



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

Date: Monday, 26 June 2017

Committee:
South Planning Committee

Date: Tuesday, 4 July 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 - 4)

To confirm the minutes of the South Planning Committee meeting held on 6 June 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, 29 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 Former Poultry Unit Site, Corfton, Shropshire, SY7 9LD (16/03628/FUL) (Pages 5 - 34)

Demolition of former poultry units and erection of 7 detached dwellings (AMENDED DESCRIPTION)

6 The Glen Cottage, 6 Worthen, Shrewsbury, Shropshire, SY5 9JH (17/00448/FUL) (Pages 35 - 42)

Conversion of garage into games room/occasional overnight accommodation, to include new shower room (part retrospective).

7 Schedule of Appeals and Appeal Decisions (Pages 43 - 74)

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, 1 August 2017, in the Shrewsbury Room, Shirehall.



Committee and Date

South Planning Committee

4 July 2017

SOUTH PLANNING COMMITTEE

Minutes of the meeting held on 6 June 2017

2.00 - 3.08 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), Gwilym Butler, Simon Harris, Madge Shineton, Robert Tindall, Tina Woodward and Michael Wood (Substitute) (substitute for William Parr)

5 Apologies for Absence

Apologies for absence were received from Councillors Andy Boddington, Nigel Hartin, Richard Huffer and William Parr (Substitute: Councillor Michael Wood).

6 Minutes

RESOLVED:

That the Minutes of the meetings of the South Planning Committee held on 18 May 2017 and 6 June 2017 be approved as a correct record and signed by the Chairman.

7 Public Question Time

There were no public questions or petitions received.

8 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.

9 Land To The South off Albrighton Bypass, Albrighton, Shropshire (16/01925/FUL)

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations. He confirmed that Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area. He appraised Members of 13 further objections that had been received from Albrighton residents following the publication of the Schedule of Additional Letters.

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

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

- This particular site was a particularly sensitive part of the Green Belt area; he had spent the last 40 years protecting the Green Belt; and without this designation Albrighton would have become part of Tettenhall;
- It was close to the Albrighton bypass and children would have to walk along a busy road to get to school;
- Permitting this application would set a precedent;
- Albrighton Parish Council had raised objections; and
- He urged refusal.

Mr J Salt, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees. In response to a question from Members of the Committee, he explained that services and schools would be accessed by private car.

In the ensuing debate, Members noted the comments of all speakers and considered the submitted plans. Members expressed concerns regarding the close proximity of the Albrighton bypass but were reassured to know that children would travel to school via private car. In response to comments, the Principal Planner explained that a condition could be added to stipulate where caravans should be stationed within the site and provided further clarification regarding conditions which limited occupation.

RESOLVED:

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

- The conditions as set out in Appendix 1 to the report, subject to the following additional condition:
 - All caravans shall only be stationed on the enclosed landscaped hardstanding areas at the eastern end of the site shown on the approved site plan (Drawing number 15_759_003 Rev A.).

Reason: To define the permission and to minimise the impact of the development on the openness of the Green Belt."

10 **Proposed Dwelling To The North of 37 High Street, Broseley, Shropshire (16/05697/FUL)**

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. He confirmed that Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area. He further explained that during the site visit it had become evident that there were errors in the Planning Officer's report and plans as follows:

- (1) The Officer report incorrectly stated that the proposed dwelling was to be positioned 3 m from the 37 High Street extension. It scaled off at 1.75m; and
- (2) The existing double garage should be drawn 1m closer to the proposed dwelling than was shown on the plans.

Officers had considered that this had no impact on their existing recommendation to permit but suggested that an amended plan be submitted before Members of this Committee made a decision to refuse or permit the proposal.

Members then considered the best way forward and decided that it would be more beneficial to the applicant for them to discuss their views on the principle of development, design and layout.

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

- The members of the current Broseley Town Council Planning Committee had only recently been appointed and had not had the chance to consider the proposal;
- There was poor visibility and a very tight turn into and out of the site onto Fox Lane;
- The site could be seen when travelling up through the town; and
- The turning space provision on site would make the manoeuvring of vehicles difficult.

In the ensuing debate, Members noted the comments of all speakers and considered the submitted plans. Members raised no objection in principle to development on the site but raised concerns regarding the design, layout, elevations and access; the current design did not sit well within the Conservation Area; and more thought should be given to the proposed planting.

RESOLVED: That,

- This application be deferred to a future meeting in order for the applicant to give further consideration to the layout and design; and
- In addition, the Committee Members requested that a further site visit be made prior to any decision being made and the site to be marked and pegged-out accordingly.

11 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 6 June 2017 be noted.

12 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, 4 July 2017 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:

JET



Committee and date

South Planning Committee

4 July 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: 16/03628/FUL	Parish:	Diddlebury
Proposal: Demolition of former poultry units and erection of 7 detached dwellings (AMENDED DESCRIPTION)		
Site Address: Former Poultry Unit Site, Corfton, Shropshire, SY7 9LD		
Applicant: Mr J P Wrigley		
Case Officer: Luke Ashley	email: planningdmsw@shropshire.gov.uk	

Grid Ref: 349842 - 285003



© 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 This proposal seeks full planning permission for the erection of seven, 4 bed detached dwellings to include garaging following removal of existing former poultry units. A shared package treatment plant is also proposed.
- 1.2 The dwellings are proposed to be sited along the western side of the existing main access track off the B4368. The dwellings are primarily set facing an easterly direction over the open fields with the scheme proposing to utilise the existing access off the B4368. Running off the existing track it is proposed to create four new access points. The first to serve plots 1 and 2, the second to serve plots 3, 4 and 5 and the final two serving plots 6 and 7. Each access point would be served by a cattle grid. The existing eastern hedge boundary is proposed to be in the majority retained, although openings will be formed to create the new driveways. The south eastern end of the application site (An area approximately 90 metres long with a width varying from some 20 metres to 35 metres, would contain orchard planting as part of the newt mitigation strategy. There would also be translocation areas adjacent to plots 2 and 3 as part of the ecological mitigation strategy.
- 1.3 Plots 2, 4, 5 and 6 are proposed as two storey units, of relatively similar design with each property carried a slight variation in design, detailing, and materials ranging from stone and render under clay tiled roofing. Dormer windows are proposed to the design of the units for plots 1, 3 and 7, in addition to the stone facing materials timber framing and cladding is also added to the design for these three plots. Detached double garages are proposed for plots 1, 2, 3, 5 and 7. The garaging for plots 4 and 6 is proposed to be attached to the dwelling with a single storey link.
- 1.4 NOTE: This scheme is a resubmission following withdrawal of a previous application in April this year (16/00915/FUL).

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is situated to the east of Corfton, approximately 5 miles from Craven Arms, along the B4368 (Craven Arms – Diddlebury).
- 2.2 The site covers around 1 hectare and is the location of 4 former poultry units set within scrub land. It is understood that two of the former poultry units are currently used for storage with the remaining two in a derelict state. The main access to the site is to the south of the B road and comprises of a single width track which leads to the former poultry units and fields beyond. In the south corner of the site there is a second access track coming off an unclassified lane which leads to Corfton Manor, Lower Corfton.
- 2.3 A stream runs along the southern boundary of the site and separates a neighbouring property known as Blacksmiths Barn, 9 Corfton, a grade II listed building. To the north west sits a further residential property known as 'Shepherds Barn' this property along with the land to this side and the north slopes away from

the site. Along these boundaries lies existing mature tree and hedging, adjacent the north west corner alongside plot 1 is a mature Oak tree currently protected by a Tree Preservation Order. The landscape opens up along the eastern side into agricultural fields.

- 2.4 Whilst outside of any nationally designated area, it should be noted that the boundary of the Shropshire Hills Area of Outstanding Natural Beauty (AONB) lies to the north of B4368, approximately 137m from the edge of Plot 1 which would be the closest part of the development to this nationally designated area. A Scheduled Monument (The Mount motte and bailey castle (National Ref. 1012856)) also lies approximately 180m to the south of the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council have provided views contrary to the Officers recommendation and the Local Member requested that the application be considered by committee. This has been discussed by the Chair and Vice Chair of the South Planning Regulatory Committee whom considers the scheme raises material planning considerations that warrant consideration by the South Planning Committee.

4.0 Community Representations

- 4.1 - Consultee Comments

4.1.1 Diddlebury Parish Council – Objection

The Parish Council does not support this application and objects to it on the basis that is over-development of the site. The Parish Council is not against the development of the site, nor are the population of the settlement but they are concerned about the sheer size of the proposed development.

- 4.1.2 SC Affordable Housing - There will be no requirement for an affordable housing contribution on the basis of the 'vacant building credit' provided by the removal of the existing poultry sheds. The development site is located within a designated protected area and therefore would have attracted a contribution had it not been for the existing vacant buildings on site.

- 4.1.3 SC Public Protection - The land in question has been used for agricultural purposes historically. Recommend contaminated land condition is placed on any planning permission granted to ensure that the land is fit for residential end use.

- 4.1.4 SC Trees – No objection subject to conditions requiring implementation of the tree protection plan and submission for approval in writing of a tree planting scheme.

- 4.1.5 SC Historic Environment (Archaeology) – No objection subject to condition requiring programme of archaeological work. Recommend Historic England are consulted due to the proximity to a Schedule Monument.

- 4.1.6 Historic Environment (Conservation and Design) – 16.09.2016 – Objection – The proposal affects a site that is adjacent 9 Lower Corfton that is grade II listed, a

Heritage Impact Assessment is required to enable full assessment of the potential impact of the development on the setting of the listed building.

Historic Environment (Conservation and Design) – 12.01.2017 – No objection the Heritage Impact Assessment concludes that there would be no harm to the setting of the heritage assets. The design of the dwellings are traditional and reflect the local vernacular and rural character of the site. Conditions should be used to secure details of facing materials and landscaping.

- 4.1.7 SC Ecology – 16.09.2016 - Objection – Additional information required regarding Great Crested Newts and the proposed mitigation and enhancement measures. As currently submitted 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).

SC Ecology – 19.12.2016 – Objection – Note updated Phase 1 and 2 Environmental Survey conducted by Greenscape Environmental Ltd (Updated 2016), however additional information regarding mitigation measures relating to Great Crested Newts is still required namely: -

-The 'Proposed Housing Development Site Layout Plan' dated Nov 2015 by Balfours should be updated to show the areas of updated newt mitigation and the 10m buffer to the stream. The plan should detail the area (in hectares) for newt translocation, hibernacula creation, and grassland management.
-Due to the proximity of the pond a post development management plan will be required to support this proposal.

SC Ecology – 03.01.2017 – Acknowledge receipt of updated site plan, however comments regarding need for further mitigation measures are still relevant and must be submitted prior to a planning decision being granted.

SC Ecology 20.03.2017 – No objection subject to conditions and informatives and completion of tests 1 and 2 on the European Protected Species 3 tests matrix.

- 4.1.8 SUDS – 01.09.2016 – Comments: -

- As the scheme is greater than 1 hectare, a Flood Risk Assessment (FRA) should be produced.
- The drainage details, plan and calculations could be conditioned if planning permission were to be granted.
- A Watercourse is present on the southern boundary. A 3m wide easement from the top of the watercourse bank, is required for maintenance purposes.

SUDs - 13.01.2017 – Comments

1. It should be demonstrated that soakaways are not suitable for the site by providing percolation tests in accordance with BRE365.

2. It should also be demonstrated that urban creep has been taken into account by providing drained areas and the appropriate allowance for urban creep.

3. Large underground crate attenuation systems are difficult to de-silt and with the proposed system spanning multiple property boundaries, will be difficult to access, leading to a maintenance liability and increasing the risk of flooding in the future. It is likely that the crate system will become damaged as a result of urban creep by future garden development. The very poor surface water drainage strategy should be re-visited to provide a more sustainable solution for maintenance, accessibility and wildlife.

4. As the site area is 1 hectare a FRA is required as detailed in our comments dated 1st September 2016.

5. Confirmation is required that an easement is available adjacent to the watercourse so that it can be maintained in future. Confirmation is required where the riparian ownership boundary extends to.

SUDs – 23.02.2017 – Comments –

- Drawings CP-GA-400 Rev A and CP-DA-401 and the Drainage Report satisfy comments 2, 4 and 5 dated 13 January 2017, but responses to comments 1 and 3 are yet to be provided.

SUDs – 23.02.2017 – Comments-

It is accepted that the site is not suitable for a soakaway due to the presence of clay.

For the attenuation crates, a through channel option should be incorporated into the proposal, together with access points within the crates.

SUDs – 24.03.2017 – Comment-

To protect the attenuation apparatus a condition should be included to restrict development above the attenuation tanks.

4.1.9 SC Planning Policy – Comments: -

- Corfton forms part of a community cluster and the application site requires consideration under SAMDev Settlement policy S7.2(ii) with regard to policies CS4 and MD3.
- Core Strategy CS4 seeks to ensure that development in Community Clusters is not allowed outside the settlement.
- Two issues for consideration here which need to be considered in combination: -
 - Is the proposed form of development comprising demolition and new building acceptable given that Policy S7.2(ii) indicates 'infilling' or 'conversion'?
 - Is the provision of the number of dwellings acceptable on a single site given that this number is towards the upper range of development permissible in the settlements of this Cluster.

- The proposed development should be sympathetic to the character of the settlement.
- The removal of the redundant poultry sheds in favour of new build would itself make a contribution to this objective.
- The re-development of an existing previously developed site in the settlement would also serve to meet the Local Plan objectives to: provide and maintain a sufficient and appropriate supply of housing land in sustainable locations, prioritising the use of brownfield land (Core Strategy Objective 4) and would make the most effective use of land (Core Strategy Policy CS6).
- The settlement housing guideline in Policy S7.2(ii) does provide for 5 to 10 dwellings in each settlement of the Cluster and it is expected this will have some effect on the scale and character of each settlement, albeit those effects should be positive overall. The policy therefore seeks to place a relatively significant provision of private market housing into this Cluster.
- This private market housing should comprise a mix and type of dwellings appropriate to the needs of these rural communities. This is the explicit objective of the policy and sits with the intention to direct other affordable housing into the main village of Diddlebury, to meet the needs of the Parish.
- All these policy matters capture the core principles of Policy MD3: Delivery of Housing Development. These principles seek to ensure that housing development should meet the design requirements of the Local Plan and include a mix and type of housing. Policy MD3 also requires consideration of the settlement housing guidelines especially when permitting development in smaller settlements.
- This proposed development in Corfton requires consideration of: whether it is appropriate to largely fulfil the settlement housing guideline on a single site given that the guideline is a relatively demanding figure; whether to permit the proposed form of development (demolition and new build) as 'infilling' and whether the proposed development satisfactorily meets the explicit objectives of Policy S7.2(ii) despite the small size of the settlement.

4.1.10 SC Highways – No objection subject to conditions and informatives.

4.1.11 Historic England – No response received.

4.1.12 Shropshire Wildlife Trust – No response received.

4.2 Public Comments

4.2.1 11 objections have been received and are précised below;

- Overdevelopment of the site that does not follow the context of the host settlement

- No demonstrated local need
- The amount of vehicular traffic generated by the proposal and potential for accidents where the access meets the main highway (B4368)
- Assurances required in regards to the material palette to be used
- Substantial noise generated by the use of 8no. dwellings
- Reduce the quantum of development from 7 to no more than 3 / 4 dwellings.
- Eight further households as proposed will inevitably be seen as an isolated 'suburb' on its flank, completely out of character and proportion with the rest of the settlement
- In conjunction with the concurrent planning applications submitted for new housing within Corfton, this proposal will exceed the 5 dwelling threshold (but not exceeding 10) within the 10 year plan period.
- The roofs of eight houses, their garages and other outbuildings, together with driveways and the various hardstandings that go with them will collect water which will not be able to drain naturally into the land.
- Means of discharge is stated as infiltration. It is known that infiltration trenches have high clogging potential and suffer from high historic failure rates due to poor maintenance.
- The Place Plan envisages the construction of five new houses per settlement in the period up to 2026 i.e. about one every two years on average.
- The removal of trees from this area will mean that less rainwater will be soaked up.
- The new development literally turns its back on the hamlet and has only a contrived footway link.

4.2.2 Campaign to Protect Rural England (CPRE) – Objection –

- Site is unacceptable and unsustainable;
- Alter the character and size of the small hamlet where there around 11 spread out properties.
- The dwellings would be shoe-horned into a small area.
- The 'new estate' will stick out like a sore thumb in contrast to the linear feel of the hamlet.
- Highway safety due to increase in vehicle movement;

5.0 THE MAIN ISSUES

Principle of development
 Siting, scale and design of structure
 Visual Amenity, Landscaping and Trees
 Historic Environment
 Biodiversity
 Highways
 Flood Risk
 Residential Amenity

6.0 OFFICER APPRAISAL**6.1 Principle of development**

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The development plan for Shropshire is the Council's Adopted Local Development Framework Core Strategy, the associated 'Type and Affordability of Housing' Supplementary Planning Document (SPD) and the adopted SAMDev Plan. The Council is satisfied it can demonstrate a deliverable 5 year supply of housing land to meet housing need through the sites identified in the SAMDev document and through provision of housing across the county through the community hub and cluster approach. The Council therefore considers the housing policies contained within the Core Strategy up to date and should be attached full weight.
- 6.1.2 A key objective of both national and local planning policy is to concentrate new residential development in locations which promote economic, social and environmental sustainability. Specifically, Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 seek to steer new housing to sites within Market Towns, other 'Key Centres' and certain named villages ('Community Hubs and Clusters') as identified in the Council's SAMDev Plan.
- 6.1.3 Policy CS4 (Community Hubs and Clusters) of the Core Strategy allows for sensitively designed development that reflects the needs of the local community, and contributes towards much needed infrastructure and affordable homes for local people. The policy allows for the identification of 'Community Hubs and Clusters' within the rural area where further housing development can happen. Such designations have been made via the SAMDev Plan.
- 6.1.4 SAMDev policy MD3 states that in addition to supporting the development of the allocated housing sites set out in Settlement Policies S1-S18, planning permission will also be granted for other sustainable housing development having regard to the policies of the Local Plan, particularly Policies CS2, CS3, CS4, CS5, MD1 and MD7a.
- Policy MD3.1 states Residential proposals should:
- meet the design requirements of relevant Local Plan policies; and
 - on sites of five or more dwellings, include a mix and type of housing that has regard to local evidence and community consultation.
- The policy continues at MD3.2 with respect to settlement housing guidelines and states that the settlement housing guideline is a significant policy consideration. Where development would result in the number of completions plus outstanding permissions providing more dwellings than the guideline, decisions will have regard to:
- i) The increase in number of dwellings relative to the guideline; and
 - ii) The likelihood of delivery of the outstanding permissions; and
 - iii) The benefits arising from the development; and
 - iv) the impacts of the development, including the cumulative impacts of a number of developments in a settlement; and
 - v) The presumption in favour of sustainable development.

- 6.1.5 Corfton is identified as a cluster settlement alongside Bache Mill, Bouldon, Broncroft, Middlehope, Peaton, Seifton, (Great/Little) Sutton, and Westhope. Policy S7.2(ii) (the settlement policy for this cluster) states that within these named settlements infilling and conversions on small scale sites will be appropriate to meet local demand for housing. The policy goes on to state that each settlement is expected to deliver around 5 additional dwellings (but not exceeding 10 dwellings) on suitable small sites or through conversions during the plan period, up to 2026.
- 6.1.6 The scheme proposed seeks to replace the existing former poultry units and clearly does not represent conversion. In terms of infilling there are no designated development boundaries around these Cluster settlements and thus the question of whether or not specific schemes would constitute infilling is a matter for judgment in each case. However, the explanatory text accompanying Core Strategy Policy CS4 states explicitly that development must be within the settlements themselves and not in the countryside in-between. Due to the presence of the redundant poultry buildings on this site and the established, mature boundary hedging, the proposed development would not result in an encroachment of built development into the countryside in comparison with the existing built form of the settlement, which is one of the objectives when infill development is specified for a settlement. There is also a concern with this particular cluster settlement that infill development filling all the existing gaps between dwellings could cause harm to the character of the village, whereas the proposed scheme would result in properties having spacious plots in character with existing properties in the immediate vicinity.
- 6.1.7 A second consideration with regard to the principle of development is the whether the number of dwellings is acceptable on a single site given it sits towards the upper range of development supported by the SAMDev settlement policy for this cluster. When these issues are considered regard has to be taken of Core Strategy policy CS4 and SAMDev plan policy MD3, which is set out above. SAMDev Plan policy S7.2 (ii) advises that the number of properties in each of the cluster settlements should not exceed ten. In the case of Corfton, since the formal adoption of the Local Plan, the following applications have been received and approved:

14/05307/OUT and 16/04173/REM -1 dwelling
 16/02751/OUT -1 dwelling
 16/03699/FUL -1 dwelling
 16/04550/OUT -1 dwelling
 16/04746/FUL -1 dwelling

With the current proposal of approved, this would bring the total to 12 dwellings. On applying the criteria listed in policy MD3.2 when such situations arise, it is considered

- i) The increase of 2 dwellings above the policy limit is not considered to cause any demonstrable harm to the character of the settlement.
- ii) It is considered likely that each of the outstanding permissions will be delivered. (There is no alternative evidence to suggest otherwise).
- iii) The benefits of approving these 7no dwellings is considered substantial

in that it will deliver much needed housing stock within the county as a whole and thereby contribute to maintaining a five year supply whilst also providing local benefit in terms of construction work and in terms of bringing residents into the local area who will in turn spend money within the local area. The re-use of a site containing substantial buildings that are in disrepair would be a significant benefit arising from the proposed development.

- iv) The impact of the development on the settlement is mitigated by existing substantial buildings being replaced. Although it is recognised that 7 dwellings could be seen as a large extension to the host village, the location of the dwellings on the edge of the settlement and the well shielded and well-spaced units would not appear to result in over development of the site.
- v) The village of Corfton has been identified as an appropriate location for residential development and the LPA is satisfied that this designation has been made taking into account the long term sustainability of the village and the county as a whole. Furthermore, 2 additional dwellings above the 10 guideline limit would not be considered as delivering unsustainable development in regards to excessive car use and excessive energy consumption in the context of the Community Cluster policy.

6.1.8 On balance it is considered that, while the settlement guideline with respect to dwelling numbers would be exceeded, the above material planning considerations are sufficient to conclude there is no in-principle planning policy objection to the proposed development of this site for seven dwellings. The acceptability or otherwise of the proposal therefore turns upon the detailed matters assessed below.

6.2 Siting, scale and design of structures

6.2.1 Paragraph 60 of the NPPF states that:

‘Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness’

6.2.2 This national guidance is reflected and supported at the local level through Core Strategy policy CS6, which seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character. SAMDev policy MD2 expands further on this and expects development 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; and

iv. Enhancing, incorporating or recreating natural assets in accordance with MD12.

- 6.2.3 The scheme as amended proposes the construction of 7 dwellings. The majority of existing properties within Corfton are set in generous plots, with dwellings relatively dispersed in manner. The properties along the main B-road are scattered in a linear form predominantly along the south side, although it is noted that there are currently two extant outline planning permissions (16/04550/OUT and 16/02751/OUT), and an outline and reversed matters consent (14/05307/OUT and 16/03173/REM) which if all constructed would provide three dwellings to the north of the highway. The properties along the lane of Lower Corfton tend to be slightly more clustered together, although still roughly sited in linear form, with some accessed along shared drives.
- 6.2.4 When comparing these characteristics to the proposed site, it is considered that the siting of the dwellings is a reasonable interpretation of the dispersed and roughly linear form of the existing settlement, with plot 3 being set back within its site to prevent the creation of an overtly structured, hard lined linear form which would likely appear too urbanised for this rural setting. Each dwelling is set roughly within the centre of its plot and is served by relatively generous amenity space. It is considered that the application site is of a suitable size to allow for 7 dwellings without appearing cramped or representing overdevelopment, and would not significantly harm the overall settlement pattern.
- 6.2.5 The scheme seeks to utilise two main designs, one with dormer windows and one without. Each plot however is shown to have a slight variation of the chosen design, such as the addition of porches or timber framing. This would assist with creating 7 individual plots rather than a set of uniform designed properties, which again could appear more urbanised.
- 6.2.6 Much of the design detailing including the dormer windows reflects such features already existing on buildings within the wider Corfton settlement. In terms of materials proposed, a mix of brick, stone, render, timber cladding under clay-tiled roofing is of the local vernacular.
- 6.2.7 Overall, the scale and design of the proposed scheme would reflect the character of the settlement and contribute towards preserving the local distinctiveness of the area.

6.3 Visual Impact, Landscaping and Trees

- 6.3.1 Policies CS17 and MD12, alongside CS6 and MD2 support NPPF policies and seek to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.

- 6.3.2 The existing poultry units are in a poor state of repair and are considered to have no architectural or historic merit. The buildings in their current form whilst single storey and partially screened by a mature landscape do little to enhance the overall setting of the natural, built or historic environment of the area. The removal of these units therefore is in principle acceptable.
- 6.3.3 The site is currently surrounded by mature trees and other landscape vegetation, however there are some incidental views in and out of the site. The scheme as proposed would result in the loss of some of the existing eastern boundary hedging as a result of the creation of new access openings. This in combination with the increased height through the proposed two storey nature of the dwellings would mean that the development will be more visible than the current single storey poultry units.
- 6.3.4 The application site is set at a lower ground level to the main highway and this would assist with mitigating the impact of the height increase on views of the site across the landscape and from the AONB. In addition with the development being set away from the main highway and taking into account the wider context of the settlement it is considered the proposal relates to the clusters of housing in the Lower Corfton section of the settlement, and would not represent an encroachment into open countryside.
- 6.3.5 Part of the existing landscaping and hedge boundaries includes a TPO veteran Oak to the North West of Plot 1. The application is accompanied by an Arboricultural report by Forester and Arborist Services Ltd. The TPO'd veteran oak (T2), is proposed to be retained and the Arboricultural report includes measures to ensure its protection during the development, which can be further secured by planning condition. Further, the Council's Tree Officer notes that the tree is in a spiral of decline and has a number of structural faults that may merit crown work to mitigate the possibility of large branch failures towards the development site.
- 6.3.6 The report also identifies 11 trees to be removed (T1, T3 - T6, and T8 - T14 on the tree protection plan) as part of the scheme. It is acknowledged that as a group they serve to screen the existing buildings from wider views and thus their loss would alter the existing character and amenity of the area as views into the site from the western boundary will be opened up. However the Tree Officer notes that the trees individually have a poor form and are in bad condition. In addition due to the close proximity of these trees to the proposed residential development it is conceded that the retention of these trees may not be appropriate in terms of the impacts such retention may have on residential amenity.
- 6.3.7 Through the combination of the retention of existing healthy mature landscaping and the addition of a comprehensive landscaping scheme to introduce new strategic planting (to be secured by condition) it is considered that the loss of the 11 trees could be sufficiently mitigated along with the views into the site. Subsequently considering the above it is judged that the proposed development would not detract from the existing visual amenity or setting of the Shropshire Hills AONB.

6.4 Historic Environment

- 6.4.1 Neither the application site or Corfton and Lower Corfton are set within a conservation area, however immediately adjacent to the south west boundary of the site is a grade II listed building. Beyond this building a further 3 listed buildings can be found within the southern part of Lower Corfton, including a grade II* property. A Schedule Ancient Monument also lies adjacent to the Grade II* dwelling. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that local planning authorities should pay special attention to the desirability of preserving or enhancing the setting of a listed building. Part 12 of the NPPF and CS17 and SAMDev MD13 supports the above.
- 6.4.2 A Heritage Impact Assessment accompanies the planning application, which also identifies that the settlement of Lower Corfton itself to the south of the application is could be deemed a non-designated heritage assets in addition to the designated heritage assets in the area. The assessment also includes analysis of the various heritage assets as outlined above as well as also key views from Lower Corfton in terms of the wider setting of the site.
- 6.4.3 The Council's Conservation Officer has considered the Heritage Impact Assessment and notes the suggestion mitigation measures through the use of further landscaping of the site to assist with screening of the two storey dwellings which it is accepted will be more visible than the current poultry units. The Conservation Officer considers the proposed design and scale of the dwellings are traditional and appropriate to the local vernacular and rural character of the site. Subject to conditions to secure precise details of the materials and additional landscape planting the Conservation Officer raises no objections to the proposal and it is considered that any harm to the setting of the historic environment caused by the increase in height as a result of the two storey scale of the development is less than substantial when considering the proposal against current policy context on development in this settlement.
- 6.4.4 Archaeology - As previously noted, the proposed development site lies around 180m from the boundary of 'The mount motte and bailey castle' Scheduled Monument (National Ref. 1012856). In addition near the application site there are several known archaeological sites including probable earthwork remains of ridge and furrow (Shropshire Historic Environment Record [HER] No 20934), Hale Barn ring ditch (HER 02051), and a postulated Roman road running between Greensforge (Staffs) and central Wales (HER 04076).
- 6.4.5 The Council's Archaeologist has considered the scheme and notes that the site will have been subject to some previous ground disturbance during the construction of the existing poultry units, which may have disturbed or at least partially truncated earlier below ground archaeological features or deposits which may have existed on the site. However, the proposed development site includes some areas of open ground and therefore the proposed development site may still retain some archaeological potential and any below ground archaeological remains are likely to be affected by the proposed new development.

6.4.6 In view of this and in accordance with the National Planning Policy Framework (NPPF) Section 141, a condition requiring a programme of archaeological work, to comprise an archaeological watching brief during any ground works associated with the proposed development, should be a condition of any planning permission granted. No objection is raised by the Councils Archaeologist regarding the setting of the Scheduled Monument and no response has been received following consultation with Historic England.

6.5 Biodiversity

6.5.1 National guidance gives a duty to public bodies (including Local Planning Authorities) to ensure development does not harm protected species or its habitat. The National Planning Policy Framework (NPPF) emphasises that Local Planning Authorities should ensure development contributes to and enhances the natural and local environment including minimising impacts on biodiversity and providing net gains where possible. Core Strategy policy CS17 and SAMDev policy MD12 reflects the obligations placed by Wildlife Legislation to ensure the protection and enhancement of ecological interests.

6.5.2 The application is accompanied by technical Ecology reports by Greenscape Environmental Ltd. An unmapped garden pond was identified within 10m of the proposed development site. The Habitat Suitability Index of 0.81 indicated that the pond was suitable to support breeding great crested newts, and phase 2 surveys recorded a small population (max count 4). The reports identify that of the total area to be developed (1 hectare), this includes 0.15 hectares of suitable great crested newt habitat within 50m of a breeding pond and 0.49 hectares within 50-250m of the pond.

6.5.3 At the request of the Councils Ecologist additional mitigation and enhancement measures have been submitted which includes hedgerow planting, grassland re-seeding and management, orchard and scrub Planting and creation of two Hibernacula's (shelters) to the south west corner in areas identified behind plots 2 and 3.

6.5.4 As a result of the report findings it is concluded by the applicants Ecologist that the development would be required to be carried out under a European Protected Species (EPS) Licence from Natural England. The Councils Ecologist concurs with these conclusions and the implications of the development for the site's conservation objectives are considered fully in the Habitat Regulations Three Tests EPS matrix attached to this report as Appendix 2. In summary it is concluded in the matrix that the development has public benefits, there is no satisfactory alternative, and the proposal will not be detrimental to the maintenance of the population of great crested newts. Conditions requiring submission of a habitat management plan, landscaping and installation of bat and bird boxes will also assist to mitigate against and negative loss of habitat and enhance the biodiversity at the site.

6.6 Highways

6.6.1 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 that:

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

- 6.6.2 The application proposes to utilise the existing vehicular access, which links directly from the B4368, with the existing secondary access leading onto the no through road which serves the southern part of the village being restricted to pedestrian/cycle access only.
- 6.6.3 The Councils Highways team considered that the B4368 access is of an acceptable standard in terms of width and visibility splays so not to result in harm to highway safety. A condition to ensure that the access apron between the carriageway edge and the gate is re-surfaced with a bound material is recommended. A condition requiring the submission of a construction management plan is also recommended by the Councils Highways Team. Subject to these conditions the Councils Highways team are content that the proposed development would not compromise highway safety.

6.7 Drainage

- 6.7.1 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 existing runoff rate and not to result in an increase in runoff. In this case the application is supported a Drainage Report, dated January 2017 which includes a Flood Risk Assessment due to the site exceeding 1ha in size. Drainage plans showing the proposed surface water and foul water routes and consideration of urban creep also were submitted alongside the application following request for additional information from the Councils Drainage Team.
- 6.7.2 Surface water drainage
The Drainage report confirms that at present there is no formal surface water drainage system in place and thus surface water currently flows unrestricted into the existing watercourse which runs along the southern boundary of the site. The report also confirms that the ground is made up of heavy clays and has insufficient porosity to allow for the use of soakaways for the disposal of the surface water drainage. The Councils Drainage Team initially requested percolation tests to be carried out in accordance with BRE365, however given the report findings and that the proposed drainage system would not incorporate soakaways the Councils Drainage team have since accepted that in this case BRE365 percolation tests are not necessary.
- 6.7.3 Rather than the use of soakaways for surface water drainage the scheme proposes to install a new piped drainage system with attenuation tanks and controlled outfall to assist with minimising surface water run-off. The location of the pipes and the attenuation tanks are shown on drainage plan number CP-GA-400, Rev A, December 2016. The report confirms that the surface water drainage has been designed for a 1 in 100 year event plus 35% climate change for a range of storms. Exceedence flows have been considered and an allowance of 10% urban creep

has been included in the drainage areas for any potential increase in impermeable areas and is demonstrated on the submitted Drainage Areas plan drawing number CP-DA-401, December 2016.

- 6.7.4 The plan shows the attenuation tanks to be sited within the proposed curtilages of plots 5 and 6, to prevent the tanks from being damaged as a result of any future building work permitted development rights shall be removed via planning condition for these two plots.
- 6.7.5 The Drainage report also confirms that the existing water course to the south of the site is fed by local springs. The report does not confirm whether there are any springs on the site, however it does state that should any springs be encountered during development they will be provided with a manhole chamber for capture and a piped outfall to the watercourse.
- 6.7.6 Whilst the existing water course would continue to provide the outflow for the surface water and cleaned foul water drainage it is considered that with the formalisation of a surface water drainage system the level of water outflow would be more controlled than at present. From the information available some aspects of the proposed surface water drainage system to accommodate the proposed development, taking account of the ground conditions and, due to the topography, surface water flows onto the site from adjacent higher land, would need to be the subject of a condition on any approval issued requiring approval by the local planning authority before any development commences. The purpose of the condition would be to ensure that the proposed development itself would be safeguarded from the potential effects of flooding and to not exacerbate the risk of flooding elsewhere.
- 6.7.7 Foul drainage is proposed in the form of individual package treatment plants and the Councils Drainage team raise no objections subject to conditions to establish the precise detail of the size of the tanks.

6.8 Residential Amenity

- 6.8.1 Core Strategy Policy CS6 requires all development to safeguard the amenities of neighbouring residents. The spacing between the proposed plots is considered sufficient to ensure there is adequate residential amenity for future occupiers of the dwellings. In terms of the impact on existing neighbouring properties, the nearest dwelling, 9 Lower Corfton is separated from the site by a mature band of trees. This combined with the proposed separation distances would ensure that the impact on residential amenity is not unduly compromised as a result of the proposal.

7.0 CONCLUSION

- 7.1 Corfton is identified as a community cluster and the application site due to the presence of the redundant poultry buildings on the site which the development would replace and the established mature boundary hedging the scheme would represent infill in this case and not result in the encroachment of built development into the countryside.

- 7.2 Whilst the settlement guideline with respect to dwelling numbers would be exceeded through the granting of this planning application, the proposal is considered to represent a sustainable form of development and the impacts of granting permission for 2 further dwellings above the housing numbers in the settlement policy would not significantly or demonstrably outweigh the benefits when assessed against the policies in the NPPF and Development Plan taken as a whole.
- 7.3 The proposed siting, scale and design of the dwellings is considered acceptable and subject to conditions will have no adverse impact on the visual amenity of the locality, setting of the Shropshire Hills AONB, historic environment or neighbouring properties.
- 7.4 The development can be carried out without detriment to protected species of the site and a safe means of access and adequate parking spaces can be provided without undue harm to highway safety.

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 (NPPF)
National Planning Practice Guidance (NPPG)

Core Strategy and Site Allocations and Management of Development (SAMDev) Plan:

CS1 Strategic Approach
CS4 Community Hubs and Community Clusters
CS6 Sustainable Design and Development Principles
CS9 Infrastructure Contributions
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management

MD1 Scale and Distribution of Development;
MD2 Sustainable Design
MD3 Managing Housing Development
MD8 Infrastructure Provision
MD12 Natural Environment
MD13 Historic Environment

Settlement Policies
S7 Craven Arms

RELEVANT PLANNING HISTORY:

16/00915/FUL Erection of 6No detached dwellings (including 1No affordable dwelling) following demolition of former poultry unit and installation of package treatment plant WITHDRAWN 13th April 2016

SS/1/4911/P/ Erection of a poultry house, 3 feed hoppers and a new vehicular access.
PERCON 1st November 1994

SS/1982/180/P/ Removal and re-erection on new site of existing Deep Litter Poultry House.
PERCON 28th May 1982

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=OBT62CTDGBA00>

List of Background Papers

16/03628/FUL - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages

Cabinet Member (Portfolio Holder) - Cllr R. Macey

Local Member - Cllr Cecilia Motley

Appendices

APPENDIX 1 – Conditions and Informatives

APPENDIX 2 – European Protected Species – 3 Tests Matrix

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: -

Location Plan and Block Plan - 1849 08L

Ecology - Site Layout - 1849 08P

Tree Protection plan - 1849 08G - Note: Dwelling layout shown on this plan is not approved.

Drainage Plan - CP-GA-440 Rev A

Drainage Areas - CP-DA-401

Plot 1 - Elevations - 1849 22D

Plot 1 - Floor Plans - 1849 21A

Plot 2 - Elevations - 1849 24B

Plot 2 - Floor Plans - 1849 23B

Plot 3 - Elevations - 1849 26D

Plot 3 - Floor Plans - 1849 25D

Plot 4 - Elevations - 1849 30C

Plot 4 - Floor Plans - 1849 29C

Plot 5 - Elevations - 1849 32D

Plot 5 - Floor Plans - 1849 31D

Plot 6 - Elevations - 1849 34D

Plot 6 - Floor Plans - 1849 33D

Plot 7 - Elevations - 1849 36B

Plot 7 - Floor Plans - 1849 35B

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

3. Work shall be carried out strictly in accordance with the Phase 1 and 2 Environmental Survey conducted by Greenscape Environmental Ltd (Updated 2016) and as shown on the Proposed Housing Development Site Layout Plan prepared by Balfours Revision

17.02.2017 drawing number 1849 08 P, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the protection of great crested newts, a European Protected Species

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. No development, demolition or site clearance procedures shall commence until a European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained from Natural England and a copy submitted to the Local Planning Authority. Work shall be carried out strictly in accordance with the granted EPS Mitigation Licence.

Reason: To ensure the protection of Great Crested Newts, a European Protected Species

5. No works associated with the development will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until all pre-commencement tree protection measures detailed in the approved Arboricultural Method Statement (AMS) and / or Tree Protection Plan (TPP) by Forester and Arborist Services Ltd shall be fully implemented. The tree protection measures shall thereafter be maintained in a satisfactory condition throughout the duration of the development and until all equipment, machinery and surplus materials have been removed from the site.

Any tree protection area fenced in accordance with this condition shall be treated as a construction exclusion zone (CEZ); nothing shall be stored or placed and ground levels shall not be altered nor any excavation made, within the CEZ, without the prior written consent of the Local Planning Authority.

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

6. Notwithstanding the foul drainage scheme submitted no development shall commence until full details, location and sizing of the package treatment plant and outfall to the existing watercourse have been provided for approval in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure a satisfactory foul water drainage system.

7. No development shall take place until the surface water drainage details submitted with the application have been supplemented with proposed measures to address the potential for surface water drainage flows across the site, which have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure the proposed development itself would be safeguarded from the potential effects of flooding and does not exacerbate the risk of flooding elsewhere.

8. No development shall take place, including any works of demolition, until a Construction Method Statement (Traffic Management Plan) 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:
- 1 - The parking of vehicles of site operatives and visitors
 - 2 - Loading and unloading of plant and materials
 - 3 - Storage of plant and materials used in constructing the development
 - 4 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - 5 - Wheel washing facilities
 - 6 - Measures to control the emission of dust and dirt during construction
 - 7 - A scheme for recycling/disposing of waste resulting from demolition and construction works
 - 8 - A traffic management and HGV routing plan

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

9. a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The Report is to be submitted to and approved in writing by the Local Planning Authority.
- b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.
- d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.
- e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the

land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

10. Prior to the commencement of work on site a 10m buffer shall be fenced off parallel to the banks along the length of the water course, put in place within the site to protect the watercourse during construction works. No access, material storage or ground disturbance should occur within the buffer zone. The fencing shall be as shown on a site plan to be submitted and approved by the Local Planning Authority before the installation of the fencing.

Reason: To ensure the protection of the Environmental Network during development.

11. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

12. No development shall commence until a landscaping plan has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include:
 - a) A tree planting scheme, prepared in accordance with 'British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape Recommendations', or as amended,
 - b) Means of enclosure, including all security and other fencing
 - c) Hard surfacing materials
 - d) Planting plans, including wildlife habitat and features (e.g. hibernacula)
 - e) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
 - f) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties)
 - g) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
 - h) Implementation timetables

The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

Reason: To ensure satisfactory tree and shrub planting as appropriate to enhance biodiversity and the appearance of the development and its integration into the surrounding area.

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

13. All hard and soft landscape works as approved by condition 12 shall be carried out in full prior to the occupation / use of any part of the development hereby approved, or in accordance with a timetable which has first been approved in writing by the Local Planning Authority. 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 designs.

14. Prior to the first occupation of the development a habitat management plan shall be submitted to and approved by the local planning authority. The plan shall include:
- a) Description and evaluation of the features to be managed;
 - b) Aims and objectives of management;
 - c) Appropriate management options for achieving aims and objectives;
 - d) Prescriptions for management actions;
 - e) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
 - g) Personnel responsible for implementation of the plan;

The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

Reason: To protect features of recognised nature conservation importance.

15. 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.

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

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

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

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

18. Before any of the dwellings are first occupied, the full width of the existing access to the B4368 shall be resurfaced in a bound material between the carriageway edge and gate.

Reason: In the interests of Highway Safety.

19. A total of 4 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site as shown on a site plan prior to first occupation of the buildings hereby permitted.

Reason: To ensure the provision of nesting opportunities for wild birds.

20. Prior to the first occupation of the development hereby approved details of the measures to facilitate access to the watercourse along the south western boundary for maintenance purposes shall be submitted for approval in writing by the Local Planning Authority and shall remain for the lifetime of the development.

Reason: To ensure access for future maintenance in order to reduce flood risk in the locality.

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

21. For plots 5 and 6 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 (extensions and alterations to a dwelling house; Class D (porches) and Class E (buildings incidental to the enjoyment of the dwelling house); shall be erected, constructed or carried out.

Reason: To protect and maintain the structural integrity of the surface water attenuation tank system to ensure surface water drainage system is not comprised and reduce the risk of flooding.

APPENDIX 2

EUROPEAN PROTECTED SPECIES – Consideration of the three tests



Application name and reference number:

16/03628/FUL

Former Poultry Unit Site
Corfton
Shropshire
SY7 9LD

Demolition of former poultry units and erection of 7 detached dwellings (AMENDED DESCRIPTION)

Date of consideration of three tests:

20th March 2017

Consideration of three tests carried out by:

Nicola Stone
Planning Ecologist

Luke Ashley
Planning Consultant

- 1. Is the development 'in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment'?**

The removal of the existing buildings which are falling into disrepair would be of benefit to public health and safety. The scheme would deliver a range of economic and social benefits which would be of the public interest, including the increase of the local housing stock.

As set out within the accompanying Ecological Reports, enhancements within the site area would serve as compensation for the loss of any habitat as well as enhance habitat and landscaping features in the locality, benefiting the local protected species as a whole and in particular the Great Crested Newt population.

2. Is there ‘no satisfactory alternative’?

The site currently contains redundant buildings that are falling into disrepair. The form of development proposed would secure the restoration of the site in a manner that complements the visual amenity and rural character of the area and would be compatible with the adopted Development Plan policies for the area. It would not be a ‘satisfactory alternative’ for the site remain in its present state and not be put to a viable future use, which would be achieved by the proposed residential development.

3. Is the proposed activity ‘not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range’?

I have read the above application and the supporting documents including the;

- Environmental Survey report conducted by Greenscape Environmental Ltd (2014)
- Phase 1 and 2 Environmental Survey conducted by Greenscape Environmental Ltd (Updated 2016)
- Proposed Housing Development Site Layout Plan prepared by Balfours Revision 17.02.2017 drawing number 1849 08 P.

There are areas of ruderal growth and bramble on site. During the survey 3 toads were found under refuge. An unmapped garden pond was identified within 10m of the proposed development site. The Habitat Suitability Index of 0.81 indicated that the pond was suitable to support breeding great crested newts, and phase 2 surveys recorded a small population (max count 4).

A small section of hedging along the northern boundary of the site will be affected, with entrances created for access to some of the houses. A replacement Hedge has been planted.

The total area to be developed is 1 hectares, this includes 0.15 hectares of suitable gcn habitat in 50m of the breeding pond and 0.49 hectares of suitable gcn habitat in 50-250m. As mitigation 0.09 hectares will be created and enhanced for gcn within 50m of the pond – this does not include habitat in gardens, and 0.242 hectares within 50-250m of the breeding pond. The mitigation will include - Hedgerow planting 61m, Grassland re-seeding Area within 50m of pond selected for compensation, Grassland management 0.21 ha (orchard planting-double), Scrub Planting 0.05ha, Hibernacula creation 2 enhancing core area.

Works will be conducted under a Natural England European Protected Species Licence. The pond will be protected with the site being fenced during the preparation and development of the site.

The land to the west and east will be enhanced prior to development. This will provide an instant area for receptor site for newts. As this is on land owned currently by the applicant permission will not be needed for this. The receptor site will be free from future development. Work will follow a strict method statement outlining reasonable precautions for securing the safety of individual newts. This will include exclusion fencing subject to 30 days trapping.

The proposed development will not be detrimental to the maintenance of the population of great crested newts recorded at a favourable conservation status within their natural range provided that the following conditions detailed in the response from Nicola Stone to Luke Ashley dated 20th March 2017 is on the decision notice and are appropriately enforced:

1. No development, demolition or site clearance procedures shall commence until a European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained and submitted to the local planning authority for the proposed work prior to the commencement of works on the site. Work shall be carried out strictly in accordance with the granted EPS Mitigation Licence.

Reason: To ensure the protection of Great Crested Newts, a European Protected Species

2. Work shall be carried out strictly in accordance with the Phase 1 and 2 Environmental Survey conducted by Greenscape Environmental Ltd (Updated 2016) and as shown on the Proposed Housing Development Site Layout Plan prepared by Balfours Revision 17.02.2017 drawing number 1849 08 P, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the protection of great crested newts, a European Protected Species

3. A landscaping plan shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development. The submitted scheme shall include:
 - a) Means of enclosure, including all security and other fencing
 - b) Hard surfacing materials
 - c) Planting plans, including wildlife habitat and features (e.g. hibernacula)
 - d) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
 - e) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties)
 - f) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
 - g) Implementation timetables

The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

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

4. A habitat management plan shall be submitted to and approved by the local planning authority prior to the occupation of the development. The plan shall include:
 - a) Description and evaluation of the features to be managed;
 - b) Aims and objectives of management;
 - c) Appropriate management options for achieving aims and objectives;
 - d) Prescriptions for management actions;
 - e) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
 - f) Personnel responsible for implementation of the plan;

The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

Reason: To protect features of recognised nature conservation importance.

Informative

Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended).

This page is intentionally left blank



Committee and date
 South Planning Committee
 4 July 2017

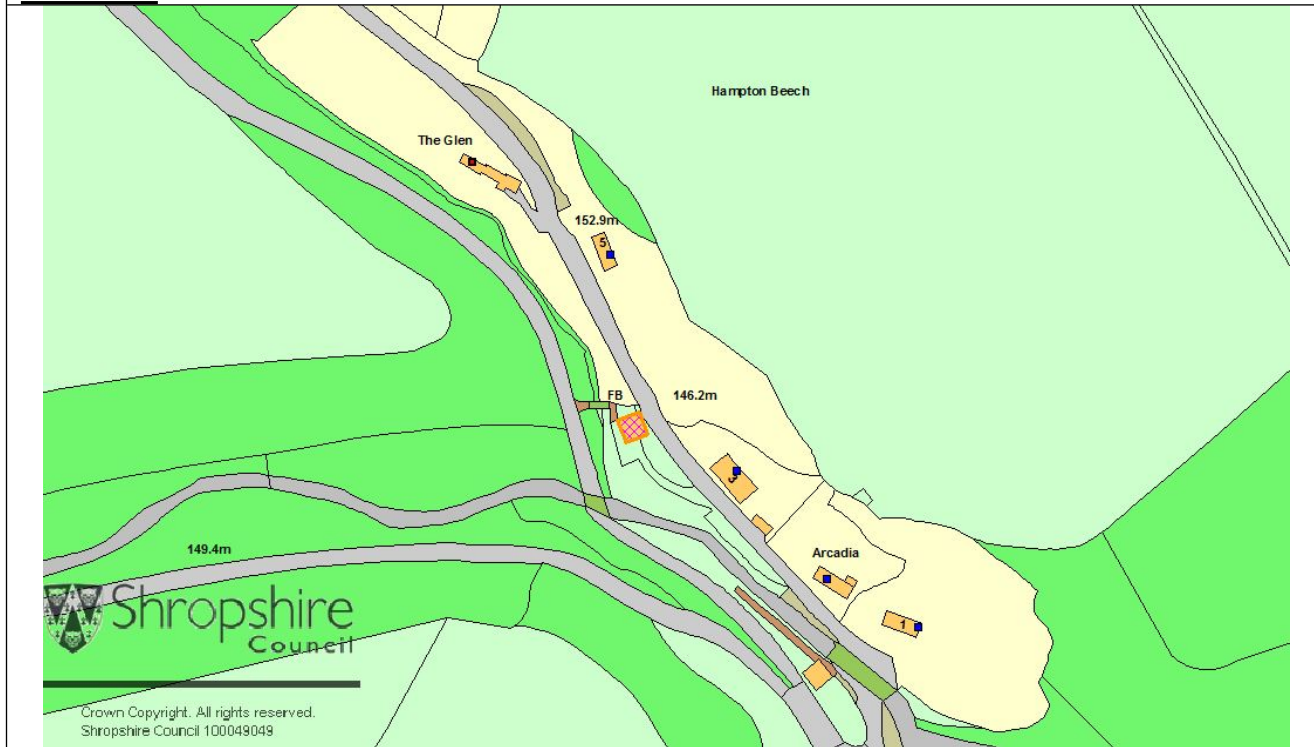
Development Management Report

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

Summary of Application

Application Number: 17/00448/FUL	Parish:	Worthen With Shelve
Proposal: Conversion of garage into games room/occasional overnight accommodation, to include new shower room (part retrospective)		
Site Address: The Glen Cottage 6 Worthen Shrewsbury Shropshire SY5 9JH		
Applicant: Linda Jones		
Case Officer: Trystan Williams	email: planningdmsw@shropshire.gov.uk	

Grid Ref: 330835 - 305321



© 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 This application seeks full planning permission to convert an existing detached outbuilding within the curtilage of the above dwelling house into additional, ancillary accommodation comprising a games room, shower room and mezzanine 'bunk' area. An additional plan also now shows the installation of a new package sewage treatment plant for foul drainage.

1.2 It is noted that the application is at least partially retrospective, with the conversion work already having been well under way at the time of the officer's site inspection.

2.0 SITE LOCATION/DESCRIPTION

2.1 The Glen is a rendered cottage perched on the steep and well wooded northeast bank of a deeply incised brook at Hampton Beech, just north of its confluence with Brockton Brook and 1 mile northwest of Brockton (Worthen) village. The building in question is situated towards the lower southern tip of the property's long, tapering curtilage, and is served by a separate access and parking area angled obliquely to the adjacent lane before it continues upwards past the cottage itself. Built c2007 to replace a smaller garage (see planning application No. SS/1/07/19535/F), it has a footprint of roughly 43m² and is ostensibly a single-storey structure with a gabled roof and ridgeline a little under 4 metres high. The walls are timber-clad, and the roof slated.

2.2 Immediately behind is the waymarked (but seemingly not definitive) route of a public footpath linking the road with a footbridge across the brook, and in turn a track leading northwest to Beechfield Farm. Directly opposite the site entrance, meanwhile, is a modern 1"-storey house (No. 3 Hampton Beech), again weatherboarded under a slate roof, and there are two more dwellings further southeast along the road.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 In accordance with the Council's adopted 'Scheme of Delegation' the application is referred to the planning committee for determination since the officer recommendation is contrary to the Parish Council's objection, and Shropshire Council's Local Member and Planning Committee Chair consider that issues raised warrant consideration by the committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee comments

4.1.1 Worthen with Shelve Parish Council:

6/3/17 – objection:

Drainage and flooding issues will be considered by the relevant authority. However, despite the inclusion of a shower room within the scheme no details of drainage arrangements have been provided, and based on extensive local knowledge of the adjacent brook and weather conditions here there are concerns about flood risk. There have been recent and historic cases of flooding in this area.

4.1.2 24/5/17 – objection:
Councillors stand by their original comments.

4.1.3 Shropshire Council Rights of Way – no objection:
No public rights of way appear to be affected.

4.1.4 Shropshire Council Flood and Water Management – no objection:
No comments from a drainage and flood risk perspective.

4.2 **Public comments**

4.2.1 One neighbouring resident objects and another has submitted a neutral comment.
The following points are made:

- An error on the Council's part meant this garage was built larger than it should have been, which in turn set a precedent for a similarly oversized garage opposite one of the other dwellings further down the hill. Both were built by unqualified people and are unlikely to meet the Building Regulations applicable to habitable structures.
- The local planning authority has ignored neighbours' previous concerns about the installation of water, electricity and wood burning stoves in this building and the other similar 'garage' nearby. Subsequently this one was used as a workshop and later as part of a builder's yard, with heavy machinery and mechanical noise disturbing local residents late at night. Problems with the other garage are still ongoing.
- It now appears that the ultimate intention all along was to convert the building into a dwelling. Although described as a games room and occasional overnight accommodation, it is believed that it may in fact be used as a 'crash pad' for the applicant's son, suggesting more permanent occupancy. This would be difficult to avoid once planning permission is granted, as would the possibility of holiday lettings etc. in the future. Such a level of activity would be unacceptable given that the site entrance directly opposes the front door of No. 3 Hampton Beech.
- The garage is some sixty metres from the main house and connected via a steep, narrow path or else by the road, which is also steep, unlit and very rough. Use of either route would be dangerous at night time.
- The building is far too close to the adjacent watercourses, and because the site floods badly on a regular basis the spillage of sewage and grey water cannot be avoided. This would speed the demise of species such as brook trout, dippers, kingfishers and otters at or adjacent to the site itself, and would also have implications for ecology and leisure activities further downstream, including along the Rea Brook and ultimately the River Severn.

5.0 **THE MAIN ISSUES**

- Principle of development
- Design and visual impact
- Impact on residential amenity
- Flood risk and drainage
- Ecology and other matters raised in representations

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Alterations and additions to established dwellings are acceptable in principle under the Council's Supplementary Planning Document on the Type and Affordability of Housing, which supports Core Strategy Policy CS11. Whilst this does not refer specifically to detached outbuildings or annexed accommodation, such development poses no fundamental conflict with policy provided it would genuinely be used for ancillary purposes in connection with the existing house and not as a new, separate unit.

6.1.2 Ordinarily the conversion of an *existing* domestic garage into a games room or overspill accommodation would not require planning permission, as merely swapping one ancillary use for another would not amount to a material change of use. In this case it is only the physical alterations proposed (including the insertion of a mezzanine, which could be held to result in the building having more than one storey), and the combination of the building's height and proximity to the road, that mean 'permitted development' rights do not apply and bring the scheme within planning control. This does provide an opportunity to impose a condition stipulating ancillary use, which is not included on the original permission for the garage.

6.1.3 With regard to the neighbours' comments, there is no legal basis or planning justification for restricting the frequency or duration of the building's occupancy, even assuming that this could reasonably be enforced, bearing in mind that even longer-term occupation by a family member dependent on the main house for day-to-day needs (such as cooking and taking meals) would still constitute an ancillary use. Whilst it is acknowledged that the outbuilding is some distance from The Glen itself and has its own vehicular access and parking area, this is an historic arrangement arising from the topography, and in any event the building's very limited floor space and shared utility connections effectively prevent it from functioning as an entirely independent unit. It should also be noted that whatever the alleged previous owner's ultimate motives or intentions in applying for a garage back in 2007, and notwithstanding the alleged commercial uses in the interim (which have now ceased), a games room or annexe might well have been equally acceptable from the outset in planning and land-use terms. Holiday or other commercial lettings would, however, require a separate permission.

6.2 Design and visual impact

6.2.1 The external alterations are limited to the installation of replacement and additional doors, windows and roof lights. These very modest changes to the existing building, whose presence within the landscape is established, will have a negligible impact on the surrounding area.

6.3 Impact on residential amenity

6.3.1 The building itself is a reasonable distance (some 22 metres) from the front of the closest neighbouring dwelling (No. 3), and set at an oblique angle with hedging in-between. Consequently the newly glazed frontage will not result in an unreasonable degree of overlooking. The neighbour's point about the vehicular access emerging directly opposite No. 3's front door is noted, but again this arrangement is well established and comings and goings are unlikely to increase significantly as a result of the building being used as a games room/annexe instead of a garage.

6.4 **Flood risk and drainage**

6.4.1 The applicant contends that the building itself has not flooded whilst under her ownership and, according to other anecdotal evidence, was unaffected by historic flood events before that. Certainly it is outside the medium and high risk flood fluvial and surface water flood zones as mapped by the Environment Agency, with these running tighter to the watercourses.

6.4.2 With regard to foul drainage, as noted above an amended plan now shows the installation of a 'Bio-Pure' package treatment plant. Unlike a septic tank this will produce a treated effluent clean enough to be discharged directly into the watercourse. Ultimately its installation will also be subject to Building Regulations and Environment Agency controls.

6.5 **Ecology and other matters raised in representations**

6.5.1 The conversion of this existing, modern outbuilding for a different form of ancillary domestic use is unlikely to have any significant impacts on protected species or the adjacent watercourses, particularly given the relatively high-specification drainage system.

6.5.2 With regard to the neighbours' other comments, it is not the role of the planning system to duplicate the structural requirements of the Building Regulations, whilst pedestrian safety between the outbuilding and the main house is a private matter for the applicant's family to consider and address as they see fit.

7.0 **CONCLUSION**

7.1 The scheme is acceptable in principle on the understanding that the additional habitable accommodation created through the conversion of the garage will remain ancillary to the occupation of the house itself. The visual impact would be negligible, and there would be no significant impacts in terms of residential amenity given the building's distance from the neighbouring properties and the established access arrangements. Furthermore there are no undue concerns regarding flood risk or ecology, particularly following the submission of satisfactory foul drainage details. The application therefore accords with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions to reinforce the critical aspect.

8.0 **RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

8.1 **Risk management**

8.1.1 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**

8.2.1 Article 8 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst 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.

8.2.2 Article 1 also requires that the desires of landowners must be balanced against the impact of development upon nationally important features and on residents.

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

8.3 **Equalities**

8.3.1 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**

9.1 There are likely financial implications if the decision and/or imposition of conditions are 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.

10.0 **BACKGROUND**

Relevant Planning Policies:

Central Government Guidance:

National Planning Policy Framework

Shropshire Local Development Framework:

Core Strategy Policies:

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

CS18 - Sustainable Water Management

SAMDev Plan Policies:

MD2 - Sustainable Design

MD12 - Natural Environment

Supplementary Planning Documents:

Type and Affordability of Housing

Relevant Planning History:

SS/1/07/19535/F – Erection of replacement garage (permitted June 2007)

SS/1/08/20582/F – Alterations to existing vehicular access; erection of retaining wall (permitted May 2008)

11.0 ADDITIONAL INFORMATION

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=OKLX1ETDJJ200>

<p>List of Background Papers: Application documents available on Council website</p>
<p>Cabinet Member (Portfolio Holder): Cllr R. Macey</p>
<p>Local Member: Cllr Heather Kidd</p>
<p>Appendices: Appendix 1 – Conditions and Informatives</p>

APPENDIX 1 – CONDITIONS AND INFORMATIVES

STANDARD CONDITIONS

1. The development shall be completed and maintained in strict accordance with the approved plans and drawings listed below.

Reason: To define the consent and ensure that the development is in scale and character with the original dwelling and its surroundings, in accordance with Policies CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

CONDITIONS RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

2. The accommodation hereby permitted shall only be used for purposes in connection with and ancillary to the enjoyment of the existing dwelling (named 'The Glen') situated on the land outlined in blue ink on the approved site location plan. At no time shall it be occupied as a separate dwelling or used for commercial or business purposes.

Reason: To safeguard the residential amenities of the area and prevent the use of the development for purposes which may be inappropriate in the open countryside, in accordance with Policies CS5, CS6 and CS11 of the Shropshire Local Development Framework Adopted Core Strategy.

INFORMATIVES

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



<u>Committee and date</u>
South Planning Committee
4 July 2017

Development Management Report

SCHEDULE OF APPEALS AS AT COMMITTEE 4 JULY 2017

LPA reference	14/03290/EIA
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	MS And JE Mann Bedstone Growers
Proposal	Construction of four poultry sheds and feed bins, ancillary works, formation of new vehicular access, erection of biomass building and associated landscaping
Location	Proposed Poultry Units South East Of Hoptonheath Shropshire
Date of appeal	23.03.2016
Appeal method	Written Representations
Date site visit	18.10.2016
Date of appeal decision	25.05.2017
Costs awarded	Yes
Appeal decision	Dismissed

LPA reference	16/04411/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Duncan Stanworth
Proposal	Refurbishment and conversion of existing redundant buildings to form a private dwelling
Location	Proposed Dwelling North Of Redhill Garage Redhill Shifnal Shropshire
Date of appeal	17.03.2017
Appeal method	Written Representation
Date site visit	
Date of appeal decision	25.05.2017
Costs awarded	
Appeal decision	Dismissed

LPA reference	15/04010/FUL
Appeal against	Non Determination
Committee or Del. Decision	N/a
Appellant	Mr & Mrs Gittings
Proposal	Change of use from public house to a single dwelling house
Location	Rock House Inn Much Wenlock Road Farley Much Wenlock Shropshire TF13 6NX
Date of appeal	17.03.2017
Appeal method	Written Representations
Date site visit	8.5.2017
Date of appeal decision	26.05.2017
Costs awarded	
Appeal decision	Allowed

LPA reference	15/05508/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Delwyn Jones
Proposal	Erection of dwelling and garage with office above and new vehicular access
Location	Proposed Dwelling South West Of Aston Rogers Westbury Shropshire
Date of appeal	08.09.2016
Appeal method	Written Representations
Date of appeal decision	07.06.2017
Costs awarded	
Appeal decision	Dismissed

LPA reference	16/02739/FUL
Appeal against	Called in application
Committee or Del. Decision	Committee
Appellant	Application called in by Secretary of State
Proposal	Erection of 5No retail units, car parking, reconfigured access, landscaping and associated works
Location	Land Adjacent To Sainsburys Supermarket Old Smithfield Bridgnorth Shropshire
Date of appeal	08/05/2017
Appeal method	Inquiry
Date of appeal decision	
Costs awarded	
Appeal decision	

This page is intentionally left blank

Appeal Decision

Site visit made on 18 October 2016

by **R C Kirby BA(Hons) DipTP MRTPI**

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

Decision date: 25 May 2017

Appeal Ref: APP/L3245/W/16/3146508

Land at Heath Farm, Hopton Heath, Craven Arms, Shropshire

- 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 MS and JE Mann T/A Bedstone Growers against the decision of Shropshire Council.
 - The application Ref 14/03290/EIA, dated 22 July 2014, was refused by notice dated 14 October 2015.
 - The development proposed is construction of four poultry sheds and feed bins, ancillary works, formation of new vehicular access, erection of biomass building and associated landscaping.
-

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by MS and JE Mann T/A Bedstone Growers against Shropshire Council. This application is the subject of a separate Decision.

Procedural Matters

3. An application for an intensive rearing unit for 216,000 standard birds is a Schedule 1¹ development for which an Environmental Impact Assessment (EIA) is mandatory. An Environmental Statement was submitted and forms part of the application. The EIA documentation also formed the basis of an application to the Environment Agency for an operating permit² which is designed to ensure that statutory environmental controls are met. An Environmental Permit has been issued³. This provides a system for regulating poultry operators based on the general principle that operators should take all appropriate preventative measures against pollution, in particular through the application of Best Available Technique enabling improvements in environmental performance.
4. During the course of the appeal, additional information to comply with Schedule 4 of the EIA Regulations was submitted by the appellant including a Landscape Masterplan (June 2016), an Archaeological Written Scheme of Investigation (July 2016), a Non-Technical Summary (July 2016); a Construction Dust Air

¹ Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (EIA Regulations)

² Under the Environmental Permitting (England and Wales) Regulations 2010

³ Permit number EPR/TP3637ET

Quality Assessment (July 2016), a Noise Assessment (July 2016) and a Drainage Justification (July 2016). The appellant undertook the required advertising of the additional information and I am satisfied that no party would be prejudiced if I consider this information.

5. During the course of the appeal, the Council adopted the Site Allocations and Management of Development Plan (SAMDev Plan). This forms part of the development plan with the Shropshire Local Development Framework: Adopted Core Strategy (CS).

Main Issues

6. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the area, having particular regard to the design of the scheme and activity associated with it;
 - the effect on the local tourism industry;
 - the effect of the proposal the River Clun Special Area of Conservation; and
 - whether any benefits of the proposed development exist which would outweigh any identified harm.

The Proposal

7. Bedstone Growers is based at Heath Farm, Hopton Heath. The farm extends to 283 hectares in total, of which around 243 hectares is used for arable cropping. In addition there are approximately 10 hectares of blueberries grown. At the main farmstead is a broiler operation with an IPPC permit for 295,000 birds, although the appellants advise that there were 279,180 birds as of March 2017. The enterprise supplies birds to Cargills in Hereford. The appellant wishes to expand the poultry side of the enterprise. It is therefore proposed to construct 4 buildings on the appeal site, which is located approximately 750 metres north east of the existing poultry enterprise. Each building would house 54,000 birds.
8. The poultry sheds would measure 109.73 metres by 24.5 metres and their height would be 4.8 metres to the ridge vents. The proposed feed bins would be located in 2 groups of 5, at the eastern side of the site between buildings 1 and 2 and buildings 3 and 4. They would have a maximum height of 7.5 metres. Four biomass boilers are also proposed and these would be housed in a building to the south-west of the proposed poultry sheds. This would measure 22.46 metres by 17.69 metres. A new access would be created off the B4385.

Reasons

Character and Appearance

9. CS Policy CS5 is concerned with the countryside and the Green Belt. The appeal site is located within the countryside but not within the Green Belt. This policy explains that new development in these areas will be strictly controlled. However, subject to further controls which apply in the Green belt, proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. In respect of large-scale, new

- agricultural development, the policy requires it to be demonstrated that the proposal would have no unacceptable adverse environmental impacts.
10. Although not referred to within the Council's decision notice, CS Policy CS6 requires development proposals to respect and enhance local distinctiveness and protect, restore, conserve and enhance the natural, built and historic environment. The scale, density, pattern and design of development should take account of local context and character, and regard should be had to national and local design guidance, landscape character assessments and ecological strategies where appropriate. SAMDev Plan Policy MD2 supports this policy and requires new development to contribute to and respect locally distinctive or valued character and existing amenity value.
 11. In respect of agricultural development, amongst other matters, SAMDev Plan Policy MD7b requires new development to have an acceptable impact on environmental quality and existing residential amenity. It also states that development should be in connection with a viable agricultural enterprise, is well designed and located and where possible sited so that it is functionally and physically closely related to existing farm buildings. CS Policy CS8 identifies the protection and enhancement of facilities, services and amenities that contribute to the quality of life of residents and visitors as being an important element in the development of sustainable places in the county. CS Policy CS17 has similar objectives to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.
 12. The National Planning Policy Framework (the Framework) establishes a presumption in favour of sustainable development. Its core planning principles include the account that should be taken of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and the securing of high quality design. Paragraph 123 of the Framework states that planning policies and decisions should identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
 13. The appeal site lies within an attractive area of countryside characterised by predominantly agricultural activity with small clustered settlements, isolated dwellings and some tourist facilities. Opposite the proposed access to the site is Ashley Pools Country Park, a holiday park catering for tourists. There are also a number of mobile homes upon this site which are occupied as second homes. The area is peaceful and tranquil and I observed at the time of my visits that there were limited traffic movements on the local roads close to the site. These characteristics are recognised within Natural England's National Character Area 98: Clun and North West Herefordshire Hills, within which the appeal site is located and is described as an undulating, tranquil, rural and sparsely populated area, divided by the river valleys of the Clun and Teme.
 14. Further detail is provided in the Shropshire Landscape Typology which describes the appeal site as being located within the Estate Farmland – Hopton Heath. This area is located on the lower ground to the west of the River Clun and rises up to Hopton Castle and Bedstone. Key characteristics of this landscape type are mixed farming land use, clustered settlement pattern, large country houses with associated parklands, planned wooded character and medium to large scale landscapes with framed views.

15. A Landscape and Visual Impact Assessment (LVIA) was included as part of the appellants' Environmental Statement. This includes several viewpoints from where the visual impact of the proposal was assessed from, including publically accessible viewpoints in the AONB, from surrounding roads, footpaths, from Ashlea Pools Country Park (a holiday park) on the opposite side of the B4367, heritage assets and publically accessible residential locations. The Council is concerned that the LVIA fails to take account of the impact of the scheme from longer distance views and from higher ground surrounding the site. Whilst noting this matter, I have not been provided with substantive details of where such viewpoints are, nor have I been provided with photographic evidence to demonstrate these concerns. As such, I have limited my consideration to the submitted evidence and my own observations.
16. It is clear from the representations made that the countryside around Hopton Heath is valued by local people, but it is not covered by any qualitative designation. The Shropshire Hills Area of Outstanding Natural Beauty (AONB) is approximately 1.5 kilometres to the west of the appeal site. The appeal proposal, whilst designed for the purposes of food production and agricultural use would be industrial in scale. It would result in significant built development in this largely undeveloped landscape, remote from existing built development and some distance from the buildings at Heath Farm. It is suggested by the Parish Council and local residents that this results in conflict with SAMDev Plan Policy MD7b. Although the buildings would be remote from the existing farm buildings at Heath Farm, the policy whilst favouring new development being close to existing buildings does not specifically preclude development which is located further away.
17. The new buildings and structures would be sited on land which is largely at a lower level than the surrounding landscape. The new buildings would be located some distance from nearby roads such that they would not be prominent from them. Whilst they would be visible from the footpath to the north and east of the site, the buildings would only be experienced from a relatively short stretch of it, in close up views. I observed that at this point of the footpath that the impact of the scheme would be high, as opposed to moderate as suggested by the appellants.
18. I do however agree with the appellants' LVIA that from elsewhere on this footpath, from other footpaths in the area and from public vantage points that the impact of the proposal would be minor. The new buildings would largely be viewed against the existing landform and mature landscaping, which would be enhanced by new landscaping around the buildings and along the access into the site. Over time, this would serve to soften the impact of the scheme on the wider landscape, including from short distance views, thereby reducing the visual impact of the development.
19. The new buildings would not be readily discernible from the Ashlea Pools Country Park, because of the existing intervening landscaping upon this site, the high hedgerow adjoining the B4367 and the level of the appeal site relative to the road. The new access into the site would not be unduly intrusive or out of keeping with the character and appearance of the area, where access points and field gates are a feature. The new buildings would not be prominent from the public highway along the access because of their siting some distance from the road, and the proposed intervening landscaping.

20. I note the concerns raised about the impact of the scheme on the AONB. However, I consider that the effect of the proposal on the setting of the AONB would be minor given the distance of the proposal from it, intervening landscaping and land form. Views into and out of the AONB would be unlikely to be adversely affected as a result of the proposal. It is likely that the proposal would be visible from first floor windows of residential properties close to the site. However, the development would be viewed at some distance, and views would be filtered by existing vegetation and landform. The effect on nearby properties would be negligible.
21. However, it is clear from the submitted evidence that the peace and tranquillity of the area is a valued and important characteristic which is important to the character of the area. This is supported by the representations made by interested parties, including the Parish Council. The Shropshire Hills and Ludlow Visitor Survey Report indicates that a high percentage of visitors, including ramblers and cyclists, are attracted to the landscape and scenic beauty of Shropshire, and its peace and tranquillity.
22. The appellants undertook a number of noise assessments during the course of the planning application. However these were considered against BS 4142: 1997. This has been replaced by BS 4142: 2014 (2014 standards) and a further assessment (July 2016) was undertaken by the appellants during the course of the appeal which assessed the scheme against these standards, and also assessed the impact of the delivery and despatch of birds at night, which the previous assessments did not consider. The assessments considered the effect of noise from roof mounted ventilation fans, from feed deliveries to the site, and the delivery and dispatch of birds to and from the poultry sheds. No assessment was made of other likely sources of noise such as tractor and trailer movements associated with the cleaning out of the sheds, or vehicles associated with the site using the road network.
23. The submitted noise assessments indicate that the noise from the fans during the day and night would be unlikely to be noticeable above background sound levels. Given the nature of the sound source which would be a continuous 'hum' and on the basis of the evidence before me, I consider that noise from the fans would have a low impact on the character of the surrounding area.
24. Feed deliveries would take place during the day between the hours of 07.30 and 19.00 hours. For the first 2 weeks of the crop cycle, there would be 2 lorries delivering feed to the site, which would increase to 1 lorry each day until the end of the crop cycle. Each feed delivery would take approximately an hour. The delivery of feed is a noisy activity as demonstrated by the noise assessment (it would be up to 18 dB above background sound levels at Broadward Lodge) and would be clearly audible in the surrounding area including on nearby footpaths, residential properties and tourist accommodation. Although the sound from feed deliveries would be for a relatively short period of time during the day, such deliveries would be a regular occurrence and would be intrusive in this otherwise quiet rural environment. The peace and tranquillity of the area would be adversely affected as a result.
25. The stocking and clearing of the sheds would occur every 6.4 to 6.8 weeks. The appellants have indicated that to clear the sheds of 54,000 birds approximately 28-29 lorries would be used. This is a significant number of vehicle movements,

- particularly during the night when the local road network would be lightly trafficked with both cars and large vehicles. Whilst a noise assessment has not been made of the effect of vehicles using the local road network, it is likely that such movements would be noisy and would intrude into this otherwise peaceful and tranquil area. Furthermore, the activities upon the site itself associated with the stocking and clearing of the sheds, including the operation of forklift trucks would be clearly audible above background sound levels during the night. The noise assessment identified that this activity would result in noise levels above 10 dB above background level. This equates to a significant adverse impact when assessed against the 2014 standards. The noise from this activity would intrude into the quiet of the night in the surrounding area.
26. The appellants' suggestions to mitigate the sounds from activities on the site are noted, however, I am not convinced that they would result in the identified impacts being reduced to a level that would not be harmful. Whilst an environmental permit has been issued, the most recent noise survey (July 2016) did not form part of this application. The activities on the site during the night did not form part of the application for this permit. It therefore cannot be relied upon to address my concerns. It is clearly open to the appellants to apply for a new permit or an amendment to the existing one. However, this information is not before me at this time.
27. I acknowledge that there are other regulatory powers to monitor pollution, including from noise. However, I am required by section 38(6) of the Planning and Compulsory Purchases Act 2004 and section 70(2) of the Town and Country Planning Act 1990 to determine applications for planning permission in accordance with the development plan, unless material considerations indicate otherwise. This is the approach that I have taken. The presence of other agricultural development in the area is not in itself good reason to grant development where harm would be caused.
28. Local residents have raised concerns in respect of the cumulative impact of noise generating activities on the site taken with those at Heath Farm. I have no substantive evidence before me which assesses any noise generating activities at this farm and I have therefore limited my considerations to the evidence before me and from my own observations.
29. In light of the foregoing, I conclude that the physical presence of the buildings and associated development would have a limited impact on the character and appearance of the area. However, the proposal would introduce noisy activities into an area recognised and valued for its peace and tranquillity, which would be significantly harmful to the character of the area. The proposal would also be likely to result in a reduced appreciation of the area where local residents live and result in noise and disturbance to a level which would be harmful to nearby occupiers' enjoyment of their property. This adds to the harm that I have identified. The scheme therefore results in conflict with the character objectives of CS Policies CS5, CS6, CS8 and CS18 and SAMDev Plan Policies MD2 and MD7b.

Local Tourism Industry

30. Policy CS13 of the CS sets out the Council's objectives to develop and diversify Shropshire's economy. Particular emphasis is placed on a range of measures,

including, in rural areas, recognition of the continued importance of farming for food production, supporting rural enterprise and diversification of the economy. This policy also recognises the economic benefits of Shropshire's environment and quality of life as unique selling points which need to be valued, conserved and enhanced. Amongst other matters, CS Policy CS5 requires new development to improve the sustainability of rural communities by bringing local economic and community benefits. These policies broadly accord with the Framework's core planning principle in respect of the support to be given to sustainable economic development.

31. The Framework also advises that to promote a strong rural economy, support should be given to the sustainable growth and expansion of all types of business and enterprise in rural areas and the development and diversification of agricultural and other land-based businesses (paragraph 28).
32. Representations have been made that the proposal would have an adverse effect on the tourism economy of the area, including the holiday park at Ashley Pools Country Park and a number of bed and breakfast establishments. Such concerns centre on noise from the proposed use, odours and the visual impact of the scheme. The owners of Ashley Pools Country Park have indicated that they have 15 holiday lodges available for letting and 23 lodges which are occupied as second homes. Planning permission exists on the site for a further 16 lodges for letting.
33. The appellants have put it to me that the presence of the existing poultry unit at Heath Farm has seemingly not deterred the expansion of the facilities at Ashley Pools Country Park. Whilst this may be the case, this site is in a different location to the appeal site, with an access further away from this tourist accommodation. The presence of an existing similar enterprise is not good reason in itself to allow a further one. In any event, each application and appeal should be determined on its own merits and this is the approach that I have taken in this case.
34. I am not convinced, given my findings above that the physical presence of a poultry unit in this location would deter visitors to the area. Whilst a rambler using the footpath to the north and east of the site would see the new buildings upon the site, they would only be visible along a short section of this path. Other farm buildings are visible from this footpath, and I consider that the presence of the new buildings would not in itself be likely to deter repeat visits to the area or affect what is spent. The buildings would be readily discernible from Ashley Pools Country Park.
35. In terms of odours from the site, the appellants submit that the new buildings would be more modern than those at Heath Farm which have dated technology and odour control systems. It is submitted that the new units would have high velocity ridge mounted fans which would help dissipate odours and the doors to the sheds would be on the eastern elevation of the buildings, which would be likely to result in odours largely being blown away from nearby tourism accommodation and residential properties.
36. An odour study⁴ was submitted with the planning application which assessed the impact of odour arising from the scheme on a number of receptors including Ashley Pools Country Park and from nearby houses. The appellants accept that

⁴ A Dispersion Modelling Study of the Impact of Odour from the Proposed Poultry Unit at Land South-East of Hopton Heath in Shropshire

odours from poultry rearing units can reasonably be described as moderately offensive. Their study found that the clearing out of the poultry sheds at the end of the crop cycle would be likely to result in odours being noticeable over a wider area, than at other times during the crop cycle. Such odours would be likely to be strong, including at nearby tourist and residential accommodation. However, the sheds would be cleaned out approximately 8 times a year. Whilst the smell from such activity may well be offensive during such times, given the number of times a year this would occur, I am not convinced that the odours from the site would be so significant and harmful to prevent the development in this regard.

37. Furthermore, the approved environmental permit controls information on odour modelling and includes an Odour Management Plan which would specifically deal with odours during the clearing out of the sheds. The Environment Agency has raised no objection to the proposal in this regard. I note the Council's concerns that if the relevant control systems did not operate effectively or that there was atmospheric inversion, there would be likely to be pollution caused to nearby occupiers as a result of odours from the site. However, paragraph 122 of the Framework advises that local planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes, which in this case they are. Local planning authorities should assume that these regimes will operate effectively.
38. In light of the foregoing, I am satisfied that odours from the new poultry units would be unlikely to have a significant adverse effect upon the enjoyment of the area by tourists and local residents.
39. The Council is concerned that the proposal could affect the future potential of the area to expand its tourism economy. I have not been presented with convincing evidence of schemes that would be likely to be affected by the scheme and I attach limited weight to this assertion in my overall Decision.
40. Given my findings above in respect of the harm that would be caused by the noisy activities on the site, I accept that the proposal may adversely affect the enjoyment of the area by both overnight visitors to the area and day visitors, including those that use the local footpath networks. However, whilst it is submitted that tourists visit the area for its scenic beauty and peace and tranquillity, I am not convinced on the basis of the evidence before me that the impact of the scheme would have a significantly harmful effect upon the tourism economy of the area. Any impact on this sector needs to be balanced with the economic benefits the proposal may bring to the area and these are considered later in my Decision.
41. I therefore find that there would be no conflict with the economic objectives of CS Policies CS5 and CS13, or the recreational value objective of CS Policy CS17. The Council has referred me to CS Policy CS16 and SAMDev Plan Policy MD11. These policies focus on new tourism facilities which the appeal proposal is not. I consider that they are not relevant to the appeal proposal and have not considered them further.

River Clun Special Area of Conservation

42. CS Policy CS17 sets out a number of matters which identify, protect, enhance, expand and connect Shropshire's environmental assets, including their ecological value. Whilst not referred to within the Council's decision notice, my attention has been drawn to CS Policy CS18 which amongst other matters, requires development to enhance and protect water quality, including Shropshire's groundwater resources. SAMDev Plan Policy MD12 seeks to conserve, enhance and restore Shropshire's natural assets. This policy requires a project-level Habitats Regulations Assessment (HRA) for all proposals where it is considered that there would be a likely significant effect on an internationally designated site. The policy states that permission will be refused where a HRA indicates an adverse effect on the integrity of a designated site which cannot be avoided or fully mitigated.
43. Paragraph 109 of the Framework states that the planning system should contribute to and enhance the natural and local environment by, amongst other matters, recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible; and preventing new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution.
44. The appeal site is located within the catchment of the River Clun. A 2 kilometre stretch of this river is designated as a Special Area of Conservation (SAC). The Council calculates that the appeal site is within 900 metres of part of the SAC. The SAC was designated due to the presence of Freshwater Pearl Mussels whose habitat is dependent on maintaining high water quality. The watercourse to the south of the appeal site feeds into the River Clun upstream of the SAC. SAC are afforded protection under the EU Habitats Directive (92/43/EEC) and the Conservation of Habitats and Species Regulations 2010. The appeal site is also within close proximity to the River Teme Site of Special Scientific Interest (SSSI).
45. The Parish Council has expressed concern about the impact of the scheme on the SAC particularly taking into account recent developments at Heath Farm and the enforceability of the appellants' environmental permit. Both main parties were provided with the opportunity to respond to the comments made regarding this matter during the course of the appeal.
46. The appellants submit that the expansion of the poultry enterprise at Heath Farm was fully taken into account by Natural England when it considered their application for an environmental permit. However, it seems that Natural England was not aware of the planning permission for the expansion of the enterprise at Heath Farm as indicated in an e-mail of 15 December 2015 from Natural England (attached as Appendix vii within the Parish Council's representations). The Council has also indicated that it was not aware of the permission to increase capacity at Heath Farm when it considered the planning application.

47. However, although it is not clear from the appellants' report⁵ that the assessment was based on the existing and new shed at Heath Farm, it was clear that it was based on 295,000 birds at Heath Farm as per the permit on this site (which includes the new poultry unit), and 260,000 birds at the appeal site. It is understood that this information was submitted with the application for the environmental permit and as part of the environmental statement. Whilst noting the concerns raised by the Parish Council and the Council, I am satisfied that the submitted information reflects the respective permits on the sites.
48. As well as ammonia emissions, the appellants submitted an Appropriate Assessment Considerations and Solutions (February 2015) (AACS) which identified the proposal's potential for having significant effects on the SAC. The impact of airborne emissions, surface water and sediment, dirty water, manure from clean-out and construction soil or sediment was considered and assessed as possible pollutants, and measures were suggested to mitigate any impacts. The appellants have submitted a Unilateral Undertaking (UU) dated 11 April 2016 which would make provision for the mitigation measures contained within the AACS to be undertaken.
49. I note the concerns of the Parish Council in respect of the enforceability of planning conditions and those contained within the permit. Had I been minded to grant the appeal these are matters that I would consider in more detail, along with the submitted UU. However, as I am dismissing the appeal for other reasons it is not necessary for me to consider these matters further.
50. The Council is concerned that a breakdown in control measures on the site, including exceptionally wet weather, fire or increased levels of ammonia would be likely to lead to pollution from the site having an adverse effect on the River Clun catchment area including the SAC and SSSI. Whilst noting these concerns, I have not been provided with examples of other sites to substantiate this matter, or indeed provided with evidence of the likely probability of such a breakdown occurring. The Council undertook its own Habitats Regulation Assessment as part of the planning application process and found that subject to conditions that the scheme was acceptable. This was considered by Natural England who found, following the receipt of additional information, that the measures proposed were acceptable and planning conditions were recommended accordingly.
51. Having regard to the evidence before me, the mitigation measures proposed, the guidance in paragraph 122 of the Framework, the advice of the Council's ecologist and Natural England, I am satisfied that the proposal would not have an adverse impact on designated sites in the area or adversely affect biodiversity. I conclude the proposal would not unacceptably impact on the conservation value of the River Clun SAC or the River Teme SSSI. There would be no conflict with CS Policies CS17 or CS18 in this regard or with the ecological strategy objective of Policy CS6. Furthermore, there would be no conflict with SAMDev Plan Policy MD12. The statutory tests are met.

⁵ A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Existing and Proposed Bedstone Growers Broiler Rearing Units at Hopton Heath in Shropshire

Benefits of the Scheme

52. Turning now to the benefits of the scheme, the appellants have explained that their business has invested significant sums of money in the local economy over the last 10 years, including supporting local small family businesses. Such expenditure would increase as a result of the appeal scheme. The construction costs for the appeal scheme have been calculated to be approximately £2,000,000 of which £1,300,000 would be spent with family businesses within a 15 mile radius of the site. This is not disputed. The scheme would provide economic growth and jobs to the benefit of the local economy. The Framework places significant weight on the need to support economic growth.
53. Furthermore, the scale of the investment in the poultry industry and the expansion of the business are factors which would contribute to building a strong economy. Social gains would principally be achieved through the role of the development in helping to meet food needs. Biodiversity interest would be preserved and enhanced with the new landscaping proposed. These matters amount to benefits in favour of the scheme.

Other Matters

Effect on Heritage Assets

54. There are a number of heritage assets in the surrounding area, including listed buildings, conservation areas and scheduled monuments. The starting point for consideration of the impact of the proposal on the setting of listed buildings is the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Section 66(1) requires the decision-maker, in considering whether to grant planning permission for development that affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
55. Amongst other matters, CS Policy CS17 requires development proposals to have regard having regard to the quality of Shropshire's environment, including landscape heritage assets. SAMDev Plan Policy MD13 requires Shropshire's heritage assets to be protected, conserved, sympathetically enhanced and restored by a number of measures including avoiding harm or loss of significance to designated or non-designated heritage assets, including their settings.
56. Paragraph 132 of the Framework states that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's significance. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Amongst others features, the Framework identifies listed buildings, conservation areas and scheduled monuments as heritage assets.
57. The appellant submitted a heritage assessment as part of the planning application which assessed the impact of the proposal on a number of designated and non-designated heritage assets in the area. I find that given the limited intervisibility between the listed buildings identified and the appeal site and the

intervening distances involved that there would be no adverse impact of the proposal on the setting or significance of these heritage assets.

58. The distance of the appeal site from Warfield Bank, a scheduled monument and from the conservation areas at Clungunford and Bearstone, along with the intervening landform and landscaping would result in the proposal having no adverse impact on the setting or significance of these heritage assets. Accordingly, the character or appearance of the conservation areas would be preserved.
59. The appellants consider that the proposal would have no adverse effect on the setting or significance of the identified non-designated heritage assets. I have no evidence before me to indicate otherwise and I have no reason to reach a different conclusion to the appellants in this regard.
60. I therefore conclude on this matter that the proposal would not lead to any harmful change to the settings of these heritage assets, and neither would the proposal degrade their respective significance in any way. On that basis, the proposal does not conflict with the requirements of the Act, CS Policy CS17, SAMDev Plan Policy MD13 or the Framework.

Planning History

61. The appellants have drawn my attention to the planning history of the site and the planning officer's support for the proposal. The Council did not accept the advice of its officer and refused the planning application. These matters do not add weight in favour of the proposal.

The Planning Balance

62. I have found that there would be economic and social benefits associated with the proposal as set out above. I have also found that the noisy activities on the site would result in significant adverse effects on the peace and tranquillity of this attractive area of countryside, in conflict with development plan policies and national planning policy as contained in the Framework. Further harm would be caused to the living conditions of nearby occupiers as a result of noisy activities on the site and in the surrounding area. This harm would be significant. In this case, I find that it demonstrably outweighs the benefits of the proposal. My findings in respect of the impact of the scheme on the visual appearance of the area and the tourism industry are not matters which outweigh the harm identified. The proposal would not constitute sustainable development for which the Framework indicates there is a presumption in favour.

Conclusion

63. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

R C Kirby

INSPECTOR

Costs Decision

Site visit made on 18 October 2016

by R C Kirby BA(Hons) DipTP MRTPI

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

Decision date: 25 May 2017

Costs application in relation to Appeal Ref: APP/L3245/W/16/3146508 Land at Heath Farm, Hopton Heath, Craven Arms, Shropshire

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by MS and JE Mann T/A Bedstone Growers for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of planning permission for four poultry sheds and feed bins, ancillary works, formation of new vehicular access, erection of biomass building and associated landscaping.
-

Decision

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

Reasons

2. Irrespective of the outcome of an appeal, the Planning Practice Guidance (PPG) advises that costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The PPG makes it clear that parties in planning appeals normally meet their own expenses. All parties are expected to behave reasonably to support an efficient and timely process. Where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs. Each party is required to behave reasonably in respect of procedural matters at the appeal and with respect to the substance of the matter under appeal.
4. The appellants' application for costs is made on both procedural grounds because the Council failed to attend the arranged site visit on the 13 September 2016 which led to it being aborted and rearranged, and substantive grounds which are detailed below.
5. The appellants consider that it was unreasonable of the Council to refuse the planning application, having previously granted permission for the same development. The information considered by the Council at both Committee meetings was materially the same in both instances, apart from the withdrawal of Natural England's objection to the scheme, which was reported to the October 2015 meeting.
6. The Council initially granted planning permission for the proposal on 8 May 2015 following the Committee's consideration of the planning application at its meeting on 9 December 2014. The decision to grant permission was subject to

- an application for judicial review by Clungunford Parish Council. As a result of a procedural error made by the Council in not referring the application back to Committee advising of an outstanding objection to the scheme from Natural England in respect of the River Clun Special Area of Conservation (SAC), the decision was successfully challenged and the decision quashed.
7. The Committee then reconsidered the planning application at its 6 October 2015 meeting. It was reported that Natural England had withdrawn its objection to the effect of the scheme on the SAC. The planning application was recommended for approval by the planning officer; however, the Committee refused planning permission for the proposal.
 8. It is submitted that the reasons for refusal are ill founded and have not been supported by evidence. By refusing the application, the appellants have incurred unnecessary costs in the appeal process. The actions of the Council have led to the delay of development which it had previously found to be acceptable and the Council has failed to determine the same application in a similar manner.
 9. The appellants also submit that the Council's failure to follow the correct processes when it first determined the planning application and subsequent judicial review further delayed the development. They have requested that this matter is considered as part of their application for costs. Whilst noting the appellants' concerns regarding this matter, the PPG is clear that costs incurred that are unrelated to the appeal or other proceedings are ineligible for costs awards. Awards cannot extend to compensation for indirect losses, such as those which may result from alleged delay in obtaining planning permission. Accordingly, I have not considered this matter further.
 10. Procedurally I find that the Council acted unreasonably in failing to be represented at the first scheduled site visit. No explanation has been provided as to why this occurred. This resulted in the appellants' representatives turning up for a visit that was aborted. This resulted in wasted expense on the appellants' behalf.
 11. In terms of the Council reaching a different decision in October 2015 to that taken in May 2015, it is clear that the Committee took its decision based on a detailed officer report which included consultation responses, and representations made by interested parties and the Parish Council. Having regard to the concerns raised by local tourism businesses, local residents and the Parish Council, it was necessary and reasonable of the Committee to take these into consideration as part of its determination of the application. Whilst the information contained within the officer report was not materially different in October 2015 to that considered in December 2014, it was entirely reasonable for the Committee to consider the planning application afresh. Many months had elapsed between the consideration of the planning application and it is likely that some Councillors may have reached a different conclusion on the acceptability or otherwise of the scheme when they assessed the merits of the case at the October meeting. This does not amount to unreasonable behaviour.
 12. The Council submit that the determination of the application was a finely balanced majority decision both times it was considered. Given the nature of

- the scheme and the level of local opposition, I have no reason to doubt that this was the case.
13. I note the Council's suggestion that there had been a change in planning policy when the Council determined the planning application in October 2015. However, whilst the Inspector's report had been received in respect of the Site Allocations and Management of Development Plan (SAMDev Plan), nowhere within the decision notice were the policies of this plan referred to. I am not therefore convinced that the Committee placed more emphasis on the SAMDev policies than they did the Core Strategy policies as suggested by the Council in its rebuttal statement.
 14. Planning authorities are not bound to accept the advice of their officers, but if such advice is not followed, authorities will need to show reasonable grounds for taking a contrary decision and produce evidence to substantiate each reason for refusal on appeal.
 15. In respect of the first reason for refusal, I am satisfied that whilst sometimes lacking in detail, as set out in my main decision, the Council did produce evidence to substantiate its concerns. Reference was made to policies of the development plan, including those contained within the recently adopted SAMDev Plan; to the landscape character of the area and a survey which highlighted the value tourists placed on the local area. The appellants submit that poultry farms have been allowed elsewhere in the area. However, it is a well-established planning principle that each planning application and appeal must be considered on its individual merits. I am satisfied that the Council adopted this approach.
 16. The Council acknowledged the benefits of the scheme on the local economy, however, it found that they did not outweigh the harm that it had identified. This indicates that a balancing exercise was undertaken. It is open to the decision maker to apportion weight to the benefits and harm of a particular scheme. The fact that the Committee apportioned less weight to the economic benefits of the scheme than the planning officer does not demonstrate unreasonable behaviour.
 17. In light of the above, I find that the work undertaken by the appellants in defending the first reason for refusal was a necessary part of the appeal process. Unreasonable behaviour has not been demonstrated.
 18. However, whilst the Council was entitled to take a different view to its expert advisors in respect of the second reason for refusal, it failed to produce evidence to substantiate its concern that a breakdown in environmental controls would be harmful to the River Clun SAC and River Teme Site of Special Scientific Interest. In this regard it acted unreasonably. The appellants were put to unnecessary expense in defending this aspect of the appeal.
 19. I therefore find that in respect of the second reason for refusal, unreasonable behaviour, resulting in unnecessary or wasted expense has been demonstrated.

Costs Order

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

Shropshire Council shall pay to MS and JE Mann T/A Bedstone Growers, the costs of the appeal proceedings limited to those costs incurred in respect of attendance at the aborted site visit and in relation to defending the second reason for refusal relating to the River Clun catchment and the impact of the scheme upon it, such costs to be assessed in the Senior Courts Costs Office if not agreed. The proceedings concerned an appeal more particularly described in the heading of this decision.

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

R C Kirby

INSPECTOR

Appeal Decision

Site visit made on 8 May 2017

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 25 May 2017

Appeal Ref: APP/L3245/W/17/3168941
Redhill Garage, Redhill, Shifnal TF2 9NZ

- 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 Duncan Stanworth against the decision of Shropshire Council.
 - The application Ref 16/04411/FUL, dated 5 August 2016, was refused by a notice dated 19 January 2017.
 - The development proposed is the refurbishment and conversion of existing redundant buildings and change of use to form a private dwelling.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the proposed development would be appropriate in principle in this location in the light of relevant local and national policies.

Reasons

3. The appeal premises are situated immediately to the rear of Redhill Garage, outside of the settlements of Telford and Shifnal, and in an area of open countryside as defined by the adopted Shropshire Council Site Allocations and Management of Development (SAMDev) Plan, 2015.
4. Policy CS5 of Shropshire's Local Development Framework: Adopted Core Strategy, 2011 (CS) makes provision for the conversion of rural buildings which take account of, and make a positive contribution to the character of the building and countryside. It further advises that open market residential conversions will only be considered where respect for the heritage asset and high standards of sustainability are achieved. SAMDev Policy MD7a states that in the countryside the conversion of buildings to open market use will only be acceptable where the building is of a design and form which is of merit for its heritage/landscape value, minimal alteration or rebuilding is required to achieve the development and the conversion scheme would respect the significance of the heritage asset, its setting and the local landscape character.
5. These policies are consistent with Paragraph 55 of the National Planning Policy Framework (the Framework) in that they seek to promote sustainable development and locate housing where it will enhance and maintain the vitality of rural communities. Paragraph 55 also makes provision for new isolated

- homes in the countryside where special circumstances exist, which include where a development would re-use a redundant or disused building and lead to an enhancement to the immediate setting.
6. The appeal site lies within a small cluster of properties which include a care home and a neighbouring residential bungalow known as Ferndell. It is remote from local shops and services, and the key service centre of Telford is located approximately five kilometres away. Moreover, although the site is located on the A5, Watling Street, the nearest bus stop is over two kilometres away and the A5 has no pavements or street lighting in this location. It is therefore clear to me that the site does not lie in a sustainable location, and any future occupants of the proposed dwelling would be reliant on the use of a car to access all day to day services and facilities.
 7. The Council does not appear to dispute that the proposal the subject of this appeal would not involve any substantial alterations or rebuilding works to achieve the development. However, they do not consider that the building is suitable for conversion as it has no heritage or landscape merit and the proposal would not achieve high standards of sustainability.
 8. The Council's adopted Type and Affordability of Housing Supplementary Planning Document, 2012 (SPD) provides further clarification on the meaning of a 'heritage asset' for the purposes of Policy CS5 of the CS. It advises that a building which would be considered to be a heritage asset would normally, pre-date 1950, comprise traditional materials and building methods, be of permanent and substantial construction, be of local significance and add value to the landscape.
 9. The building is constructed from concrete blockwork with a corrugated sheet metal roof. At the time of my visit it did not appear to be in use and it had a general appearance of neglect. I do not know the age of the building; however it is not a traditional vernacular building. In the absence of any evidence to lead me to a different conclusion, I do not consider that the building has any heritage value and nor is it of any local significance.
 10. In the absence of the building having any heritage value, consideration needs to be given to the value it adds to the surrounding landscape. The site is located to the rear of Redhill Garage and is completely screened from views when travelling along the A5, Watling Street. To the rear of the site there are open fields. I have not been made aware of any public rights of way which may provide views of the site from this farmland however, the building abuts the fields and it would therefore be clearly visible from the neighbouring land. Despite the building not being in a good state of repair, its simple utilitarian form does not appear incongruous in this location. Furthermore, its general appearance does not significantly detract from the visual qualities of the landscape as it is seen as part of a small cluster of development. Overall, I would consider the existing building to have a neutral impact on the character or appearance of the landscape.
 11. I have found that the existing building does not have any heritage or landscape value, and I am also not persuaded that its conversion would lead to an enhancement of its immediate setting. I understand that the existing vehicles that are stored within the appeal site would be removed, they are currently not visible from either Watling Street or the surrounding landscape. Consequently, their removal would not have a direct impact on the sites landscape setting.

Furthermore, although there would be some visual improvements to the fabric of the building as a result of the proposed conversion, the introduction of a residential use onto the site with its garden and associated paraphernalia would domesticate the appearance of the site which would be visually conspicuous from the adjoining farmland.

12. I recognise that the site is previously developed land, and I have had regard to the relevant development plan policies and advice in the Framework which gives priority to the re-use and redevelopment of brownfield sites. However, the development plan must be read as a whole. Policy CS5 and SAMDev Policy MD7a provide clear advice for residential conversions in the countryside, and the appeal proposal must therefore be assessed against those Policies.
13. The appeal proposal would be for an isolated home in the countryside. Although the development would involve the re-use of a disused building, for the reasons I have set out above, it is not a building which has any landscape or heritage value, nor would the proposal result in any material enhancement of its setting. Moreover, the proposal would not achieve high standards of sustainability.
14. I conclude that the appeal proposal would not be appropriate in principle in this location in the light of relevant local and national policies. It would not comply with the provisions of the development plan and in particular I find conflict with Policy CS5 of the CS, SAMDev Policy MD7a, and paragraph 55 of the Framework, the aims of which are set out above.

Other Matters

15. I have had regard to the appeal decisions¹ which have been drawn to my attention by the appellant. However, in those cases the proposed development was for the construction of a new dwelling on previously developed land, and the location and sustainability issues were different to this case. Those decisions are not therefore directly comparable to this case, which I have determined on its own merits.
16. I have taken into account the economic and social benefits which would arise from the provision of a new dwelling, including construction jobs and local spend. However, the adverse environmental impacts of the proposal set out above, significantly and demonstrably outweigh the economic benefits that would flow from a single dwelling when assessed against the Framework taken as a whole.

Conclusion

17. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Elizabeth Pleasant

INSPECTOR

¹ APP/L3245/W/16/3150307 & APP/L3245/W/16/3144703

This page is intentionally left blank

Appeal Decision

Site visit made on 8 May 2017

by **Elizabeth Pleasant DipTP MRTPI**

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

Decision date: 26 May 2017

Appeal Ref: APP/L3245/W/17/3168956

The Rock House Inn, Farley, Much Wenlock, Shropshire TF13 6NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs June & John Gittings against Shropshire Council.
 - The application Ref 15/04010/FUL, is dated 6 September 2015.
 - The development proposed is the change of use from public house to a single dwellinghouse.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use from public house to a single dwellinghouse at The Rock House Inn, Farley, Much Wenlock, Shropshire TF13 6NX in accordance with the terms of the application, Ref 15/04010/FUL, dated 6 September 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Topographical Survey, 303-0711-T; Block Plan, P.01 Rev 02; Existing Lower Ground Floor Plan, E.01 Rev 01; Existing Ground Floor Plan, E.02 Rev 01; Existing First Floor Plan, E.03 Rev 01; Existing Elevations, E.04 Rev 01; Proposed Lower Ground Floor Plan, P.01 Rev 01; Proposed Ground Floor Plan, P.02 Rev 01; Proposed First Floor Plan, P.03 Rev 01; Proposed Elevations, P.04. Rev 01.

Procedural Matter

2. The description of the development set out in the banner heading above is taken from the appeal form. It is a more accurate and precise description of the development proposed than that described on the application form, which included narrative text.

Background and Main Issue

3. The Council prepared a Draft Officer Report which recommended that, subject to securing a contribution towards affordable housing, the application now the subject of this appeal should be granted planning permission. However, the appellant does not consider that an affordable housing contribution (AHC) is necessary having regard to the Written Ministerial Statement of 28 November

2014 and advice set out in Planning Practice Guidance in relation to Planning Obligations¹ (PPG). Notwithstanding their position, the appellants have submitted a planning obligation by Unilateral Undertaking under Section 106 of the Town and Country Planning Act, which provides for an AHC in the event that I decide one is necessary in this case.

4. Having had regard to the appeal background as set out above, I consider the main issues in this case to be:
 - Whether a contribution towards affordable housing should be made; and
 - Whether the proposed development would be acceptable in principle having regard to relevant development plan policies.

Reasons

Affordable housing contribution

5. Policy CS11 of Shropshire's Local Development Framework: Adopted Core Strategy, 2011 (CS) requires all new open market housing to make appropriate contributions to the provision of local needs affordable housing, including residential conversion schemes in the countryside where permitted under Policy CS5. Shropshire's Type and Affordability of Housing Supplementary Planning Document, 2006 (SPD) helps to deliver this objective.
6. The Written Ministerial Statement (WMS) of 28 November 2014 includes a statement that local planning authorities should not seek affordable housing contributions from development of less than 10 dwellings. The intention is to reduce the financial burden for small-scale developers and help boost the supply of housing which is a key element of the National Planning Policy Framework (the Framework). The WMS represents Government policy, and is reflected in the PPG¹ and is to be read alongside the Framework. It is thus a significant material consideration
7. The Council accepts that WMS and PPG are a significant material consideration. However, it is their position that the Council will not automatically require affordable housing contributions (AHC) for applications for 10 or less dwellings, but there may still be cases where the Council considers that its adopted policy attracts greater weight in the planning balance than the WMS.
8. In this case the Council consider that proposed development would not represent a significant financial burden on the appellant and no evidence has been provided by the appellant to demonstrate otherwise. They further argue that to ensure that social gains are met by the proposal an AHC should be paid.
9. There may be exceptions, as with any planning policy, to national policy justified by local circumstances. However, the Council has not provided any substantive evidence to demonstrate how, what on the face of it appears to be an ad hoc approach based on viability, is a local circumstance which by

¹ Paragraph: 031 Reference ID: 23b-031-20161116.

itself would be sufficient to outweigh the clear intention of national policy. The provision of additional housing accommodation would provide a social gain, with or without an AHC and I have serious doubts about relying on the Council's case based on the unsubstantiated financial position of the appellant as a justification for departing from the approach advocated in the WMS and PPG.

10. I therefore conclude that in the particular circumstances set out above, Government Policy as expressed in the WMS and PPG outweighs Policy CS15 of the CS and the SPD, and seeking to make a contribution towards affordable housing would not be appropriate.

Whether the proposed development would be acceptable in principle having regard to relevant development plan policies

11. The Officer Report and the Council's Statement identify a tension between the appeal proposal and development plan policy. The Council has made it clear that securing an AHC weighed heavily in favour of the proposed development in the overall planning balance. I have found that it would not be appropriate to require an AHC in this case, and it is therefore necessary for me to consider whether or not the proposed development would be acceptable in principle having regard to relevant local policy.
12. The development plan comprises Shropshire's Local Development Framework: Adopted Core Strategy, 2011; Shropshire Council Site Allocations and Management of Development (SAMDev) Plan, adopted 2015 and the Much Wenlock Neighbourhood Plan, 2013-26 (MWNP) which was made July 2014.
13. The Council do not consider the appeal premises to be a community facility and state that suitable alternative provision of pubs and restaurants exist. It is further accepted by the Council that The Rock House Inn is no longer viable as a business. From the evidence I have before me I see no reason to disagree.
14. Policy CS5 of the CS makes provision for the conversion of rural buildings which take account of, and make a positive contribution to the character of the building and countryside. SAMDev Policy MD7a states that in the countryside the conversion of buildings to open market use will only be acceptable where the building is of a design and form which is of merit for its heritage/landscape value, minimal alteration or rebuilding is required to achieve the development and the conversion scheme would respect the significance of the heritage asset, its setting and the local landscape character. Policy H4 of the MWNP advises that the conversion of existing buildings to residential use will be supported where they contribute positively to local character and where they help to meet local housing needs.
15. The Rock House Inn is a substantial property which lies adjacent of the boundary of the Shropshire Hills Area of Outstanding Natural Beauty. It is understood that there has been an Inn on this site for over 150 years, and although the original premises are no longer evident, the existing Rock House Inn retains some local significance. Furthermore, it is located in a prominent position on the approach into Much Wenlock along the A4169. It is a

dominant and robust building within the landscape and contributes to the overall visual qualities of the area.

16. To my mind The Rock House Inn has sufficient local significance and landscape value to be considered suitable for conversion under the provisions of both development plan policies set out above and in the SPD. The conversion would involve minimal alterations to the external fabric of the building, and provide additional living accommodation. Furthermore, it would secure a new use for the building and contribute towards the supply of housing in the area. The development would bring forward social benefits by providing additional living accommodation which would go some way to meeting local housing needs. It would also bring about economic benefits through local spend, and environmental benefits would be accrued by securing a new use for the building.
17. I therefore conclude that the appeal proposal would be acceptable in principle having regard to relevant development plan policies. I therefore find no conflict with the development plan in this regard and in particular with Policy CS5 of the CS, SAMDev Policy MD7a and Policy H4 of the MWNP the aims of which are set out above.

Conditions

18. I have taken into account the suggested conditions set out in the Council Officer's Report and considered them against advice in the Framework and Planning Practice Guide.
19. I have imposed a condition to specify the approved plans as this provide certainty.
20. A condition to prevent the subdivision of the building into separate units of living accommodation is not necessary as such works would be an act of development which would require a further application for planning permission.

Conclusion

21. For the reasons set out above and taking into account all other matters raised, I conclude that the appeal should be allowed and planning permission granted.

Elizabeth Pleasant

INSPECTOR

Appeal Decision

Site visit made on 7 November 2016

by M Seaton BSc (Hons) DipTP MRTPI

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

Decision date: 07 June 2017

Appeal Ref: APP/L3245/W/16/3156582

Land adjacent to The White House, Aston Rogers, Shrewsbury, SY5 9HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Delwyn Jones against the decision of Shropshire Council.
 - The application Ref 15/05508/OUT, dated 16 December 2015, was refused by notice dated 5 February 2016.
 - The development proposed is for the construction of a house (170m²) and garage with office above and new vehicular access.
-

Procedural Matter

1. The application has been submitted in outline with only matters related to access and scale for consideration at this stage. The remaining matters related to layout, appearance, and landscaping are reserved for later approval. I have dealt with the appeal on this basis, treating the plans submitted as indicative of the development that could be carried out.
2. As a consequence of the publication on 2 November 2016 of the High Court Judgement in *Shropshire Council v SSCLG [2016]EWHC 2733 (Admin)* quashing planning permission for the development of 68 dwellings at Teal Drive, Ellesmere, Shropshire, SY12 9PX, and published 2 November 2016, the appellant and the Council have been provided with the opportunity to make further comments as to whether the judgement has any implications on their respective cases. I will return to this matter later in the Decision Letter.

Decision

3. The appeal is dismissed.

Main Issue

4. The main issue is whether the proposal would be consistent with local and national planning policies relevant to the location of housing, and whether the proposal would have an adverse effect on the character and appearance of the area, having regard to its location within the countryside.

Reasons

5. The appeal site occupies a roughly rectangular parcel of land within the south-east corner of a large irregularly shaped field, adjacent to a dwelling known as The White House. The site is relatively flat, albeit that the land in part slopes down towards the road which runs between Aston Rogers and Aston Pigott, which is where the submitted plans highlight the access to be provided from.

6. The Council has contended that the appeal site is located beyond the settlement of Aston Rogers, and therefore within the open countryside. In this respect, the Council has drawn my attention to various policies within Shropshire Council Local Development Framework Core Strategy 2011 (the Core Strategy), and Shropshire Council Site Allocations and Management of Development Plan 2015 (the SAMDev Plan). In particular, reference is made to Policy CS4 of the Core Strategy, which allows for sensitively designed development that reflects the needs of the local community within *Community Hubs and Clusters* within the rural area, with Aston Rogers and Aston Pigott identified as part of a cluster settlement at Policy MD1.1 of the SAMDev Plan, along with Worthen, Brockton, Little Worthen, Little Brockton, Binweston, Leigh, and Rowley.
7. The appellant has highlighted that Aston Rogers is a relatively dispersed settlement. I would agree with this statement and noted the comparatively loose knit form of development in the vicinity of the site and within the settlement itself. Whilst neither the Council nor the appellant has indicated that Aston Rogers possesses established settlement boundaries, it is clear that there is an existing ribbon of development stretching from Aston Rogers towards Aston Pigott. The appellant has indicated within the submitted Appeal Statement that the effect of the proposal would be to reduce the existing gap between the two settlements from an estimated 250m between The White House & No. 20 Aston Pigott, to approximately 220m.
8. Whilst I have had regard to the appellant's identification of The White House adjoining the site as having been previously occupied as a shop during the 1950's and 1960's to serve Aston Rogers, the location of the appeal site beyond the furthest extent of existing development from the highlighted *nucleus* of the settlement would seem to support the Council's contention that the appeal site is located within the gap between settlements. In this respect, I have also been mindful of the Explanation to Policy CS4 of the Core Strategy, which explicitly sets out that *for planning purposes, the countryside between the settlements is not part of the cluster*.
9. In addition to Policy CS4, I have also had regard to Policy S2.2(x) of the SAMDev Plan which accepts that development by infilling and conversions may be acceptable on suitable sites within the Community Cluster incorporating Aston Rogers and Aston Pigott. Nevertheless, on the basis of my observations of the disposition of existing development, and the relationship between Aston Rogers and Aston Pigott, I am satisfied that the appeal site could not be considered to be within the Cluster settlement, but within the gap between settlements, and therefore within the open countryside. I would also conclude that the proposal would not represent development by infilling between existing built form, but would result in an undesirable extension of the existing ribbon form of development into the countryside, thus reducing the gap between the settlements. The proposal would not therefore in this respect accord with the policies governing Community Hubs and Community Clusters or be a form of development which would be acceptable within the Community Cluster.
10. As a consequence, it is therefore necessary to assess the proposed development on the basis of its location within the open countryside. The Council has highlighted Policy CS5 of the Core Strategy, and Policy MD7a of the SAMDev Plan. Policy CS5 refers to national planning policies which protect the

countryside, but also provides for development on appropriate sites which maintain and enhance countryside vitality and character and improve the sustainability of rural communities. Furthermore, Policy CS5 promotes support for certain forms of development, including dwellings to house agricultural, forestry or other essential countryside workers and other affordable housing/accommodation to meet a local need. Policy MD7a also reflects the control to be exercised over new dwellings within the countryside where proposed to meet evidenced local needs and to house essential rural workers.

11. Whilst I have had regard to the appellant's stated employment in agriculture at a nearby farm, the proposal has not been promoted as being housing to meet the need for an essential rural worker. Furthermore, there is no suggestion that the indicated 4-bedroom dwelling would be provided in order to meet an evidenced local need for either affordable or a specific type of housing.
12. Insofar as national policy is concerned, one of the core planning principles in the National Planning Policy Framework (the Framework) recognises the intrinsic character and beauty of the countryside. The proposal would result in the development of part of a large field, with the appellant contending that the plot size and dwelling size is comparatively modest in the context of existing surrounding development. However, whilst accepting the outline nature of the proposals and on the basis of the submitted evidence, I observed the proposal would result in a relatively prominent form of development given that the appeal site sits in a more elevated position than both the neighbouring property and the road. Although the field contains no particularly distinctive features in the context of the wider area, it forms part of the pleasant rural landscape, which would be eroded as a consequence of the building, residential curtilage, and extended vehicular drive to provide access to the road. I consider that this loss of open land, and further encroachment of built development into the countryside, would result in an adverse visual intrusion into the open countryside causing moderate harm to the character of the area.
13. I am satisfied that the appeal site is not located within a Community Cluster and therefore represents development within the open countryside, for which the appellant has not drawn my attention to accordance with any of the circumstances or requirements which would provide support for a new dwelling within the countryside. The proposal would represent an encroachment into the countryside and an undesirable increase in the existing extent of ribbon development, which would cause environmental harm as a consequence of the adverse visual impact on the character and beauty of the countryside. The proposal would therefore not accord with Policies CS4 and CS5 of the Core Strategy, and Policies MD1, MD7a, MD12 and S2.2(x) of the SAMDev Plan, which define Community Hubs and Community Clusters and set out the basis for managing housing development in the countryside. Furthermore, the proposal would conflict with paragraph 17 of the Framework as the development would not protect the intrinsic character and beauty of the countryside.

Other Matters

14. I am mindful that paragraph 7 of the Framework sets out that there are economic, social and environmental dimensions of sustainable development. I have already identified moderate harm related to the environmental dimension of sustainable development as set out above. I have also had regard to the

access that would be available to limited services and facilities in the vicinity, with the availability to local and school bus services particularly highlighted by the appellant.

15. In respect of the social dimension, I note that with reference to an allowed appeal decision for 68 dwellings dated May 2016 at Teal Drive, Ellesmere, Shropshire (Ref: APP/L3245/W/15/3867596), the appellant has contended that the Council is unable to demonstrate a five-year supply of deliverable housing sites. However, as I indicated within the procedural matters at the beginning of this decision letter, as a consequence of the judgement within *Shropshire Council v SSCLG [2016]EWHC 2733 (Admin)*, the planning permission has been quashed. I note that the appellant has not submitted any further detailed evidence to support the contention regarding an undersupply of housing, and I have also had regard to the Council's *Five Year Housing Land Supply Statement* published 26 August 2016, which concludes that the Council possesses a 5.97 year supply. In the absence of any detailed evidence to the contrary, and even if there were not such a supply, I consider that the contribution this development would make towards addressing any undersupply would in itself be very limited. I have also had regard to the stated links that the applicant and their family have to the village and nearby Worthen in respect of their current residency and schooling, but also do not consider that this would result in any more than limited weight in support of the proposed development.
16. I accept that the proposed development would provide some limited economic benefit as a result of the creation of employment from the construction of the dwelling as well as the addition to the local housing market. The development would also provide limited support to existing local services. I have noted the reference to the payment of Community Infrastructure Levy, however I consider that this would have no more than a neutral effect as it would mitigate the impacts of the development.
17. The appellant has drawn my attention to various other appeal decisions granting planning permission for residential development in support of the appeal case. Whilst I have already addressed the decision at Teal Drive in Ellesmere, I have also had regard to a recent decision at Cross Houses, Shrewsbury, allowing 6 dwellings. However, I note that whilst this appeal site was not in a settlement, it was in use as a caravan site and therefore did not result in any further encroachment into the countryside. I do not therefore consider it to be comparable for the purposes of these appeal proposals.

Conclusion

18. I have had regard to the limited economic and social benefits which would arise from the construction of the property and the provision of an additional dwelling. However, I have found that the proposals would not protect the existing natural environment and countryside resulting in moderate harm, and would not therefore accord with the environmental dimension. Given that these roles should not be taken in isolation as they are mutually dependent, the proposal does not therefore amount to sustainable development.
19. For the reasons given above, the appeal should be dismissed.

M Seaton

INSPECTOR