



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

Date: Monday, 19 June 2017

**Committee:
North Planning Committee**

Date: Tuesday, 27 June 2017

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

Roy Aldcroft
Clare Aspinall
Gerald Dakin
Pauline Dee
Rob Gittins
Roger Hughes
Vince Hunt (Vice Chairman)
Mark Jones
Paul Milner
Peggy Mullock
Paul Wynn (Chairman)

Substitute Members of the Committee

Joyce Barrow
Steve Davenport
Ann Hartley
Simon Jones

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 - 2)

To confirm the Minutes of the meeting of the North Planning Committee held on 18th May (Minutes attached) and 30 May 2017 (Minutes to follow), attached, marked 2.

Contact: Emily Marshall on 01743 257717; or
Shelley Davies on 01743 257718.

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 22nd June.

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 Lostford Lane, Wollerton, Shropshire (16/05812/FUL) (Pages 3 - 14)

Erection of general purpose agricultural building.

6 Hadley Farm, Wrexham Road, Hadley, Whitchurch, SY13 3AB (17/01662/FUL) (Pages 15 - 26)

Siting of up to 8no. camping pitches and up to 2no. glamping pods including change of use of land.

7 Plas Offa Cottage, Chapel Lane, Trefonen, SY10 9DX (17/01740/FUL) (Pages 27 - 36)

Erection of part single storey part two storey rear extension to include a juliet balcony.

8 Appeals and Appeal Decisions (Pages 37 - 62)

9 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 25th July 2017 in the Shrewsbury Room, Shirehall, Shrewsbury.



Committee and Date

North Planning Committee

27th June 2017

NORTH PLANNING COMMITTEE

Minutes of the meeting held on 18 May 2017

At 12.00 noon In the Council Chamber, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND

Responsible Officer: Emily Marshall

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

Present

Councillor Paul Wynn (Chairman)

Councillors Roy Aldcroft, Clare Aspinall, Gerald Dakin, Pauline Dee, Rob Gittins, Roger Hughes, Vince Hunt (Vice Chairman), Paul Milner, Peggy Mullock and Simon Jones

1 Election of Chairman

It was proposed by Mr S Jones, seconded by Mr R Aldcroft and duly

RESOLVED: That Councillor Paul Wynn be elected Chairman for the ensuing municipal year.

2 Apologies for Absence

There were no apologies for absence.

3 Appointment of Vice-Chairman

It was proposed by Mr P Wynn, seconded by Mr G Dakin and duly

RESOLVED: That Councillor Vince Hunt be appointed Vice-Chairman for the ensuing municipal year.

4 Date of the Next Meeting

It was noted that the next scheduled meeting of the North Planning Committee would be held at 2.00 p.m. on Tuesday 30th May 2017 in the Shrewsbury/Oswestry Room, Shirehall, Shrewsbury.

Signed (Chairman)

Date:

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Committee and Date

North Planning Committee

27th June 2017

Item

5

Public

Development Management Report

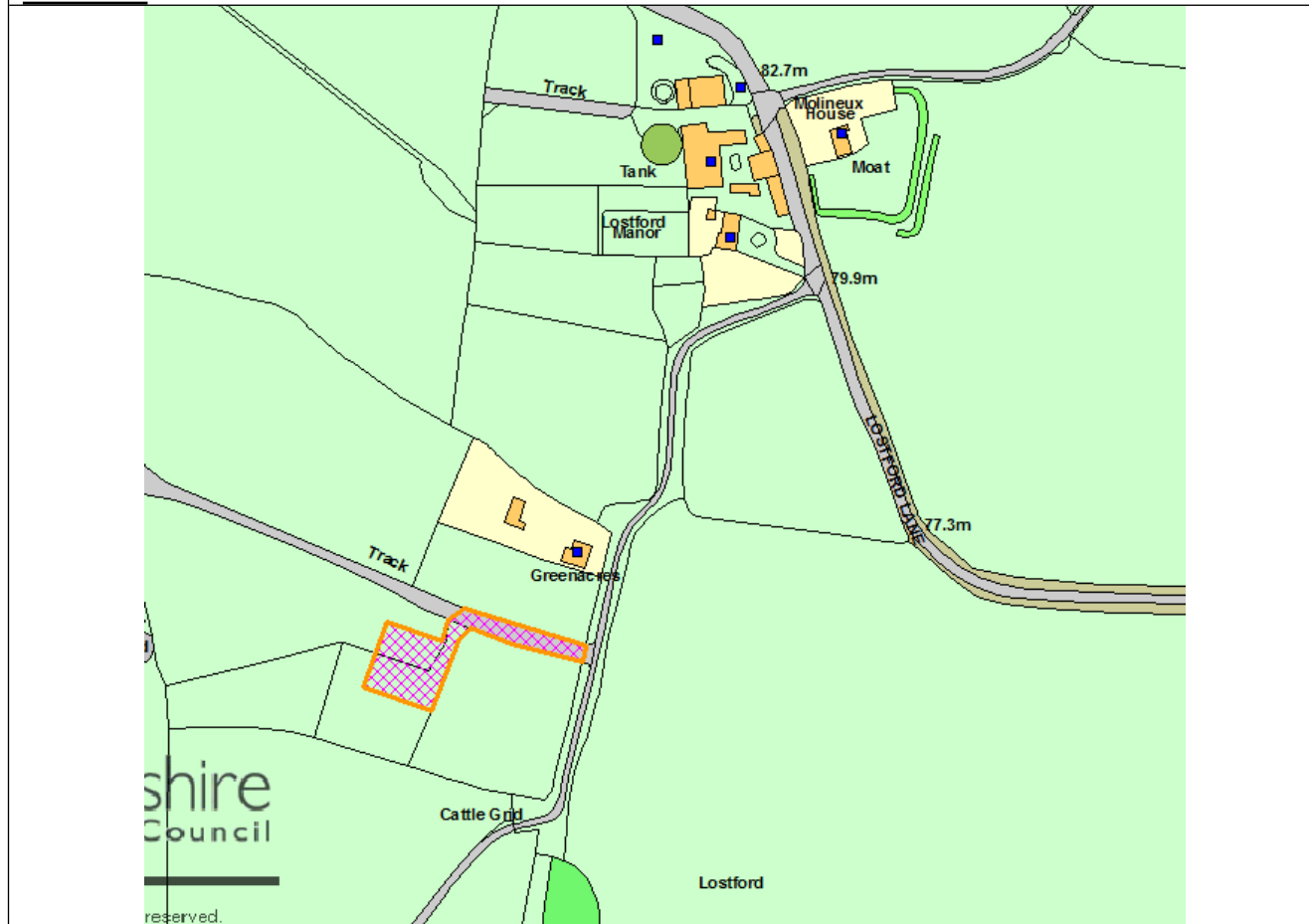
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 16/05812/FUL	Parish:	Hodnet
Proposal: Erection of general purpose agricultural building		
Site Address: Land At Lostford Lane Wollerton Shropshire		
Applicant: Mr Andrew Growcott		
Case Officer: Sue Collins	email: planningdmne@shropshire.gov.uk	

Grid Ref: 362075 - 331808



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

- 1.1 This application seeks planning permission for the erection of a new general purpose agricultural building on land off Lostford Lane, Wollerton.
- 1.2 The building is to be sited parallel with the existing agricultural building and with the eastern side elevation level with that of the existing building too. The building will measure 23.058 metres by 15.826 metres and have an overhang of 1.524 metres. The height will be a maximum of 6.413 metres. On three sides the building will be clad in precast concrete panels to 1.524 metres with Yorkshire boarding above. Part of the northern elevation and the eastern elevation will have box profile metal cladding coloured slate blue with anthracite grey cement fibre sheeting to the roof. Some clear PVC rooflights will be installed to provide additional light. Under the overhang, the feed barriers will be installed and access into the building will be through doors at either end of the building.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The land on which the building is to be sited is relatively flat with the existing building being located adjacent to the proposed site. The land drops away to the east and as such from the A53 it would be visible on the skyline.
- 2.2 There is a bungalow located to the north east with a further dwelling to the south east with access being via a single width track. Within the landscape the majority of field boundaries are defined by hedgerows with trees interspersed. Planting along the eastern boundary of the site has been undertaken following the appeal decision for the other building.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council has objected to the proposed development and this is contrary to the opinion of Officers. Having contacted the Local Member it has been requested that the application be determined by the Planning Committee so that they can assess the relevant material planning issues.

4.0 COMMUNITY REPRESENTATIONS full details of the responses can be viewed online**4.1 Consultee Comments****4.1.1 Parish Council:**

Response received 13.04.17

Although the applicant has amended this application Hodnet Parish Council still objects to this planning application and would like to reiterate its comments of 3rd February 2017.

Response received 03.02.17

Hodnet Parish Council objects to this planning application on the following grounds:

- The applicant has been granted retrospective planning permission for the existing building which was not built in accordance with the approved plans..
- Conditions attached to the permission have not been complied with.
- An ecology survey should be submitted.

- Details for the storage of manure etc should be provided.
- The current building is sufficient for the needs of the agricultural holding.
- This is an industrial expansion on a small area of land.

Response received 17.01.17

Hodnet Parish Council objects to this application as they understand that there is still an appeal pending on this site relating to the actual size of the Building exceeding that of the Planning Permission.

- 4.1.2 **Drainage:** No objection other than to include an informative on any planning permission that may be required.
- 4.1.3 **Shropshire Fire and Rescue:** No objection. As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Services Fire Safety Guidance for Commercial and Domestic Planning Applications which can be found using the following link:
<http://www.shropshirefire.gov.uk/planning-applications>
- 4.1.4 **Ecology:** No objection
No further ecological survey is required.
Great Crested Newts
There are existing records for the ponds to the west of the site. However, due to the scale and type of development and distance from ponds it is considered highly unlikely that an offence would be committed. However, it is very important that works be carried out with the recommended conditions and informatives in mind.
- 4.2 **Public Comments**
- 4.2.1 Five letters of representation have been received. The areas of concern relate to:
- The applicant always disregards planning permissions.
 - No soakaways have been installed for the existing building.
 - The development is turning the area into an industrial unit.
 - It will have a detrimental visual impact on the countryside.
 - Justification for the new building is spurious
 - There are other more appropriate sites for development.
 - It is unlikely that 150 sheep will lamb in one night.
 - Hay is currently stored in polythene
 - A new barn is not required to repair duck pens especially as the pens have not be removed from site since they were first erected.
 - No extra livestock has been present on the land.
 - An ecology survey should be provided
 - Previous works will have affected protected species and habitats
 - No drainage details have been provided. This could lead to surface water flooding in the area.
 - As the applicant fails to comply with planning permissions and their associated conditions, any decision should not be subject to conditions requiring further details to be submitted for later approval.
 - Full details as to the size of the holding, other buildings and the use the land is put to should be provided to verify the need of the building.
 - The existing building is under-utilised and could accommodate the extra uses.
 - It will have a significant and detrimental impact on neighbouring properties.

5.0 THE MAIN ISSUES

- Principle of Development and Planning History
- Design, Scale and Character
- Impact on Residential Amenity
- Ecology
- Drainage

6.0 OFFICER APPRAISAL

6.1 Policy & principle of development and Site History

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.
- 6.1.2 Policy CS13 of the Shropshire Core Strategy deals with the aspect of economic development, enterprise and employment. This supports the principle of development to maintain and deliver sustainable economic growth and prosperous communities. In particular in rural areas it recognises the continued importance of farming for food production and supporting rural enterprise. The policy specifically identifies agricultural and farm development as this provides food.
- 6.1.3 In addition to this policy MD7b of SAMDev also sets out further considerations for development for agricultural purposes. This advises that provided it can be demonstrated that the proposal is of a scale, size and type which is consistent with its intended use; that it complies with other policies; and is closely related to existing farm buildings then the proposal should be supported.
- 6.1.4 Development in the countryside is also dealt with under policy CS5 of the Shropshire Core Strategy. This again supports appropriate development for agricultural purposes.
- 6.1.5 The site has a complicated planning history. In June 2012 planning permission was refused for the erection of an agricultural storage building and 5 wooden sheds for livestock, the retention of a hardcore track and hardstanding, reference number 11/04429/FUL. This was subsequently appealed and the Planning Inspector allowed the appeal, reference 12/01984/REF. Conditions 4 and 7 attached to the permission were discharged on the 17th May 2013, reference number 13/01466/DIS. However the applicant failed to comply with the approved plans in that he constructed a larger barn and more than 5 wooden duck and geese sheds. Therefore a further application was made, reference 14/04787/VAR to deal with the differences. This was refused in March 2015 and was again appealed. The Planning Inspector allowed the appeal (reference 15/02311/REF)

in December 2015. It is noted that the condition requiring drainage details to be submitted for approval has not yet been discharged, however the agent has confirmed to the case officer that this is in hand and will be submitted.

- 6.1.6 At present there are no other outstanding matters in terms of breaches of consent or planning law as cited by some residents and Parish Council. However, the failure of the applicant to comply with previous applications or conditions is not a material planning consideration. Therefore it is the recommendation of officers that this should not be used as a reason to justify refusal. Retrospective applications are not well received by communities and some members, however it is not illegal to apply for retrospective planning permission.
- 6.1.7 The applicant has provided confidential information to demonstrate that since the previous appeal was allowed for the extension to the existing building, the size of the holding has been increased to 132 acres and the number of livestock on the holding as a whole has also increased. The applicant owns 36 acres and the remainder are occupied as a tenant. The land is spread over a wide area with livestock moved as necessary to the various parts of the holding.
- 6.1.8 The farm is primarily for livestock including sheep and beef cattle and due to the nature of the business it is necessary to buy in straw, hay and feed which needs to be stored as well as requiring storage for farm machinery and equipment. In addition the ewes will need accommodation during lambing time generally February to April. Beef cattle will also need to be housed during the winter months and this new building will provide the necessary accommodation. While some things such as hay are being stored outside other items such as feed and equipment benefit from being stored within a building. Particularly in terms of security for equipment.
- 6.1.9 It is stated in the Design and Access Statement that it has not been possible to fully use the existing building as originally proposed as it is not large enough to meet the needs of the expanding business.
- 6.1.10 While local residents have commented that they see no justification for the need, officers are of the opinion that there is justification given the increase in the size of the holding and the livestock numbers being considered.
- 6.1.11 On the basis of the above it is the opinion of Officers that there is a justifiable need for the building on the site in order for the agricultural business to expand and operate. This includes the storage of fodder and equipment as well as meeting welfare standards for the livestock. Therefore in principle the proposal is in accordance with the NPPF and policies CS5, CS13 and MD7b of the Shropshire LDF.
- 6.2 **Design, Scale and Character**
- 6.2.1 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. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. Policy 7 'Requiring Good Design' of the

National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

- 6.2.2 In addition policy MD2 of SAMDev builds on policy CS6 and deals with the issue of sustainable design.
- 6.2.3 Local residents have objected to the scale and design of the building in that it is creating an industrial character into the rural area.
- 6.2.3 The building has been designed to be similar to the existing building on the land but it will be smaller in footprint. Externally the materials proposed are generally what is found in other agricultural buildings and over time the timber cladding mellows and is less visible in the landscape. The use of slate blue profile sheeting and anthracite coloured panels on the roof are also acceptable. Furthermore by locating the proposed building next to the existing building and it being parallel its visual impact in the landscape would be minimised and it would meet the requirements of policy MD7b of SAMDev.
- 6.2.4 It is the nature of modern day farming that agricultural buildings need to be larger to not only house livestock, accommodate feed, hay, straw etc and equipment but also to allow the larger vehicles access. Externally the materials used do appear more industrial, but this is a common feature of modern agricultural buildings with many farms across the country utilising this design.
- 6.2.4 Overall from the details submitted with the application Officers are of the opinion that the proposed design and scale of the building is appropriate for its intended use. Its position in relation to the existing building is acceptable and overall the proposal is in accordance with policies CS5, CS6, CS13, MD2 and MD7b of the Shropshire LDF.
- 6.3 **Impact on Residential Amenity**
- 6.3.1 Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.
- 6.3.2 It has been commented upon that the proposal will have a significant detrimental impact on nearby residential properties. However this statement does not specify in what way the proposed building will have an impact on them.
- 6.3.3 As previously set out in this report, there are two dwellings nearby to the site. Greenacres is located in excess of 70 metres from the site and Lostford Manor is in excess of 200 metres. While they will be able to view the building, this should not be used as a reason to refuse planning permission otherwise all planning applications could be refused.
- 6.3.4 The distance between the building and the neighbouring properties would not result in any loss of light or privacy. As such officers are of the view that the development would not cause a detrimental impact on the residential amenities of the surrounding area.

6.4 Ecology

- 6.4.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats. Policy MD12 of SAMDev further supports the principle of protecting and enhancing the natural environment. Therefore the application has been considered by the Council's Ecologist.
- 6.4.2 Concerns have been raised by the Parish Council and local residents regarding the lack of information provided with the application in relation to ecology.
- 6.4.3 The Council's Ecologist has commented that no ecology surveys are required. Therefore the Local Planning Authority cannot ask for them to be provided. The informatives and conditions recommended by the Ecologist should be included on any planning permission granted.
- 6.4.4 It has been referenced that because the previous applications required ecology surveys that this application should also contain an ecology assessment. However the previous applications included the land where the duck and geese pens were to be sited. These are in close proximity to the areas of the Great Crested Newts and therefore required such assessments to be provided. As identified by the Council's Ecologist, this site is sufficiently far enough away from the habitats that it is unlikely to cause a breach of the regulations.
- 6.4.5 In view of the comments from the Council's Ecologist it would appear that the proposed development will not have a detrimental impact on statutorily protected species and habitats. As such the proposal meets the requirements of the NPPF policy CS17 of the Shropshire Core Strategy and policy MD12 of SAMDev.

6.5 Drainage

- 6.5.1 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development.
- 6.5.2 Concerns have been expressed that the applicant has previously failed to deal with conditions on the existing building relating to drainage. It has also been suggested that the details should be submitted prior to consent being granted.
- 6.5.3 As previously indicated in this report, the agent is dealing with the matter regarding the drainage for the previous appeal decision.
- 6.5.4 In this case, the Council's Drainage Engineer has not requested that any further details be provided regarding surface water disposal. It has been recommended that an informative be added in regard to sustainable drainage scheme.
- 6.5.5 In view of the above it is considered that an appropriate drainage system can be installed to meet the requirements of the NPPF and policy CS18 of the Shropshire Core Strategy.

7.0 CONCLUSION

- 7.1 While there is objection to the proposed development, it is the opinion of officers that the proposal is acceptable in its scale and design for the needs of the holding.

As such the development is in accordance with the NPPF and policies CS5, CS6, CS13, CS17, CS18, MD2, MD7b, and MD12 of the Shropshire LDF.

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

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 six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 FINANCIAL IMPLICATIONS

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. BACKGROUND

Relevant Planning Policies

National Planning Policy Framework

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS13 - Economic Development, Enterprise and Employment

Economic Development, Enterprise and Employment

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

MD7B - General Management of Development in the Countryside

MD12 - Natural Environment

Relevant planning history:

09/70036/FUL Change of use of land from agricultural for the rearing of game birds, erection of bird rearing pens/ runs and erection of associated storage building with creation of access REFUSE 15th September 2009

09/03052/FUL Erection of temporary seasonal rearing pens and outdoor runs; formation of access track to include change of use of land REFUSE 19th August 2010

11/04429/FUL Erection of an agricultural storage building and 5 no. wooden sheds for livestock; retention of hardcore track and hardstanding REFUSE 1st June 2012

13/01466/DIS Retention of hardcore track and hardstanding, erection of a portal framed metal clad agricultural building, 5 wooden duck and geese sheds and chicken wire runs DISAPP 17th May 2013

14/04787/VAR Variation of Condition No.1 (approved plans) attached to planning application

11/04429/FUL approved on appeal to amend the approved plans REFUSE 23rd March 2015

17/02760/DIS Discharge of Condition 7 (Soakaways) attached to planning permission

Appeal

09/01611/REF Change of use of land from agricultural for the rearing of game birds, erection of bird rearing pens/ runs and erection of associated storage building with creation of access DISMIS 20th September 2010

Appeal

10/01779/ENF Appeal against unauthorised engineering works DISMIS 20th September 2010

Appeal

10/01801/ENF Appeal against unauthorised engineering works DISMIS 20th September 2010

Appeal

12/01984/REF Erection of an agricultural storage building and 5 no. wooden sheds for livestock; retention of hardcore track and hardstanding ALLOW 2nd January 2013

Appeal

15/02311/REF Variation of Condition No.1 (approved plans) attached to planning application
11/04429/FUL approved on appeal to amend the approved plans ALLOW 22nd December
2015

11. ADDITIONAL INFORMATION

View details online:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr R. Macey
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Local Member

Cllr Karen Calder

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 first occupation / use of the building, details for the provision of bird boxes shall be submitted to and approved in writing by the Local Planning Authority. A minimum of 2 artificial nests of either integrated brick design or external box design, suitable for sparrow (32mm hole, terrace design) or starling (42mm hole, starling specific) shall be erected on the site. The box[es] shall be sited in at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect (under eaves of building if possible) with a clear flight path. The scheme shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development.
Reason: To ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and section 118 of the NPPF.

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Committee and Date

North Planning Committee

27th June 2017

Item

6

Public

Development Management Report

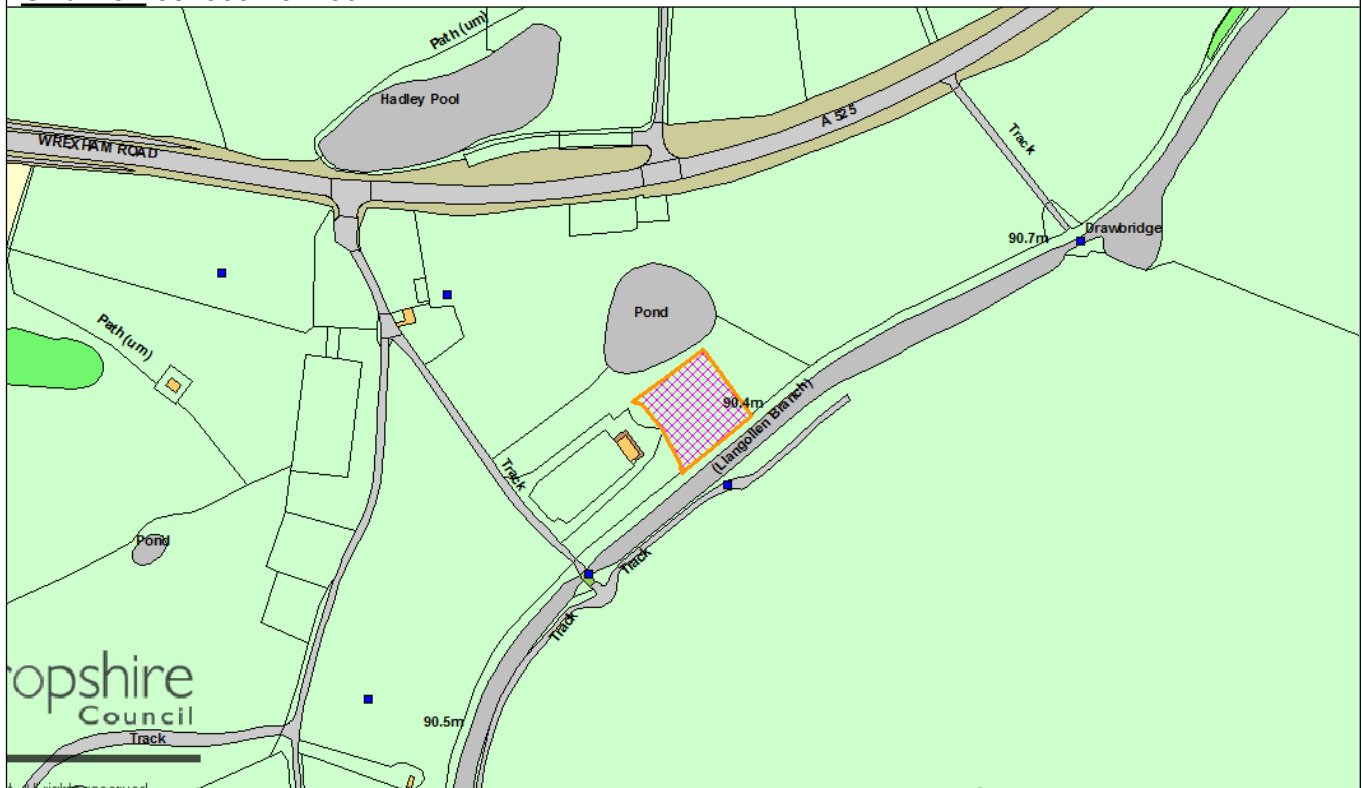
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 17/01662/FUL	Parish: Whitchurch Urban
Proposal: Siting of up to 8no. camping pitches and up to 2no. glamping pods including change of use of land	
Site Address: Hadley Farm Wrexham Road Hadley Whitchurch SY13 3AB	
Applicant: Mr Paul Wynn	
Case Officer: Sue Collins	email: planningdmne@shropshire.gov.uk

Grid Ref: 351939 - 341337



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

REPORT

1.0 THE PROPOSAL

1.1 This application seeks planning permission for a change of use of agricultural land for the siting of 8 camping pitches and two glamping pods. Included within the application are: the formation of the roadway to service the pitches; and the creation of parking spaces. Boundary hedgerows will also be planted to help soften the appearance of the site within the landscape.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site is located to the north east of the existing caravan park and is sited adjacent to the Shropshire Union Canal. It is currently used for grazing purposes in association with the existing farming business. Access to the site is off the A525 Wrexham Road and then via a private driveway which is surfaced in stone.

2.2 The existing caravan site is already maturing with planting having been undertaken to help improve the appearance of the site within the rural landscape.

2.3 Other activities at Hadley Farm include the agricultural business as well as equestrian facilities, fishing pools and a café.

2.4 The land is located adjacent to the canal and comprises open grazing land. There are small sections of hedgerows along the field boundaries, with fencing completing them. Most of the land is fairly level, however the levels rise up to the canal.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Applications made, by or on behalf of, or relating to the property of Members or officers of the Council who hold politically restricted posts or who either directly or indirectly report to the Group Manager Environment.

4.0 **COMMUNITY REPRESENTATIONS** full details of the responses can be viewed online

4.1 Consultee Comments

4.1.1 **Whitchurch Town Council:** Whitchurch Town Council support this application, but would suggest some landscaping with trees be included.

4.1.2 **Highways:** No Objection subject to the development being carried out in accordance with the approved details.

Observations/Comments: [s/v 24/4/17]

The application proposes an extension to a previously approved caravan site under planning permission 14/00344/COU which was granted in June 2014. The site is situated at the end of a private road which connects with the A525 via an existing junction, which serves a number of other facilities, including a café, equestrian facilities and fishing pools.

The traffic associated with the current proposal is not considered to be significant and is likely to occur outside of the traditional weekday peak traffic periods and at weekends. The existing access arrangements are considered to be acceptable to serve the proposed additional camping pitches and glamping pods.

4.1.3 **Drainage:** No objection

4.1.4 **Public Protection:** No objection

4.1.5 **Canal and River Trust:** No objection

The Trust has reviewed the application. This is our substantive response under the Town and Country Planning (Development Management Procedure) (England) Order 2015.

The main issues relevant to the Trust as statutory consultee on this application are:

- a) Impact on water and environmental quality due to the drainage proposals.
- b) Impact on the character, appearance and biodiversity of the waterway corridor

On the basis of the information available our advice is that suitably worded conditions are necessary to address these matters. Our advice and comments are detailed below:

Impact on water and environmental quality due to the drainage proposals.

The Application form states foul sewage will be discharged to an existing facility on site and surface water drainage is indicated to be to a 'soakaway' though no further details are provided on these.

The drainage methods of new developments can have significant impacts on the structural integrity, water quality and the biodiversity of waterways. It is important to ensure that no contaminants enter the canal from foul or surface water drainage.

As the submission does not include any detail on the proposed operation of the surface water and foul discharge systems it cannot be determined if they are 'fit for purpose' and will not result in any adverse impact to the structural integrity of water quality of the canal.

It needs to be demonstrated that the existing foul sewage facility is capable of accommodating additional loading and details of any additional maintenance required also needs to be submitted.

The applicant should submit, prior to commencement of development, full details of the foul water and surface water drainage arrangements for assessment. These details should include the location existing facilities and where they discharges to, to enable us to determine the potential impact on the canal. The details on the maintenance and management of the systems should also be included. This could be required by condition.

Impact on the character, appearance and biodiversity of the waterway corridor

The site sits adjacent to the Llangollen canal and is within a rural setting. The use of the site for camping will be in keeping with the use of the adjacent site and on balance will not be wholly out of keeping with its surrounds or have a detrimental impact on the character or visual amenities of the locality.

The submission indicates that a hedgerow is to be planted to the site boundaries

with some specimens to grow to mature trees. This will maintain habitat connectivity and provision and act as a natural screening for the development and the Trust therefore welcome this approach.

It should however be ensured that a robust barrier is provided to prevent vehicles from accessing the waterway corridor or entering the canal itself. A barrier, such as a post and rail fence, could be included to address this and the details should be required by condition.

4.2 Public Comments

4.2.1 No letters of representation have been received.

5.0 THE MAIN ISSUES

- Policy & Principle of Development
- Design, Scale and Character
- Impact on Residential Amenity
- Highways
- Landscaping
- Drainage

6.0 OFFICER APPRAISAL

6.1 Policy & principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

6.1.2 Section 3 of the National Planning Policy Framework (NPPF) deals with the issues of supporting a prosperous rural economy. This encourages the promotion and diversification of agricultural and land-based rural businesses and also supports sustainable rural tourism and leisure facilities that benefit businesses in rural areas, communities and visitors. These should respect the character of the countryside and be in appropriate locations.

6.1.3 Policy CS16 of the Shropshire Core Strategy further deals with the issue of Tourism and reflects the requirements of the NPPF. The policy also identifies the Llangollen Branch of the Shropshire Union Canal as an area where tourism schemes seek to enhance the economic, social and cultural values of canals.

6.1.4 Policy MD11 of the SAMDev provides support for tourism and visitor accommodation in rural areas. It specifically allows for the extension of touring caravan and camping sites but should have regard to the cumulative impact of visitor accommodation on the natural and historic assets of the area, the road

network or over intensification of the area. The pitches are well spaced and landscaping is proposed which will help the proposal blend more with the surrounding area.

6.1.5 The site is located to the west of Whitchurch within easy walking or cycling distance of the Town Centre and its associated facilities and services. There is a network of public rights of way as well as the canal towpath which provides good connections not only to the town but other areas such as Grindley Brook and the Mosses at Whixall and surrounding area. Furthermore other towns and visitor attractions are also nearby.

6.1.6 The proposals will help to improve the offer of tourism facilities within the Whitchurch area as well as providing diversity within the agricultural holding. By increasing tourism in the area, it will also have a realistic potential to support the commercial vitality of the town and surrounding areas.

6.2 **Design, Scale and Character**

6.2.1 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. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. Policy 7 'Requiring Good Design' of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. As the site is in countryside policy CS5 is also applicable. This requires any development to have a minimal impact on the character and appearance of the area.

6.2.2 In addition policy MD2 of SAMDev builds on policy CS6 and deals with the issue of sustainable design.

6.2.3 This application will provide a 8 camping pitches and 2 glamping pod sites. This offers an alternative form of accommodation both on the site and within the vicinity of Whitchurch.

6.2.4 Tents are very temporary structures and therefore would be moved/changed quite regularly. While the glamping pods are more permanent in their appearance, they are moveable. The details provided with the application also indicate they will be timber clad and have a footprint of 2.7 metres x 5.2 metres. Their size and external materials will minimise their visual impact on the rural landscape.

6.3 **Impact on Residential Amenity**

6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.

6.3.2 There are no residential properties within close proximity of the application site. Therefore the proposal will have no impact on residential amenities of the area.

6.4 Landscaping

- 6.4.1 The Town Council has requested that additional landscaping be provided at the site. The Canal and Rivers Trust have also requested that a form of barrier is installed on the boundary with the canal to prevent vehicles from being driven into the canal. A condition is recommended for inclusion on any planning permission granted that the details of the barrier are approved prior to its installation.
- 6.4.2 The application includes details of a proposed landscaping scheme that will be planted around three sides of the site. The scheme will include a range of native species both in terms of hedging and tree specimens. This will complement the landscaping that has been carried out at the existing caravan site extend the existing screening of the site from the canal and provide habitat connectivity for wildlife.
- 6.4.3 As such this will be in accordance with the requirements of the NPPF, policy CS17 of the Shropshire Core Strategy and policy MD12 of SAMDev.

6.5 Ecology

- 6.5.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats. Policy MD12 of SAMDev further supports the principle of protecting and enhancing the natural environment.
- 6.5.2 The application for the caravan park did not contain an ecology report and while it was accepted that there had been recordings of Great Crested Newts in the area, the nature of the scheme did not meet the trigger for an Ecology Survey to be carried out. It was also detailed that the site was of low suitability for Great Crested Newts. As the application site is similar to the previous application it is the opinion of officers that the situation remains the same. Therefore as with the previous approval an informative is recommended for inclusion to ensure that they remain protected.
- 6.5.3 Furthermore the planting of mixed native hedgerows and trees will also help to improve the biodiversity of the area and encourage more species to be present at the site.
- 6.5.4 In view of the above it is considered that the proposed development will not have a detrimental impact on statutorily protected species and habitats. Therefore the proposal meets the requirements of the NPPF policy CS17 of the Shropshire Core Strategy and policy MD12 of SAMDev

6.6 Drainage

- 6.6.1 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development.
- 6.6.2 The Canal and Rivers Trust has requested that more information be provided in relation to the proposed means of drainage. This is to ensure that the development does not have any impact on the canal system. This matter can be dealt with by the inclusion of a condition on any planning permission requiring these details to be submitted for approval prior to installation.

6.6.3 In view of the above it is considered that an appropriate drainage system can be installed to meet the requirements of the NPPF and policy CS18 of the Shropshire Core Strategy.

7.0 CONCLUSION

7.1 In view of the above, it is the opinion of officers that the proposal will provide a useful contribution to the tourist accommodation in the Whitchurch area and will increase the type of accommodation available. The landscaping scheme will enhance the rural landscape and also the biodiversity of the area with providing an extended connection for wildlife. Therefore the proposal is in accordance with the NPPF and policies CS5, CS6, CS16, CS17, CS18, MD2, MD11, and MD12 of the Shropshire LDF.

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

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 six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 **Equalities**

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

9.0 **FINANCIAL IMPLICATIONS**

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. **BACKGROUND**

Relevant Planning Policies

National Planning Policy Framework
 CS5 - Countryside and Greenbelt
 CS6 - Sustainable Design and Development Principles
 CS16 - Tourism, Culture and Leisure
 CS17 - Environmental Networks
 CS18 - Sustainable Water Management
 MD2 - Sustainable Design
 MD7B - General Management of Development in the Countryside
 MD12 - Natural Environment

Relevant planning history:

NS/07/01195/FUL Proposed erection of a reception cabin in association with equestrian cross country course CONAPP 1st August 2007
 NS/90/00835/FUL Erection of single storey extension to side of existing farmhouse. GRANT
 NS/90/00174/FUL Erection of agricultural workers dwelling and alterations to existing vehicular and pedestrian access. GRANT 2nd January 2015
 NS/89/01068/OUT Erection of agricultural workers dwelling (re-submission). GRANT 13th December 1989
 11/01199/FUL Erection of two storey extension to side to form residential annex ancillary to the existing dwelling GRANT 22nd June 2011
 11/02093/FUL Provision of catering unit and toilet block GRANT 21st July 2011
 12/03675/AGR Erection of an agricultural building for the storage of agricultural equipment and machinery PNR 13th September 2012
 13/00656/FUL Erection of an agricultural workers dwelling and double garage GRANT 27th November 2015
 14/00344/COU Change of use of agricultural land to tourist caravan site for 10 no. touring caravans and 8 no. seasonal caravans GRANT 5th June 2014

14/01807/SCR Proposed solar farm EAN 4th July 2014

14/02914/FUL Installation and operation of a solar farm and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted security cameras. GRANT 24th October 2014

15/00352/VAR Variation of Condition No.2 (approved plans) attached to planning permission reference 14/00344/COU dated 5th June 2014 to revise the layout of the caravan park GRANT 14th May 2015

15/02173/DIS Discharge of conditions 4, 5, 6, 7 and 8 attached to planning permission 14/02914/FUL for the installation and operation of a solar farm and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted security cameras, for the life of the solar farm. DISPAR 30th June 2015

15/02657/DIS Discharge of conditions 3 (external materials), 4 (foul drainage scheme) and 5 (surface water drainage scheme) for the change of use of agricultural land to tourist caravan site for 10 no. touring caravans and 8 no. seasonal caravans relating to 14/00344/COU.. DISAPP 31st July 2015

16/03515/AMP Non Material Amendment attached to Planning Permission 14/02914/FUL for the installation and operation of a solar farm and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted security cameras GRANT 8th September 2016

17/01662/FUL Siting of up to 8no. camping pitches and up to 2no. glamping pods including change of use of land PDE

NS/96/00869/FUL erection of replacement agricultural buildings to form covered collecting yard CONAPP 7th May 1996

11. ADDITIONAL INFORMATION

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Thomas Biggins Cllr Peggy Mullock
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.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. Prior to the commencement of works on the site, full details for the proposed barrier along the boundary with the canal shall be submitted in writing to the Local Planning Authority. The approved scheme shall be implemented prior to the use of the site commencing and shall be thereafter maintained.

Reason: To prevent vehicles from accessing the waterway corridor or entering the canal.

4. Prior to the commencement of development details of foul and surface water drainage shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details.

Reason: To ensure that foul and surface water from the site are disposed of in a safe and appropriate manner in order to protect the integrity of the waterway structure and water quality.

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

5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out within the first planting season of works commencing on site associated with the proposed development. 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 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 design

6. The whole site shown within the red edging on the approved plan, shall be used for no more than a maximum of 8 camping pitches and for 2 glamping pods at any one time. The site shall not be used as the sole, primary or permanent residence of any occupier.

Reason: To safeguard the visual amenities of the area and to prevent the establishment of a permanent residential planning unit in an area where new dwellings would not normally be permitted

7. The owners/operators of the site shall maintain an up-to-date register of the names and main home addresses of all occupiers of individual caravans and shall make this information available on request at all reasonable times to the Local Planning Authority.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised residential occupation.

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Committee and Date
 North Planning Committee
 27th June 2017

Item
7
 Public

Development Management Report

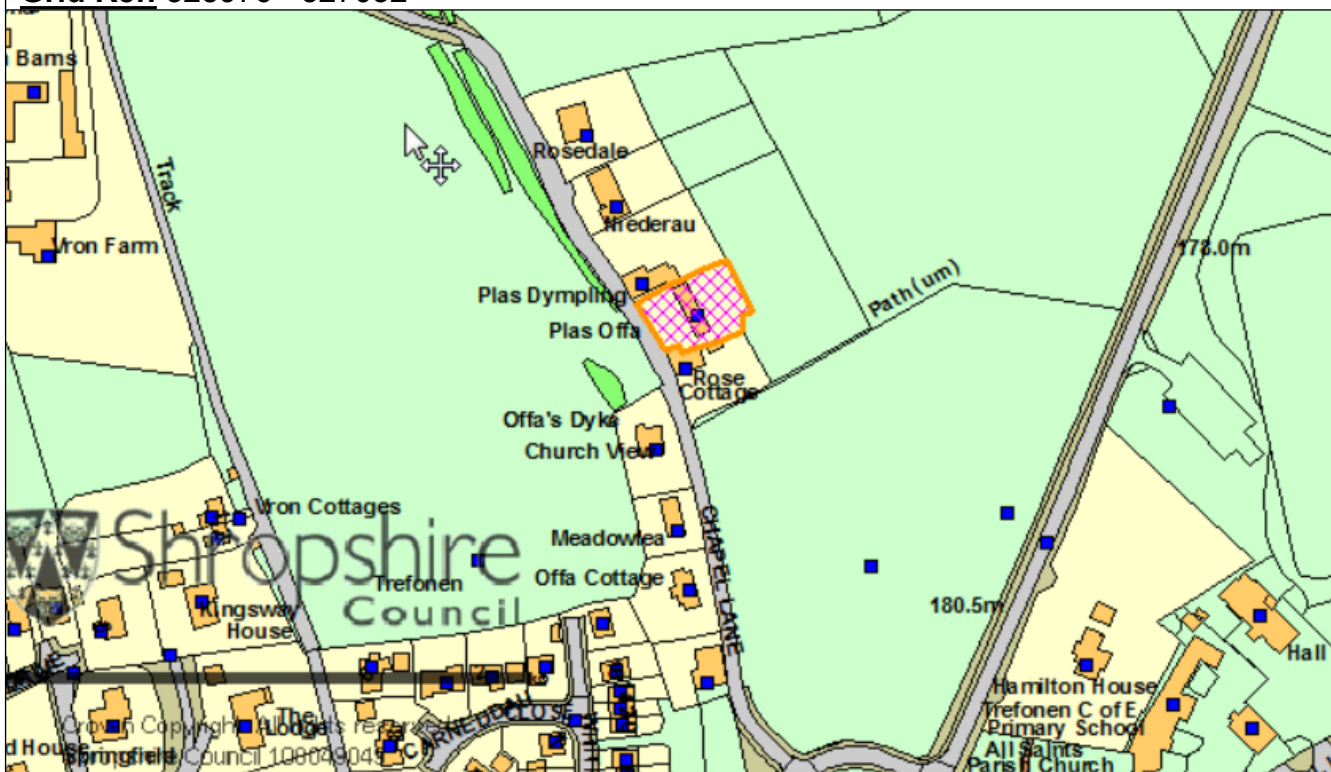
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 17/01740/FUL	Parish:	Oswestry Rural
Proposal: Erection of part single storey part two storey rear extension to include a juliet balcony		
Site Address: Plas Offa Cottage Chapel Lane Trefonen SY10 9DX		
Applicant: Mr & Mrs Ellis		
Case Officer: Janet Davies	email: planningdmnw@shropshire.gov.uk	

Grid Ref: 325976 - 327032



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Recommendation:- Refuse

Recommended Reason for refusal

1. The proposed extensions and alterations are deemed to be inappropriate in their excessive and overbearing scale and domestic design and in terms of their impact on the existing agricultural character of the converted outbuilding, which is deemed to be a non-designated heritage asset. Furthermore, the application is lacking required detail in relation to ecology and in the absence of this information it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).

The proposal is therefore considered to conflict with the relevant planning policy framework as set down within Core Strategy Policies CS5, CS6, CS17 and SAMDev Policies MD2, MD7a, MD12 and MD13.

REPORT**1.0 THE PROPOSAL**

1.1 The application seeks full planning consent for the erection of a part single-storey, part two storey rear extension to include a Juliet balcony at Plas Offa Cottage, Chapel Lane, Trefonen.

2.0 SITE LOCATION/DESCRIPTION

2.1 Plas Offa Cottage is a stone dwelling located along Chapel Lane at the edge of the village of Trefonen.

2.2 The building is a converted outbuilding forming part of a small former farmstead and is of typically linear footprint with a later single storey, flat roofed integral garage attached at its south east end.

2.3 The original application for conversion was approved in 2009 at which stage permitted development rights in relation to alterations and extensions were removed by way of condition. Despite alterations having been carried out to facilitate the original conversion the existing building retains elements of its original historic appearance including the characteristically sparse number and random arrangement of fenestration on its front elevation.

2.4 To the north of the property is a detached property, Plas Dympling, which also appears to be a former agricultural building, whilst to the south is Rose Cottage. The site curtilage backs onto open fields. There are also open fields to the west, on the other side of Chapel Lane. Unlike the properties either side which are located gable end facing onto the lane the cottage is set back from the lane behind stone boundary walls and a front yard. The scheduled monument, Offa's Dyke, runs close by the application site to the west.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council are in support of the application contrary to the views of officers and the ward member has requested that the application be considered by planning committee. At the agenda setting meeting the Chair and Vice Chair, in discussion with officers on behalf of the Planning Services

Manager, agreed that material planning considerations had been raised and that there were a number of reasons the application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 - Consultee Comments

4.1.1 **SC Conservation** – it is considered that the proposal is not acceptable and that revisions should be made to bring the proposal into line with policy. Further details are contained within section 6.3 below on heritage issues.

4.1.2 **SC Archaeology** – No objection subject to condition requiring notification prior to development commencing and reasonable access to monitor ground works and record archaeological evidence as appropriate.

4.1.3 **Historic England** – no objection to the application on archaeological grounds. Plas Offa Cottage, Trefonen is within the setting of Offa's Dyke scheduled monument (National Heritage List for England UID: 1006262). Given that the proposed extension is to the rear of the property facing away from the Dyke, and is lower in height than the existing building, it is considered that there will be limited visibility of it from the monument and Chapel Lane. Although it will be visible in more distant views of the monument, within such views it will be read in the context of the village setting. As such this development will have a negligible impact on the significance of Offa's Dyke through development within its setting. The views of the local authority's Conservation Officer should be sought and taken into account regarding the historic built form and fabric of the cottage and its surroundings, and the archaeological advisers views sought and taken into account regarding undesignated archaeological remains.

4.1.4 **SC Ecology** – Objection - Additional information is required relating to bats and great crested newts. In the absence of this additional information refusal is recommended since it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).

4.2 - Public Comments

4.2.1 At the meeting of Oswestry Rural Parish Council held on 16 May 2017 it was resolved to support the application.

5.0 THE MAIN ISSUES

- Principle of Development
- Details of Proposal
- Heritage
- Amenity
- Archaeology
- Ecology

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.2 Paragraph 135 of the NPPF and local policy MD13 are relevant to the

consideration of this application along with Core Strategy policies CS5 (Countryside and Greenbelt), CS6 (Sustainable Design and Development) and CS17 (Environmental Networks). SAMDEV policies MD2 (Sustainable Design) and MD7a (Managing Housing Development in the countryside) are also applicable together with national policies and guidance including Section 12 of the National Planning Policy Framework (NPPF), published March 2012.

- 6.1.3 Policy CS6 of the Core Strategy requires development to be designed to a high quality using sustainable design principles. It seeks to ensure that development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design to its local context. New development is also required to safeguard residential and local amenity.
- 6.1.4 Policy MD2 of the Council's adopted SAMDev Plan similarly requires development to contribute to and respect local distinctive or valued character and existing amenity value.
- 6.1.5 Given the date, association and group value, the buildings are considered to be non-designated heritage assets as defined in annex 2 of the NPPF.
- 6.1.6 SAMDev policy MD7a states that *'the conversion of buildings to open market use will only be acceptable where the building is of a design and form which is of merit for its heritage/ landscape value, minimal alteration or rebuilding is required to achieve the development and the conversion scheme would respect the significance of the heritage asset, its setting and the local landscape character'*.
- 6.1.7 In addition to this policy CS5 also states that conversions will only be acceptable where respect for the heritage asset is achieved, with the Type and Affordability of Housing SPD requiring that buildings subject to conversion should be of substantial and permanent construction such that extensive rebuilding is not required, and are of local significance and add value to the landscape.
- 6.1.8 This is generally more applicable when the building is initially converted, however, it sets the tone of ensuring the character of the farm buildings is not irrevocably changed through alteration or extension after the point of initial conversion to residential.
- 6.1.9 Policy CS17 'Environmental Networks' requires that all development protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment and does not adversely affect the visual, ecological, geological or heritage values of these assets, their immediate surroundings or connecting corridors.
- 6.1.10 MD13 'Historic Environment' seeks to ensure that wherever possible, proposals avoid harm or loss of significance to designated heritage assets including their settings.
- 6.1.11 MD12 'Natural Environment' aims to ensure the avoidance of harm to

Shropshire's natural assets, including among other things priority species and habitats, and their conservation, enhancement and restoration.

6.2 **Details of Proposal**

- 6.2.1 The proposed scheme comprises part single storey part two storey extension to be attached to the rear elevation of the property, in place of an existing smaller single storey extension of monopitch form.
- 6.2.2 The proposed two storey extension is shown towards the southern end of the rear elevation to match the ridge height of the existing dwelling. A single storey lean to section is proposed to be attached to its north side elevation whilst an additional smaller pitched roof extension is shown attached to the south elevation.
- 6.2.3 The extended property (including the garage) is measured as being around 177sq metres in floorspace as opposed to the existing house and garage which is calculated to measure approximately 94 square metres. Therefore the proposal would virtually double the existing amount of floorspace.
- 6.2.4 In terms of the proposed fenestration the rear and north elevations are almost entirely glazed at ground floor in vertical sections. A Juliet balcony is included within the upper rear elevation. A total of 5 rooflight are proposed to be installed within the north elevation and one within the south elevation.
- 6.2.5 Two new windows are also shown within the front elevation together with a pitched roof porch over the relocated front door which would result in a more symmetrical arrangement.
- 6.2.6 Proposed materials are to include through coloured render on its lower section with horizontal timber cladding above and on the single storey side extension. The single storey extension on the north side is to be rendered.
- 6.2.7 The proposed new accommodation is to provide kitchen/ family and dining room, play room and utility at ground floor and an additional bedroom, dressing room and en-suite above.
- ## 6.3 **Heritage**
- 6.3.1 Given the date, association and group value, the Council's Conservation Officer is of the view the application building and the buildings either side are non-designated heritage assets as defined in annex 2 of the NPPF.
- 6.3.2 Plas Offa Cottage was identified within the Historic Farmsteads Characterisation Project, 2008 and the information taken largely from the digital version of the c.1900 OS large scale mapping. Plas Offa Cottage farmstead was described as "*L-Plan. Additional Plan Details: None. Date Evidence from Farmhouse: 19th Century. Date Evidence from Working Building(s): None. Position of Farmhouse: Attached to agricultural range. Farmstead Location: Hamlet. Survival: Extant - No apparent alteration.*" The study acknowledges that the range of buildings did appear to have been converted to residential.

- 6.3.3 In the context of the farm building conversion the proposed extension is considered to be excessive in scale and overbearing and officers have expressed their view that it should be reduced in size and revisions made to bring the proposal into line with policy.
- 6.3.4 The number of new windows openings and the introduction of the proposed Juliet balcony is deemed to be alien to the character of a converted farm building. The proposed alteration to the front elevation, which includes additional openings and the relocated front door and porch, are also an issue of concern since these are considered to be inappropriate, domestic additions to the former farm building. It is considered that the effect would be to change the visual appearance from that of a converted farm building to a domestic dwelling, thereby losing the existing agricultural character.
- 6.3.5 Officers are receptive to the principle of extension to the property and have indicated to the agent their willingness to negotiate over the scale and design of the proposal.
- 6.3.6 It has been suggested to the agent that as the area now being used as garaging could be incorporated into the dwelling to provide additional accommodation. Although it would appear that this element has been rebuilt and altered from that of the structure shown on the historic mapping it is considered it could be rebuilt to better enhance the character of Plas Offa Cottage.
- 6.3.7 It has also been suggested that the proposed extension should be subservient to the existing building i.e. the roofline set down and the front wall set back and that should a first floor be added, that this would require the rear wall to be brought in to keep the roof pitch the same as the existing building. A continuation of a catslide type roof off the back of this alternative extension could also be acceptable, along with some re-ordering of how the existing interior rooms are used which could enable better use of the more historic layout of the building. Any garage or store could potentially be accommodated at the side, set back from the frontage.
- 6.4 **Amenity**
- 6.4.1 The properties either side, Plas Dympling to the north west and Rose Cottage to the south east, are located further forward in their plots away from the proposed site of the rear extension and the proposed two storey extension, whilst large, is considered unlikely to result in any loss of existing residential amenity to an unacceptable extent.
- 6.5 **Archaeology**
- 6.5.1 The proposed developed site is located c.20m east of the Scheduled Monument of Offa's Dyke as identified within the National Heritage List (ref. 1006262).
- 6.5.2 The Council's Archaeologist has observed that the site has already been at least partially disturbed through the construction of the existing dwelling and extension. However, given its location in relation to the Dyke, there remains very low potential for archaeological remains associated with it to be present.

- 6.5.3 With regard to the setting of the Scheduled Monument, and in relation to Paragraph 132 of the NPPF and MD 13 of the Local Plan, it is understood that the proposed extension will replace the existing rear single storey extension. Whilst the proposed replacement extension will be partially two storey, it will not exceed the ridgeline of the existing dwelling. It is considered that it will have, at most, very limited visibility when viewed from the monument, or in views towards it from Chapel Lane or from the north, south or west. It will be visible in distant views towards the monument from the east, for example from the Oswestry Road, but it is considered that it will be read in the context of the existing building. Taking into account the other 19th and 20th century development within the immediate vicinity, the Council's Archaeologist is of the opinion the impact on the setting of the Scheduled Monument will be negligible and will not therefore result in any harm to its significance.
- 6.5.4 In view of the limited archaeological potential of the proposed development site, it is recommended that an archaeological inspection of the ground works for the proposed development be made a condition of any planning permission for the proposed development as follows:
- 6.5.5 *'No development approved by this permission shall commence until the applicant has notified Shropshire Council's Historic Environment Team not less than three weeks prior to commencement of ground works, and to provide him/her with reasonable access in order to monitor the ground works and to record any archaeological evidence as appropriate.'*
- 6.6 **Ecology**
- 6.6.1 The Council's Planning Ecologist has provided consultation comments to the effect that additional information is required relating to bats and great crested newts. In the absence of this information refusal is recommended since it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).
- 6.6.2 A small pond (SJ 26237 27095) is noted to be located approximately 222 metres to the north west of the application site, and deemed to be within the 250m buffer for Great Crested Newt (GCN) surveys.
- 6.6.3 Ecology records and the most recent aerial photos indicated there to be a pond in the back garden of Rosedale, 3 properties to the north at about 63m from the red line boundary. A GCN record is located within a 100m square, overlapping this pond. In 2013 there was a planning application (13/01025/FUL) for a site adjacent to Rosedale when a medium population of GCNs was found.
- 6.6.4 Checks are required to be carried out for GCN, and the impacts of the development assessed, providing mitigation, compensation and enhancement recommendations as appropriate and identifying the need or otherwise for a European Protected Species mitigation licence.
- 6.6.5 Recommendations would need to be made as to whether a European Protected Species Licence with respect to Great Crested Newts would be

necessary and the need for a mitigation scheme and/or precautionary method statement.

- 6.6.6 The more distant pond to the north west (over 200m) may also require surveying and potentially reasonable avoidance measures (RAMS) may be required.
- 6.6.7 In view of the fact that the roof space is being affected, the application meets the trigger point for requiring a bat survey since it involves modification conversion, demolition or removal of buildings and structures (especially roof voids) involving the following: Pre-1960 detached buildings and structures within 200m of woodland and/or water. Therefore a bat survey has been requested.
- 6.6.8 A Preliminary Roost Assessment is required including a thorough internal and external inspection of the building and an assessment of the potential for bat roosts to be present and recommendations made regarding the need for additional surveys and/or precautionary methods of working. A Preliminary Roost Assessment would also need to record any evidence of nesting wild birds or barn owls.
- 6.6.9 A Presence/Absence Survey would need to be carried out in all cases where the Preliminary Roost Assessment finds evidence of bats, potential for bats or where a complete and thorough inspection cannot be carried out. This would allow the surveyor to consider the need for mitigation, enhancements and compensation, to assess the likelihood of an offence being committed and to make a decision as to the need for a European Protected Species Mitigation Licence from Natural England.
- 6.6.10 A Roost Characterisation Survey is required to be carried out in cases where an offence is considered likely to occur, where mitigation is required and where a European Protected Species Mitigation Licence from Natural England will be required. This is intended to establish number of bats in the colony, access points used, temperature and humidity regime in the roost, aspect and orientation of the roost, size and perching points, lighting and a surrounding habitat assessment.

7.0 CONCLUSION

- 7.1 The proposed extensions and alterations are deemed to be inappropriate in their excessive and overbearing scale and domestic design and in terms of their impact on the existing agricultural character of the converted outbuilding, which is deemed to be a non-designated heritage asset. Furthermore, the application is lacking required detail in relation to ecology and In the absence of this information it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).
- 7.2 The proposal is therefore considered to conflict with the relevant planning policy framework as set down within Core Strategy Policies CS5, CS6, CS17 and SAMDev Policies MD2, MD7a, MD12 and MD13.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. BACKGROUND

Relevant Planning Policies

National Planning Policy Framework

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

MD2 - Sustainable Design

MD7A - Managing Housing Development in the Countryside

MD12 - Natural Environment

MD13 - Historic Environment

Relevant planning history:

OS/93/8474/FUL Conversion of outbuilding to dwelling GRANT 21st December 1993

OS/93/8475/FUL Proposed kitchen extension GRANT 6th December 1993

11. ADDITIONAL INFORMATION

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Joyce Barrow
Appendices None



<u>Committee and Date</u>
North Planning Committee
27 th June 2017

<u>Item</u>
8
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 27TH JUNE 2017

Appeals Lodged

LPA reference	16/02990/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr D Lewis – C/O Berrys
Proposal	Erection of a single dwelling with attached garage to replace existing agricultural building
Location	Land At Varda Farm Marchamley Wood Marchamley
Date of appeal	23.05.17
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	16/02617/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr David Evans
Proposal	Outline application for the erection of 2 no. detached dwellings following demolition of existing derelict industrial building (all matters reserve
Location	Lower Craignant Farm, Selattyn, Oswestry, SY10 7NP
Date of appeal	05.06.17
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	16/05095/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mrs B Costello – C/O Gary Chesters
Proposal	Erection of replacement dwelling following demolition of existing bungalow, detached double garage, installation of septic tank
Location	The Bungalow Wood Lane Hinstock Market Drayton
Date of appeal	05.06.17
Appeal method	Written Representation
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	16/01889/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr C Cousins – C/O Mr K C Humpherson
Proposal	Erection of triple garage block with apartment over
Location	Land To Rear Of Waters Nook Walford Barns Walford
Date of appeal	06.06.17
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

Appeals determined

LPA reference	16/03362/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Gillian Bigg, Michael Bigg Ruth Kitts and Brainerd Kitts
Proposal	Outline application (all matters reserved) for the erection of 8 dwellings
Location	Proposed Residential Development Land To The West Of Cottage Lane St Martins Shropshire
Date of appeal	27.02.2017
Appeal method	Written Reps
Date site visit	03.05.2017
Date of appeal decision	02.06.2017
Costs awarded	
Appeal decision	Dismissed

LPA reference	15/03710/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	AFM Farming Ltd – C/O Berrys
Proposal	Outline application for residential development of up to 37 dwellings to include means of access
Location	Land At Junction With Church Lane Soulton Road Soulton Wem Shrop
Date of appeal	07.06.16
Appeal method	Hearing
Date site visit	
Date of appeal decision	06.06.17
Costs awarded	
Appeal decision	DISMISSED

LPA reference	16?02687/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs Gareth Roberts
Proposal	Agricultural Worker's Dwelling and Garage to service an existing agricultural business
Location	Llawr-y-Pant Farm, Selattyn, SY10 7HX
Date of appeal	
Appeal method	Hearing
Date site visit	2 nd and 3 rd May 2017
Date of appeal decision	24 th May 2017
Costs awarded	
Appeal decision	DISMISSED

Appeal Decision

Site visit made on 3 May 2017

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: 2nd June 2017

Appeal Ref: APP/L3245/W/16/3164623

Land off Cottage Lane, St Martins, Oswestry.

- 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 Michael Bigg, Gillian Bigg, Ruth Kitts and Brainerd Kitts against the decision of Shropshire Council.
 - The application Ref 16/03362/OUT, dated 28 July 2016, was refused by notice dated 7 October 2016.
 - The development proposed is for residential development of circa 8 dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters reserved for future approval. Indicative plans have been submitted that show alternative access points that could serve the development. I have taken these into account in so far as they are relevant to my consideration of the principle of residential development.
3. A signed Unilateral Undertaking under section 106 of the Town & Country Planning Act 1990 has been submitted which secures a financial contribution towards affordable housing. Its terms are addressed later in this decision.
4. There is no dispute between the parties that the Council is able to demonstrate a five years deliverable housing supply and that paragraph 14 of the National Planning Policy Framework (the Framework) is not engaged.

Main Issue

5. The main issue in this appeal is whether the site is a suitable location for residential development given that it lies outside the development boundary.

Reasons

6. The appeal site comprises a triangular parcel of land connected to the garden of the existing property of Windy Ridge that fronts Cottage Lane and which presently provides the only route to the site. The site is surrounded on all sides by existing suburban housing development and is effectively landlocked. The site lies outside the development boundary of St Martins. Immediately to the south is a small recently built housing scheme of nine properties that was approved at a time when the Council could not demonstrate a five year housing

- supply. One of the access options would see the appeal site accessed from the cul de sac of this adjoining development. The alternative solution would see the demolition of Windy Ridge.
7. Policy CS1 of the Shropshire Council Core Strategy¹ (the Core Strategy) sets the strategic approach to development in the County. The policy states that Shrewsbury will be the prime focus for housing development for the County over the plan period and will accommodate 25% of the housing development with market towns and key centres accommodating around 40% with 35% accommodated elsewhere. The Shropshire Council Sites Allocations and Management of Development Plan² (SAMDev) seeks to deliver the strategic objectives including sustainable development set out in the Core Strategy.
 8. For rural areas, the SAMDev seeks to deliver a rural rebalance that was prioritised in Core Strategy Policies CS4 and CS5. It identifies rural settlements and community hubs and clusters where development would be focussed. Policy CS4 indicates that development will not be permitted outside those community hubs and clusters unless it meets criteria specified in Policy CS5. That policy seeks to control new development in the countryside, reflecting paragraph 55 of the Framework and limiting it to appropriate sites which maintain and enhance countryside vitality and character and improves the sustainability of rural communities by bring local economic and community benefits.
 9. Section 38(6) of the Planning and Compulsory Purchase Act 2004 says that proposals must be determined in accordance with the development plan unless material considerations indicate otherwise³. Paragraph 14 of the Framework states, therefore, that proposals which are in accord with the development plan should be approved without delay.
 10. However, the proposed development conflicts with the development plan because it is outside the development boundary for St Martins as depicted; it is therefore treated as open countryside by the Council. Development is strictly controlled in the countryside by Policy CS5 of the CS and Policy MD7a of the SAMDev and limited to, for example, dwellings for essential rural workers, market residential conversions and affordable housing to meet a local need, none of which are applicable in this appeal.
 11. In relation to St Martins, Policy S14.2(v) of the SAMDev sets out to allow growth of around 200 dwellings to be delivered over the plan period 2006-2026 within defined settlement limits. An allocated site for 80 dwellings at Rhos-y-Llan Farm is included while there are already sites with planning permission for 110 dwellings. In addition, the Council states that it is expected that there are likely to be other sites coming forward through small scale infill and windfall development within the development boundary identified in the Proposals Map. However, as the site falls outside the development boundary, Policy S14.2(v) does not establish the principle of development at this location.
 12. Policy MD3 of this plan concerns the delivery of housing development. The first part of this policy, under the sub-heading of delivering housing states that, in addition to settlement allocations, planning permission will also be granted for

¹ March 2011

² Adopted 17 December 2015

³ Also section 70(2) of the Town & Country Planning Act 1990 and paragraph 11 of the Framework.

- other sustainable housing development having regard to the policies of the Plan, particularly CS2, CS3, CS4, CS5, MD1 and MD7a. However, MD3 says that such windfall opportunities must still have regard to Local Plan Policies, including CS5 and MD7a and where a conflict has already been established in this case.
13. Policy MD3 is supportive of windfall development but only in the context of a managed approach to housing delivery. Part 3 of the Policy emphasises that it is only where that housing guideline appears unlikely to be met that additional sites outside the settlement development boundary may be acceptable. Part 2 of the Policy stresses that the settlement housing guideline is a significant policy consideration.
 14. The appellant suggests that there will always be problems associated with the delivery of housing schemes, a point recognised in the Council's Five Year Housing Supply Assessment and that the over-provision against target assumed in the Council's submissions should be viewed with caution. However I am satisfied that the 200 target is achievable given the commitments to date together with the likelihood of the Rhos-y-Llan Farm site coming forward following outline consent alongside other infill sites within the settlement boundary. Even accounting for the appellants' recalibration, the SAMDev target of 200 dwellings is very likely to be achieved.
 15. I accept that the Local Plan will be reviewed in time, including the housing requirement contained within it; however, given that the Council can currently demonstrate a five year housing supply and that the settlement housing guideline appears likely to be met at St Martins, the windfall provision in Policy MD3 cannot take effect at this time.
 16. The appellants also set out that the appeal proposal should be considered against the presumption in favour of sustainable development as set out in the Framework. A recent High Court decision⁴ clearly sets out the approach decision-makers should adopt when determining planning applications. It was held that there is no freestanding presumption in favour of sustainable development outside the circumstances described in Paragraph 14 of the Framework. Where a proposal is inconsistent with an up-to-date Local Plan there is little scope for a decision-maker to approve an application, and that discretion of "relatively narrow construction" can be applied, but only in "exception" cases (paragraph 33 of the judgement).
 17. In coming to this conclusion, the Court highlighted that the 'primacy of the Local Plan is a theme which runs throughout the Framework' (including at paragraphs 37, 150-151 and 182). I note that the appellants consider the appeal site to be sustainable and refer to the three dimensions of sustainable development set out in the Framework: economic, social and environmental. However, the proposed development conflicts with the policies of a recently adopted development plan, which was assessed as being in compliance with the Framework. I attach significant weight to this in my determination.
 18. Therefore, for the reasons given above, I consider that the proposed development would not constitute a suitable location for housing, having regard to national and local planning policy at this time and given the circumstances

⁴ East Staffordshire BC v Secretary of State for Communities and Local Government and Barwood Land [2016] EWHC 2973 (Admin)

described above. As a result it would conflict with policies S14.2(v) and MD3 of SAMDev and the adopted Core Strategy policies CS4 and CS5.

Other matters and overall balance

19. A signed Unilateral Undertaking (UU) has been provided that covenants to the making of a financial contribution towards off-site affordable housing provision. However, following a Court of Appeal judgement⁵ the Written Ministerial Statement (WMS) of 28 November 2014 stating that for sites supplying less than 10 houses, or 5 in certain rural areas, contributions towards affordable housing should not be sought has been reinstated.
20. The UU responds to the Council's concerns in relation to affordable housing provision and also to the designation of St Martins as a settlement where developments comprising five or more units would trigger the requirement for affordable housing in line with the WMS. However, as I am dismissing this appeal on the substantive grounds set out in the Council's decision notice, I do not need to dwell heavily on this issue. The presence of a signed UU does not therefore weigh heavily in favour of the proposed development and does not override the harms that I have identified.
21. I appreciate that the site is not now readily suited to agriculture. I also accept that it borders a neighbouring residential development that also lies outside the settlement boundary that is indeed closer to the open countryside. I recognise too that the proposed development would fulfil one of Government's core aims to significantly boost housing supply, including affordable housing.
22. However I am also mindful that the Council can now demonstrate a five year's deliverable supply of housing and although this should not be viewed as a cap as the Inspector found in another appeal involving Shropshire⁶, Policies S14.2(v) and MD3 form part of a planned approach to meeting the County's housing requirements predominantly within settlement limits. The Ludlow case by comparison also provided for a relatively substantial housing proposal that would have made a significant contribution to the delivery of housing as well as serving a higher order settlement. Consequently, I can only accord limited weight to the provision of open market housing in this case.
23. Moreover, in terms of economic benefit I am aware that the proposed development would be liable to make Community Levy (CIL) payments and that the New Homes Bonus payments would also be accrued by the Council. However, the former are proportionate payments to off-set infrastructure liabilities; the latter is intended to provide incentives to encourage authorities to provide housing and do not attract weight in the planning balance. These considerations have a neutral effect on the overall balance.
24. The presence of a fully adopted development plan represents an important consideration. Despite the modest number of dwelling units proposed, the scope for approval of housing development that conflicts with the plan is limited as a result. I am satisfied that the considerations advanced in support of the proposed market housing proposal are not of sufficient weight to justify a departure from the development plan.

⁵ Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council C12015/2559; [2016] EWCA Civ 441

⁶ APP/L3245/W/15/3137161

Conclusion

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

Gareth W Thomas

INSPECTOR

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Appeal Decision

Hearing held on 16 August 2016

Site visit made on 16 August 2016

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 06 June 2017

Appeal Ref: APP/L3245/W/16/3141912

Soulton Road, Wem, 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 Marcus Marsh (AFM Farming LLP) against the decision of Shropshire Council.
 - The application Ref 15/03710/OUT, dated 26 August 2015, was refused by notice dated 7 December 2015.
 - The development proposed is described as an 'outline planning application for residential development of up to 37 dwellings, with access'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal was submitted in outline with only access to be decided at this stage. I have therefore treated the submitted layout plan as indicative only, and have decided the appeal on this basis.

Main Issue

3. The main issue in this case is whether the proposed development would provide a suitable site for housing, having regard to the character and appearance of the area and the development plan.

Reasons

4. The fairly flat appeal site lies on the eastern side of Wem, and comprises part of an arable field. To the west of the site lies 5 large detached dwellings on Church Lane; to the north lies Ash Grove, a small residential cul-de-sac, with a new housing development immediately to the west of it. To the east and south are open fields. When approaching Wem from the east along Soulton Road the site appears as an open field, with the detached dwellings on Church Lane providing a backdrop to the top half of the site.
5. The housing to the north does not come into view until around the east boundary of the site is reached, where the proposed access would be approximately sited. The indicative plan shows that around 37 dwellings could be located on the appeal site. Various attractive mature trees are located along the north and west boundaries; these are shown in the plans to be retained as part of the proposal.

6. The indicative scheme shows the proposed dwellings located across the northern and eastern sides of the site. In the south west corner a large public open space area is proposed. This would tie in well with a similar area of open land on the opposite side of Church Lane. However, at present the site by virtue of its visible location on the edge of the town and open, arable nature has the character of a peaceful rural area, which the development would adversely affect. The proposal would form a noticeable and significant intrusion into what is currently open countryside and would urbanise the eastern edge of the town, extending the town further into the rural area and affecting the tranquil character of the area.
7. Due to the curvature of Soulton Road, and the open nature of views across the area to the south of the road, this effect would be prominent and noticeable to those entering and leaving the town both from and towards the east. The houses orientated to and overlooking the site from Church Lane provide a well-defined edge to the town which would be significantly and adversely altered by the proposal, causing substantial harm to the character and appearance of the area.

Development Plan

8. Policy CS1 of the Shropshire Local Development Framework: Adopted Core Strategy (Core Strategy) establishes the strategic approach to development. The policy states that Market Towns and Key Centres will accommodate around 40% of the residential development over the plan period and that outside settlements, development will primarily be for the needs of local communities for affordable housing. It is common ground between the parties that the site does not lie within the settlement boundary for Wem and thus is considered in policy terms to be open countryside.
9. Policy CS5 states that in the countryside new development will be strictly controlled. Although the list of allowable development proposals is not exhaustive, the policy includes a provision that development proposals on appropriate sites should maintain countryside vitality and character. For the reasons given above I do not consider that the scheme would accord with this requirement.
10. Policy CS3 defines Wem as a Market Town and Key Centre. It states that the settlement will have development to strengthen its economic role and support and enhance its important community assets and maintain its role as a sustainable place. Policy CS6 aims to ensure that all development is appropriate in scale and design taking into account the local context and character.
11. The Site Allocations and Management of Development Plan (SAMDev) was adopted in mid-December 2015, a short time after the application was refused. Policy MD1 of this document states that sustainable development will be supported in Market Towns and Key Centres having regard to various development plan policies, including Core Strategy policy CS3 and SAMDev policies S17 and MD3.
12. Policy S17 is the settlement policy for Wem. This plans for the modest growth of around 500 dwellings. Evidence states that this guideline allocation is already catered for. Supporting text notes that the town will need to accommodate housing within its development boundary and that there are

significant opportunities for development of windfall sites within the development boundary.

13. Policy MD3 states that, in addition to settlement allocations, planning permission will also be granted for other sustainable housing development having regard to the policies of the Local Plan (the Core Strategy and the SAMDev taken together), and that the settlement housing guideline is a significant policy consideration. Where a development would likely lead to more dwellings than the guideline, decisions will have regard to a number of factors, including the presumption in favour of sustainable development. The policy also states that where a settlement housing guideline appears unlikely to be met, additional sites outside the settlement development boundaries that accord with the settlement policy may be acceptable subject to the same factors. In this way sites outside the development boundary will only be considered where the housing guideline for the settlement would be unlikely to be met, a situation not likely to occur in this instance at the present time.
14. Finally, Policy MD7a of the SAMDev states that new market housing will be strictly controlled outside the Market Towns and Key Centres.
15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This is confirmed by the National Planning Policy Framework (the Framework).

Five Year Housing Land Supply

16. The Framework is a material consideration, and states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. Prior to the Hearing and following an appeal at Teal Drive, Ellesmere the appellant raised concerns over whether or not the council could demonstrate a five year housing land supply due to conclusions within that decision concerning the Council's full, objectively assessed needs (FOAN) for market and affordable housing. This was subsequently challenged in the High Court and the decision was quashed.
17. The Planning Practice Guidance advises that the housing requirement figures in up-to-date adopted Local Plans should be used as the starting point for calculating the five year supply. However, it also states that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs. The housing figures contained within the Core Strategy date from the previous West Midlands Regional Spatial Strategy. The purpose of the SAMDev is to provide policies and to allocate sites to meet these requirements. The SAMDev has been fairly recently considered and found to be sound. Its adoption postdates both the Framework and the Planning Practice Guidance.
18. In July 2016 the Council published a detailed report, which concludes that the FOAN for housing between 2016 and 2036 is around 25,178 dwellings, equating to 1,259 dwellings a year. This is slightly lower than the 1,375 annual dwelling requirement in the Core Strategy for 2006-2026. A great deal of time was spent at the hearing discussing the reliability of this more recent

assessment. This included concerns by the appellant about whether the FOAN had taken sufficient account of affordable housing needs. However, this and the other matters raised will be considered in due course when the development plan is reviewed. In the original appeal representations the appellant questioned the deliverability of a number of the supply sites. However, since then there have been several appeal decisions that have supported the council's position in relation to its five year housing land supply. In particular the matter was considered at an inquiry in October 2016 concerning a proposal for 137 houses at Foldgate Lane, Ludlow. Here the Inspector concluded that the council was able to demonstrate a deliverable supply based on the requirement in policy CS1 of the Core Strategy. As this requirement is higher than the FOAN advocated in the July 2016 assessment it seems to me robust. It is notable that the appellant subsequently confirmed that the council's identified housing land need and supply was not being challenged.

19. In the circumstances I have no reason to doubt that the Council has a five year housing land supply, and that consequently the housing policies contained within the Local Plan remain up to date.

Sustainable development

20. Wem is a reasonably sized town with a range of services located within it. The town is split by a railway line heading roughly north to south, with the majority of the town being on the west side of the tracks. The site falls within the area of town on the east side of this line, and is thus separated from the main part of the town by the railway line and crossing. In evidence at the Hearing, a local councillor and resident described the difficulties this can cause in terms of congestion and disruption, particularly at peak times, as well as issues of rat running to avoid such congestion. However, the Council and the Highways Authority raise no objection to the scheme based on this ground. Whilst the scheme would inevitably add some traffic to this area at peak times, I have no substantive evidence that this would lead to an adverse effect upon highway safety. The town is well within walking distance and I consider the site in this respect to be sustainably located.
21. The proposal would have a positive economic impact through the construction of around 37 new houses, and the money that residents of the proposed dwellings would spend in the local economy. The proposal would also generate social benefits by providing housing, both open market and affordable. An increase in local residents would also bring benefits through adding to the community and assisting local services, including through CIL payments.
22. An ecological report submitted by the appellant details measures to increase and maintain biodiversity at the site, primarily based on new planting and the gapping up of small breaks in the existing hedgerows. However, this needs to be set against the removal of hedge that would need to take place to form access to the site, and as a result I do not consider that such benefits would be significant.
23. There are three dimensions to sustainable development. Whilst the proposal would provide economic and social benefits, the substantial environmental effects of the scheme that I have described above on the character and appearance of the area means that the proposal overall does not represent sustainable development. The scheme would be contrary to the core planning

principles of the Framework that planning should be genuinely plan led, and should take account of the different roles and character of different areas recognising the intrinsic character and beauty of the countryside.

24. I therefore conclude that the proposed development would not provide a suitable site for housing, having regard to the character and appearance of the area and to the development plan.

Other Matters

25. An appeal decision for a site on the opposite side of the road is provided in evidence. This allowed ten new houses at the end of Ash Grove. The Inspector concluded that the proposal would constitute sustainable development, considering that the site was sustainably located and that the scheme would have an acceptable impact on the character and appearance of the area. However, this site is significantly different to that proposed in this case due to its brownfield nature and the fact that it forms a relatively well screened site on the north side of the road, located between Ash Grove and an area of woodland. Furthermore, I note that this decision was made prior to the adoption of the SAMDev, to which the Inspector only gave moderate weight. The new scheme to the west of Ash Grove is an affordable housing scheme, and thus in effect constitutes an exception site.
26. The appellant raises concern over housing delivery in the spatial zone of North East Shropshire, noting that the Framework seeks to boost significantly the supply of housing, that housing completions in Shropshire are significantly lower than might be expected within the plan period, and that there is a high requirement for windfall development in the area. It considers that the Council's statement provides no evidence that this can be accommodated in settlement boundaries.
27. It was explained in the Hearing that the spatial zone approach to planning development utilised in Core Strategy policy CS1 was found to not be effective due to overlapping issues and so was not used in policy MD3 of the SAMDev. As stated above, this policy allows for additional sites outside development boundaries where the housing guideline appears unlikely to be met and supporting text notes the importance of windfall sites where sustainable. However, for the reasons given above I do not consider the appeal site to be sustainable in this case. Furthermore, I also note that, as described above, supporting text to policy S17 of the SAMDev states that there are significant opportunities for development of windfall sites within the development boundary of Wem.
28. I have been referred by both the council and the appellant to a large number of appeal decisions. However, the majority of these decisions predated the adoption of the SAMDev and therefore the statutory policy position was different. The decisions at Cross Houses and All Stretton postdate the SAMDev adoption. However, in those cases the Inspectors found that the proposal would not have an adverse effect on the countryside and would constitute sustainable development. I have reached a different conclusion on this appeal.
29. Subsequent to the Hearing various other appeal decisions have been submitted by both parties. The decision relating to Queens Head, Oswestry relates to a small infill site and would thus not appear as an encroachment into the countryside, in the way that I have concluded this appeal would. My colleague

in the Foldgate Lane, Ludlow decision concluded that the site would have a minimal impact on the character and appearance of the area, which also varies to my conclusions above. Whilst I note some differences in the interpretation of the local plan policies within the various appeal decisions referred to me, I have outlined my view on such policies in paragraphs 8-15 above and the submitted decisions do not lead me to any different conclusions on this matter.

30. A signed Section 106 agreement covering matters of affordable housing was submitted within the evidence. Other than the social benefits of this provision, which I have considered above, I have not considered this matter further given that I am dismissing the appeal.

Conclusion

31. The proposal would be contrary to the development plan when taken as a whole and conflict with policies CS1, CS5, CS3 of the Core Strategy and policies MD1, S17, MD3 and MD7a of the SAMDev. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Stuart Thomas	Berrys
Helen Howie	Berrys

FOR THE LOCAL PLANNING AUTHORITY

Philip Mullineux	Shropshire Council
Edward West	Shropshire Council

INTERESTED PARTIES:

Cllr Chris Mellings	Ward Councillor
Paul H Naylor	Local resident
Carole Warner	Clerk to Wem Rural Parish Council
Sue Austin	Shropshire Star

DOCUMENTS SUBMITTED AT THE HEARING

1. Letter from the Treasury Secretary, Government Legal Department to The Planning Court, dated 09/08/16 ref Z1615973/ASM/B5
2. Appeal Decision APP/L3245/W/16/3149461, Yew Tree Inn, Shrewsbury Road, All Stretton, Shropshire.
3. CO/2850/2016 Submission to High Court, Shropshire Council v SoSDCLG and BDW Trading Limited, 24/06/16.
4. Traffic Survey submitted by Mr Naylor.
5. Appeal Decision APP/L3245/W/16/3142894, Land off Mount Close, Pontesbury, Shrewsbury, Shropshire.
6. Satnam Millenium Limited v Warrington Borough Council, [2015] EWHC 370 (Admin).
7. Kings Lynn and West Norfolk BC v SoSCLG and Elm Park Holdings Ltd, [2015] EWHC 2464 (Admin).

8. Kings Lynn and West Norfolk BC v SoSCLG and Elm Park Holdings Ltd, [2015] EWHC 2464 (Admin) – Alternative numbering to Document (7), derived from Westlaw UK.
9. Excerpt from Shropshire Adopted Core Strategy March 2011, Policy CS10.
10. List of Neighbours and Consultees consulted on Hearing date. Shropshire County Council.

DOCUMENTS SUBMITTED AFTER THE HEARING

1. Appeal Decision APP/L3245/W/15/3137161, Land at Foldgate Lane, Ludlow and covering email dated 11/11/16 from the Appellants.
2. Shropshire Council v SoSCLG, BDW Trading Limited trading as David Wilson Homes (Mercia), Magnus Charles Mowat, and Martin John Mowat [2016] EWHC 2733 (Admin), 02/11/16, and covering press release (unattributed).
3. Email from the LPA, dated 28/11/16, in response to (1) above.
4. Email from the appellants, dated 30/11/16, in response to (2) above, and providing more evidence in relation to (1).
5. Appeal decisions APP/L3245/W/15/3138752 & APP/L3245/W/15/3138755, The Larches, Shawbury Road, Wem, Shropshire and covering email dated 07/12/16 from the LPA.
6. Final comments from the appellants referring to (5) above, email dated 16/12/16.

Appeal Decision

Hearing held on 3 May 2017

Site visits made on 2 May 2017 and 3 May 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 24 May 2017

Appeal Ref: APP/L3245/W/17/3167346
Llawr-y-Pant Farm, Selattyn SY10 7HX

- 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 and Mrs Gareth Roberts against the decision of Shropshire Council.
 - The application Ref 16/02687/OUT, dated 16 June 2016, was refused by notice dated 31 August 2016.
 - The development proposed is an agricultural worker's dwelling and garage to serve an existing agricultural business.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At the hearing, the appellants supplied copies of a prior notification application, dated 4 April 2017, to extend an existing shed at the site. As this application is in the public domain and was in the process of determination by the Council¹ at the time of the hearing, I am satisfied that no parties would be prejudiced by my consideration of its content.
3. The appellants also supplied a copy of an appeal decision², which they had sent through to the Council ahead of the hearing. The Council's representative had read the appeal decision and indicated that he had no objections to it being submitted as part of the appellants' case. Therefore no prejudice would arise to any party as a result of my consideration of this previous appeal decision in my assessment of the planning merits of the current case. Copies of the appellant's financial details and farming accounts were provided to me at the hearing. The Council considered their content as part of its assessment of the application that led to this appeal, and there would be no prejudice to any party in accepting this evidence.
4. A copy of a section 106 planning obligation was submitted in advance of the hearing relating to, amongst other matters, the use of the proposed development for affordable housing should the necessity to house an agricultural worker there cease.

¹ Council reference 17/01703/AGR

² APP/A0665/A/12/2188614

5. The application that led to this appeal was in outline with all matters reserved. I have considered the appeal on this basis and treated the submitted plans as merely illustrative insofar as they relate to reserved matters.

Main Issue

6. The main issue in this appeal is whether the proposed development would meet an essential need to accommodate an agricultural worker at the appeal site, having regard to relevant local and national planning policy.

Reasons

Site, surroundings and proposed development

7. Set in a deeply rural environment, in the midst of hilly countryside lined by hedges and studded by mature trees, the appeal site is the corner of a larger open field of an agricultural character, which slopes down from the adjacent road. Separated from the roadside by a level grass verge of substantial width, the appeal site is accessed by a gate within the mature hedgerow which forms its boundary to the north-east.
8. To the north-west of the appeal site and separated from it by a dense boundary of tall conifers, is the large lawn to the rear of Llawr-y-Pant's farmhouse, a stone-faced, two-storey building with a lean-to blockwork extension to one flank. Beyond the farmhouse there is a long traditional agricultural building, faced in stone, that at the time of my visit was in use for the storage of wood and other materials. A mono-pitch roofed building of more modern materials and construction techniques and of a limited scale is sited at the head of the yard in front of the farmhouse. Beyond this, modern portal framed buildings of substantial scale provide a workshop and storage for machinery and other items used in the agricultural contracting enterprise based at the farm. At the time of my site visits large pieces of agricultural equipment were stored on the substantial yard to the rear of the traditional stone-faced agricultural building.
9. The appeal scheme would introduce residential development onto the appeal site, taking the access from the existing field gate. The block plan indicates a dwelling of a broadly L-shaped plan and a detached garage, set within relatively modest grounds.

Policy Background

10. The proposed development would be in the countryside for the purposes of the development plan and located outside of any definable settlement. In these circumstances, Policy CS5 of the Shropshire Core Strategy (adopted March 2011) (the Core Strategy), amongst other things, restricts the development of new dwellings to those necessary to house agricultural or other essential countryside workers. This approach is amplified in Policy MD7a of the Shropshire Site Allocations and Management of Development Plan (adopted December 2015) (the SAMDev), which states that additional dwellings to house rural workers at a site will only be permitted if there are no other existing suitable and available affordable dwellings or other buildings which could meet the need; and that there is a demonstrable functional need for the worker to be present at the enterprise for the majority of the time.
11. These policies are consistent with paragraph 55 of the National Planning Policy Framework, which states in order to promote sustainable development in rural

areas that new isolated homes in the countryside should be avoided unless there are special circumstances, including, amongst other things, the essential need for a rural worker to live permanently at or near their place of work.

Nature of the enterprise

12. The worker who would live in the proposed development is employed in the agricultural contracting enterprise located at the farm. The appellants consider that it is the contracting enterprise that gives rise to the functional necessity for a worker to be housed permanently at the site.
13. The agricultural contracting enterprise is long-established. At the hearing it was suggested that the business predominantly serves a customer base within a five to ten mile radius of the appeal site, although a wider radius of forty miles is suggested in the appeal statement. The business involves maintenance and distribution of large items of agricultural machinery to the local farming community, on remote holdings, often without alternative access to agricultural equipment of the size and capital cost provided.
14. Whilst operations are seasonal, evidence was submitted with the appeal documents showing how the enterprise services year round seasonal agricultural activities. The business provides work for the appellants' family members and also a number of local residents. The farm is also used as a base for the Council's snow ploughs and the worker who would occupy the proposed dwelling has a contract to operate these at times of heavy snowfall.

Functional Need

15. The worker's father is one of the directors of the contracting business and occupies the farmhouse at the site. However, I note from the submitted evidence of the appellants, both orally at the hearing, and in the appeal documents that the bulk of the operation is now overseen by Mr Roberts, the appellant.
16. Although a considerable amount of the contracting operation takes place offsite, the maintenance of the machinery and its preparation for deployment takes place to a substantial degree onsite, as does the management and direction of other workers involved in the enterprise. Whilst varying agricultural activities keep the enterprise busy throughout the year, the contracting business is reactive to the extent that a considerable amount of tasks performed by the machines are sensitive to climatic conditions. Often there are only limited 'weather windows' within which to deploy the machinery effectively. This is the case both in terms of the agricultural machinery and the snowplough contract.
17. These tasks, in addition to emergency call outs to attend to ad hoc machinery maintenance issues which require visits to the farm first before going out on site to attend to the issue, lead to very long hours on the part of the appellant. Submitted evidence indicates that these hours vary over the year between 9 hours a day to over 16 hours a day between 5 and 7 days a week, at unsociable hours, both late night and early morning. A considerable proportion of this time is spent at Llawr-y-Pant Farm.
18. The appellants gave examples of recent thefts from the farm that happened despite of the security measures in place, including the extensive number of CCTV cameras deployed around the site. Indeed, as the incidents involved the

theft of fuel this has led the worker to remove fuel from vehicles at the end of the working day only to fill them up again at the start of the next day, to avoid theft from, and potential damage to, these items. This additional activity has increased the amount of time that the worker is at the site. I am mindful also that the insurance of the enterprise is dependent on a physical presence onsite. I saw that the roadside and relatively isolated location could make it vulnerable to thefts.

19. Therefore taken together, the contracting enterprise at the site is of a nature, scale and extent that clearly establishes a functional need for a worker to be present at the site for the majority of the time. My findings in this respect are lent weight by the considerations of security in respect of the enterprise.
20. I note the Council's concerns regarding the financial sustainability of the enterprise and the limited profit margins shown in the submitted accounts. However I am mindful of the capital value of the machinery at the site, the recent³ and planned⁴ investment, and the ability of the business to raise funds to acquire these items. These latter considerations are indicative of an enterprise of some durability and financial solvency and lead me to the view that the limited profit shown on some of the accounts does not indicate that the business would be financially unsustainable. As a result, the financial sustainability of the business is not a matter that alters my conclusions on the functional need to accommodate a worker at the site.

Alternative Accommodation

21. At the hearing, the parties agreed that a reasonable build cost for the proposed dwelling would be around £120,000. The existing farmhouse on the site is occupied by the worker's father who intends to remain a resident there. Nevertheless, it is an existing dwelling that could provide accommodation for the appellants and their family and help to meet the functional need for Mr G Roberts to be onsite to manage the business operations.
22. Whilst I note that the existing farmhouse is in need of some repair, I have been supplied with no comparative figures to suggest that this would be more cost prohibitive than building a new house. I am also mindful that the appellants consider the farmhouse to be too small and of a layout that would not meet their needs. However, I have been supplied with no estimate of the amount of floorspace provided within the farmhouse and how it would compare with the size of the proposed dwelling which would be limited to 100 SqM of gross internal floorspace in order to meet the requirements of Shropshire's Type and Affordability of Housing Supplementary Planning Document (adopted September 2012). Thus, taking these matters together, it has not been demonstrated that the existing farmhouse would be incapable of housing the appellants and their family.
23. The appellant's father has hearing difficulties and had a cataract operation in the past year, which stopped him from driving temporarily. These and other emerging health issues limit his involvement in the business and due to these, the appellants are required to attend to him from time-to-time extending the amount of time they are at the farm. Whilst this is a matter of some gravity, discussions at the hearing did not conclusively establish that annexe

³ At the hearing reference was made to the recent acquisition of a harvester for £350,000

⁴ In terms of planning application reference 17/01703/AGR

- accommodation to the existing farmhouse to meet these needs has been explored as an alternative to construction of a new dwelling at the site. As a result, this matter does not weigh in favour of the appeal scheme.
24. The portal-framed buildings are clearly in use in connection with the contracting business and, therefore, would not be available for conversion to supply additional residential accommodation. However, there is a traditional stone building on the site used for more limited and predominantly domestic storage which may be suitable. The traditional building would need considerable repair and works to facilitate residential conversion; however, I have not been supplied with any figures in this regard to make a comparison with the costs of building a new house at the site. Consequently, it has not been conclusively established that this building would not be available for residential conversion.
25. I note in both the case of the farmhouse and the traditional building to its front that the appellants consider them to be too close to the operational part of the enterprise and have concerns about the safety of their young children as a result of this. The appellants also referenced guidance about the location of dwellings adjacent to agricultural operations of this sort; however, I have not been supplied with copies of this guidance. Moreover, I saw that the gated entrance adjacent to the traditional building was not currently in use for the passage of machinery and whilst equipment was parked near to it during the first of my site visits, I consider that management of the enterprise coupled with an appropriate layout around the building, could mitigate any risks in these regards to a reasonable level.
26. The ability of the worker to reside at the appeal site may lead to growth in the business. However, this would be the case if they lived in existing accommodation at the farm, and as a consequence does not weigh in favour of the proposed development in the overall planning balance.
27. In the appeal statement, the Council referenced the results of a Rightmove property search within a 1-mile radius of the appeal site. Whilst this identified three dwellings only one of these had an asking price roughly equivalent to the build costs of the proposed development and, in any event, at the time of the hearing was no longer on the market. At the hearing, the average price of properties within that immediate catchment was agreed to be significantly in excess of the build costs of the proposed development and, therefore, I am satisfied that no affordable alternatives would be available in the wider environs of the site. However, this consideration does not outweigh my findings in regard to the capability of other buildings onsite to accommodate the worker.
28. Therefore, whilst there is a functional need for the worker to be accommodated at the site, I consider that due to the presence of an existing dwelling on the site and another building that could potentially meet that need, that it has not been demonstrated that the proposed development would meet an essential need to accommodate an agricultural worker at the appeal site. The proposed development would run contrary to Policies CS5 and CS6 of the Core Strategy, MD7a and MD7b of the SAMDev and the Framework. Taken together, these policies seek to promote sustainable development in rural areas by, among other things, ensuring that the development of new isolated homes in the countryside is avoided unless there are special circumstances.

29. In arriving at this conclusion I have been mindful of the appeal decision submitted by the appellants. This decision related to an agricultural contracting enterprise; however, there appears to have been no dwelling existing on the site subject to this former appeal. Therefore, that previous decision can be clearly distinguished from the current case which relates to an additional dwelling on the site and, as a result, does not alter my conclusions in respect of the proposed development's policy conflicts.

Other Matters

30. The appellants consider that living at the site would improve their family life given the long hours that are involved in the business and understandably this is a matter of substantial importance to them alongside the functional needs of the enterprise. I am mindful too that the appellants have not sought to explore a residential conversion of the operational buildings on the site which could be permitted under Class Q of the Town and Country Planning (General Permitted Development) (England) (Order) 2015 as this could undermine the sustainability of the business. This latter consideration points to the appellants' desire to support the enterprise, rather than a more generalised intention merely to reside at the appeal site. However, these matters are not, taken together, of sufficient weight to justify departure from the requirements of the development plan in this case.
31. I note references to other agricultural workers' dwellings and other recent residential developments in the wider area. However, the circumstances and material considerations in these cases are not before me. Moreover, each proposal needs to be considered on its own merits. For these reasons, the other developments mentioned carry only minimal weight in favour of the appeal scheme in the overall planning balance.
32. I note the support for the scheme from several respondents both at application and appeal stage. However, these do not, in themselves, justify a departure from the development plan policies.
33. The siting of the proposed development was a matter of common ground between the Council and appellants and, whilst conscious of the outline nature of the application, I consider that its relationship to the other buildings on the site could avoid significant harm to the character and appearance of its surroundings. I also consider that the proposed access would achieve acceptable arrangements for emerging visibility and would avoid significant harm in highway safety terms. In arriving at this latter view I am conscious of the lack of objection to this aspect of the scheme from the Local Highway Authority. However, this is merely evidence of an absence of harm in these regards and not a positive benefit of the proposed development and thus only has a neutral effect on the overall planning balance.
34. In facilitating the appellants' move from their current dwelling in Gobowen, the proposed development could make that property available for a local household. Moreover, the terms of the section 106 agreement would secure the proposed development's use for affordable housing should the essential need for a worker to be housed there come to an end. These are both benefits, but their modest scale and the remote location of the proposed development mean that they weigh in favour of the scheme to only a minimal degree.

35. The proposed development during its construction would result in some economic benefits, including, amongst other things potential employment, and the ordering and supply of materials. However, due to the small-scale of the proposed development combined with the largely temporary nature of these effects, they would weigh in the appeal scheme's favour to only a very modest degree.
36. Thus taken together, or individually, all of these other considerations advanced in favour of the proposed development would not outweigh its conflicts with the development plan.

Conclusion

37. As a result, the appeal scheme would not comprise sustainable development for the purposes of the Framework, and would conflict with the aforementioned policies of the development plan. No material considerations have been advanced that would outweigh this conflict. Accordingly, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G J Fort

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Mrs Gemma Roberts	Appellant
Mr Gareth Roberts	Appellant
Mr Rob Mills	Les Stephan Planning Ltd

FOR THE LOCAL PLANNING AUTHORITY

Philip Mollineux	Principal Planner, Shropshire Council
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DOCUMENTS submitted at the Hearing

- 1) RA Roberts & Sons Unaudited Accounts for the Year Ended 5 April 2012
- 2) RA Roberts & Sons Unaudited Accounts for the Year Ended 5 April 2015
- 3) Copy of Application for prior notification of agricultural or forestry development-proposed building. Council reference 17/01703/AGR
- 4) Appeal Decision APP/A0665/A/12/2188614