



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

Date: Friday, 26 May 2017

Committee:
South Planning Committee

Date: Tuesday, 6 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

David Evans (Chairman)
David Turner (Vice Chairman)
Andy Boddington
Gwilym Butler
Simon Harris
Nigel Hartin
Richard Huffer
William Parr
Madge Shingleton
Robert Tindall
Tina Woodward

Substitute Members of the Committee

Jonny Keeley
Heather Kidd
Cecilia Motley
Vivienne Parry
Kevin Turley
Michael Wood

Your Committee Officer is:

Linda Jeavons Committee Officer
Tel: 01743 257716
Email: linda.jeavons@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive any apologies for absence.

2 Minutes (Pages 1 - 8)

To confirm the minutes of the South Planning Committee meeting held on 4 April 2017.

Contact Linda Jeavons (01743) 257716.

3 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 5 pm on Thursday, 1 June 2017.

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 To The South off Albrighton Bypass, Albrighton, Shropshire (16/01925/FUL) (Pages 9 - 34)

Application under section 73A of the Town and Country Planning Act 1990 for change of use of land to gypsy traveller site to include the stationing of three mobile homes for residential purposes and three touring caravans; erection of utility/day room and formation of hardstanding.

6 Proposed Dwelling To The North of 37 High Street, Broseley, Shropshire (16/05697/FUL) (Pages 35 - 50)

Erection of a detached 3 bedroom dwelling.

7 Schedule of Appeals and Appeal Decisions (Pages 51 - 72)

8 Date of the Next Meeting

To note that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 4 July 2017, in the Shrewsbury Room, Shirehall.



Committee and Date

South Planning Committee

6 June 2017

SOUTH PLANNING COMMITTEE

Minutes of the meeting held on 4 April 2017

2.00 - 4.08 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Linda Jeavons

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

Present

Councillor David Evans (Chairman)

Councillors David Turner (Vice Chairman), Andy Boddington, Nigel Hartin, John Hurst-Knight, Madge Shingleton, Robert Tindall and Tina Woodward

90 Apologies for Absence

Apologies for absence were received from Councillors Gwilym Butler, Richard Huffer and William Parr.

91 Minutes

RESOLVED:

That the Minutes of the meeting of the South Planning Committee held on 7 March 2017 be approved as a correct record and signed by the Chairman.

92 Public Question Time

There were no public questions or petitions received.

93 Disclosable Pecuniary Interests

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

With reference to planning applications to be considered, Councillor Andy Boddington declared that he was a member of The Shropshire Hills AONB Partnership.

With reference to planning applications 16/03334/EIA and 15/05330/EIA, Councillor David Evans declared that he was in the poultry business but did not know the applicants and his business was very different to the running of broiler farms.

With reference to planning applications to be considered, Councillor Robert Tindall declared that he was a member of the Shropshire Hills AONB Partnership. With

reference to planning application 16/03334/EIA he stated that he had taken no part in the formulation of the AONB's decision to object.

With reference to planning application 16/05706/COU, Councillor Robert Tindall declared that he was acquainted with the person speaking against and for reasons of perceived bias would take no part in the consideration of, or voting on, this application.

With reference to planning application 16/02758/FUL, Councillor David Turner declared that he was a member of The Shropshire Hills AONB Partnership and The Shropshire Hills AONB Transition Board. With reference to planning application 16/03334/EIA he stated that he had taken no part in the formulation of the AONB's decision to object.

94 Hurst Barn, Clunton, Craven Arms, Shropshire, SY7 0JA (16/03334/EIA)

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations.

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

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

Mrs H Hamilton, representing local residents, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Mr P Holden, representing the Area of Outstanding Natural Beauty, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

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

- The site was within the Shropshire Hills AONB;
- Detailed objections had been received from the Shropshire Hills (AONB) Partnership, Clun and Clunbury Parish Councils and there had also been an on-line petition;
- Would be contrary to paragraph 116 of the National Planning Policy Framework and Core Strategy Policies CS16 and CS17;
- Any gain to the local economy would be minimal and given the possible impact on tourism might even mean a reduction;
- There would be insufficient measures to mitigate any harm to the River Clun Special Area of Conservation (SAC);

- The visual impact from the surrounding hills would not be as negligible as claimed in the report;
- It was in a prominent location, close to the roadside and would be very visible even with the proposed mitigation measures; and
- He urged refusal.

With the permission of the Chairman and due to the fact that additional speakers had been allowed to speak against the proposal, the agent was permitted to speak for up to six minutes. Mr S Jones, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In the ensuing debate, Members noted the comments of all speakers and considered the submitted plans. Some Members expressed concerns regarding the detrimental impact on the surrounding area, landscape and the high risk to the River Clun SAC. In response to questions, the Principal Planner and Solicitor provided clarification on the EIA Regulation 22 public consultation process and confirmed that if any new material considerations were raised prior to the end of the consultation process on 16 April 2017, the application would be brought back to this Committee for determination.

RESOLVED:

That, in accordance with Members' view that they be minded to approve the scheme, delegated authority be granted to Planning Officers to issue the decision subject to there being no further material new issues raised prior to expiry of the EIA Regulation 22 public re-consultation deadline on 16 April 2017 and subject to:

- The conditions as set out in Appendix 1 to the report, subject to conditions being amended to ensure that external surfaces of the development shall be BS18B29;
- A Legal Agreement to deliver off-site ecological mitigation measures to protect the Clun Catchment Special Area of Conservation as set out in Appendix 2 to the report; and
- If any new material considerations be raised during the consultation process the application be brought back to this Committee for determination.

95 Walkhamwood Farm Faintree Bridgnorth Shropshire WV16 6RQ (15/05330/EIA)

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

Members noted the additional information and the recommended additional condition requiring the applicant to submit a scheme prior to the commencement of the development setting out procedures for ensuring that, wherever practicable, no less than 50% of the poultry litter produced at the site shall be burned in the biomass boiler, and as set out in the Schedule of Additional Letters circulated prior to the meeting.

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

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

Mr J Pickup, representing Neenton Parish Meeting, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

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

- He commended the applicant for trying very hard to accommodate a large scale set-up by sinking it into the ground and ensuring that the rooftops would sit below bunded boundaries;
- He expressed concerns regarding the close proximity of nearby residents; and
- If approved, he requested that BS18B29 be the preferred colour treatment of any external surfaces and odour and noise be closely monitored.

Mr G Clark, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees. In response to questions from Members, he reiterated that the Environment Agency had now granted a permit for this proposal and this would control operational matters to prevent pollution of the environment and the report indicated that all receptors fell within acceptable percentiles.

In the ensuing debate, Members noted the comments of all speakers and considered the submitted plans. The majority of Members acknowledged that the site was not located within the AONB; the visual impact on the surrounding area would be minimal; and appropriate conditions to control odour and noise would be attached to any permission

RESOLVED:

That, as per the Officer's recommendation, delegated authority be granted to the Planning Services Manager to grant planning permission, subject to:

- The conditions as set out in Appendix 1 to the report and the Schedule of Additional Letters, subject to conditions being amended to ensure that external surfaces of the development shall be BS18B29.

96 Agricultural Building NW Of Coombys Farm, Severn Side, Highley, Shropshire (16/04135/FUL)

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations.

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

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Dave Tremellen, as local Ward Councillor, made a statement in support of the proposal. He took no part in the debate and did not vote on this item.

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

RESOLVED:

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

97 17 Barrow Street, Much Wenlock, TF13 6EN (16/05706/COU)

(By virtue of his declaration at Minute No. 93, Councillor Robert Tindall took no part in the consideration of, or voting on, this application.)

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, block plan and proposed ground floor plan.

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

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

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

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

- Much Wenlock was a tourist destination, had a high proportion of retired residents and had a thriving visitor economy as demonstrated by the Town's range of pubs, hotels, cafés and restaurants;
- The Town Council had originally supported the application when the red line encompassed only the building and changed its response to "no objection" following a revised consultation with the red line redrawn to include the garden area. The Town Council had also received a letter from Wenlock Estates which set out its plans and its concerns to ensure that the growing ecclesiastical outfitters business, which had swapped premises with this one in order that it could continue to trade and thrive in Much Wenlock;

- Any change of planning consent would not be exclusively for a tea room. A3 Class Use (restaurants/cafes) had wider implications and any consent applied to the property, not the occupier;
- He welcomed the choice that this food establishment provided and was keen to have and retain full occupancy of all of the Town's retail units in these uncertain times;
- He expressed concerns regarding the path between the Church green and this tea garden which was not a public footpath but was used as such. Members of the public walked in close proximity to a number of residential properties around the town and especially so in Barrow Street. However, they were walking, not sitting, for extended periods. During the site visit it had been noted that there was a planting scheme being implemented and there was a shrub that partially screened views on Church House;
- He welcomed the limited hours of operation and the intervention of public protection in matters of odour and noise; and
- In conclusion, he urged the Committee to consider whether the assurances and conditions as proposed would adequately ensure privacy for neighbours, would keep disturbance to acceptable levels and ensure that a manageable compromise could be reached.

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

RESOLVED:

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

- The conditions set out in Appendix 1 of the report and, in the interests of safeguarding neighbour amenity and the character and appearance of the conservation area, an additional condition to ensure additional bush/shrub planting takes place adjacent to the north eastern side of the garden/outside seating area bordering Church Walk; and
- An informative requesting that the operator of the tea room adopts a no smoking policy within the garden/outside seating area.

98 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 4 April 2017 be noted.

99 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 2 May 2017 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:

This page is intentionally left blank



Committee and date

South Planning Committee

6 June 2017

Development Management Report

Responsible Officer: Tim Rogers

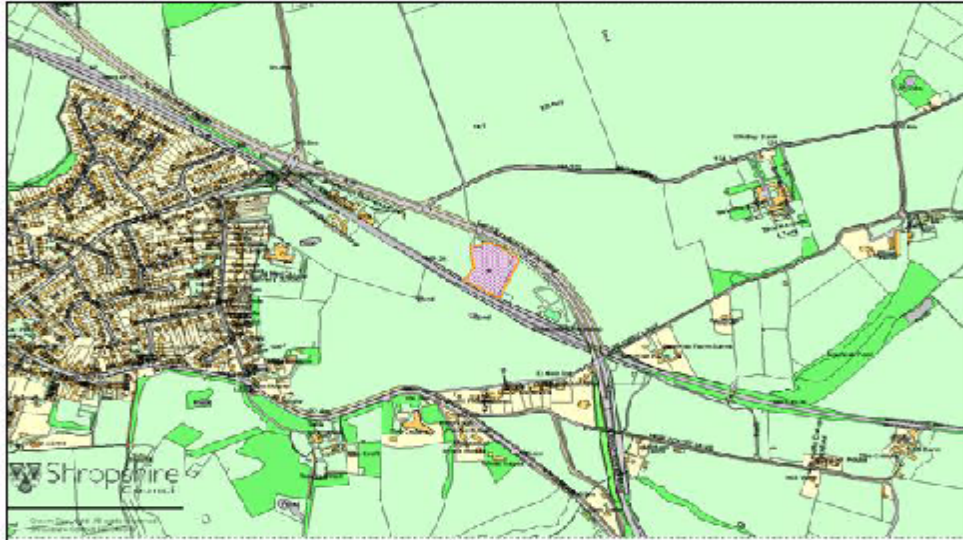
email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

<u>Application Number:</u> 16/01925/FUL	<u>Parish:</u>	Albrighton
<u>Proposal:</u> Application under section 73A of the Town and Country Planning Act 1990 for change of use of land to gypsy traveller site to include the stationing of three mobile homes for residential purposes and three touring caravans; erection of utility/day room and formation of hardstanding		
<u>Site Address:</u> Land To The South Of Albrighton Bypass Albrighton Shropshire		
<u>Applicant:</u> Gaskin		
<u>Case Officer:</u> Richard Fortune	<u>email:</u> planningdmse@shropshire.gov.uk	

Grid Ref: 382294 - 304304

© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2016 For reference purposes only. No further copies may be made.



© Crown Copyright. All rights reserved. Shropshire Council 100046049, 2016. For reference purposes only. No further copies may be made.

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

REPORT

1.0 THE PROPOSAL

- 1.1 This part retrospective application relates to the use of a parcel of agricultural land as a gypsy traveller site. The amended site layout plan, received on 9th February 2017 in response to comments made by the Council's Public Protection Team about noise issues from the road and railway, show the site divided into three plots, sharing a single access onto the Albrighton by-pass. The site area is stated on the application form to be 10,086 sq. metres.
- 1.2 At the site entrance, an access road would run parallel along the inside of the hedgerow boundary to the by-pass to give access to land to the east of the caravan site. From the shared manoeuvring area an access road running parallel to the western site boundary hedge would serve the three plots, enclosed by close boarded fencing. The western part of each plot would be a paddock area, through which an access drive, bounded by post and rail fencing, would lead to a further enclosed area where there would be hardstanding and grassed areas. New hedgerow and tree planting would supplement the fencing which demarcates the two areas, and the planting would continue along sections of the northern and southern plots boundaries. In two of the plots an existing small building/structure is shown, with a container on the southernmost plot closest to the railway. An indication is given within each plot of where the touring caravan would be stationed, where the mobile home/static caravan would be stationed and the position of their individual utility/day room buildings.
- 1.3 The utility/day room buildings would be single storey buildings with dual pitched roofs, with rendered walls and interlocking clay tiles as the roof covering. They would have a simple rectangular plan and would measure some 6.5 metres by 3.414 metres. They would each contain a bathroom and a day room with kitchen fittings. The agent has explained that the purpose of the utility/day rooms is to enable the occupants of the caravans to minimise the recognised hazards associated with cooking and fire in the close confines of caravans and provide facilities for washing and bathing and the maintenance of basic hygiene. A package treatment plant would be used for the disposal of foul sewage and surface water would be disposed of to a sustainable drainage system.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is situated within the Green Belt, to the east of the Albrighton village development boundary and inset to the Green Belt. It is the central section of a parcel of agricultural land bounded by the Albrighton by-pass to the north and east, the railway line to the south-west and Albrighton Business Park to the north-west. The agricultural land to the south-east includes a telecommunications mast installation. There is an established hedgerow along the boundary with the by-pass and the site is relatively level.

2.2 The land on the opposite side (south of) the railway line is safeguarded land excluded from the Green Belt to meet the long term development needs of the village.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council recommendation is for refusal on Green Belt grounds. The Planning Services Manager considers that this application raises material planning considerations that warrant consideration by the South Planning Committee.

4.0 Community Representations

- Consultee Comments

Where consultees have made more than one set of comments the latest comments are listed first to show where earlier concerns have been overcome.

4.1 Albrighton Parish Council – Object:

Object on the grounds that it was development within the green belt and because access to the proposed site is on a fast road on a dangerous bend at the end of a dual carriageway. The site is already occupied by caravans despite no planning permission being granted and considerable development has already taken place. It has the capacity for considerably more than the number suggested in the retrospective application and it could become a major development within the green belt almost by default.

4.2 SC Highways Development Control – No Objection:

This area of land is a field situated on the south side of the Albrighton by-pass between the A41 trunk road and the Wolverhampton to Shrewsbury railway line. It is the primary route between Chester, north Shropshire and Wolverhampton. The by-pass from the east is just exiting from a small section of dual-carriageway governed by a 70mph speed limit coming into the 60mph speed limit past the site access.

The proposal is for the siting of 3 mobile homes with individual utility buildings and 3 touring caravans. It is proposed that these will all use an existing access onto the A41 which appears to be or has been used as a field access and access to a temporary farm shop.

From the west, there is a dedicated turning lane into the site.

Should the building of this site go ahead, there is a likelihood of pedestrian movement along the verge and there should be some consideration as to the provision of a footpath alongside the road to link to the nearest settlement with facilities.

The field is bounded on the south side by the Shrewsbury to Wolverhampton railway line; the Planning Officer may wish to consult with Network Rail regarding the proximity of the railway to a new community.

Conditions**Visibility Splays**

Notwithstanding the provisions of the Town and Country General Development Order 2015 (or any order revoking or re-enacting that order with or without modification), any fence or other means of enclosure at the road junction/access shall be set back to the approved sight lines and those areas shall thereafter be kept free of any obstruction at all times.

Gates

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

Reason: To ensure a satisfactory form of access is provided in the interests of highway safety.

Informatives:**Mud on highway**

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

No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

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

The applicant should in the first instance contact Shropshire Councils Street works team.

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

4.3 SC Drainage – Comment:

A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the councils website at:

www.shropshire.gov.uk/drainage-and-flooding/local-flood-risk-management-strategy/.

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed. Preference should be given to drainage measures which allow rainwater to

soakaway naturally. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

- 4.4 SC Ecology (09/12/16) – No Objection:
An ecological assessment was carried out on this site in September 2016 by Greenscape Environmental.

Habitats

Habitats on the site consist of gravel, hardstanding, bare ground, amenity grassland, sheds and caravans.

‘The site is set behind a security fence with hedgerows and is also fenced on the grounds itself. Concreted kickboards have been placed under the fencing panels.’

The ‘adjacent field’ (presumably this refers to the area to the south-east) contains a large amount of ruderal vegetation and discarded items. In addition. ‘the track along the outside of the site leading to this area (separated by the fence) has significant growths of Japanese Knotweed however this cannot be controlled by the developer as it is not on his site.’

The railway line, adjacent to the south-east, forms an environmental network corridor and should be protected by an appropriate planting buffer and not illuminated.

Landscaping should include tree, shrub and hedgerow planting using native species of local provenance.

Herptiles

There is a pond approximately 70m to the south of the site and another approximately 100m to the south-west. Habitat Suitability Index assessments were carried out on these ponds and both were calculated as having Poor suitability to support great crested newts. Therefore no further survey work is required.

The ‘adjacent field’ (presumably this refers to the area to the south-east) contains a large amount of ruderal vegetation and discarded items and therefore was considered suitable to support reptiles but a hand search did not reveal any evidence of reptiles.

Site materials should be stored off the ground, e.g. on pallets or in skips, to prevent them being used as refuges by wildlife.

Trenches should be covered overnight or contain a ramp so that any animals that become trapped have a means of escape.

Bats

There are no potential roosting opportunities on the site.

Bats are likely to use the site boundaries to forage and commute.

New lighting on the site should be sensitive to bats and follow the Bat Conservation Trust's guidance.

Birds

The development will not involve the removal of any hedgerow or other nesting habitat.

The site could be enhanced through the erection of bird boxes.

Other species

No evidence of any other protected or priority species was observed on, or in close proximity to, the site and no additional impacts are anticipated.

Conditions and informatives

The following conditions and an informative are recommended for inclusion on the decision notice:

Landscaping Plan condition

No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots);
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- d) Native species used are to be of local provenance (Shropshire or surrounding counties);
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- f) Implementation timetables.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

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

Lighting Plan condition

Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and

thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's *Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting* (2014).

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

General site informative for wildlife protection

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

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

4.4.1 SC Ecology (26/05/16) – Comment:

Recommendation: Additional information is required in relation to great crested newts and reptiles. In the absence of this additional information (detailed below) I recommend refusal since it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).

Great crested newts

There is a pond approximately 60m to the south of this site and another 100m to the south-west. These ponds should be assessed in terms of their broad suitability to support great crested newts by carrying out a Habitat Suitability Index (HSI) assessment. If any pond is calculated as being suitable then it may be necessary to carry out a presence/absence survey for great crested newts which is made up of 4 survey visits between mid-March and mid-June with at least 2 visits between mid-April and mid-May. Three survey methods (preferably torch survey, bottle trapping and egg searching) should be used on each survey visit. If great crested newts are discovered then it may be necessary to carry out a population size class estimate which involves an additional 2 visits in the specified time period.

The ecologist should make recommendations 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.

The great crested newt survey should be carried out by an experienced, licensed ecologist in line with the Great Crested Newt Mitigation Guidelines by Natural England (2001) and should be submitted with any necessary mitigation scheme and method statement to the Local Planning Authority in support of the planning

application.

Reptiles

The site appears to contain suitable features for widespread reptiles. An assessment should be made of the potential for reptiles to be present and in areas of moderate and high potential a reptile survey should be carried out by an experienced ecologist using the methods set out in the Herpetofauna Workers Manual (JNCC, 2003). Where reptiles are confirmed to be present, a mitigation strategy and precautionary method statement should be provided in support of the planning application.

Finding an ecological consultant

A list of ecological consultants who work in Shropshire is available on request. This list is by no means exhaustive and contains information on other ways of finding a consultant. Shropshire Council cannot recommend any consultant or guarantee their work. You should always check that the ecologist you select has the relevant protected species survey licences issued by Natural England (in this case, great crested newts). Without a valid survey licence, the report provided by an ecologist may not be considered adequate by the Local Planning Authority.

4.5 SC Public Protection (08/02/17) – No Objection:

Having considered the revised site layout plan provided and photographs of the existing boundary treatments, there are no objections to the proposals from a noise perspective, no noise assessment is required and there are no conditions to recommend.

4.5.1 SC Public Protection (27/01/17) – Comment:

If the lived in structures (day rooms and mobile homes) are moved as far from the road and rail as possible (slight alterations to the site plan) I would consider removing the need for a noise assessment. If they can provide photos of the site boundary treatment existing to the facade of the road and also rail this may allow noise assessment to be removed as a necessity (depending on the fabric of the boundary treatment). The road is a 60mph stretch of road and has the potential for significant noise which is a concern. The rail has potential to impact as well and a noise assessment is generally suitable in this type of setting.

4.5.2 SC Public Protection (02/06/16) – Comment:

The application is bringing residential receptors into close proximity with existing noise sources namely the railway line and Albrighton bypass. As a result a noise assessment is necessary to ensure that residents are not subjected to noise that would have a detrimental impact on their health.

As a result a noise assessment is required prior to occupation of the site to ensure that a good noise environment is provided for future residents. I would therefore recommend that the following condition is placed on any planning decision granted:

Prior to occupation of the site a noise assessment shall be submitted to the local planning authority for approval in writing. It must specify any mitigation measures required in order to ensure that a good level of internal and external amenity is provide to future residents. All mitigation shall be in place prior to occupation of the

site. Reason: to protect the health and wellbeing of future residents.

4.6 Network Rail – No objection in principle:

- If not already in place, the developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing/wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

- Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

- All surface water drainage should be directed away from Network Rail's land to the public mains system. Soakaways are not acceptable where the following apply: Where excavations which could undermine Network Rail's structural support zone or adversely affect the bearing capacity of the ground.

Where there is any risk of accidents or other acts leading to potential pollution of Network Rail's property/infrastructure.

Where the works could adversely affect the water table in the vicinity of Network Rail's structures or earthworks.

- The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

- It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

- All excavations/earthworks carried out in the vicinity of Network Rail's property/structures must be designed and executed such that no interference with the integrity of that property/structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to the commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works

shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

- The proposal must not interfere with or obscure any signals that may be in the area.
- The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.
- It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.
- Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall onto Network Rail land.
- Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.
- Where new roads, turning spaces or parking areas are to be situated adjacent to the railway, which is at or below the level of the development, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.
- Where Network Rail has defined access points, these must be maintained to Network Rail's satisfaction.

In order to mitigate the risks above, the Developer should contact Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is assetprotectionwales@networkrail.co.uk. The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

-Public Comments

- 4.7 Site notice displayed 24/05/16; Press Notice published 14/06/16 advertising the application as a departure. No responses have been received to this publicity.

5.0 THE MAIN ISSUES

Principle of development – Green Belt
 Visual impact and landscaping
 Highway Safety
 Ecology
 Residential Amenity
 Drainage
 The Planning Balance

6.0 OFFICER APPRAISAL

6.1 Principle of development – Green Belt

6.1.1 The planning policy context for this development is that the site falls within the Green Belt. The National Planning Policy Framework advises at paragraph 87 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It continues at paragraph 88 stating:

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist until the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”

The change of use and structures to which this application relates constitute inappropriate development in the Green Belt, as confirmed by the DCLG ‘Planning policy for traveller sites’, August 2015, Policy E which relates specifically to Traveller Sites in Green Belt. It states at paragraph 16 that:

“Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.”

6.1.2 At Policy H (Decision taking) of the above DCLG policy document a number of issues are set out as relevant matters when considering applications for traveller sites. These are set out in paragraph 24 as:

- a) The existing level of local provision and need for sites
- b) The availability (or lack) of alternative accommodation for the applicants
- c) Other personal circumstances of the applicant
- d) That the locally specific criteria to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) That they should determine applications for sites from any travellers and not just those with local connections.

However it does re-iterate paragraph 16 quoted in 6.1.1 above with respect to the Green Belt.

- 6.1.3 There is a requirement under paragraph 25 of the DCLG policy for local planning authorities to very strictly limit new traveller sites in open countryside that is away from existing settlements or outside areas allocated in the development plan. It continues that sites in rural areas should respect the scale of, and not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure. Paragraph 26 states when considering applications local planning authorities should attach weight to the following matters:
- a) Effective use of previously developed (brownfield), untidy or derelict land
 - b) Sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
 - c) Promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
 - d) Not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

It continues at paragraph 27 by stating that where a local planning authority is unable to demonstrate an up-to-date 5 year supply of sites, that this would be a significant material consideration when considering applications for the grant of temporary planning permission. It clarifies however that there are some exceptions to this statement, which include where the proposal is on land designated as Green Belt.

- 6.1.4 Shropshire Core Strategy policy CS5 relates to the Countryside and Green Belt and seeks to restrict housing to housing to house agricultural, forestry or other essential countryside workers and other affordable housing/accommodation to meet a local need in accordance with national planning policies and policies CS11 and CS12 (See 6.1.5 below). It advises that there will be additional controls over development in the Green Belt in line with Government Guidance. SAMDev Plan policy MD6 also relates to the Green Belt, requiring it to be demonstrated that proposals do not conflict with the purposes of the Green Belt.
- 6.1.5 Shropshire Core Strategy Policy CS12 relates to Gypsy and Traveller provision and pre-dates both the National Planning Policy Framework (NPPF) and the August 2015 DCLG Planning policy for traveller sites. It stated that sites would be allocated to meet identified needs and would be supportive of suitable development proposals close to Shrewsbury, the Market Towns, and Community Hubs and clusters. The policy also indicates that suitable development proposals for small exception sites (under 5 pitches), where a strong local connection is demonstrated, may be acceptable under policy CS5 (Countryside and Green Belt). It was anticipated when the Core Strategy was adopted that the provision of new sites would be largely made in the Site Allocations and Management of Development (SAMDev) Plan. However, in the event the SAMDev Plan adopted in December 2015 does not include site allocations for this purpose. The matter was considered by the SAMDev Inspector in her October 2015 report at paragraphs 71 to 79 (Issue 3). It was the Inspector's conclusion that the Council will be able to demonstrate a five year supply of pitches and sufficient supply for the remainder of the plan

period, having regard to the expected turnover of pitches on Council owned sites. She stated that the evidence confirms that it is not necessary for the SAMDev Plan to make further provision to meet the accommodation needs of the gypsy and traveller community and travelling show persons.

- 6.1.6 The latest assessment of the need for gypsy and traveller pitches in Shropshire is dated 3rd November 2016. It summarises the need for gypsy and traveller pitches, transit pitches and travelling show person's plots in Shropshire as assessed in the Gypsy and Traveller Accommodation Assessment 2014 (updated January 2015), with the SAMDev Plan Inspector's Report (20th October 2015) providing additional clarification of baseline figures.

With respect to Residential Gypsy and traveller pitches this data shows an assessed need to 2019 of 165 pitches.

The current need (excluding turnover) = assessed need – assessed and additional supply since January 2015 = 11 Pitches.

The current need (including turnover) = assessed need – assessed and additional supply since January 2015 = - 24 pitches.

At the time of writing this report the Council has commissioned a Gypsy and Traveller Accommodation Assessment (GTAA) review, which will feed into the partial review of the SAMDev Plan to roll that document forward until 2036. A Green Belt review is also underway at the present time as part of the partial review of the SAMDev Plan.

- 6.1.7 The agent was asked if there are any factors which their client wishes to put forward as 'very special circumstances' in support of this planning application. Details were also sought in response to the queries set out below to assist in assessing the application:

- If gypsy status is being claimed, please provide details of family background and travel for work purposes over the last 10 years. If no travelling for work purposes has taken place over the last 2 years, or it is proposed to give up the travelling lifestyle, please explain why?

- The application form provides only the surname of the applicant. Who will be living on the site? Please give names (if known) and family relationships.

If more than one family (parent(s) and children) intend to occupy the site, how long have they travelled together and how important is it that they stay together? Do they want to be treated as a single group, for the purposes of the application, or as individual families?

- The site plan shows the site divided into three plots, with each containing one static and one touring caravan. Would this be the maximum number of caravans on the site?

- Is any business use of the site proposed? If so, please provide details. What is the purpose of the existing container shown in the southern most plot on the proposed site plan?

- Please explain the need for a site, and the reasons for choosing this site.

- What efforts have been made to find an alternative site, e.g. approach to local planning authority areas such as Shropshire Council, South Staffordshire Council,

Telford and Wrekin Council housing and planning departments including applications for a pitch on a Local Authority sites, estate agents, land owners, other gypsies and travellers.

- Do any of the residents have any health issues which affect their day to day lives or educational needs which they would like the council to take into account? Written evidence in support of these matters may be submitted but correspondents should be advised that these may become public documents and should be written with this in mind.

- Is the permission sought on a temporary or permanent basis? If temporary how long for and why?

6.1.8 The agent replied (19th December 2016) setting out the personal circumstances of the occupants of the site, but requires this information to be kept CONFIDENTIAL and not be published in the public domain. Elements of this report therefore need to be redacted in this version that is made public.

6.1.9

6.1.10

6.1.11

6.1.12 The Council's Gypsy Liaison Officer has verified that the applicant and the occupiers of the site are all Romany Gypsies. He has knowledge of the family from when he worked for Telford and Wrekin Council. The brothers' parents live on a site in Telford. He further advises:

Shropshire Council has no vacant sites that could accommodate these families. The brothers' businesses and associated vehicles do require pitches larger than normal.

Telford and Wrekin do not have any pitches available.

6.1.13 The GTAA for Telford and Wrekin and that for South Staffs both show that there are shortfalls in site provision to be addressed.

The GTAA for South Staffs is dated January 2014 identifies a shortfall of 11 gypsy and traveller pitches over the period 2013/14 to 2017/18 and that, over the longer term for the Plan Period 2013./14 to 2027/28 that a total of 33 additional pitches are required.

The June 2016 Telford and Wrekin GTAA has identified a need for 32 gypsy and traveller pitches for the period 2014 to 2031. (The Telford and Wrekin Local Plan is currently at examination).

While taken on their own the latest Shropshire Council figures, when turnover is taken into account, indicate that there is no shortfall in provision in Shropshire, account needs to be taken of the geography of the Albrighton area, effectively bounded to the east, west and north by Authorities with a shortfall in provision, and the information provided by the Council's Gypsy Liaison Officer to the effect that there are no pitches available at present on Council operated sites to accommodate the three brothers and their families, who wish to live together as an extended family group.

- 6.1.14 The above national planning policy and Development Policy context demonstrates that any shortfall in Shropshire to providing a 5 year supply of deliverable pitches, the condition of the land and the personal circumstances of the adults are unlikely to amount to very special circumstances sufficient to justify inappropriate development in the Green Belt. The weight to be accorded to the best interests of the child in addition to any other positive attributes that the site has for the use sought is considered in the Planning Balance section of the report below.
- 6.1.15 In addition to the issue of harm to the Green Belt caused by the inappropriateness of the proposed use and associated built development, consideration must also be given to whether a key characteristic of Green Belt – openness – would be harmed. Openness is both a feature of the quantum of development and the visual impact of the proposal. (Court of Appeal judgement in John Turner v SSCLG and East Dorset Council [2016] EWCA Civ 466). In this case the structures comprising of three static caravans, three facilities buildings, three touring caravans, storage structures and parked vehicles would, by their very presence, impact upon openness in comparison with previous agricultural use of the land. However all these items would be contained within large level plots and the visual impact would be limited due to the extent of the hedgerows surrounding the site and the proposed landscaping. The harm to openness is considered to be moderate but not significant in this case, but it is a matter to which weight must be attached. This factor is also included in the Planning Balance below. It is considered that a decision to permit this application would not need to be referred to the Secretary of State as a departure with reference to the relevant guidance.

6.2 Visual Impact and landscaping

- 6.2.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale, density, pattern and design taking into account the local context and character. SAMDev policy MD2 requires development to respect locally distinctive or valued character and existing amenity value. The utility/day room buildings would be traditional small, dual pitched roof buildings some 6.5 metres long by 3.4 metres wide with rendered walls and interlocking clay roof tiles that would be in keeping with building styles in the locality. The pitches have been enclosed and subdivided from each other by close boarded panel fencing with concrete posts and gravel boards. Within the plots post and rail fencing would separate the access and hardstanding areas from grassed areas, with new tree planting and hedge planting enclosing two sides of the grassed areas closest to the accommodation area. With there being established, tall hedgerows on the north-eastern boundary with the A41 road and along the western site boundary, and existing tree planting adjacent to the railway line to the south, and the site being level, the pitches and structures, caravans and associated vehicles on it are not unduly conspicuous in the immediate landscape or the wider landscape setting. It is considered that the development does not detract from the visual amenity and rural character of the area.

6.3 Highway Safety

- 6.3.1 The NPPF, at section 4, seeks to promote sustainable transport. At paragraph 32 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and whether:
- “- improvements can be undertaken within the transport network that cost

effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced. It seeks to achieve safe development and pertinent matters to consider include ensuring the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated.

6.3.2 SC Highways Development Control have raised no objections on highway safety grounds, commenting that the development utilises an existing access onto the A41 which, from the west, has a dedicated turning lane into the site. The visibility splays available for emerging vehicles over the highway verge is commensurate with 60/70mph speed limit on the road (There is a short section of dual carriageway close by).

6.3.3 The comment by SC highways Development Control that some consideration should be given to a footpath alongside the road to link to the nearest settlement with facilities is noted. However, it is not considered that a requirement for such a path, while it would improve the sustainability of the location to encourage non-car modes of travel to reach facilities in Albrighton village, would be proportionate to a three pitch gypsy site. There are considered to be no highway safety or accessibility reasons that would justify a refusal of this application.

6.4 Ecology

6.4.1 Core Strategy policies CS6 and CS17 seeks to ensure developments do not have an adverse impact upon protected species, and accords with the obligations under national legislation. SAMDev policies MD2 and MD12 supplement these policies. Core Strategy policies CS6 and CS17 also seek to protect and enhance those features which contribute to local character, which includes trees in this locality.

6.4.2 An Ecological Appraisal was requested and provided in the form of a Phase 1 Environmental Appraisal by Greenspace Environmental Ltd, dated November 2016 (ref 1687 001R). This report states that the survey work carried out has established that the current use of the site has no negative impact on protected species or habitats. It concludes that no phase 2 surveys are necessary in this case.

6.4.3 The Council's Ecology Team is content with the findings and recommendations of the Environmental Appraisal.

6.5 Residential Amenity

6.5.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The Council's Public Protection team were initially concerned about the impact of noise from road traffic and passing trains on the occupants of the caravans. In response some revisions were made to the site layout and details supplied of the existing site boundary treatments. Public Protection request for a noise assessment has been withdrawn on the basis of this information and raise no objection to the

development.

- 6.5.2 The application site is not bordered by any existing residential properties. It is considered that the development has no impact upon the residential amenities of the locality.

6.6 Drainage

- 6.6.1 Sewerage (Package treatment plant) has already been installed on site (As referenced in the phase 1 Environmental Appraisal). Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in the existing runoff rate and not result in an increase in runoff. The Council's Drainage Team have assessed the proposal and are content that the drainage matters could be addressed through an informative on any planning permission that is issued, given the land area available.

6.7 The Panning Balance

- 6.7.1 There is a presumption against inappropriate development in the Green Belt. The use of the land as a gypsy traveller site is inappropriate development in the Green Belt and permission should only be granted if very special circumstances are identified. The NPPF advises at paragraph 88 that very special circumstances will not exist unless the harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. A key characteristic of Green Belts is openness, to which there would be moderate harm by the presence of structures and caravans on this land, as discussed at 6.1.15 above. Substantial weight must therefore be attached to the harm to the Green Belt caused by the development.
- 6.7.2 There are a number of other factors to weigh in the planning balance against this harm to the Green Belt, which are considered to be material planning considerations, and these are set out below:
- 6.7.3 It has been established that there is currently no provision available on existing Shropshire Council sites to accommodate this extended family group and adjacent authorities in their GTAA assessments acknowledge under provision of sites. This must be tempered by paragraph 27 of the DCLG Planning Policy for traveller sites (DCLG 2015) which states that even if a LPA is not able to demonstrate a 5 year supply (Shropshire Council's position is that it has sufficient supply if turnover is taken into account), the absence of such a supply is not a significant material consideration where a proposal is within the Green Belt.
- 6.7.4 While it is not for individual planning applications to review Green Belt boundaries (Policy E DCLG 2015) the observation can be made that, with regard to the five purposes of the Green Belt set out in paragraph 80 of the NPPF, the site is adjacent to safeguarded land at Albrighton in the adopted SAMDev Plan and the A41 road could be considered a stronger, defensible boundary.
- 6.7.5 The scale of the site respects the scale and not dominate the nearest settled community and does not impact on local infrastructure (Para. 25 of DCLG 2015).

- 6.7.6 The site does not detract from the visual amenities and rural character of the area and does not harm ecological interests.
- 6.7.7 The site has a safe access onto an A road for the type and amount of traffic it generates.
- 6.7.8 Were it not for the Green Belt issue, the site location adjacent to a Shropshire Core Strategy policy CS3 (The Market Towns and other Key Centres) settlement, would accord with Core Strategy policy CS12.
- 6.7.9 The applicant's family and occupiers of the pitches have been confirmed by the Council's Gypsy Liaison Officer to be Romany Gypsies and it is important to them to live as part of an extended family group, although Policy E, paragraph 16 of DCLG 2015 advises that personal circumstances are unlikely to clearly outweigh the harm to the Green Belt.
- 6.7.10 The site is close to village facilities which include a large range of shops, health facilities and a primary school. Paragraph 13 of DCLG 2015 states that LPAs should ensure traveller sites are sustainable economically, socially and environmentally and should ensure that, among other matters which are listed, site locations ensure that children can attend school on a regular basis.
- 6.7.11 Some weight must be attached to the positive attributes of the site identified in paragraphs 6.7.3 to 6.7.10 above. Were there not to be children on this site it is considered that, in the light of the contents of the DCLG Planning Policy for Gypsy Sites August 2015 (DCLG 2015), the planning balance in this case would be such that the positive attributes identified above would not equate to very special circumstances to outweigh the harm to the Green Belt.
- 6.7.12 However paragraph 13 of DCLG 2015 references the need to ensure that children can attend school on a regular basis. The contents of Policy E of DCLG 2015 relating to Traveller Sites in Green Belt is prefaced by "Subject to the best interests of the child..." On this site there are children, including a number at or below primary school age. The occupiers of the caravans have stressed the importance to them of having a settled base so that their younger children in particular can have the education opportunities that they and their older children have missed out on through not having a permanent pitch. (They advise that the children attending the village primary school are making good progress and are well settled and accepted as part of the community). Were the application to be refused and enforcement action taken, the families are likely to return to living on the road and disruption to the education of the children (And their health care). It is considered that the needs of the children are a primary material consideration relevant to the determination of this application. On balance this consideration, coupled with the other positive attributes of the site identified, cumulatively are considered to amount to very special circumstances of sufficient to outweigh the harm to the Green Belt in this case.
- 6.7.13 Due to the age range of the children in the context of education, the well screened nature of the site not adversely impacting upon the countryside surroundings and the impact upon the openness of the Green Belt not being significant and being

partly mitigated by the limited visual impact, it is not considered that a temporary permission is needed to reduce the harm to the Green Belt in this case. Planning conditions would be necessary on any approval limiting the occupation of the site to gypsies and to the persons named in the supporting information, due to the site only being acceptable because of the identity of the occupiers and their identified needs.

7.0 CONCLUSION

7.1 The personal circumstances of the occupiers, particularly having regard to the educational needs of the children and the positive attributes of the site in terms of not impacting on residential amenity of existing properties; the proximity of services for the occupants (Including education for the children); good access onto an A road; the limited visual impact due to topography and surrounding land uses; the lack of available pitches on authorised traveller sites in Shropshire; the under provision of Gypsy sites in Telford and Wrekin and South Staffs, and the applicant/occupiers being Romany Gypsies (Confirmed by the Council's Gypsy Liaison Officer) are factors which, cumulatively, constitute very special circumstances of sufficient weight to justify inappropriate development in the Green Belt.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be

balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance
Planning policy for traveller sites August 2015 DCLG

Shropshire Core Strategy:
CS3 Market Towns and other Key Centres
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS12 Gypsy and Traveller Provision
CS17 Environmental Networks
CS18 Sustainable Water Management

SAMDev Plan:
MD2 Sustainable Design
MD6 Green Belt
MD12 The Natural Environment
S1 Albrighton Area

SPD on the Type and Affordability of Housing
Albrighton Neighbourhood Plan 'Light'

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=O6M4QVTDM3300>

<p>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Ecological Appraisal</p>
<p>Cabinet Member (Portfolio Holder) Cllr R. Macey</p>
<p>Local Member Cllr Malcolm Pate</p>
<p>Appendices APPENDIX 1 - Conditions</p>

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites (DCLG 2015) or any document replacing or updating it.

Reason: To define the permission for the avoidance of doubt.

2. The residential occupation of the land hereby permitted shall be carried on by Tony Gaskin and Lisa Gaskin; Joe Gaskin and Rosie Gaskin; and John Gaskin and Lisa Gaskin, and their resident dependants, and shall be for a limited period being the period during which the land is occupied by them.

Reason: Planning permission has only been given because of the personal circumstances of the occupiers and their identified needs.

3. When the land ceases to be occupied by the persons named in condition 2 above the use hereby be permitted and all mobile homes, static and touring caravans, portable structures, materials and equipment stored on the land shall be removed from the land within one month of the cessation date.

Reason: Planning permission has only been given because of the personal circumstances of the occupiers and their identified needs and in order to restore the openness of the Green Belt.

4. Prior to the cessation of the use details of a scheme to restore the land to its condition before development took place (including the removal of buildings) shall be submitted to and approved in writing by the local planning authority. The details shall include a timescale for the carrying out of the scheme after cessation of the use hereby permitted pursuant to condition 3 above. The restoration works shall be carried out in accordance with the approved details including the approved timescale.

Reason: Planning permission has only been given because of the personal circumstances of the occupiers and their identified needs, and in order to restore the openness of the Green Belt.

5. There shall be no more than the three pitches hereby approved on the site and no more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended (of which no more than one shall be a static caravan or mobile home) shall be stationed on each of the three pitches at any time.

Reason: To define the permission for the avoidance of any doubt and to limit the impact of the development on the openness of the Green Belt.

6. No commercial activities shall take place on the land, other than the parking of vehicles and storage of equipment associated with the occupiers businesses.

Reason: To define the permission for the avoidance of any doubt and to limit the impact of the development on the openness of the Green Belt.

7. Any gates provided at the access to the site shall be set a minimum distance of 15 metres from the nearside edge of the carriageway of the adjoining highway and shall open inwards into the site only.

Reason: To ensure a satisfactory form of access is maintained in the interests of highway safety.

8. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014).

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

9. The development shall be carried out in accordance with the recommendations of the Phase 1 Environmental Appraisal by Greenspace Environmental Ltd, dated November 2016 (ref. 1687 001 R).

Reason: To safeguard ecological interests.

10. Within three months of the date of this permission details of the additional native hedge and tree planting shown on the approved drawing shall be submitted to the Local Planning Authority for approval in writing. The details shall include schedules of trees and plants, noting species (including scientific names), planting sizes and proposed numbers/densities of hedge planting; and implementation timetables. The hedge and tree planting shall be carried out in accordance with the approved details. Any trees or plants that, within a period of five years after planting, are removed, die or become 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: In the interests of the visual amenities of the area and to provide an enhancement to biodiversity afforded by appropriate landscape design.

Informatives

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

Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance
Planning policy for traveller sites August 2015 DCLG

Shropshire Core Strategy:
CS3 Market Towns and other Key Centres
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS12 Gypsy and Traveller Provision
CS17 Environmental Networks
CS18 Sustainable Water Management

SAMDev Plan:
MD2 Sustainable Design
MD6 Green Belt
MD12 The Natural Environment
S1 Albrighton Area

SPD on the Type and Affordability of Housing
Albrighton Neighbourhood Plan 'Light'

3. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the Councils website at:
www.shropshire.gov.uk/drainage-and-flooding/local-flood-risk-management-strategy/.

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

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

4. The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

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

This page is intentionally left blank



Committee and date
 South Planning Committee
 6 June 2017

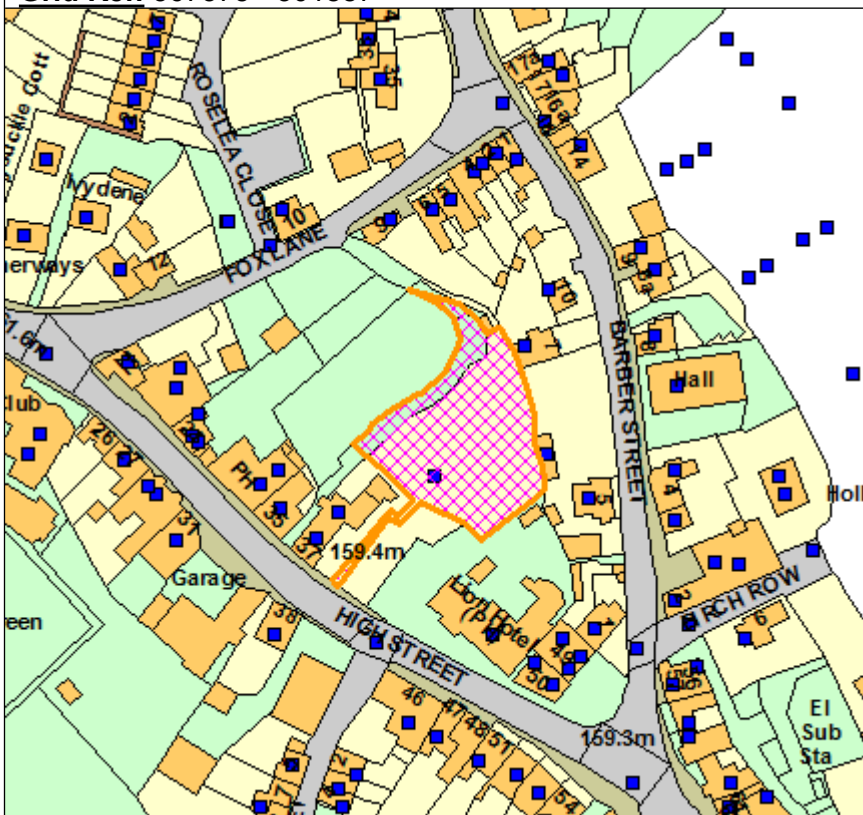
Development Management Report

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

Summary of Application

Application Number: 16/05697/FUL	Parish: Broseley
Proposal: Erection of a detached 3 bedroom dwelling	
Site Address: Proposed Dwelling To The North Of 37 High Street Broseley Shropshire	
Applicant: Mr Jerry Phillips	
Case Officer: Frank Whitley	email: planningdmc@shropshire.gov.uk

Grid Ref: 367375 - 301887



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2016 For reference purposes only. No further copies may be made.

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

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of a detached 3 bedroom dwelling.
- 1.2 The application follows a previous application for a dwelling ref 15/03304/FUL which was withdrawn after concerns were raised about its position and design, which would have been attached to the existing dwelling. This application is intended to remedy those concerns.
- 1.3 Further pre-application advice has been sought which has confirmed the principle of development on the site, in as far as the provisions of SAMDev Plan Policy S4 (Broseley) apply only.
- 1.4 The proposed dwelling would be separated from the existing building at 37 High Street by a gap of some 3m at the closest point. The dwelling would be two storey with a dual pitched roof and would feature short projecting two storey gables to the northwest and southeast facing elevations. The first floor openings in the northwest elevation would be limited to two windows serving bath and shower room and two high level rooflights to a bedroom, in order to protect neighbour privacy. The southeast elevation would face the large garden area to the proposed dwelling and would feature a dormer window and gable end windows serving bedrooms, and a rooflight to the landing area. A monopitch ground floor element below the dormer would sit with the 'L' formed by the projecting gable and would contain a porch and part of the lounge. The south west facing rear elevation facing 37 High Street would contain no openings and would feature a chimney. The north east facing front elevation would feature a full width single storey monopitch projection with a gabled porch detail. The external facing materials would be painted facing brick with plain clay roof tiles.
- 1.5 Vehicular access would be from the existing access onto Fox Lane and there would also be a separate pedestrian access to High Street available to the proposed dwelling.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is in the same ownership of 37 High Street which is Grade 2 listed, and is in Broseley Conservation Area. The site forms part of a large curtilage and has its own vehicle access from Fox Lane.
- 2.2 37 High Street is a Grade 2 listed dwelling, with a substantial existing extension projecting to the north east, approved under references 11/02042/FUL and 11/2043/LBC. The NE elevation of the extension is two storey, though comprises a pitched roof facing NE with velux windows on the first floor.

2.3 37 High Street is itself connected to No. 37a which is positioned immediately adjacent to the road.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Town Council has submitted a view contrary to officers. The Area Planning Manager considers that the application raises material considerations that warrant consideration by the South Planning Committee.

4.0 **Community Representations**

Consultee Comments

4.1 **Broseley Town Council- object**

Object on grounds of access and design.

The junction with Fox Lane is difficult at best and dangerous at worst. There is poor visibility and a very tight turn is necessary to join the narrow road which is Fox Lane. The design is disappointing for a prominent position within the Conservation Area and does not attempt to incorporate vernacular features such as chimneys and window lintels.

4.2 **Conservation- no objection subject to conditions**

In considering the proposal due regard to the following local and national policies, guidance and legislation has been taken; CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, policies MD2 and MD13 of the Site Allocations and Management of Development (SAMDev), the National Planning Policy Framework (NPPF) published March 2012, Planning Practice Guidance and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

This application proposes the erection of a detached dwelling on land adjacent to 37 High Street, Broseley. The main property is Grade II listed and lies within the Broseley conservation area. A previous approval for a large two storey extension to the listed building is currently under construction. It is proposed to site a detached dwelling on the remaining land within the applicants ownership. There is an historic planning approval for a larger detached dwelling on the site in a similar location to that now proposed but before the new extension was present. This consent has now lapsed. There is some historic mapping evidence of a linear form of development continuing along the site, however this may well have been outbuildings associated with the main listed building rather than further dwellings in this location, but shows that there has been built form historically to the rear of this site.

The design of the proposed dwelling mimics the design of the existing new extension, it is simplistic in design and basically is a continuation of a theme replicating a similar form to 37 High Street. It is considered that the addition of this further dwelling, in this similar form proposed, would not overly detract from the setting of the listed building and would generally be in line with policies, guidance and legislation as outlined above. The site is a large site and therefore

the additional built form could be accommodated without appearing as a substantial overdevelopment of the site. However it is considered that if the proposal were to gain permission this would be the limit to any potential development on this site.

4.3 Archaeology- no objection

No comments to make

4.4 SUDS – no objection subject to condition and informatives

The proposed drainage details, plan and calculations should be conditioned if planning permission were to be granted.

1. The application form state that the surface water drainage from the proposed development is to be disposed of via soakaways. However, no details and sizing of the proposed soakaways have been provided. Percolation tests and soakaways should be designed in accordance with BRE Digest 365. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

Reason: To ensure that soakaways, for the disposal of surface water drainage, are suitable for the development site and to ensure their design is to a robust standard to minimise the risk of surface water flooding.

2. If non permeable surfacing is used on the new access, driveway and parking area or the new access/ driveway slope towards the highway, the applicant should submit for approval a surface water drainage system to intercept water prior to flowing on to the public highway.

Reason: To ensure that no surface water runoff from the new access/ driveway run onto the highway.

3. Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas.

The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:

Residential Dwellings per hectare	Change allowance	% of impermeable area
Less than 25	10	
30	8	
35	6	
45	4	

More than 50

Flats & apartments

Note: where the inclusion of the appropriate allowance would increase the total impermeable area to greater than 100%, 100% should be used as the maximum. Curtilage means area of land around a building or group of buildings which is for the private use of the occupants of the buildings.

Reason: To ensure that the proposed surface water drainage systems for the site

are designed for any future extensions of impermeable surfaces.

4.5 Fire and Rescue- no objection

4.6 Highways- no objection subject to condition

The development seeks to erect a single three bedroom dwelling in the grounds of 37 High Street. No new vehicular access is proposed and will remain as existing via a private drive off Fox Lane.

Highway advice to a recent pre application supported the development in principle and the application also refers to a previous planning approval for a similar dwelling with a larger footprint which expired.

Access onto Fox Lane has poor visibility, however due to the narrow nature of the surrounding roads traffic speeds are generally lower than the 30mph limit.

The proposal offers adequate parking and turning within the development site to allow for vehicles to exit in a forward gear and it is considered that the added movements associated with the development will not have any significant impact on the current situation.

4.7 Affordable Housing- no objection

Listed Buildings are noted as an exemption in the SPD Type and Affordability of Housing from the need to contribute to the provision of affordable housing as per Policy CS11 of the Core Strategy. Therefore no contribution will be required in this instance.

4.8 Public Comments-

Three objections have been received covering the following issues:

Privacy – new dwelling will overlook neighbours

Harm to visual amenity

Parking, loading, turning

Highway safety

Increased traffic

Noise and disturbance

Overdevelopment

Already significant construction on site

Density of development on one plot

Access and parking

Lack of detail on plans showing neighbouring properties

Harm to conservation area

5.0 THE MAIN ISSUES

Principle of development

Siting, scale and design

Visual impact and landscaping

Residential Amenity

Highway Safety

Affordable Housing

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Section 6 of the NPPF seeks to deliver a wide choice of high quality homes and create sustainable mixed communities.
- 6.1.2 Core Strategy Policy CS3 (Market Towns and Other Key Centres) indicates that housing development is in principle acceptable within Broseley settlement boundary, subject to meeting the core requirements of CS6 (Sustainable Design and Development) which 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.
- 6.1.3 In this case CS17 (Environmental Networks) and SAMDev Plan MD13 are relevant. These policies seek to ensure that heritage assets will be protected, conserved, sympathetically enhanced and restored.
- 6.1.4 The proposed site is situated within the Broseley Conservation Area and within the setting of a listed building (37 High Street). The development has the potential to impact on these heritage assets. The proposal therefore has to be considered against Shropshire Council policies CS6 and CS17 and with national policies and guidance including PPS5 Historic Environment Planning Practice Guide and section 12 of the National Planning Policy Framework (NPPF). Special regard has to be given to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses and preserving or enhancing the character or appearance of the Conservation area as required by section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.1.5 The application site lies within SAMDev Plan S4 Inset 1 (Broseley) where the principle of housing development on windfall sites is acceptable. There are no allocated housing sites in Broseley.
- 6.1.6 Subject to meeting the requirements of main issues identified below the principle of development is established and acceptable.

6.2 Siting, scale and design

- 6.2.1 In Chapter 12 of the NPPF it states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 6.2.2 CS6 seeks to ensure that all development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character.
- 6.2.3 MD2 seeks to contribute to and respect locally distinctive or valued character and existing amenity value by:
- i. Responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses, streetscape, building

heights and lines, scale, density, plot sizes and local patterns of movement; and

- ii. Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion; and
- iii. Protecting, conserving and enhancing the historic context and character of heritage assets, their significance and setting, in accordance with MD13.

- 6.2.4 MD13 goes further and seeks to ensure that wherever possible, proposals avoid harm or loss of significance to designated or non-designated heritage assets, including their settings. The design principles set out in the Broseley Town Plan 2013-2026 are referred to in SAMDev policy S4.1, which seek to ensure that proposed designs include features that are in keeping with the form and materials that define the town's heritage.
- 6.2.5 The proposed dwelling is to be constructed in such a way as to continue a linear pattern of development in a north east direction from 37 High Street. The submitted block plan indicates that 37 High Street will continue to be accessed from Fox Lane, inside the boundary of the residential curtilage of the proposed dwelling. A shared pedestrian access to the High Street is also proposed.
- 6.2.6 The dwelling is of relatively simple design and form, and is intended to mimic the extension of 37 High Street. The rear SW gable has no openings and directly faces the end of the 37 High Street extension. The external walls of the dwelling would be faced with brick in order to improve the visual distinction between the neighbouring extension which is faced with white render. It is considered that the proposed built form and detailing would not detract from the character or appearance of the conservation area or the setting of the listed building.
- 6.2.7 The concept of continuing a linear form of development from the existing dwelling and extension at 37 High Street is not of particular concern from the Conservation Officer. Indeed it has been noted that there is a historic planning permission (albeit expired) for a dwelling nearby. Moreover, the Conservation officer has also noted that according to historic mapping, there is likely to have been a linear pattern of outbuildings in this location previously.
- 6.2.8 The relationship between 37 High Street and the proposed dwelling is unusual, though not considered harmful to either dwelling, taking into account existing character and the setting of the Conservation Area. The site is generally well concealed in the "triangle" of development enclosed within High Street/Fox Lane/Barber Street. Within this setting, most existing dwellings are traditional two storey facing the highway with an assortment of extensions in various curtilage sizes to the rear which gives the setting an irregular layout. The Lion Hotel lies immediately to the SE with the lower level intervening space used as a car park. It should be noted that a tall leylandii screen which formed the boundary has now been replaced by a close boarded fence.
- 6.2.9 The applicant has confirmed that an established honeysuckle shrub will be removed. Otherwise no trees are affected.

6.2.10 Options to site the dwelling elsewhere in the application site have been discussed with the agent, which could otherwise improve the layout of the site and remedy potential issues of overdevelopment. However the agent has submitted a letter from a structural engineer stating that due to poor ground conditions, special foundations would be required to site the dwelling elsewhere. With the issue of overdevelopment in mind, it is considered necessary to impose a condition removing permitted development (PD) rights. On balance, and taking into account comments from the Conservation Officer, this evidence is considered adequate to justify siting the dwelling in its proposed location.

6.3 **Visual impact and landscaping**

6.3.1 Visually, the proposed development is considered to be appropriate in its setting, taking into account the character of existing development at 37 High Street and its position in its setting referred to above. The dwelling will be visible from neighbouring properties, though not from short range, and glimpses will be possible from public locations. Otherwise, the dwelling is well concealed especially at lower levels.

6.3.2 A new beech hedge is proposed which will define the residential curtilage and provide a physical separation between the two dwellings.

6.4 **Residential Amenity**

6.4.1 CS6 seeks to ensure that development contributes to the health and wellbeing of communities, including safeguarding residential and local amenity. In this case, there is a relationship between the proposed dwelling and 37 High Street, by virtue of the limited physical separation and access arrangements. That said, the proposed beech hedge, once established, will define the respective curtilages and the shared access drive is clearly defined. Each dwelling has separate garages, parking and turning space.

6.4.2 The outlook to the NE from 37 High Street towards the two storey gable of the proposed dwelling is unusual, but not considered significantly harmful. There are a sufficient number of openings in the NW and SE elevations of the existing dwelling to offset this harm and the proposed dwelling is not considered to be over bearing to an extent which would justify refusal.

6.5 **Highway Safety**

6.5.1 Core Strategy policy CS6 seeks to secure safe developments. With regard to transport considerations, which include highway safety, the National Planning Policy Framework (NPPF) advises at paragraph 32 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The Town Council's comments about the access are noted but the assessment of the access and local road network by SC Highways Development Control, set out at paragraph 4.6 above, means that the refusal of an additional single dwelling with access from Fox Lane on highway safety grounds could not be sustained. There would be adequate off road parking available within the application site.

6.6 **Affordable Housing**

6.6.1 Shropshire Council's Core Strategy was adopted in March 2011 with the founding

principle of seeking to create the context for “A Flourishing Shropshire”. The Shropshire Council policy requires anyone developing a new open market dwelling (subject to exceptions) to make an Affordable Housing Contribution (AHC), which depending on the development size and the prevailing target rate, could be a financial contribution and/or on site provision. The Broseley Town Plan repeats that affordable housing should be provided at the rate published by Shropshire Council, which is currently 15% for Broseley.

- 6.6.2 The Minister of State for Housing and Planning, Brandon Lewis MP issued a Written Ministerial Statement (WMS) on 28th November 2014 announcing that Local Authorities should not request affordable housing contributions on sites of 10 units or less (and which have a maximum combined gross floor space of 1,000sq m), or 5 units or less in designated protected rural areas.
- 6.6.3 Reading and West Berkshire Councils sought to challenge the WMS at the High Court (Case Ref 76.2015) and on 31st July 2015 Mr Justice Holgate quashed the WMS and the Government subsequently withdrew relevant commentary from the National Planning Practice Guidance. From this point, Shropshire Council continued to apply its affordable housing policy. The Government challenged this decision through the Court of Appeal which overturned Mr Holgate’s decision on the 11th May 2016. Consequently, the WMS still applies and the National Planning Policy Guidance was amended on the 19th May 2016. In addition to this the Housing & Planning Act gained Royal Assent on the 12th May 2016 and this gives power to Government to make secondary legislation to achieve the same result i.e. set minimum thresholds for affordable housing contributions.
- 6.6.4 In accordance with the view of the Planning Inspectorate it is considered that the WMS is a material consideration. Shropshire Council therefore accepts that the WMS applies as a significant material consideration and this means that the Council will not require an Affordable Housing Contribution for applications for 10 or less dwellings (5 or less within a designated protected rural area) and less than 1,000sqm floor area in the majority of cases. However, this is not a blanket rule and as such there may be exceptions to this. The Court of Appeal judgement referred to a statement made by the Government’s Counsel in the High Court that (emphasis added):-
“(i) As a matter of law the new national policy is only one of the matters which has to be considered under section 70(2) of TCPA 1990 and section 38(6) of TCPA 2004 when determining planning applications or formulating local plan policies (section 19(2) of PCPA 2004), albeit it is a matter to which the Secretary of State considers ‘very considerable weight should be attached’;”
- 6.6.5 The Court of Appeal agreed with this proposition and confirmed that the development plan remains the starting point for decision taking although it is not the law that greater weight must be attached to it than other considerations. The WMS is policy not binding law and does not countermand the requirement in s38(6) of the 2004 Act or s70(2) of the 1990 Act. The Council’s position is therefore that the WMS is a significant material consideration but it does not replace or automatically override the development plan as the starting point for planning decisions. Consequently, there may still be cases where the Council considers that its adopted policy attracts greater weight in the planning balance than the WMS.

6.6.6 In this case given the fact that the development proposed would be acceptable in principle with the proposed new build dwelling being within a Core Strategy policy CS3 settlement (Market Town and other Key Centres), it is considered that the WMS outweighs the development plan policy CS11 with respect to Affordable Housing contributions and therefore an affordable housing contribution can no longer be justified and therefore no weight should be given to this in the overall planning balance.

7.0 **CONCLUSION**

7.1 The principle of development is established having regard to CS3 and SAMDev Plan S4.1 (Broseley Town Development Strategy). Although the position of the proposed dwelling is unusual within the space which might otherwise be available, the development is not considered to be harmful given the character of the existing historic context, or in terms of the amenity of occupiers.

7.2 In terms of design, materials are appropriate and have been amended to give sufficient distinction between the existing adjacent dwelling. Chimneys and brick detailing go some way in addressing concerns originally raised by Broseley Town Council. Although enhancement of the Conservation Area is limited, the dwelling will contribute additional housing to Broseley and provide additional employment during construction. The proposals would not detract from the setting of the listed building.

7.3 The residential curtilage is adequately defined and highways, access, parking issues are satisfactory in accordance with CS6.

7.4 Visually, the development is well concealed within the perimeter fence and generally in accordance with the requirements of the NPPF, CS6, CS17, MD2. MD13. For these reasons there is not considered to be conflict with Sections 66 or 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7.5 The agent has confirmed no objection to proposed pre-commencement conditions.

7.6 Planning permission is recommended.

8.0 **Risk Assessment and Opportunities Appraisal**

8.1 Risk Management

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

- ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions,

rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance

Core Strategy and SAMDev Policies:
CS3 - The Market Towns and Other Key Centres
CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks
MD2 - Sustainable Design
MD3 – Delivery of Housing Development
MD13 - Historic Environment
Settlement: S4 – Broseley

SPD on the Type and Affordability of Housing
Broseley Town Plan 2013-2026

RELEVANT PLANNING HISTORY:

15/03304/FUL – Erection of dwelling attached to existing building – Withdrawn 02.03.16
15/03305/LBC – Erection of dwelling attached to listed building – Withdrawn 02.03.16

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=OI8Q91TDIRC00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Design and Access Statement
Cabinet Member (Portfolio Holder) Cllr Robert Macey
Local Member Cllr Simon Harris
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. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - wheel washing facilities
 - measures to control the emission of dust and dirt during construction
 - a scheme for recycling/disposing of waste resulting from demolition and construction works
 - a Traffic Management Plan
 Reason: To avoid congestion in the surrounding area and to protect the amenities of the area
4. Prior to the commencement of development, full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

Percolation tests and soakaways should be designed in accordance with BRE Digest 365. Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

Reason: To ensure that soakaways, for the disposal of surface water drainage, are suitable for the development site and to ensure their design is to a robust standard to minimise the risk of surface water flooding.

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

5. Prior to their installation full details of the roof windows shall be submitted to and approved in writing by the Local Planning Authority. The installation of the windows shall be carried out in complete accordance with the approved details.
Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

6. No above ground works shall be commenced until full details of both hard and soft landscape works (in accordance with Shropshire Council Natural Environment Development Guidance Note 7 'Trees and Development') have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall 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

7. Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details
Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

8. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
Reason: To ensure that the external appearance of the development is satisfactory.

9. The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking, loading, unloading and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.
Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

10. If non permeable surfacing is used on the new access, driveway and parking area or the new access/ driveway slope towards the highway, details of a surface water drainage system to intercept water shall be submitted to and approved in writing by the local planning authority. The work shall be carried out in accordance with the approved details and to a timetable which has been approved in writing by the local planning authority.

Reason: To ensure that no surface water runoff from the new access/ driveway run onto the highway.

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

11. No construction or ground works in connection with the dwelling hereby approved shall take place between the hours of 2000hrs in the evening on any day to 0800hrs the following morning and not at all during Sundays.
Reason: To protect the residential amenity of neighbouring dwellings

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to schedule 2 part 1 class A, B, C, D, E, F, G, H shall be erected, constructed or carried out without express prior approval of the Local Planning Authority.
Reason: To maintain the scale, appearance and character of the development and to safeguard residential and visual amenities.

Informatives

1. Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas.
The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:
Residential Dwellings per hectare Change allowance % of impermeable area
Less than 25 10
30 8
35 6
45 4
More than 50 2
Flats & apartments 0
Note: where the inclusion of the appropriate allowance would increase the total impermeable area to greater than 100%, 100% should be used as the maximum.
Curtilage means area of land around a building or group of buildings which is for the private use of the occupants of the buildings

2. This planning permission does not authorise the applicant to:
construct any means of access over the publicly maintained highway (footway or verge) or
carry out any works within the publicly maintained highway, or
authorise the laying of private apparatus within the confines of the public highway including any new utility connection, or
undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway
The applicant should in the first instance contact Shropshire Councils Street works

team. This link provides further details

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

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

No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain

or over any part of the public highway.

3. 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>



<u>Committee and date</u>
South Planning Committee
6 June 2017

Development Management Report

SCHEDULE OF APPEALS AND APPEAL DECISIONS AS AT COMMITTEE 6 June 2017

LPA reference	16/00720/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Churchill Retirement Living
Proposal	Erection of 3-storey block of sheltered accommodation comprising 55 apartments for the elderly and lodge manager's accommodation; communal facilities; vehicular access and car parking; landscaping scheme to include removal of trees and boundary treatment (amended description)
Location	Former Builders Yard Innage Lane Bridgnorth Shropshire WV16 4HQ
Date of appeal	03.04.2017
Appeal method	Hearing
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	16/02676/PMBPA
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr L Perrins
Proposal	Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use of an agricultural building to a residential dwelling
Location	Proposed Dwelling Agricultural Building Holyhead Road Albrighton Shropshire
Date of appeal	15.12.16
Appeal method	Written representations
Date site visit	
Date of appeal decision	20.04.2017
Costs awarded	
Appeal decision	Dismissed

LPA reference	16/00719/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	David Jewson
Proposal	Erection of one dwelling and formation of vehicular access
Location	Land Adj India House 1 Hilton Bridgnorth Shropshire WV15 5PJ
Date of appeal	13.02.2017
Appeal method	Written representations
Date site visit	11.04.2017
Date of appeal decision	
Costs awarded	
Appeal decision	Dismissed

LPA reference	16/04919/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Christine Parry
Proposal	Outline Planning Permission for erection of two detached dwellings; including garages. Alterations to existing vehicular access. (All matters reserved)
Location	Proposed Residential Development To The West Of Button Bridge Lane Buttonbridge Kinlet Shropshire
Date of appeal	06.02.2017
Appeal method	Written representations
Date site visit	10.04.17
Date of appeal decision	04.05.2017
Costs awarded	Refused
Appeal decision	Dismissed

LPA reference	16/05106/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr & Mrs D Marpole
Proposal	Change of use of land for the siting of two holiday units and installation of a septic tank and associated drainage field (resubmission)
Location	Argoed Barn Argoed Clun Craven Arms Shropshire SY7 8NW
Date of appeal	23.05.2017
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

This page is intentionally left blank

Appeal Decision

Site visit made on 28 March 2017

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 20 April 2017

Appeal Ref: APP/L3245/W/16/3161344

Agricultural Building on Land at Holyhead Road, Boningale, Albrighton, Shropshire WV7 3AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr L Perrins against the decision of Shropshire Council.
 - The application Ref 16/02676/PMBPA, dated 14 June 2016, was refused by notice dated 3 August 2016.
 - The development proposed is change of use of agricultural building to a dwellinghouse (Class C3), and for associated operational development.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The submitted forms do not contain a description of development. Nevertheless, it is clear from the supporting information and the form used that the development proposed is a change of use of an agricultural building to that of a dwelling, with associated operational development. I have therefore used that description in the banner heading.
3. Planning Practice Guidance (PPG) advises that the starting point for Class Q is that the permitted development rights grant planning permission, subject to the prior approval requirements. However, it is necessary to determine whether the proposal falls within permitted development. Class Q of the GPDO¹ states that development consisting of Q(a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule of the Use Classes Order²; and Q(b) building operations reasonably necessary to convert the building, is permitted development.
4. Where development is proposed under Class Q(a) together with Class Q(b), it is permitted subject to the condition under paragraph Q.2 (1) that before beginning the development, an application must be made to the local planning authority for a determination as to whether the prior approval will be required as to (a) transport and highways impacts, (b) noise impacts, (c) contamination,

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015

² The Town and Country Planning (Use Classes) Order 1987 (as amended)

- (d) flooding, (e) location or siting, and (f) the design or external appearance of the building.
5. The Council refused the application for prior approval as it considered that permitted development rights do not apply as the proposal consisted of building operations which exceeded those reasonably necessary for the building to be converted and function as a dwelling house. The application was also refused due to insufficient information being provided in relation to the requirements of Class Q, particularly in relation to the extent of structural work, floor slab and septic tank required for conversion. It also considered that the building has not been used entirely for agricultural purposes as required by Q.1(a).
 6. There is no dispute between the parties that the current proposal for change of use and operational development would otherwise meet the requirements of Schedule 2, Part 3, Class Q, paragraphs Q.1(b)- (h) and (j)-(m) of the GPDO.

Main Issues

7. Taking into account the above, the main issues are:
 - whether the proposal would be permitted development, with regard to whether the requirements of Class Q of the GPDO in terms of paragraph Q.1 (a) and Q.1(i) would be met, and;
 - if so, whether or not prior approval is required and the proposal would be acceptable in relation to the matters sets out in paragraphs Q.2(1)(a) to (f) of the GPDO.

Reasons

Whether the proposal would be permitted development

8. Q.1 (a) is clear that development is not permitted if '*...the site was not used solely for an agricultural use as part of an established agricultural unit (i) on 20th March 2013 or (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use*'. Schedule 2, Part 3, paragraph X of the GPDO sets out that an '*established agricultural unit*' for the purpose of Class Q means agricultural land occupied as a unit for the purposes of agriculture, on or before 20 March 2013 or for 10 years before the date the development begins.
9. '*Agriculture*' as defined in Section 336, paragraph (1) of the Town and Country Planning Act 1990 (as amended), amongst other things, includes horticulture, fruit growing, seed growing, the breeding and keeping of livestock and the use of land as grazing land. Schedule 2, Part 3, paragraph X of the GPDO further sets out that for the purposes of Part 3 permitted development rights, '*agricultural building*' means a building (excluding a dwelling house) used for agriculture and which is used for the purposes of a trade or business and '*agricultural use*' refers to such uses.
10. The agricultural building in question comprises a steel framed structure with a shallow pitch roof and an adjoining lean-to steel framed structure. The building is located adjacent to a number of other structures 2 of which are shown to be demolished as part of this proposal. I noted at my site visit that the land edged blue on the location plan includes a stable block with a UPVC

conservatory attached to it and a number of what appeared to be containers for storage. There was also a chicken run and chickens, sheep and ponies on the overall site.

11. At the time of my visit, the appeal building contained a tractor and other related equipment, together with associated items and materials that could reasonably relate to agriculture and the maintenance of agricultural equipment. However, within the lean-to building a limited number of other items not typically associated with agriculture, such as small pony carts/traps, were visible. There was also a large amount of hay stored in the lean-to.
12. The Council have stated that the application form in connection with the 2002 planning application³ for the building stated that the land formed part of a horse paddock. It has also stated that the 2004 planning application⁴ for the stable block stated that 10-12 horses were to be kept on the site at any one time. The appellant contends that the buildings were used for agricultural use on 20 March 2013 and that whilst the site has been used in the past for the breeding of horses this use ceased over 8 years ago. He also states that since then he has run the site together with an additional site as an agricultural unit and that the small number of horses and ponies grazing on his land are kept as pets and the horse grazing can be seen as a de minimus use.
13. The equestrian use of land can be treated as agricultural if the horses are kept for working purposes or if they are simply turned out on land with a view to feeding them from that land i.e. grazing. However, if they are fed additional food or if they are ridden or exercised that is the keeping of horses then the use ceases to be agricultural. There is no indication that the equine use within the appellant's ownership has been for agricultural purposes, despite the presence of some land suitable for grazing. I note that equine use of the site and building may be de minimus but for the purposes of Q.1 (a) the question is whether they were used solely for an agricultural use.
14. The Council contend that the appellant has retired and that the land is used as a 'hobby farm' rather than a trade or business. I have no detailed evidence from the appellant in relation to the agricultural use and as such I have insufficient information before me to ascertain whether the agricultural use of the building is for a trade or business.
15. Taking all of the above into account, based on the evidence before me, observations during my visit and the balance of probabilities, I am not satisfied that the site and building have been used solely for an agricultural use as part of an established agricultural unit as required by paragraph Q.1(a).
16. Furthermore, Article 3 paragraph 5a of the GPDO states that '*The permission granted by Schedule 2 does not apply if- (a) in the case of permission granted in connection with an existing building, the building operations involved in the construction of that building are unlawful*'. The Council have stated that the main steel framed building has not been constructed in accordance with the approved plans as its overall dimensions are appreciably different to those shown within the 2012 permission.
17. I also note that the Council have no record of planning permission for the lean-to building. The appellant has not disputed this evidence and I have no

³ Planning application – 02/0282

⁴ Planning application – 04/0260

additional information in front of me, such as a Certificate of Lawful Development to suggest that the buildings as constructed are lawful in planning terms. Consequently, taking into account all of the above, I conclude that the proposal would not satisfy the requirements of Schedule 2, Part 3, Class Q of the GPDO and therefore is not development permitted by it.

18. Paragraph Q.1(i) of the GPDO states that development is not permitted by Class Q if the development under Class Q (b) would consist of building operations other than: the installation or replacement of windows, doors, roofs, or exterior walls, or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwelling.
19. The PPG states that the permitted development right under Schedule 2, Part 3, Class Q assumes that the agricultural building is capable of functioning as a dwelling. Nonetheless, it indicates that, for the building to function as a dwelling, some building operations which would affect the external appearance of the building and which would otherwise require planning permission would need to be undertaken and should be permitted. The PPG further clarifies that it is not the intention of the permitted development right to include the construction of new structural elements for the building. Consequently, it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for the residential use that the building would be considered to have the permitted development right.
20. The appellant has submitted a structural survey which states that the steel frames remained visually plumb and true and that no removal or replacement of existing structural members is proposed. It concludes that '*the existing building should be structurally strong enough to take the loading which comes with the external works*'.
21. The Council contend that the structural report did not inspect the foundations and that some of the woodwork may not have been inspected. However, the stated limitations in the report are, in my experience, standard limitations of many structural reports on buildings that are used. The steel frame and building appeared to be in a good standard of repair at the time of my site visit and I have no reason to dispute the conclusions of the structural report.
22. The main steel frame building has metal clad walls and a cement fibre roof. There is a large opening within one wall. The internal steel structure is supplemented by timber horizontal battens and purlins and diagonal metal braces in part. The appellant's submission describes how the steel frame, mezzanine floor and wall/roof coverings of the existing building would be retained. New non-load bearing, insulated partitions would be constructed internally behind the cladding and the roof would be insulated. The large opening would be partially filled with cladding and the remainder with glazed doors. I note that the information provided is limited but to my mind, the installation of windows and alterations to the roof and exterior walls as proposed would comply with paragraph Q.1(i).
23. The Council have also expressed concern in relation to the construction of a concrete floor slab in place of the compacted earth surface within the building. I do not consider that this slab would increase the loadings within the building as it would be at ground floor level. I note that the appellant has stated that the concrete floor slab would be merely for insulation. I can see no reason why it would not be possible to have a septic tank in place to deal with foul drainage

matters and even though this may be outside the appeal site this is not an uncommon arrangement in countryside locations.

24. Consequently, based on the evidence before me, the existing building would be structurally strong enough to take the loading that comes with the proposed external works to provide for its residential use. Furthermore, the cumulative works would not constitute rebuilding so as to fall beyond the scope of a conversion permitted under Class Q. Nevertheless, the absence of conflict with Class Q in these respects is not decisive as I have found that the proposal would not satisfy the requirements of Schedule 2, Part 3, Class Q of the GPDO for the reasons given above and therefore is not development permitted by it.
25. In reaching my findings, I have taken account of an appeal decision⁵ that the Council has brought to my attention. There are some parallels with the proposal before me but there appear to be differences in terms of the individual circumstances of the agricultural buildings and the conversion works required. However, the full details of this scheme are not before me and as such I give it limited weight.
26. I also afford little weight to a recent Council decision to grant prior approval for change of use of an agricultural building to a dwelling at Chinnel Farm, Mile Bank, Whitchurch, Shropshire, SY13 4JY as the full details of the scheme are not before me. This appeal is necessarily determined on its own merits relative to the legal tests in the GPDO.

Prior Approval Matters

27. Given my conclusion that the proposal would not be development permitted under Schedule 2, Part 3, Class Q of the GPDO, there is no need for me to consider the prior approval matters as it would not alter the outcome of the appeal.

Conclusion

28. For the reasons given and based upon the evidence before me, I conclude that the proposal is not permitted development under Schedule 2, Part 3, Class Q of the GPDO. Consequently, it is development for which an application for planning permission would be required. This would be a matter for the local planning authority to consider in the first instance, and cannot be addressed under the prior approval provisions set out previously.
29. The appeal is, therefore, dismissed.

D. Boffin

INSPECTOR

⁵ APP/L3245/W/16/3147333 – 10 August 2016

This page is intentionally left blank

Appeal Decision

Site visit made on 11 April 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: 26 April 2017

Appeal Ref: APP/L3245/W/17/3168205

1 Hilton, Hilton, Bridgnorth WV15 5PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs David Jewson against the decision of Shropshire Council.
 - The application Ref 16/00719/FUL, dated 23 February 2016, was refused by notice dated 13 July 2016.
 - The development proposed is erection of 1 No Dormer Bungalow.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is located in the West Midlands Green Belt, as a consequence, I consider the main issues to be firstly, whether or not the appeal scheme would comprise inappropriate development in Green Belt; secondly, its effects on the openness of the Green Belt; thirdly, whether the appeal site would be a suitable location for housing for the purposes of the development plan; fourthly, the effects of the proposed development on the setting of 1 Hilton, a listed building; and finally, if the proposal is inappropriate whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Site, surroundings and proposed development

3. Set within broadly residential environs clustered around Sandpit Lane and related cul-de-sacs, which branch off from the A454, the appeal site comprises a portion of the garden of 1 Hilton. Of a roughly triangular shape with a frontage on Sandpit Lane, the appeal site is bounded by hedgerow to two of its sides, contains mature trees, and slopes down from 1 Hilton toward the lane. To the rear there are two substantial dwellings, and portions of their grounds border onto the appeal site.
4. The proposed development would introduce a dormer bungalow on the site, at a lower level than the existing garden, tucked into the corner of the site adjacent to the Fieldhouse to the rear and accessed from the bend of Sandpit Lane near to its junction with Willow Close.

Whether or not inappropriate development

5. Whilst I am conscious of the appellants' position that the appeal site is not within the Green Belt, it is clear from the Core Strategy Key Diagram that Hilton as a settlement is 'washed over' by the West Midlands Green Belt. The National Planning Policy Framework (the Framework) establishes that the Government attaches great importance to Green Belts and that their fundamental aim is to prevent urban sprawl by keeping land permanently open. Paragraph 89 of the Framework makes it clear that with a limited number of exceptions the construction of new buildings is inappropriate in Green Belt. Policy CS5 of Shropshire's Core Strategy (adopted March 2011) (the Core Strategy) seeks strict control of development in Green Belt in accordance with national planning policy.
6. The development plan includes some exceptions to the presumption that development within Green Belt is inappropriate. Policy CS5 of the Core Strategy and Policy MD6 of the Site Allocations and Management of Development Plan Document (adopted December 2015) (the SAMDev) state that within Green Belt limited infilling will be permitted within identified Community Hubs and Clusters.
7. The appeal scheme, both in terms of its modest size, and the amount of development proposed would be clearly limited and the appeal site is adjacent to a lane, and closely fringed by residential development. Thus due to the specifics of the site the proposed development would read as a limited infill. However, I am conscious that the appeal site is not within a community hub or cluster as identified within the SAMDev, and for this reason it would not meet the exception given in Policies CS5 of the Core Strategy and MD6 of the SAMDev. Consequently, the appeal scheme would comprise inappropriate development in Green Belt for the purposes of the development plan. The Framework makes it clear that such development should only be permitted if the potential harm to the Green Belt by reason of inappropriateness or any other harm, is clearly outweighed by other considerations.

Openness

8. In terms of Green Belt policy, the concept of openness picks out both the visual and spatial implications of development. In essence, the concept of openness means that land within Green Belt should, with limited exceptions, remain free from development.
9. In the current case, the appeal site, whilst part of a residential garden is largely free from development of a substantial nature. The appeal scheme would introduce a considerable amount of development on to this largely open site, not only in terms of the bungalow, but also in terms of the hardstanding involved in the access to the site and car-parking provided thereon. This would amount to a substantial and permanent depletion of the appeal site's openness that would add to the proposed development's harmful effects in Green Belt terms, and would be contrary to the Framework in this regard.

Housing location

10. The appeal site is not located within an area identified as a community hub or cluster in the SAMDev and thus development plan policies relating to the open countryside apply. Policy CS5 of the Core Strategy and MD7a of the SAMDev

seek strict control of new market housing in areas outside of community hubs and clusters. Whilst there are exceptions to this strict control, including, amongst others, housing to meet evidenced local needs, or dwellings to house essential rural workers, it has not been demonstrated that the proposed development would meet these exceptions.

11. As a consequence, the appeal site would not be a suitable location for housing for the purposes of the development plan, and would conflict with Policies CS3 and CS5 of the Core Strategy; and Policies MD6 and MD7a of the SAMDev insofar as they seek to ensure that new residential development within Shropshire's rural area is directed to community hubs and clusters and meets local needs.

Listed Building

12. I am required to consider the effect of the proposed development on the setting of heritage assets. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be given to the desirability of preserving the setting of listed buildings. Paragraph 132 of the Framework establishes that the significance of a heritage asset can be harmed or lost through development within its setting. The Framework defines the setting of a heritage asset in terms of the surroundings in which it is experienced.
13. 1 Hilton is a Grade II listed building of two-storeys with an attic, faced in brick, with dentilled eaves, and roof covering of clay tile. The façade of 1 Hilton is strongly symmetrical with one arched window on each floor either side of its central front door. Its significance derives to a substantial degree from its traditional materials palette and construction techniques, its restrained vernacular detailing, and its contribution to the wider streetscape given its pre-eminent scale and prominent siting atop of a gently sloping access. Due to these factors, 1 Hilton is a dominant presence in views from the adjacent bend of Sandpit Lane.
14. Whilst the appeal site comprises a portion of the garden of 1 Hilton, it is an element of it that is set down at a considerably lower level than the building itself, beyond a more formal area of garden, of substantial size which is located closer to the heritage asset's front elevation. The proposed development's siting in the corner of the site close to adjacent residential development, its limited scale, and its proposed site levels mean that it would not loom large in views of the listed building from the lane; and therefore, 1 Hilton would still read as the dominant building within its immediate environs. Moreover, the proposed development would retain an element of garden space around it, and the remaining garden of 1 Hilton would be substantial in size, leaving adequate space between the listed building and adjacent structures. As a consequence, I consider that the proposed development would not erode the setting of the listed building to a harmful degree, or cause harm to its significance.
15. Thus for the above reasons, and mindful of my duty arising from Section 66, I consider that the proposed development would preserve the setting of the listed building. Consequently, the proposed development would not conflict with Policies CS6 and CS17 of the Core Strategy; or Policy MD13 of the SAMDev. Taken together, and amongst other matters, these policies seek to ensure that development proposals conserve the historic environment, and

avoid harm to, and loss of significance from designated heritage assets and their settings.

Other Considerations

16. I note that the development plan policies in relation to limited infilling differ from the exception given in paragraph 89 of the Framework, which relates to limited infilling in villages. Whilst the term 'village' is undefined in the Framework, the settlement of Hilton straddling and snaking out from the A454 appears to me to comprise a concentration of development that imparts the character of a village. As a consequence, and taken together with my conclusions in relation to the scale of proposed development and location of the appeal site, I consider that the appeal scheme would comprise limited infilling in a village for the purposes of the Framework. This is a matter that would weigh in favour of the proposed development to a considerable degree.
17. I note the appellant's comments that the appeal site is within a mile of services including a school, church, petrol station garage and golf club, and within 2 miles of Rudge Heath which also includes some services. This may be the case, however, the relatively limited frequency of local bus services, and the lack of street lighting along stretches of the A454, which would limit its attractiveness for pedestrians during the hours of darkness, taken together, mean that the future occupants of the property would be heavily reliant on the private car for a considerable amount of their journeys. This would limit the appeal site's accessibility, and as a consequence, the presence of services in the wider surroundings of the appeal site attracts only modest weight in favour of the proposed development.
18. I have been referred to several planning permissions within the environs of the site¹. All but two of the decisions on these planning applications were made before Hilton was included in the Green Belt in 2006. Of the decisions that post-date Green Belt designation, the planning application BR/APP/FUL/08/0601 related to a conversion of an existing property, and planning application 14/00493/FUL related to specialist dwellings within the C2 use class. Thus there are all clear material differences between these previously approved schemes and the proposed development, and as a consequence they do not add any weight in favour of its approval.
19. The proposed development due to its site level and fenestration pattern could avoid significant harm to the living conditions of the occupants of adjacent dwellings. However, this would be merely an absence of harm in these regards and thus has a neutral effect on the overall planning balance.
20. I have considered the appellants' comment that the proposed development could improve the character of the area; however, as the current use and appearance of the appeal site also contributes positively to the character of its surroundings this is a matter that also has a neutral effect on my assessment of the planning merits of the appeal.
21. I have considered whether the proposed development could, by reducing the size of 1 Hilton's garden enhance its attractiveness to prospective buyers, and thus help to conserve the heritage asset. However, a lack of substantive

¹ BR/APP/FUL/08/0601; BR/APP/FUL/00/0312; BR/99/0658; BR/APP/FUL/01/0070; BR/APP/FUL/97/0533; 14/00493/FUL; BR/APP/FUL/05/0014; BR/APP/FUL/03/0024; BR/APP/FUL/010385; BR/96/0610; BR/97/0604

evidence in these regards means that I attach this matter only modest weight in the overall planning balance.

Green Belt Balance

22. The Framework establishes that when considering a planning application substantial weight should be given to any harm to Green Belt. 'Very special circumstances' will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations. This is a high hurdle for a development proposal to overcome, and in this case the other considerations advanced in support of the proposed development do not, either individually or cumulatively, clearly outweigh the very substantial weight that I attach to the harm to the Green Belt by reason of inappropriateness and the harm caused by the appeal scheme to the openness of the site. As a result the very special circumstances necessary to justify inappropriate development in the Green Belt have not been established. Consequently, the proposed development would conflict with Policy CS5 of the Core Strategy; Policy MD6 of the SAMDev; and the Framework. These policies, taken together, and amongst other matters seek to protect the openness and permanence of Green Belt.

Conclusion

23. The proposed development would cause no harm to the setting or significance of 1 Hilton. However, this is merely indicative of an absence of harm in these regards, and in the overall planning balance is clearly outweighed by the harm the proposed development would cause to the Green Belt and its conflict with the development plan's policies regarding development outside of community hubs and clusters.
24. Thus, 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

This page is intentionally left blank

Appeal Decision

Site visit made on 10 April 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: 04 May 2017

Appeal Ref: APP/L3245/W/17/3167186

Birch Cottages, Button Bridge, Kinlet, Bewdley DY12 3DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Christine Parry against the decision of Shropshire Council.
 - The application Ref 16/04919/OUT, dated 22 October 2016, was refused by notice dated 16 December 2016.
 - The development proposed is erection of two detached dwellings and formation of a new vehicular access.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs Christine Parry against Shropshire Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application that led to this appeal was in outline with all matters reserved. Accordingly, I have assessed the appeal scheme on this basis, and have treated the submitted plans as illustrative insofar as they refer to reserved matters.
4. In the banner heading above I have used the postcode for the appeal site given within the appeal form, as the last letter of the postcode given on the application form is unclear.

Main Issues

5. I consider the main issues in this appeal to be firstly, the effect of the proposed development on the character and appearance of its surroundings; and secondly, whether the appeal site would constitute a suitable location for housing for the purposes of the development plan.

Reasons

Character and appearance

6. Located beside a narrow and leafy lane of an intensely rural character, and behind a mature hedgerow, which includes some mature trees, the appeal site is a substantial part of a gently sloping and open field of a roughly square

shape. The surroundings of the site are predominantly open, with dense woodland deeper across Button Bridge Lane, and larger dwellings, and agricultural buildings straggled out, in a sporadic manner, along the lane. The openness of the appeal site allows deep views across it to the undulating and open countryside beyond, studded with mature trees, and lined with hedgerows. The proposed development seeks to introduce two dwellings onto the appeal site with access taken from Button Bridge Lane.

7. The appeal site, due to its topography and openness, currently blends with and contributes to the intensely rural character of the surrounding area. The appeal scheme would introduce a considerable amount of development onto the site, not only in terms of the houses themselves, but also in terms of the hard-standing from the accesses and around the dwellings. The subdivision of the appeal site, and consequent use of the surroundings of the proposed dwellings as gardens, would impart a domestic character. This, taken together with the intensification of development would erode the appeal site's intrinsically rural character, and thus diminish its contribution to the character and appearance of its surroundings to a material degree. As a result, the proposed development would cause considerable harm to the character and appearance of its surroundings.
8. I note the appellant's comments that the proposed dwellings could be of a traditional rural vernacular design, and that their plots could also have a rural appearance. However, due to the outline nature of the appeal scheme and lack of substantive details in these regards I attach only limited weight to this consideration. I saw that there were dwellings and other buildings in the environs of the appeal site; however, these were in the main sporadic and dispersed, and the appeal site was dislocated considerably from the more consolidated, but limited, pocket of development around the bend in Button Bridge Lane. As a consequence, the surroundings of the appeal site do not have a strong development pattern into which a residential use of the site would easily assimilate. Due to the appeal site's open aspect, neither would the wooded nature of the wider area help the development to assimilate within its surroundings.
9. I am mindful of the appellant's references to sites allocated in the development plan in the wider Kinlet area that are in the open countryside; however, I have not been supplied with any substantive evidence to suggest why these establish a precedent for development of the appeal site, given the harmful effects to character and appearance which I have found. Moreover, each planning proposal needs to be assessed on its own merits.
10. Thus for the reasons given above, the proposed development would cause considerable harm to the character and appearance of its surroundings. Consequently, the proposed development would conflict with Policy CS6 of the Shropshire Core Strategy (adopted March 2011) (the Core Strategy); Policy MD2 of Shropshire's Sites Allocation and Management of Development Plan (adopted December 2015) (SAMDev); and the National Planning Policy Framework (the Framework). Taken together, and amongst other things, these policies seek to ensure that new development recognises the intrinsic character and beauty of the countryside, is appropriate in scale, density and design and takes into account local context and character.

Housing Location

11. Policy CS1 of the Core Strategy sets the Council's strategic approach to development and seeks to direct development to Shrewsbury, market towns and key centres and community hubs and clusters. Kinlet, Button Bridge and Button Oak are identified as a community cluster within the SAMDev, for which Policy S6.2 (i) sets out a guideline of around 30 new dwellings over the plan period up to 2026. Button Bridge is expected to supply around 5 dwellings to this guideline.
12. The appeal site is an open and agricultural field separated from the more consolidated cluster of buildings at the crossroads of Button Bridge Lane and the B4199, by predominantly open fields with some dispersed development, and the lane is in the main narrow, largely unlit and winding. Furthermore, the appeal site is substantially visually and physically separated from the small pocket of residential development located around the bend of Button Bridge Lane in the other direction. As a consequence, the appeal site does not read as part of a settlement, but rather as an agricultural field with some scattered development within its wider environs. Moreover, as the appeal site is only flanked on one side by development, I consider that it would not constitute limited infilling of a plot. For these reasons, the proposed site's development would conflict with the settlement strategy established by the policies of the Core Strategy and SAMDev.
13. I am aware that the appellant considers the appeal site to be within Button Bridge, and I have considered the evidence that has been supplied to this effect, including the history of the place names of Kinlet and its surroundings. Whilst the appeal site may have a Button Bridge postcode, in my experience postcode sectors in more sparsely developed rural areas tend to have quite a wide geographic coverage, and as a result do not conclusively establish that a site is within a settlement for planning purposes.
14. Whilst I note that the nomenclature for addresses of sites and properties in the appeal site's environs include the words 'Button Bridge' on the Council's planning register, and on the HM Land Registry details for the appeal site, no doubt the same could be claimed for a number of fields in the environs of Button Bridge. Consequently, the use of the words 'Button Bridge' in the appeal site's address does not establish that it is within a settlement for the purposes of SAMDev. Whilst I am aware that the Parish Plan (adopted January 2006) refers to Button Bridge as 'a scattered settlement on the edge of the Wyre Forest' it does not explicitly identify the appeal site as being within a settlement.
15. I note that the development plan is permissive of new dwellings on windfall sites or those adjoining settlements. However, as it is relatively early in the plan period I consider that it has not been established that development of the appeal site would be necessary to meet Button Bridge's housing guideline of 5 dwellings. Whilst mindful of the appellant's comment that the Shropshire Rural Housing Association has identified a need for 12 dwellings in the area, I have not been supplied with any documentation to suggest that the proposed development would provide affordable housing to meet this need. Moreover, it has not been demonstrated that the development of the site would meet an identified need to provide dwellings for agricultural or other rural workers. As a

consequence, I consider that the proposed development would not meet the exceptions given in Policy MD7 of SAMDev and CS5 of the Core Strategy.

16. Thus for the reasons given above the appeal site would not constitute a suitable location for housing for the purposes of the development plan, and thus would conflict with Policies CS1, CS4 and CS5 of the Core Strategy; and Policies MD1, MD3, MD7 and S6.2 of SAMDev. Taken together, and amongst other matters, these policies seek to ensure that new residential development within Shropshire's rural area is directed to community hubs and clusters and meets local needs.
17. I have been referred to an appeal decision related to a site in Button Oak¹. However, as the main issues in that previous appeal concerned the effects of a proposed development, located within a gap site, on the character and appearance of its surroundings solely, and not the principle of development for the purposes of the development plan, it does not alter my conclusions on this issue.
18. I have been supplied with the Inspector's Report on the Examination of SAMDev², and am aware of the methodology adopted by the Council in its identification of community hubs and clusters. Moreover, I am conscious of the appellant's comments regarding the different sizes of the settlements so designated across the County. However, these matters do not alter my conclusions on the proposed development's conflicts with the development plan in this regard.

Other Matters

19. The proposed development, like most residential proposals, would deliver some economic and social benefits, and help to meet the housing growth objectives of the Framework. However, due to the limited amount of additional housing proposed, coupled with the Council's ability to demonstrate a 5 year supply of housing sites across the County, these benefits would only attract modest weight in favour of the appeal scheme in the overall planning balance.
20. Moreover, the appeal site's location along a narrow, winding and unlit lane, coupled with the distance that would have to be travelled along this to access services or bus stops, means that the occupants of the proposed development would be heavily reliant on the private car. This would limit the accessibility of the proposed development in the wider sense, and as a consequence would point to a low level of social and environmental sustainability, that weighs against the scheme to a considerable degree in the overall balance. Whilst I note the appellant's comments with regards to the potential for buses on request to divert to settlements outside of their usual routes, a lack of substantive evidence on this matter means that it does not tip the balance in favour of the proposed development to any considerable degree.
21. I note that no special planning designations such as areas of outstanding natural beauty, Green Belt, conservation areas or listed buildings apply to the appeal site. However, this is merely evidence of a lack of harm in these respects rather than a positive benefit of the scheme and thus has a neutral effect on the planning balance.

¹ APP/L3245/W/16/3146675

² Report on the Examination into Site Allocations and Management of Development (SAMDev) Plan 30 October 2015 (File Ref: PINS/L3245/429/9)

22. I have had regard to the appellant's suggested condition to control the mix of house sizes on the appeal site; and to make the dwellings available to local people as self-build properties. However, the mechanism for achieving this latter objective is unclear from the material before me, and the mix of sizes suggested would do little to address the in-principle objection to development of the appeal site, or the harmful effects caused to the character and appearance of its surroundings by the proposed development.

Conclusion

23. The modest economic and social benefits of the appeal scheme in the overall planning balance would be demonstrably outweighed by the considerable weight that I attach to its low level of environmental and social sustainability due to its limited accessibility, and the environmental harm that would be caused to the character and appearance of its surroundings. As a result the proposed development would not constitute sustainable development in the countryside for the purposes of paragraph 55 of the Framework.

24. Moreover, the proposed development would conflict with the policies of the development plan insofar as they have been drawn to my attention. No material considerations have been advanced that outweigh this conflict. Thus 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

This page is intentionally left blank