



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

Date: Monday, 26 September 2016

Committee:
North Planning Committee

Date: Tuesday, 4 October 2016

Time: 2.00 pm

Venue: Shrewsbury/Oswestry 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

Arthur Walpole (Chairman)
Paul Wynn (Vice Chairman)
Joyce Barrow
John Cadwallader
Gerald Dakin
Steve Davenport
Pauline Dee
Roger Hughes
Vince Hunt
David Lloyd
Peggy Mullock

Substitute Members of the Committee

Nicholas Bardsley
Karen Calder
Steve Charmley
Peter Cherrington
Andrew Davies
Ann Hartley
Simon Jones
Brian Williams
Thomas Biggins
Vacancy

Your Committee Officer is:

Emily Marshall Committee Officer

Tel: 01743 257717

Email: emily.marshall@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 North Planning Committee held on 6th September 2016, attached, marked 2.

Contact: Emily Marshall on 01743 257717

3 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 29th September 2016.

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 Land At O.S.7882 And 7968, Adderley Road, Market Drayton, Shropshire (16/01821/FUL) (Pages 7 - 32)

Erection of two agricultural buildings, feed bins and hardstanding for pig rearing enterprise to include new highway access.

6 Land At O.S.7882 And 7968, Adderley Road, Market Drayton, Shropshire (16/01822/OUT) (Pages 33 - 48)

Outline planning permission for a temporary agricultural workers dwelling with all matters reserved (Amended Description).

7 Appeals and Appeal Decisions (Pages 49 - 100)

8 Date of the Next Meeting

To note that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday 1st November 2016 in the Shrewsbury Room, Shirehall, Shrewsbury.



Committee and Date

North Planning Committee

4th October 2016

NORTH PLANNING COMMITTEE

Minutes of the meeting held on 6 September 2016

In the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

2.00 - 4.42 pm

Responsible Officer: Emily Marshall

Email: emily.marshall@shropshire.gov.uk Tel: 01743 257717

Present

Councillor Arthur Walpole (Chairman)

Councillors Paul Wynn (Vice Chairman), Joyce Barrow, John Cadwallader, Steve Davenport, Pauline Dee, Roger Hughes, Vince Hunt, David Lloyd and Peggy Mullock

25 Apologies for Absence

An apology for absence was received from Councillor Gerald Dakin.

26 Minutes

RESOLVED:

That the Minutes of the meeting of the North Planning Committee held on 12th July 2016 be approved as a correct record and signed by the Chairman.

27 Public Question Time

There were no public questions or petitions received.

28 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.

Councillor Paul Wynn declared his interest in relation to planning application 15/02839/FUL, construction of anaerobic digester, Storage Hangar, Wem Road, Shawbury, due to perception of bias. Councillor Wynn stated that he would withdraw from the meeting during consideration of the application.

29 Storage Hangar, Wem Road, Shawbury, Shrewsbury, Shropshire (15/02839/FUL)

In accordance with his declaration at Minute 28 Councillor Paul Wynn left the room during consideration of this application.

The Principal Planning Officer introduced the application for the construction of an anaerobic digester facility comprising Digester, lagoon, technical building, storage tanks and flare stack and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area. Members' attention was drawn to the information contained within the Schedule of Additional letters. Representations from the Ministry of Defence recommending additional conditions were also circulated to the Committee.

The Principal Planning Officer responded to concerns expressed in relation to the attractiveness of the site to wild birds, explaining that the additional measures suggested by the Ministry of Defence were achievable and would address the concerns expressed by RAF Shawbury in relation to the potential for bird strike.

Having considered the submitted plans the majority of members expressed their support for the proposal.

RESOLVED:

That planning permission be granted in accordance with the officer's recommendation, subject to:

- The conditions set out in Appendix 1;
- A Section 106 Legal Agreement requiring site traffic to avoid Wem Town Centre; and
- Additional conditions recommended by the Ministry of Defence to reduce the attractiveness of the site to wild birds to include covering the lagoon (wording of conditions to be delegated to the Area Planning Manager)

**30 Warrant Road, Stoke Heath, Market Drayton, Shropshire, TF9 2JJ
(16/01575/FUL)**

The Technical Specialist Planning Officer introduced the application for the change of use from potato plant to a materials recovery facility; erection of soundproof fencing and a nine bay storage area and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area. Members' attention was drawn to the information contained within the Schedule of Additional letters.

Mrs Eley on behalf of local residents spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Peter Waters on behalf of Stoke on Tern Parish Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with Rule 6.1 of the Council Procedure Rules contained in Part 4 of Shropshire Council's Constitution, Councillor Karen Calder addressed the Committee

as the local ward Councillor, during which a number of points were raised including the following:

- What was the definition of occasional external crushing operations, as referred to in paragraph 6.4.9 of the report;
- Whether the vehicles used on site would have reverse warning alarms;
- What arrangements would be in place for asbestos deliveries;
- The previous item on the agenda had a procedure in place for dealing with complaints relating to operations at the site.
- She had no objection to the principle of the development but felt that the proposed development was in the wrong location given its close proximity to residential properties and was contrary to Core Strategy Policy CS6.

Ms Mandy Stoker, Agent on behalf of the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

The Technical Specialist Planning Officer responded to the points raised by the local member. It was explained that there were no further details as to the frequency of the external crushing operations, however there was a condition recommended to control the time crushing could take place and also the requirement to erect acoustic fencing and that crushing should take place in the area furthest from residential dwellings. With regards to asbestos control, this was covered within the Environmental Permit. In response to questions relating to the retail aspect of the proposal, the Technical Specialist Planning Officer explained that the primary use of the site was for recycling and a condition was proposed to require that retail would form only an ancillary part of operations at the site.

Having considered the submitted plans and listened to the comments made by all of the speakers, the majority of Members were supportive of the application but having heard the concerns of local residents, the parish council and given the close proximity to residential dwellings further conditions, particularly in relation to external crushing, were required to ensure the amenity of local residents was protected.

RESOLVED:

That planning permission be granted in accordance with the officer's recommendation, subject to:

- The conditions set out in Appendix 1, as amended below;
- An additional condition to prevent any external crushing until a scheme for managing external crushing operations has been submitted to and approved by the local planning authority. The scheme shall include provision for a trial period of external crushing during which time noise monitoring will be undertaken to the satisfaction of the local planning authority;
- An amendment to Condition 14 to reduce the time that external crushing is permitted to 10:00 – 16:00 Monday to Friday, with no external crushing to take place on Saturday.
- a condition to require the submission for approval and implementation of a procedure for dealing with any amenity complaints relating to site operations;

- A condition requiring submission of information for approval confirming the details location and access for the ancillary retail aspect of the operation
- (wording of the conditions to be delegated to the Area Planning Manager)

31 Land South West Of Leondari Manor, Station Road, Hadnall, Shropshire - (15/05450/REM)

The Principal Planning Officer introduced the application for the approval of reserved matters (layout, scale, appearance and landscaping) pursuant to 14/03159/OUT for the erection of a dwelling.

Councillor John Harrison on behalf of Hadnall Parish Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Having considered the submitted plans and listened to the comments made by all of the speakers, Members unanimously expressed their support for the officer's recommendation.

RESOLVED:

That planning permission be granted in accordance with the officer's recommendation, subject to the conditions set out in Appendix 1.

32 Proposed Residential Development Land South Of Chester Road, Whitchurch, Shropshire - (15/05047/REM)

The Principal Planning Officer introduced the reserved matters application pursuant to 14/02222/OUT for the erection of 52 no. dwellings to include appearance, landscaping, layout and scale. Members' attention was drawn to the information contained within the Schedule of Additional letters which contained details of proposed amendments to conditions.

The Chairman explained that the local ward councillor, Councillor Thomas Biggins was unable to attend the Committee to speak, however a letter of representation from Councillor Biggins had been circulated to Members of the Committee.

A letter of response from the Agent for the applicant had also been circulated to the Committee. Members confirmed that they had read the contents of both letters.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Peggy Mullock as local ward councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. During their statement, the following points were raised:

- She was concerned at the loss of greenspace provision;
- The site was cramped and overdeveloped; and
- Requested that discussions with Whitchurch Town Council take place regarding how the financial contribution should be implemented.

Having considered the submitted plans and listened to the comments made by all of the speakers, members unanimously expressed their support for the officer's recommendations.

RESOLVED:

That delegated powers be given to the Area Planning Manager to grant planning permission subject to;

- The resolution of drainage matters;
- The conditions set out in Appendix 1;
- An amendment to condition 2 and the deletion of condition 3 as detailed in the Schedule of Additional Letters; and
- An additional condition in relation to the hours of construction.

33 Residential Development Land Adj Willow Bank, Hengoed, Shropshire - (16/02005/VAR)

The Principal Planning Officer introduced the application for the removal of Condition 1 (approved site/block plans) pursuant to 15/04481/REM to allow for an amendment to affordable housing provision.

Councillor Robert Macey, on behalf of Selattyn and Gobowen Parish Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with Rule 6.1 of the Council Procedure Rules contained in Part 4 of Shropshire Council's Constitution, Councillor Robert Macey addressed the Committee as the local ward Councillor, during which a number of points were raised including the following:

- Questioned whether if the site was considered as an exception site would the Committee find the proposals presented before members acceptable; and
- The CIL payment would not deliver on the ground;

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor David Lloyd, as local ward councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. During their statement, the following points were raised:

- Background information was provided;
- The Parish Council only supported the sites inclusion in SAMdev on the basis of the affordable housing provision;
- Affordable housing was needed within the area; and
- The variation was significantly different to what had been originally agreed.

Additional information submitted by the agent, on behalf of the applicant was read to the Committee.

Members considered the submitted plans, noted the comments of all speakers
Members were concerned that the variation did not comply with the original planning
decision and on the Chairman’s casting vote it was:

RESOLVED:

Members were minded to refuse Planning Permission against the Officer’s
recommendation. The Committee felt that the proposed variation did not comply with
the original planning decision.

A further report, on reasons for refusal would be considered at a future meeting of
this Committee, in accordance with Shropshire Council’s Constitution.

34 Appeals and Appeal Decisions

The Committee thanked all of the officers involved in the appeal for their work.

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the northern area be noted.

35 Date of the Next Meeting

It was noted that the next meeting of the North Planning Committee would be held at
2.00 p.m. on Tuesday 4th October 2016 in the Shrewsbury/Oswestry Room,
Shirehall, Shrewsbury.

Signed (Chairman)

Date:



Committee and Date
 North Planning Committee
 4th October 2016

Item
5
 Public

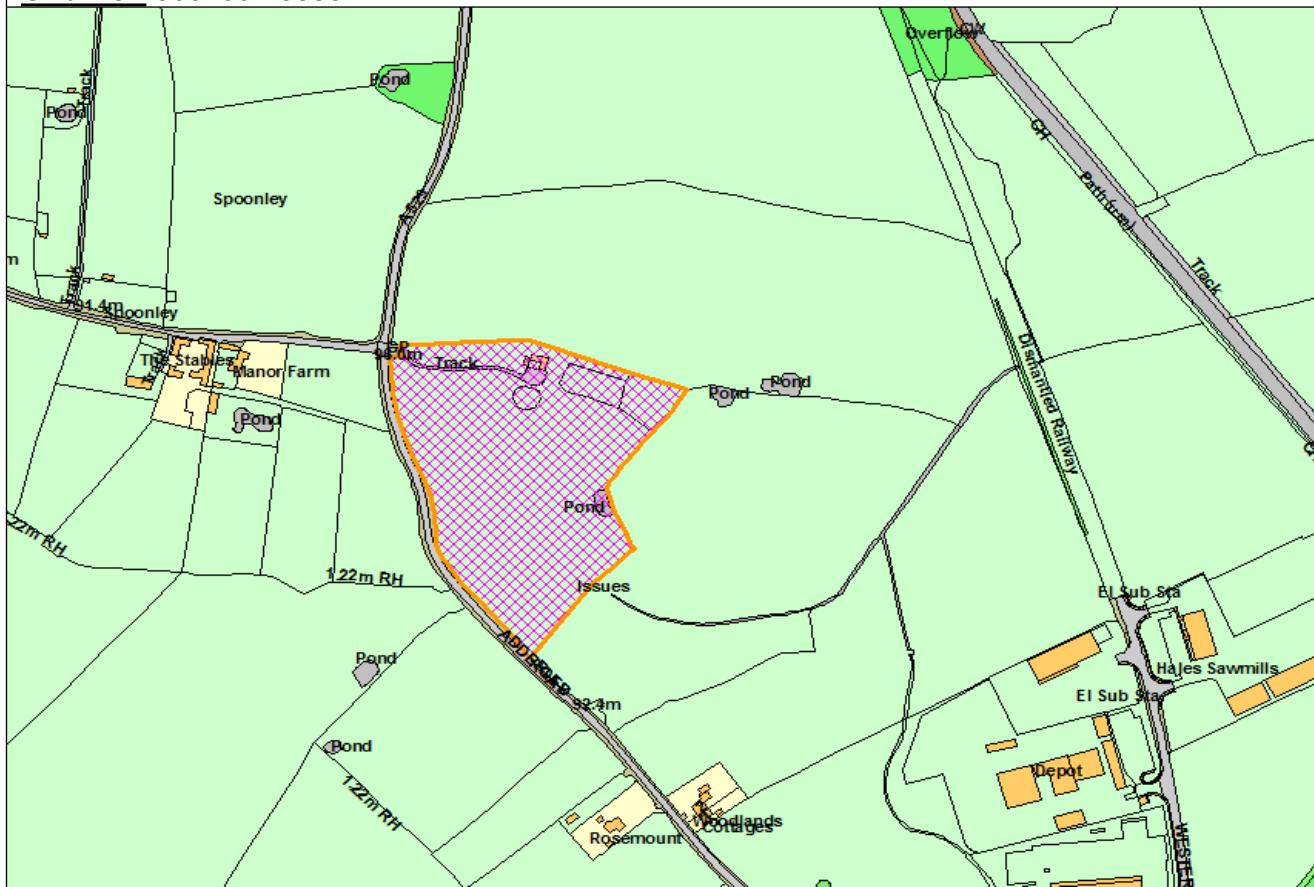
Development Management Report

Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 16/01821/FUL	Parish:	Adderley
Proposal: Erection of two agricultural buildings, feed bins and hardstanding for pig rearing enterprise to include new highway access		
Site Address: Land At O.S.7882 And 7968 Adderley Road Market Drayton Shropshire		
Applicant: Mr L Gilbert		
Case Officer: Richard Denison		email: planningdmne@shropshire.gov.uk

Grid Ref: 366760 - 335841



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Recommendation:- Granted subject to the conditions set out in Appendix 1.**REPORT****1.0 THE PROPOSAL**

- 1.1 This application relates to the erection of two agricultural buildings with associated feed bins to provide a contract pig rearing enterprise approximately 1km north of Market Drayton adjacent to the main A529. The proposed buildings measure 15.2 metres wide by 61 metres long with a ridge height of 6.6 metres and will each include a feed bin 7 metres tall. The application will also include the construction of a new vehicular access and driveway, together with a detailed structural landscaping scheme including an attenuation pond for surface water drainage.
- 1.2 The applicant is seeking to establish a new farming business in the Shropshire countryside and has been offered a contract to rear pigs for supply to Stockcroft Ltd, The contract requires that the applicant rears pigs in batches of 1,980. The pigs will be delivered to site as 28 day old weaned piglets at about 7kg and will be removed from the site from week 15 over a five week period in batches of 400 based on a finished weight of 110kgs. Once the final batch are removed the site will be cleaned and disinfected prior to the delivery of the next batch. On this basis the enterprise will rear 2.2 batches per year which includes the necessary time for thorough cleaning and washing of the building and surrounding hardstanding. The cleanliness of the site is critical to maintain bio-security for the health and welfare of the pigs and ensures the site is returned to a newly built state every 23-24 weeks.
- 1.3 The applicant has grown up in the local area and has worked on farms during his childhood and teens and is now seeking to set up his own farming enterprise (L G Farms Ltd). The applicant has managed to secure a 5 year contract with Stockcroft who works with over 80 farmers to contract finish pigs. Stockcroft owns the pigs and pays for the feed, haulage, vet bills and provides field staff to offer technical assistance. The applicant will provide the buildings, labour, equipment and straw to raise the pigs before they are processed through the Tulip abattoirs which supplies outdoor bred pork to major retailers. Stockcroft pays the farmer to raise the pigs on a daily rate in the farmers own buildings and each month farmers receive an income.
- 1.4 This is a new farming enterprise which the applicant has invested a substantial amount of money and time into establishing. The applicant has the knowledge and background to enable the business to succeed, whilst Stockcroft is one of the largest producers of outdoor bred pigs in the UK and have been operating for in excess of 20 years.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The proposed site covers an area of 4.38 hectares and lies 600 metres north of the A53 bypass and 300 metres from the edge of the Protected Employment Site for Market Drayton. The site falls within the Parish of Adderley and consists of former pasture land for horses. The proposed land is graded as '3 Good to Moderate', although not classified as excellent or very good agricultural land. The A529 road runs along the western boundary of the site and provides vehicular access to the main A53 bypass around Market Drayton. The site is enclosed with a mixture of native hedgerows and trees with a small pond located along the eastern boundary.

The nearest residential property to the proposed pig rearing buildings is Manor Farm which is located 300 metres to the west on the opposite side of the main A529 road. Rosemount and Nos.1 and 2 Woodlands Cottages are located directly to the south and are over 340 metres away and separated by adjoining farm fields and hedgerows. Springs Farm is located to the north and is 520 metres away and separated by open fields. The site currently consists of a 'U' shaped arrangement of stables, together with a portal framed storage building. A vehicular access is located towards the north west corner of the site along a dirt track to the existing buildings which are located along the northern boundary.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council have submitted a view contrary to officers based on material planning reasons which cannot reasonably be overcome by negotiation or the imposition of planning conditions. The Principal Planning Officer in consultation with the Committee Chairman and Local Member agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **Shropshire Council, Highways Development Control** - It is considered that this proposed pig rearing enterprise at this location can be acceptable in highway safety terms subject to the creation and use of the proposed new access as detailed within this planning application. It is noted that the existing access serving the site does not meet current guidance. Given the local conditions it is unlikely that the additional HGV traffic movements associated with this development will severely compromise highway safety. No objection is raised from the Highway Authority.
- 4.1.2 **Shropshire Council, Trees & Woodland Amenity Protection Officer** - Having regard to the submitted Buckland Arboriculture Ltd Phase Two Arboricultural Impact Assessment, Tree protection Plan and Method Statement this scheme will not result in the loss of amenity. No objection is raised subject to a safeguarding condition regarding the protection of tree and hedgerows being retained.
- 4.1.3 **Shropshire Council, Planning Ecologist** - Having regard to the Phase 1 Ecological Appraisal and HIS Assessment Report including the Modelling of the Dispersion and Deposition of Ammonia and Great Crested Newt Survey the proposed development will not result in any impact on wildlife or protected species subject to a number of safeguarding conditions and informatives.
- 4.1.4 **Shropshire Council, Flood & Water Management Team** - The proposed drainage details, plan and calculations should be conditioned if planning permission is recommended for approval. The proposed drainage strategy in the FRA is acceptable in principle. Drainage details, plan and calculations should be submitted for approval this is to ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner. Information on the proposed maintenance regime for any sustainable drainage system proposed should be provided, including details of who will take responsibility to ensure that the drainage system remains in good working order throughout its lifetime. This is to ensure that the drainage system remains in good working order throughout its lifetime. The

applicant should submit details and plan on how the contaminated water in the yard from spillages or cleaning of buildings will be managed/ isolated from the main surface water system. Considerations should be made: all dirty water from washing down of the buildings and yards should be collected in an appropriate sized tank. Valves should be provided in the system to prevent dirty water entering the main surface water drainage system. All dirty water collected from washing down should be collected in tankers and transported and spread on the farmlands. This is to ensure that polluted water does not enter the water table or watercourse.

- 4.1.5 **Shropshire Council, Public Protection (04/05/16)** - The odour assessment has indicated that the installation is unlikely to result in a significant odour impact on the area and therefore no objection is raised on these grounds. The noise assessment and management plans notes that worst case noise can be limited to ensure minimal impact. It is proposed by the applicant that no pig movements will take place in night time hours and therefore safeguarding conditions are proposed. It is also noted that feed deliveries can have a noise impact and this is known to be a potentially disruptive noise source. As a result safeguarding conditions are also proposed. It is noted that silencers are specified on the ventilation units and can be conditioned.
- 4.1.6 **Shropshire Council, Public Protection (20/06/16)** - Public Protection placed comments recommending a range of conditions suggested to be relevant and necessary in order to ensure that the proposed application does not have a significant detrimental impact on the amenity of the area and particularly any residential properties in the vicinity. Having considered the report once again and viewed a selection of objection comments I have not found anything which would change my opinion. In relation to noise assuming the conditions recommended are in place and adhered to I do not expect to find any significant detrimental impact from this installation. This is not stating that certain operations will not be heard but does suggest that the noise audible will not be for sufficient length of time or at a time of day that has a significant impact.

In relation to odour an odour assessment has been provided with this application. Having reviewed the document previously I have no further comments on its contents. However having noted some objections relating to odour I would like to provide further comment. One objection comment made suggests that the modelling should have included additional receptors. The receptors suggested are further away than those closest to the proposed application and therefore will be impacted less than those already taken into account. I therefore do not consider the assessment to be lacking.

Objection has been raised as to the classification of manure as moderately offensive. As noted the objection comment states this is partly down to personal preferences to odour. It is stated that the classification as moderately offensive is not appropriate and that this should be upgraded however I do not agree with this position and can confirm that pig manure is generally considered as a moderately offensive odour in a predominantly rural setting. I therefore do not consider that the odour assessment requires any further work. I conclude that odour is not likely to cause a significant detrimental impact on amenity and therefore have no objection on ground of potential odour. As above, this is not stating that residents will not detect odour from time to time. It does however suggest that odour events will not

have a significant impact on nearby residents.

Finally it is noted that a series of management methods to reduce odour and noise are specified in the document submitted with this application titled Pig Rearing Enterprise, Land At Spoonley compiled by Wharfe Rural Planning Ref: 1080/143 dated April 2016. I would recommend that a condition is placed to require the applicant to comply with all recommendations in this report. This will help to ensure that noise and odour will be carefully managed so as not to cause significant issues to those in the locality.

4.1.7 **Adderley Parish Council** - Adderley Parish Council objects to this planning application. The Council is very concerned about the increase of heavy farm traffic on this road and also turning in and out of the access as detailed in the proposal. The Council's concern is that the amount of farm traffic has been considerably underestimated on the proposal and would ask that this matter be revisited. The Council were also concerned that the access itself would not, in reality, have the sight lines that are envisaged due to the topography of the road. Further concerns are the smell and the noise of the operation itself within the locality. Both this application and 16/01822/OUT were considered together due to their integrated nature.

4.1.8 **Market Drayton Town Council** - To support this application as long as all legal and correct requirements are met.

4.2 **Public Comments Objection**

4.2.1 Seventeen letters of objection have been received raising the following concerns:-

- Animal welfare
- Human health issues from flies
- Odour
- Noise from pigs
- Pollution into water sources
- Loss of trees and hedgerow
- Pigs should not be overbred
- Increase in traffic
- No employment opportunities

4.2.2 One letter has been received from Viva! An organisation 'Campaigning for Animals, Fighting for Change' and hundred and twenty eight identical letters from members of the public raising the following objections:-

- Animal welfare
- Risk to human health
- Environmental impact
- Increase traffic
- Limited jobs for local people

4.2.3 One letter has been received from Knights Professional Services Limited on behalf of the occupiers of Manor Farm who indicated the development requires screening for an Environment Impact Assessment.

4.2.4 One letter has been received from Barbers Rural on behalf of the occupiers of

Manor Farm raising the following concerns:-

- Inaccuracy and reliability of information submitted.
- Development requires screening for an Environment Impact Assessment.
- Storage of manure and dirty water.
- Increase in vehicle movements.
- Highway safety due to restricted visibility splays.
- Inadequate noise impact assessment.

4.2.4 One letter has been received from Lufton & Associates 'Chartered Planning Consultancy' on behalf of the occupiers of Manor Farm raising the following concerns:-

- The applicant is not a farmer and does not own an agricultural holding.
- The development does not demonstrate that there are no unacceptable adverse environmental impact.
- No justification as to why the development is sustainable.
- The proposed buildings do not enhance the natural environmental or respect the distinctive or valued character.
- The proposed enterprise will detract investment to the allocated employment land adjoining Market Drayton.
- The Odour Impact Assessment does not take into account groups of houses, canal mooring points, residents in Milton Drive, Market Drayton and employment estate north of the A53.
- Pig muck is more than 'moderately offensive'.

4.2.5 One letter has been received from Turley on behalf of Greene King PLC who one The Gingerbread Man Farmhouse Inn 600 metres to the south east of the application site. Objection is raised on the following grounds:-

- Visual impact upon the open countryside
- Impact upon ecology including Great Crested Newts
- Impact upon amenity including odour
- Suitability of access

4.2.6 One letter has been received from Market Drayton Road Safety Committee who have raised objection on the grounds of the access off the A529 and the proximity to Shropshire Union Canal and the outer limits of the residential area of Market Drayton town.

4.3 **Public Comments - Support**

4.3.1 One letter of support have been received raising the following comments:-

- The road will be enhanced with improved visibility.
- Young farmers should be welcomed and encouraged into farming.
- An offer of 1,350 acres of land has been made for the manure to be spread.
- The design of the building is designed with the welfare of pigs.
- British home grown food should always be encouraged.
- Local work will be created which will bring money into the local economy.

4.3.2 One letter of support has been received from a farmer who became a place pig farmer for British Quality Pigs and has raised the following support comments:-

- Farmers take pride in the welfare and quality of their livestock.

- Significant objection is raised to pig rearing which is mainly based on old style housing which was dark and poorly ventilated.
- Modern buildings have significant daylight, ventilation, straw bedding (not slats) that enable pigs to thrive and grow in a healthy and cared for environment.
- The British Quality Pigs standard of animal welfare and management of the environment inside and out is high.
- There are many slatted farms abroad.

4.3.2 One letter of support has been received from the National Pig Association raising the following comments:-

- The National Pig Association (NPA) is the representative trade association for British commercial pig producers, is affiliated to the National Farmers Union (NFU) and represents the pig interests of NFU members who produce pigs
- The UK is only 45% self-sufficient with regards to pig meat the remaining is imported.
- The proposed development at Market Drayton is considered to be a medium sized enterprise which will conform to high welfare and management standards as dictated by an independently audited farm assurance scheme which includes quarterly additional monitoring of herd health and welfare by a veterinarian.
- In addition, as an industry we do not recognise the term ‘factory farming’. There is no accepted definition of either a ‘mega’ or ‘factory’ farm. Size or scale of farm does not dictate animal welfare; it is the treatment of the individual animal that is important. Well managed farm management practices, suitable housing, good stockmanship/animal husbandry and continuous employee training is ultimately responsible for ensuring high animal welfare standards.
- The proposed pig unit will be straw based, therefore producing farmyard manure, straw will be used in abundance on a daily basis which will help to bind ammonia and reduce any odour issues. Unfortunately all farms, regardless of their size may emit odour at certain points however this can be minimised via best practice and management protocol. Farm Yard Manure exported off the unit to fields regularly will also mitigate odour issues and is frequently used to recycle valuable nutrients which subsequently reduces reliance on imported oil based artificial fertiliser.
- In addition farmers must abide by strict legislation with regards to slurry and manure management and face significant penalties if found to be responsible for any local pollution incidents. Both odour and traffic intensity will be limited to short periods at the beginning and end of each batch of pigs; this does not differ from many other farming enterprises.
- Animal rights organisations, by their own admission, share the common objective of stopping meat eating altogether and therefore employ any approach necessary to achieve this. In their online campaigns and petitions, they may use vegan propaganda, misinformation and highly emotive and sensationalist language which is deliberately misleading. We therefore request that if you receive information relating to or have a pig planning application that is subject to animal rights activity, it is not permitted to impact on the planning process.
- Living onsite where ever possible, due to the close proximity to the livestock, always enables an increased level of animal husbandry and welfare. This also demonstrates a compelling commitment to the success of the business.
- We welcome Shropshire Council’s core strategy policies which support

agriculture and its development and contribution to the rural economy within the county, specifically strategic objective 7 and policy CS5.

- There is increasing pressure on our pig producer members and the industry as a whole from orchestrated campaigns and new residents moving into the countryside and who regard it as a place of leisure and aesthetic appeal and fail to appreciate that it is a modern working environment and the vital role that it plays both economically and in food production. Furthermore complaints frequently focused on animal welfare concerns should be dismissed immediately as this is not a planning concern.
- I would also take this opportunity to offer advice to the planning committee in that they should consider the accurate and robust information provided as per the planning process i.e. the number of extensive reports prepared by professional consultants and the local plan policies, and not misinformed opinion or blatant animal rights propaganda.

5.0 THE MAIN ISSUES

- Policy & Principle of Development
- Environmental Impact Assessment
- Design, Scale and Character
- Visual Impact
- Impact on Residential Amenity
- Highways
- Impact on Trees
- Ecology
- Drainage
- Other Matters

6.0 OFFICER APPRAISAL

6.1 Policy & Principle of Development

6.1.1 This application was subject to a detailed pre-application enquiry which indicated that the principle for a new farming enterprise in the rural area would be acceptable. However, this would be based upon a detailed application examining the layout and design, visual impact and impact on local residents, together with examining the highways implications, ecology and drainage. Whilst a detailed consultation exercise would be required with the local community, ward member and Parish Council.

6.1.2 National Guidance in policy 3 'Supporting a Prosperous Rural Economy' of the National Planning Policy Framework promotes the development of agricultural rural business. Policy CS5 'Countryside and Green Belt' of the Shropshire Core Strategy relates to development being strictly controlled in accordance with national planning policy to protect the countryside from inappropriate development. Agricultural related development would be supported subject that it does not result in an unacceptable adverse environmental impact and that the design and use of materials is appropriate to the location and does not lead to isolated and sporadic development. The pigs would be wholly housed within the building and so the building is not a structure that would be ancillary to the use of the land, however, the keeping of livestock is an activity that needs to be carried out in rural area and is an agricultural operation.

6.1.3 Policy MD7b 'General Management of Development in Country' of the recently adopted Site Allocations and Management Development (SAMDev) Plan indicates that planning applications for agricultural development will be permitted where it can be demonstrated that the development is of a size, scale and type which is consistent with its required agricultural purpose and the nature of the agricultural enterprise or business that it is intended to serve; is well designed and located; it is functionally and physically closely related to existing farm buildings; and there will be no unacceptable impacts on environmental quality and existing residential amenity.

6.1.4 Having regard to the above national and local planning policies it is acknowledged that there is policy support, in principle, for the erection of new agricultural buildings subject to satisfying other general development control criteria. With regard to the proposed pig rearing buildings it is accepted that there are no suitable buildings on the site to serve the new enterprise. Further, it is officer's opinion that the new buildings are appropriately sited adjacent to existing farm development and of an acceptable scale and design to suite their intended agricultural purpose for pig rearing.

6.2 **Environmental Impact Assessment**

6.2.1 Comments have been received indicating that the proposed development requires a screening opinion in relation to whether the development requires an Environmental Impact Assessment.

6.2.2 The development does not fall within Schedule 1 development of The Town and Country Planning (Environmental Impact Assessment) Regulations 2015. The Schedule 1 threshold in relation to the intensive rearing of pigs for when an Environmental Impact Assessment becomes mandatory is if the installation exceeds 2,000 fattening pigs. The maximum number of pigs reared in the two buildings would be 1,980 and therefore in the opinion of this Authority the proposal is not Schedule 1 EIA development.

6.2.3 Under Schedule 2 the Local Planning Authority must consider whether a proposed development would be likely to have the potential for harmful effects upon the environment by reason of matters such as its nature, size or location and whether an Environmental Impact Statement needs to be submitted prior to the determination of the application. For Schedule 2 development an Environmental Impact Assessment can still be required for intensive livestock installations if the floor area of the building(s) is over 500sqm. The proposed total floor area of the buildings is 1,858sqm (15.24m x 60.96m x 2 buildings) and therefore an assessment is required as to whether the development has a significant adverse environmental impact.

6.2.4 The selection criteria for screening Schedule 2 development is set out in Schedule 3 of the Regulations. The NPPG provides Environmental Impact Assessment Guidance which indicates that the development will require consideration whether any significant effects are likely and hence whether an assessment is required. The Council consideration is as follows:-

- a) Major Development of more than Local Importance: The proposed site would be located in open countryside in a rural farming area. It would be similar in design and appearance to the buildings in the local area and would be visually

contained within the curtilage of the site with provision of additional landscaping. It is not considered that the proposals would amount to major development which is of more than local importance.

- b) Developments in Environmentally Sensitive Locations: The site is not located within or immediately adjacent to an environmentally sensitive area as defined by Regulation 2 of the EIA Regulations and is not within or adjacent to any flood plain. The planning application has been accompanied by a full and detailed Ecological Assessment of the land surrounding the proposed development and issues relating to protected species in the local area.
- c) Development with Particularly Complex and Potentially Hazardous Effects: The proposal would not give rise to any significant increase in emissions or vehicle movements relative to the levels of local existing farming enterprises. The details supplied demonstrate that the proposal would not be a complex development or pose potentially hazardous environmental effects.

6.2.5 Under Regulation 5 of the 2015 Regulations it is determined that the development for which this screening opinion is sought does not constitute EIA development. The Council has undertaken a Screening Opinion and has confirmed that the application does not require an EIA. No statutory Environmental Statement will be required with this planning application.

6.3 **Design, Scale and Character**

6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. This is reiterated in policy MD2 of the SAMDev Plan which indicates the development should contribute and respect the locally distinctive or valued character and existing amenity value. The development should also safeguard residential and local amenity and ensure sustainable design and construction principles are incorporated within the new development.

6.3.2 Policy MD7b 'General Management of Development in the Countryside' of the SAMDev Plan indicates that agricultural development will be permitted where it is of a scale and type which is consistent with its required agricultural purpose and the nature of the agricultural enterprise that it is intended to serve. The policy also indicates that where possible it should be sited so that it is functionally and physically closely related to existing farm buildings.

6.3.3 The proposed buildings measure 15.2 metres wide by 61 metres long with an eaves height of 4.3 metres and ridge height of 6.6 metres. The buildings will be constructed with a 1 metre high concrete panel with green box profile sheeting on both gable elevations, whilst 2 metre high concrete panels will be provided on the side elevations. Above the panels on the side walls is a curtain system which rolls up and down according to the weather conditions. The interior of the buildings will be divided into 24 pens with each pen providing a dunging area which is scraped out daily and a bedded area which is topped up with fresh straw each day. Each building can accommodate 990 pigs. The roof will be constructed from fibre cement roof panels in a natural grey finish with 20 clear roof panels on each roof slope. Access into the buildings will be provided in each corner of the building with a green steel

clad door. Each building requires a feed bin to hold the feed for the pigs which will be 7 metres tall and can accommodate 16 tonnes of feed. The bins will be positioned directly adjacent to the south west facing gable elevations.

- 6.3.4 The proposed buildings will be built from materials which are characteristic and similar in appearance to modern agricultural farm buildings and will not result in the loss of any versatile agricultural land. The proposed buildings will be positioned directly adjacent to an existing portal framed building which has recently been constructed (application reference 15/04581/AGR). This building measures 15 metres wide by 31 metres deep with an eaves height of 6.1 metres and ridge height of 8.5 metres. This building is 1.9 metres taller than the two proposed pig rearing buildings and was indicated it was set back from the highway and away from residential properties. Officers considered it would be in keeping with the surrounding area and deemed not to have a visual impact on the site.
- 6.3.5 The proposed buildings will be sited towards the eastern corner of the site and positioned directly adjacent to the existing stables and modern portal framed building. The applicant does not own any other agricultural land on which the proposed buildings could be sited. Officers consider that the proposed layout, design and scale of the building would be acceptable and would not cause any detrimental impact on the character of the rural landscape.

6.4 **Visual Impact**

- 6.4.1 Objection has been received regarding the visual impact of the buildings on the rural landscape. A detailed Landscape Assessment has been carried out which has indicated that the site consists of an open field and comprises of rough semi-improved grassland which is relatively flat. There are no landscape designations within or in the immediate vicinity of the site, although the existing vegetation and mature trees to the field boundaries make a strong contribution towards the setting and visual amenity of the area. The proposed assessment covers an approximate radius of 0.75km from the proposed site and extends to Springs Farm to the north, the Shropshire Union Canal to the east, the edge of Market Drayton to the south and the small hamlet of Spoonley to the west.
- 6.4.2 The proposed site is classified as Countryside under policy CS5 of the Shropshire Core Strategy and is unaffected by any statutory ecological, heritage or landscape designation, there are no buildings in the vicinity of the site which are statutorily listed, none of the trees are listed under a Tree Preservation Order and there are no public rights of way or public access to this site. The nearest public footpath runs parallel with the western boundary over 700 metres away.
- 6.4.3 The Landscape Assessment has undertaken a detailed assessment of the potential views from public vantage points and neighbouring properties and considered the sensitivity of the view.
- 6.4.4 A view of the site will be achieved from Manor Farm which is located 100 metres from the site boundary to the west on the opposite side of the main A529 and 300 metres from the proposed pig rearing buildings. This property has two windows at ground, first and second floor. The views from the ground floor will be limited due to the existing intervening boundary hedgerows. It is acknowledged that views of the upper section/roofs of these buildings will be visible from the first and second floor

windows. However, these will be viewed in context with the existing steel portal frame building on the site and the large buildings beyond this on the industrial estate (approximately 700 metres away) on the edge of Market Drayton. The magnitude of the change has been assessed as low. The proposed buildings are typical of modern agricultural buildings and will be set within an agricultural landscape.

- 6.4.5 Views have been assessed from the properties to the south of the site which are some 340 metres away from the proposed pig rearing buildings. Rosemount is the most likely of these properties to be visually affected by the proposed development which has a number of side windows orientated north towards the site. The views at ground and first floor level will be filtered by the properties own boundary hedge and garden (including a number of poplar trees) as well as the site boundary and intervening hedgerows. The upper section/roofs of the proposed buildings will be partially visible, although these are also seen in context with the existing taller portal framed building.
- 6.4.6 Views from the A529 of the upper section/roof of the pig rear buildings will be partially visible as glimpsed views. Therefore, in relation to passing traffic it is considered that the speed and nature of the views are short lived and the proposed development will have no special significance.
- 6.4.7 The proposed application includes a detailed landscape mitigation plan which includes the retention and management of the site boundary trees, together with allowing the existing hedgerow on the eastern site boundary directly adjacent to the buildings to grow its height to reach the eaves level of the building (4.3 metres). Two contoured earth bunds will be provided which will be landscaped to the west and south west of the proposed buildings. These will be to a maximum height of 2 metres and will help to reduce the scale and mitigate visual impact. The existing access will be closed up with a hedgerow and the north west corner of the site will be planted with a woodland buffer. The new realigned hedgerow adjacent to the proposed new access will be planted up with native species, whilst a row of trees will be planted along the access driveway leading up to the proposed buildings.
- 6.4.8 In terms of layout and visual impact it is not considered that the proposed buildings will cause any significant harm to the locality. They are of a functional size, design and appearance which reflects modern agricultural buildings in the countryside and will be sited adjacent the existing buildings on the site. Therefore, having regard to their layout, scale, design and limited height (6.6 metres high to the ridge) it is not considered they will appear unduly obtrusive in the landscape. Furthermore, their visual impact can be mitigated against with appropriate landscaping, secured through a planning condition attached to any approval issued.
- 6.5 **Impact on Residential Amenity**
- 6.5.1 Policy CS5 'Countryside and Green Belt' of the Shropshire Core Strategy indicates that agricultural development for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts. Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. Policy MD7b 'General Management of Development in the Countryside' indicates that the changing needs and effects of agricultural and other related businesses in the countryside are a particular local issue, in particular the impacts of

large scale agricultural buildings. General sustainable design criteria and development management considerations are as relevant to this type of development as other proposals in the countryside and the Plan seeks to balance the needs of the countryside as a working environment with its role as a place to live and enjoy. The policy also indicates that where appropriate, planning conditions can be attached to a permission to control the quality of the development and to ensure the scheme incorporates appropriate agreed mitigation measures such as coloured external cladding, landscaping and waste management.

Odour

- 6.5.2 Local objection has been received in relation to odour from the site which will impact on the residential amenity of neighbouring properties. A detailed Odour Dispersion Modelling Study has been undertaken to assess the impact of odour emissions from the proposed pig rearing buildings. Odour is grouped into three categories 'Most Offensive', 'Moderately Offensive' and 'Less Offensive'. Intensive livestock rearing is classified as moderately offensive.
- 6.5.3 Odour emission rates from pig buildings depend on many factors and are highly variable. At the beginning of a growth cycle then the pigs are smaller litter/flooring is clean and only minimum ventilation is required and the odour rate is small. Towards the end of the growth cycle odour production with the pig building will increase, the pigs are larger and ventilation requirements are greater. Therefore, emission rates are greater. Odour emission rates are likely to occur when the building is cleared of manure and spent litter and/or stored slurry is removed. In relation to the scale of this building the time taken to perform such clearing and removal is usually less than an hour and there is usually discretion as to when this operation can be carried out i.e. to coincide with winds blowing in a favourable direction. The wind pro-dominantly blows in a south westerly direction across open fields away from residential properties.
- 6.5.4 Odour concentration is expressed in terms of European Odour Units per metre cubed of air (ou_E/m^3). $1.0\ ou_E/m^3$ is defined as the limit of detection in laboratory conditions, at 2.0 to $3.0\ ou_E/m^3$ is defined as an odour which will usually be recognisable but would be described as faint, whilst $10.0\ ou_E/m^3$ would be describe the intensity of an odour as moderate or strong if persistent. At below $5.0\ ou_E/m^3$ complaints are relatively rare. The odour study has modelled the proposed rates at 23 locations surrounding the site with the highest level being at Manor Farm at $1.72\ ou_E/m^3$. The Environment Agency has published Odour Management Guidance and indicated a benchmark for odour levels. For moderately offensive odours such as the proposed pig rearing enterprise the level is set at $3.0\ ou_E/m^3$. The proposed development will comply with the Environment Agency guidance and the Council Public Protection Team consider that the proposed development will not lead to any adverse odour issues.

Manure Storage

- 6.5.5 Concerns have been raised regarding the storage of manure. The agent has indicated that in order to achieve the higher welfare status manure must be removed from the pig rearing buildings on a daily basis and will include a high percentage of straw bedding. The manure will be scraped to the northern end of the building onto a concrete manure pad. The pad is enclosed by a catchment drain and sealed tank to collect any dirty water from the pad. The tank will be emptied regularly to Nitrate

Vulnerable Zone guidelines. All manure produced from the sheds will be used as natural fertiliser on agricultural land in the local area. The manure will be managed in accordance with the Manure Management Plan submitted with this application. It is proposed that no pig manure will be spread on the application site which would conflict with the straw swap arrangement and due to the relatively small area of the application site would be very limited to receive manure. It is the intention of the enterprise to establish a 'straw swap' arrangement with an arable farmer whereby straw is delivered to the site and the farm yard manure removed from the site. The manure will be removed on a weekly basis and transported away from the site for field heap storage prior to the spreading to land. The third party storing and spreading of the manure will be subject to the same statutory legislation and codes of practice.

- 6.5.6 For planning purposes officers are therefore satisfied that the applicant has demonstrated that adequate measures will be in place for dealing with waste disposal from the proposed pig rear buildings. Full compliance with the Nitrate Vulnerable Zone Regulations is separate legislation enforced by the Environment Agency and it is not the role of the Local Planning Authority to duplicate other legislative controls.

Noise

- 6.5.7 Local objection has been received in relation to noise from the site which neighbours consider will have a negative impact on the residential amenity of neighbouring properties and that an inadequate noise assessment has been undertaken.
- 6.5.8 A detailed Noise Impact Assessment has been submitted by a qualified specialist noise consultant to determine the noise impact of the proposed pig rearing enterprise on the local environment. Background noise levels were recorded over a 24 hour period at the position of the proposed temporary dwelling which indicated a level of 31dB. To calculate the predicted change in the noise environment measurements were recorded at a similar pig rearing facility in the local area (Bradley Farm, Market Drayton) to provide an accurate representation of the noise from the pigs within the proposed building. The noise of the pigs was combined with the noise from the three ridge fans and HGV's accessing the site to produce a noise map which visualises the impact of the noise sources on the local area.
- 6.5.9 The report indicates that the proposed noise level from the pig rearing buildings itself will only marginally be increased to 32dB at the point of the proposed temporary dwelling. However, the greatest noise source is from HGV's accessing the site and these are forecast at less than three per week on average. Although the agent has indicated that because of the noise level of these vehicles it is proposed to restrict the times they access the site to 08:00hrs to 18:00hrs Monday to Friday. The proposed temporary dwelling is predicted to be subject to noise level of 34dB.
- 6.5.10 Having regard to the proposed noise levels and the distance away of neighbouring properties the proposed development will not have a significant adverse impact on the local amenity in terms of noise. However, notwithstanding this conclusion a Noise Management Plan has been submitted with the application to provide reassurance that the unit will be operated to a high standard and all reasonable measures taken to ensure that the risk of noise emissions are minimised.

6.5.11 Sources of increase in noise can arise when pigs become hungry, although all the pigs will have access to food continuously and there will be no set feeding times. Noise can also arise from the delivery of feed by HGV's and the blower units which feed the silos. However, delivery times are going to be restricted and vehicles are now fitted with low noise blower units. The unloading and loading of pigs can act as a potential noise source, although pigs are only moved during the day to minimise disturbance. Ventilation fans from the roofs can cause noise disturbance if not regularly maintained and cleaned and will be fitted with variable speeds with automatic controls.

6.5.12 The Public Protection Team has assessed the submitted reports and management plan and indicate that the proposed development will not have a significant detrimental impact on the amenity of the area or any residential properties.

6.6 Highways

6.6.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that proposals likely to generate significant levels of traffic should be located in accessible locations where there are opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. This policy also indicates that development should be designed to be safe and accessible to all.

6.6.2 Objection has been received from local residents and the Parish Council regarding the increase in traffic and concerns regarding the restricted visibility from the proposed new access.

6.6.3 The proposed site is currently served from Adderley Road (the A529) which has a national speed limit of 60mph and is only 600 metres away from the main A53 bypass around Market Drayton. The existing vehicular access serves a stable and agricultural building and has restricted visibility in both directions due to the existing boundary hedgerows and the alignment of the road. The proposed development provides a new vehicular access approximately 180 metres further to the south. The national 'Transport Data Collection' has indicated that traffic along the road operates below the national limit with north bound traffic being at 45.8mph and the south bound traffic being at 43mph (this is based on a 7 day average 85th percentile operating speed). Based on the speed survey the Design Manual for Roads and Bridges indicates that the proposed access will require visibility splays of 120 metres in a southward direction and 130 metres in a northward direction. To achieve this part of the existing boundary hedgerow will need to be realigned with the provision of a grass verge.

6.6.4 The proposed entrance will provide wide splays to a maximum width of 26 metres which narrows to 10 metres at the point of the realigned hedgerow and continues to narrow for over 30 metres into the site until the driveway is provided at 3.5 metres wide. This large entrance will allow two HGV to pass one another clear of the highway should a vehicle leave and enter at the same time. The Highways Authority have raised no objection to the proposed new access and visibility splays subject to safeguarding conditions regarding the construction of the new access; proposed visibility splays; parking and turning area being laid out prior to the pig rearing unit being occupied; and any entrance gates to be set back 15 metres from the highway edge.

- 6.6.5 A detailed Transport Statement has been submitted which has provided a breakdown of the proposed vehicle movements which include piglet delivery, feed delivery, finished pig removal, fallen stock removal, straw delivery, ancillary visits and domestic use. The piglet delivery/removal and feed delivery is undertaken by HGV's, whilst fallen stock are removed by a lorry and straw delivery will be by tractor and trailer. All other movements will be by car. The proposed development trips are as follows:-

ACTIVITY	VEHICLE	FREQUENCY
Piglet Delivery	2 x HGV	Once per batch
Feed Delivery	1 x HGV	Once per week
Finished Pig Removal	2 x HGV	2 per week (Week 15-19)
Fallen Stock Removal	1 x Lorry	Once per week
Straw Delivery	1 x Tractor & Trailer	Once per batch
Ancillary Visits	1 x Car	Once per week
Domestic	1 x Car	Two per day average

- 6.6.6 The Transport Statement has calculated the vehicle movements based per batch which is approximately a 24 week period. It indicates that there would be approximately 416 movements during the 24 week period (which includes 336 domestic trips) which would on average equate to 2.47 movements per day. The traffic survey which was undertaken on the A529 indicated an average of two-way flow of 2,500 vehicles per day. The Highways Authority considers that an increase of less than 3 additional movements would have little or no discernible impact on the local highway network.
- 6.6.7 The proposed access will provide a safe entry and exit for all sizes of vehicles associated with the proposed use and the Transport Statement indicates that the development will not cause any material harm to highway safety.

6.7 Impact on Trees

- 6.7.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development should protect and enhance the local natural environment. Objection has been received from local residents regarding the loss of trees and the roadside hedgerow. A detailed Phase 2 Arboricultural Impact Assessment has been undertaken to assess all of the existing trees and hedgerows on site, together with providing a detailed maintenance schedule and mitigation measures. It is noted that none of the trees are protected by a Tree Preservation Order and the site is not within a Conservation Area. It has been indicated that there are three trees along the roadside frontage which require maintenance to ensure safety on the A529 and to ensure a continual corridor of habitat provided by the hedgerows. There is an over mature Oak tree towards the northern corner of the site which is in a failing state with imminent loss, although the replanting of standard oaks in the existing gaps along the roadside hedgerow will provide increased amenity value.
- 6.7.2 The proposed access will require the realignment of a 78 metre section of hedgerow to provide the necessary visibility splays for emerging vehicles. This loss is mitigated by the planting of a new section of native hedgerow (including a mix of Hawthorne

and Blackthorn) either side of the entrance, whilst any gaps along the hedgerow will be filled in. The exiting access to wards the northern corner of the site will be replaced with a native hedgerow.

6.7.3 The Trees & Woodland Amenity Protection Officer has indicated that the Arboricultural Impact Assessment, Tree Protection Plan and Method Statement for this scheme indicates that the proposed development will not result in the loss of amenity. No objection is raised subject to a safeguarding condition regarding all trees and hedgerows being retained in accordance with the Tree Protection Plan and all work highlighted to be carried out in accordance with the Method Statement.

6.8 Ecology

6.8.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development will identify, protect, expand and connect Shropshire's environmental assets to create a multifunctional network and natural and historic resources. This will be achieved by ensuring that all development protects and enhances the diversity, high quality and local character of the natural environment and does not adversely affect the ecological value of the assets, their immediate surroundings or their connecting corridors. This is reiterated in national planning guidance in policy 11 'Conserving and Enhancing the Natural Environment' of the National Planning Policy Framework. This indicates that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible.

6.8.2 Local objection has been received regarding that impact on ecology and in particular Great Crested Newts. The application has been accompanied by a Phase 1 Ecological Appraisal and an Amphibian Habitats Suitability Assessment of Ponds, together with a Great Crested Newt Survey and an assessment of the Potential Impact on Great Crested Newts and Pond Appraisal.

6.8.3 Four ponds have been identified within 250 metres of the site, including the one pond on site. Although other ponds are present on the opposite side of the A529 these have been discounted as the main road would provide a barrier to newt movement. Out of the four ponds assessed only one pond scored 'Average' under the Habitat Suitability Index criteria which triggered the requirement for a Great Crested Newt Survey. The three remaining ponds all scored 'Below Average' so a full survey was not required for these. The surveyed pond is located directly to the east over 65 metres from the site boundary and is a relatively deep pond and is shaded along most of its banks and supported limited aquatic vegetation. Two night time surveys were undertaken in May 2016, although no Great Crested Newts were recorded. The pond is not considered to be the optimal Great Crested Newt habitat mainly due to the lack of egg laying material.

6.8.4 The Council is aware that a Great Crested Newt mitigation complex does exist approximately 300 metres to the east of the site and was created for the Sawmills development off Weston Way in 2013 (under application reference 12/01321/FUL) and is more favourable than that surveyed. The proposed site offers limited terrestrial habitat for Great Crested Newts and will involve the loss of short grassland with no significant loss of hedgerows on field boundaries. The Planning Ecologist has raised no objection to the development on grounds of impact on Great

Crested Newts and a European Protected Species Licence is not required. However, given the proximity of a Great Crested Newt mitigation complex it is recommended that Reasonable Avoidance Measures are implemented during the construction period and is conditioned accordingly.

- 6.8.5 The Planning Ecologist has indicated that pig units have the potential to impact upon designated sites within the wider environment via production of aerial emissions of ammonia and deposition of acid and nitrogen. Potential impacts upon and locally designated sites within 2km, nationally designated sites within 5km and European designated site within 10km would need to be assessed. A detailed report on the Modelling of the Dispersion and Deposition of Ammonia has been submitted indicating that there is one Local Wildlife Site and two candidate Local Wildlife Sites within 2km of the site. The ammonia emissions rates from the proposed piggeries has been assessed and quantified based upon figures obtained from the Inventory of Ammonia Emissions from UK Agriculture 2009 and 2012 and the Environment Agency standard ammonia emission factors. The ammonia emission rates have been used as inputs to an atmospheric dispersions model which calculates ammonia exposure levels in the surrounding area. The predicted maximum annual mean ammonia concentrations at the nearby local wildlife sites are below the relevant Environment Agency lower threshold percentage. No objection has been raised by the Planning Ecologist and no further details are required.
- 6.8.6 The Phase 1 Ecological Appraisal indicated that all trees around the site boundaries were subject to survey and assessed for their bat roost potential. A large oak tree at the exiting site entrance was the only tree assessed as having bat roost potential due to the recorded cracks and holes on the main trunk. This tree will not be lost and is located sufficiently far enough away from potential disturbance sources that risk to bats are negligible. It is considered that the impact on the local bat population is low. The Planning Ecologist has raised no concerns and has recommended a condition regarding external lighting to be agreed to minimise any disturbance to bats.
- 6.9 **Drainage**
- 6.9.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity.
- 6.9.2 A detailed Flood Risk Assessment and Surface Water Drainage Strategy has been submitted. The proposed site is located within Flood Zone 1 with an annual probability of flooding of 1 in 1000 years (0.1% chance) and therefore the site is classified as 'very low' for the probability of flooding. However, the Environment Agency 'Risks of Flooding from Surface Water' mapping has indicated that there is a high risk (greater than 1 in 30) of surface water flooding to two small areas close to the northern and eastern boundaries of the site with a medium risk (between 1 in 100 and 1 in 30) affecting a very small area in the centre of the site. The flood risk highlighted in the eastern area is attributed and confined to the existing pond. Surface water flooding can be difficult to predict and occurs when rainwater does not drain through the 'normal' drainage systems or soaks into the ground but lies on or flows over ground instead. The localised areas of surface water flooding are likely to be as a result of low spots and the low infiltration potential of the site geology. The proposed layout of the buildings, hard surface or access are not affected by the

surface water flooding area.

- 6.9.3 A detailed site drainage and hydrology assessment has been undertaken as part of the Surface Water Drainage Strategy and consideration for a sustainable drainage system for the development has been considered. Infiltration into the ground for the disposal of surface water is the preferred choice, although percolation tests are required to calculate the soils infiltration potential. The British Geological Survey indicates that it would be unlikely that infiltration would be appropriate at this site and this is supported by the 'Soilscapes Mapping' which indicates the soil is seasonal wet and clayey which would impede drainage. It is considered that soakaways will not be a viable means of dealing with surface water run-off and therefore the surface water should be directed to a watercourse.
- 6.9.4 The proposed clean surface water from the proposed buildings will be diverted into a grassed detention basin, whilst surface water from the hardstanding to the front of the building will pass through an oil interceptor. The detention basin is designed to accommodate peak storm events and then release the water at a controlled flow into an existing pond once the storm has passed and then into the local ditch. The proposed access driveway will be constructed to provide surface water run-off to the grass land field to either side. The Flood and Water Management Team have raised no objection to this proposed method of surface water drainage subject to safeguarding conditions.
- 6.9.5 The proposed foul drainage from the proposed pig building will drainage into a sealed underground tank which will collect dirty water from the washout at the end of each pen and any dirty water arising from the manure pad. The tank will be constructed to the relevant British Standard to prevent leakage and will be periodically emptied by vacuum tanker to an offsite location to be dealt with in an effective and sustainable manner.
- 6.10 **Other Matters**
- 6.10.1 A significant level of objection has been received from a national organisation called Viva! Who 'Campaigning for Animals, Fighting for Change' regarding the animal welfare for the pigs. The Welfare of Farmed Animals (England) Regulations 2000 (S.I. 2000 No. 1870), Regulation 3 (1), states that owners and keepers of animals shall take all reasonable steps to ensure the welfare of the animals under their care; and to ensure that the animals are not caused any unnecessary pain, suffering or injury. Animals are required to have freedom from hunger and thirst by ready access to fresh water and a diet to maintain full health and vigour; Freedom from discomfort by providing an appropriate environment including shelter and a comfortable resting area; Freedom from pain injury or disease by prevention or by rapid diagnosis and treatment; Freedom to express most normal behaviour by providing sufficient space, proper facilities and company of the animals' own kind; Freedom from fear and distress by ensuring conditions and treatment to avoid mental suffering. The applicant is required to abide by these National welfare standards. British UK farmers take pride in the welfare and quality of their livestock and a significant level of objection is raised to pig rearing which is mainly based on old style housing which was dark and poorly ventilated. Modern buildings have significant daylight, ventilation, straw bedding (not slats) that enable pigs to thrive and grow in a healthy and cared for environment. The British Quality Pigs standard of animal welfare and management of the environment inside and out is high.

- 6.10.2 Concerns have been raised from local residents that the proposed development will not provide employment and there will be limited job opportunities. However, modern farming enterprises are not as labour intensive as they once were. The proposed development will provide employment for the applicant who has grown up and is a local resident. The business will assist the local economy by providing employment during the construction of the buildings, access road, drainage and landscaping works. Whilst once operational the business will support local vets, farmers providing feed/beddings and delivery drivers. Officers consider that the proposed business will assist the local rural economy which is supported.
- 6.10.3 Concerns have been raised that the intensive pig rearing enterprise may result in risk to human health. The proposed risk to human health from the proposed pig rearing enterprise is not a material planning consideration which this application can consider. There is no adopted Government Guidance which has been issued to indicate that this type of business should not be supported in planning terms.

7.0 CONCLUSION

- 7.1 In summary, officers are of the opinion that the agricultural buildings for the pig rearing enterprise are acceptable in principle and will be in accordance with national and local planning policies controlling development in the countryside. Officers are further satisfied that proposals are of an appropriate layout, scale and design that will not adversely impact on the character and appearance of the locality; are capable of being serviced by acceptable drainage and access arrangements that will not increase flood risk or lead to unacceptable highway conditions. It is also considered that sufficient ecology and drainage information has been provided to conclude that the proposals will not adversely harm protected sites and species and ecology all subject to compliance with planning conditions. Accordingly, the proposal is considered to comply with Shropshire Core Strategy, SAMDev Plan and the NPPF.
- 7.2 In arriving at this decision the Council has used its best endeavours to work with the applicants in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

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 - written representations, a hearing or inquiry.
- The decision is 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 a) promptly and b) in any event not later than 6 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**

9.1 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.

10.0 **BACKGROUND**

10.1 **Relevant Planning Policies**

Policies material to the determination of the Application. In determining this application the Local Planning Authority gave consideration to the following policies:-

National Planning Policy Framework:

3 : Supporting a Prosperous Rural Economy

7 : Requiring Good Design

10 : Meeting the Challenge of Climate Change, Flooding and Coastal Change

11 : Conserving and Enhancing the Natural Environment

Shropshire Council Core Strategy (February 2011):

CS5 : Countryside and Green Belt

CS6 : Sustainable Design and Development Principles

CS17 : Environmental Networks

CS18 : Sustainable Water Management

Site Allocations and Management Development Plan (December 2016):

MD2 : Sustainable Design

MD7b : General Management of Development in the Countryside

MD12 : Natural Environment

10.2 Relevant Planning History

16/01822/OUT - Outline planning permission for an agricultural workers dwelling. Current Application.

15/04581/AGR - General purpose agricultural storage building to store machinery and produce. Granted 17th November 2015.

NS/03/01276/FUL - Erection of a stable block for private use and change of use of land for horticultural purposes. Granted 3rd March 2004.

11.0 ADDITIONAL INFORMATION

List of Background Papers - Planning Application reference 16/01821/FUL

Cabinet Member (Portfolio Holder) - Cllr M. Price

Local Member - Cllr Paul Wynn

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. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
Reason: To ensure that the external appearance of the development is satisfactory.
4. All trees and hedges which are to be retained in accordance with the approved plan shall be protected in accordance with the submitted Tree Protection Plan and all work highlighted to be carried out in accordance with the Method Statement and BS 5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection".
Reason: To safeguard the amenities of the local area by protecting trees.
5. Before any other operations are commenced, the proposed vehicular access and visibility splays, shall be provided and constructed to base course level, to facilitate construction traffic, and then completed to the agreed specification (as shown on the approved drawing 1080/143/002.3) before the development is fully occupied and thereafter maintained. The area in advance of the sight lines shall be kept permanently clear of all obstructions.
Reason: To ensure that the construction of the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users.
6. Work shall be carried out strictly in accordance with the Great Crested Newt Survey conducted by Rachel Hacking Ecology (2016) attached as an appendix to this planning permission.
Reason: To ensure the protection of Great Crested Newts, a European Protected Species

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

7. No development shall take place until details of the construction of the new access as shown on drawing no. 1080/143/002.3 and details of the permanent closure of the existing access, together with details of the disposal of surface water from the site, have been submitted to, and approved by the Local Planning Authority. The agreed details

shall be fully implemented before the use hereby approved is commenced or the building(s) occupied.

Reason: To ensure a satisfactory access to the site.

8. 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.

9. The development hereby approved shall not be first brought into use until a scheme of landscaping proposals has been submitted to and approved by the Local Planning Authority and these works shall be carried out as approved. The submitted scheme shall include means of enclosure and planting plans for traditional native species, noting species, planting sizes and proposed numbers/densities where appropriate.

Reason: To mitigate visual impact and in the interests of safeguarding the character and setting of the rural locality.

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

10. The development and operations shall be carried out only in accordance with the Management Plans Report prepared by Wharfe Rural Planning reference 1080/143 (dated April 2016).

Reason: For the avoidance of doubt and to ensure that the development does not result in adverse impact on the residential amenity of neighbouring occupiers.

11. Any gates provided to close the proposed access shall be set a minimum distance of 15 metres from the carriageway edge and shall be made to open inwards only.

Reason: To ensure a satisfactory form of access is provided so that a HGV can enter the site without interference, in the interests of highway safety.

12. No feed deliveries shall occur before 08:00hrs or after 18:00hrs on any day.

Reason: to protect the amenity of the area.

13. No delivery or removal of pigs to the installation shall occur before 07:00hrs or after 23:00hrs on any day.

Reason: to protect the amenity of the area.

14. Silencers with equal or better noise mitigating effect to those proposed in the noise assessment provided with this application shall be installed and operated throughout the lifetime of the operation.

Reason: To protect the amenity of the area.

15. All landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standard 4428:1989. The landscaping and planting works shall be carried out by the end of the first available planting season upon completion of the proposed development or in accordance with the timetable agreed with the Local Planning Authority. Any plants that, within a period of five years after planting, are removed, die or

become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved scheme.

16. 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.

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Committee and Date
 North Planning Committee
 4th October 2016

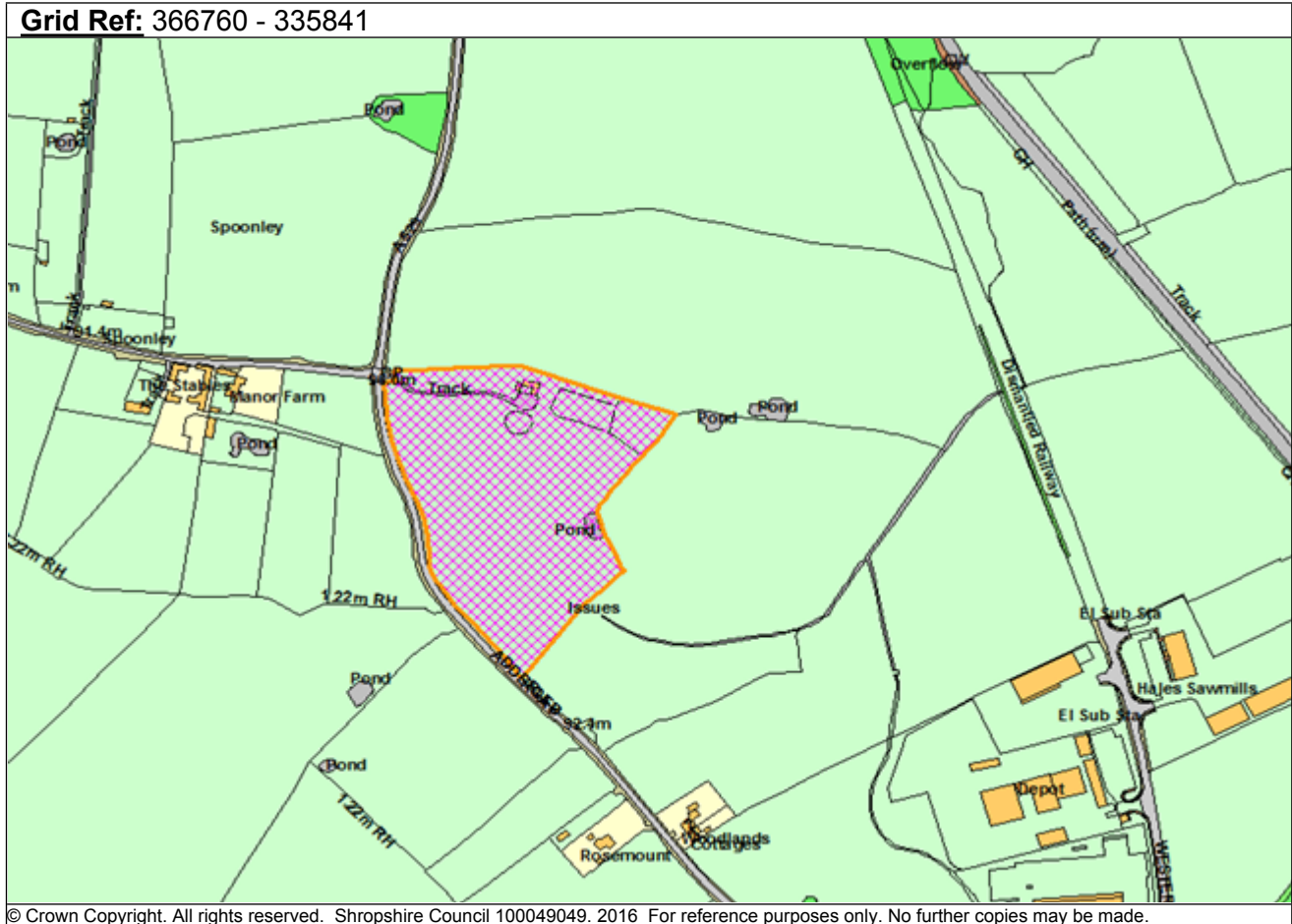
Item
6
 Public

Development Management Report

Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

<u>Application Number:</u> 16/01822/OUT	<u>Parish:</u>	Adderley
<u>Proposal:</u> Outline planning permission for a temporary agricultural workers dwelling with all matters reserved (Amended Description)		
<u>Site Address:</u> Land At O.S.7882 And 7968 Adderley Road Market Drayton Shropshire		
<u>Applicant:</u> Mr L Gilbert		
<u>Case Officer:</u> Richard Denison		<u>email:</u> planningdmne@shropshire.gov.uk



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

REPORT

1.0 THE PROPOSAL

1.1 This is an outline application which relates to the siting of a temporary agricultural workers dwelling for 3 years to provide accommodation in association with running a new pig rearing enterprise (subject to application reference 16/01821/FUL) with all matters reserved. An indicative layout plan has been submitted indicating the provision of a single storey prefabricated dwelling measuring 6.7 metres wide by 18.3 metres long which will be sited on a concrete pad. The dwelling would provide a living room, kitchen/dining area, office, three bedrooms and a bathroom. Access would be along the proposed new access which would serve the pig rearing enterprise with the provision of a car parking and manoeuvring area. The site covers an area of 0.1 hectares.

2.0 SITE LOCATION/DESCRIPTION

2.1 The proposed site covers an area of 4.38 hectares and lies 600 metres north of the A53 bypass and 300 metres from the edge of the Protected Employment Site for Market Drayton. The site falls within the Parish of Adderley and consists of former pasture land for horses. The proposed land is graded as '3 Good to Moderate', although not classified as excellent or very good agricultural land. The A529 road runs along the western boundary of the site and provides vehicular access to the main A53 bypass around Market Drayton. The site is enclosed with a mixture of native hedgerows and trees with a small pond located along the eastern boundary. The nearest residential property to the proposed pig rearing buildings is Manor Farm which is located 300 metres to the west on the opposite side of the main A529 road. Rosemount and Nos.1 and 2 Woodlands Cottages are located directly to the south and are over 340 metres away and separated by adjoining farm fields and hedgerows. Springs Farm is located to the north and is 520 metres away and separated by open fields. The site currently consists of a 'U' shaped arrangement of stables, together with a portal framed storage building. A vehicular access is located towards the north west corner of the site along a dirt track to the existing buildings which are located along the northern boundary.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council have submitted a view contrary to officers based on material planning reasons which cannot reasonably be overcome by negotiation or the imposition of planning conditions. The Principal Planning Officer in consultation with the Committee Chairman and Local Member agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 **Shropshire Council, Highways Development Control** - It is noted that the description of the development has now been amended to temporary residential accommodation but all matters are continuing to be reserved for latter approval. The

proposed accommodation is however intrinsically linked to the concurrent planning application 16/01821/FUL for the pig rearing business currently pending determination. Whilst the access is a reserved matter further access details have been submitted in respect of this application that have also been forwarded in respect of the pig rearing business. The Highway Authority continues to raise no objection to the establishment of residential accommodation on the site subject to it being served by a satisfactory means of access.

The current existing access in the north western corner of the field in the applicant's ownership is not considered satisfactory but the new proposed access serving the pig rearing unit under application 16/01821/FUL is considered to be satisfactory. As part of the highway conditional approval of the pig rearing business it has recommended that the existing access be permanently closed. The access details as submitted in respect of the subsequent reserved matters application should therefore be in accordance with the approved access details for the pig rearing business which has been included in the red line of the submitted application details

- 4.1.2 **Shropshire Council, Trees & Woodland Amenity Protection Officer** - The arboricultural aspects to this scheme have been dealt with under 16/01821/FUL and I have copied my comments here: Having regard to the submitted Buckland Arboriculture Ltd Phase Two Arboricultural Impact Assessment, Tree protection Plan and Method Statement this scheme will not result in the loss of amenity. No objection is raised subject to a safeguarding condition regarding the protection of tree and hedgerows being retain.
- 4.1.3 **Shropshire Council, Planning Ecologist** - No objection is raised subject to safeguarding condition regarding artificial nest boxes being installed and control over flood lighting.
- 4.1.4 **Shropshire Council, Flood & Water Management Team** - 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/drainage-and-flooding/local-flood-risk-management-strategy/. 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.
- 4.1.5 **Shropshire Council, Public Protection** - Having considered the application and noise assessment submitted it is noted that mitigation is required. As a result I propose the following condition which is in line with the recommendations of the noise report submitted: Glazing to a minimum standard of 4 ' 12 ' 4 specification with trickle vents shall be installed to all windows. Reason: To ensure that the health of future residents is adequately protected.
- 4.1.6 **Adderley Parish Council** objects to this planning application, with both this application and 16/01821/OUT being considered together due to their integrated nature. The Council is very concerned about the increase of heavy farm traffic on

this road and also turning in and out of the access as detailed in the proposal. The Council's concern is that the amount of farm traffic has been considerably underestimated on the proposal and would ask that this matter be revisited. The Council were also concerned that the access itself would not, in reality, have the sight lines that are envisaged due to the topography of the road. Further concerns are the smell and the noise of the operation itself within the locality.

4.1.7 **Market Drayton Town Council** - To support this application as long as all legal and correct requirements are met.

4.2 **Public Comments**

4.2.1 One letter of objection has been received who raised objection to the pig rearing buildings associated with this dwelling. No formal reasons have been provided other than it relates to the pig rearing enterprise.

4.2.2 One letter of support has been received from the National Pig Association raising the following comments:-

- The National Pig Association (NPA) is the representative trade association for British commercial pig producers, is affiliated to the National Farmers Union (NFU) and represents the pig interests of NFU members who produce pigs
- The UK is only 45% self sufficient with regards to pig meat the remaining is imported.
- The proposed development at Market Drayton is considered to be a medium sized enterprise which will conform to high welfare and management standards as dictated by an independently audited farm assurance scheme which includes quarterly additional monitoring of herd health and welfare by a veterinarian.
- In addition, as an industry we do not recognise the term 'factory farming'. There is no accepted definition of either a 'mega' or 'factory' farm. Size or scale of farm does not dictate animal welfare; it is the treatment of the individual animal that is important. Well managed farm management practices, suitable housing, good stockmanship/animal husbandry and continuous employee training is ultimately responsible for ensuring high animal welfare standards.
- The proposed pig unit will be straw based, therefore producing farmyard manure, straw will be used in abundance on a daily basis which will help to bind ammonia and reduce any odour issues. Unfortunately all farms, regardless of their size may emit odour at certain points however this can be minimised via best practice and management protocol. Farm Yard Manure exported off the unit to fields regularly will also mitigate odour issues and is frequently used to recycle valuable nutrients which subsequently reduces reliance on imported oil based artificial fertiliser.
- In addition farmers must abide by strict legislation with regards to slurry and manure management and face significant penalties if found to be responsible for any local pollution incidents. Both odour and traffic intensity will be limited to short periods at the beginning and end of each batch of pigs; this does not differ

from many other farming enterprises.

- Animal rights organisations, by their own admission, share the common objective of stopping meat eating altogether and therefore employ any approach necessary to achieve this. In their online campaigns and petitions, they may use vegan propaganda, misinformation and highly emotive and sensationalist language which is deliberately misleading. We therefore request that if you receive information relating to or have a pig planning application that is subject to animal rights activity, it is not permitted to impact on the planning process.
- Living onsite where ever possible, due to the close proximity to the livestock, always enables an increased level of animal husbandry and welfare. This also demonstrates a compelling commitment to the success of the business.
- We welcome Shropshire Council's core strategy policies which support agriculture and its development and contribution to the rural economy within the county, specifically strategic objective 7 and policy CS5.
- There is increasing pressure on our pig producer members and the industry as a whole from orchestrated campaigns and new residents moving into the countryside and who regard it as a place of leisure and aesthetic appeal and fail to appreciate that it is a modern working environment and the vital role that it plays both economically and in food production. Furthermore complaints frequently focused on animal welfare concerns should be dismissed immediately as this is not a planning concern.
- I would also take this opportunity to offer advice to the planning committee in that they should consider the accurate and robust information provided as per the planning process i.e. the number of extensive reports prepared by professional consultants and the local plan policies, and not misinformed opinion or blatant animal rights propaganda.

5.0 THE MAIN ISSUES

- Policy & Principle of Development
- Functional Appraisal
- Design, Scale and Character
- Impact on Residential Amenity
- Highways
- Impact on Trees
- Ecology
- Drainage
- Flooding

6.0 OFFICER APPRAISAL

6.1 Policy & Principle of Development

- 6.1.1 This application was subject to a detailed pre-application enquiry which indicated that the provision of a new pig rearing enterprise with an associated dwelling in the rural area would be acceptable. However, this would be based upon a detailed application examining the layout and design, visual impact and impact on local

residents, together with examining the highways implications, ecology and drainage. Whilst a detailed consultation exercise would be required with the local community, ward member and Parish Council. This proposed outline application is for a temporary dwelling to support a new farming enterprise and is proposed for a 3 year period to enable the business to establish before considering a more permanent dwelling on site.

- 6.1.2 Policy CS5 'Countryside and Green Belt' of the Shropshire Core Strategy indicates that new development will be strictly controlled in accordance with national policies protecting the countryside. The policy indicates that dwellings to provide accommodation for agricultural workers would be acceptable in principle and would have to meet National Planning Policy Guidance and the Supplementary Planning Guidance on the 'Type and Affordability of Housing'. Policy 6 'Delivering a Wide Choice of High Quality Homes' of the National Planning Policy Framework indicates that housing applications should be considered in the context of the presumption in favour of sustainable development. To promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. However, it indicates that local authorities should avoid isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work. This is re-iterated in Policy MD7a 'Managing Housing Development in the Countryside' of the SAMDev Plan. The principle of providing an essential countryside workers dwelling is considered acceptable subject to the provision of a detailed functional appraisal.

6.2 **Functional Appraisal**

- 6.2.1 The Supplementary Planning Document for Type and Affordability of Housing (September 2012) indicates that new agricultural workers dwellings in the countryside should be avoided unless there is an essential need for a rural worker to live permanently at or near their place of work. Policy MD7a of the SAMDev Plan indicates that essential rural workers dwelling would be permitted if there are no other existing suitable and available affordable dwellings or other buildings which could meet the need, including any recently sold or otherwise removed from the ownership of the rural business; and in the case of a primary dwelling to serve a business without existing permanent residential accommodation, relevant financial and functional tests are met and it is demonstrated that the business is viable in the long term and that the cost of the dwelling can be funded by the business. If a new dwelling is permitted and subsequently no longer required as an essential rural workers' dwelling, a financial contribution to the provision of affordable housing will be required, calculated in accordance with the prevailing target rate and related to the floor space of the dwelling.

Essential Need

- 6.2.2 The Welfare of Farmed Animals Regulations (England) 2000 sets the minimum acceptable standards for animal welfare. The regulation is supplemented and interpreted in the DEFRA Code of Recommendations for the Welfare of Livestock – Pigs. This requires that the stockman has sufficient time, availability and response time to ensure the welfare of the animals. The agent has provided a detailed response to the essential need to provide an agricultural worker on site:-

Newly Weaned Piglets

6.2.3 A batch of newly weaned piglets are introduced to the shed every 24 weeks. The change in feed from sows' milk to starter ration combined with the change in housing means the piglets are vulnerable to disease, infection and stress. During the first 3 weeks the piglets demand constant and careful management to ensure a smooth transition and maintenance of their welfare. During this period the pigs will be inspected continuously during the day plus a late night and early morning inspection to ensure they are adapting to the new environment and using the feeding and drinking systems correctly.

Supervision of Systems

6.2.4 The use of automated systems help to care for the pigs, however the systems still require experienced competent persons readily available to react to any malfunctions immediately. The DEFRA code of care states that skilled experienced operators must always be available. Failure of ventilation, lighting, feeding or drinking systems can all have a devastating effect on the pigs. The severity of the failure grows exponentially with any delay in resolving the issue.

Out of Hours Inspections

6.2.5 Out of hours' inspections continue throughout each cycle in early morning, late evening and during cold or hot weather in the night. The inspections are required to respond to any pigs causing aggressive behaviour or those showing any signs or illness to ensure they are moved to isolation pens and appropriate care and treatment administered.

Avoidance of Stress

6.2.6 In hot weather pigs require additional monitoring and implementation of cooling methods to ensure that they do not over heat. Pigs have a limited ability to sweat and are therefore acutely susceptible to heat stress which can trigger outbreaks of vice and pneumonia.

Avoidance of Vice

6.2.7 Vice is the term given to aggravation and aggression between pigs which can result in tail biting or ear and feet chewing causing severe trauma between pigs. Vice can occur through poor stockmanship, poor environmental quality (air, temperature, ventilation, etc), inadequate nutrition or lack of available feed and water. Vice is avoided by maintaining the optimum conditions for the pigs at all times and being able to react immediately to any incidents that occur.

Biosecurity

6.2.8 Bio-security is an essential aspect of any agricultural enterprise particularly where a significant number of animals are cared for indoors. Firstly, to meet the high standards for animal health and welfare required under relevant assurance schemes and codes, secondly to ensure the financial performance of the enterprise and thirdly to prevent the spread of disease within and between farms.

6.2.9 Maintaining bio-security can only be achieved by controlling movements of vehicles and people on and off the farm. As well as being able to conduct regular inspections of the livestock to react to any issues that can affect their health and welfare. This requires a skilled worker to be readily available at most times within sight and sound of the pig rearing buildings.

Nutrition

- 6.2.10 Ensuring the pigs have the correct feed and water available at all times is absolutely fundamental to achieving the business aim of the enterprise, interruption of water for even an hour can lead to increased stress in the pigs. Feed is less critical but interruptions will still have an impact on the performance of the pigs.

Environment

- 6.2.11 The correct environmental conditions in the shed are almost as important as feed and water, the stockman must avoid sudden fluctuations in temperature whilst ensuring good air quality.

Emergencies

- 6.2.12 In the event of a fire within either of the pig buildings an immediate response is required to mitigate the threat to the pigs and implement the emergency plan. A delay of even a few minutes would cause severe suffering to the pigs trapped inside a burning building.
- 6.2.13 Most pig rearing farms are in remote locations, combined with the high value of the pigs inside this makes them a target for professional criminals. The herd require 24 hours on site supervision for protection from theft or injury by intruders including animal rights activists.

Labour Requirement

- 6.2.14 A detailed Planning Statement has been submitted with the application which has confirmed that the applicant will be engaged full time on the farm and will employ one person on a full time basis to assist in managing and rearing the pigs during normal working hours. It is proposed that the applicant will be within sight and sound of the pig buildings and readily available at most times through the day via the provision of the dwelling. A labour requirement calculation has been carried out based on Standard Man Days published in John Nix Farm Management Pocketbook which is a recognised method for this calculation. The pig rearing enterprise demonstrates a requirement for 2.11 full time persons and this includes general maintenance. This is based on 270 days per person and allows for time off, holiday leave, sick leave and any other absences.

Existing Accommodation

- 6.2.15 The applicant currently lives on Christchurch Lane in Market Drayton which is approximately 3.5km away from the site on the opposite side of the town. The location of this property does not provide adequate supervision for the business and there are no immediately adjoining properties or accommodation which would be suitable to provide the security and supervision required for the health and welfare of the animals. The applicant does not own any other properties.

Financial Appraisal

- 6.2.16 The proposed temporary dwelling is required to operate the proposed new pig rearing enterprise which is subject to application 16/01821/FUL. The applicant will contract rear pigs whereby the applicant owns the land and buildings and is paid a management fee by the owner of the pigs. The management fee is supplemented by various bonuses relating to the efficiency of the pig rearing by the farmer. The owner of the pigs provides the feed for the pigs and the farmer provides the straw,

water and electricity for lighting and ventilation. The contract rearing arrangement provides various advantages to both parties, as it reduces financial risk for the farmer but ensures the pigs are reared by a competent skilled and motivated stockperson.

- 6.2.17 The contract rearing business model provides a relatively low risk, low capital opportunity for farmers and is particularly attractive to new farmers. The farmer is protected from shifts in commodity prices and also drops in the price of finished pigs and is therefore provided a relatively predictable and stable income. A detailed Financial Statement and Five Year Cash Flow which has been submitted with the application which indicates an average net profit of in the region of £45,000 per annum. The main factors which will affect this figure are the performance of the pigs, increase in interest rates and increases in input costs. This financial model has been tested to changes in these factors, with the worst case scenario based on poor performance of the pigs, an increase in interest rates of 7.5% and 20% increase in input costs. The model still demonstrates that the business in worse case scenario would still provide a nett profit in the region of £20,000 per annum.
- 6.2.18 It is officer's opinion that the proposed business is considered to provide a robust financial model that will provide a competitive return to the applicant for all of his time, land and capital including the finance to build a dwelling required for the enterprise. The proposed dwelling is only supported on the basis that the pig rearing enterprise considered under application 16/01821/FUL is granted.

6.3 **Design, Scale and Character**

- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. This is reiterated in policy MD2 of the SAMDev Plan which indicates the development should contribute and respect the locally distinctive or valued character and existing amenity value. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development.
- 6.3.2 This is an outline application with the proposed layout, scale and appearance being reserved for later approval. However, the agent has submitted an indicative layout plan showing a modest size prefabricated dwelling with a total gross external floor area of 122.6sqm which includes a farm office.
- 6.3.3 In accordance with the adopted Core Strategy and the Housing SPD the proposed dwelling should be restricted to 100 square metres of internal floor space plus an additional business floor area. The Housing SPD also indicates that essential workers dwellings should be restricted by a Section 106 legal agreement to ensure that if it is no longer is required in connection with the business it will revert to an affordable dwelling. It is clear that the dwelling would be single storey and would provide a dwelling with a gross floor area in excess of the 100sqm which would not be acceptable. However, the details submitted are only indicative and this application is only outline and does not consider the layout or size of the proposed dwelling which would be considered as part of a reserved matters application. A condition can be imposed restricting the size of the dwelling to be submitted.

6.4 **Impact on Residential Amenity**

6.4.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. Although this is an outline application with layout, scale and appearance reserved there are no adjoining properties with the nearest property being Manor Farm which is located over 170 metres to the west on the opposite side of the A529 and separated by hedgerows. Having regard to the distance and intervening landscaping a dwelling located on this site will not result in any impact on neighbours from causing an overbearing impact, loss of light or resulting in overlooking and loss of privacy. Furthermore, it is considered that the provision of a single dwelling would not result in significant traffic movements which would be detrimental to properties in the surrounding countryside.

6.5 **Highways**

6.5.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that proposals likely to generate significant levels of traffic should be located in accessible locations where there are opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. This policy also indicates that development should be designed to be safe and accessible to all.

6.5.2 The proposed site is currently served from Adderley Road (the A529) which has a national speed limit of 60mph and is only 600 metres away from the main A53 bypass around Market Drayton. The existing vehicular access serves a stable and agricultural building and has restricted visibility in both directions due to the existing boundary hedgerows and the alignment of the road. The proposed development provides a new vehicular access approximately 180 metres further to the south and will be used in conjunction with the pig rear buildings. The national 'Transport Data Collection' has indicated that traffic along the road operates below the national limit with north bound traffic being at 45.8mph and the south bound traffic being at 43mph (this is based on a 7 day average 85th percentile operating speed). Based on the speed survey the Design Manual for Roads and Bridges indicates that the proposed access will require visibility splays of 120 metres in a southward direction and 130 metres in a northward direction. To achieve this part of the existing boundary hedgerow will need to be realigned with the provision of a grass verge.

6.5.3 The proposed entrance will provide wide splays to a maximum width of 26 metres which narrows to 10 metres at the point of the realigned hedgerow and continues to narrow for over 30 metres into the site until the driveway is provided at 3.5 metres wide. This large entrance will allow two HGV (in association with the pig rearing enterprise) to pass one another clear of the highway should a vehicle leave and enter at the same time. The Highways Authority have raised no objection to the proposed new access and visibility splays subject to safeguarding conditions regarding the construction of the new access; proposed visibility splays; parking and turning area being laid out prior to the pig rearing unit and dwelling being occupied; and any entrance gates to be set back 15 metres from the highway edge.

6.6 **Impact on Trees**

6.6.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development should protect and enhance the local natural environment. A

detailed Phase 2 Arboricultural Impact Assessment has been undertaken to assess all of the existing trees and hedgerows on site, together with providing a detailed maintenance schedule and mitigation measures. It is noted that none of the trees are protected by a Tree Preservation Order and the site is not within a Conservation Area. The proposed site is located along the northern boundary of the field adjacent to a native hedgerow. The application is not considering the layout, although the indicative site plan indicates that the footprint would be sited tight up against the northern boundary directly adjacent to the hedgerow. This is not acceptable as the concrete pad may impact on the root structure of the hedgerow and cause long term damage to the hedgerow. However, the site is large enough to locate the dwelling away from the boundary to prevent any damage and the Tree & Woodland Amenity Protection Officer has raised no objection.

6.7 **Drainage**

6.7.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity.

6.7.2 The application indicates that the nearest foul mains are 773 metres away adjacent to the A53. Due to the distance and cost it is unlikely that foul drainage will be connected to this system and it is likely that foul drainage from the dwelling will be dealt with via a package treatment plant or septic tank and no objection has been raised by the Drainage Engineer subject to the design being in accordance with Building Regulations.

6.7.3 The proposed clean surface water from the proposed dwelling will be diverted into a grassed detention basin, whilst surface water from the hardstanding to the front of the building will pass through an oil interceptor. The detention basin is designed to accommodate peak storm events and then release the water at a controlled flow into an existing pond once the storm has passed and then into the local ditch. The proposed access driveway will be constructed to provide surface water run-off to the grass land field to either side. The Flood and Water Management Team have raised no objection to this proposed method of surface water drainage subject to safeguarding conditions.

7.0 **CONCLUSION**

7.1 It has been clearly demonstrated in the supporting information that there is a functional need to provide a residential unit on site to manage and care for the pigs to assist in the operation of the enterprise. The business demonstrates a clear profit for the first five years and will be financially sound and has a clear potential of remaining so after this period. The proposed site would relate to the proposed pig rearing buildings would be sympathetic to this rural location and will not have any detrimental impact on the amenities of the neighbouring dwellings or visual impact on the landscape. The proposed new access provides adequate visibility in both directions and will not result in any highway safety issues. Conditions would be imposed to restrict the dwelling as an agricultural workers dwelling and provision for a temporary period of 3 years. The proposed dwelling is only supported on the basis that the pig rearing enterprise considered under application 16/01821/FUL is granted.

7.2 In arriving at this decision the Council has used its best endeavours to work with the applicants in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

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 - written representations, a hearing or inquiry.
- The decision is 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 a) promptly and b) in any event not later than 6 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

9.1 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.

10.0 BACKGROUND

10.1 Relevant Planning Policies

Policies material to the determination of the Application. In determining this application the Local Planning Authority gave consideration to the following policies:-

National Planning Policy Framework:

7 : Requiring Good Design

10 : Meeting the Challenge of Climate Change, Flooding and Coastal Change

11 : Conserving and Enhancing the Natural Environment

Shropshire Council Core Strategy (February 2011):

CS5 : Countryside and Green Belt

CS6 : Sustainable Design and Development Principles

CS17 : Environmental Networks

CS18 : Sustainable Water Management

Supplementary Planning Document - Type and Affordability of Housing

Site Allocations and Management Development Plan (December 2016):

MD2 : Sustainable Design

MD7a Managing Housing Development in the Countryside

MD12 : Natural Environment

10.2 Relevant Planning History

16/01821/FUL - Erection of two agricultural buildings, feed bins and hardstanding for pig rearing enterprise to include new highway access. Current Application.

15/04581/AGR - General purpose agricultural storage building to store machinery and produce. Granted 17th November 2015.

NS/03/01276/FUL - Erection of a stable block for private use and change of use of land for horticultural purposes. Granted 3rd March 2004.

11.0 ADDITIONAL INFORMATION

List of Background Papers - Planning Application reference 16/01822/OUT

Cabinet Member (Portfolio Holder) - Cllr M. Price

Local Member - Cllr Paul Wynn

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The temporary dwelling hereby permitted shall be for a limited period of 3 years from the date the dwelling is located on site. At the end of this period the proposed dwelling shall be removed and the land reinstated to its former condition.

Reason: The temporary permission is provided to enable the new pig rearing business to establish and to assess its long term viability.

2. Approval of the details of the design and external appearance of the development, access arrangements, layout, scale, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 4 of the Development Management Procedure Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

3. Application for approval of the reserved matters shall be made to the local planning authority within 12 months from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

5. 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.

6. Glazing to a minimum standard of 4 ' 12 ' 4 specification with trickle vents shall be installed to all windows.

Reason: to ensure that the health of future residents is adequately protected.

7. All trees and hedges which are to be retained in accordance with the approved plan shall be protected in accordance with the submitted Tree Protection Plan and all work highlighted to be carried out in accordance with the Method Statement and BS 5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection".

Reason: To safeguard the amenities of the local area by protecting trees.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

8. 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 (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

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

9. Prior to the first occupation of the dwelling hereby permitted, a suite of artificial nesting and/or roosting boxes shall be erected on the site. The type and location of the boxes shall be submitted to and agreed in writing with the Local Planning Authority and the scheme shall then be undertaken in accordance with the agreed details.

The following artificial nesting/roosting boxes shall be provided:

1. A total of 1 woodcrete bat box suitable for nursery or summer roosting for small crevice dwelling bat species.
2. A total of 1 woodcrete artificial nesting box suitable for house sparrow, house martin, robin, blackbird or tit species.

Reason: To ensure the provision of roosting/nesting opportunities for wildlife in accordance with section 11 of the National Planning Policy Framework.

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME 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's Bats and Lighting in the U.K. guidance.

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

11. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason: Permission has only been granted because there is an essential long term agricultural need sufficient to override the general presumption against new residential development in this area.

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<u>Committee and Date</u>
North Planning Committee
4 th October 2016

<u>Item</u>
7
Public

Development Management Report

Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

SCHEDULE OF APPEALS AS AT COMMITTEE 4th October 2016

Appeals Lodged

LPA reference	14/04558/OUT
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Acton Reynald Estate Trustees – C/O Manby Bowdler
Proposal	Outline application (access for approval) for mixed residential development
Location	Development Land East Of Wem Road Shawbury Shropshire
Date of appeal	22.08.16
Appeal method	Hearing
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	15/04602/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs Yiend – C/O Berrys
Proposal	Outline application for erection of a detached dwelling
Location	The Moorings Mytton Lane Shawbury Shropshire
Date of appeal	07.09.16
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	16/01115/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	R C, GM and CW Roberts
Proposal	Erection of agricultural workers dwelling
Location	Foxhall Farm, Aston, Oswestry
Date of appeal	25/08/2016
Appeal method	Wtirren Reps
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	15/03676/FUL
Appeal against	Non determination
Committee or Del. Decision	
Appellant	Knotwood Investments Ltd
Proposal	Garden Centre
Location	Land at Maesbury Road, Oswestry
Date of appeal	06.09.2016
Appeal method	Written reps
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

Appeals determined

LPA reference	15/05564/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr R Homdon C/O Bleazard and Galletta
Proposal	Erection of single dwelling following demolition of existing building
Location	Land West of Holly Bank, Ellesmere Road, Harmer Hill
Date of appeal	24.06.16
Appeal method	Written Representation
Date site visit	
Date of appeal decision	02.09.16
Costs awarded	
Appeal decision	ALLOWED

LPA reference	15/02438/REM
Appeal against	Conditions
Committee or Del. Decision	Delegated
Appellant	Mr Daniec – C/O Mr E Owen
Proposal	Approval of Reserved Matters (access, appearance, landscaping and layout) pursuant to permission 11/03020/OUT for the erection of one dwelling; erection of detached double garage
Location	Land To Rear Of Number 5 Hollins Lane Tilstock Shropshire
Date of appeal	24.06.16
Appeal method	Written Representation
Date site visit	
Date of appeal decision	08.09.16
Costs awarded	
Appeal decision	ALLOWED

LPA reference	16/00244/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr S Hammond – C/O Berrys
Proposal	Erection of two 3-bay part open fronted garage buildings/stores; installation of boundary fencing; change of use of land to form domestic curtilage for previously approved conversions
Location	Wood Farm Myddlewood Myddle
Date of appeal	03.05.16
Appeal method	Written Representation
Date site visit	
Date of appeal decision	08.09.16
Costs awarded	
Appeal decision	ALLOWED

LPA reference	14/02604/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr M Thompson
Proposal	Construction of three dwelling houses and formation of access road
Location	Stone House, Maesbury Marsh
Date of appeal	27.05.2016
Appeal method	Written reps
Date site visit	26.07.2016
Date of appeal decision	08.09.2016
Costs awarded	
Appeal decision	Dismissed

LPA reference	15/03141/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr & Mrs James Hancock
Proposal	Outline application (all matters reserved) for the erection of dormer bungalow with detached garage; formation of driveway/turning area (access previously approved)
Location	Land at the Croft, Bellaport Lane, Norton in Hales
Date of appeal	31.03.2016
Appeal method	Written Representations
Date site visit	
Date of appeal decision	19.09.2016
Costs awarded	
Appeal decision	Dismissed

LPA reference	13/04868/OUT
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Mrs Wendy de Capell Brooke (formerly Crabb)
Proposal	Outline application for the erection of five dwellings and formation of vehicular access (all matters reserved)
Location	Land at Shrewsbury road, Cockshutt, Ellesmere
Date of appeal	11.04.2016
Appeal method	Written Representations
Date site visit	
Date of appeal decision	19.09.2016
Costs awarded	
Appeal decision	Dismissed

LPA reference	15/04752/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr David Hollins
Proposal	Erection of 1No dwelling, detached double garage and installation of septic tank
Location	Woodlane Farm, Wood Lane, Hinstock
Date of appeal	04.04.2016
Appeal method	Written Representations
Date site visit	
Date of appeal decision	19.09.2016
Costs awarded	
Appeal decision	Dismissed

LPA reference	14/05639/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs Davies – C/O Les Stephan
Proposal	Outline application for the erection of 4 detached dwellings (All Matters Reserved)
Location	Land Adjoining Crawforton Shrewsbury Road Hadnall
Date of appeal	18.08.15
Appeal method	Written Representations
Date site visit	
Date of appeal decision	21.09.16
Costs awarded	
Appeal decision	DISMISSED

LPA reference	15/03104FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs Noden
Proposal	New dwelling and associated car port
Location	Land off Wrexham Road Whitchurch
Date of appeal	02/06/2016
Appeal method	Written Representations
Date site visit	
Date of appeal decision	15/08/2016
Costs awarded	
Appeal decision	DISMISSED

LPA reference	16/00732/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs G Price
Proposal	Two storey extension
Location	Rosewood, Wood Terrace, Myddlewood, Myddle,
Date of appeal	15/07/2016
Appeal method	Written Representations
Date site visit	
Date of appeal decision	18/08/2016
Costs awarded	
Appeal decision	Allowed

Appeal Decision

Site visit made on 30 August 2016

by Daniel Hartley MTP MBA MRTPI

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

Decision date: 02 September 2016

Appeal Ref: APP/L3245/W/16/3150307

Land West of Holly Bank, Ellesmere Road, Harmer Hill, Shropshire SY4 3DZ

- 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 R Homden against the decision of Shropshire Council.
 - The application Ref 15/05564/FUL, dated 8 December 2015, was refused by notice dated 11 February 2016.
 - The development proposed is a new dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for a new dwelling at Land West of Holly Bank, Ellesmere Road, Harmer Hill, Shropshire SY4 3DZ in accordance with the terms of application Ref 15/05564/FUL, dated 8 December 2015, subject to the attached schedule of conditions.

Procedural Matter

2. The main parties have agreed that the appeal site address is better described as "land West of Holly Bank" as per the Council's refusal notice. I have therefore used this address.

Main Issue

3. The main issue is whether or not the proposal would deliver sustainable development.

Reasons

Site and proposal

4. The appeal site comprises a storage building with part concrete blockwork and part dark green metal clad walls and with a dark green metal pitched roof. It is positioned within a gravelled yard area and can be reached from a private access drive leading from the side of a detached dwelling known as Oakwood, Holly Bank (also in the ownership of the appellant). A small field separates the site from detached dwellings at Holly Bank and there are two semi-detached dwellings to the south. The site has trees and hedgerows along its boundaries and falls within the countryside: according to the Council the site is about 51 metres from the defined development boundary for Harmer Hill as detailed in the adopted Shropshire Council Site Allocations and Management of Development Plan 2015 (SAMDev Plan).

5. It is proposed to demolish the existing building and to erect a two bedroom bungalow on the site with an attached garage. The appellant states that the dwelling would be designed to give independent living and would initially be for his mother who has recently suffered a stroke which has left her requiring assistance from her family. The appellant owns a detached dwelling immediately to the east of the site.

Sustainable Development – Development Plan Strategy

6. In respect of the Shropshire Local Development Framework Adopted Core Strategy 2011 (CS), Policy CS1 states that the *"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"*. Paragraph 4.10 of the reasoned justification to Policy CS1 states that in the rural areas, Shropshire Council is working with local communities to identify community hubs and community clusters that aspire to be stronger social, economic and environmentally sustainable communities.
7. In respect of the above community clusters, adopted Policy S17.2(ii) of the SAMDev states that the settlements of Myddle and Harmer Hill are a *"Community Cluster which will provide for modest growth of around 50 dwellings over the period to 2026. As there is already planning approval for about thirty dwellings in the Parish, this would allow for about a further twenty dwellings, including up to six individual dwellings within the rural parish over the period to 2026. No specific site allocations are proposed in the cluster settlements and development should take the form of individual or small groups of housing as infill development within the development boundaries of both settlements"*. As the site is not within the defined settlement boundary of Harmer Hill there would be conflict with Policy S17.2(ii). Furthermore, there would be conflict with Policy S17.2(ii) in so far that the proposal would not amount to infill development: whilst there are some existing dwellings to the south there is no development immediately to the north or west.
8. Notwithstanding the above conflicts with the SAMDev, I do not consider that the proposal would be fundamentally at odds with the overall development strategy for the area. There is no dispute between the parties that the site is previously developed: this weighs in favour of allowing the proposal. Whilst the site is outside of the defined development boundary for Harmer Hill, this is only by a little over 50 metres. Taking into account the close proximity of the site to the defined urban area of Harmer Hill (which has a number of services and facilities), I consider that it is reasonable to conclude that the development would also have the potential to positively contribute towards social and economic vitality. Furthermore, I have not been provided with any evidence to suggest that the full quantum of housing development, as envisaged in Policy CS1 of the CS, has already been provided and/or is committed.
9. Whilst the proposal would not amount to infill development, in this case this should be weighed against the fact that there is already a building on the site and that the proposed dwelling would be similar in terms of scale (I return to this issue later in this decision). Furthermore, the appeal site is relatively close to existing dwellings to the south and east.

10. I acknowledge that the site falls within land defined as countryside (although only just), and that the proposal is not one of the types of development that are listed as being permitted in respect of Policy CS5 of the CS. However, and overall, whilst there is some conflict with the above CS and SAMDev policies, I conclude that there are a number of positive material planning considerations which mean that the proposal is not fundamentally at odds with the development plan strategy for Harmer Hill which includes "modest growth" and including housing development.
11. In order to fully assess the sustainability credentials of the proposal, it is also necessary for me to consider the development against the policies within the National Planning Policy Framework (the Framework) as referred to in the Council's refusal notice. This is particularly the case as Policy MD3 of the SAMDev allows for windfall sites outside of defined / allocated areas, providing that it would be sustainable housing development, which follows the Framework's approach to promoting sustainable development.

Sustainable Development – National Planning Policy Framework

12. Paragraph 55 of the Framework states that in order "to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities" and "Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances". In this case, the site would be in very close proximity to the defined development boundary of Harmer Hill and the existing facilities and services could be reached on foot or by bicycle with relative ease and within a few minutes. Given the location of the site, the development would have the potential to enhance or maintain the vitality of Harmer Hill in accordance with the Council's development plan strategy. The dwelling would be positioned in close proximity to a pair of semi-detached dwellings to the south and would be just over 50 metres from the defined development boundary. In this respect, I do not consider that the proposal would lead to an isolated new home in the countryside, and hence the proposal would not be in conflict with paragraph 55 of the Framework.
13. In addition to the above, Paragraph 7 of the Framework states that consideration must be given to all three mutually dependent dimensions of sustainability: namely the economic, social and environmental roles.
14. The proposal would provide some employment at construction stage, although I attach limited weight to this matter as this would be relatively short lived. I have already concluded that owing to the location of the site, the occupiers of one dwelling would likely use local facilities and services in Harmer Hill: hence the proposal would help to assist in maintaining the vitality of the rural community. This is a matter to which I afford considerable weight, particularly as the development strategy is for rural areas to become more sustainable through a "rural rebalance".
15. I acknowledge that one dwelling would make a relatively limited contribution towards the supply of housing in Shropshire, but there would nonetheless be some social benefits associated with this proposal, including the provision of a dwelling which would enable independent living. Furthermore, paragraph 47 of the Framework places an obligation on local planning authorities to significantly boost the supply of housing in their area. The Council has referred me to another appeal decision (APP/L3245/W/15/3067596) where the Inspector

concluded that a five year supply of housing sites could not be demonstrated as "*Shropshire Council had not produced a full objectively assessed housing need report*". The Council is challenging this decision, and hence I cannot be totally sure about the current position relating to housing land supply. However, notwithstanding the current five year housing land position, there is no doubt that the requirement to boost housing supply is a material planning consideration and is a benefit that weighs in favour of allowing the proposal.

16. I note that the dwelling would be occupied (at least initially) by the appellant's mother who has recently suffered from a stroke. The appellant lives very close to the site and hence would be on hand to provide care and assistance when needed. I am not persuaded that this in itself justifies allowing the proposal. Indeed, there may be dwellings (including bungalows) that are available within the defined development boundary of Harmer Hill or it may be possible to provide an annex/extension to the appellant's dwelling thereby achieving the same end result. However, the appellant owns the appeal site, as well as a dwelling close by, and allowing the proposal would ensure that care was on hand for a family member. This is a matter to which I attach some, albeit limited, weight.
17. In respect of the environmental dimension of sustainability, I do not consider that the existing building (including the associated hard standing area) to be demolished on the site makes a positive contribution towards the character and appearance of this countryside location. The development has a very industrial appearance and appears stark in its countryside setting. Taking into account the residential nature of nearby surrounding buildings, I consider that the building looks out of place. Paragraph 17 of the Framework states that planning should recognise the intrinsic character and beauty of the countryside.
18. In this case, the proposal would deliver a form of development which would be similar to the existing building in terms of scale, and it would not encroach any further into the countryside than the existing development. In this regard, the effect on the character and appearance of the area would be neutral. In respect of the design of the dwelling, it would better reflect the residential character and appearance of the properties that surround the site. Accordingly, I do not consider that there would be any conflict with the design aims of Policy C6 of the CS, and the environmental benefits associated with allowing this appeal are matters to which I afford significant weight.

Other Matters

19. I accept that there is a relatively limited range of services and facilities in Harmer Hill (for example a public house, restaurant, hotel, village hall and recreational field). However, the Council's development strategy seeks to promote additional development (including some housing) in Harmer Hill as a means of making such areas more sustainable and viable. Whilst the site is not within the defined urban boundary of Harmer Hill, its close proximity of the site to such a boundary is such that the proposal would not be fundamentally at odds with the development strategy.
20. The Council has agreed (notwithstanding its local policies) that it is no longer a requirement to provide an affordable housing contribution for one dwelling on the appeal site. I agree with this stance taking into account the Court of Appeal's judgment of 11 May 2016, and the greater weight to be given to the Secretary of State's Written Ministerial Statement of 28 November 2014.

21. Whilst the five year housing land supply position is not conclusive, it has not been necessary for me to pursue this matter any further as I have found that the proposal would deliver sustainable development, and hence would be acceptable for the reasons outlined in this decision.
22. None of the other matters raised outweigh my conclusions on the main issues.

Conditions

23. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary, I have amended the wording of the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.
24. Planning permission is granted subject to the standard three year time limit condition. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning. I have therefore imposed a condition to this effect.
25. In the interests of the character and appearance of the area, a planning condition is necessary relating to external materials.
26. In the interests of the living conditions of occupiers of the proposed dwelling and surrounding residential properties, planning conditions are necessary relating to foul/surface water drainage and parking and turning areas.

Conclusion

27. Whilst I have found that the proposal would not fully accord with the development plan for the area in so far that the appeal site falls outside of the urban boundary for Harmer Hill; would not be one of the listed types of development which would be permitted in the countryside; and would not be infill development (for these reasons the proposal would not accord with Policies CS1, CS4 and CS5 of the CS and Policy S17.2 (vii) of SAMdev), I nonetheless conclude that the proposal would provide a suitable and sustainable site for housing.
28. My conclusion above is based upon the fact that the site is previously developed; is very close to the urban boundary of Harmer Hill; would not be an isolated dwelling; would deliver some economic and social benefits; and in environmental terms would represent an improvement to the character and appearance of the countryside. Furthermore, and notwithstanding the location of the site, I do not consider that the proposal would be fundamentally at odds with the Council's development strategy for the area which includes allowing modest growth (including some housing) at Harmer Hill. In this regard, the proposal would accord with the sustainability aims of Policy CS1 of the CS. Therefore, on balance, and taking into account the three dimensions of sustainable development (as outlined in paragraph 7 of the Framework), I conclude that the proposal would deliver a sustainable form of development. The appeal should therefore be allowed.

Daniel Hartley

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the following plans: 1538D02 and 1638D100F.
3. No development shall take place until details of all external materials, including hard surfacing, have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.
4. 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 (whichever is the sooner).
5. No development shall take place until details for the parking, turning, loading and unloading of vehicles have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

Appeal Decision

Site visit made on 26 August 2016

by Gareth W Thomas BSc(Hons), MSc(Dist), PgDip, MRTPI

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

Decision date: 8 September 2016

Appeal Ref: APP/L3245/W/16/3149972

Land adj. No.5 Hollins Lane, Tilstock, Shropshire SY13 3NT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of approval of Reserved Matters subject to conditions.
 - The appeal is made by Mr Gordon Daniec against the decision of Shropshire Council.
 - The application Ref 15/02438/REM, dated 1 June 2015, was approved on 3 December 2015 subject to conditions.
 - The development approved is for the erection of one dwelling; erection of detached double garage.
 - The condition in dispute is No.8 which states that: Notwithstanding the provisions of the Town and Country Planning (General permitted Development) Order 2015 or any other order revoking and re-enacting that Order with or without modification), no development relating to Schedule 2, Part 1 in its entirety, shall be erected, constructed or carried out.
 - The reason given for the condition is: To maintain the scale, appearance and character of the development and to safeguard residential and/or visual amenities.
-

Decision

1. The appeal is allowed and the approval Ref 15/02438/REM given to the details pursuant to condition No.1 of a planning permission Ref 11/03020/OUT given on 13 July 2012 is varied by deleting condition No.8.

Background and Preliminary Matters

2. Outline planning permission for the renewal of outline planning permission Ref. 08/01322/OUT for the erection of one dwelling was granted on 13 July 2012 under Ref. 11/03020/OUT with matters of layout, scale, appearance, access and landscaping reserved. The application incorrectly refers to the earlier outline approval. It was also described as "Reserved Matters No's 1-6 inclusive". However, these were rectified in the appellant's appeal form which correctly refers to the later renewal of outline permission and describes the proposed development as Approval of Reserved Matters (access, appearance, landscaping and layout) pursuant to permission 11/03020/OUT for the erection of one dwelling; erection of detached double garage.
3. The condition under dispute is Condition 8 attached to the Reserved Matters Approval. The Planning Practice Guidance concerning the Use of Planning Conditions explains that conditions relating to anything other than the matters to be reserved can only be imposed when outline planning permission is granted. The only conditions which can be imposed when the approved reserved matters are approved are conditions which directly relate to those reserved matters. Condition No.8 was not imposed in the outline permission.

However, given that Condition No.8 has arisen directly from aspects of the Reserved Matters relating to the layout and design of the dwelling, I am satisfied that the Council had the ability to impose such a condition and that it did not materially derogate from the outline permission.

4. The effect of Condition No.8 would be to withdraw permitted development rights in respect of the enlargement, improvement or other alteration of the dwelling as defined in Class A to Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (GPDO).

Main Issue

5. Whether there are any exceptional circumstances which would justify the restriction of permitted development (PD) rights as detailed in Condition 8.

Reasons

6. The appeal site is located off an unmade track leading between two properties fronting Hollins Lane that is also a Restricted Byway and opposite an existing two storey dwelling. The site lies within the village; beyond is open countryside. The approved details show a 3-bed single storey dwelling with a detached double garage to its eastern side.
7. The Council explained in the officer report on the Reserved Matters application that, given the location of the dwelling, it would be appropriate to withdraw permitted development rights which "will ensure that the Council has control over any future development on site". That said, the officer report also concluded that the plot was considered large enough, with correct orientation and offsetting of the proposed dwelling for there to be minimal loss of residential amenities in terms of "overlooking, noise disturbance or loss of privacy".
8. Although the Council has included relevant planning policies in its statement, including Shropshire Core Strategy (CS) Policies CS6, MD2 and Part 7, it seems to me that these policies have greater relevance to the design of new development, which should take account of local character and be of appropriate scale, density, pattern and design. Further, it is explained in the Type and Affordability of Housing Supplementary Planning Document (SPD) that, while there will be a need for the efficient use of land, it is also important to maintain acceptable living conditions for occupiers through avoidance of cramped developments. These matters appear to have been taken into account when the Application for Reserved Matters was considered albeit on the basis that permitted development rights should be removed.
9. The PPG concerning the use of conditions advises that conditions restricting PD rights should only be imposed in exceptional circumstances. The scope of such a condition needs to be precisely defined so that it is clear exactly what rights have been limited or withdrawn. Blanket removal of freedoms to carry out small scale domestic alterations that would otherwise be permitted are unlikely to meet the tests of reasonableness and necessity.
10. The Council believes that exceptional circumstances exist that would justify the removal of PD rights across the spectrum of Class A to Part 1 of Schedule 2 of the GPDO. In particular, the Council is concerned that the built development on this plot would leave just over 205m², or about a third of the plot, as private garden area, which under permitted development rights, could be substantially

built upon by way of extensions and other ancillary buildings. Moreover, it is considered that the development should be retained as a simple single storey format to protect the amenities of existing properties.

11. However, the development proposed is similar to other developments in the village and some of these have seen a wide range of extensions, alterations and domestic buildings within gardens of similar size and proportions. Given the satisfactory relationship of the proposed bungalow and garage to existing neighbouring dwellings, as confirmed by the Council, I do not consider there to be any planning justification for restricting the ability of occupiers of this plot to undertake minor alterations and additions. Unlike densely developed urban situations and despite the somewhat narrow depth here, this plot is relatively generous in size and one third of the area devoted to garden space is reasonable and fairly typical of other plots in the village. The appeal site is also located on the edge of the countryside, beyond which are open fields connected by public rights of way.
12. I therefore find that there are no exceptional circumstances to justify the imposition of Condition No.8, which is unreasonable and not necessary. Moreover, removing this condition would not in my view conflict with CS Policies CS6 and MD2 or with the guidance contained within the SPD.

Conditions

13. I have noted that the Council requested in the event of the appeal being allowed that the conditions imposed by the Council on the Reserved Matters Approval be reinstated in a new Approval. However, all I am doing in this appeal is to vary the extant Approval of Reserved Matters Ref 15/02438/REM by deleting Condition 8. All other conditions imposed on the Approval of Reserved Matters remain unchanged. The Council has also suggested, in the event of this appeal being allowed that condition No.8 be modified and a replacement condition is imposed that would withdraw PD rights in relation to Class A, B, C, E and F of Schedule 2, Part 1 of the GPDO. However, for the same substantive reasons as I have given above, I would find this restriction both unreasonable and unnecessary.

Other matters

14. Local residents have commented on the suitability and the legal ability to utilise the public byway to access the site. These matters were raised at the time of the planning application and were deemed not to impact on the Council's abilities to grant outline planning permission and Reserved Matters Approval. Such matters do not influence the single faceted issue that is before me.

Conclusion

15. For the above reasons and having regard to all other matters raised, I conclude that the appeal should succeed. I will vary the Reserved Matters Approval by deleting the disputed condition, No.8.

Gareth W Thomas

INSPECTOR

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Appeal Decision

Site visit made on 5 July 2016

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

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

Decision date: 8 September 2016

Appeal Ref: APP/L3245/W/16/3149229
Wood Farm, Myddlewood, Myddle SY4 3RY

- 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 Steve Hammond against the decision of Shropshire Council.
 - The application Ref 16/00244/FUL, dated 20 January 2016, was refused by notice dated 11 March 2016.
 - The development proposed is described as 'change of use of agricultural land to residential curtilage, erection of fencing and hedging to separate 3 residential curtilages, and construction of 2 car ports'.
-

Decision

1. The appeal is allowed. Planning permission is granted for the change of use of agricultural land to residential use, erection of fencing and hedging to separate 3 residential properties, and construction of 2 car ports at Wood Farm, Myddlewood, Myddle SY4 3RY in accordance with the terms of the application, Ref 16/00244/FUL, dated 20 January 2016, subject to the attached schedule of conditions.

Procedural Matters

2. The term 'curtilage' used in the description of the proposed development is not a 'use' of land. Therefore, I have employed alternative terminology in this decision.
3. The Council discusses at some length matters of prior approval. It states that there has not yet been a material change of use in relation to the existing buildings. The appellant advises that residential conversion work is under way which I also observed on my site visit. I have no reason to consider that this will not be completed in a timely manner, leading to residential occupation, such that consideration of the appeal on its own merits in relation to 'domestic use' is reasonable.
4. The Council also argues that the prior approval regulations under Class Q include specific limits. This is so, but is solely in the context of what is achievable under prior approval and does not preclude further planning applications in connection with buildings converted via that procedure. Again, it is reasonable for such applications to be considered in the context of the surroundings and nature of the site to which they relate, rather than assume harm from the outset on the basis of the Class Q limits, which do not apply to the subsequent planning application.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the host site and the surrounding countryside.

Reasons

6. Wood Farm is located in the Shropshire countryside west of the village of Myddle. It comprises a two storey detached farmhouse and a collection of agricultural outbuildings, mainly of red brick construction with pitched slate roofs. It is encompassed by fields and there are various other farms and residential dwellings in the surrounding agricultural landscape. Two of the outbuildings, being a former dairy and a two-storey granary with single storey stable block attached, have recently gained approval for residential use. The appeal site itself consists of two areas of land, the first being a larger area adjacent to the former dairy and granary/stable buildings and the second a smaller area to the north of the farmhouse.
7. Given that background, it is a reasonable expectation for such individual residential dwellings to have the benefit of a decent-sized garden, storage/tool shed and appropriate car parking facilities, ideally covered, in this rural location. The proposed change of an area of land adjacent to those two buildings to residential use would enable that provision whilst the further area to the north of the farmhouse would replace the car parking area that it is losing.
8. The farmhouse, immediately to the west of the appeal site, is already a residential dwelling with a large domestic garden to the rear. There are a number of other residences in the surrounding area which also have defined garden areas similar in scale to the proposal. So it would not appear out of character in its size. Further, I note from the appellant's Planning, Design and Access Statement, that the area of land on which the gardens are proposed has not always been open land but was once occupied by agricultural buildings which were subsequently removed. Thus the proposed development is not into virgin countryside. According to the appellant, the total area proposed for the change of use is about 0.15 hectares being approximately 5% of the available grazing land and I agree that this would be unlikely to significantly affect the viability of the agricultural use of the remaining farmland.
9. Within that context, the proposal and appeal site is an 'appropriate' site for development within the terms of Policy CS5 of the Local Development Framework: Adopted Core Strategy (March 2011) ('the Core Strategy') which seeks to control development in the countryside and green belt. I also note that CS5 contemplates the conversion of rural buildings albeit in limited circumstances. I consider that the proposed change of use would enhance the quality of the residential dwellings already approved.
10. The proposed erection of fencing and hedging is not specifically referred to in the Council's reasons for refusal and the Officer's report welcomes the proposals. I also conclude that they are necessary and acceptable.
11. The design of the proposed car ports to be constructed in timber with roofs of reclaimed slate and open frontages is not unsympathetic to the overall character of the site and its surroundings. Some of the original buildings, such as the calving shed to the rear of the granary, were of timber construction as is

the existing storage shed. The car ports are to be located some way from the dairy and granary buildings to the north and south respectively. They should be partially screened by the existing hedgerows and proposed boundary treatments. Whilst there is existing parking provision, car ports would potentially reduce the number of parked vehicles visible on the appeal site from the surrounding countryside.

12. A public right of way runs through Wood Farm but I do not consider that the proposed changes would appear significant to existing or potential users. Further, the inclusion of integral garden/tool sheds and the car ports themselves should provide storage for much of the 'domestic paraphernalia' that the Council expresses concern about in its reasons for refusal. It would also offer storage for bikes, the use of which would contribute towards the health and well-being aspirations of Policy CS6 of the Core Strategy.
13. Therefore, whilst I note the Council's concerns about the size and appearance of the car ports, garden areas and associated hard standing, I conclude that the proposal will not harm the character and appearance of the existing buildings at Wood Farm or the surrounding countryside. It follows that it does not conflict with the objectives of Policies CS5, CS6 and CS17 of the Core Strategy or MD2 and MD12 of the Site Allocations and Management Development Plan (adopted 17/12/2015) ('the SAMDev Plan') which, amongst other things, aim to protect the countryside and ensure that the scale and design of development reflect and respect local character. I do not see the direct relevance of Policy MD7b of the SAMDev Plan as it deals primarily with permitted development rights, replacement buildings and other agricultural buildings and structures. Consequently, I conclude that the proposal is not contrary to it.
14. With regard to the National Planning Policy Framework's sustainable development imperative, referred to by the Council in their reasons for refusal, the proposal would provide some economic benefit during the construction of the car ports and fencing in employment terms. In the absence of harm to the natural environment it is also in accord with the environmental strand of paragraph 7.

Conditions

15. I have had regard to the various planning conditions that have been suggested by the Council, amending them as necessary in the interests of clarity. For the avoidance of doubt it is appropriate that there is a condition requiring the development to be carried out in accordance with approved plans, though for the sake of certainty I have added the relevant drawing numbers to the Council's suggested condition. A condition in respect of hard and soft landscaping is necessary to ensure the provision, establishment and maintenance of an acceptable standard of landscape in accordance with approved plans. In view of the location of the development within the countryside it is appropriate to limit permitted development rights to maintain the scale, appearance and character of the development and to safeguard the living conditions of adjoining occupiers. I have also included a condition regarding materials to safeguard character and appearance.

Conclusion

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

Jonathan Tudor

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development shall be carried out strictly in accordance with the following approved plans: Location Map; Drawing nos. 14.28_SK01_P (Proposed Site Plan – For Change of Use); 14.28_SK01_P (Proposed Site Plan - For Change of Use Detailing); SK02_P1 (Proposed Workshop/ Car Ports No.1); SK03_P1 (Proposed Workshop/ Car Ports No.2).
- 3) All hard and soft landscape works shall be carried out in accordance with the approved plans. The works shall be carried out prior to the occupation/use of any part of the development hereby approved. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with the same or comparable species, of a size and number as originally approved, by the end of the first available planting season.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order (2015) (or any Order revoking or re-enacting that Order with or without modification) no development covered by Parts 1 and 2 shall be carried out without planning permission granted by the Local Planning Authority.
- 5) No development shall commence until details / samples of the materials to be used in the construction of the car ports and fencing 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 / samples.

Appeal Decision

Site visit made on 26 July 2016

by **A A Phillips BA(Hons) DipTP MTP MRTPI**

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

Decision date: 8 September 2016

Appeal Ref: APP/L3245/W/16/3150753

Stone House, Maesbury Marsh, Oswestry SY10 8JA

- 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 Mark Thompson against the decision of Shropshire Council.
 - The application Ref 14/02604/OUT, dated 27 May 2014, was refused by notice dated 20 November 2015.
 - The development proposed is the construction of three dwelling houses and formation of an access road.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i. whether or not the proposed development would be in an appropriate location for development having particular regard to the settlement strategy for the area and the accessibility of services and facilities; and
 - ii. the effect of the development on the character and appearance of the area.

Procedural Matters

3. I note that the original proposal sought outline planning permission for the construction of 24 dwelling houses and formation of an estate road with all matters other than access reserved. However, during the course of the application the proposal was revised and the description in the banner heading above is taken from the appellant's appeal form. The application remains in outline but with access and layout to be considered at this stage.

Reasons

Settlement strategy and accessibility of services and facilities

4. The site includes an open paddock adjacent to Stone House facing the road and extends north eastwards to a point at the far end of an adjacent open field. The site also incorporates land to the rear of Stone House which includes a small haulage yard and outdoor storage area with associated buildings and enclosures.

5. The site is situated adjacent to the small village of Maesbury Marsh with open fields and countryside to the south east and north east. The village is not identified as a Hub or Cluster settlement under Policy MD1 of the Shropshire Council Site Allocations and Management of Development Plan adopted December 2015 (SAMDev). In any case, the site is located outside the defined development boundary for Maesbury Marsh and therefore is situated in open countryside.
6. Policy CS3 of the Shropshire Core Strategy March 2011(CS) is clear that development should be focussed in Market Towns and other key centres, provided that it is located within the development boundaries and on sites allocated for development. Furthermore, Policy CS5 of the CS strictly controls development within countryside areas, but does allow it in certain circumstances. The current appeal relates to a development of three open market dwellings and, in the absence of substantial evidence to the contrary, the proposal would fail to meet the requirements of CS Policy CS11 which sets out the types of new residential development that may be permitted in such areas. This position is further clarified under Policy SAMDev MD7a which states that housing outside development boundaries must meet evidenced local housing needs. CS Policy CS6 which aims to create sustainable places by, among other objectives, protecting the natural environment and making the most effective use of land, is also relevant.
7. Policy MD3 of SAMDev does allow for some windfall housing development in the countryside on land outside named development settlements where the settlement guideline is unlikely to be met. However, the site the subject of the current appeal does not relate to a Hub or part of a Cluster and therefore the windfall provisions of Policy MD3 do not apply here.
8. Maesbury Marsh has some services, notably a public house, a village hall and a small shop which lies just outside the village. However, there is currently no school in the village and no post office. The bus service is limited with a two hourly service to Oswestry and Shrewsbury with less frequency on Saturdays and none on Sundays. Given the lack of facilities and services and the infrequency of public transport there would be a heavy reliance on private vehicles for journeys irrespective of distance. Longer trips to Oswestry and Shrewsbury would be likely to be necessary on a regular basis.
9. The Framework identifies that housing should be located where it can enhance or maintain local communities. Given the poor availability of local facilities and services I do not consider that the proposal could provide significant social benefits without requiring regular private vehicle journeys. Members of the community without access to private vehicles would not benefit from good access to services and therefore in this regard the proposal would not make a positive contribution to supporting strong, vibrant and healthy communities as required by the Framework.
10. On this issue I therefore conclude that the site would not be an appropriate location for development having particular regard to the settlement strategy for the area and the accessibility of services and facilities. As such, it conflicts with the development principles of Policies CS3, CS5 and CS6 of the CS, Policy MD7a of the SAMDev and the Framework.

Character and appearance

11. The site is currently a paddock used for agricultural purposes outside the settlement boundary. Although it does not have any specific designation in terms of ecological, heritage or cultural significance it is important to the setting of Maesbury Marsh. The layout shows three large detached dwellings facing the main road with a block of garages to the rear. The remainder of the site would be retained as a paddock area.
12. Although the proposal would not extend residential development any further along the road than at present, the addition of three dwellings in this prominent location on the approach to the village would extend the built up area into the open countryside. This effect would be harmful to the existing rural character of the greenfield site.
13. On this issue I conclude that the development would harm the character and appearance of the area and therefore be contrary to the environmental objectives of Policy CS17 of the CS and the Framework.

Other matters

14. With regard to affordable housing have noted the appellant's comments identifying why no Section 106 agreement relating to the provision of a financial contribution accompanies the current appeal. However, since the appeal is being dismissed for other reasons, this matter has had little bearing on my assessment of the proposal.
15. The appellant refers to other examples of housing development being allowed in or near to villages, including Maesbury Marsh. However, the characteristics of each site are different. Although the Council may have considered the site at Waen Lane to be suitable for housing and that the benefits of the scheme were not demonstrably outweighed by the harm of the site being outside the development boundary, the circumstances that applied to that case, which was determined prior to the adoption of the SAMDev, are not directly comparable to those before me.
16. The appellant has also offered to reduce the scheme to two dwellings but that is not the scheme before me. In any event I do not consider that this would overcome my conclusions on the main issues.
17. Finally, I am aware of a number of interested party comments with regard to flooding, drainage and highways safety. Had my findings in relation to the main issues in this case been more favourable, it would have been necessary to address the arrangements for foul and surface water drainage and highways conditions more fully. However, as the appeal is being dismissed for other reasons, I make no further comments on these matters.

Conclusion

18. Paragraph 7 of the Framework identifies that there are three key dimensions to sustainable development – economic, social and environmental. The construction phase would generate some economic activity and there may be some limited additional spending on building materials, goods and services locally. Although existing facilities and services in the village are limited, future residents may also have some input into the local economy through increasing the demand for local goods and services. Under Policy CS9 of the CS the

- proposal would also be liable for a payment under Community Infrastructure Levy (CIL) which would provide financial support for infrastructure, locally.
19. The appellant is quite clear that, although they have identified some disputes in terms of whether the Council can demonstrate a five year supply of housing land, the appeal has not been advanced on that basis. Irrespective of whether or not the five year supply exists, paragraph 49 of the Framework says that applications for housing should be considered in the context of the presumption in favour of sustainable development. The provision of three additional dwellings would make a limited contribution to boosting local housing supply but the proposal would not meet an identified local housing need or meet an identified shortfall in housing supply in Shropshire.
 20. However, I have found that the proposal would be harmful to the character and appearance of the area in conflict with the environmental dimension of sustainability.
 21. The development would not provide significant economic, social or environmental benefits, would be heavily reliant on private vehicles and fail to support a vibrant and healthy community with good access to services and facilities. Given the conflict with the settlement strategy for the area, the reliance on the private car for access facilities and services and the harm to the character and appearance of the area the development would not be compatible with the key principles of sustainability.
 22. The appellant has provided some evidence of limited local benefits from the development. However, I do not consider that adequate justification has been satisfactorily demonstrated to be applicable to this particular case.
 23. My findings conclude that the development would not be sustainable development and does not meet the requirements of the Framework when read as a whole.
 24. For the above reasons and taking into account all other matters raised I conclude that the appeal should be dismissed.

Alastair Phillips

INSPECTOR

Appeal Decision

Site visit made on 21 June 2016

by **B Bowker Mplan MRTPI**

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

Decision date: 19 September 2016

Appeal Ref: APP/L3245/W/16/3145233

Land at the Croft, Bellaport Road, Norton-In-Hales, Market Drayton, 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 & Mrs James Stewart Hancock against the decision of Shropshire Council.
 - The application Ref 15/03141/OUT, dated 20 July 2015, was refused by notice dated 8 October 2015.
 - The development proposed is described as '*application for dormer bungalow dwelling with detached garage and new driveway with turning spur to existing vehicular access (approved under condition 4 14/01590/DIS – Plng permission 14/01590/FUL). Foul Drainage connects to existing foul manhole on site leading to public sewer.*'
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The proposal is for outline planning permission but with access having already been approved. Appearance, landscaping, layout and scale are reserved for later consideration and the appeal has been determined on this basis.
3. Following the Court of Appeal's judgment of 11 May 2016¹, comments were sought from the parties in relation to its effect on the appeal proposal. Consequently, in this case, the Council have confirmed they no longer seek a contribution towards affordable housing. Based on all that I have read and seen, I have no reason to disagree with the Council's revised stance on this matter. As such, this decision will focus on the main issues below.

Main Issue

4. The main issue is whether the proposal would provide a suitable site for housing, having regard to the settlement strategy for the area and the proximity of services.

Reasons

Suitable site

¹*West Berkshire District Council and Reading Borough Council v Department for Communities and Local Government* [2015] EWHC 2222 (Admin).

5. For planning purposes, the site occupies a countryside location as defined by Shropshire Core Strategy (CS) Policy CS5 and Site Allocations and Management of Development Plan (SAMDev) Policy MD7a. Policy CS5 seeks to strictly control development in the countryside in accordance with national policy, and includes a list of development proposals permitted on the basis of maintaining and improving the sustainability of rural communities. Similarly, SAMDev Policy MD7a seeks to strictly control new market housing outside of Community Hubs and Community Clusters and also includes some exceptions to this principle. However, the small grouping of some 8 dwellings known as The Croft is not part of a Community Hub or Cluster and the proposal would not meet any exception listed in the policies.
6. SAMDev Policy MD3 is also relevant to the proposal and supports sustainable housing development on windfall sites within settlements and in the countryside; particularly when housing guidelines appear unlikely to be met. However, windfall sites need to accord with settlement policy. In this respect they should be related to an identified settlement with a settlement guideline figure, factors that do not apply in this case. Therefore, taking the above into account, the proposal would be contrary to SAMDev Policies MD3, MD7a, and CS Policy CS5.
7. I note that National Planning Policy Framework (the Framework) paragraph 47 seeks to significantly boost the supply of housing and paragraph 55 states rural housing should be located to enhance or maintain the vitality of rural communities and not occupy an isolated location. The Council's settlement strategy is seeking to put into place these national policy objectives.
8. Norton in Hales is acknowledged by the Council as a sustainable settlement that has a range of services some of which I saw during my site visit. The village contains a primary school, public house, village hall, church and children's play area and would offer the closest range of services for future occupants. The appeal site is approximately 450 metres from the edge of Norton in Hales and within 1 kilometre of its services and facilities.
9. However, the connecting country lane to Norton in Hales is single width, unlit, with no footway and contains bends thus offering poor visibility for highway users. Whilst the road was moderately busy at the time of my visit, the lane would likely be busier in the early evening which combined with its alignment and lack of pavement and street lighting could present safety issues for future occupants seeking to walk to the village, particularly during the evening. In addition, I could not see a bus stop next to the site nor have the parties identified any public transport facilities in the immediate surrounding area. Therefore, in such circumstances, I consider it is likely that future occupants would depend on a private vehicle to access Norton in Hales and other key services and facilities available at other settlements.
10. Given the limitations of travel by public transport, on foot and by cycle, future occupants are likely to use a private car to access services and facilities available at Norton in Hales and other settlements further away. Consequently, the development would be in an isolated location in terms its accessibility to services and facilities in the wider area.
11. Therefore I conclude that the development would not provide a suitable site for housing having regard to the settlement strategy for the area and the proximity of services. Furthermore, the additional car journeys would result in

an increase in greenhouse gas emissions and thus clear harm when considering the environmental dimension of sustainable development. Consequently, the proposal is contrary to Policies CS4, CS5, CS6 of the CS, SAMDev Policies MD3 and MD7a and paragraph 55 of the Framework. Combined, these policies seek to ensure housing development is located in identified settlements, avoids isolated locations and makes the fullest possible use of public transport and walking to avoid dependency on private car travel.

Other matters

12. A number of benefits are associated with the proposal such as its contribution to housing supply, meeting family needs, support to the sustainability of rural services and local economy and CIL revenue. In addition, no harm is identified to the character and appearance of the surrounding area. However, the harm identified in relation to the main issue would outweigh the benefits and factors noted above.
13. Notwithstanding the Court of Appeal judgement referred to in paragraph 3, the appellant would be willing to make a financial contribution towards affordable housing and to that effect a draft obligation under Section 106 of the Town and Country Planning Act 1990 has been submitted. However, as this obligation has not been completed, there is no means before me to secure such a contribution so I am unable to take it into account as a potential benefit.

Conclusion

14. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be dismissed.

B Bowker

INSPECTOR

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Appeal Decision

Site visit made on 22 June 2016

by **B Bowker Mplan MRTPI**

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

Decision date: 19 September 2016

Appeal Ref: APP/L3245/W/16/3145470

Land at Shrewsbury Road, Cockshutt, 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 Mrs W Crabb against the decision of Shropshire Council.
 - The application Ref 13/04868/OUT, dated 20 November 2013, was refused by notice dated 7 September 2015.
 - The development proposed is erection of five dwellinghouses and formation of vehicular and pedestrian access.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The submitted planning application form related to outline planning permission with all matters reserved. Appearance, landscaping, layout, access and scale are reserved for later consideration and the appeal has been determined on this basis.
3. Following the Court of Appeal's judgment of 11 May 2016¹, comments were sought from the parties in relation to its effect on the appeal proposal. Consequently, in this case, the Council have confirmed they no longer seek a contribution towards affordable housing. Based on all that I have read and seen, I have no reason to disagree with the Council's revised stance on this matter. As such, this decision will focus on the main issues below.
4. The Council published its Full Objectively Assessed Housing Need 2016-2036 document on 4 July 2016 and a Five Year Housing Land Supply Statement on 26 August 2016. Comments have been sought from the parties in relation to the effect of both of the documents on the appeal. Accordingly, both documents and submitted comments have been taken into account.

Main Issue

5. The main issue is whether the proposal would result in a sustainable pattern and form of development, having particular regard to local and national planning policy and the effect on the character and appearance of the area.

¹*West Berkshire District Council and Reading Borough Council v Department for Communities and Local Government* [2015] EWHC 2222 (Admin).

Reasons

6. Cockshutt is classified as a Community Hub by the Council's Site Allocations and Management of Development Plan (SAMDev). However, although the appeal site is located adjacent to dwellings to the north and west, it is located outside the settlement boundary of Cockshutt. Consequently, for planning purposes the site occupies a countryside location as classified by Core Strategy (CS) Policy CS5. Policy CS5 seeks to strictly control development in the countryside in accordance with national policy, and includes a list of development proposals permitted on the basis of maintaining and improving the sustainability of rural communities. SAMDev Policy MD7a also seeks to strictly control new market housing outside settlements including Community Hubs, and also include some exceptions to this principle. However, the proposal would not fall under an exception in either policy.
7. SAMDev Policy MD3 is also relevant to the proposal and supports sustainable housing development on windfall sites within settlements and in the countryside; particularly when housing guidelines appear unlikely to be met. SAMDev Policy S8.2 (i) states that Cockshutt has a housing guideline of 50 dwellings over the plan period, 20 of which are to be met by allocated sites and 18 dwellings from committed development. I note that a large proportion of the committed development was granted planning permission some time ago and that construction is yet to begin. However, it would seem premature in the SAMDev plan period to require windfall or infill development outside of Cockshutt's development boundary to meet the housing guideline. Moreover, taking into account the recent adoption of the SAMDev Plan it seems likely the Council will be able to meet the housing guideline through housing development within the development boundary by the end of the plan period in 2026.
8. The appellant contends that the Council require windfall development such as the proposal in order to meet rural housing targets. However, the Council can demonstrate a five year housing land supply, which to my mind indicates that housing need is currently being met. The presence of a five year land supply also means that local policies relevant to the supply of housing are not considered out of date and attract full weight. Taking the above into account, the proposal would be contrary to SAMDev Policies MD3, MD7a, and CS Policy CS5.
9. However, I note that National Planning Policy Framework (the Framework) paragraph 47 seeks to significantly boost the supply of housing. In addition, paragraph 55 of the Framework states housing in rural locations should be located to enhance or maintain the vitality of rural communities and not occupy an isolated location.
10. The appeal site forms part of a relatively level agricultural field located to the southern edge of Cockshutt. Residential properties surround the site to the immediate north and west and are linear in pattern with road frontages along Shrewsbury Road. Dwellings continue further south on the opposite side of Shrewsbury Road and in the main comprise detached dwellings. However, the main built up area of the village lies to the north so that the area around the appeal site appears to be on the margins of the settlement.
11. The proposal would introduce development into an open field that would be visible from public vantage points along Shrewsbury Road. The proposed linear

layout of development with road frontage shown on the indicative plans would be similar to development on the opposite side of the road. However, the proposal would consolidate development on both sides of Shrewsbury Road and therefore create a more urban character and further extend the built form of Cockshutt into the open countryside. This harm would occur irrespective of the fact that the site is not located in an area subject to a landscape designation.

12. Moreover, based on the recent adoption of the SAMDev plan, it would be premature and unjustified to develop an open greenfield site and contrary to the above noted policies. I also note that paragraph 17 bullet point 5 recognises the intrinsic character of the countryside. To these matters I attach great weight.
13. In reaching this view, I have taken into account modest benefits associated with the proposal such as its contribution to housing supply, rural services, its access to public transport, the resultant CIL revenue and support to construction employment. In addition, I note the proposal was supported at officer level and I am satisfied that the proposal would not comprise an isolated location in terms of its accessibility. However, these benefits are outweighed by the harm identified to the character and appearance of the surrounding area and the proposal's conflict with the noted local and national planning policies. Taken as a whole, in this light, the proposal would not constitute sustainable development.
14. Therefore, I conclude that the proposal would not result in a sustainable pattern and form of development, having particular regard to local and national planning policy and the effect on the character and appearance of the area. Consequently, the proposal would be contrary to the requirements of Policies CS4, CS5, CS6 and CS17 of the CS, and SAMDev policies MD2, MD3, MD7a and MD12 which are of most relevance to this matter. Combined, these policies seek to control development in the countryside.

Other matters

15. I note the appeal decisions referred to by the parties. Whilst I do not have the full details of these cases before me, some pre-date the SAMDev Plan, whilst others identify different levels of harm, benefit and conclusions regarding the three dimensions of sustainable development. Moreover, I must judge the appeal before me on its own merits.

Conclusion

16. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be dismissed.

B Bowker

INSPECTOR

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Appeal Decision

Site visit made on 22 June 2016

by **B Bowker Mplan MRTPI**

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

Decision date: 19 September 2016

Appeal Ref: APP/L3245/W16/3146165

Woodlane Farm, Wood Lane, Hinstock, Shropshire TF9 2TA

- 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 David Hollins against the decision of Shropshire Council.
 - The application Ref 15/04752/FUL, dated 3 November 2015, was refused by notice dated 18 December 2015.
 - The development proposed is the erection of a single dwelling.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Following the Court of Appeal's judgment of 11 May 2016¹, comments were sought from the parties in relation to its effect on the appeal proposal. Consequently, in this case, the Council have confirmed they no longer seek a contribution towards affordable housing. Based on all that I have read and seen, I have no reason to disagree with the Council's revised stance on this matter. As such, this decision will focus on the main issue below.

Main Issue

3. The main issue is whether the proposal would provide a suitable site for housing, having regard to the settlement strategy for the area and the proximity of services.

Reasons

4. The appeal site forms part of a former farmyard and is set behind a number of buildings previously in agricultural use. Although the site is surrounded by an active farm to the west, and a small number of detached dwellings, the distance and intervening fields visually separate it from Hinstock. Moreover, the Council's Insert Plan shows that the appeal site is not located within the development boundary of Hinstock. Therefore, for planning purposes, the site occupies a countryside location as classified by Shropshire Core Strategy (CS) Policy CS5.
5. Policy CS5 seeks to strictly control development in the countryside in accordance with national policy, and includes a list of development proposals

¹*West Berkshire District Council and Reading Borough Council v Department for Communities and Local Government* [2015] EWHC 2222 (Admin).

- permitted on the basis of maintaining and improving the sustainability of rural communities. Policy MD7a of the Site Allocations and Management of Development Plan (SAMDev) seeks to strictly control new market housing outside settlements including Community Hubs and also outlines the requirements for proposals relating to house essential rural workers. As the SAMDev was adopted after the Framework, I consider it fully accords with it.
6. The proposed dwelling is intended to ensure security of valuable equipment and materials stored at the site in connection with the appellant's building business. However, no substantive details of this business are before me, including whether planning permission has been acquired to use the site for the storage of machinery and materials. This limits the weight I can afford this matter including the associated benefits advanced by the appellant and consideration of existing related vehicular journeys. Moreover, no business operational need has been provided to justify the dwelling at the site.
 7. SAMDev Policy MD3 is also relevant to the proposal and supports sustainable housing development on windfall sites within settlements and in the countryside; particularly when housing guidelines appear unlikely to be met. However, I am unclear on what progress has been made towards Hinstock's housing guideline of 60 dwellings over the plan period. Nonetheless, taking into account the recent adoption of the SAMDev Plan it seems likely the Council will be able to meet the housing guideline by the end of the plan period. Taking the above into account, the proposal would be contrary to SAMDev Policies MD3, MD7a, and CS Policy CS5.
 8. I note that National Planning Policy Framework (the Framework) paragraph 47 seeks to significantly boost the supply of housing. In addition, paragraph 55 of the Framework states housing in rural locations should be located to enhance or maintain the vitality of rural communities and not occupy an isolated location. The Council's settlement strategy is seeking to put into place these national policy objectives.
 9. Hinstock is located roughly 800 metres to the south of the site and is accessed by the A529 which passes the front of the site. This section of the A529 is relatively straight and as a result I observed that vehicles travelling along it do so at some speed. Whilst Hinstock contains some services and facilities, the lack of pavement and street lighting combined with the speed of traffic along the A529 would make walking and cycling to Hinstock an unlikely and potentially unsafe option for future occupants. In addition, I could not see any public transport facilities in close proximity to the site.
 10. Given the limitations of travel by public transport, on foot and by cycle, future occupants are likely to depend on a private car to access services and facilities available at Hinstock and further away at Market Drayton and Newport. Consequently, the development would be in an isolated location in terms its accessibility to services and facilities in the wider area.
 11. Therefore the development would not provide a suitable site for housing, having regard to the settlement strategy for the area and the proximity of services. Furthermore, the additional car journeys would result in an increase in greenhouse gas emissions and thus clear harm when considering the environmental dimension of sustainable development. Consequently, the proposal would be contrary to Policies CS3, CS4, CS5 and CS6 and CS17 of the CS, and Policies MD1, MD3 and MD7a of the SAMDev. Insofar as they relate to

this matter, combined these policies seek to ensure development is controlled in the countryside, focussed within existing settlements, and makes the fullest possible use of public transport and walking to avoid dependency on private car travel.

Other matters

12. The Framework recognises that all settlements in rural areas can play a role in delivering sustainable development and that housing can support local services. With this in mind, future occupiers could provide support to the services and facilities at Hinstock. The proposal would also contribute to housing supply, result in wildlife improvements, provide Community Infrastructure Levy revenue, support the local economy and remove a vacant and obtrusive building to utilise redundant land. In addition, the Framework notes that opportunities to maximise sustainable transport solutions vary from urban to rural areas and the proposal would provide a home for a longstanding local family.
13. However, the encouragement of sustainable travel and the need to reduce greenhouse gases have to be balanced against policies for sustaining the rural economy. In this case, the modest benefits identified above would be outweighed by the harm identified in relation to the main issue above.
14. In coming to that view I have considered an appeal decision² regarding the Council's ability to demonstrate a five year supply of housing land. However, a legal challenge against this appeal decision has been submitted by the Council and I understand that the Secretary of State has submitted to the judgement of the court. Therefore I cannot rely on the appeal decision in respect of the housing land supply situation in the borough. I have also considered the parties different views regarding housing delivery in rural areas.
15. However, the above aside, even if the Council were unable to demonstrate a five-year supply of housing land, or were under delivering housing in rural areas, the adverse impacts identified in relation to the main issue would significantly and demonstrably outweigh the benefits identified above. Consequently, the proposal would still be unacceptable when assessed against the policies of the Framework as a whole.

Other matters

16. I note the appeal decisions referred to by the parties. Whilst I do not have the full details of these cases before me, some pre-date the adopted SAMDev and in the main conclude different levels of harm and benefit thus different conclusions regarding the three dimensions of sustainable development. Moreover, I must judge the appeal before me on its own merits.
17. I have had regard to other concerns raised in relation to the adequacy of information submitted for landscape and access matters. However, as I am dismissing the appeal on the main issue for the reasons above, I have not pursued these matters further.

Conclusion

² APP/L3245/W/15/3067596, Land at Teal Drive, Ellesmere.

18. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be dismissed.

B Bowker

INSPECTOR

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: 21 September 2016

Appeal Ref: APP/L3245/W/15/3131686

Crawfortan, Shrewsbury Road, Hadnall, Shropshire, SY4 4AN

- 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 Davies & Mrs Jean Davies against the decision of Shropshire Council.
 - The application Ref 14/05639/OUT, dated 12 December 2014, was refused by notice dated 3 July 2015.
 - The development proposed is the erection of 4 dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was submitted in outline with all matters reserved. I have dealt with the appeal on this basis. A layout plan was submitted with the planning application. However, I have taken this as being for indicative purposes only.
3. 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. 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 was legally compliant and met the criteria for soundness in the National Planning Policy Framework (the Framework). The SAMDev Plan has now been adopted and together with the Core Strategy forms the statutory development plan for the area. Accordingly, I have considered the appeal on this basis.
4. 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.

5. During my consideration of this appeal I was made aware of an appeal decision elsewhere in Shropshire in which the Inspector considered that the Council could not demonstrate a 5 year supply of housing land because it did not have a robust housing requirement based on an up-to-date Full Objectively Assessed Need for housing (FOAHN). The appeal decision dated 16 May 2016 relates to a site at Teal Drive, Ellesmere¹. In the interests of fairness and natural justice I considered it appropriate to seek the comments of the main parties as to whether the appeal decision had any bearing on this appeal and I have had regard to the various responses and information submitted by the parties in relation to this matter. I return to this matter below.
6. In addition the Council published a further update to its Five Year Housing Land Supply Statement on 26 August 2016 which indicates that for the 5 year period starting on 1 April 2016 it can demonstrate a 5.97 year supply of housing. The appellant has been afforded the opportunity to comment on this and I have had regard to the response received.

Main Issue

7. The main issue in this appeal is whether or not the appeal proposal for housing in this location would be a sustainable form of development having particular regard to the overall development strategy for the area in the development plan and the effect on the character and appearance of the area.

Reasons

Development Strategy

8. Policy CS1 of the Core Strategy sets out the strategic approach to development in Shropshire. It indicates that approximately 25% of housing development over the plan period 2006-2026 will be accommodated in Shrewsbury, 40% will be accommodated in the Market Towns and other Key Centres and 35% will be accommodated elsewhere as part of a 'rural rebalance' process to enhance the sustainability of rural areas. In achieving this 'rural rebalance' development and investment will be located predominantly in Community Hubs and Community Clusters. Outside these settlements, the policy indicates that development will primarily be for economic diversification and to meet the needs of the local communities for affordable housing.
9. Policy CS4 of the Core Strategy indicates that in the rural area, communities will become more sustainable 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. It also indicates that Community Hubs and Community Clusters are identified in the SAMDev Plan.
10. 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 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 including rural workers dwellings, affordable housing to meet a local need and the conversion of rural buildings.

¹ APP/L3245/W/15/3067596

Although the list is not exhaustive, market housing, other than conversions of rural buildings is not identified as being permitted in the countryside.

11. Policy MD1 of the recently adopted SAMDev Plan relates to the scale and distribution of development. It indicates that, further to the policies of the Core Strategy, sufficient land will be made available to meet the Core Strategy housing requirements; sustainable development will be supported in Shrewsbury, the Market Towns and Key Centres and the identified Community Hubs and Community Cluster settlements, having regard respectively to policies CS2, CS3 and CS4 of the Core Strategy and to the principles and development guidelines in settlement policies S1-S18 and policies MD3 and MD4 of the SAMDev Plan and that additional Community Hubs and Community Cluster settlements will be formally considered for designation as part of a Local Plan review.
12. Policy MD7a of the SAMDev Plan indicates, amongst other things, that further to Core Strategy policy CS5, new market housing will be strictly controlled outside of Shrewsbury, the Market Towns and Community Hubs and Cluster. Suitably designed and located exception site dwellings and residential conversions will be considered where they meet evidenced local housing needs and other policy requirements.
13. Hadnall is not identified as a Community Hub or Community Cluster within the SAMDev Plan. I note the appellant's concerns about the manner in which the Community Hubs and Community Clusters in the SAMDev Plan were identified. However, I am mindful that the Inspector examining the plan found that, subject to the modifications set out in her report, it was legally compliant and sound. Therefore, I give the appellant's views in the above respect little weight.
14. The appeal site lying outside of a Community Hub or Community Clusters is within the countryside for planning policy purposes. Accordingly, the proposed development for new market housing would not satisfy policies CS4 and CS5 of the Core Strategy or policy MD7a of the SAMDev Plan.
15. Policy MD3 of the SAMDev Plan 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 the policies of the Local Plan, particularly policies CS2, CS3, CS4, CS5, MD1 and MD7a.
16. The appellant indicates that Hadnall was considered a key main settlement within the former local plan and contends that unless windfall development such as the appeal proposal is allowed in such places, the SAMDev Plan will not deliver the level of housing development envisaged within Core Strategy policy CS1, as necessary as part of the 'rural rebalance' process. He also refers to the supporting text to policy MD3 of the SAMDev Plan. This indicates that a key component of the housing land supply is the allocated sites with related guidelines. It then goes on to indicate that '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.
17. I am mindful that in her report on the Examination of the SAMDev Plan, the Inspector conducting the examination indicates that she is aware that the

localism approach adopted in the SAMDev Plan to the identification of Community Hubs and Community Clusters means that other larger rural settlements, which have in the past traditionally been considered as suitable for development, are now, in some cases, to be regarded as countryside for policy purposes. I also note that she considers the issue of windfall development and makes a clear distinction between the implications for windfall development on Community Hubs and Community Clusters and the wider countryside.

18. In relation to Community Hubs and Clusters the Inspector states in her report that *'whilst some small sites have been allocated, in many cases, the small scale development is to come forward as windfall development on sites of less than five dwellings which fall under the SHLAA threshold of identified sites. This approach in many Community Hubs and Clusters is consistent with the higher proportion of windfall development needed in the rural areas.'* She then goes on to state that *'affordable housing exception schemes and the conversion of rural buildings are significant sources of windfall supply in the rural areas'* before concluding that in such circumstances the reliance on windfall development is proportionate and justified.
19. In the context of this therefore, my reading of policy MD3 of the SAMDev Plan together with its supporting text lead me to the view that windfall developments within the countryside, such as the appeal proposal, need to be considered against the relevant Local Plan policies, namely policy CS5 of the Core Strategy and policy MD7a of the SAMDev Plan. These policies seek to strictly control new market housing in the countryside but are permissive of rural workers' dwellings, affordable housing to meet a local need and the conversion of rural buildings. As indicated above, the appeal proposal for market housing would not satisfy policy CS5 of the Core Strategy or policy MD7a of the SAMDev Plan. Accordingly, having regard to the policies of the Local Plan as required by policy MD3, it would not be an appropriate windfall development.
20. I have had regard to the appeal decision at Ludlow² which the appellant considers provides support for his case. In this decision which pre-dates the adoption of the SAMDev Plan the Inspector concluded that, given the number of dwellings that had been delivered in the first nine years of the Core Strategy and the number that remained to be found across the County in the next 11 years to meet the Core Strategy requirement, there was a current need to boost the supply of housing in Shropshire, including by way of greenfield windfall sites, where these are sustainable in planning terms.
21. Each case needs to be judged on its own merits, on the basis of the evidence before the Inspector. I note that the Council did not advance any evidence in support of its reason for refusal at the Inquiry into the Ludlow appeal and that the Council indicates that the position stated in the decision did not take into account committed sites with planning permission that have not yet been developed and that if these had been included the amount of dwellings to be found would have been considerably less than that stated. Accordingly, it would seem to me that the position now is somewhat different to that which the Inspector considered it to be at the time of the appeal. In any event as I find below, the proposed development on the appeal site would not comprise sustainable development.

² APP/L3245/W/15/3001117

22. I have also had regard to the appeal decision at West Felton³ referred to by the appellant which, as with the Ludlow decision, also pre-dates the adoption of the SAMDev Plan. As indicated above, the developments listed within policy CS5 of the Core Strategy as acceptable within the countryside is not exhaustive. However, policy MD7a of the recently adopted SAMDev Plan relates to managing housing development in the countryside and complements Core Strategy policy CS5. It is clear in indicating that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns and Community Hubs and Cluster. Furthermore, given that the SAMDev Plan has been found to be sound, I am satisfied that the approach adopted within both policy MD7A of the SAMDev Plan and policy CS5 of the Core Strategy with regard to development within the countryside can be considered consistent with national policy.
23. Whilst the Core Strategy pre-dates the publication of the Framework I consider that the Core Strategy policies and the policies of the SAMDev Plan referred to above are broadly consistent with the Framework, specifically the advice contained at paragraph 55 that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities and that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. Policy CS5 of the Core Strategy and policy MD7a of the SAMDev Plan are also broadly consistent with the core planning principle of the Framework that planning should recognise the intrinsic character and beauty of the countryside.
24. Drawing together all of the above therefore to conclude on this issue, the proposed development of the appeal site for open market housing in the countryside would be contrary to the overall development strategy for the area and would fail to satisfy policies CS1, CS4 and CS5 of the Core Strategy and Policies MD3 and MD7a of the SAMDev Plan.

Character and appearance

25. The appeal site comprises a field located on the eastern side of Shrewsbury Road (A49) to the north of Hadnall. It is generally flat and forms part of an extensive area of attractive countryside around the settlement of Hadnall which is characterised by small irregular shaped fields, hedgerows and hedgerow trees.
26. The site is tree lined along the road frontage with trees protected by a Tree Preservation Order. I note that the Council's Tree Officer does not object to the removal of two mature lime trees from the frontage to create an access point.
27. Although the appeal site has no specific ecological, landscape or heritage designation it is important to the setting of Hadnall as part of the wider area of countryside around the settlement. The appeal proposal would result in the encroachment of built development into this area of countryside on a site which is separate from the main built up area of Hadnall, albeit adjacent to two existing properties in extensive grounds. The addition of 4 detached dwellings would result in the urbanisation of the appeal site to the detriment of its rural character and appearance and would cause harm to the intrinsic character and beauty of the wider area of countryside in which the appeal site is situated.

³ APP/L3245/W/15/3003171

28. To conclude on this issue therefore, the proposed development would harm the character and appearance of the area and conflict with policies CS5, CS6 and CS17 of the Core Strategy which are consistent with the core planning principle of the Framework that planning should take account of the character of different areas and recognise the intrinsic character and beauty of the countryside.

Other Material considerations

29. In relation to the Teal Drive decision referred to above, the Inspector considered that the Council did not have a robust housing requirement based on an up-to-date FOAHN and that consequently it could not demonstrate a five year supply of deliverable sites in accordance with paragraph 47 of the Framework and that paragraphs 49 and 14 of the Framework were therefore engaged.
30. I note that the Council is in the process of challenging that decision and that the Secretary of State has concurred that the decision should be quashed. I appreciate that other parties are also involved in the Teal Drive case and that at the present moment the permission remains extant. However, in the light of the Secretary of State's decision to concede that the decision should be quashed I consider, as did the Inspector in the recent Pulley Lane decision⁴ to which I have been referred, that I am not able to place any meaningful weight on any precedent which may be considered to be created by that decision. Accordingly, on the basis of the evidence before me I have no reason to regard the relevant policies for the supply of housing as being not up-to-date having regard to the advice at paragraph 49 of the Framework.
31. As indicated above the latest update of the Council's Five Year Housing Land Supply Statement indicates that Shropshire currently has a 5.97 year supply of deliverable housing land. The appellant has not provided any detailed housing land supply evidence in this case and contends that irrespective of the position in relation to the five year supply of housing land having regard to the Wychavon⁵ case the presumption in favour of sustainable development exists outside of paragraph 14 of the Framework and therefore does not only apply where the development plan is absent, silent or relevant policies are out of date.
32. However, the remarks of the judge in the Wychavon case on that matter were made in obiter and there is no requirement that a decision maker should follow them. The judgment of the Court of Appeal in the case of Suffolk Coastal District Council v Hopkins Homes Ltd and Richborough Estates Partnership LLP v Cheshire East⁶ confirmed that paragraph 14 explains how the presumption in favour of development is to be applied. It follows from this, that in the context of decision taking, the presumption does not apply unless the proposal accords with the development plan or the development plan is absent, silent, or relevant policies are out of date and the adverse impacts do not significantly and demonstrably outweigh the benefits. This is supported by the approach advocated in the Cheshire East judgment⁷. As indicated above in this case I have no reason to regard the relevant policies for the supply of housing as

⁴ APP/L3245/W/16/3146986

⁵ Wychavon v SSCLG and Crown House Developments Ltd [2016] EWHC 592 (Admin)

⁶ Suffolk Coastal District Council v Hopkins Homes Ltd and Richborough Estates Partnership LLP v Cheshire East, SSCLG [2016] EWCA Civ 168

⁷ Cheshire East BC v SSCLG [2016] EWHC 571 (Admin)

being not up-to-date of date. Accordingly the presumption in favour does not apply.

Sustainable development/Planning balance

33. 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.
34. In relation to the economic and social dimension the appeal proposal would result in housing development which may provide some short term employment opportunities during the construction phase and then in the longer term would provide homes whose future occupants may make some contribution to the local economy and help support the local services and facilities in Hadnall. It would also contribute towards boosting local housing supply. However, given the scale of the proposed development, any benefits in these respects would be somewhat limited.
35. The proposal would also result in a Community Infrastructure Levy (CIL) payment to be spent locally on infrastructure, additional Council Tax receipts and a New Homes Bonus although this would be a one off payment. However, any benefits in all of these respects would also be somewhat limited given the small scale of the proposed development.
36. In relation to the environmental role the appeal proposal would cause material harm to the rural character and appearance of the area and the surrounding countryside contrary to the core planning principle of the Framework that planning should take account of the character of different areas and recognise the intrinsic character and beauty of the countryside.
37. My attention has been drawn to the Council Officer's report on a planning application which was granted consent for two dwellings at the southern extremity of Hadnall which indicated that the site was in a sustainable location because it was within walking distance of a variety of services and facilities. However, sustainability is about more than distances to services and facilities or access to sustainable transport. The appeal site may be within walking distance of the range of services and facilities in Hadnall and to the bus stops on the A49. However, as I saw from my site visit, from the appeal site there is only one narrow footway on the other side of Shrewsbury Road up until its junction with Ladymas Road. It seems to me that this stretch of footway, which runs alongside the busy A49, would be unlikely to be attractive for pedestrians to use and for many pedestrians would be likely to be difficult to negotiate. Consequently, residents of the proposed dwellings would be likely to be reliant on the use of the car for most of their journeys. This would be contrary to the principle of promoting sustainable transport in the Framework.
38. Taking all of the above into account therefore, I consider that the adverse impacts relating to the environmental role would be significant and are not outweighed by the benefits such that the appeal proposal would not comprise sustainable development defined by the Framework. Moreover, the development plan is not out of date and the conflict that I have identified with it above is not outweighed by any other material consideration.

Other matters

39. The appellant indicates that the Council has recently approved a number of planning applications for proportionate housing developments on the outskirts of Hadnall. 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.
40. In support of their respective cases both parties have drawn my attention to other appeal decisions in Shropshire for housing development, some of which have been allowed and others dismissed. I do not have the full details of the circumstances of these appeals. Nevertheless the decisions indicate the finely balanced nature of the cases and it is clear that each case needs to be judged on its own merits, on the basis of the evidence before the Inspector, and it is on this basis that I have determined this appeal.
41. The support of the Parish Council for the appeal proposal does not serve to outweigh the harm that I have found above.
42. A signed and dated Unilateral Undertaking (UU) in respect of a contribution towards affordable housing was submitted with the appeal. However, the Planning Practice Guidance (PPG) indicates that there are specific circumstances where contributions for affordable housing should not be sought from small scale development. This follows the order of the Court of Appeal dated 13 May 2016 which gave legal effect to Government policy as expressed in the Written Ministerial Statement dated 28 November 2014, to be read alongside the Framework. The proposed development in this case is for the erection of 4 dwellings. Accordingly, it falls within the category of small scale development indicated within the PPG for which contributions for affordable housing should not be sought. However, given my conclusions on the main issues it has not been necessary to consider this matter further.

Conclusion

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

Beverley Doward

INSPECTOR

Appeal Decision

Site visit made on 19 July 2016

by **A A Phillips BA(Hons) DipTP MTP MRTPI**

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

Decision date: 15 August 2016

Appeal Ref: APP/L3245/W/16/3149970

Land off Wrexham Road, Whitchurch, Shropshire SY13 1HS

- 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 and Mrs Keith Noden against the decision of Shropshire Council.
 - The application Ref 15/03104/FUL, dated 19 July 2015, was refused by notice dated 17 November 2015.
 - The development proposed is construction of a new dwelling and associated car port.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - i. whether the proposal would be consistent with housing policy in the development plan and the principles of sustainable development; and
 - ii. the effect of the development on the character and appearance of the area.

Reasons

Sustainable development

3. The appeal site comprises part of a field located to the rear of residential properties on Wrexham Road in Whitchurch. The land is currently used by the appellants as a small hobby farm with sheep, poultry and waterfowl. There is also a small orchard and a polytunnel on part of the site land which appears to have previously been used for growing vegetables. There are a number of temporary buildings in and adjacent to the appeal site associated with the animals and agricultural activity.
4. The site is located outside the defined development boundary for Whitchurch and is defined under Policy S18 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan as countryside. Within the open countryside Policy CS5 of the Shropshire Development Framework: Adopted Core Strategy March 2011 (CS) seeks to strictly control new development.
5. I note that the appellant does not look to question Shropshire Council's overall housing land supply. However, the appellant does bring into question the

housing figures for Whitchurch, specifically. On the evidence before me there is no substantial evidence that the Council cannot demonstrate a five year housing land supply. Therefore, I am satisfied that the Council's housing policies are up to date and as such I give limited weight to the argument that the grant of planning permission for the development could be justified as a means of boosting housing supply numbers.

6. Although the development is for an open market house, the appellants have a local connection, having lived and worked in the area for many years. In addition, the development would be intended to meet the personal circumstances of the appellants, one of whom suffers from arthritis. No evidence has been submitted to demonstrate that options other than building a new house of this size on this site have been fully examined. Furthermore, there is no evidence demonstrating why the appellants' current property is unsuitable for their future needs, how the development would meet specific future needs or, indeed, the circumstances that would arise if the new development did not take place.
7. The appellants have provided some evidence of limited local benefits from the development, including economic, environmental and social gains. However, although there is some scope for allowing residential development under CS5, I do not consider that any have been satisfactorily demonstrated to be applicable to this particular case. As such, I do not consider that there are sufficient benefits to outweigh my concerns under CS5.
8. On this issue I therefore conclude that, as a new dwelling in the countryside, the development is inconsistent with housing policy and the principles of sustainable development having regard to the Framework and the development plan. As such, it conflicts with the Policies CS3, CS5 and CS6 and CS17 of the CS, Policies S18, MD2, MD7a of the SAMDev Adopted Plan 17 December 2015 and the Framework.

Character and appearance

9. The site is close to residential development of different ages, styles and designs. This includes dense detached, semi-detached and terraced two storey properties set within relatively long and narrow plots along Wrexham Road and a number of modern developments such as two storey semi-detached properties Cambridge Road and the modern 'Greenfields' nursing home adjacent to the appeal site. Most residential development in the area is on the road frontages. However, there are some small pockets of houses to the rear of properties on Wrexham Road.
10. The proposed dwelling would be situated at the end of a relatively long driveway and would sit on its own in this backland area. The plot is significantly larger than others in the vicinity and the footprint of the house would be significantly larger than others in the area. The house would have two storeys of accommodation, two ensuite bedrooms with storage space being located in the roof space. The design includes some unusual elements such as a particularly large roof light, curved corner to the kitchen and a mix of roof features, including hipped and gable roofs and dormer windows. A detached pitched roof timber car port with roof mounted PV panels would be adjacent to the house.

11. As well as having a rather awkward random relationship with surrounding residential development the property in terms of its scale and the size of the plot would be at odds with nearby residential development. Furthermore, its design is somewhat confused and presents little evidence of how it responds to its surroundings. I have seen the sites identified in the appellants' character photos and I acknowledge that there is a wide range of residential properties in the locality. Nonetheless, the development would fail to complement the form of residential development in the locality and be harmful to the character and appearance of the area.
12. On this issue I find that the development would be contrary to the design requirements of Policies CS3, CS5, CS6 and CS17 of the CS, Policies S18, MD2 and MD7a of SAMDev and the Framework, requiring good design.

Other matters

13. My attention has been drawn to other appeal decisions in Shropshire, one of which is post-adoption of SAMDev. However, the circumstances of each site and development are different. In relation to the current appeal I do not consider there to be any requirement to boost housing supply numbers. Furthermore due to the inconsistency of the current proposal with sustainable development principles it is not suitable as a windfall site. These decisions are of limited relevance to the current appeal and in any case I do not consider my findings on the main issues to be inconsistent with the identified appeals.
14. Other appeals outside Shropshire have also been identified. In response to the matters raised by these decisions I reiterate that the site can be described as being countryside as it is outside the defined development limits of Whitchurch and that in this case there are matters of harm that conflict with the development plan. These outweigh the limited benefits that would result from the implementation of the development.
15. The level of local support for the proposal is noted. However, there are no issues raised that lead me to conclude that the development would be acceptable.

Conclusion

16. For the above reasons I conclude that the appeal should be dismissed.

Alastair Phillips

INSPECTOR

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Appeal Decision

Site visit made on 9 August 2016

by Jonathan Bore MRTPI

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

Decision date: 18 August 2016

Appeal Ref: APP/L3245/D/16/3152774

Rosewood, Wood Terrace, Myddlewood, Myddle, Shrewsbury SY4 3RZ

- 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 and Mrs G Price against the decision of Shropshire Council.
 - The application Ref 16/00732/FUL, dated 16 February 2016, was refused by notice dated 5 April 2016.
 - The development proposed is the erection of a two storey extension to provide a garden room at ground floor and an additional bedroom and accommodation above.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey extension to provide a garden room at ground floor and an additional bedroom and accommodation above at Rosewood, Wood Terrace, Myddlewood, Myddle, Shrewsbury SY4 3RZ in accordance with the terms of the application, Ref 16/00732/FUL, dated 16 February 2016, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue in this appeal is the effect of the proposed extension on the stock of affordable dwellings.

Reasons

3. Rosewood was granted permission in 2010 as an affordable dwelling on a 'rural exception site' on which market housing would not normally have been permitted. Condition 7 of the permission restricts the dwelling, including future extensions, to no more than 100 square metres gross internal floor area. An accompanying planning obligation under s106 requires adherence to the planning conditions. It also contains various mechanisms to ensure that, were the house to be sold, its price would be maintained at an affordable level below market rates.

4. Shropshire Core Strategy Policy CS11: Type and Affordability of Housing seeks to meet the diverse housing needs of Shropshire residents and indicates that an integrated and balanced approach will be taken with regard to existing and new housing, including type, size, tenure and affordability. Among many other things, it allows for exception schemes for local needs affordable housing on suitable sites in and adjoining appropriate settlements, subject to scale, design, tenure and prioritisation for local people and arrangements to ensure affordability in perpetuity. Policy MD7a of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan 2015 indicates that to protect the affordability of single plot exception dwellings, they will be subject to size restrictions and other legal restrictions.
5. The Council's supplementary planning document (SPD) "Shropshire Type and Affordability of Housing" (2012) states that the size of a rural exception dwelling will not normally be permitted to exceed 100 square metres gross internal floorspace. This limitation has been applied strictly by the Council to this and other applications and is referred to repeatedly by the Council as a policy, but being in a SPD it does not have the same status or weight as a development plan policy. Moreover, the SPD accepts that the limit may be varied; paragraph 5.63 recognises the difficulties faced by growing households already occupying affordable housing and states that it may be acceptable to enlarge an existing affordable house in order to accommodate the needs of the existing household.
6. The applicant has a growing family and needs further accommodation. Whilst the existing house is not overcrowded in statutory terms, space standards for the household size are relatively poor, falling short of the national space standards for a family of six. The extension would create a property with two double and two single rooms, which would be more appropriate in terms of size and layout for this size of family. The resultant house would still not be especially large and, with a restriction of 60% of the open market value in place as required by the planning obligation, it would remain affordable in perpetuity.
7. The Council do not argue that the appellant is no longer in need of affordable housing; the appellants' need for affordable housing would have to be met elsewhere if they had to vacate the property in search of more suitably sized accommodation. With the extension, the house would remain as a unit of affordable accommodation for the family to enjoy. So, in terms of the availability of affordable housing, nothing would be gained by resisting the extension. The need for affordable housing is not confined to small dwellings and Policy CS11 recognises that housing needs are diverse in terms of size.
8. The proposal would not cause the loss of an affordable dwelling, would enable the household needs of a family in affordable housing need to be met and would accord with Core Strategy Policy CS11 which seeks to meet the diverse housing needs of Shropshire. The extension would therefore not have a harmful effect on the stock of affordable dwellings. The design of the scheme would be acceptable and would not harm the countryside; there would therefore be no conflict with Core Strategy Policy CS5. For all these reasons the appeal is allowed.

Undertaking

9. A new unilateral obligation is offered to ensure the continued availability of the dwelling as a unit of affordable housing, by setting a formula price at 60% of the open market value of the completed development including the dwelling and the extension. The planning obligation meets the tests in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. It is reasonable and is directly related to the development.

Conditions

10. A condition is requiring matching materials is necessary in order to protect the character of the area.
11. It is unnecessary and inappropriate to restrict the ground floor of the extension to a 'garden room' since that would artificially limit the ability of the family to make use of the accommodation in its own house. Whether the occupiers would prefer to provide the space with a full range of services and use it as part of their living room is up to them, because the internal arrangements of a dwelling are a matter for the occupiers.

Jonathan Bore

INSPECTOR

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