low likelihood for any adverse impact.

Comments 10/3/2016

In respect of odour I do not consider there will be a significant detrimental impact on the amenity of the area as a result of the proposed development. As a result I have no further comment on this front.

I generally agree with the applicant's comments made in response to the MoD objection. The MoD comments refer to an impact from noise of current activities on the proposed poultry. As the poultry will be housed internally in a well insulated building there is no likely significant impact on the poultry expected from external noise despite proximity to the A5 road noise and the MoD site which the MoD have stated is a significant noise source in the area which could increase in future.

It should be noted that the NPPF, Noise Policy Statement for England, British standards in relation to noise and World Health Organisation documentation refer to relevant receptors, sensitive receptors and human receptors. Poultry are not covered by any of these decisions and therefore are not relevant to this discussion.

There are several poultry units in close proximity to noise sources including aircraft bases and flight paths in Shropshire. No evidence reported suggests and welfare impact on the poultry. In respect of animal welfare I do not consider it suitable in this instance to consider this element at the planning stage. Welfare of animals is covered by specific legislation. Furthermore third party auditors and enhanced welfare schemes will dictate improvements if required in future. However, despite this I have no reason to believe that poultry welfare will be impacted by external noise levels in this instance.

In conclusion I have no objections to this application and no conditions to recommend as there is no likely significant impact in terms of noise or odour. Additionally the

Environment Agency will issue and regulate the installation under an environmental permit which will add additional safeguards to protect the surrounding area from noise and odour

Comments 20/1/2016

The proposal is for the site to have capacity for up to 200,000 birds. As a result an environmental permit issued and regulated by the Environment Agency is required. Having considered the distance from the proposed sheds to nearest residential dwellings I do not consider it likely that there will be any significant detrimental impact from the development on the surrounding area. In relation to ammonia I do not have any concerns regarding the concentrations to be emitted and the impact on human health.

4.1.6 **SC Highways Development Control** No objections subject to conditions.

It is noted that access for this development is proposed to be located on the existing private access road to the Kinton Business Park which is considered to be acceptable for this proposed development. The Business park access to the public highway (C1058) is also considered acceptable in highway safety terms.

Notwithstanding the above the adjacent public highway between the site access and the bridge over the A5 (T) is only of single carriageway width, which would not be suitable for two way HGV movement. Typically the likely increase in heavy vehicular movements associated with this development, it is considered that this restricted width of road could present issues with the safe and free flow of traffic accessing and egressing this site. Particularly as there is already a reasonably high demand for traffic movement to the business and this proposal potentially increases the chance of conflicting HGV movements on this short stretch of road. In the circumstances it is considered appropriate for this development to provide appropriate road improvements, in the form of localised widening between the existing access and the bridge approach to the north of the site.

The remaining route to the principal road network is considered adequate to support this development proposal.

Recommended conditions set out in Appendix 2

4.1.7 **SC Drainage** The proposed surface water drainage strategy in the FRA using French drains and swale/ pond is technically acceptable. Full drainage details, percolation tests and the sizing of the French drains and swale/ pond should be submitted for approval. The disposal of the dirty water as described in the FRA is acceptable and the details should be plotted on the Drainage Plan. These matters can be dealt with by planning condition.

4.1.8 **SC Ecologist** Recommends conditions and informatives.

Bats: In order to enhance the site for bats a condition should be imposed to require the provision of bat boxes and to require the submission of a lighting plan for approval (see Appendix 2).

Badger: A main badger sett is located to the north west of the site and is likely to be of local value. There will be no use of machinery within 20m of the proposed badger setts. Any machinery to be used within 20-30m of the badger sett will be light excavation or using a reaching arm. Badger activity must be checked before works commence to ascertain if there has been any change. Bunds, banks and soil mounds created must be sealed/compacted as soon as possible and advisable barrier mesh fencing will be installed around the base of the bunds or other soil mounds created during construction to avoid badgers burrowing into these features. A condition should be imposed to require that work is undertaken in accordance with the Ecological Assessment (see Appendix 2).

Great Crested Newts: A nearby attenuation pool was surveyed for great crested newts. Absence was confirmed.

Ecological Enhancements: New native hedgerows with the inclusion of native hedgerow trees will be planted along the eastern and south-western boundaries. Additional planting on the north-eastern boundary of the A5 will also be implemented to further screen the development. The proposed planning case documentation also includes creation of a swale, and buffer strip/beetle bank. A condition is recommended in order to secure ecological enhancements (see Appendix 2).

Habitat Regulation Assessment & Impact on Designated Sites: The proposed application is for 200,000 bird places. The Environment Agency (EA) Ammonia Screening Assessment has been based on a total of 400,000 bird places.

SC Ecology has requested the ammonia screening assessment output from EA. The Habitats Regulations enables Shropshire Council, under Regulation 61, to rely on the 'evidence and reasoning' of another competent authority when completing their assessment (providing they agree with them). Shropshire Council can therefore use the modelling that the EA has provided to complete their HRA. European sites in 10km, SSSI's within 5km and Local Sites within 2km have screened out below the critical load thresholds. The EA have concluded that detailed modelling is not required to support this application.

SC Ecology is satisfied that the proposed application is unlikely to have a significant effect on the internationally important interest features of the sites assessed, alone or in combination with other plans or projects. A Habitat Regulation Assessment matrix is attached with this response. The HRA matrix must be included in the Planning Officer's report for the application and must be discussed and minuted at any committee at which the planning application is presented. Natural England must be formally consulted on Shropshire Council's HRA and the potential impact that the proposal may have on Nationally Designated Sites. Comments must be received and taken into consideration prior to a planning decision being granted.

4.1.9 **SC Conservation** Recommends conditions.

This application proposes four large poultry sheds, feed bins, a biomass building and related ancillary works on lands north-east of the historic settlement of Kinton. Kinton is not designated as a Conservation Area but the historic core of the settlement which is linear in nature features a number of designated heritage assets along with curtilage

listed out-buildings and individual and groups of non-designated heritage assets which make up and characterise the settlement. Our historic mapping indicates that there are no known heritage assets within the boundaries of the proposed scheme.

In considering this proposal, due regard to the following local and national policies, guidance and legislation has been taken: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, the National Planning Policy Framework (NPPF) and the Planning Practice Guidance.

A formal Heritage Assessment has been prepared by Casterling Archaeology and this is included in the larger Environmental Statement submitted with the application. The Report identifies designated and non-designated heritage assets including built heritage and archaeological matters within the area surrounding the proposed development site, and assesses the potential impact of the development on these assets. The Report is also meant to guide a mitigation strategy to minimise impact on these heritage assets and resources. In terms of built heritage assets and visual impact on the settlement of Kinton specifically we acknowledge the findings of the Report and note that the impact has been assessed as 'low adverse to negligible' based on the mitigation measures, including excavation and landscaping, proposed to be included in this development.

To fully mitigate potential impact on heritage assets we recommend that conditions requiring the prior approval of all building materials (including decorative finishes) should be included in the Decision Notice to minimise any visual obtrusiveness of the development, and that conditions should also be applied requiring that the landscape retention and planting scheme is fully implemented and maintained as part of the proposal. The Archaeology half of our Team and Historic England may have additional comments on these issues which should be addressed.

Should the application be recommended for approval, conditions requiring approval of full details of all external materials and finishes on all buildings and ancillary features proposed within the development site, as well as a landscape retention, implementation and maintenance scheme, need to be included in the Decision Notice.

4.1.10 **SC Archaeology** Recommends a condition.

The proposed development comprises a four unit poultry farm with associated biomass building, feed bins, other ancillary buildings, new access and landscaping, and would be situated adjacent to the A5 dual carriageway. It would be located c.1.1km north-west, and within the setting, of the Scheduled Monument of Nesscliffe Hill Camp (NHLE ref. 1020285). The Shropshire Historic Environment Record (HER) also contains records of two cropmark sites in close proximity to the site: a pit alignment c. 80m to the east (HER PRN 02388) and a possible double ditched rectilinear enclosure immediately to the south-east (HER PRN 02433). Both were evaluated prior to the construction of the dual carriageway. The pit alignment proved to be an irregularly cut linear ditch of uneven depth of possible prehistoric date, whilst no evidence of the enclosure was found. There are a number of other cropmark sites within the wider vicinity, including two further potential pit alignments c. 900m to the north-west (HER PRN 04031) and c. 500m to the north-east (HER PRN 04212) respectively; a potential ring-ditch c. 275m to the north-east (HER PRN 04211); and a range of cropmark enclosures to the south (HER PRNs 04210 & 02112). The north-eastern part of the

proposed development site has previously been excavated down to the natural sands, removing any archaeological interest that may once have existed. The remainder is currently subject to arable cultivation but is otherwise undisturbed. Given the above, this area is considered to have low archaeological potential.

The submitted heritage assessment includes an archaeological desk based assessment and an assessment of the impact on the setting of the Scheduled Monument and other designated heritage assets. It is considered that this satisfies the requirements set out in Paragraph 128 of the NPPF, and Policy MD13 of the SAMDev component of the Local Plan, with regard to the archaeological interest of the site itself and impacts on the setting of the Scheduled Monument. In their consultation responses both the Conservation Officer and Historic England have advised that conditions be included as part of planning permission, for prior approval of all building materials (including decorative finishes) and to ensure the full implementation and maintenance of the landscape scheme, to mitigate the impact on the setting of the Scheduled Monument.

In view of the recommendations contained in Chapter 6 of the Environmental Statement, and in line with Paragraph 141 of the NPPF, it is further recommended that a programme of archaeological work be made a condition of any planning permission for the proposed development. This should comprise an archaeological watching briefly during initial soils stripping operations on the currently undisturbed section of the site. See recommended condition in Appendix 2.

4.1.11 **SC Rights of Way** Public Footpath 9 Great Ness runs within the western boundary of the site identified. The legally recorded line of the footpath is shown on the attached plan. It is noted that the path is recognised within the application. It will not be directly affected by the proposals but it should be taken into consideration by the applicant.

4.1.12 **Ministry of Defence – Defence Infrastructure Organisation** Objects.

[The MoD has submitted a detailed objection. This is summarised below. The full letters can be viewed on the online planning register.]

Background

- The application site is located approximately 840 metres from the eastern boundary of the Army's Nesscliffe Training Area (NTA). The NTA is used extensively throughout the year by the MoD's Defence Helicopter Flying School (DHFS) which conducts helicopter training in support of front-line activity
- The NTA is an intensively operated MoD site. Much of the helicopter training activity currently takes place between 09:00 and 17:00 hours (daylight permitting) Monday to Friday albeit weekend and night flying (for Night Vision Device training) also occurs at periodic intervals
- The NTA is generally used up to 4 no. times a day Monday to Friday (09:00 to 17:00 hours) with phased night flying lasting a period of 5 no. weeks
- The Defence Infrastructure Organisation cannot disclose the particular details of the helicopter training activity undertaken by the Military at NTA for national security reasons
- The training activity undertaken at NTA generally involves the following: Daily circuits of 300 ft and 500 ft specific to all areas of NTA; approaches and departures to field sites and clearings

- Due to the narrow shape of the NTA, helicopters will not generally be able to remain within the NTA when conducting training exercises, however aircrew try to avoid overflying houses and other sensitive receptors in the surrounding area wherever possible
- The MoD supports the basic principle of agricultural related development in the local area
- MoD's concerns include the potential noise levels that would be experienced at the application site as a result of the training activities undertaken at NTA and the associated impact on the poultry that would inhabit the proposed poultry rearing buildings (and the application site in general), and the potential impact of the proposed development on the training activities undertaken at NTA, as well as other concerns including down draught and lighting concerns

Noise

- the proposed development would represent the introduction of a sensitive receptor to the prevailing acoustic environment in the immediate locality of NTA; the training activity undertaken at NTA will likely constitute a source of noise disturbance to the local area; these activities produce a significant amount of low frequency noise which can be particularly disturbing
- there is a 25.0m Small Arms Range at NTA which will also likely constitute a source of noise disturbance to the local area. This Range, used by military personnel to improve firing accuracy, is not subject to planning control with regard to restrictions which limit the nature of operations undertaken on the site including: the nature of weapons operated, days/hours of operation, noise limit restrictions, etc.
- reference is made to relevant parts of the NPPF and the National Policy Statement for England
- animal welfare falls within the remit of DEFRA, protected by The Animal Welfare Act 2006, which is supplemented by the Welfare of Farmed Animals (England) Regulations 2007 (as amended)
- All animals, including farmed poultry, must be looked after in ways that meet their welfare needs, ensuring that they do not experience any unnecessary distress or suffering
- An owner, e.g. a farmer, is legally responsible for his animals' welfare and has a duty to provide for their needs under the Animal Welfare Act 2006
- With regard to poultry management, it is advisable that the level of sound experienced by poultry is minimised and that poultry should be protected from constant or sudden noise
- Noise impact associated with the proposed development has been scoped out of the EIA
- the impact of the training activities undertaken at NTA do not appear to have been taken into consideration by the Applicant; this is inappropriate
- in the absence of this, the Local Planning Authority are not in a position in which to objectively assess the impact of noise associated with the proposed development, and the impact of noise from the MoD site
- the Applicant should submit a Noise Impact Assessment to include appropriate noise monitoring surveys and appropriate noise modelling, and include an assessment of noise generated outside the site that might enter any building on site; noise generated inside the site or a building on site that could affect people outside the site/building; and the effect of the proposed development on the existing ambient noise outside the site

- should the Local Planning Authority decide to grant planning permission for this agricultural development on the application site, within close proximity to NTA, the MoD will bear no responsibility for any complaints or claims from the Applicant/Developer in respect of matters of noise and will refer the complainants to Shropshire Council.

Down Draught

- by virtue of the nature of helicopter training activity undertaken at NTA, the proposed development could face severe down draught problems. Non-fixed objects within the application site could potentially become airborne, and cause potential missiles in a severe down draught scenario, particularly at times of high winds. As a result, this could well present potential health and safety concerns of personnel and animals within the application site.

Lighting Proposals

- the application fails to include any information in connection with external lighting proposals; this could have potential to restrict the MoD's night time flying programme
- should permission be granted, a condition should be imposed requiring the submission of external lighting for approval, in consultation with the MoD.

Comments 29/3/16 – in relation to the noise information submitted by the applicant's agent

- the applicant has provided details of the insulation of the building but has failed to submit any evidence which would demonstrate knowledge of the noise levels experienced at the application site in the first instance;
- the applicant's comments that the insulation would provide excellent noise insulation and that external noise sources would be all but muted out, is premature and particularly misleading
- the applicant has not provided detailed information on insulation in order to outline its efficacy in respect of noise insulation
- the applicant has not provided any evidence that the noise generated by the 50,000 birds and plant/machinery would screen out external noise sources
- guidance referred to by the MoD does not state that it is for humans only
- noise from external sources would fall outside of the scope of the Environmental Permit
- the MoD would like to seek the registration, by agreement with the Applicant, of an easement to cause noise on/over the application site. This would prevent the Applicant bringing forward damage claims against the MoD in future

Comments 29/3/16 – in relation to the Public Protection Officer's comments

- The Public Protection Officer's comments are particularly surprising given the circumstances
- The Officer does not appear to have addressed the MoD's consultation response and the reasons for their objection
- The Officer appears to side with the applicant
- in the absence of information on the noise levels at the application site, the extent to which noise will perhaps be a problem and whether or not this can be satisfactorily mitigated is unknown
- the Officer cannot make an informed opinion in respect of this planning

application

- the planning policies outlined in the MoD's objection are applicable to poultry related developments
- the Officer has failed to submit a detailed assessment of the proposed development, which would substantiate the recommendation that no objections are raised

4.1.13 **Shropshire Fire Service** Advice provided (see Informatives).

4.2 **Public comments**

4.2.1 The application has been advertised by site notice and in the local press. In addition, 28 residential properties and businesses in the local area have been directly notified.

4.2.2 Two objections have been received, on the following grounds:

- Smell from piles of chicken manure in various locations from two other chicken farms is intolerable; flies indescribable; additional chicken farm will add to this
- Extra noise, smell and lorry pollution
- Area is being taken over by chicken sheds and biomass building
- Too close to housing
- New houses are likely to be built close to this location
- Close proximity to Nesscliffe, a natural beauty spot
- Risk of bird flu H5N1

4.2.3 In addition a letter, signed by 24 residents of Kinton, has been received. This states that it is not a formal objection, and that it contains constructive comments and suggestions. The matters raised are summarised as follows:

- In general, further poultry units in Great Ness and Little Ness parish are opposed
- Potential health hazard should there be an outbreak of avian flue or fowl pest; are already 3 very large intensive poultry units within an area of 4-5 square miles; these, and current proposal, would result in approx. 6.2 million birds/year in this area; additional units near the Parish boundaries
- Parish of Great Ness and Little Ness has an over intensity of this type of agriculture
- Any positive economic benefit does not make a substantial impact on the local community
- Noted that the applicant has received an Environmental Permit for 8 poultry units and 20 feed bins; would be strongly against any future application to build additional sheds or feed bins or other development of the site
- Plans have been well thought through
- Landscaping is welcomed; banking could be created so that it completely screens the sheds from view from Kinton
- Proposed trees are saplings; at least one third of the trees should be at least 6 metres tall; would provide a mix of young trees that are strong and more mature trees to give instant cover; evergreens should be included for all round cover; should be additional tree cover around building 4; landscaping should be maintained
- Traffic signs should be erected at both sides of the village to prevent HGVs passing through, except for access; HGVs still come through village contrary to restrictions on Business Park
- Traffic sign should be erected at access road to Business Park saying no right of way

- If the Business Park weighbridge is required, this should be moved to the site
- Waste should not be stored on site or near the village; if spread on fields, should be ploughed in within 48 hours as per the law, to prevent smell and flies
- Lighting should be directed downwards
- Should be no possibility of a future change of use to allow further industrialisation
- Query what is meant by 'other ancillary buildings' and 'surface water attenuation feature'

4.2.4 Four general comments – neither objecting nor supporting - have been received:

- Conditions limiting the impact of the development on the local area, including traffic routing and landscaping should be adhered to
- Applicant has another chicken unit at Great Ness, and should get that operation in order before starting another; the ammonia levels are not under control
- Traffic should not be allowed to go through the village
- Raised grass covered banks and trees should be provided to reduce views from Nesscliffe Hill
- Applicant previously said they could not develop here when trying to get Great Ness application permitted
- Should be road markings to make it clear that traffic must stop before entering Kinton Lane
- Should be planning condition to require removal of buildings and restoration of site if the use ceases
- Landscaping should include larger, more established trees, and more screening around buildings and along the new hedgerow, to maintain the countryside feel
- Business park entrance road should be widened to allow for two way traffic flow so that access to the park is unobstructed by traffic from the poultry site

5.0 THE MAIN ISSUES

- 5.1
- Environmental Impact Assessment
 - Planning policy context; principle of development
 - Siting, scale and design; impact upon landscape character
 - Local amenity considerations
 - Historic environment considerations
 - Traffic and access considerations
 - Ecological considerations
 - Drainage and pollution considerations

6.0 OFFICER APPRAISAL

6.1 Environmental Impact Assessment

- 6.1.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 specify that Environmental Impact Assessment (EIA) is mandatory for proposed development involving the intensive rearing of poultry where the number of birds is 85,000 or more. The proposed development would provide 200,000 bird places, and as such it is EIA development. The planning application is accompanied by an Environmental Statement, as required by the 2011 Regulations.

6.2 Planning policy context; principle of development

- 6.2.1 Planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Material

considerations include the National Planning Policy Framework (NPPF), and this advises that the purpose of the planning system is to contribute to achieving sustainable development (para. 6) and establishes a presumption in favour of sustainable development (para. 14). One of its core planning principles is to proactively drive and support sustainable economic development (para. 17). Sustainable development has three dimensions – social, environment, and economic. In terms of the latter the NPPF states that significant weight should be placed on the need to support economic growth through the planning system (para. 19). The NPPF also promotes a strong and prosperous rural economy, supports the sustainable growth and expansion of all types of business and enterprise in rural areas, and promotes the development of agricultural businesses (para. 28). The NPPF states that the planning system should contribute to and enhance the natural and local environment (para. 109) and ensure that the effects (including cumulative effects) of pollution on health, the natural environment or general amenity should be taken into account (para. 120).

- 6.2.2 The proposed development is located in an area of countryside, and Core Strategy Policy CS5 states that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specified proposals including: agricultural related development. It states that proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts. Whilst the Core Strategy aims to provide general support for the land based sector, it states that larger scale agricultural related development including poultry units, can have significant impacts and will not be appropriate in all rural locations (para. 4.74). Policy CS13 seeks the delivery of sustainable economic growth and prosperous communities. In rural areas it says that particular emphasis will be place on recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with industry such as agriculture.
- 6.2.3 The application states that the economic benefits of the proposed development include the investment and diversification of an existing farming business. The application states that the proposed development would require the equivalent of 2 additional full time workers. Other employment would include feed delivery and poultry collection drivers, and cleaning and manure removal teams.
- 6.2.4 The above policies indicate that there is national and local policy support for development of agricultural businesses which can provide employment to support the rural economy and improve the viability of the applicant's existing farming business. In principle therefore it is considered that the provision of a poultry unit development in this location can be supported. However policies also recognise that poultry units can have significant impacts, and seek to protect local amenity and environmental assets. These matters are assessed below.

6.3 Siting, scale and design; impact on landscape character

- 6.3.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of

Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policy MD7b states that applications for agricultural development should be of a size/scale which is consistent with its required agricultural purpose, and where possible are sited so that it is functionally and physically closely related to existing farm buildings.

- 6.3.2 In relation to siting matters Officers accept the need for developments of this kind to be located a satisfactory distance from sensitive receptors such as residential properties. Given the location of the farm buildings within the village of Kinton it is accepted in this case that a location separate from these buildings is appropriate.
- 6.3.3 A Landscape and Visual Impact Assessment (LVIA) has been undertaken as part of the Environmental Statement. This has assessed the landscape in the area of the application site as of low/medium quality. It is noted that the site is not located within an area designated for landscape value. The proposed poultry buildings would be set at a level some 1.5-2.5 metres below surrounding ground levels. Excavated material would be used to raise ground levels such that only the top 1.5 metres of the poultry sheds would rise above surrounding ground levels. There is relatively good tree cover to the north-east and north-west of the site. Open views are available from the south-west, including from the public right of way. However the proposed tree and hedgerow planting along the south-western boundary, and additional tree planting within the site including atop a screening mound, would assist in assimilating the development into its surroundings.
- 6.3.4 Impact on landscape character: In terms of the effects of the proposal on landscape components the LVIA notes that the proposal would result in the loss of approximately 3.7 hectares of farmland from arable production. However there would be no loss of any specific landscape features such as existing trees and hedgerows. The proposal would result in an increase in approximately 340 metres of new hedgerow planting, 19 new hedgerow trees, 0.3 hectares of woodland planting and 0.4 hectares of wildflower grassland. Officers concur with the LVIA that the significance of this in the landscape would be minor beneficial. Given the height and area of the proposed development, and the existing and proposed tree and hedgerows, the LVIA suggests that the development would have a minor adverse significance on landscape character. Officers accept these findings of the LVIA. The Parish Council has raised concerns over potential cumulative impacts. In relation to potential emissions these are considered in para. 6.7.3 below. In relation to landscape impacts it is not considered that the proposal would be visible from other poultry farms, or that this proposal would have an adverse impact when considered cumulatively with other similar developments in the local area.
- 6.3.5 Visual effects: Views of the development from the public rights of way to the south and west of the site would generally be limited due to the reduced finished floor levels of the buildings, the proposed ground modelling and the new hedgerow and tree planting once established. The higher parts of the development would be visible from parts of these paths however, albeit that these would be seen against a backdrop of existing vegetation along the A5 bypass and to the north of the site.
- 6.3.6 Some views of the higher parts of the development from public rights of way to the north-west of the site, approximately 360 metres away, and from The Cliffe, approximately 1.9km away would be possible. However given the distances involved, it

is not expected that such views would be significant. Similarly, some views of parts of the development may be possible from The Cliffe. Views from the A5(T) would generally be limited due to the tree covered roadside embankment. Any views possible would be fleeting due to the likely speeds of vehicles along this road.

6.3.7 In terms of views from residential properties in Kinton the LVIA suggests that most of the proposed development would not be visible due to the height of the development, the ground modelling and landscaping. It suggests that the proposal would have a low/medium adverse effect on these properties. The comments of residents that additional and enhanced landscaping should be provided to improve screening are noted. The landscape concept submitted as part of the application includes tree and hedgerow planting and a landscaped mound on the western side of the site, and in principle Officers consider that this is acceptable. However detailed matters can be agreed as part of a landscaping scheme which can be dealt with by planning condition, and enhancements can be sought where appropriate.

6.3.8 Overall the findings of the LVIA are that adverse landscape effects and adverse visual effects from the development would not be significant. Whilst the proposal would be visible within the landscape from some viewpoints Officers consider that, with the mitigation measures put forward, it would not result in an unacceptable impact on the local landscape or on the visual amenity of the area. As such the proposal is therefore in line with Core Strategy policy CS6.

6.4 Residential and local amenity considerations

6.4.1 Core Strategy policy CS6 requires that developments safeguard residential and local amenity. SAMDev Plan policy MD7b states that planning applications for agricultural development will be permitted where it can be demonstrated that there would be no unacceptable impacts on existing residential amenity.

6.4.2 Noise: The application site is located 280 metres from the nearest residential properties. This distance, and the existing noise from the A5(T) and the physical barrier of the associated embankment, would be expected to provide significant attenuation of noise which may be generated by the proposed development. The Environmental Statement advises that noise impact is one of the issues that has been scoped out of the assessment. This is on the basis that the applicant considers that this issue is of less potential importance in relation to this particular development proposal.

6.4.3 Nevertheless a detailed objection has been received from the Ministry of Defence (MoD) – Defence Infrastructure Organisation on the grounds of the potential impact that the proposal would have on the MoD's training activities in the area. The MoD advise that the application site is located approximately 840 metres from the eastern boundary of the Army's Nesscliffe Training Area (NTA), which is used extensively for helicopter flying throughout the year in support of front-line activity. The MoD advise that helicopters are generally no able to remain within the confines of the NTA when conducting training exercises. The MoD has significant concerns including the potential noise levels that would be experienced at the application site as a result of training activities. The MoD also note that there is a Small Arms Range at the NTA and raise concern over the impact of noise from this on the proposed development.

- 6.4.4 The MoD advise that, in the absence of the consideration of noise impact as part of the Environmental Statement, the local planning authority is not in a position in which to objectively assess the impact of noise from the MoD site. The MoD has requested that a Noise Impact Assessment is submitted.
- 6.4.5 The applicant's agent has provided a response to the MoD's concerns, including:
- The proposed poultry buildings have extremely high insulation levels which is primarily designed for heat retention but also provides excellent noise insulation. The walls will be constructed with 200mm of "rockwool" insulation. The roof is constructed with 300mm of "rockwool" insulation. External noises are all but muted out.
 - Noise levels within the poultry buildings are significant with the movement and calling of approximately 50,000 birds in each building, and additional noise from the extractor fans and feed blower. The proposed development is also very close to the A5 trunk road which would provide a significant background noise
 - Absence of incidents relating to bird welfare from the applicants' other poultry units in the area where there is significant overhead flying;
 - Absence of evidence that overhead flying causes bird welfare issues;
 - Any hovering over the poultry buildings in such close proximity to the A5, would in any event cause a dangerous distraction to passing vehicles.
 - The applicant has formally offered to indemnify the MoD against any claim that they may make for bird losses attributable to their operations and we await the MoD's reply to this offer.
- 6.4.6 In response the MoD consider that further evidence should be submitted to substantiate the comments made by the applicant.
- 6.4.7 Para. 109 of the NPPF states that the planning system should contribute to and enhance the local environment by preventing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution. Officers recognise that a noise assessment has not been undertaken as part of the Environmental Impact Assessment, and that such an assessment would provide evidence as to whether the poultry would be likely to be adversely affected by the noise climate of the area. However Officers do not consider that it would be reasonable or proportionate to request that the applicant carries out a noise assessment. The reason for this is that it is not considered likely that the proposed development would be adversely affected by unacceptable levels of noise pollution. This is based upon the likely noise attenuation that would be provided by the proposed poultry sheds; the likely internal noise climate of the sheds; the existing noise climate of the area which includes the relatively busy A5(T); the absence of issues identified as a result of other operational poultry developments in the area; and the advice of the Council's Public Protection Officer.
- 6.4.8 Down draughts: The MoD have also raised concern that the proposed development could face severe down draught problems as a result of overflights of helicopters over the application site. They advise that non-fixed objects within the application site could potentially become airborne and cause potential missiles in a severe down draught. The applicant has been advised of this concern, and has advised that modern poultry units have an extremely sterile setting and that feed is delivered in lorries and blown directly into the feed hoppers hence there are no plastic bags lying around

- 6.4.9 Lighting: The MoD have expressed concern that the application does not include any information on external lighting proposals, and states that such lighting may restrict the MoD's night time flying programme. In response, the applicant has advised that the external lighting is minimal and only used during the emptying of the buildings at night. The lights are low wattage (100w) halide lights pointing down with a metal cowl over to reduce light spill. The lighting from the traffic on the A5 will far outweigh any light spillage from the development. Nevertheless in view of the MoD's concerns, it is considered that any permission granted should be subject to a condition requiring that external lighting is subject to prior approval.
- 6.4.10 Odour: The separation distance between the proposed poultry buildings and residential properties would reduce the likelihood of adverse odour impacts in the local area. It is noted that the Environment Agency has issued an Environmental Permit for the poultry development. The Agency has advised that, through the determination of the Permit, issues relating to odour will be addressed. The request from residents that controls are imposed on the spreading of poultry manure from the site are noted however this element of the proposal is not something that forms part of the current application. The Council's Public Protection Officer does not consider that the proposal would have a detrimental impact on the area due to odour emissions.
- 6.4.11 Hours of operation: The Parish Council's comments regarding the apparent conflict with the working hours of the business park and the proposed poultry unit are noted. The proposed poultry rearing development would effectively operate 24 hours a day given the nature of the activity. However, other than during times when bird collection takes place it is anticipated that night-time operations would be minimal and would not adversely affect local amenity.
- 6.4.12 Overall it is considered that the proposal has been designed to ensure that the facility can be operated without adversely affecting local amenity due to noise, odour or other impacts. In addition satisfactory safeguards would be provided as part of the Environmental Permit to address any specific issues. The proposal is therefore in line with Core Strategy Policy CS6.
- 6.5 **Historic environment considerations**
- 6.5.1 Core Strategy Policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. SAMDev Plan Policy MD13 requires that heritage assets are conserved, sympathetically enhanced and restored by ensuring that the social or economic benefits of a development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset, or its setting.
- 6.5.2 The Heritage Assessment undertaken as part of the Environmental Impact Assessment has assessed the potential impact of the development on heritage assets located within a 1km radius of the site. It identifies that the dominant heritage asset to be taken into consideration is the Scheduled Monument of Nesscliffe Hill Camp, approximately 930 metres to the east. The Heritage Assessment concludes that, taking into account the existing A5 bypass, the proposed excavation within the site and the implementation of landscaping proposals, the potential visual impact of the development on the Scheduled Monument would be low adverse in the short-term and negligible in the long-term. The

Assessment considers that potential views from Listed buildings within Kinton would be filtered by the intervening hedgerows and vegetation, and that the impact on these heritage assets would be low adverse to negligible. The Assessment concludes that there would be negligible impact on views from other designated and undesignated heritage assets in the area.

6.5.3 No significant concerns have been raised by either Historic England, the Council's Historic Conservation Officer, or the County Archaeologist. Conditions requiring the prior approval of external materials and finishes on the buildings, and a landscaping scheme can be imposed, as recommended by the Historic Environment Officer.

6.6 **Traffic, access and rights of way considerations**

6.6.1 The application states that total HGV movements during each cycle would amount to 79 (158 movements). Movements would fluctuate during the cycle. For example on 27 days of the crop cycle there would be no HGV movements to/from the site, and that on a further 10 days of the cycle there would be an average of 1 HGV visit each day. The majority of HGV movements would be those associated with bird collections. These activities would take place over two 2-day periods during each cycle, between 0200 and 0900 hours. Typically there would be up to two HGV movements per hour during these times. The application states that there is no possibility of these vehicles meeting each other on the public highway as the loaded vehicle would not be released from the site until the next vehicle has arrived.

6.6.2 The Council's Highways Officer has advised that the proposed access to the site via the access road to the business park, and the access from this onto the public highway, are both acceptable for the proposed development. The applicant has confirmed that they are willing to undertake localised widening works of the public highway to the north of the site, to reduce the risk of vehicle conflicts at this short section of the road, as recommended by the Highways Officer. These improvements can be secured by planning condition.

6.6.3 It is considered that the site is relatively well located in relation to the principal road network, and that it would not be advantageous for HGVs to travel to/from the site via Kinton village. Nevertheless a traffic routing plan that sets out measures to ensure that HGVs avoid the village can be agreed through an appropriate condition. In view of this it is not considered that it would be reasonable to also require the erection of signs at both ends of Kinton village, to prevent HGVs from travelling through, as requested by residents. However in principle the applicant has agreed to providing appropriate signage at the site entrance should this be considered necessary.

6.6.4 Subject to the highway improvement and routing conditions it is not considered that the proposal would result in unacceptable highway impacts in the local area.

6.7 **Ecological consideration**

6.7.1 Core Strategy Policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan Policies MD2 and MD12 require that developments enhance, incorporate or recreate natural assets. Para. 118 of the NPPF states that local planning authorities should aim to conserve and enhance biodiversity.

- 6.7.2 Ecological assessment undertaken as part of the planning application includes an Extended Phase 1 habitat survey and a presence/absence survey for Great Crested Newt. A number of precautionary measures have been proposed to avoid impact on a badger sett within the vicinity of the site, and a condition can be imposed to require their implementation. A condition can be imposed to require that a lighting plan is submitted for approval to minimise impacts on bats in the area. It is considered that the landscaping proposals put forward would provide significant ecological enhancements to the local area, including tree and hedgerow planting, a wildflower grassland area.
- 6.7.3 Ammonia is released from intensive poultry sheds through the breakdown of uric acid which arises from bird excretion. Based upon the results of an ammonia screening assessment the Environment Agency has concluded that detailed modelling of ammonia impacts is not required. The screening assessment reported that emissions of ammonia or ammonia deposition from the farm would not be in excess of the relevant environmental threshold at any particular designated site and that there would be no cumulative effect with any existing farms. The Council's Ecologist has confirmed that the proposed development is unlikely to have a significant effect on the designated sites assessed. The Habitat Regulation Assessment matrix is attached as Appendix 1.
- 6.7.4 No further specific ecological issues have been identified. On the basis of the available evidence it is considered that the proposed development would protect and enhance the natural environment, and is therefore in line with Core Strategy policy CS17 and SAMDev Plan policy MD2 and MD12.
- 6.8 Impact on water resources**
- 6.6.1 Core Strategy Policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity.
- 6.6.2 Surface water drainage: The site is located within Flood Zone 1, indicating that the risk of surface water flooding is low. The submitted Flood Risk Assessment states that on site surface water would be collected by French drains which would convey the water to a proposed attenuation pond located at the western side of the site. The Council's Drainage Officer has confirmed that this is acceptable in principle, and that detailed measures can be dealt with by planning condition. An appropriate condition is included in Appendix 2.
- 6.6.3 Foul drainage: Dirty water would be generated as part of the process of washing out the floors of the poultry sheds at the end of each cycle. Wash down water would be directed to underground collection tanks located near to the site entrance. The Drainage Officer has confirmed that this is acceptable in principle. Details can be agreed as part of a planning condition. The Environmental Permit would provide detailed control over pollution prevention measures incorporated within the design of the development.
- 7.0 CONCLUSION**
- 7.1 The proposal to construct a poultry rearing development including four poultry sheds and other buildings at Kinton would be an appropriate agricultural development in the rural area, and would provide employment and investment in the rural economy. Whilst the development would be visible within the landscape from some viewpoints it is

considered that the design of the site including landscaping mitigation would ensure that it would not result in an unacceptable impact on the local landscape or on the visual amenity of the area. The proposal would be sited a sufficient distance from sensitive receptors to avoid adverse impact due to noise or odour, and it is not considered likely that the birds within the buildings would be adversely affected by helicopter training activities in the general area. Additional controls over potential pollution would be provided as part of the Environmental Permit for the operation which has been issued by the Environment Agency. The proposal does not raise significant issues in relation to ecological matters, and would provide ecological enhancements in the local area. A satisfactory surface water drainage scheme can be agreed through appropriate planning conditions. Localised widening of a short section of public highway can be required to avoid potential conflicts on the highway. No significant issues have been raised in respect of potential impact upon heritage assets. Overall it is considered that the proposal can be accepted in relation to Development Plan and national policies, and other material considerations, and that the grant of planning permission subject to the conditions set out in Appendix 2 can be recommended.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

9.0 Financial Implications

There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

10.1 Relevant Planning Policies

10.1.1 Shropshire Core Strategy

- Policy CS5 (Countryside and Green Belt)
- Policy CS6 (Sustainable Design and Development Principles)
- Policy CS13 (Economic Development, Enterprise and Employment)
- Policy CS17 (Environmental Networks)
- Policy CS18 (Sustainable Water Management)

10.1.2 SAMDev Plan

- Policy MD2 (Sustainable Design)
- Policy MD8 (Infrastructure Provision)
- Policy MD12 (Natural Environment)
- Policy MD13 (Historic Environment)

10.2 Central Government Guidance:

10.2.1 National Planning Policy Framework (NPPF)

10.3 Relevant Planning History: None.

11. Additional Information

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

The application ref. 15/05462/EIA and supporting information and consultation responses.

Cabinet Member (Portfolio Holder):

Cllr M. Price

Local Member:

Cllr David Roberts (Loton)

Appendices:

APPENDIX 1 – Habitat Regulations Assessment – Screening Matrix

APPENDIX 2 - Conditions

Appendix 1 - Habitat Regulation Assessment (HRA) Screening Matrix

Application name and reference number:

15/05462/EIA
Land Adjacent To The A5
Kinton
Shrewsbury
SY4 1AZ
Erection of four poultry rearing buildings, biomass building, ten feed bins and other ancillary buildings, landscaping including ground modelling and tree planting, construction of a surface water attenuation feature and new access.

Date of completion for the HRA screening matrix:

12th January 2016

HRA screening matrix completed by:

Nicola Stone
Planning Ecologist
01743-258512

Table 1: Details of project or plan

Name of plan or project	15/05462/EIA Land Adjacent To The A5 Kinton Shrewsbury SY4 1AZ Erection of four poultry rearing buildings, biomass building, ten feed bins and other ancillary buildings, landscaping including ground modelling and tree planting, construction of a surface water attenuation feature and new access.
Name and description of Natura 2000 site	<p>European Designated Sites within 10km:</p> <p>MIDLAND MERES & MOSSES - PHASE 1</p> <p>Fenemere Fenemere Midland Meres and Mosses Ramsar Phase 1 (16.34ha) is a particularly rich and interesting mere with eutrophic water. Fenemere is also important for its rich aquatic invertebrate fauna. It is included within the Ramsar Phase for its open water, swamp, fen, wet pasture and Carr habitats with the species <i>Cicuta virosa</i> and <i>Thelypteris palustris</i></p> <p>MIDLAND MERES & MOSSES - PHASE 2</p> <p>Morton Pool & Pasture The chief interest of Morton Pool Midland Meres and Mosses Ramsar Phase 2 (3.72ha) is the fen and carr vegetation</p>

	<p>around it. Uncommon plant species in this habitat include bird cherry <i>Prunus padus</i>, alder buckthorn <i>Frangula alnus</i> and marsh fern <i>Thelypteris thelypteroides</i>. It is included in the Ramsar Phase for its Open Water, Swamp, Wet Pasture and Carr habitats with the plant species <i>Thelypteris palustris</i>.</p> <p>NB For completeness the SSSI's within 5km and local sites within 2km are listed below:</p> <p>SSSI's within 5km SHRAWARDINE POOL LIN CAN MOSS</p> <p>Local Sites within 2km LIN CAN COPPICE ARMY CAMP GRASSLAND KNOCKIN HEATH NESSCLIFFE, GREAT NESS CRANBERRY MOSS THE CLIFFE NESSCLIFFE HILL WOOD BULLMOOR</p>
Description of the plan or project	Erection of four poultry rearing buildings, biomass building, ten feed bins and other ancillary buildings, landscaping including ground modelling and tree planting, construction of a surface water attenuation feature and new access.
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	N/A Lin Can Moss - SSSI The Environment agency has assessed the potential impact of the proposed poultry application in combination with other poultry applications in 5km to assess the combined impact on Lin Can Moss SSSI. All values for existing poultry units within 5km screen out below the <20% critical level Ammonia output therefore insignificant, and the total in combination effect of all farms within 5km = <50% . DETAILED MODELLING IS NOT REQUIRED.

Statement

The proposed poultry site has received an Environmental Permit issued by the Environment Agency on the 11th December 2015.

SC Ecology has contacted the Environment Agency in order to receive a copy of their Ammonia Screening Assessment. Kevin Heede has provided this via email dated 12th January 2016.

The relevant thresholds have been agreed between Natural England and Environment Agency for use with the Environment Agency detailed emissions model:

- Emissions of ammonia under 4% of the critical level for a European Designated Site (within 10km)

- Emissions of ammonia under 50% of the critical level for a SSSI (within 5km when assessed in combination with other permitted sites within 5km)
- Emissions of ammonia under 50% of the critical level for a local wildlife site or ancient replanted woodland (within 2km)

Any emission under these thresholds is not considered 'significant' by Environment Agency and Natural England and is considered to have no in-combination effects.

All designated sites have screened out below the critical level of ammonia. The EA has stated that detailed modelling is not required to support this application and an environmental permit has been granted.

The Significance test

Based on the Ammonia Screening output which has been provided by the Environment Agency, and using the modelling and thresholds agreed by Environment Agency and Natural England, there is no likely significant effect of the proposed activity under planning application reference *15/05462/EIA at Land Adjacent To The A5, Kinton, Shrewsbury SY4 1AZ for the erection of four poultry rearing buildings, biomass building, ten feed bins and other ancillary buildings, landscaping including ground modelling and tree planting, construction of a surface water attenuation feature and new access on European Designated Sites within 10km.*

The Integrity test

There is no likely effect on the integrity of European Designated Site within 10km from planning application *15/05462/EIA at Land Adjacent To The A5, Kinton, Shrewsbury SY4 1AZ for the erection of four poultry rearing buildings, biomass building, ten feed bins and other ancillary buildings, landscaping including ground modelling and tree planting, construction of a surface water attenuation feature and new access.*

Conclusions

The Habitat Regulation Assessment screening process has concluded, supported by the evidence from Environment Agency, that there is no likely significant effect and no likely effect on integrity of the European Designated from planning application reference *15/05462/EIA at Land Adjacent To The A5, Kinton, Shrewsbury SY4 1AZ for the erection of four poultry rearing buildings, biomass building, ten feed bins and other ancillary buildings, landscaping including ground modelling and tree planting, construction of a surface water attenuation feature and new access on any European Designated Site in 10km.*

An Appropriate Assessment is not required and there is no legal barrier under the Habitat Regulation Assessment Process to planning permission being issued in this case.

Guidance on completing the HRA Screening Matrix

The Habitat Regulation Assessment process

Essentially, there are two 'tests' incorporated into the procedures of Regulation 61 of the Habitats Regulations, one known as the 'significance test' and the other known as the 'integrity test' which must

both be satisfied before a competent authority (such as a Local Planning Authority) may legally grant a permission.

The first test (the significance test) is addressed by Regulation 61, part 1:

61. (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which –
(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
(b) is not directly connected with or necessary to the management of that site,
must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

The second test (the integrity test) is addressed by Regulation 61, part 5:

61. (5) In light of the conclusions of the assessment, and subject to regulation 62 (consideration of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

In this context 'likely' means "probably", or "it well might happen", not merely that it is a fanciful possibility. 'Significant' means not trivial or inconsequential but an effect that is noteworthy – Natural England guidance on The Habitat Regulation Assessment of Local Development Documents (Revised Draft 2009).

Habitat Regulation Assessment Outcomes

A Local Planning Authority can only legally grant planning permission if it is established that the proposed plan or project will not adversely affect the integrity of the European Site.

If it is not possible to establish this beyond reasonable scientific doubt then planning permission cannot legally be granted.

Duty of the Local Planning Authority

It is the duty of the planning case officer, the committee considering the application and the Local Planning Authority as a whole to fully engage with the Habitats Regulation Assessment process, to have regard to the response of Natural England and to determine, beyond reasonable scientific doubt, the outcome of the 'significance' test and the 'integrity' test before making a planning decision.

APPENDIX 2 - Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).
2. The development shall be carried out strictly in accordance with the approved plans and drawings
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (which ever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.
4. No development hereby permitted shall take place until details of the external materials and colour treatment of all plant and buildings have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details, and retained as such for the lifetime of the development.
5. No development shall take place until details of the road widening on the C1058 has been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the development/use hereby approved is occupied/brought into use.

Reason: To ensure that the development will not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users.
6. Before any other operations are commenced, the proposed vehicular access and road widening (C1058), shall be provided and constructed to an approved standard before the development is begun and thereafter maintained.

Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users.
7. No development approved by this permission shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

8. No birds shall occupy the buildings hereby permitted until a traffic routing plan has been submitted to and approved in writing by the local planning authority. The submitted plan shall set out measures proposed to ensure that HGVs travelling to and from the site avoid travelling through Kinton, including signage if appropriate; details of how the approved route would be enforced; and details of measures to be taken should drivers not adhere to the approved route. The approved traffic routing plan shall be adhered to at all times.

Reason: To ensure an appropriate route to/from the site in the interests of highway safety and local amenity.

9. Prior to the commencement of development a landscape plan shall be submitted to and approved by the local planning authority. The plan shall include:
- a) Planting plans, including wildlife habitat and features (e.g. bird and bat boxes, hedgerow planting, tree planting, beetle bank/buffer strip)
 - b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
 - c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties).
 - d) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
 - e) Implementation timetables

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

10. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK

Reason: To minimise disturbance to bats, a European Protected Species.

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

11. A total of 4 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building hereby permitted as shown on a site plan. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

Reason: To ensure the provision of roosting opportunities for bats which are European Protected Species.

12. Work shall be carried out strictly in accordance with the Ecological Assessment conducted by Churton Ecology (October 2015).

Reason: To protect features of recognised nature conservation importance.

Informatives

1. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 187.
2. In determining this application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

Shropshire Core Strategy and saved Local Plan policies:

Policy CS5 (Countryside and Green Belt)

Policy CS6 (Sustainable Design and Development Principles)

Policy CS13 (Economic Development, Enterprise and Employment)

Policy CS17 (Environmental Networks)

Policy CS18 (Sustainable Water Management)

SAMDev Plan policies:

Policy MD2 (Sustainable Design)

Policy MD8 (Infrastructure Provision)

Policy MD12 (Natural Environment)

Policy MD13 (Historic Environment)

3. Mud on highway
The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

Section 278 Agreement

No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into.

Please contact: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND to progress the agreement.

No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 278 of the Highways Act 1980 entered into

<http://www.shropshire.gov.uk/hwmaint.nsf/open/7BED571FFB856AC6802574E4002996AB>

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- o construct any means of access over the publicly maintained highway (footway or verge) or
- o carry out any works within the publicly maintained highway, or
- o authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
- o undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required

4. Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended).

If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.

Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

On the site to which this consent applies the storage of all building materials, rubble, bricks and soil must either be on pallets or in skips or other suitable containers to prevent their use as refuges by wildlife.

Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992.

No machinery should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992).

All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.

The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

5. Rights of way advice:

The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards. Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times.

Building materials, debris, etc must not be stored or deposited on the right of way.

There must be no reduction of the width of the right of way.

The alignment of the right of way must not be altered.

The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.

No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation

6. Shropshire Fire Service advice

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" which can be found using the following link: <http://www.shropshirefire.gov.uk/planning-applications>

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Committee and date

Central Planning Committee

28 April 2016

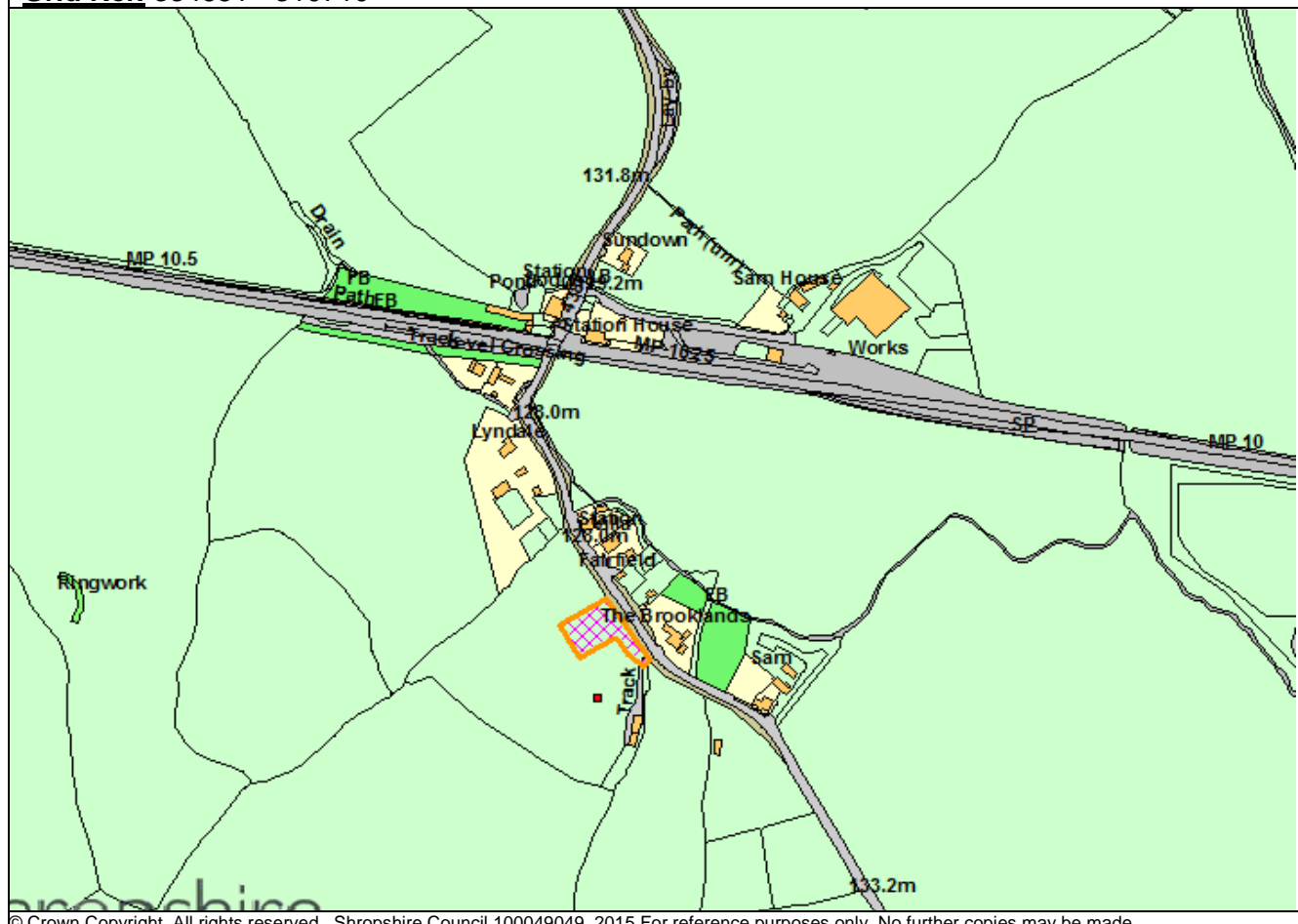
Development Management Report

Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 16/00120/FUL	Parish: Westbury
Proposal: Erection of 1no affordable dwelling and detached garage	
Site Address: Proposed Affordable Dwelling Westbury Shrewsbury Shropshire	
Applicant: Mr & Mrs A Owen	
Case Officer: Frank Whitley	email: planningdmc@shropshire.gov.uk
Grid Ref: 334651 - 310710	



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Recommendation:- GRANT PLANNING PERMISSION subject to the applicants entering into a S106 agreement to secure the property as affordable and subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 The application seeks planning permission for the erection of 1 no affordable dwelling and single space detached garage. This is a revised application from an earlier scheme which proposed a dwelling set back from the road, further into the field.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site lies in existing pasture land adjacent to the B4387 which connects the settlements of Westbury and Halfway House. The application would add to an existing cluster of dwellings comprising Sarn, the Brooklands, Fairfield, Station Villa (on the east side of the road) and Lyndale which is further north on the west side of the road. Collectively these properties are considered to form part of the dispersed settlement of Westbury. According to Agricultural Land Classification West Midlands region the site is Grade 3 (good to moderate) agricultural land.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution. At the request of the locally elected member, the Area Planning Manager and Chair of the Central Planning Committee have decided that the application should be decided by elected Members.

4.0 Community Representations

Consultee Comments

4.1 SC Ecology- no objection

Informatives are recommended for inclusion on the decision notice

4.2 SC Affordable Housing- no objection

My comments remain unchanged from October 2015

PROPOSED AFFORDABLE DWELLING 'land at Westbury Shrewsbury Shropshire

Single plot application: Mr Allan Owen and Mrs Emma Owen

I can confirm that Allan Owen has demonstrated strong local connections to the Westbury Parish Council local administrative area. After considering the Owen's family housing needs and personal circumstances, I can confirm that the requirements of the Supplementary Planning Document in relation to the 'build your own affordable home scheme' have been satisfied.

The Local Housing Need elements of the family's application were established as follows from information presented to me in July 2015.

' Mr Owen intends to construct a 100 sq m (max) affordable single storey dwelling at the above site to occupy as his long-term family home. This dwelling will be subject to a Section 106 Agreement prescribing local occupancy criteria, size and also restricting any potential future sale value.

' Mr and Mrs Owen currently live in rented accommodation in Middletown, this property is not deemed suitable for the long term need of the family as they wish to become home owners and move back to the Westbury area.

' Westbury Parish Council were able to confirm that Mr Owen has strong local connections to the parish.

' Mr Owen has close family and friends that live within the local area. He grew up in the parish and attended the local primary school in Westbury. Mr Owen his wife and children have animals that they keep on land within the parish they often currently travel several times per day to check that they are safe, fed and well.

' Development of the new affordable dwelling will not only provide more suitable accommodation for Mr Owens future needs (and be significantly cheaper to run), but will also be close to his parents and family to enable mutually beneficial help and support.

' Mr Owens doctor has written to support his application confirming his medical needs and the support his parents currently require and will need in the future.

' Mr Owen has been looking to purchase a property within the parish for a while but due to issues regarding affordability and availability he has been unable to secure a suitable home.

' Mr Owen has therefore demonstrated housing need, strong local connections and a need to live in the local area. Moreover, due to issues of affordability and availability he is unable to meet his own housing need within the parish without assistance from this policy.

4.3 **SC Flood and Water Management – no objection**

A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's Surface Water Management: Interim Guidance for Developers document. It is available on the council's website at: www.shropshire.gov.uk/environmental-maintenance-and-enforcement/drainage-and-flooding/flood-risk-management-and-the-planning-process.

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Connection of new surface water drainage systems to existing

drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

4.4 **SC Highways- no objection**

Recommendation

No objection – subject to the imposition of the following conditions and informatives on any consent that may be granted.

The context, scale and point of access of the proposed development remains the same as the earlier withdrawn application 15/04184/FUL and therefore from the highway perspective proposes no fundamental changes to those previously presented and commented upon.

4.5 **Public Comments**

9 objections have been received based on the following issues:

- Surface water and flooding
- Highway issues
- Absence of footpath
- The application site is not within a named settlement
- Development exceeds 100sqm limit for affordable housing
- Dwelling could be constructed elsewhere on land owned by family
- Setting a precedent for similar development in the future
- Development is proposed on prime agricultural land

10 representations of support have been received.

4.6 **Parish Council - neutral**

There was no resolution to the question as to whether this site is a named settlement, and we had one councillor absent, and two unable to vote due to conflict. There was one vote against, one in favour and 5 sitting on the fence, so I have to report that The Parish Council is neutral on this matter.

Locally Elected Member- confirmed preference that application should be decided by elected Members

5.0 **THE MAIN ISSUES**

Principle of development
Siting, scale and design of structure
Residential Amenity
Flooding
Visual impact and landscaping

6.0 **OFFICER APPRAISAL**

6.1 **Principle of development**

6.1.1 Shropshire Council Core Strategy Planning Policies CS1, CS5 and CS11, along with the National Planning Policy Framework, allow for the building of affordable dwellings on rural 'exception sites' to meet specific local needs.

- 6.1.2 Policy MD7a (Managing Housing Development in the Countryside) of the Site Allocations and Management of Development (SAMDev) Plan states that in order to protect the long term affordability of single plot exception dwellings, they will be subject to size restrictions and the removal of permitted development rights, as well as other appropriate conditions or legal restrictions.
- 6.1.3 In this case, as summarised above, the Council's Housing Enabling Officer finds that the policy requirements in respect of housing need are satisfied. Planning permission would be subject to prior completion of a Section 106 agreement to ensure that the dwelling remains a discounted sale dwelling which would limit its value in perpetuity.
- 6.1.4 The Type and Affordability of Housing SPD states that rural exception sites are still required to be within or adjoining "recognisable named settlements" and should not constitute isolated or sporadic development. The application site lies very close to a cluster of five existing dwellings, which are considered related to the settlement of Westbury. The proposed site is not considered isolated or sporadic development which would adversely affect the landscape, local historic or rural character, as per para 5.14 of the Type and Affordability of Housing SPD (Housing SPD). Para 5.16 of the Housing SPD states that recognisable settlements will usually, but not always be named on the Ordnance Survey Map. In this case, there does not appear to be named settlement directly associated with the site. However on balance, the site is considered to accord with the Location requirements of the SPD, paras 5.13-5.18. It is noted that the Parish Council were unable to resolve whether or not the site forms part of a named settlement.
- 6.1.5 It is considered therefore that the plot is suitable in terms of location for a rural exception site and meets the requirements of the relevant sections of CS1, CS5 and CS11.
- 6.2 Siting, scale and design of structure**
- 6.2.1 The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 6.2.2 The proposed two bedroom bungalow is modest in scale, its gross internal floor area not exceeding the 100m² limit specified in the SPD Type and Affordability of Housing. 'Permitted development' rights for subsequent extensions will be removed, both to ensure that the property remains of a size which is affordable to local people and in the interests of visual amenity. The plot is large enough to provide sufficient outdoor amenity space for the applicants themselves without exceeding the 0.1ha restriction imposed by the aforementioned SPD.
- 6.2.3 The detached garage is considered appropriate in scale and design. The dwelling is to be constructed from brick under a slate appearance tiled roof. Window frames and doors are to be constructed from timber. An open sided porch area is proposed to project from the rear of the dwelling to provide quiet amenity space for the occupier. The submitted plan shows 12 Photovoltaic panels are to be fitted to the south west facing roof elevation. Overall the siting, design and use of

materials is considered acceptable and in accordance with CS6 (Sustainable Design and Development Principles) and MD2 (Sustainable Design).

6.2.4 The Type and Affordability of Housing SPD states that dwellings on exception sites must also be constructed to a minimum of an equivalent to the 'Code for Sustainable Homes' level 3 for energy and water efficiency. It is therefore necessary to impose a condition ensuring that the dwelling is constructed to an equivalent of this Code.

6.2.5 A package treatment plant and herringbone soakaway to the rear of the dwelling is considered acceptable.

6.3 Residential Amenity

6.3.1 The proposed dwelling has been located to integrate with the existing group of dwellings, though has been positioned slightly to the north of the existing field access so as not to directly face main part of The Brooklands. The site is separated from nearby properties by an existing hedge to the front which is to be retained and the B4387 itself. It is not considered that there will be significant impacts upon neighbouring residential amenity.

6.4 Flooding

6.4.1 The site lies entirely in Flood Zone 1 (lowest risk of flooding), though land immediately to the east of the existing group of dwellings opposite falls within Zones 2 and 3.

6.4.2 Concerns have been raised by objectors about run off from the field which contains the application site. Photographs have been supplied which appear to show the B4387 flooded. However there is no evidence that the proposal would exacerbate the alleged flooding issue and it is noted that the proposal includes a soakaway and a permeable drive surface. No concerns have been raised by either Shropshire Council Highways or the Flood and Water Management Team. The proposal is considered to accord with CS18 (Sustainable Water Management).

6.5 Visual impact and landscaping

6.5.1 CS6 seeks to ensure development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance, landscape character assessments and ecological strategies where appropriate.

6.5.2 The development is single storey and modest in scale such that the visual impact is limited. Additional screening is to be planted around the perimeter of the application site.

6.5.3 The proposal is considered to respect the existing scale and character of buildings in the surrounding area and it is judged the dwelling and detached garage would not significantly detract from the rural character of the area.

7.0 CONCLUSION

7.1 The proposal is judged to be acceptable in principal since it is for an affordable dwelling to meet an identified local need and the site is sufficiently related to a recognisable named settlement to accord with the locational requirements of the Housing SPD. The dwelling as proposed would have no significant landscape impact, and the design of the proposed garage is satisfactory. Furthermore, there are no undue concerns in respect of residential amenity, drainage or ecology. The application therefore accords with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to prior completion of a legal agreement to ensure that the property remains 'affordable' in perpetuity, and to conditions to reinforce other critical aspects. The development is considered to accord with the requirements of the NPPF, CS1, CS5, CS6, CS11, CS17, CS18, MD2 and MD7a and the Type and Affordability of Housing SPD.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
NPPF

Core Strategy and SAMDev Plan
CS6, CS11, CS17, CS18, MD2, MD7a
Type and Affordability of Housing SPD

RELEVANT PLANNING HISTORY:

SA/89/0106 Erection of an extension to provide sitting room and cloaks on ground floor and bedroom and bathroom on first floor, enlargement of two bay windows. PERCON 18th April 1989

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr David Roberts

Appendices

APPENDIX 1 - Conditions

APPENDIX 1**Conditions****STANDARD CONDITION(S)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

3. The dwelling hereby permitted, shall not exceed 100 square metres gross internal floor area, including any future extensions. No further internal habitable space shall be created within the dwelling by internal alterations.

Reason: To ensure that the dwelling is of a size appropriate to the local affordable housing market.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. No above ground development shall commence until samples/precise details of all external materials/finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and thereafter maintained in the absence of any further specific permission in writing from the Local Planning Authority.

Reason: To ensure that the external appearance of the development is satisfactory, in accordance with Policies CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

5. Prior to the occupation of the dwelling details of the boundary treatments shall be submitted to and approved by the Local Planning Authority. The works carried out shall be carried out prior to the occupation of the dwelling or in accordance with a timetable agreed with the Local Planning Authority.

Reason: To ensure the boundary treatment is appropriate to the rural area, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

6. The access, parking and turning areas shall be satisfactorily completed and laid out in accordance with the approved site plan drawing no.625/PA/02 prior to the dwelling being occupied. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.

Reason: To ensure the formation and construction of a satisfactory access and parking facilities in the interests of highway safety.

7. The access apron shall be constructed in accordance with the Council's specification as follows; 20mm thickness of 6 mm aggregate surface course, 40 mm thickness of 20 mm aggregate binder course and 200 mm thickness of MOT type 1 sub-base and shall be fully implemented prior to the dwelling being occupied.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

8. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 or any order revoking and re-enacting that Order with or without modification, no access gates or other means of closure shall be erected within 5.0 metres of the highway boundary.

Reason: To provide for the standing of parked vehicles clear of the highway carriageway in the interests of highway safety.

9. The new dwelling hereby permitted shall be constructed to an equivalent to the Code for Sustainable Homes, Level 3 star rating for energy and water efficiency.

Reason: To ensure the dwelling is constructed with a view to reducing its carbon footprint and ensuring environmental sustainability, in accordance with Policy CS6 of the Shropshire Local Development Framework Adopted Core Strategy and SPD Type and Affordability of Housing.

10. The detached outbuilding included in the development hereby permitted shall only be used for purposes in connection with and ancillary to the enjoyment of the new dwelling as a single dwelling unit, but shall not be converted into or used as habitable accommodation, or used for commercial or business purposes, without the prior written consent of the local planning authority.

Reason: To ensure that the outbuilding is not used as a separate dwelling and that the property as a whole remains of a size which 'affordable' to local people in housing need, in accordance with Policies CS5 and CS11 of the Shropshire Local Development Framework Adopted Core Strategy.

11. Notwithstanding the provisions of Schedule 2 part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order modifying, revoking or re-enacting that Order), no garage, carport, extension or other building shall

be erected within the curtilage of the dwelling hereby permitted without the prior consent in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control of the siting and external appearance of any buildings to be erected in the interest of visual amenity and to maintain the future affordability of the dwelling.



Committee and date

Central Planning Committee

28 April 2016

Development Management Report

Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 16/00451/FUL	Parish:	Great Ness
Proposal: Erection of agricultural storage building		
Site Address: Top Farm Kinton Shrewsbury Shropshire SY4 1AZ		
Applicant: Mr J Hitchen		
Case Officer: Oliver Thomas	email: planningdmc@shropshire.gov.uk	

Grid Ref: 336961 - 319660



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Recommendation:- Approval subject to the conditions set out in Appendix 1.

Recommended Reason for Approval

REPORT**1.0 THE PROPOSAL**

1.1 This application is seeking full planning permission for the erection of an agricultural storage building, for the purpose of storing agricultural machinery and equipment associated with the operations on site.

1.2 The proposed building will be mono-pitched, traditional and simplistic in design, measuring some 12.4 metres in width, 5.5 metres in length and a maximum height of 4.5 metres.

2.0 SITE LOCATION/DESCRIPTION

2.1 Top Farm is a long established farm set within some 160 acres of agricultural mixed-use farming land. The site is located to the north of Kinton, a rural settlement south-west of Nesscliffe. The development site sits on the western boundary line, abutting the adjoining unclassified highway of which access is gained. The access point leads onto an existing stack yard of which a number of agricultural units are located, all in association with the activities occurring on site. The development site has residential dwellings on the opposing side of the highway, and land in ownership of the applicant on all remaining sides.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as it relates to an application made by a member of staff who either directly or indirectly reports to the Head of Economic Growth and Prosperity.

4.0 Community Representations**4.1 - Consultee Comments****4.1.1 SuDS – No objection subject to informatives****4.1.2 Great Ness and Little Ness Parish Council – In Support**

Great Ness and Little Ness Parish Council have no objections to this planning application.

4.2 - Public Comments

4.2.1 None received at the time of writing.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and landscaping

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Policy CS6 of the Shropshire Core Strategy: 'Sustainable Design and Development Principles' requires developments to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. Developments should safeguard against both residential and local amenity, ensuring that sustainable design and construction principles have been incorporated.

6.1.2 Further to Policy CS6, SAMDev MD2: 'Sustainable Design' ensures that developments achieve local aspirations for design in terms of visual appearance and functionality. Proposals need to respond appropriately to the form and layout of the existing development including a mixture of uses, streetscapes, plot sizes, scale and density that reflect locally characteristic architectural design and details which enhance, respect and restore the local context and character. This is reiterated within Section 7 of the National Planning Policy Framework: 'Requiring good design' which attaches great importance to the design of the built environment, ensuring that proposals respond to the local character, reflecting the local surroundings and materials whilst being visually attractive.

6.1.3 Policy CS13 of the Shropshire Core Strategy: 'Economic Development, Enterprise and Employment' seeks to positively develop and diversify Shropshire's economic growth. With particular emphasis on rural areas, recognising the importance of farming for food and production – actively supporting rural enterprise and diversifying its economy, dependent on proposals also complying with Policy CS5.

6.1.4 Policy CS5 of the Shropshire Core Strategy: 'Open Countryside and Green Belt' strictly controls development in the countryside, permitting those only which are on appropriate sites that maintain and enhance the countryside vitality and character, especially those relating to agricultural development.

6.1.5 SAMDev MD7b: 'General Management of Development in the Countryside' reiterates that prescribed in Policy CS5, in that applications for agricultural development in the countryside will be supported provided that proposals are of a size and scale which is consistent with its required purpose and be well designed in accordance with CS6 and MD2, with no adverse impacts upon the environmental quality or residential amenity under Policy CS17.

6.2 Siting, scale and design of structure

6.2.1 The proposal is to erect a simple lean-to storage building within the main yard of Top Farm, which is currently occupied by a number of agricultural outbuildings. The proposed will provide the applicants with additional storage for agricultural machinery and equipment, used in association with the farming activities occurring on site. The storage building will be sited and adjoined to an adjacent storage building on the south-western boundary, with its rear elevation facing the highway.

6.2.2 The site is within agricultural use – currently a mixed farm of grassland, cereal and livestock (sheep), with the proposed development site currently being used for the storage of machinery. As such the Officer is satisfied that sufficient justification has been provided for the proposal, as covered storage will allow the up-keep and longevity of the equipment and machinery. Due to the siting being within the main yard of farming activities, the site is already laid with hardstanding resulting in their being minimal groundworks required.

6.2.3 The storage building is of basic design and will remain open-fronted on the northern elevation. Having a mono-pitched roof, the eaves height is highest to the north, sloping down on the elevation facing the highway. The proposed construction materials will remain similar to those used elsewhere on site, with the external walls being a mix of both sandstone blockwork to its base and box profile sheeting with the roof being box profile sheeting also.

6.3 Visual impact and landscaping

6.3.1 With the proposal being small scale and sympathetic in design to the existing buildings on site it is considered that there will be no adverse impacts to its surroundings. The site is in current agricultural use and occupied by a number of agricultural buildings, as such an additional agricultural building would not be untoward or out of character. Kinton is a rural settlement of which a number of farming sites occur, the erection of a traditionally styled mono-pitched storage building will not disrupt the street scene as Top Farm is retracted, to the north, from the main cluster of settlement - with neighbouring dwellings only to the south-western boundary on the opposing side of the highway.

6.3.2 The additional storage building poses no concerns over its impact on residential amenities. The building will provide agricultural storage only, on a site where storage already occurs, so any possible noise or smell pollution generated will already exist and is apparent that it has minimal impact upon neighbouring residents, further confirmed by the lack of public representations. The development site is within an existing laid yard area, as such there are no alterations to the access arrangements, with the building leaving sufficient and adequate space for manoeuvring agricultural machinery on site. The proposed use will not result in any adverse impacts to the drainage arrangements on site, with submitted details in relation to drainage issues being considered acceptable by the Drainage Engineer.

7.0 CONCLUSION

The erection of an open-fronted storage building is considered an appropriate and justified extension of development on site. The applicant has provided reasoning that a covered storage unit is required for the safe-keeping of agricultural machinery and equipment; with the development site currently being used for

existing open-air storage of machinery. The proposal will have limited and minimal impact upon both residential and local amenity, being constructed of matching materials in a similar and traditional design. The proposal is fully compliant with all related policies in the Shropshire Core Strategy; CS6, CS5, CS13 and CS17, the SAMDev Plan; MD2, MD7b, and the National Planning Policy Framework; as such it is recommended that permission be GRANTED.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a

number of ‘relevant considerations’ that need to be weighed in Planning Committee members’ minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

- Central Government Guidance:
National Planning Policy Framework

- Core Strategy and Saved Policies:
CS6 - Sustainable Design and Development Principles
CS5 - Countryside and Greenbelt
CS13 - Economic Development, Enterprise and Employment
CS17 - Environmental Networks

Site Allocations and Management of Development Policies:
MD2 - Sustainable Design
MD7B - General Management of Development in the Countryside

RELEVANT PLANNING HISTORY:

12/00773/AGR Erection of a steel framed barn for storage of fodder PNR 14th March 2012
14/01840/FUL Erection of extension to existing agricultural building GRANT 26th June 2014
15/04201/AGR Lean-to on to rear of existing building PNR 6th November 2015
16/00451/FUL Erection of agricultural storage building PCO
SA/91/0067 Conversion of existing disused outbuilding to provide two private dwellings. For Mr and Mrs Hitchen. PERCON 22nd May 1991

11. Additional Information

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr David Roberts
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

Informatives

1. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as is required within the National Planning Policy Framework paragraph 187.
2. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.
3. It is recommended that the applicant investigate ways of incorporating techniques of 'Sustainable Urban Drainage' into this development. These will help to minimise the impact of the development with features such as porous parking, detention ponds, grass swales and infiltration trenches. This will maintain the recharge of groundwater resources, reduce large fluctuations in river flows during rainfall and stop pollutants from road runoff from entering watercourses. Further information can be obtained from the Environment Agency.

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Committee and date

Central Planning Committee

28 April 2016

Schedule of Appeals and Appeal Decisions As at 28 April 2016

LPA reference	15/01774/FUL
Appeal against	Appeal Against Refusal
Appellant	Admiral Taverns
Proposal	Erection of 6 No dwellings with associated driveway and parking
Location	Land West Of The Bell Cross Houses Shrewsbury
Date of application	28.04.2015
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	07.07.2015
Date of appeal	08.09.2015
Appeal method	Written Representations
Date site visit	12.01.2016
Date of appeal decision	23.02.2016
Determination time (weeks)	
Appeal decision	ALLOWED
Details	

LPA reference	15/00237/FUL
Appeal against	Appeal Against Refusal
Appellant	Mrs R Hartshorne
Proposal	Erection of two detached dwellings together with formation of new vehicular access
Location	Land To The NW Of Well Lane Plealey Shrewsbury
Date of application	19.01.2015
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	28.05.2015
Date of appeal	06.08.2015
Appeal method	Written Representations
Date site visit	26.01.2016
Date of appeal decision	29.02.2016
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	14/03319/OUT
Appeal against	Appeal Against Refusal
Appellant	Mr Andrew Prichard
Proposal	Outline application for the erection of 11 dwellings (to include access)
Location	Land East Of The Cottage Calcott Lane Bicton Heath Shrewsbury
Date of application	24.07.2014
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	28.04.2015
Date of appeal	13.10.2015
Appeal method	Written Representations
Date site visit	22.02.2016
Date of appeal decision	10.03.2016
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	14/02326/OUT
Appeal against	Appeal Against Refusal
Appellant	Mr Malcolm Corrie
Proposal	Outline application for the redevelopment of Home Farm for residential development (all matters reserved)
Location	Barn At Home Farm Home Farm Lane Leighton Shrewsbury
Date of application	27.05.2014
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	01.06.2015
Date of appeal	20.11.2015
Appeal method	Written Representations
Date site visit	25.01.2016
Date of appeal decision	10.03.2016
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	15/00611/FUL
Appeal against	Appeal Against Refusal
Appellant	Mr & Mrs A Davison
Proposal	Erection of a two bedroom bungalow
Location	Park Stile Berriewood Lane Condover Shrewsbury
Date of application	10.02.2015
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	03.06.2015
Date of appeal	27.11.2015
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	15/03447/COU
Appeal against	Appeal Against Refusal
Appellant	Mr & Mrs Peter & Ann Stokes
Proposal	Change of use of agricultural land to increase the plot size of the proposed new dwelling 14/00629/OUT
Location	Land Adj Lower Wigmore Farm Wigmore Lane Wattlesborough Heath Shrewsbury
Date of application	10.08.2015
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	13.11.2015
Date of appeal	14.01.2016
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	15/04807/PMBPA
Appeal against	Refusal of Prior Approval of Permitted Development Rights
Appellant	Mr And Mrs J Record
Proposal	Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to residential use
Location	Barn South West Of Heath Farm Yockleton Road Cardeston Ford
Date of application	06.11.2015
Officer recommendation	Planning Permission Required
Committee decision (delegated)	Delegated
Date of decision	07.01.2016
Date of appeal	01.03.2016
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	14/03796/OUT
Appeal against	Appeal Against Refusal
Appellant	Mr E Jones
Proposal	Outline application for the residential development of 3 dwellings to include access (amended description)
Location	Land To The South Of Queensway Wilcott Shrewsbury
Date of application	21.08.2014
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	26.11.2014
Date of appeal	26.05.2015
Appeal method	Written Representations
Date site visit	17.11.2015
Date of appeal decision	05.04.2016
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	14/05583/FUL
Appeal against	Appeal Against Refusal
Appellant	Mr Andrew Smallman
Proposal	Erection of a detached dwelling and garage
Location	Proposed Dwelling At Plot Adj To Frodesley Lane Farm Acton Burnell Shrewsbury
Date of application	18.12.2014
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	02.04.2015
Date of appeal	12.05.2015
Appeal method	Written Representations
Date site visit	10.11.2015
Date of appeal decision	16.03.2016
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	14/05324/OUT
Appeal against	Appeal Against Refusal
Appellant	Galliers Homes
Proposal	Outline application for residential development to include means of access
Location	Development Land To The North Of Gorse Lane Bayston Hill Shrewsbury
Date of application	28.11.2014
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	05.05.2015
Date of appeal	29.06.2015
Appeal method	Public Inquiry
Date site visit	28.01.2016
Date of appeal decision	21.03.2016
Determination time (weeks)	
Appeal decision	DISMISSED – COSTS AWARDED TO SHROPSHIRE COUNCIL
Details	

LPA reference	14/03451/FUL
Appeal against	Appeal Against Refusal
Appellant	Mrs M Jones
Proposal	Erection of 2 no. dwellings with associated garages; formation of vehicular access
Location	Proposed Residential Development To The NW Of Ford Shrewsbury
Date of application	01.08.2014
Officer recommendation	Grant Permission
Committee decision (delegated)	Committee
Date of decision	19.12.2014
Date of appeal	19.06.2015
Appeal method	Written Representations
Date site visit	10.11.2015
Date of appeal decision	17.03.2016
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	14/03861/OUT
Appeal against	
Appellant	Mr P Fontaine
Proposal	Outline application for the erection of 1 No dwelling (all matters reserved)
Location	Batchcott Hall Batchcote Church Stretton
Date of application	26.08.2014
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	04.12.2014
Date of appeal	29.06.2015
Appeal method	Written Representations
Date site visit	15.12.2015
Date of appeal decision	30.03.2016
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	15/00494/OUT
Appeal against	Appeal Against Refusal
Appellant	Mr R Pugh
Proposal	Outline application for a single dwelling (all matters reserved)
Location	Proposed Dwelling To The West Of Pontesbury Hill Shrewsbury
Date of application	03.02.2015
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	22.05.2015
Date of appeal	03.12.2015
Appeal method	Written Representations
Date site visit	26.01.2016
Date of appeal decision	30.03.2016
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	15/02962/OUT
Appeal against	Appeal Against Refusal
Appellant	Longden Properties Ltd
Proposal	Outline application for the erection of mixed market and social dwellings (to include access)
Location	Land To The South Of Annscroft Shrewsbury
Date of application	16.07.2015
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	25.11.2015
Date of appeal	24.02.2016
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	15/04264/PMBPA
Appeal against	Refused Prior Approval of Permitted Development
Appellant	Mr M Bebb
Proposal	Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to residential use
Location	Bicton Barn Bicton Lane Bicton Shrewsbury
Date of application	01.10.2015
Officer recommendation	Planning Permission Required
Committee decision (delegated)	Delegated
Date of decision	09.12.2015
Date of appeal	19.01.2016
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	14/00989/OUT
Appeal against	Appeal Against Refusal
Appellant	G H Davies Farms Ltd
Proposal	Outline application (all matters reserved) for the erection of 5 dwellings with garages
Location	Proposed Residential Development Land Off Gorse Lane Bayston Hill Shrewsbury
Date of application	06.03.2014
Officer recommendation	Grant Permission
Committee decision (delegated)	Committee
Date of decision	29.07.2015
Date of appeal	01.04.2016
Appeal method	Hearing
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	14/03034/OUT
Appeal against	Appeal Against Refusal
Appellant	Mr Edward Bennett
Proposal	Outline application for the erection of 12 No dwellings (all matters reserved)
Location	Land Off Mount Close Pontesbury Shrewsbury
Date of application	07.07.2014
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	29.07.2015
Date of appeal	03.02.2016
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	15/02481/OUT
Appeal against	Appeal Against Refusal
Appellant	Dr John Williams
Proposal	Outline application for the erection of 2 no. dwellings to include means of access
Location	Quarry View House 34 New Street Shrewsbury
Date of application	08.06.2015
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	07.10.2015
Date of appeal	30.03.2016
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	15/03230/OUT
Appeal against	Appeal Against Refusal
Appellant	Mr & Mrs S Patterson
Proposal	Outline Application for the erection of 2 No dwellings (to include access)
Location	Land East Of Dunedin Little Ness Shrewsbury
Date of application	28.07.2015
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	05.01.2016
Date of appeal	09.03.2016
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	15/01684/OUT
Appeal against	Appeal Against Refusal
Appellant	LMF Ltd
Proposal	Outline application for the erection of 3 no. detached dwellings to include means of access
Location	Proposed Residential Development Land To The South Of Annscroft Shrewsbury
Date of application	21.04.2015
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	23.09.2015
Date of appeal	17.03.2016
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	14/05580/OUT
Appeal against	Appeal Against Refusal
Appellant	Mr A Morgan
Proposal	Outline application for the erection of two detached dwellings with associated garaging to include means of access
Location	Land To The South Of Sheinton Road Cressage Shrewsbury
Date of application	18.12.2014
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	17.02.2015
Date of appeal	23.07.2015
Appeal method	Written Representations
Date site visit	02.11.2016
Date of appeal decision	14.04.2016
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

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Appeal Decision

Site visit made on 12 January 2016

by Alexander Walker MPlan MRTPI

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

Decision date: 23 February 2016

Appeal Ref: APP/L3245/W/15/3134152

The Bell Hotel, A458 from Cross Houses Atcham Junction to Cound Junction, Cross Houses, Shrewsbury SY5 6JJ

- 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 Admiral Taverns against the decision of Shropshire Council.
 - The application Ref 15/01774/FUL, dated 22 April 2015, was refused by notice dated 7 July 2015.
 - The development proposed is the construction of 6 new residential dwellings with associated driveway and parking on land to the rear of The Bell Inn.
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of 6 new residential dwellings with associated driveway and parking on land to the rear of The Bell Inn at The Bell Hotel, A458 from Cross Houses Atcham Junction to Cound Junction, Cross Houses, Shrewsbury SY5 6JJ in accordance with the terms of the application, Ref 15/01774/FUL, dated 22 April 2015, subject to the conditions contained within the schedule attached to this decision.

Procedural Matters

2. Following the refusal of the planning application, the Council adopted the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan on 17 December 2015. Accordingly, the policies contained within the SAMDev are afforded full weight and, along with the Shropshire Council Adopted Core Strategy (CS) 2011, replace the saved policies from the Shrewsbury and Atcham Borough Local Plan 2001 (the 'Local Plan').

Main Issues

3. The main issues are as follows:
 - Whether the dwelling would accord with the development strategy for the area,
 - whether it represents sustainable development; and,
 - whether the proposal would make provision for affordable housing.

Reasons

Development Strategy

4. The appeal site forms part of the outdoor amenity space associated with The Bell Hotel and is used as an overspill car park for the public house and as a caravan site. The site abuts the village of Cross Houses, and whilst Cross Houses was designated as a settlement in the previous local plan it has not been brought forward as a settlement in the recently adopted SAMDev. Furthermore, it has not been identified as a Hub or Cluster Development under Policy MD1 of the SAMDev. Whilst Cross Houses is a village that has a number of services and facilities, it has not been identified in the development plan as an area where development will be focused.
5. The evidence before me indicates that the Council does have a demonstrable five year housing land supply. Accordingly, paragraph 49 of the Framework is not engaged and therefore the housing supply policies in the CS and SAMDev are considered up-to-date. However, as found by an Inspector in a recent appeal¹ referred to by the appellant, whilst there is a demonstrable five year housing land supply, there is a need to boost housing provision in Shropshire. There is no evidence before me to suggest that this position has changed.
6. Policy CS4 of the CS states that housing development will be focused within the main towns and on sites allocated for development. Policy MD1 of the SAMDev identifies the key areas where growth will be focused. Furthermore, Policy CS5 of the CS states that development in the countryside will be strictly controlled, with new housing only being permitted subject to identified specific needs, which Policy MD7a of the SAMDev supports. However, in addition to allocated housing sites, Policy MD3 of the SAMDev also allows for windfall sites outside of these areas, providing that it would be sustainable housing development, which follows the National Planning Policy Framework's (the 'Framework') approach to promoting sustainable development.
7. Accordingly, for the purposes of planning policy, whilst the site is considered to fall within the open countryside, Policy MD3 of the SAMDev allows for windfall sites providing they are sustainable development. Whilst there is some conflict with the CS, in principle, the proposed development in the open countryside location would be compliant with the development plan as a whole and fall within the Council's development strategy, subject to it being found to be sustainable development. Furthermore, whilst the CS was adopted prior to the Framework, the SAMDev was adopted after it and therefore is considered to fully accord with it.

Sustainable Development

8. Paragraph 7 of the Framework identifies three dimensions to sustainable development – economic, social and environmental. The construction of the dwellings would provide some economic benefit to the local community in terms of providing employment for the construction trade and the use of building materials. Furthermore, the occupants would no doubt have some input into the local economy by increasing the demand in local services and goods.

¹ Appeal Ref APP/L3245/W/15/3001117

9. The existing site is currently used as a caravan site. During my site visit I noted six pitches and approximately 5 hook-up points, each with two electrical sockets. There were also two touring caravans and a static caravan on the site although there was no evidence that they were occupied. However, the site is evidently in use and has been formally laid out to some degree. Nevertheless, given the small scale of the caravan site, it is unlikely to make a significant contribution to the economy of the local community by way of supporting local shops and services, including the public house. Indeed, the proposal would likely make a greater contribution as the dwellings would be occupied throughout the year. I note that the loss of the caravan site would reduce the income to the public house; however, there is no evidence before me indicating how much income the site generates and given its small scale and its limited use throughout the year I do not anticipate that its loss would have a significantly harmful effect on the viability of the public house.
10. I also note the Council's contention that the loss of the overspill car park could impact on the continued successful operation of the public house. Whilst the proposal would result in the loss of the overspill car park, a total of 23 spaces would be retained. The appellant has referred to the Council's Local Plan car parking standards; however, following the adoption of the SAMDev, these no longer form part of the development plan. Nevertheless, due to the scale of the pub, which can only accommodate 25 people in the dining room and up to 35 people in the bar at any one time, the proposed parking provision would appear to be sufficient. I appreciate that there may well be occasions when there is no available parking; however, these instances would be the exception rather than the norm and there is suitable on-street parking nearby to serve such occasions.
11. There is also concern that the loss of parking provision would limit the potential expansion of the public house. However, notwithstanding that there is no evidence before me of any proposals for its expansion, a large amenity area to the side of the public house would remain that could potentially accommodate such proposals.
12. The development would also make a positive contribution to the social role by providing additional housing. Whilst the development would be on a relatively small scale, it would nevertheless make a positive contribution to the undelivered housing supply.
13. I note that community events have been held on the site in the past. However, there is no evidence of how frequently these were held and in any event as the land is in private ownership there is no substantive evidence that the community has any particularly rights over the use of the land.
14. With regards to the effect on the environment, the Council have confirmed that there would not be any adverse ecological or environmental implications. Furthermore, they confirm that the site would not encroach any further in the surrounding countryside and the design and appearance of the dwellings is acceptable. There is no evidence before me that would draw me to a different conclusion. In addition, the site is within reasonable walking distance of shops and local services, and nearby bus services provide alternative transport to the wider area, enabling access to schools.

15. I find therefore that the proposal would make a positive socio-economic contribution and its effect on the environment would be neutral. Therefore it would represent sustainable development. As such, it would accord with Policy CS6 of the CS, which seeks to ensure that development creates sustainable places, and Policy MD3 of the SAMDev.

Affordable Housing

16. A Unilateral Undertaking (UU) has been submitted with the appeal which would secure contributions of £81,000 towards affordable housing. The appeal proposal would also represent chargeable development under the Council's Community Infrastructure Levy (CIL) which would help mitigate the impact of the scheme if permission were granted.
17. The proposed contributions have been calculated in accordance with the Shropshire Type and Affordability of Housing SPD 2012 and would therefore comply with policy CS11. The Council have not raised any objection to the UU. I therefore find that the proposal would make adequate provision for affordable housing and accords with the criteria of Regulation 122 of the CIL Regulations² and with paragraph 204 of the Framework.

Other Matters

18. I fully understand the concerns raised by local residents regarding the effect of the development on the living conditions of the occupants of neighbouring residential properties. However, the dwellings would be sufficient distance from existing properties to ensure that there would not be any significant harm with regard to loss of light and privacy. I also note the concerns raised regarding surface water drainage issues. However, there is no substantive evidence before me that suggests that the development would exacerbate any existing problems.
19. I acknowledge the concerns regarding the effect of the development on highway safety. However, from the observations I made during my site visit, I do not consider that any harm the development would have on highway safety would be sufficiently severe as to warrant the dismissal of the appeal. I also note that the local highway authority did not object to the application.

Conclusion

20. I have found that the development would be sustainable development. Therefore, it would comply with Policy MD3 of the SAMDev and the Framework's approach to a presumption in favour of sustainable development, which carry substantial weight. Furthermore, given that there is a shortfall in the delivery of housing, to which the development would make a positive contribution towards, albeit a moderate one, I attribute this matter significant weight.
21. Whilst there is some degree of conflict with the CS and policy MD7a of the SAMDev, this conflict is outweighed by the development representing sustainable development.
22. For the reasons given above, having regard to all matters raised, the appeal is allowed.

² The Community Infrastructure Levy Regulations 2010

Conditions

23. I have had regard to the various conditions that have been suggested by the Council. For the avoidance of doubt and in the interest of proper planning it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans. In the interests of the character and appearance of the area and to safeguard the trees to be retained, a condition regarding the submission of an arboricultural method statement is necessary. A condition requiring drainage details is necessary in the interests of public health and to minimise the risk of flooding. In the interests of highway safety a condition is necessary regarding access, driveway and turning areas to be completed prior to the occupation of the dwellings. Furthermore, in the interests of the character and appearance of the area, conditions are necessary with regard to materials and landscaping.

Alexander Walker

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PUN 2747 PA 001 Rev A, ADM 2747 PA 100 TYPE A Rev A, ADM 2747 PA 100 TYPE B Rev A, ADM 2747 PA 300 Rev A, ADM 2747 PA 400 Rev A, ADM 2747 PA 500 Rev A, and ADM 2747 PA 600.
- 3) No development shall commence until there has been submitted to and approved in writing by the local planning authority an arboricultural method statement. The statement shall include the following details:
 - Site preparation
 - Tree works specification
 - General site precautions
 - Protection barriers
 - Phasing of works within the Root Protection Area
 - Special surfaces and implementation of hard standing with the Root Protection Area
 - Special working methods
 - ServicesThe development shall be carried out in accordance with the agreed details.
- 4) No development shall commence until full details, calculations, dimensions and location of the proposed surface water drainage including percolation tests and the proposed soakaways have been submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented prior to the first occupation of the dwellings.

- 5) Prior to the first occupation of the dwellings, the access, driveway, parking and turning areas shall be completed in accordance with the approved site plan PUN 2747 PA 001 Rev A and shall be retained thereafter for their intended purpose.
- 6) No construction works shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) No construction works shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in accordance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Appeal Decision

Site visit made on 26 January 2016

by H Baugh-Jones BA(Hons) DipLA MA CMLI

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

Decision date: 29 February 2016

Appeal Ref: APP/L3245/W/15/3131957

Site off Well Lane, Plealey, Shrewsbury SY5 0XD

- 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 Mrs R Hartshorne against the decision of Shropshire Council.
 - The application Ref 15/00237/FUL, dated 16 January 2015, was refused by notice dated 28 May 2015.
 - The development proposed is construction of two detached houses and creation of new vehicular access.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The site address given above is taken from the appeal form and I have adopted it because it most accurately describes the location of the proposed development. In addition, and in order to provide the full address, I have added the postcode that appears on the appellant's appeal statement.
3. Since the application was determined, the Council has adopted the Site Allocations and Management of Development document (17 December 2015) (SAMDev Plan). The SAMDev Plan along with the Adopted Core Strategy (2011) (CS) now forms the development plan. However, the appellant has had the opportunity to comment on this matter and I am satisfied that my consideration of the appeal in light of the SAMDev Plan's adoption does not prejudice the appellant's case. I am therefore determining the appeal in accordance with the SAMDev Plan.

Main Issues

4. The main issues in this appeal are (i) whether the development proposed is sustainable for the purposes of the National Planning Policy Framework (the Framework) and the development plan; and (ii) whether the proposal would preserve or enhance the character or appearance of designated heritage assets.

Reasons

Sustainable development

5. Plealey is a small settlement located away from any significant local services and facilities that provide for day-to-day needs such as schools, shops,

restaurants, health facilities and employment. Because of this, the settlement is not designated under CS policy CS5 as a market town, key settlement, Community Hub or Cluster and is therefore classed as open countryside. Policy CS5 seeks to exert strict control over development in the countryside and Green Belt and is clear that, in assessing proposals, account will be taken of the impact on the character of the countryside. The policy also states that in villages other than those listed, limited infilling will be permitted but only in Community Hubs and Community Clusters listed in the SAMDev Plan. The Council advises that this does not include Plealey. Further, because of its location away from any significant local services and facilities, the settlement lies within an isolated location. Framework paragraph 55 seeks to avoid new isolated homes in the countryside unless meeting the terms of certain criteria. The appeal would be for open market housing and does not meet any of the criteria listed in either CS policy CS5 or Framework paragraph 55.

6. CS policy CS6 seeks, amongst other things, to locate development, which would be likely to generate significant levels of traffic, in places where walking, cycling and public transport can be used to reduce car-based travel.
7. The absence of day-to-day services or facilities or access to employment in Plealey would result in the occupants of the proposed dwellings needing to travel to larger settlements for access to inter-alia schools, shops, health facilities and employment. There is no evidence of regular public transport serving Plealey and the distances between the appeal site and any villages hosting services and facilities would make access on foot or by cycle impractical. Consequently, the appeal site occupies an isolated location and the occupants of the proposed dwellings would be reliant on the car for access to day-to-day services and facilities.
8. The number of car journeys likely to be generated by two family dwellings would not accord with the requirements of CS policy CS6 or with the Framework objective to balance the transport system in favour of sustainable travel. Whilst the Framework does also recognise that different solutions will apply between urban and rural areas, the thrust of Government policy to encourage a move towards sustainable transport modes is nonetheless clear.
9. I have been referred to several other permitted residential developments within Plealey. However, whilst the appellant has provided brief commentary on these schemes, I do not have the full details of the circumstances that led to them being accepted and so cannot be sure they represent a direct parallel to the appeal proposal, including in respect of development plan policy. Moreover, these other schemes pre-dated the adoption of the SAMDev Plan and so were assessed under different policy circumstances. In any case, I have determined the appeal on its own merits.
10. The appellant has also drawn my attention to the appeal decision in a case comprising a proposal for 25 dwellings on a site in West Felton, Oswestry (ref APP/L3245/W/15/3003171). However, it is clear that significant emphasis was placed on the economic and social dimensions of sustainable development that would arise from a development of that scale. This contrasts with the level of any such benefits associated with the more modest proposal in this appeal. Furthermore, the appeal decision assessed the principle of the scheme under different policy circumstances including the relevant saved policies of the *Oswestry Borough Local Plan 1993-2006*. Consequently, I cannot reasonably

draw a useful comparison between the West Felton scheme and the one before me.

11. Taking all of the above into account, the proposal would not be in a sustainable location thereby running counter to CS policies CS5 and CS6, the SAMDev Plan and the sustainable development objectives of the Framework.

Designated heritage assets

12. The appeal site comprises part of an agricultural field on the north western tip of the settlement. Well Lane forms part of a road loop that broadly contains the historic core of the village which comprises a loose cluster of buildings, a number of which are statutorily listed.
13. The field containing the appeal site is one of a number surrounding the village core. It was clear from my site visit that the landscape immediately around the village core serves an important purpose by providing a soft boundary to the settlement edge, serving as a visual and physical link between its buildings and the wider countryside. The surrounding fields are therefore included in the Plealey Conservation Area (CA) as they harmonize with the spatial arrangement of the settlement's historic built form. The openness of the field is therefore a key element of the character and appearance of the CA and its boundaries are important in defining its physical extent.
14. CS policy CS6, seeks to ensure new development protects, restores, conserves and enhances the natural, built and historic environment. It states that development will need to be appropriate in scale, density, pattern and design taking into account local context and character and those features which contribute to that character. In a similar vein CS policy CS17 seeks to protect the high quality and local character of Shropshire's natural, built and historic environment. The Framework requires great weight to be given to the impact of development on the significance of a designated heritage asset and sets out the more important the asset, the greater the weight should be.
15. The proposal would introduce a significant amount of built form and associated curtilage features, the result of which would be a loss of openness to the part of the field near to the village core. This would harm the un-built-up part of the CA, which would be compounded by the imposition of additional arbitrary boundaries to define the curtilages of the proposed dwellings. It would also reduce the important openness of the immediate setting of a number of Grade II listed buildings.
16. The grade II listed Methodist Chapel lies immediately beyond the site's south western edge. The Plealey CA Appraisal (2006) states that the Chapel "occupies a conspicuous position in relative isolation". Given the open land around it and juxtaposition with other buildings, I concur with this assessment. The building therefore relies heavily on the open field for its setting and is a prominent feature of considerable interest in views on the approach from the north east, including from the nearby bridleway.
17. The proposed development would intervene in these views and take away a substantial proportion of the open land around the listed Chapel. The appreciation of the historical significance of the building would therefore be adversely affected. I do not accept that its heritage value is in any way diminished simply because other listed buildings within Plealey are domestic or

- agricultural. In my view, the social role of a chapel in a small rural settlement cannot be divorced from the other historic buildings and uses that might surround it.
18. Furthermore, the parking of vehicles and the likely accumulation of domestic paraphernalia elsewhere within the dwellings' curtilages would diminish the CA's character and appearance and further detrimentally affect the setting of nearby listed buildings, particularly the Chapel. I have considered the possibility of imposing a condition to control such matters but this would be extremely difficult to frame to cover all likely scenarios, notwithstanding that it would be unlikely to pass the test of reasonableness set out in the Framework and PPG.
 19. There are other grade II listed buildings opposite the appeal site, namely Galliers House and Ty Garreg. These buildings are experienced in the context of the open land of which the appeal site forms part. The proposal would therefore disrupt the relationship between these buildings and the open field that provides their immediate setting.
 20. As previously mentioned, the appellant has referred to other permissions nearby, one of which is for a dwelling sited between Galliers House and Plealey House - both Grade II listed. However, whilst the Council, in granting permission, has not found harm to these designated heritage assets, it does not necessarily follow that other development will not cause harm to the historic environment in Plealey. The circumstances upon which harm must be judged will be particular to each case. Therefore, the existence of other permissions does not alter the need to assess the specific aspects of the proposal before me.
 21. I recognise that in the terms of the Framework, the proposal's effects would not reach the high hurdle of substantial harm to the significance of the designated heritage assets. However, though less than substantial, the Framework states that any harm or loss to a designated heritage asset requires clear and convincing justification. Paragraph 134 of the Framework indicates that such harm is to be weighed against the public benefits of a proposal.
 22. The appellant has submitted an executed planning obligation that would provide for a financial contribution to the provision of affordable housing. In theory, this clearly represents a benefit of the appeal scheme that carries some weight in its favour. I have had regard to the tests set out in paragraph 204 of the Framework. The Council's requirements for off-site affordable housing contributions are provided within its Type and Affordability of Housing Supplementary Planning Document (2012) (SPD). Based on the provisions of the SPD and the calculations therein, I am satisfied that the submitted planning obligation would be necessary to make the development acceptable in planning terms; would be directly related to the development; and fairly and reasonably related in scale and kind.
 23. Further, the appeal scheme would create two net dwellings and therefore being in accordance with the Framework requirement to boost significantly the supply of housing. Although the Council states that it can demonstrate a 5 year supply of deliverable housing sites, which I note, has not been challenged by the appellant, this does not place a ceiling on housing development.

24. Nevertheless, the contribution of two dwellings would make only a very modest contribution to housing supply. Any resulting benefits to the local economy and community from this and the contribution to affordable housing would therefore be insufficient to outweigh the great weight that must be attached to the conservation of designated heritage assets, nor would it provide the clear and convincing justification for the identified harm to their significance. In addition, the adverse effects identified also indicate that the proposal would not meet the environmental dimension of sustainable development.
25. I accept there may be some benefits from the provision of car parking for the chapel. However, there is no planning obligation provided that would secure this. I note the appellant's suggestion that this could be secured by means of a planning condition but Planning Practice Guidance (PPG) is clear that a condition will only meet the test of necessity if it would be appropriate to refuse planning permission without the requirements imposed by that condition. As there is no clear link between the proposed development and Chapel parking, it cannot be considered to meet the test of necessity.
26. Furthermore, the actual need for such a facility has not been demonstrated and given the ample availability of on-street parking close by, and the modest size of the chapel, I am not persuaded that there exists a problem that needs to be addressed. PPG is also clear that a condition cannot be imposed in order to remedy a pre-existing problem or issue not created by the development. The weight I attach to any benefits from additional Chapel parking provision is therefore very limited. For the above reasons, the public benefits together do not outweigh the less than substantial harm to the significance of the designated heritage assets.
27. Whilst I note the extensive comments of the Council's Conservation Officer, they cannot in my view, be interpreted as offering wholehearted support for the proposal.
28. The appeal proposal would adversely affect the character and appearance of the CA and would therefore fail to preserve its significance. There would also be harm to the setting of listed buildings. Consequently, the appeal scheme would conflict with CS policies CS5, CS6 and CS17 and with the Framework.

Conclusion

29. For the above reasons and having had regard to all other matters raised, the appeal does not succeed.

Hayden Baugh-Jones

Inspector

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Appeal Decision

Site visit made on 22 February 2016

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 10 March 2016

Appeal Ref: APP/L3245/W/15/3136404

The Cottage, Calcott Lane, Bicton, Shrewsbury, SY3 8EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Andrew Prichard against the decision of Shropshire Council.
 - The application Ref 14/03319/OUT, dated 23 July 2014, was refused by notice dated 28 April 2015.
 - The development proposed is the erection of 11 detached houses.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline, with all matters reserved except for access. I have dealt with the appeal in the same manner and have thus treated the submitted plans as indicative only apart from where they relate to access.

Main Issue

3. The main issue in this case is whether the proposal represents a suitable site for housing, having regard to the principles of sustainable development, the development plan and the National Planning Policy Framework.

Reasons

4. The appeal site lies off Calcott Lane which connects Bicton Heath on the north west fringes of Shrewsbury to the village of Bicton to the north. The Lane has a rural open feel and has sporadic housing development located on its eastern side; The Cottage is the southernmost of these properties. The proposal indicates that around 11 houses could be located on the site, which consists of part of the domestic curtilages of The Cottage and of Calcott Cottage, which fronts onto Shepherds Lane to the east. Access would be made to the north of the property, and would involve removing an existing two storey garage structure.
5. The site consists of 3 main areas; the area on the west side from where access would be gained, and 2 large open green areas. The appellant notes that the site takes part of the gardens of The Cottage and Calcott Cottage to establish a meaningful and viable site. However, the size of the gardens and their open green nature means that the development of 11 houses would have some adverse environmental effect through the development of these large gardens. Whilst the appeal site is quite well screened from public views by fairly thick

- hedges and evidence indicates that the proposal would have no adverse implications in ecological terms, the proposal would inevitably lead to an increasing urbanisation of the rural character of Calcott Lane.
6. Calcott Lane is a reasonably straight and at times narrow road. There are no services or facilities located along the lane, and there are no bus services. Residents wishing to access bus services would need to walk to the A458 to the south or to the B4380 to the north. There are no footpaths or street lighting along the lane to aid such walks. As such I consider it unlikely that possible future residents of the proposal would use sustainable means to access local services or facilities and therefore that the appeal site is not sustainably located.
 7. The construction of 11 dwellings would have a limited positive economic impact, and economic benefits would also accrue through additional revenue generated by future residents. Local services and facilities on the fringes on Shrewsbury and in Bicton would also benefit in a limited manner. A unilateral undertaking has been submitted which undertakes to provide a proportion of affordable housing on the site. Social benefits would be accrued through the provision of these affordable homes, as well as from the open market housing.
 8. To the south of the site lies the boundary for the proposed western sustainable urban extension (SUE) of Shrewsbury. It is stated that outline consent was granted for this large site in August 2015. A masterplan submitted with the appeal indicates that the SUE would include a new relief road; this would be to the south of the appeal site, and would be separated from the site by a reasonably wide band of public open space. The appellant considers that progress has been slow on the SUE and that this illustrates the importance in delivering a wide range and choice of sites to ensure a realistic prospect of achieving necessary housing supply and to ensure choice and competition. They are also of the view that the SUE would bring services and facilities closer to the site.
 9. However, the site would remain well on the north side of the new proposed relief road and the open space that would bound this road. I do not consider therefore that the appeal site would dovetail into this pattern of development. There would still be clear separation between the site and the built up area of the SUE and given the stage of development that the SUE is at I have no evidence or guarantees of facilities or bus routing that may be brought closer to the appeal site to make the site more sustainably located.
 10. The appellant provides information relating to a substantial housing proposal further to the north of the site. However, I have no evidence of the current status of this proposal or it is deemed acceptable by the Council. This limits the weight I can provide to this proposal.
 11. Policy CS1 of the Shropshire Council Adopted Core Strategy, March 2011 (the Core Strategy) sets the strategic approach to development in the County. The policy states that the rural areas will become more sustainable through a "rural rebalance" approach, accommodating around 35% of the residential development for the County over the plan period. In rural areas development will be located predominantly in community hubs and clusters; outside these settlements development will primarily be to meet the needs of local communities for affordable housing.

12. The Shropshire Council Site Allocations and Management of Development Plan (SAMDev), was adopted in mid-December 2015. Policy MD3 of this Plan concerns the delivery of housing development. The first part of this policy, under the sub heading of 'Delivering housing' states that, in addition to settlement allocations, planning permission will also be granted for other sustainable housing development having regard to the policies of the Local Plan (the Core Strategy and the SAMDev taken together), including policies CS4, CS5 and MD7a and that proposals should meet the design requirements of the Local Plan and, on sites of over 5 houses, include a mix and type of housing suitable to the local area.
13. Policy CS4 of the Core Strategy states that in the rural area communities will become more sustainable. The appellant notes that the third bullet point to Policy CS4 of the Core Strategy does not refer specifically to community hubs and clusters in its discussion of market housing development. However, this ignores bullet point 1 of the Policy which clearly states that investment will be focused into community hubs and clusters and that development will not be allowed outside these area unless it meets policy CS5. The site lies outside of the Bicton and Four Crosses community cluster within open countryside. Policy CS5 states that in the countryside new development will be strictly controlled, with dwellings for certain specified needs permitted, none of which the proposal would fully meet. Policy MD7a of the SAMDev confirms that new housing will be strictly controlled outside of designated centres. The proposal would therefore be contrary to Policies CS4, CS5 and MD7a.
14. The second part of policy MD3, under the sub heading of 'Settlement housing guidelines' states that the settlement housing guideline is a significant policy consideration. Where a development would likely lead to more dwellings than the guideline, decisions will have regard to a number of factors. However, point 3 under the same sub-heading states that where a settlement housing guideline appears unlikely to be met, additional sites outside the settlement development boundaries that accord with the settlement policy may be acceptable subject to the same factors. Therefore sites outside the development boundary will only be considered where the housing guideline for the settlement would be unlikely to be met. The Council state that the housing guideline for the Bicton and Four Crosses cluster has been exceeded and the proposal would not therefore comply with this policy in this respect.
15. The appellant notes the windfall requirements for the provisions of the Local Plan to be met. The Inspector states in the report into the examination of the SAMDev¹ that a high proportion of the windfall requirements would be needed in rural areas. Supporting paragraph 3.18 to policy MD3 states that windfall development on other sites is important, including within the countryside on sustainable greenfield sites.
16. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) confirms this, and states that the Framework is a material consideration, and that in determining development

¹ PINS/L3245/429/9

proposals a presumption in favour of sustainable development should be applied.

17. As noted above, the proposal would provide certain economic and social benefits, including the provision of affordable housing. However, I consider that these would be outweighed by the location of the proposal and the negative environmental effects of the scheme. As such the proposal would not be the sustainable development for which there is a presumption in favour; nor would the proposal represent development of a sustainable greenfield site. The proposal would be contrary to the Framework which states in paragraph 17 within core planning principles that planning should take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.
18. The appellant considers that the proposal would comply with paragraph 55 of the Framework, which states that to promote sustainable development in rural areas housing should be located where it will enhance or maintain rural communities and that the Framework supports thriving rural communities. However, it is for just this purpose that the Local Plan allows for significant amounts of development within the rural area within community hubs and clusters and Policy CS4 expressly seeks to allow rural communities to become more sustainable. As noted above, I consider that the proposal would be contrary to this policy.
19. I therefore conclude that the proposal does not represent a suitable site for housing, having regard to the principles of sustainable development, the development plan and the National Planning Policy Framework.

Other Matters

20. A range of appeal decisions was submitted by the appellant in support of their case. However these decisions all predate the adoption of the SAMDev and relate to differing parts of Shropshire with differing characteristics and need. Different conclusions were also made on issues of sustainability of the respective sites than I have made on the case before me. As such these appeal decisions do not lead to me to a different conclusion on this appeal.

Conclusion

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

Jon Hockley

INSPECTOR

Appeal Decision

Site visit made on 25 January 2016

by Jameson Bridgwater PGDipTP MRTPI

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

Decision date: 10 March 2016

Appeal Ref: APP/L3245/W/15/3138995

Home Farm Barns, Home Farm Lane, Leighton SY5 6RR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Malcolm Corrie against the decision of Shropshire Council.
 - The application Ref 14/02326/OUT, dated 2 May 2014, was refused by notice dated 1 June 2015.
 - The development proposed is described as 'outline application for the redevelopment of Home Farm to provide for 5-8 residential dwellings'.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. Since the original decision was made the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) was adopted by the Council on the 17 December 2015. In light of the advanced stage of its preparation, this document was referred to in the reasons for refusal along with policies from the Shropshire Core Strategy (CS). As indicated in their statement, the appellant was clearly aware of the preparation of this document and the 'Final Comments' stage gave both parties the opportunity to address any implications arising from the adoption of this document. Accordingly the SAMDev, whose policies have been found to be sound, along with the CS, form the statutory development plan for the area. I have considered the appeal on this basis.
3. The appeal application was made in outline form with all matters reserved for subsequent approval.

Main issue

4. The main issue in the appeal is whether the proposal would help deliver a sustainable pattern of development, with particular regard to location.

Reasons

5. Located on the B4380, Leighton is a small rural settlement with limited facilities and services (public house, church and village hall). Leighton has a limited bus service which links the village to Telford and Shrewsbury, key centres for employment in Shropshire. The appeal site is a part of an agricultural unit and contains a series of agricultural buildings that were in active agricultural use at the time of the site inspection. There are residential properties either side of the site.

6. Paragraph 55 of the National Planning Policy Framework (the Framework) indicates that isolated homes in the countryside should be avoided unless there are special circumstances. Further, it is common ground that the appeal site is not within an identified Community Hub or a Community Cluster Settlement as set out by Policy MD1 of the SAMDev. Policy CS5 of the CS and MD7a of the SAMDev, seek to strictly control new open market housing in the countryside and Green Belt. Both policies limit new housing in the open countryside to that which is needed to house essential rural workers, affordable housing to meet local needs, and for the replacement of existing dwellings. The proposal is for new build open market housing and, therefore, would not be the type of scheme that would normally be permitted under these policies.
7. The proposed development would provide some economic and social benefits. It would bring short term employment benefits during its construction phase, in addition to its residents contributing to the local economy. The proposed development would also result in a Community Infrastructure Levy (CIL) payment, the New Homes Bonus, and payment of Council Tax. However, given the scale of the scheme, these benefits would be limited.
8. I accept that future occupiers of the proposed dwellings would to a limited degree strengthen and sustain the local community by using facilities such as the church, village hall and public house. In this respect the scheme would help to enhance the vitality of the local community. However, the contribution the development would make to the vitality of the community and support it would give to the limited local services would be very modest. I therefore attribute limited weight to any economic or social benefits in regard to sustaining the viability of the community.
9. The appellant has argued that the proposed development would result in environmental benefit by way of the re-use of a brownfield site in close proximity to existing housing and increase opportunities for biodiversity. However, the Framework is clear that land that is or has been occupied by agricultural or forestry buildings is excluded from this definition. I therefore attribute limited weight to any potential environmental or biodiversity enhancement.
10. I have carefully considered the proximity of the bus stop to the site. However, the frequency and travel times of the bus service limit access to employment opportunities along the route. Further, many of the services and facilities identified by the appellant are dispersed and whilst some would have a degree of accessibility by utilising the bus service, others are not conveniently served by public transport. Consequently, given the distances involved and the dispersed nature of services/facilities identified by the appellant, I find it likely that future occupants would still be highly reliant on the need to travel by private motor vehicles in order to access services, employment and facilities. This is consistent with the appellant's statement.
11. Having come to the conclusions above, it follows that the appeal site does not amount to a sustainable location. Such a conclusion is not altered by the social, environmental or economic considerations advanced by the appellant. Consequently the proposed development would be contrary to policy CS5 of the CS, Policy MD7a of the SAMDev and paragraph 55 of the Framework.

Other considerations

12. The appellant in support of their statement has referred to a number of previous appeal and Council planning decisions which pre-date the adoption of the SAMDev by the Council. However, I have limited information about their histories, but inevitably their contexts would differ to that of the scheme before me. I have therefore considered the appeal before me on its individual merits against the criteria of the Development Plan and the Framework and any other material considerations.
13. Local residents have raised a number of additional issues in relation to this appeal including highway safety, loss of local employment and drainage. However as I am dismissing the appeal for other reasons, the decision does not turn on these matters.

Conclusion

14. For the above reasons and having carefully considered all other matters raised including the representations made by local residents I conclude that the appeal should be dismissed.

Jameson Bridgwater

INSPECTOR

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Appeal Decision

Site visit made on 17 November 2015

by Beverley Doward BSc BTP MRTPI

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

Decision date: 05 April 2016

Appeal Ref: APP/L3245/W/15/3049332

Land to north of Woodlands, Wilcott, Shrewsbury, Shropshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr E Jones against the decision of Shropshire Council.
 - The application Ref 14/03796/OUT, dated 20 August 2014, was refused by notice dated 26 November 2014.
 - The development proposed is described as "erection of 11no dwellings to include means of access."
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above is taken from the planning application form. However, both the Council Officer's report and the appeal documentation indicate that the description of development was changed during the determination process from 11 dwellings to 3 dwellings. The Council considered the proposal on this basis. Therefore so shall I.
3. The planning application was submitted in outline with all matters other than access reserved. I have therefore dealt with the appeal on this basis. A plan was submitted with the application indicating the vehicular access. It also indicated a possible layout of how the site could be developed. However, I have treated that aspect of the plan as being for indicative purposes only.
4. An undated Unilateral Undertaking (UU) in respect of a contribution towards affordable housing was submitted with the appeal documentation. I have not been provided with a dated copy of the UU therefore I am unable to take into account its provisions. However, the inclusion of a properly dated UU would not have affected the balance of my consideration or the level of harm that has been identified.
5. The Council's reason for refusal refers to policies of the Shropshire Local Development Framework: Adopted Core Strategy March 2011 (Core Strategy), the emerging Shropshire Site Allocations and Management of Development (SAMDev) Plan and the Shrewsbury and Atcham Borough Local Plan (SABLP). During the course of the appeal the Inspector's Report on the examination into the SAMDev Plan was published. The Examining Inspector concluded that subject to the modifications set out in her report the SAMDev Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for

soundness in the National Planning Policy Framework (the Framework). The SAMDev Plan has now been adopted and forms part of the statutory development plan for the area. Accordingly, I have considered the appeal on this basis. Policy HS3 of the SABLPP referred to in the Council's first reason for refusal has been replaced by policies MD1 and MD3 of the SAMDev Plan.

6. The appellant was afforded the opportunity to comment on the implications for the appeal of the Inspector's Report on the examination into the SAMDev Plan. Accordingly, it has not been necessary to seek further comments on the adopted SAMDev Plan. The appellant was also afforded the opportunity to comment on the Council's Five Year Housing Land Supply Statement which was updated following receipt of the Inspector's report on the examination into the SAMDev Plan. I have taken into account the comments received from the appellant on these matters as well as the Council's response in my consideration of the appeal.

Main Issues

7. The main issue in this appeal is whether or not the appeal proposal for housing in this location would be acceptable having regard to the current development plan context and the principles of sustainable development set out in the Framework.

Reasons

8. Policy CS4 of the Core Strategy seeks to enable communities in the rural area to become more sustainable. It indicates that this will be achieved by, amongst other things, focusing investment into Community Hubs and Community Clusters and not allowing development outside these settlements unless it meets policy CS5 of the Core Strategy and allowing development in Community Hubs and Community Clusters that provides for local needs and is of a scale appropriate to the settlement. Policy CS4 indicates that Community Hubs and Community Clusters are identified in the SAMDev Plan.
9. Policy S16.2 (ix) of the SAMDev Plan indicates that Wilcott is included within a Community Cluster which comprises six settlements in the Nesses Parish where development by limited infilling/conversions of buildings may be acceptable on suitable sites within the villages, with a housing guideline of approximately 10-15 dwellings over the period to 2026.
10. The appeal site fronts on to a narrow lane which runs northwards to Kinton. It comprises part of a large field which lies at the rear of the houses on Queensway, Kingsway and Wilcot Avenue. Although the appeal site is bounded to the south by the detached house, known as Woodlands, and to the north by the rear of the houses on Queensway it does not comprise an infill plot, there being no continuous built up frontage along this side of the lane. The appellant acknowledges that the site is not strictly an infill plot. Furthermore, when viewed from the vantage point of the lane the appeal site is seen in the context of the larger field and therefore appears part of the wider area of countryside which wraps around the built form of the houses on Queensway, Kingsway and Wilcot Avenue instead of an infill plot as suggested by the appellant. Accordingly, the appeal proposal would not be the limited infilling development within the village which policy S16.2 (ix) indicates as appropriate within this Community Cluster. Furthermore, given that planning permissions have recently been approved for 4 dwellings in Wilcott which is only one of the six

settlements in the Community Cluster, it seems to me likely that the guideline figure of 10-15 dwellings considered commensurate with the scale of the settlements within the cluster will be achieved or even exceeded within the plan period from infilling and the conversion of buildings.

11. Policy CS5 of the Core Strategy indicates that new development in the countryside will be strictly controlled in accordance with national planning policies protecting the countryside. It lists several types of development which will be allowed in the countryside including rural workers dwellings, affordable housing to meet a local need and the conversion of rural buildings.
12. The appeal site, albeit on the edge, lies outside the built up area of Wilcott within the countryside. The appeal proposal would not be for any of the types of housing development listed in policy CS5. Accordingly, as the appeal proposal would be located in the countryside it would conflict with policy CS5 of the Core Strategy.
13. The appellant refers to the importance of windfall development to the housing land supply as indicated by the supporting text to policy MD3 of the SAMDev Plan. Policy MD3 indicates that in addition to the development of the allocated housing sites set out in the Settlement Policies S1-S18, planning permission will also be granted for other sustainable housing development subject to other policies in the plan, including policy CS5. I have concluded that the proposal would be contrary to policy CS5. Accordingly, it would not be an appropriate windfall development as provided for by policy MD3.
14. The latest update of the Shropshire Council Five Year Housing Land Supply Statement (5YHLSS) was produced following receipt of the Inspector's report on the examination into the SAMDev Plan and post dates the evidence submitted by the appellant on Housing Land Supply. It uses the methodology utilised in the Inspector's report on the examination of the SAMDev Plan and indicates that Shropshire currently has a 5.53 year supply of deliverable housing land.
15. In relation to this the appellant suggests that the Inspector's conclusions are based on information which is now a year out of date. However, from the evidence before me it seems that many of the issues raised by the appellant in relation to both housing requirement and supply are the same as those considered by the Inspector at the examination of the SAMDev Plan. I am mindful that the Planning Practice Guidance¹ advises that '*The examination of Local Plans is intended to ensure that up-to-date housing requirements and the deliverability of sites to meet a five year supply will have been thoroughly considered and examined prior to adoption, in a way that cannot be replicated in the course of determining individual applications and appeals where only the applicant's/appellants evidence is likely to be presented to contest an authority's position.*' Accordingly, on the basis of the evidence before me I see no reason to conclude that the Council cannot currently demonstrate a five year supply of deliverable housing land as required by the Framework. Therefore, in the light of this and the recent adoption of the SAMDev Plan, the Council's policies for the supply of housing can, in accordance with the Framework at paragraph 49, be considered up to date. However, the existence of a 5 year supply of housing land is not to be taken as a ceiling and the Framework requires the supply of housing to be boosted significantly.

¹ Paragraph: 033 Reference ID: 3-033-20150327

16. At the heart of the Framework is a presumption in favour of sustainable development. Paragraph 7 of the Framework sets out three dimensions of sustainable development, namely the economic, social and environmental roles. These dimensions are mutually dependent and should be jointly sought.
17. The appeal proposal would provide some economic and social benefits by the provision of housing, initially bringing short term employment opportunities during the construction of the houses and then providing homes whose future occupants may contribute to the local economy and help support local services. However, there are no services in Wilcott and although there are some services and facilities in Nesscliffe, namely a shop, service station, primary school and public house, these are somewhat limited. The scale of the proposed development and the limited local facilities and opportunities to spend locally limit the weight accorded to any benefits in these respects. The appeal proposal would contribute to the overall supply of housing and result in a Community Infrastructure Levy (CIL) payment which would be spent locally. However, given the scale of the proposed development, any benefits in these respects would also be somewhat limited.
18. There is no public transport provision in Wilcott and, given that Nesscliffe is about a 1 mile walk away along a narrow lane and unlit footpath, it seems to me that the occupants of the proposed houses would be most likely to be reliant upon the private car to access the limited services and facilities there. I am not persuaded that the attractiveness of the pedestrian route to Nesscliffe would be notably improved if the surface of the footpath was required to be improved by the imposition of a condition as suggested by the appellant. In any event, future occupants of the houses would be reliant upon the private car to access other essential services which are only available in the larger settlements further afield. This would be contrary to the principle of promoting sustainable transport in the Framework.
19. The appeal proposal would result in built development on part of a field and would lead to the outward expansion of the built settlement into open countryside. This would cause harm to both the identity and rural character of the settlement and the surrounding countryside. Thus it would not contribute to protecting the natural environment and would not accord with the environmental dimension of sustainable development. Therefore, although the appeal proposal would fit some of the economic and social dimensions of sustainable development it would not fit with the environmental dimension and would also fail to facilitate the use of sustainable modes of transport. Therefore, it does not accord with the principles of sustainable development set out in the Framework.

Other matters

20. The appellant suggests that the Council adopted a different approach to its consideration of the planning application subject to the appeal than to other planning applications in the vicinity which have been recently been granted planning permission. I am not aware of the details of these and therefore cannot be satisfied that the circumstances are the same as in this case. In any event I have determined the appeal proposal on its own merits, on the basis of the evidence before me and taking into account the specific site and current planning policy context.

21. There is no substantive technical evidence to indicate that the appeal proposal would cause material harm to highway safety.

Conclusion

22. To conclude therefore, the appeal proposal would conflict with policy CS5 of the Core Strategy and although Wilcott is identified as a location for future housing growth as part of a Community Cluster under policy CS4 of the Core Strategy it would not accord with the requirements of policy S16.2 (ix) of the SAMDev Plan which indicates the type of development appropriate in the Community Cluster or comprise the form of windfall development deemed appropriate by policy MD3 of the SAMDev Plan. Therefore, it would be contrary to the overall development strategy for the area as set out in the development plan. Furthermore, it would not provide a suitable site for housing, having regard to the principles of sustainable development set out in the Framework. Accordingly, it would not represent the sustainable development for which there is a presumption in favour.
23. For the reasons set out above therefore, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Beverley Doward

INSPECTOR

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Appeal Decision

Site visit made on 10 November 2015

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 16 March 2016

Appeal Ref: APP/L3245/W/15/3033317

Frodesley Lane Farm, Izas Wood Junction Leebotwood to Acton Burnell Junction, Acton Burnell, Shrewsbury, SY5 7QQ

- 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 Mr Andrew Smallman against the decision of Shropshire Council.
 - The application Ref 14/05583/FUL, dated 12 December 2014, was refused by notice dated 2 April 2015.
 - The development proposed is the erection of a detached dwelling and garage.
-

Decision

1. The appeal is dismissed.

Main Issue

2. I consider that the main issue in this case is whether the proposal would amount to sustainable development, with particular reference to accessibility and the effect on the character and appearance of the local countryside.

Reasons

3. The appeal site, which fronts onto the southeastern side of Frodesley Lane, comprises for the most part a grassed field, with some limited areas of hardstanding. The site adjoins the curtilage of a dwelling to the northeast and to the southwest, beyond a field, there is another dwelling. Opposite the site on the other side of the lane there is a complex of farm buildings belonging to Frodesley Lane Farm and Oak Tree Farm, which I understand includes a small number of dwellings. Notwithstanding the proximity to the site of a loose cluster of built development, the locality is characterised for the most part by agricultural land, of which the appeal site forms part and its relatively open frontage affords views from the lane across open countryside for some distance. The site is situated between the rural settlements of Longnor, to the southwest along Frodesley Lane, and Frodesley, to the northeast. The settlement of Acton Burnell, which is also referred to by the appellant, is situated even further from the site, to the northeast of Frodesley. The proposal involves the erection of a detached dwelling and garage.
4. Policy CS1 of the *Shropshire Local Development Framework Adopted Core Strategy* (CS) indicates that rural areas will become more sustainable through a 'rural rebalance' approach, accommodating around 35% of Shropshire's residential development over the plan period. Development and investment

- will be located predominantly in Community Hubs and Community Clusters, and will contribute to social and economic vitality. Outside these settlements, development will primarily be for economic diversification and to meet the needs of the local communities for affordable housing.
5. The appellant has indicated in his appeal submissions that the Council has failed to meet its housing supply targets in the past. He expresses doubts as to whether the approach to housing supply set out in the then emerging *Site Allocations and Management of Development (SAMDev) Plan* would be likely to deliver the objectives of the CS. Furthermore, he criticises the manner in which settlements were chosen for designation as Community Hubs or Clusters in the emerging SAMDev Plan and cites the *Planning Practice Guidance*, which indicates that *all settlements can play a role in delivering sustainable development in rural areas and so blanket policies restricting housing developments in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence*.
 6. However, I give the appellant's views in those respects little weight, not least as the *Inspector's Report on the Examination into Site Allocations and Management of Development (SAMDev) Plan*, dated 30 October 2015 (SAMDev IR), found that, subject to certain modifications, the SAMDev Plan would be sound and would comply with national policy. Furthermore, the Inspector indicated that the SAMDev Plan addresses the housing allocations necessary to ensure delivery of the required scale of housing consistent with the CS and that the reliance placed on windfall development as a source of supply is proportionate and justified. Following publication of the SAMDev IR, the Council confirmed that it would move to adopt the plan in December 2015 and I understand that this has been done.
 7. The modified SAMDev Policy MD3, as recommended by the SAMDev IR, indicates that in addition to supporting development of the allocated housing sites, planning permission will also be granted for other sustainable housing development having regard to the policies of the Local Plan, such as CS Policies CS4 and CS5. The reasoned justification for the Policy identifies that whilst a key component of the housing land supply is the allocated housing sites, windfall development on other sites is also important, both within settlements and in the countryside, including both brownfield and, where sustainable, greenfield sites, having due regard to the policies of the Local Plan. The *National Planning Policy Framework* (the Framework) sets out a presumption in favour of sustainable development with reference to its economic, social and environmental dimensions. With regard to housing development, local considerations include having regard to settlement housing guidelines, amongst other things.
 8. The circumstance in which Policy MD3(3) indicates that additional sites outside the settlement development boundaries that accord with the settlement policy may be acceptable is where a settlement housing guideline appears unlikely to be met. However, following publication of the SAMDev IR the Council produced an updated *Shropshire Council: Housing Land Supply-Calculation* in November 2015, based on the methodological approach utilised in the Inspector's Report. It indicates that the Council is able to demonstrate a supply of deliverable housing land of 5.53 years, based on the housing requirements identified in the CS. I have not been provided with any compelling evidence to the contrary.

Furthermore, given that the SAMDev has only recently been found sound and adopted by the Council, implementation of the Plan is at an early stage and I consider that it is too early to determine that its approach to housing land supply is unlikely to be successful. The scheme does not gain support from SAMDev Policy MD3(3).

9. CS Policy CS4 indicates that in the rural areas, communities will become more sustainable by, amongst other things, focussing private investment in Community Hubs and Community Clusters, and not allowing development outside these settlements unless it meets Policy CS5. I understand that neither the appeal site nor the settlements of Longnor, Frodesley or Acton Burnell were included in the designated Community Hubs and Clusters identified in the emerging SAMDev Plan and/or Inspector's recommended modifications. Therefore, the scheme would not be supported by SAMDev Policy CS4 unless it meets the terms of Policy CS5.
10. CS Policy CS5 identifies that new development will be strictly controlled in accordance with national planning policies protecting the countryside. The Policy indicates that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic benefits, particularly where they relate to certain identified types of development. The proposal would not comprise any of the particular types of development to which the Policy gives support, such as dwellings to house essential countryside workers and other affordable housing to meet a local need.
11. The economic benefits associated with the need for labour and services during construction of the proposed single dwelling and garage would be limited and short term and so I afford them little weight.
12. In accordance with the requirements of CS Policy CS11, the appellant would make a financial contribution towards off-site provision of Affordable Housing. The contribution, which would be small in this case, would be secured by a formally completed unilateral undertaking pursuant to section 106 of the *Town and Country Planning Act 1990*, which would meet the tests set out in Regulation 122 of the *Community Infrastructure Levy Regulations 2010*. Taking account of this and the proposed dwelling, I consider overall that the scheme would be likely to make a small contribution towards housing supply.
13. As regards other social benefits, the appellant has suggested that future residents would be likely to support local facilities, such as a small village shop in Acton Burnell and a local school. However, Frodesley Lane in the vicinity of the site is winding in alignment and lacking in footways and street lighting, characteristics which in my view would be likely to discourage walking and cycling from the site. The appellant has indicated that the area, within which the site is located, is served by school buses and home deliveries can be arranged from supermarkets. Nonetheless, I agree with the Council that, in general, future residents of the proposed dwelling would be likely to be heavily reliant on the private car as a means of day to day travel and trips to jobs, shops and services would extend for the most part beyond the closest settlements to the appeal site, as they appear to contain very limited facilities. Furthermore, there is no evidence before me to show that additional pupils are required to ensure the viability of the only local school I saw, Longnor Primary

School, or any other local school, or to show that the appellant's family, for whom the proposed dwelling is intended, includes school age children. I give the appellant's contention that the scheme would increase support for local facilities little weight.

14. I understand that the proposal would be a self-build dwelling intended to meet the needs of the appellant and his family. I have had regard to the appellant's preference to stay in the area where he has lived, worked and employed people for many years and the letters of support of a number of other local residents. However, personal circumstances seldom outweigh more general planning considerations. Furthermore, in this case there is no evidence before me to indicate what need would be fulfilled by the scheme that is not already met by the property the appellant lives in at Frodesley Lane Farm or that whatever need he has in mind could not be met by other existing property in the area. Under these circumstances, I give little weight to the contention that the proposal is required to meet the needs of the appellant and his family.
15. Insofar as the proposal would provide any social benefits, I consider overall that they would be small.
16. Turning to the environmental impact of the scheme. The Framework indicates that planning should, amongst other things, recognise the intrinsic character and beauty of the countryside. The proposed single-storey structures would not be isolated from other buildings. Nevertheless, I consider that this greenfield proposal would amount to development of the open countryside, which would consolidate the loose grouping of built development hereabouts and curtail long distance views across the open countryside from the adjacent section of lane, to the detriment of the character and appearance of the local countryside, contrary in this respect to CS Policy CS6.
17. The appellant has indicated that the design of the proposed dwelling would take account of the need for energy efficiency and in this respect it would gain some support from CS Policy CS6. However, this is a common requirement of all housing developments and so I give this aspect of the scheme little weight.
18. Although I acknowledge that the environmental harm caused by carbon emissions resulting from travelling short distances in rural areas may be outweighed by the social benefits of development in some cases, in my judgement those circumstances would not apply in the case before me.
19. I conclude overall that the contribution made by the scheme towards the vitality of the countryside and the sustainability of rural communities would be small. Furthermore, any benefits in those respects would be outweighed by the harm that it would cause to the character and appearance of the local countryside. Although it would accord with CS Policy CS11 and part of CS6, the appeal scheme would conflict with CS Policies CS5, CS4, CS1 and part of CS6 and is not supported by SAMDev Policy MD3; I consider that it would conflict with the up to date Development Plan taken as a whole. Furthermore, approval of the scheme under such circumstances would undermine the Council's settlement strategy and could be used to support other similar proposals, the cumulative impact of which would be to have an even greater adverse impact on the character and appearance of the local countryside. Having had regard to the economic, social and environmental aspects of the scheme, I conclude on balance that the proposal would not amount to a

sustainable form of development, with particular reference to accessibility and the effect on the character and appearance of the local countryside.

I Jenkins

INSPECTOR

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Appeal Decision

Inquiry held on 26 to 29 January 2016

Site visit made on 28 January 2016

by Anthony Lyman BSc (Hons) DipTP MRTPI

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

Decision date: 21 March 2016

Appeal Ref: APP/L3245/W/15/3127978

Land to the rear of 10 Gorse Lane, Bayston Hill, Shropshire, SY3 0JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Galliers Homes against the decision of Shropshire Council.
 - The application Ref 14/05324/OUT, dated 25 November 2014, was refused by notice dated 5 May 2015.
 - The development proposed is residential development (with access).
-

Decision

1. The appeal is dismissed.

Application for Costs

2. At the Inquiry an application for costs was made by Shropshire Council against Galliers Homes. This application is the subject of a separate Decision.

Procedural Matters

3. The application was made in outline with all matters other than access reserved for future determination. An illustrative plan of the possible layout and landscaping of the site was submitted with the appeal.
4. The appellants submitted a proof of evidence in which it was argued that a five year supply of housing land (HLS) could not be demonstrated. During the Inquiry, the appellants withdrew the evidence and did not call their HLS witness to contest the Council's position that an HLS of 5.53 years existed.
5. A s106 planning obligation dated 15 September 2015, was submitted at the Inquiry, and a Deed of Variation to take account of changes since the agreement was signed, was accepted after the close of the Inquiry. The obligation relates to the provision of affordable housing and will be referred to later in this Decision.

Main Issues

6. The main issues to be considered are, i) whether the proposed development would be appropriate having regard to national and local planning policies relating to development in the countryside, ii) the effect of the proposal on the character and appearance of the area, and in particular, the nature of 'the gap' between Bayston Hill and Shrewsbury, iii) whether the proposal would

represent sustainable development with regard to the development plan and the National Planning Policy Framework (the Framework).

Reasons

Background

7. Bayston Hill is said to be the largest village in Shropshire. It lies just to the south of Shrewsbury from which it is separated by the small Rea Brook Valley and the busy A5 trunk road. The appeal site comprises two fields immediately behind a linear row of properties on Gorse Lane. The site is not allocated for development and is outside the settlement boundary for Bayston Hill as defined in the recently adopted Shropshire Council Site Allocations and Management of Development Plan (SAMDev). The site forms an undeveloped part of the gap between the village and Shrewsbury.
8. Access to the site would be from Gorse Lane, to the west of a property known as the White House. Although the application was made in outline, the illustrative plan shows a development of 39 dwellings, areas of open space, and a landscaping belt along the northern edge of the site. According to the Design and Access Statement, some of the dwellings would be affordable homes.

Development in the Countryside

9. The development plan for Shropshire comprises the Core Strategy (CS) adopted in 2011, and the SAMDev which was adopted in December 2015 following examination hearings held in late 2014 and main modifications made during 2015.
10. CS Policy CS1 identifies that approximately 25% of the housing requirement over the plan period to 2026 will be accommodated in Shrewsbury, and around 40% will be in market towns and key centres. In order to enhance the sustainability of rural areas, around 35% of Shropshire's residential development over the plan period will be accommodated predominantly in community hubs and community clusters. Outside of these settlements, the Policy confirms that development will primarily be for economic diversification and to meet the needs of local communities for affordable housing.
11. Bayston Hill is identified as a community hub in the SAMDev, and has a range of services including a primary school and shops. Although the appeal site is in a sustainable location near to village facilities, the predominantly open market housing scheme would be in the countryside outside the settlement boundary, and would not be within the community hub, contrary to the overall strategy of Policy CS1.
12. CS Policy CS4, amongst other things, requires public and private investment in rural areas to be focussed into community hubs and clusters and confirms that development outside these settlements will not be allowed. The supporting text to the Policy explains that, within community hubs, development will be within the village or on land allocated for development, and that windfall development adjoining the village will not be acceptable unless it is an exception site for affordable housing or is for other development allowed under CS Policy CS5.
13. Policy CS5 seeks to protect the countryside, but is permissive of proposals on appropriate sites which maintain and enhance countryside vitality and

- character, and improve the sustainability of rural communities by bringing local economic and community benefits. The Policy lists several types of developments that will be allowed in the countryside including affordable housing to meet local need, and agricultural dwellings. Although the list is not exhaustive, market housing, other than conversions of rural buildings, is not identified as being permitted in the countryside. The proposal would not satisfy Policy CS4 or CS5.
14. The recently adopted SAMDev seeks, amongst other things, to achieve the 'rural rebalance' identified in Policies CS4 and CS5, and establishes the community hubs and clusters wherein some development will be appropriate in principle. To achieve this, the SAMDev provides development housing guidelines for settlements based on any environmental and infrastructure constraints, and taking account of local aspirations such as within Parish Plans.
 15. SAMDev Policy S16.2.(ii) confirms a housing guideline in the plan period to 2026, of around 50 to 60 new dwellings for Bayston Hill, *'where development by infilling, groups of houses and conversions of buildings may be acceptable on suitable sites within the development boundary identified on the Policies Map.'* The Policy also advocates the retention of the gap of undeveloped land between Bayston Hill and Meole Brace, Shrewsbury as an important objective of the strategy for the village. The potential impact of the proposal on the gap will be considered later in this Decision under 'character and appearance'.
 16. The SAMDev includes a number of other relevant policies, including Policy MD3 which, amongst other things, supports sustainable housing development on sites not allocated for development having regard to other local plan policies. Policy MD3 also confirms that the housing guideline figures for settlements are a significant policy consideration, and states that where a settlement housing guideline appears unlikely to be met, additional sites outside the settlement development boundaries may be acceptable. SAMDev Policy MD7a confirms, amongst other things, that new market housing will be strictly controlled outside of Shrewsbury, the market towns, key centres and community hubs and clusters. Suitably designed and located exception site dwellings and residential conversions will be considered where they meet evidenced local housing needs and other relevant policy requirements.
 17. The proposed development on a greenfield site outside the defined and recently confirmed settlement boundary for Bayston Hill, would not comply with the type of development specified in Policy S16.2.(ii). Furthermore, given the amount of residential development that has taken place or has been granted planning permission in the village, both parties agreed that Bayston Hill is likely to exceed the guideline figure of 50 to 60 new dwellings, well within the plan period. Although the guideline figure is not a ceiling, the exception allowed by Policy MD3 for additional sites outside development boundaries in the event of the guideline figures not being met, is not applicable. As only a small proportion of the proposed dwellings would be affordable homes to meet local housing need, SAMDev Policy MD7a would not be satisfied.
 18. The appellants contend that under Policy CS1, around 10,000 homes are to be provided in the rural areas during the lifetime of the plan, and that the SAMDev settlement guidelines allow for less than half that amount. Therefore, according to the appellants, the guideline figures will inevitably have to be exceeded and windfall sites allowed in the countryside, in accordance with

Policy MD3, if the CS housing requirement is to be achieved. The appellants argue that the Council have produced no evidence to demonstrate that the need for further rural houses to meet the requirement by 2026, can be accommodated within settlement boundaries, and refer to an appeal Decision at West Felton, Oswestry¹ in which the Inspector considered that the use of agricultural land will be necessary in the future to meet Shropshire's housing need. However, the SAMDev Inspector concluded that affordable housing exception schemes and the conversion of rural buildings will be significant sources of windfall development in rural areas based on historic performance.

19. Furthermore, in the case of Bayston Hill, evidence was submitted to the Inquiry about an unallocated brownfield site in the middle of the village, about which negotiations with the Council are at an advanced stage for a possible development of up to fifty dwellings. This sustainable, previously used site, within the community hub, would satisfy many national and local planning policy objectives. If the site were to be developed, the guideline housing figure for Bayston Hill would be significantly exceeded, without the need to release greenfield sites for open market housing outside the boundary.
20. Given the uncontested Council position that a HLS of about 5.5 years exists, and the strong probability that the housing guidance figure for Bayston Hill, which is a significant material consideration, will be comfortably exceeded, I conclude that there is little justification in policy terms for the release of the appeal site for mainly open market residential development in the open countryside. The proposal would not be for economic diversification or for solely affordable homes and would conflict with CS Policies CS1, CS4, CS5 and SAMDev Policies S16.2.(ii), MD3 and MD7a. As the SAMDev has been adopted only recently, having been found to be sound, its policies carry weight. I acknowledge that the CS policies pre-date the Framework's more balanced approach to sustainable development in the countryside. Nevertheless, with regard to paragraph 49 of the Framework, and on the basis of the evidence put to me, the Council's relevant policies for the supply of housing should be regarded as up-to-date.

Character and Appearance

21. Both parties submitted proofs of evidence from their expert landscape witnesses who had both used the third edition of Guidelines for Landscape and Visual Impact Assessment to assess the likely impact of the proposal. Although the two experts reached different professional judgements, I have had regard to their assessments and to my own observations on the site visits.
22. The two small fields that comprise the appeal site, together with an adjacent large arable field, form part of the southern side of the Rea Brook Valley. The large field slopes more steeply to the brook and is a prominent feature of the landscape. There is a defined break in slope at the highest edge of the field, with the more gently sloping and less prominent appeal site partly obscured by a hedgerow along its boundary with the larger field. Although the appeal site backs on to a linear development of houses on Gorse Lane, it retains a distinctly rural character surrounded and crossed by mature hedgerows and containing several substantial trees protected by a tree preservation order.

¹ APP/L3245/W/15/3003171

23. The smaller hedged field pattern of the appeal site is recognised in the Shropshire Landscape Typology 2006 (SLT), as a feature of the Upstanding Enclosed Commons Landscape Type within which the site is located. The SLT confirms that this landscape type occurs in a limited number of locations in Shropshire.
24. The Shrewsbury and Atcham Landscape Sensitivity and Capacity Study (the Study) prepared in 2007, assessed the potential suitability of land around Shrewsbury and other settlements, for either housing or employment development. It is a more detailed assessment of landscape sensitivity and capacity. The appeal site lies within a parcel of land defined as 'Bayston Hill O4'. In the detailed assessment, this land parcel is considered to be of high/medium sensitivity (that is, vulnerable to change and/or having high value as a landscape resource), and as having a medium/low capacity for housing development. The justification for this assessment cites the prominent, rising nature of the area, its open character and the fact that the land forms part of a gap between Bayston Hill and Shrewsbury.
25. The retention of this gap of undeveloped land, is confirmed as an important objective of the strategy for the village in SAMDev Policy S16.2.(ii). The appellants argue that little weight should be attributed to this element of Policy S16.2.(ii) as *'it amounts to a blanket embargo on any form of development that is more onerous than the controls that apply in National Parks, AONBs and Green Belts'* and is inconsistent with paragraphs 76-78 of the Framework. I am not persuaded by this argument given that the SAMDev has only recently been found to be sound. Furthermore, recently allowed developments within the gap demonstrate that the Policy does not impose a 'blanket embargo'.
26. The appeal site and the surrounding fields are not covered by any planning designation in relation to character or beauty. Nor do they form part of a 'valued' landscape that the Framework advocates should be protected and enhanced. Nevertheless, despite the lack of public access to the appeal fields, the area is locally valued for its open rural character, and extensive countryside views towards Shrewsbury, particularly by walkers using the various public rights of way in the area, including footpath No. 21 which runs close to the appeal site boundary.
27. From various points along the footpaths and from the other side of the valley, the lines of residential development on Gorse Lane and Pulley Lane are visible. Although linear development is not generally a characteristic of the Bayston Hill settlement, the long line of dwellings on Gorse Lane is a distinctive feature along what appears to be the crest of the valley side. However, as shown in submitted photographs, many of the dwellings, particularly those abutting the appeal site, are less prominent in views from the north and from the footpaths due to the distance involved, the local topography and the intervening boundary hedges, restricting views mainly to the roof tops.
28. In this context, the proposed development of up to 39 dwellings would appear incongruous, projecting up to about 180m from the established and easily read development boundary of the village. The effect would be emphasised by the adjacent elongated field which would be left isolated between the development and the line of dwellings on Pulley Lane. For these reasons I am not persuaded that the proposal would 'round off' the village boundary. The proposal would not respect the local character of linear development which is mainly all that is

visible of Bayston Hill in views from the footpaths and from the other side of the valley.

29. The Council and local residents referred to an appeal Decision² which dismissed a proposal for two dwellings at 10 Gorse Lane, one of which would have been behind that dwelling, within its curtilage. In that Decision, the Inspector described the established pattern of development along the edge of the settlement on Gorse Lane and Pulley Lane as essentially single plot depth. Accordingly, the Inspector considered, amongst other things, that the rear dwelling would be out of character with the locality and would be an anomalous and prominent projection from the actual settlement edge. Although that Inspector did not have the benefit of a landscape sensitivity appraisal, it follows that, with regard to that Decision, the proposed housing estate of 39 dwellings would be an even greater, more harmful incongruity, relative to the established settlement pattern in the immediate locality.
30. In support of the development, the appellants refer to a recently approved scheme for nine dwellings adjacent to 'Leylands' on Pulley Lane and argue that, as part of the site will be four plots deep, the development will not respect the Council's claimed linear character of the settlement edge. I attach little weight to this argument as the scheme is an infill, frontage development between two dwellings on Pulley Lane and will largely not extend any further into the gap than the rear boundaries of the existing properties that make up the linear edge. In views from the public rights of way and from the other side of the valley, the new dwellings will appear as part of, and would strengthen, that linear edge. Furthermore, in the Study referred to above, this development site is classified as 'Bayston Hill 03' and is described as having low intrinsic sensitivity as it forms part of the settlement edge and having capacity for housing. The appeal site is not so described in the Study.
31. Although the indicative plan shows a tree belt along the northern boundary of the site, and the retention of the existing protected trees, the new houses would be prominent on the skyline, close to the top of the steeply sloping arable field. For walkers on footpath No 21, despite the traffic noise from the A5 disturbing tranquillity, the experience would change from a walk in open countryside, to one alongside a housing estate, albeit, with some buffer planting in between. Walking uphill along footpath No. 22, towards the village, the development would be seen as a highly intrusive extension into the countryside along the skyline.
32. The proposed development would be an encroachment into the undeveloped parts of the gap between the village and Shrewsbury. The extent of the gap is not defined in the SAMDev, there is no real assessment of its landscape quality and it is not designated as a strategic gap. Nevertheless, Policy S16.2.(ii) states that the retention of the gap of undeveloped land is an important objective of the strategy of the village.
33. It is accepted that not all parts of the gap are of equal value, and that some development can be permitted. For instance, an exception site for affordable housing is currently under construction in the parish of Bayston Hill on the other side of the valley adjacent to the built up area of Shrewsbury, in accordance with that part of Policy S16.2.(ii) which states that affordable housing is a priority requirement identified by the Parish Council. The infill

² APP/L3245/A/11/2161088

development at Leylands referred to above is another example. Irrespective of these developments and the appellants' argument that the proposal would be no closer to Shrewsbury than some existing housing areas, the proposed houses would be far more visually prominent on the skyline than existing development on Gorse Lane, and would unacceptably impinge on the gap between the settlements.

34. I acknowledge that this proposal would not, in itself, lead to coalescence of Shrewsbury and Bayston Hill and that the two settlements would remain distinct. However, the undeveloped parts of the gap would be significantly reduced and the proposal would be likely to make it more difficult for the Council to resist similar applications that would further erode the gap.
35. On this issue, I conclude that, for the reasons given, the development would harm the character and appearance of the area and would fail to maintain and enhance countryside vitality. The housing estate would not be sympathetic to the existing build form of the settlement, as seen from nearby footpaths and from across the valley, and would be prominent on the skyline despite the proposed landscaping which, in any case, would take time to mature. The housing estate would be seen to encroach into the undeveloped parts of the gap. The proposal would, therefore, be contrary to SAMDev Policy S16.2.(ii), CS Policies CS4 and CS5, and would not accord with the sustainable design and development principles of Policy CS6, which amongst other things, requires development to protect, restore, conserve and enhance the natural environment taking into account local context and character.

Sustainable Development

36. The Framework promotes the presumption in favour of sustainable development which involves seeking positive improvements in the quality of the built, natural and historic environment. There are three dimensions to sustainable development, namely the economic, social and environmental roles, that the Framework advocates should be sought jointly and simultaneously if sustainable development is to be achieved.
37. In terms of economic benefits, the development would, amongst other things, generate substantial investment in the construction industry by a housing developer with a presence in the area. Substantial Community Infrastructure Levy contributions would also be made, the majority of which, according to the appellants, would be spent in the local area on projects identified by the Parish Council. The occupants of the 39 dwellings would also generate spending power in the local economy. However, some of this expenditure would be displaced from elsewhere and, given the extensive services and facilities nearby in Shrewsbury, a high proportion would be likely to be spent there, although there would be some support for local businesses and services in Bayston Hill. Nevertheless, many of these claimed economic benefits could also be generated by developments within the settlement boundary, such as on the potential housing site within the village referred to above, and therefore, the weight attributable to them in this scheme is less than substantial.
38. The provision of a choice of housing, including some affordable homes to meet the present and future needs of the community would be a social benefit to which I attach some weight.

39. The Framework describes the environmental role as contributing to protecting and enhancing the natural, built and historic environment and helping to improve biodiversity. The harm that I have identified to the character and appearance of the area, that would be caused by this intrusive housing development outside the settlement boundary, and projecting into the gap of undeveloped land between Bayston Hill and Shrewsbury, would not protect or enhance the natural environment.
40. The appellants argue that the loss of agricultural land would be minimal and that the provision of open space within the development, additional planting along the existing boundary hedgerow and the creation of residential gardens would enhance biodiversity. Although these latter aspects of the proposal may bring some improvements in biodiversity, I have no means before me in planning terms, to ensure the survival of the extensive internal hedgerow that runs through the site, after it has been incorporated into private gardens. The appellants state that only a small length of the hedge would be removed to facilitate a roadway. However, if it was grubbed out and replaced with fencing by future residents, there would be a significant reduction in the biodiversity potential of the site. Furthermore, the erection of 39 dwellings with associated driveways, access roads and other areas of hardstanding, such as patios, would reduce the biodiversity of the area.
41. Overall, the proposal would not protect or enhance the natural environment and would fail to satisfy the environmental role. Accordingly, the three dimensions of sustainable development, as set out above, would not be met jointly and simultaneously. Having regard to the development plan and the policies of the Framework, the proposal would create an unsustainable pattern of development and the presumption in favour of sustainable development would not apply.

Other matters – Housing Land Supply

42. At the opening of the Inquiry, the appellants' position, as set out in the submitted proof of evidence, was that the Council could not demonstrate a HLS. On 17 December 2015, the Council had adopted the SAMDev, following the examining Inspector's conclusion that the plan was sound. In the week before the Inquiry, two appeal Decisions³ relating to residential development on nearby sites, were published, in which the Inspectors had concluded that Shropshire Council could demonstrate a HLS. On the second day of the Inquiry, the appellants withdrew their proof of evidence on HLS and stated that their witness would not be called. In their closing submissions, the appellants confirmed that, although they disagreed with HLS, it would not be contested for the purposes of this Inquiry. Therefore, the Council's position, that a HLS of 5.53 years can be demonstrated, was uncontested by the appellants.
43. Core Strategy Policy CS1 establishes the total housing requirement of around 27,500 dwellings during the plan period to 2026. Although this figure was initially based upon former Regional Spatial Strategy statistics, it was accepted as the basis for the Council's HLS in the SAMDev Inspector's Report that found that the Council had, at that time, a supply of 5.2 years. The Council published its Five Year HLS statement in August 2015 which was updated in November 2015 following publication of the Inspector's report into the SAMDev. This update indicated that the Council had a supply of 5.53 years, which was the

³ APP/L3245/W/15/3007929 (published 20 Jan 2016); and APP/L3245/W/15/3011886 (published 19 Jan 2016)

Council's position at the Inquiry. In arriving at this figure, the Council had used a phased approach to delivery over each five years of the plan period, and had applied a 20% buffer to the five year requirement and the shortfall combined.

44. The Council's approach to calculating HLS, as endorsed by the SAMDev Inspector, and as set out in its HLS Statement, appears to be robust. On the evidence before me, and having regard to the findings of the SAMDev Inspector and various recent appeal Decisions referred to me, I have no reason to doubt that the Council have a housing land supply in excess of five years. The Council's policies relevant to the supply of housing are, therefore, up-to-date. Nevertheless, the HLS is not to be taken as a ceiling, and the Framework requires the supply of housing to be boosted significantly.

Other matters - Highways

45. The highway authority raised no objections to the proposed access on to Gorse Lane, but considered that improvements would be necessary to the busy mini-roundabout junction at the end of Gorse Lane, to facilitate the increase in traffic that the scheme would generate. Due to the constraints around the junction, the highway improvements would be fairly limited including realignment of road markings, repositioning of some signs, resurfacing and replacing the existing painted mini-roundabout with a domed central island. Subject to the imposition of conditions to secure these improvements, the highway authority would be satisfied that the traffic from the development could be accommodated on the highway network and that the improvements would enhance the operation of the junction for other road users. Although I note the concerns of the Parish Council and local residents regarding traffic impact, I have no reason to disagree with the highway authority's conclusions.

Planning Balance and Conclusion

46. The proposed development would provide up to 39 market and affordable houses, and would generate economic, social and highway benefits. The submitted s106 obligation, together with the Deed of Variation, would secure the affordable housing. Nevertheless, the housing estate would result in the loss of two agricultural fields that form part of the rural setting to the village, and would be seen as an incongruous projection into the open countryside, beyond the recently endorsed settlement boundary for Bayston Hill.
47. Despite the proposed boundary landscaping, the houses would be seen as a prominent and intrusive development on the skyline that would fail to respect the local context and would harm the character and appearance of the area, particularly when seen from local footpaths and in views from the other side of the valley. The locally important undeveloped parts of the rural gap between the village and the outskirts of Shrewsbury would be eroded, potentially leading to further pressure for development within the gap. For the reasons set out above, the proposal would not represent sustainable development and, therefore, the presumption in favour of such development does not apply.
48. I attach considerable importance and weight to the harm that this unsustainable pattern of development would cause to the character and appearance of the area, and to the locally important gap. That harm would not be outweighed by the benefits of the scheme. I conclude, therefore, that there is little justification for the release of this greenfield site in the open

countryside, beyond the established village development limits, contrary to the CS Policies and SAMDev Policies as set out above.

49. Accordingly, for the reasons given, and having had regard to the various appeal decisions and court cases referred to me by both parties, the appeal is dismissed.

Anthony Lyman

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

G. A. Grant of Counsel
He called

Ian Reid DipTP MRTPI DipLD ESP Ltd
CMLI

Edward West BA(Hons) Principal Policy Specialist - Shropshire Council
MCD MRTPI

Mark Lynch BSc PGDipTP Consultant Town Planner - Shropshire Council
PGCMS MRTPI

FOR THE APPELLANTS:

Thea Osmund-Smith of Counsel
She called

Allan Moss BA(Hons) BPI Allan Moss Associates
MRTPI DipLA CMLI

Helen Howie MA(Hons) Berrys,
MCD MRTPI

INTERESTED PERSONS:

Adrian Emery	Local Resident
Andrew Goldsmith	Local Resident
Jillian Harvey	Local Resident
Christine Hitchcock	Local Resident
Cheryl Holmes	Local Resident
Jenna Kumiega	Local Resident
Cllr Teresa Lewis	Bayston Hill Parish Council

DOCUMENTS SUBMITTED AT THE INQUIRY

1. Opening Statement by the appellants
2. Location plan of applications referred to by the Council and appellants
3. Planning consent for disposal of spoil from A5 on adjoining site
4. Relevant extracts from GLVIA3
5. Photograph 12: View from Nobold Lane
6. Photograph 13: View from Footpath 0443/59/1 north of Nobold
7. Aerial photograph indicating locations of photos 12 & 13 and angles of view
8. Bayston Hill cases – lead in times
9. Site specific deliverability problems (appendix H4) timeline
10. NLP evidence on lead in times on large sites
11. Various Inspectors' deductions on Shropshire supply figures
12. Erratums
13. Committee report for 2 dwellings at Gorse Lane 11/01316/FUL
14. Location map of Whittington site (ML appendix 8)
15. Oadby and Wigston Borough Council v SoS for DCLG and Bloor Homes [2015] EWHC 1879 (Admin)
16. City and District Council of St Albans v Hunston Properties and SoS for DCLG [2013] EWHC Civ 1610
17. Gallagher Homes and Lioncourt Homes v Solihull Metropolitan Borough Council [2014] EWHC 1283 (Admin)
18. Composite Table of All Sites Still in Dispute
19. Appeal Decision APP/L3245/W/15/3138824
20. Agreed Dimensions Plan
21. Copy of S106 Agreement dated 11 September 2015
22. Draft of Deed of Variation Pursuant to S106 Agreement
23. Description of 'Paddocks and Closes'
24. Page 2 of the Adopted Core Strategy
25. Letter from J and LG Williams dated 26 January 2016 inviting site visit party to view site from their property
26. Presentation by Mrs P C Hitchcock
27. Application for a partial award of costs by the Council
28. Copy of Court of Appeal Judgement re North Wiltshire District Council v Secretary of State for the Environment and Clover - (1993) 65 P & CR 137
29. Appellants' response to the application for costs
30. Closing Statement on behalf of the Council
31. Closing Statement on behalf of the appellants

DOCUMENT SUBMITTED AFTER THE INQUIRY

32. Signed Deed of Variation dated 9 February 2016 relating to the original Section 106 Agreement dated 11 September 2015.

Costs Decision

Inquiry held on 26 to 29 January 2016

Site visit made on 28 January 2016

by Anthony Lyman BSc (Hons) DipTP MRTPI

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

Decision date: 21 March 2016

Costs application in relation to Appeal Ref: APP/L3245/W/15/3127978 Land to the rear of 10 Gorse Lane, Bayston Hill, Shropshire, SY3 0JJ

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Shropshire Council for a partial award of costs against Galliers Homes.
 - The inquiry was in connection with an appeal against the refusal of outline planning permission for residential development (with access).
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Decision

1. The application for an award of costs is allowed in the terms set out below.

The submissions for Shropshire Council

2. At the opening of the Inquiry, the Council gave notice of its intention to seek an award of costs relating to their expenditure incurred in dealing with the issue of five year housing land supply (HLS). The publication of a number of recent appeal decisions, particularly one relating to Longden Road, Shrewsbury¹, should have led to the appellants withdrawing their evidence on HLS. Despite being invited to do so on two occasions before the Inquiry, the appellants pursued the issue.
3. Procedurally, the appellants acted unreasonably by introducing at the Inquiry a new argument, unsupported by any evidence, that the housing requirement of 27,500 was not acceptable. The appellants' evidence to the Inquiry was based on that requirement figure and provided no alternative. The appellants' behaviour was substantively unreasonable in that the Inquiry followed a recently published appeal decision in which almost identical evidence was dismissed by that Inspector, including evidence from the appellants' consultant in this appeal, raising the same points.
4. The importance of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) Inspector's Report, and subsequent appeal Decisions, should have prompted a rapid change in the appellants' position on HLS. The appellants have not adjusted their position to the changes adopted by the LPA in terms of supply. Paragraph 9 of the Conover Decision² rejects the appellants' consultants' arguments regarding an annualised versus the Council's phased approach. It is wholly unreasonable that the appellants failed

¹ APP/L3245/W/15/3011886

² APP/L3245/W/15/3007929

to accept that Decision, and promoted the same arguments at this Inquiry. Had the appellants not pursued their HLS arguments, the Inquiry could have concluded in three days.

The response by Galliers Homes

5. The appellants had reason to ensure that HLS was satisfactorily covered at the Inquiry, having incurred significant additional costs on this matter following the change in procedure from a Hearing to an Inquiry, largely as a result of the Council having submitted late evidence on HLS before the Hearing was opened. The HLS situation can change between local plan examination and a s78 appeal, and appeal decisions in this area are not consistent.
6. The appellants accept that, since the presentation of their consultant's evidence to two other appeals³, nothing significant had changed to any of the sites in the supply. However, the appellants argue that there are three reasons why further discussion was merited at this Inquiry. These include, i) that the Decisions referred to above did not reflect any discussions about the SAMDev Inspector's report which did not assess the HLS against an objectively assessed need; ii) in the case of the Condover Hearing, only limited time was given to discussing HLS, and the lack of sufficient evidence at the Hearing is reflected in the Inspector's Decision; iii) the appellants' original appeal statement in June 2015, discussed both housing supply and housing delivery.
7. The appellants consider that a full objectively assessed housing need (FOAN) would be higher than the core strategy figure of 27,500. However, in the absence of a FOAN, the appellants used the core strategy figure and deny that the lack of a FOAN was an entirely new argument at the Inquiry. Without a FOAN a Council cannot demonstrate a HLS.
8. The majority of work and preparation in relation to this topic had already been undertaken by the parties before the Inquiry, and the only possible cost in contention is the two hours of Inquiry time spent on the matter.

Reasons

9. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
10. The week before the Inquiry opened, two appeal Decisions had been published, in which each Inspector had concluded that Shropshire Council could demonstrate a HLS. Furthermore, the SAMDev had been adopted by the Council only the month before the Inquiry following the Inspector's Report that found it sound. The appellants' planning and HLS expert witness had given evidence at one of the above appeals challenging the existence of an HLS using arguments that appeared similar to those presented to this Inquiry. Given these very recent events, the advice in PPG, and the Court of Appeal Judgement relating to Hunston Properties Limited⁴, I questioned in my opening whether it was necessary for Inquiry time to be spent discussing in depth

³ APP/L3245/W/15/3007929 (Condover) and APP/L3245/W/15/3003171 (West Felton)

⁴ St Albans City and District Council v Hunston Properties Ltd and Secretary of State for Communities and Local Government, [2013] EWCA Civ 1610.

- whether or not the Council had a five year HLS, unless there had been any recent significant statistical changes.
11. The appellants stated that they wished to proceed with the issue at the Inquiry despite the Council's notification that a costs application would ensue. However, the appellants' cross examination of the Council's expert witness on HLS, focussed initially on the validity of the housing requirement of 27,500 homes. The appellants argued that, as it was not a FOAN, a HLS could not be demonstrated, and referred to a recent appeal Decision for a site in Leicestershire⁵. This was not an argument put forward in the appellants' proof of evidence which was based on the 27,500 figure. The appellants' evidence had argued that a HLS did not exist, largely on the basis of the difference between using an annualised approach, compared to the Council's use of a phased trajectory, and on the deliverability of some sites.
 12. Following an objection from the Council to the introduction of new evidence, and an interjection by myself about the introduction of the new argument, the appellants subsequently terminated the cross examination, withdrew their evidence on HLS and stated that their witness would not be called on that matter. The introduction of a new issue in cross examination, without evidence to support the proposition that the requirement figure of 27,500 was incorrect, was procedurally unreasonable behaviour by the appellants.
 13. In response to this costs application, the appellants stated that they had wished to pursue the arguments on HLS at this Inquiry and found it frustrating that *'this case was upgraded to an Inquiry in order to discuss 5YS but then curtailed due to the outcome of a Hearing that gave around 2 hours discussion time to 5YS'*. I attach little weight to this argument given the amount of evidence relating to the existence of an HLS in recent Decisions/SAMDev Inspector's Report, which cumulatively amounted to far more than the 2 hour discussion at one Hearing claimed by the appellants.
 14. A previous appeal decision is a material consideration that should be taken into account having regard to the importance of ensuring consistency in decisions⁶. PPG advises that an appellant is at risk of an award of costs being made against them if, amongst other things, the appeal follows a recent appeal decision in respect of a similar development where the Secretary of State or an Inspector decided that the proposal was unacceptable, and circumstances have not materially changed. Although HLS figures can fluctuate, given the very recent publication of the Decisions referred to above, one of which considered evidence from the appellants' expert witness similar to that put forward in this appeal, I consider that the appellants' behaviour was substantively unreasonable.
 15. I find, therefore, that unreasonable behaviour resulting in unnecessary expense has occurred, but only in respect of the housing land supply issue. A partial award of costs is warranted in this respect.

Costs Order

16. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that

⁵ APP/G2435/W/15/3005052

⁶ North Wiltshire District Council v Secretary of State for the Environment and Clover – (1993) 65 P. & C.R. 137

Galliers Homes shall pay to Shropshire Council, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred relating to the housing land supply issue.

17. The applicant is now invited to submit to Galliers Homes to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Anthony Lyman

INSPECTOR

Appeal Decision

Site visit made on 10 November 2015

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 17 March 2016

Appeal Ref: APP/L3245/W/15/3106043

Land adjacent to Clifton Coach House, Ford, Shrewsbury, Shropshire, SY5 9LZ

- 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 Mrs M Jones against the decision of Shropshire Council.
 - The application Ref 14/03451/FUL, dated 31 July 2014, was refused by notice dated 19 December 2014.
 - The development proposed is 2 open market residential dwellings with associated access and curtilage.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider that the main issue in the case is whether the proposal would amount to a sustainable form of development, with particular reference to housing land supply, the effect on the character and appearance of the appeal site surroundings and accessibility.

Reasons

3. The proposed residential plots would comprise part of an agricultural field situated to the west of the built up part of the village of Ford. The northern boundary of these plots would front onto a track along which run *Bridleway 7 Ford* and a public right of way, in an east-west direction. The appeal site also includes the section of that track between the frontage of the plots and the nearest road to the east. The closest building to the proposed plots would be Clifton Coach House, the rear boundary of which would be set apart from the eastern boundary of proposed plot 2 by a narrow section of the field of which it forms part. The southern and western boundaries of the proposed plots would also adjoin agricultural land. To the north of those plots, on the other side of the track, is other green space. To the west, the track across the frontage of the proposed plots leads to a minor road, which runs close to the western side of the appeal field and serves a small number of agricultural and residential buildings.
4. The Inspector's *Report on the Examination into Site Allocations and Management of Development (SAMDev) Plan*, dated 30 October 2015 (SAMDev IR), indicated that the Council was able to demonstrate a 5.2 year

supply of housing land at an assessment date of November 2014. This position was disputed by the appellant in her initial appeal submissions. However, in relation to 3 recent appeals, drawn to my attention by the appellant, APP/L3245/W/15/3007929, 3011886 and 3003171, the Inspectors also found that the Council is able to demonstrate a 5 year supply of deliverable housing land. The appellant has indicated that the housing land supply case put in the first of those listed appeals was the same as that put by her in the case before me. Furthermore, following publication of the SAMDev IR the Council produced an updated *Shropshire Council: Housing Land Supply-Calculation* in November 2015 based on the methodological approach utilised in the SAMDev IR. It indicates that the Council is able to demonstrate a supply of deliverable housing land of 5.53 years, based on the housing requirement identified in the *Shropshire Local Development Framework Adopted Core Strategy, March 2011* (CS). The appellant has not disputed that finding. I acknowledge that the housing land supply position may change over time, leading potentially to increases or decreases in the level of supply. However, I have not been provided with any compelling evidence in this case that would lead me to a different conclusion to those of my colleagues referred to above, insofar as they found that the Council is able to demonstrate a 5 year supply of deliverable housing land.

5. In accordance with the requirements of CS Policy CS11, the appellant would make a financial contribution towards off-site provision of Affordable Housing. The contribution, which would be small in this case, would be secured by a formally completed unilateral undertaking, dated 27 November 2015, pursuant to section 106 of the *Town and Country Planning Act 1990*, which would meet the tests set out in Regulation 122 of the *Community Infrastructure Levy (CIL) Regulations 2010*. Taking account of this and the 2 proposed dwellings, I consider overall that the scheme would be likely to make a small contribution towards housing supply.
6. I conclude that the Council is able to demonstrate a 5 year supply of deliverable housing land. Therefore, with reference to paragraph 49 of the *National Planning Policy Framework* (the Framework), relevant policies for the supply of housing are considered up-to-date. Whilst it remains the aim of the Framework to boost significantly the supply of housing, the contribution made by the appeal scheme would be small. Under the circumstances, I consider that the social benefits of the scheme would be limited and I give them little weight.
7. Following publication of the SAMDev IR, the Council confirmed that it would move to adopt the plan in December 2015 and I understand that this was done. The Policies of the *Shrewsbury and Atcham Local Plan* referred to in the appeal submissions are no longer extant. Furthermore, the circumstances in this case are not directly comparable to those in appeals considered against the background of the emerging SAMDev Plan, which have been drawn to my attention by the appellant, and so I have found them to be of little assistance. In addition, I consider that earlier appeals associated with sites in the areas of other authorities are of even less relevance.
8. The modified SAMDev Policy MD3, as recommended by the SAMDev IR, indicates that in addition to supporting development of the allocated housing sites, planning permission will also be granted for other sustainable housing development having regard to the policies of the Local Plan, such as Policies

- CS4, CS5 and MD7a. The reasoned justification for the Policy identifies that whilst a key component of the housing land supply is the allocated housing sites, windfall development on other sites is also important, both within settlements and in the countryside, including both brownfield and, where sustainable, greenfield sites, having due regard to the policies of the Local Plan. However, the circumstance in which Policy MD3(3) indicates that additional sites outside the settlement development boundaries that accord with the settlement policy may be acceptable is where a settlement housing guideline appears unlikely to be met. Given that the SAMDev Plan has only recently been found sound and adopted by the Council, implementation of the Plan is at an early stage and I consider that it is too early to determine that a settlement housing guideline is unlikely to be met. Therefore, the scheme is not supported by SAMDev Plan Policy MD3(3).
9. CS Policy CS1 indicates that rural areas will become more sustainable through a 'rural rebalance' approach, accommodating around 35% of Shropshire's residential development over the plan period, predominantly in Community Hubs and Clusters. CS Policy CS4 indicates that in the rural areas, communities will become more sustainable by, amongst other things, focussing private investment in Community Hubs and Community Clusters, and not allowing development outside these settlements unless it meets Policy CS5. I understand that neither the appeal site nor Ford is included in the designated Community Hubs and Clusters identified in SAMDev Plan Policy MD1. Under the terms of the SAMDev Plan, Ford and the appeal site are regarded as being in the countryside. The scheme would not be supported by CS Policy CS4 unless it meets the terms of Policy CS5.
10. CS Policy CS5 indicates that new development will be strictly controlled in accordance with national planning policies protecting the countryside. A similar approach is taken by SAMDev Plan Policy MD7a, which indicates that open market housing will be strictly controlled in the countryside. These Policies give particular support to certain identified types of development, which are listed. The proposal would not comprise any of those forms of development to which the Policies give particular support, such as dwellings to house essential countryside workers, and in this respect is not supported by CS Policy CS5 or SAMDev Plan Policy MD7a. However, that is not the end of the matter. CS Policy CS5 indicates, in more general terms, that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic benefits. CS Policy CS6 indicates that the creation of sustainable places will be achieved by, amongst other things, conserving and enhancing the natural and historic environment; and, requiring proposals likely to generate significant levels of traffic to be located in accessible locations where the need for car based travel is reduced. CS Policy CS17 also seeks to protect and enhance the local character of Shropshire's natural and historic environment.
11. The Framework indicates that planning should, amongst other things, recognise the intrinsic character and beauty of the countryside. The proposed dwellings would not be isolated from other buildings, as I have indicated. Nonetheless, the greenfield proposal, which would involve the development of agricultural land, would encroach on the open countryside. It is likely that the proposed buildings would curtail views of the countryside to the south which can currently be enjoyed from the section of the bridleway adjacent to the site.

Furthermore, they would be visible over a significant section of the bridleway, when approaching the site, giving the surroundings a more urban appearance. This would be reinforced by the more frequent comings and goings of vehicular traffic along the bridleway, likely to be associated with the introduction of 2 dwellings. Existing users of the bridleway, such as walkers and riders, are likely to be particularly appreciative of the existing rural character of this approach to the village, which would be diminished by the appeal scheme. The proposal would have a detrimental impact on the character and appearance of the appeal site surroundings.

12. With respect to the effect on the historic environment, the field of which the appeal site forms part is situated within and towards the western edge of the Ford Conservation Area. The Council's Conservation Officer did not object to the scheme. Insofar as she considered that it would be possible to ensure, through the imposition of conditions, that the external appearance of the proposed dwellings would be in keeping with other built development in the Conservation Area, I agree with her. However, that is not the end of the matter. The Council has identified that the appeal field is one a number of fields on the western side of the village that contributes to the historic landscape setting of the village. I consider that it is particularly important in this respect due to its prominence alongside a bridleway route into the village. I have already found that the proposal would harm the character and appearance of the appeal site surroundings, which hereabouts include parts of the Conservation Area. Due to its prominence alongside the bridleway approach to the village, it would also harm the setting of built development within the Conservation Area. Albeit the harm to the character of the Ford Conservation Area would be less than substantial, it weighs significantly against the scheme.
13. I conclude that the scheme would harm the character and appearance of the appeal site surroundings, including the Ford Conservation Area, contrary to the aims of CS Policies CS6, CS17 and CS5.
14. Turning to accessibility, Ford Parish Council has indicated that the appeal site was rejected, *site Ford 014*, in the Council's *Strategic Housing Land Availability Assessment, 2010*, on the basis of its 'detached location from the settlement centre'. Whilst the main area of built development within Ford extends from the A458 in a northwesterly direction, many of the services and facilities serving the village are positioned along the A458. These include a petrol station/vehicle servicing workshop and convenience store, a restaurant, a transport café and a public house. The village primary school is situated a short distance to the north of the A458. The Council and appellant have estimated that the nearest of these to the appeal site, which is situated on the far northwestern side of the village, is around 900 metres away. Furthermore, the initial section of the route between the site and the village services and facilities comprises a narrow and unlit shared surface, with limited opportunities for pedestrians and cyclists to move off the road to avoid potential conflicts with passing vehicles.
15. I acknowledge that it is not unusual for shared surfaces, referred to in the Manual for Streets, to be included in new residential developments. However, based on what I have read and seen, it is usual that they are lit and provide sufficient space to allow a vehicle to pass others in comfort. The initial section of the route from the appeal site is not characterised as such.

I consider that the nature of the route and distances involved would be likely to discourage future residents of the proposed dwellings from walking and cycling between the site and local facilities and services, particularly after dark. I am conscious that Ford is served by a number of bus services that provide links to a wider area. Nonetheless, I consider overall that the accessibility of jobs, shops and services from the site by means of transport other than the private car would be limited. However, in the case before me, this would not amount to a conflict with the requirement of CS Policy CS6 that proposals likely to generate significant levels of traffic be located in accessible locations. In my view, a development comprising only 2 dwellings would be unlikely to generate significant levels of traffic. In this respect, it differs greatly from appeal ref. APP/L3245/A/14/2228348, with which higher levels of traffic would be likely to be associated, as it involved development of up to 30 dwellings at another location on the edge of Ford.

16. I understand that planting around the appeal site, which could be secured by condition, would be likely to enhance the biodiversity value of the land in comparison with the existing agricultural use. However, the areas involved would be relatively small and consequently, to my mind, any benefits would be limited.
17. I consider on balance, that the scheme would cause significant environmental harm, due to its impact on the character and appearance of the appeal site surroundings, and in this respect it would conflict with CS Policies CS6, CS17 and CS5.
18. As regards local economic benefits, those associated with the need for labour and services during construction of the 2 proposed dwellings and any Affordable Housing enabled by the proposed financial contribution would be limited and short term. Furthermore, the small increase in population likely to be associated with that housing would be unlikely to give rise to a significant increase in expenditure with local businesses. CIL contributions, made in accordance with CS Policy CS9, would primarily meet needs generated by residents of the proposed dwellings. I consider that the local economic benefits associated with the scheme would be negligible and I give them little weight.
19. I conclude overall that the contribution made by the scheme towards the vitality of the countryside and the sustainability of rural communities would be small. Furthermore, any benefits in those respects would be outweighed by the harm that it would cause to the character and appearance of the appeal site surroundings. Although it would accord with CS Policies CS11 and CS9, the appeal scheme would conflict with CS Policies CS6, CS17, CS5, CS4 and CS1 and is not supported by SAMDev Policies MD3 or MD7a; I consider that it would conflict with the up-to-date Development Plan taken as a whole. Having had regard to the economic, social and environmental aspects of the scheme, I conclude on balance that the proposal would not amount to a sustainable form of development, with particular reference to the effect on the character and appearance of the appeal site surroundings.

Other matters

20. The site in West Felton, the subject of appeal ref. APP/L3245/W/15/3003171, differs from that before me, not least, as it is located in the Ford Conservation Area. The residential development the subject of application no. 14/01819/OUT at Ford, in relation to which the appellant has indicated that the Council has

resolved to grant planning permission, is not directly comparable to the appeal site. I understand that that other site is bounded on 3 sides by development and is situated much closer to the village school and facilities along the A458.

21. Whilst the Council's decision to refuse to grant planning permission in this case was against the recommendation of its officer, that does not alter the planning merits of the case upon which my decision is based. Neither this, nor any other matters raised are sufficient to outweigh the considerations which have led to my conclusions on the main issue.

Conclusion

22. For the reasons given above, I conclude that the appeal should be dismissed.

I Jenkins

INSPECTOR

Appeal Decision

Site visit made on 15 December 2015

by Jameson Bridgwater PGDipTP MRTPI

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

Decision date: 30 March 2016

Appeal Ref: APP/L3245/W/15/3049334

Batchcott Hall, Batchcote, Church Stretton SY6 6NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Patrick Fontaine against the decision of Shropshire Council.
 - The application Ref 14/03861/OUT, dated 14 August 2014, was refused by notice dated 4 December 2014.
 - The development proposed is described as 'proposed new dwelling at Batchcote Hall.'
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. Since the original decision was made the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) was adopted by the Council on the 17 December 2015. In light of the advanced stage of its preparation, this document was referred to in the reasons for refusal along with policies from the Shropshire Core Strategy (CS). As indicated in their statement, the appellant was clearly aware of the preparation of this document and the 'Final Comments' stage gave both parties the opportunity to address any implications arising from the adoption of this document. Accordingly the SAMDev, whose policies have been found to be sound, along with the CS, form the statutory development plan for the area. I have considered the appeal on this basis.
3. The appellant in their statements and submissions has used alternative spellings (Batchcote and Batchcott) for the property identified in the appeal site address Batchcott Hall. For consistency I have used Batchcott.
4. The appeal application was made in outline form with all matters reserved for subsequent approval.

Main issues

5. The main issues in the appeal are:
 - whether the proposal would help deliver a sustainable pattern of development, with particular regard to location; and
 - the effect of the proposal on the character and appearance of the open countryside, with particular regard to the Shropshire Hills Area of Outstanding Natural Beauty (AONB); and

- the effect of the proposal on protected species, with particular regard to Great Crested Newts.

Reasons

6. Batchcote is a small rural settlement with nearest limited facilities and services being located in Dorrington approximately 4 miles away. The appeal site is a field accessed through a field gate from a private driveway that also provides access to Batchcott Hall and its associated barns. The field is located next to a pond with a number of mature hedgerows, opposite there is a detached house.
7. Paragraph 55 of the National Planning Policy Framework (the Framework) indicates that isolated homes in the countryside should be avoided unless there are special circumstances. Further, the appeal site is not within an identified Community Hub or a Community Cluster Settlement as set out by Policy MD1 of the SAMDev. Policies CS4 and CS5 of the CS and MD3 and MD7a of the SAMDev, seek to strictly control new open market housing in the countryside and Green Belt. Both policies limit new housing in the open countryside to that which is needed to house essential rural workers, affordable housing to meet local needs, and for the replacement of existing dwellings. The proposal is for a new build open market house and, therefore, would not be the type of scheme that would normally be permitted under these policies.
8. The proposed development would provide some economic and social benefits. It would bring short term employment benefits during its construction phase. The proposed development would also result in a Community Infrastructure Levy (CIL) payment, the New Homes Bonus, and payment of Council Tax. However, given the scale of the scheme, these benefits would be limited.
9. The appellant has argued that the occupiers of the proposed dwelling would bring a general benefit to tourism in the area and could provide support to a local farm shop and the public house in Picklescote. Further, the appellant has stated that the erection of the proposed dwelling would ensure that their holiday let /long term tenancy businesses operating from Batchcott Hall would continue rather than having to utilise the current business accommodation as their family home. However, based on the appellant's statements and submissions their businesses are already managed remotely from overseas and there is no substantive evidence before me to demonstrate that this could not continue if the appellant and his family returned to Shropshire. Therefore, the contribution the development would make to the vitality of the community and support it would give to the limited local services would be very modest. I therefore attribute limited weight to any economic or social benefits in regard to sustaining the viability of the community.
10. The appellant has stated that the proposed development would result in environmental benefit by way of the utilisation of existing infrastructure including sewerage, electricity and broadband. However, there is no substantive evidence to suggest that these services and facilities require an additional dwelling to maintain their operation or long term retention. I therefore attribute limited weight to any potential environmental benefit.
11. I have carefully considered the availability of public transport including the school bus service. However, there is no substantive evidence of a regular public transport service that would provide a reasonable and practical alternative to the use of a private motor vehicle. Consequently, given the

distances involved and the dispersed nature of services/facilities identified by the appellant and the Council, I find it likely that future occupants would still be highly reliant on the need to travel by private motor vehicles in order to access services, employment and facilities.

12. Having come to the conclusions above, it follows that the appeal site does not amount to a sustainable location. Such a conclusion is not altered by the social, environmental or economic considerations advanced by the appellant. Consequently the proposed development would be contrary to policies CS4 and CS5 of the CS, Policies MD1, MD3, and MD7a of the SAMDev and paragraph 55 of the Framework. In reaching this conclusion I have considered Policies MD4, MD9 and MD11 of the SAMDev; however they do not lead me to a different decision in this matter.

Character and appearance

13. The appellant has advanced that the design of the proposed dwelling is a reserved matter and that the final design would be sympathetic to its surroundings utilising high quality materials which would respond to the existing topography. However, even utilising high quality design and materials the introduction of a dwelling at the appeal site would encroach on an area of open countryside and would result in the incremental erosion of the rural openness and landscape of the area. Therefore, the proposal would result in material harm to the scenic quality of the AONB.
14. Consequently having reached this conclusion there would be conflict with Policies CS5, CS6 and CS11 of the CS. These seek amongst other things to ensure that the natural beauty of the Shropshire Hills AONB is conserved and enhanced.

Protected species

15. The Government's Planning Practice Guidance states that an ecological survey will be necessary in advance of a planning application, if the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate. It also advises that ecological surveys should only be required where clearly justified, for example if there is a reasonable likelihood of a protected species being present. In addition, Circular 06/2005 states that '*it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted*'.
16. The appellant's preliminary environmental appraisal of the appeal site has resulted in the identification of potential to support Great Crested Newts, with the connectivity to the pond adjoining the appeal site assessed as excellent. Furthermore, the appellant's appraisal considers that there is an amber risk and that a phase 2 survey is necessary in accordance with Natural England's rapid risk assessment methodology. I therefore conclude that in these specific circumstances the preliminary environmental appraisal unsupported by the recommended phase 2 survey does not provide the necessary evidence to demonstrate that there would be no adverse effect on a protected species. This is consistent with Natural England standing advice.
17. The proposal therefore conflicts with Policy CS17 of the CS which seeks to ensure amongst other things, that development would not result in adverse effects on habitats and species.

Conclusion

18. For the above reasons and having carefully considered all other matters raised including the representations made by local residents I conclude that the appeal should be dismissed.

Jameson Bridgwater

INSPECTOR

Appeal Decision

Site visit made on 26 January 2016

by H Baugh-Jones BA(Hons) DipLA MA CMLI

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

Decision date: 30 March 2016

Appeal Ref: APP/L3245/W/15/3139031

Pontesbury Hill, Pontesbury, Shrewsbury, Shropshire SY5 0YJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr R Pugh against the decision of Shropshire Council.
 - The application Ref 15/00494/OUT, dated 23 January 2015, was refused by notice dated 22 May 2015.
 - The development proposed is outline application for a single dwelling.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application is in outline with all matters reserved for future consideration. With the exception of the site's location, I have regarded the information on the submitted drawings as indicative.
3. Since the application was determined, the Council has adopted the Site Allocations and Management of Development Plan (17 December 2015) (SAMDev Plan). Consequently policy HS3 of the Shrewsbury and Atcham Borough Local Plan, listed in the Council's reasons for refusal, no longer forms part of the development plan and I have not had regard to it in my consideration of the appeal.

Main Issue

4. The main issue in this appeal is whether the proposal would represent an acceptable form of development with due regard to the development plan strategy for the location of housing and the Council's housing land supply (HLS).

Reasons

5. The appeal site comprises a small part of a large agricultural field that abuts Pontesbury Hill which is a road leading south from the main part of Pontesbury village. The area around the site is formed by a pocket of residential development bound to the main body of the village by a loose ribbon of dwellings. The site is not allocated for housing in the SAMDev Plan and it lies outside the village development boundary.
6. Pontesbury, in combination with the nearby settlement of Minsterley, forms a Key Centre as set out in the schedule to SAMDev Plan policy MD1. This policy

- is concerned with the scale and distribution of development, setting out that it will be supported in Shrewsbury, the Market Towns and Key Centres, and the Community Hubs and Community Cluster settlements identified in the accompanying schedule to the policy. However, the policy includes a requirement for development to also accord with policies CS2, CS3 and CS4 of the Adopted Core Strategy (2011) (CS) along with other relevant SAMDev Plan policies including MD3.
7. Policy MD3 supports the development of allocated sites but also allows for other sustainable development, again with regard to the aforementioned CS policies but also including policy CS5. SAMDev Plan Policy MD3 further requires development to be in conformity with policy MD7a that seeks to limit development in accordance with the scale and distribution requirements set out in policy MD1 and also CS policy CS11 that seeks to reduce travel by car, respect the local context and balance the size, type and tenure of the local housing stock.
 8. CS Policy CS4 seeks to increase the sustainability of rural communities by focusing development in the Community Hubs and Community Clusters set out in the SAMDev Plan. The policy allows for development against the terms of CS Policy CS6 that sets out a number of sustainable development principles including those related local context and character, but restricts it where the terms of policy CS5 would not be met.
 9. The appellant does not dispute that the site is outwith the village development boundary but argues that this does not necessarily preclude its development for the scheme proposed given the terms of SAMDev Plan Policy MD3 and CS Policy CS5. It is clear that Policy MD3 permits development on sites outside development boundaries but the qualification is equally clear that this is only in the circumstance where the settlement housing guideline (the guideline) appears unlikely to be met. This guideline is contained within SAMDev Plan Policy S12 that sets out the numbers of dwellings proposed on allocated sites.
 10. However, there is nothing in the evidence before me to suggest that the guideline would not be met. I recognise that the guideline is not a maximum figure. However, the supporting text to SAMDev Plan Policy MD3 clearly sets out that the guideline figures within SAMDev Plan Policy S12 are based on detailed considerations of the level of development considered to be sustainable and appropriate during the plan period.
 11. The supporting text to SAMDev Plan Policy MD3 also sets out that a positive approach will be taken to development on sites that may lie outside the settlement development boundaries where it would accord with the relevant settlement policy. However, from my reading of the text, this is only engaged in the circumstance where the Council cannot demonstrate a 5 year supply of deliverable housing sites – the housing land supply (HLS).
 12. The Council has stated that it can demonstrate a 5 year HLS and has provided two documents to support this view. The Five Year Housing Land Supply Statement provides data to 31 March 2015 but has since been updated (November 2015). Consequently, that latest position suggests the Council's HLS to be 5.53 years. Reflective of the Framework's requirements, a 20% buffer is included in the figures based on the recognition that there has been a persistent under-delivery of housing. The appellant does not concur with the

Council's view in relation to its HLS but has not provided any evidence that leads me to question that a 5 year HLS exists.

13. Nevertheless, within the HLS calculations, there is some reliance on windfall sites. Planning Practice Guidance¹ (PPG) sets out that this approach may be justified if the Council has compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply.
14. The importance of windfall development is recognised in the supporting text to SAMDev Plan Policy MD3. Notably, it states that this relates to development both within settlements and in the countryside including greenfield sites where this would be sustainable, but goes on to say that regard must be had to the policies of the Local Plan. Moreover, the allowance for windfalls is made only in years four and five of the supply and even then these are to be on brownfield land and in agricultural conversions of less than five dwellings. Consequently, windfall schemes are not necessarily acceptable on sites outwith the development boundary.
15. Moreover, CS Policy CS5 seeks to exert strict control over development in the countryside and Green Belt. Whilst this policy pre-dates the National Planning Policy Framework (the Framework), it nonetheless broadly accords with the principles set out in paragraph 55 although it does not refer to *isolated dwellings in the countryside* as the Framework does.
16. My attention has been drawn to a number of previous permissions, of which one scheme (ref 13/04409/FUL) borders the site and another (ref 14/02981/OUT) is located directly opposite. However, I do not have full details of the circumstances that led to these permissions and therefore afford this argument only limited weight.
17. For the above reasons, I consider that the proposal would undermine the delivery of the Council's strategy for the delivery of housing set out in the development plan, thus being an unacceptable form of development. Accordingly, the proposal would be in overall conflict with CS Policies CS4, CS5, CS6, CS11; SAMDev Plan Policies MD1 and MD3; and with the Framework.

Other matters

18. I have had regard to the supporting text to SAMDev Plan policy S12 with regard to the setting of the Shropshire Hills Area of Outstanding Natural Beauty (AONB). In making my decision, I must have regard to the statutory duty to conserve and enhance the AONB. Pontesbury Hill rises out of the settlement, which allows for views towards and from the AONB. However, the proposed development would be modest and in views from the AONB, it would be viewed against the backdrop of other surrounding dwellings. Further, its visual effects could be successfully mitigated by suitable planting around the western site boundary. On balance, I am satisfied that the proposal would not harm the setting of the AONB, and its natural beauty would be conserved.
19. CS Policy CS11 requires all new open market housing to make appropriate contributions to the provision of local needs affordable housing. The detailed requirements for such contributions are set out within the Council's Type and Affordability of Housing Supplementary Planning Document (2012) (SPD) and it

¹ Housing and economic land availability assessment Paragraph: 24 Reference ID: 3-24-20140306

is clearly envisaged that this will be by means of a planning obligation. The appellant has submitted a Unilateral Undertaking (UU) that makes provision for an off-site contribution to affordable housing and I am satisfied, based on the evidence in relation to the SPD's provisions, that the proposed contribution would meet the tests in Framework paragraph 204. Nevertheless, whilst I note the SPD requirement for an affordable housing contribution and the appellant's willingness to provide it, I do not have a signed planning obligation before me. However, as I have found against the proposed development on the main issue, I do not need to consider this matter further.

20. The proposal would provide for additional outdoor amenity space for the neighbouring, recent development. At my site visit, I noted the limited amount of space around this dwelling. The proposal would therefore result in an enhancement to the living conditions of the neighbouring occupiers. In my view, this represents a benefit of the proposal that weighs moderately in its favour but not sufficiently so that my concerns on the main issue would be overcome.

Conclusion

21. For the above reasons and having had regard to all other matters raised, the appeal does not succeed.

Hayden Baugh-Jones

Inspector

Appeal Decision

Site visit made on 2 November 2015

by Mark Caine BSc (Hons) MTPL MRTPI

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

Decision date: 14 April 2016

Appeal Ref: APP/L3245/W/15/3130668

Land to the South of Sheinton Road, Cressage, Shrewsbury, Shropshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr A Morgan against the decision of Shropshire Council.
 - The application Ref 14/05580/OUT, dated 12 December 2014, was refused by notice dated 17 February 2015.
 - The development proposed is two detached dwellings with associated garaging.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. No site address details were provided within the original application form. Nonetheless, the Council's decision notice and the appellant's grounds of appeal both refer to it as "Land to the South of Sheinton Road, Cressage, Shrewsbury, Shropshire". In making the appeal the appellant has also accepted this as the site address and I have therefore used it in the banner heading above.
3. The application was submitted in outline, with only access to be determined at this stage. I have therefore dealt with the appeal on this basis, treating the layout plan as indicative.
4. Since the submission of the appeal the Shropshire Site Allocations and Management of Development Plan (the SAMDev) was formally adopted on 17 December 2015. Following this change to the development plan, the parties were invited to submit additional representations on the adopted SAMDev and I have taken their responses into account in the determination of this appeal.

Main Issue

5. The main issue is whether the proposal would represent a sustainable form of development.

Reasons

6. The appeal relates to a relatively flat grassed area of open paddock land that is accessed via a metal field gate. It is aligned by a mixture of hedges and a post and rail fence.
7. Although the appellant argues that Cressage is a settlement that was identified for residential development in the Shropshire and Atcham Local Plan 2001 (LP) it is

- uncontested that the appeal site lies to the east and outside of its development boundary. The villages of Cressage and Sheinton are also not identified as Community Hubs or Cluster settlements in the SAMDev.
8. Whilst the appeal site is located in between two properties, and there are seven dwellings in the locality, these comprise a scattered pattern of development in an area which has an overall character that is dominated by spacious gardens, open fields and agricultural land. Indeed, the degree of separation between these properties, and the built up envelope of the village is significantly further from what I regard to be the outskirts of Cressage or to constitute a built up frontage. As such I consider the appeal site to be situated in the countryside.
 9. In such areas the construction of open market dwellings is not permitted by Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 (CS). The objective of Policy CS5 is to strictly control new development in the countryside. New dwellings to house agricultural, forestry or other essential workers are an exception to this strict control. This policy is in broad accordance with the National Planning Policy Framework (the Framework) which advises at paragraph 55 that new isolated homes in the countryside should be avoided unless there are special circumstances. The proposal does not fall within any of the exceptions set out in Policy CS5 of the CS or any of the special circumstances set out in the Framework. The scheme therefore conflicts with both local and national planning policy in this respect.
 10. In arguing that the proposal is sustainable development the appellant has put to me that it would be within walking distance of the main core of the village, its facilities, and public transport links to an array of services in Shrewsbury and Bridgnorth. However the appellant accepts that two of the three bus stops are a 10 minute walk away from the appeal site and that they only operate on an hourly service. I also saw on my site visit that access to these, and other facilities would involve utilising narrow unlit rural roads which in the vicinity of the appeal site have no pavement. As such I do not consider that this would be suitable as a regular or adequate alternative to the use of a private car, to access the majority of the services in the area and further afield, particularly after dark and in bad weather. This would encourage unsustainable forms of travel and fail to support the move to a low carbon economy or actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling; two of the core principles set out at paragraph 17 of the Framework.
 11. Although it is common ground that the Council now has a demonstrable five year housing land supply, there is still a need to boost housing provision in Shropshire and I appreciate the contribution, albeit modest, that the proposal would make in this regard, and towards the objective of rural rebalance. A CIL payment would also be made towards infrastructure. However given the scale of the proposed housing it would be unlikely to contribute significantly towards supporting the services of other nearby villages and the local economy. I also appreciate that the appellant's family would be able to return to the area that they grew up, however personal circumstances seldom outweigh more general planning considerations, particularly where development would be permanent.
 12. It is acknowledged that the appeal site has no heritage, cultural or ecological designation and that the majority of the boundary hedgerow would be retained. I am also aware of the number of suggested eco-credentials associated with the proposed dwellings. Nonetheless, the full details of these are not before me, and I

have not been provided with anything substantive to indicate that these could not equally well be attained at another site not within the countryside. Furthermore, the design and style of the proposed dwellings would be required to be considered at the reserved matters stage.

13. Taking all of the matters above into account, whilst the appeal proposal would fit some of the economic, social and environmental dimensions of sustainable development, any benefits in these respects would be somewhat limited. Its location is such that it would be likely to foster growth in the need for private and unsustainable travel and be unlikely to provide significant support for thriving rural communities in the countryside.
14. Consequently, based upon the three-stranded definition and the balance of economic, social and environmental impacts, the proposal would not be sustainable development for which there is a presumption in favour. In these respects, I consider that the proposal would represent isolated homes in the terms envisaged by paragraph 55 of the Framework. In line with the terms of that paragraph, such development should be avoided.
15. I therefore conclude that the proposal would not represent a sustainable form of development. As such it would conflict with the aims of CS Policies CS5 and CS17 and the objectives in paragraphs 17 and 55 of the Framework. Amongst other matters, these seek to control development in the countryside and promote sustainable development.

Other matters

16. My attention has been drawn to a recent planning application for a single residential dwelling that was granted outline planning permission on the south side of Shrewsbury Road, Cressage (14/01895/OUT) and an appeal decision (APP/L3245/W/15/3029727) for five pairs of semi-detached dwellings on land adjacent to Ash Grove, Wem. Both of these cases refer to residential development outside of development boundaries. However the planning application report for the proposal on Shrewsbury Road states that the site is on the outskirts of the village of Cressage, and is supported by a pavement extension. The appeal decision letter recognised that windfall development on both brownfield and sustainable greenfield sites are important in order to meet the CS housing requirement. Nonetheless, the Ash Grove scheme is for a larger scale development than the appeal proposal, and I note that the previous Inspector concluded that it would not be isolated from the neighbouring development or town as there would be an almost continuous line of development between the appeal site and the centre of Wem. Accordingly the circumstances in these cases are not directly comparable to those which apply in the appeal. I have, in any case, determined the appeal on its own merits.
17. The appellant is also dissatisfied with the Council in regards to delays in the submission of appeal documents. However, I confirm that in this respect, I have only had regard to the planning merits of the appeal proposal that is before me.
18. For the reasons given above, the appeal is therefore dismissed.

Mark Caine

INSPECTOR

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