



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

Date: Monday, 30 April 2018

Committee:
South Planning Committee

Date: Wednesday, 9 May 2018
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
Madge Shingleton
Robert Tindall
Michael Wood
Tina Woodward

Substitute Members of the Committee

Jonny Keeley
Heather Kidd
Christian Lea
Elliott Lynch
Cecilia Motley
William Parr
Vivienne Parry
Kevin Turley
Leslie Winwood

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 - 12)

To confirm the minutes of the South Planning Committee meeting held on 9 May 2018.

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 no later than 24 hours prior to the commencement of the meeting.

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 The Larches, Larches Lane, Oretton, Cleobury Mortimer, DY14 0TW (17/02689/FUL) (Pages 13 - 32)

Erection of a building for the housing of alpaca, the storage of hay and associated agricultural equipment for alpaca husbandry; formation of access track

6 Bank House, Corvedale Road, Craven Arms, SY7 9NG (17/06051/FUL and 17/06052/ADV) (Pages 33 - 40)

Installation of ATM and internally illuminated signage (17/06051/FUL)

Erect and display 1 No: internally illuminated top sign and 1 No: internally illuminated ATM logo panel (17/06052/ADV)

7 Proposed Affordable Dwelling at Clunton, Coppice, Clunbury, Shropshire (17/06074/FUL) (Pages 41 - 60)

Erection of an affordable dwelling and installation of a package treatment plant.

8 19 Burley, Craven Arms, Shropshire, SY7 9LW (18/01366/FUL) (Pages 61 - 70)

Erection of a detached double garage with office above.

9 Schedule of Appeals and Appeal Decisions (Pages 71 - 80)

10 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, 5 June 2018, in the Shrewsbury Room, Shirehall.

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Committee and Date

South Planning Committee

10 April 2018

SOUTH PLANNING COMMITTEE

Minutes of the meeting held on 13 March 2018

12.00 - 6.10 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Linda Jeavons

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

Present

Councillor David Evans (Chairman)

Councillors David Turner (Vice Chairman), Andy Boddington, Gwilym Butler, Simon Harris, Nigel Hartin, Richard Huffer, Madge Shineton, Robert Tindall, Michael Wood and Tina Woodward

95 Apologies for Absence

There were no apologies for absence.

96 Minutes

RESOLVED:

That the Minutes of the meeting of the South Planning Committee held on 13 February 2018 be approved as a correct record and signed by the Chairman.

97 Public Question Time

There were no public questions or petitions received.

98 Disclosable Pecuniary Interests

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

With reference to planning application 17/03774/FUL, Councillor David Turner declared that he was well-acquainted with two adjacent landowners and would leave the room and take no part in the consideration of this item.

With reference to planning application 17/03840/FUL, Councillor David Turner declared that he was a member of The Shropshire Hills Area of Outstanding Natural Beauty (AONB) Partnership and The Shropshire Hills AONB Management Board but had taken no part in the formulation of any representations put forward by the AONB in respect of this planning application.

With reference to planning application 17/05189/FUL, Councillor Michael Wood declared that for personal reasons he would leave the room and take no part in the consideration of this item.

99 Proposed Residential Development Land East Of Shaw Lane, Albrighton (17/03774/FUL)

In accordance with his declaration at Minute No. 98, Councillor David Turner left the room during consideration of this item.

The Principal Planner introduced the application and with reference to the drawings and photographs displayed, he drew Members' attention to the location, proposed access, drainage, elevations and layout. He also drew Members attention to:

- Further comments/concerns received from Albrighton Medical Practice;
- Proposed amendments to Condition No. 16 regarding land contamination; and
- An additional condition and additional information as set out in the Schedule of Additional Letters circulated prior to the meeting.

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

Mr P Collins, representing local residents, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Councillor P Woodman, representing Albrighton Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

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

- He did not agree with the recommendation;
- There was already considerable traffic congestion in the area caused by the school and surgery;
- Highways had originally objected to the scheme and he thought this was the case going forward;
- The access via Shaw Lane would not be suitable;
- A need for more care home places for Albrighton residents had not been identified;
- A meeting with the doctors' surgery had highlighted concerns regarding the lack of resources and capacity to cope with additional people;
- He was concerned that the recommendation to permit was driven by the fear of going to appeal, but contended that this would be worth the fight;

- He had been given to understand that the development would go no further until access from the opposite side of the development had been explored with Thompson's; and
- He urged the Committee to take note of the concerns of Albrighton residents and refuse the application.

Mr S Faizey, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees and responded to questions from Members regarding the proposed access arrangements.

In the ensuing debate, Members considered the submitted proposals and noted the comments of all speakers, and it was:

RESOLVED:

That the application be deferred to a future meeting in order to obtain further information on the following:

- Further information from the medical centre and the applicants regarding the impact of the development on their workload and the facilities at the medical centre;
- Further information on the demand for station parking and the accessibility to the railway station;
- The ability of the drainage/sewage system to cope with further development and the extent and nature of improvement works required;
- Explore a north/south connection to allow for vehicular access from Kingswood Road; and
- Further information regarding the conditions of residency/letting at the extra care home.

(At this juncture, the meeting adjourned at 03:12 pm and reconvened at 03:18 pm.)

100 Holmwood Clive Avenue Church Stretton Shropshire SY6 7BL (17/03840/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 drew Members' attention to the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting.

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

Mr Mike Walker, representing Mrs C Warren a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Cllr H Claytonsmith, representing Church Stretton Town Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

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

- This application had been ongoing for some time and this current proposal was no different to the previous application;
- Any application on this site would constitute overdevelopment, be overbearing and have a detrimental impact on the Conservation Area and Area of Outstanding Natural Beauty;
- It would be intrusive on neighbouring properties;
- The area had already been overdeveloped causing traffic and drainage issues; and
- He urged refusal.

At this juncture, the Vice-Chairman took the Chair.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. Members noted the existing inappropriate planting and commented that the two-storey extension would create a loss of spaciousness between surrounding dwellings, represent overdevelopment, reduce residential amenity, create further urbanisation in a semi-rural area and be detrimental to the Conservation Area and AONB.

RESOLVED:

That, contrary to the Officer's recommendation, planning permission be refused for the following reasons:

- The infilling with a two-storey extension to the building of this last remaining gap between Holmwood and the surrounding dwellings, the further expansion of hard surfacing within its former grounds and the consequent inability to establish substantial soft landscaping to compensate for previous tree clearance, in direct conflict with outstanding planning conditions, would erode the generally spacious and verdant character of the Clive Avenue street scene. Consequently the scheme would fail to preserve or enhance the character and appearance of this part of the Church Stretton Conservation Area, or safeguard the amenity of the area, contrary to Part 12 of the National Planning Policy Framework, Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy, and Policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development Plan.

(The Chairman returned to the meeting and resumed the chair.)

101 Proposed Dwelling West Of Blacksmiths Cottage Broome Shropshire (17/04466/REM)

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

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

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

- Outline permission had been granted for a single-storey dwelling; however, he confirmed that despite this current application being for a one and half storey dwelling he had no objections in principle but suggested that given the neighbouring barn conversions the design should be afforded some further consideration. In order that the dwelling reflected the character of the adjacent property and surrounding area he suggested the use of stone and cladding.

At this juncture, the Vice-Chairman took the Chair.

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

RESOLVED:

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

(The Chairman returned to the meeting and resumed the chair.)

102 Barns South Of Norton Farm Norton, Craven Arms, Shropshire (17/04988/FUL)

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

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

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

- This application represented a further increase in the number of holiday lets. If granted, it would mean 34 units in total in a very rural area;

- She expressed concerns regarding the patio arrangements to the east and questioned why a patio should be located so close to the boundary;
- Tourism - Norton had already fulfilled its quota;
- The lane to the site was narrow with too few passing places and was used by loaded farm vehicles as well as other vehicles using the route as a cut-through. More passing places would be needed to minimise disruption on the lane;
- Landscaping - the complex should not become overbearing on the surrounding landscape;
- Lighting – light pollution was already an issue so lighting should be low voltage and kept to a minimum; and
- Ecology – bats were valued in the area so it was important that appropriate conditions should be attached to protect them.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers, and it was:

RESOLVED:

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

- The conditions as set out in Appendix 1 to the report, subject to Conditions No. 7 and 9 being amended as follows:
 7. No development shall commence until a lighting plan has been submitted to the local planning authority in writing. The lighting plan shall demonstrate that the proposed lighting will not impact upon the local landscape and ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's *Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting* (2014). The development shall be completed in accordance with the approved details.

Reason: To safeguard the visual amenities of the open countryside and minimise disturbance to bats, in accordance with Policies CS5, CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.
 9. No development shall commence until a scheme for the provision of formal vehicular passing places between the application site and Greenway Cross to the north and between the application site and Onibury to the south, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented fully through an agreement under Section 278 of the Highways Act 1980 before the first occupation of the holiday accommodation hereby permitted.

Reason: In the interests of highway safety, in accordance with Policies CS6 and CS7 of the Shropshire Local Development Framework Adopted Core Strategy.

(At this juncture, the meeting adjourned at 04:36 pm and reconvened at 04:43 pm.)

103 **Change In Order Of Business**

RESOLVED: That,

The order of business be as follows:

Item No. 10 (Proposed Affordable Dwelling East of Bourton Road, Much Wenlock, Shropshire – 17/05723/FUL);

Item No. 11 (9, 10, 11 Lower Forge Cottages, Eardington, Bridgnorth – 18/00143/FUL); and

Item No. 9 (Proposed Residential Development Land to the South of Rocks Green, Ludlow – 17/05189/FUL).

104 **Proposed Affordable Dwelling East Of Bourton Road, Much Wenlock, Shropshire (17/05723/FUL)**

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

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

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

Councillor M Hill, representing Much Wenlock Town Council, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

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

- Much Wenlock town has a particular challenge in providing affordable housing for local people. House prices and therefore, land prices, are amongst the highest in Shropshire. People with a local connection, especially those working locally, find it exceptionally difficult to get on the housing ladder locally. Family and social networks, and the town's requirement for an indigenous labour force, demand local residence. In this application there is no question as to the applicants' eligibility in terms of their local connection and need;

- The applicants currently live in privately rented property which is becoming increasingly unsuitable and expensive;
- Most of the fields around the town are in the hands of two large estates and land in other ownerships with road frontage is quite limited; thus Single Plot Affordable applicants have little choice of location;
- The current applicants originally proposed a dwelling on another small field owned by their father but Planners had deemed this to be unsuitable. This site on Bourton Bank was the only other piece of freehold in their ownership;
- The Shropshire Type and Affordability of Housing SPD 2012 states that exception sites for single plot affordable dwellings must be demonstrably part of, or adjacent to, a recognisable named settlement. Each site is assessed on an individual basis and the SPD acknowledges that there are both tight-knit and loose-knit settlements which will be a context influencing whether a particular site is or is not acceptable. The site itself is removed from the edge of the town being sited in a field beyond an isolated farm yard with the only access to the proposed dwelling being via the working farm yard. The Officer's recommendation states that this is a remote location and not part of a named settlement being sited in the open countryside. That the site is outside the Much Wenlock development boundary is self-evident. This site could not be described as remote in a rural context. There is another residential property 100 metres to the south, the site is 1km route distance on foot from the primary school and less than 1km to the doctor's surgery (much closer than a large number of properties within the town's development boundary);
- The report also refers to the amenity issue and the proximity of the farm buildings, machinery and livestock. All of the Single Plot Affordable dwellings in my division are associated with agricultural activity. The applicants are from a farming family and currently live between two farm yards;
- Much Wenlock has been home to farms in the town centre for centuries;
- The applicants are prepared to lay a permanent and durable driveway;
- There have been no local objections and Much Wenlock Town Council support the application; and
- He urged Members to approve the application.

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

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

RESOLVED:

That, contrary to the Officer's recommendation, planning permission be granted, for the following reasons:

- During the debate, the Committee acknowledged that the site fell outside the Much Wenlock development boundary but noted that the site could not be described as remote in a rural context given that there was another residential property 100 metres to the south, 1 km route distance on foot from the primary school and less than 1 km to the doctor's surgery (much closer than a number

of properties within the town's development boundary) and the site fell topographically within the area recognised as forming part of Much Wenlock;

- A dedicated, fenced-off access track would provide a separate access and ensure a good standard of amenity for existing and future occupants of the land and dwelling;
- Would ensure appropriate delivery of affordable housing;
- The applicants had demonstrated a strong local connection; and
- The principle of such development is fully supported by Policy H5 of Much Wenlock's Neighbourhood Development Plan.

Subject to:

- A Section 106 Legal Agreement to ensure the dwelling remains an affordable dwelling in perpetuity;
- That Planning Officers be granted delegated powers to attach appropriate conditions relating to materials, drainage, landscaping, boundary treatments, maximum 100 sqm gross internal floor area and any other conditions and informatives deemed necessary; and
- In order to ensure a satisfactory means of access, an additional condition to ensure provision of a dedicated hard-surfaced access road.

105 9, 10, 11 Lower Forge Cottages, Eardington, Bridgnorth, Shropshire, WV16 5LQ (18/00143/FUL)

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

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

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

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

- Shropshire Council had not adopted the '45-degree rule', as adopted by South Cambridgeshire District Council, and this provided an opportunity for this consideration to be ignored on this particular application; and
- If approved, he requested an additional Condition requiring the extension to be stepped-back a minimum distance of 1.6m from the boundary between nos. 8 and 9.

In the ensuing debate, Members considered the submitted proposals and noted the comments of all speakers. Members noted that Building Control Officers would

monitor any digging-down/excavation works and the developer/applicant would be accountable for any damage as a result of any excavation work.

RESOLVED:

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

(At this juncture, Councillors Simon Harris and Michael Wood left the meeting and did not return.)

106 Proposed Residential Development Land to the South Of Rocks Green, Ludlow (17/05189/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 drew Members' attention to the two suggested additional ecological conditions as set out in the Schedule of Additional Letters circulated prior to the meeting.

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

Members considered the submitted plans. In the ensuing debate, a Member indicated that local Unitary Councillors were in favour of the development; however, the suggested affordable housing provision of 12% fell short of the guideline maximum of 15% and he asked for some reassurance that the maximum provision of 15% would be met by the developer. In response to concerns and questions from Members regarding highway safety and affordable housing, the Area HDC Manager South and Principal Planner explained that an extension of an existing speed limit would have to gain the support of the Police, the road layout of this current application encouraged 20 mph traffic, and the number of affordable dwellings proposed over the whole scheme (phases 1 - 3) would meet the 15% provision for affordable housing.

RESOLVED:

That, as per the Officer's recommendation, planning permission be granted as a partial departure (after expiry of the statutory period of notice for a departure), subject to:

- The Conditions as set out in Appendix 1 to the report;
- The additional Conditions as set out in the Schedule of Additional Letters;
- An additional condition requiring the developer to provide electric vehicle charging points;
- An additional pre-commencement condition requiring submission of details for a Travel Plan; and
- Subject to a Legal Agreement delivering:
 - (i) an affordable housing contribution;

- (ii) safeguarding of land under the applicant’s control for future use as a roundabout; and
- (iii) a financial contribution of £10,000 to facilitate re-location of the 40mph speed limit to the east of the site access.

107 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 13 Marcy 2018 be noted.

108 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, 10 April 2018 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:

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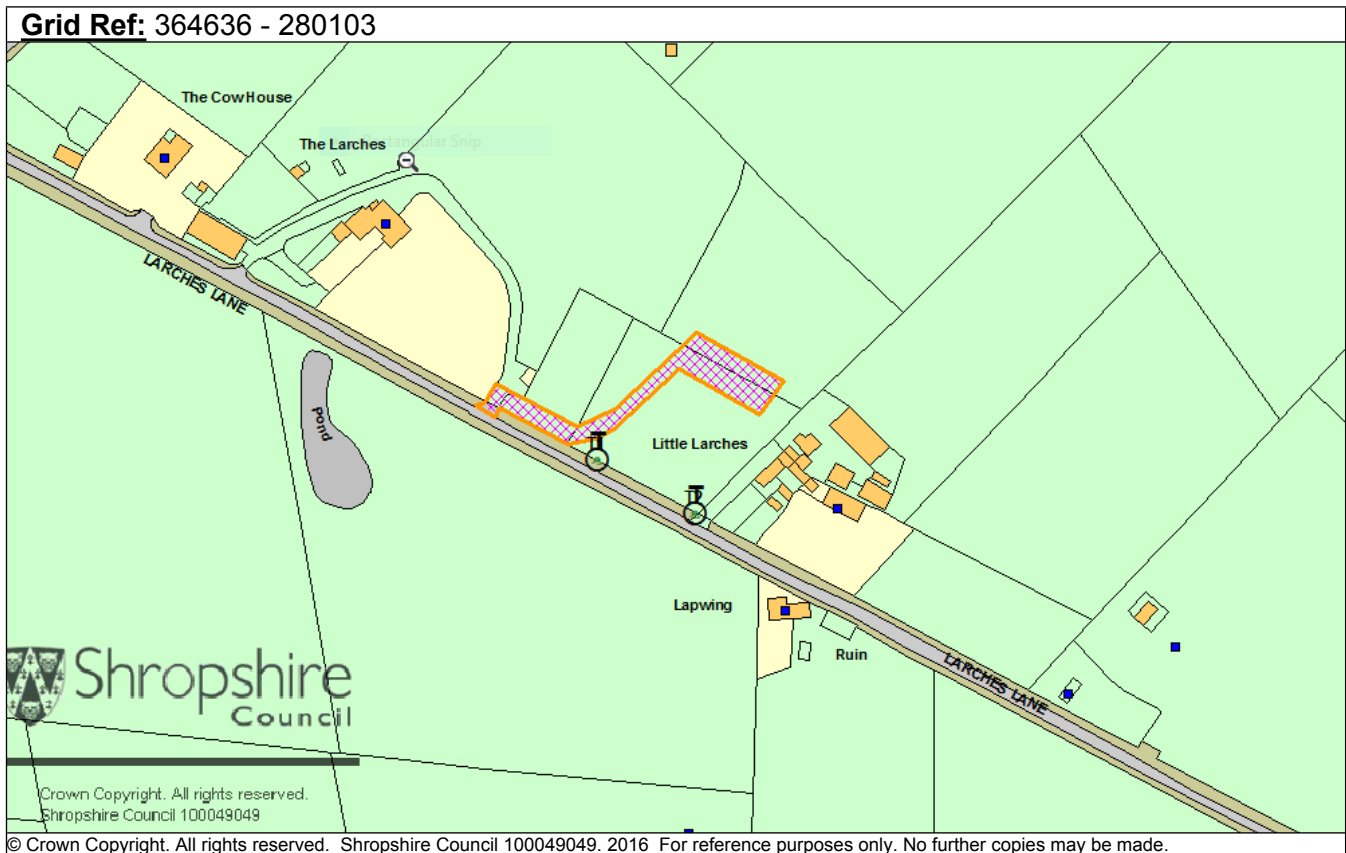
Committee and date
 South Planning Committee
 9 May 2018

Development Management Report

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

Summary of Application

Application Number: 17/02689/FUL	Parish:	Farlow
Proposal: Erection of a building for the housing of alpaca, the storage of hay and associated agricultural equipment for alpaca husbandry; formation of access track		
Site Address: The Larches Larches Lane Oreton Cleobury Mortimer DY14 0TW		
Applicant: Mr & Mrs P Archer		
Case Officer: Mandy Starr	email: planningdmsw@shropshire.gov.uk	



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

REPORT

1.0 THE PROPOSAL

- 1.1 The proposal is for the erection of a general purpose agricultural building for the housing of alpaca and the formation of a new access track and concrete apron to be positioned so as to be along a field boundary on land that is sited to the south east of the applicant's dwelling of The Larches on land that is sited near to a property known as Little Larches. The building would have a shallow dual pitched roof, coloured anthracite, and would incorporate five rooflights on each roof slope. The walls would be of weatherboarding, with the south east elevation fully covered in horizontal cladding painted black. The south west elevation would feature four open, gated bays and one enclosed bay forming a store room. Within the upper part of the building there would be a mezzanine floor for hay and fodder storage. The building would measure some 22.86m by 11.16m, with a height of some 5.3m to the eaves and 6.52m to the ridge.
- 1.2 The proposed current location of this barn has been revised twice as the previous locations which were firstly to be positioned adjacent to the hedge and tree boundary along Larches Lane and further back into road side field itself were considered unacceptable and so the barn would now be sited further into this field effectively straddling both this paddock and the second paddock beyond.
- 1.3 In addition following the submission of further information regarding the use of the barn the application description was changed to solely being a building for the housing of alpaca (not any other livestock), the storage of hay and associated agricultural equipment for alpaca husbandry and formation of an access track to a field that is sited off Larches Lane Oreton.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The Larches is a detached property sited on the north side of Larches Lane which is an unmade track and Bridleway 0125/UN4 that runs roughly east/west between Foxholes in the west and New Road in the east. The lane is tree-lined in places as is the case here with both fields and dwellings alongside; although most of the dwellings are on the north side of the lane. The Larches is to the north west of the application site and has two vehicular access off the bridleway. To the south east is the property known as Little Larches which is separated from the application property by a public footpath that runs in a north easterly direction towards The Claypits. The land either side of Larches Lane is part of reasonably level plateau with a gentle slope up to the north west from the lower end of track. The application field itself is level as is the land beyond it to the east too.
- 2.2 This part of Oreton is not within the Shropshire Hills Area of Outstanding Natural Beauty nor is the village in a conservation area. There are no designated heritage assets nearby either.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The views of the Parish Council are contrary to the Officer recommendation and the Ward Members have requested Committee determination. The Chair and Vice Chair of the South Planning Committee, in consultation with the Principal Officer, consider that the material planning considerations raised in these proposals warrant the application being determined by the South Planning Committee.

4.0 Community Representations

- Consultee Comments

4.1 **Farlow Parish Council** – Objection:

“Farlow Parish council met in public session on Thursday 26 April 2018 and their unanimous **objections** to the above revised application can be summarised as follows

Objections

Although there has been some movement in the positioning of the buildings the subject of this application such movement is minimal and in no way addresses the concerns of the neighbour Dave Turner.

If the buildings in question could be moved to the adjacent field and behind the menage and pylons this would address our concerns and consequently we would withdraw our objections”.

1st Revised Comments 28.02.2018 "The proposed amendment fails to significantly reduce the impact that this building would have on the neighbouring property. The applicant has a sufficiently sized holding that another site could be found for the proposed building without undue impact on surrounding properties. As the building would see daily activity related to stock handling and management, a location closer to the main farm buildings would be more appropriated."

Original Comments 24.06.2018- Object for the following reasons:

- ☐ Location of proposed building is inappropriate and is over domineering for both Larches Lane and especially adjacent properties. The building could be positioned elsewhere on the owners land which would address our concerns
- ☐ The size of the proposed building especially the height at 22ft is excessive and again would dominate the surrounding area. We fail to see the need for a building of such dimensions and we are particularly concerned about the proposed height
- ☐ There is little room to fit a building of this size between the hedge (with three large trees) along Larches Lane and the overhead power cables. Whilst the planning documents state they intend to build away from the trees and their roots, we do not believe this will be possible
- ☐ We are concerned that the Statutory Notice has not been displayed on the site to give notice to nearby residents of the proposed development which would have a significant impact on their respective properties.

4.2 SC Regulatory Services

Having considered the additional information provided since last comments from Regulatory Services, there are no further comment to add. The previous comments still stand. As this has no technical noise or odour issue to be addressed it is considered most appropriate that any amenity impact from the proposed unit is assessed by the planning case officer when making their decision.

4.3 SC Rights of Way

Although BW UN4 runs along Larches Lane it appears not to be directly affected by development.

4.4 SC Highway Authority

No objection – subject to the development being constructed in accordance with the approved details and recommend informative

4.5 SC Trees

The location of the barn has moved away from trees on the frontage therefore the likelihood of post-development conflict has been reduced.

There is no objection on arboricultural grounds to the proposed development, providing suitable simple precautions are taken to protect the mature oak tree located in the boundary hedge closest to the point of access.

Require additional information to be considered as part of any permission with regard to tree protection of the nearest oak tree.

4.6 SC Ecology

The amended position will no longer directly impact any trees, therefore a bat survey is not required. Recommend Informatives.

4.7 SC Drainage – Recommend informative.

4.8 Shropshire Fire & Rescue

Comments made on the need to provide adequate access for emergency fire vehicles and would be dealt with at Building Regulations stage of the development.

-Public Comments

4.9 1 letter from a neighbour objecting on the following grounds:

- Object to the location as size and height of building will overshadow our small cottage and Larches Lane

5.0 THE MAIN ISSUES

Principle of development

Siting, scale and design of structure and use

Visual impact and landscaping

Residential amenity

Other matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Shropshire Core Strategy Policy CS5 Countryside and Green Belt states that new development will be strictly controlled in accordance with national planning policies protecting the countryside. It does however permit development proposals on appropriate sites which maintain and enhance countryside vitality and character where they improve the sustainability of the rural communities. Any application will therefore need to assess the characteristics of the site and the nature of any impacts to the local environment and amenities and consider whether any identified impacts are capable of being satisfactorily mitigated.
- 6.1.2 Core Strategy Policy CS6 which deals with sustainable design and development principles states that development should conserve and enhance the built, natural and historic environment and be of an appropriate scale and design taking into account local character and context. It also needs to take into account the health and wellbeing of communities including safeguarding residential and local amenity and that development is designed to a high quality consistent with good practice standards including appropriate landscaping and taking account of site characteristics and ground contamination.
- 6.1.3 PolicyCS17 which deals with Environmental Networks is also concerned with design in relation to the environment and places the context of a site at the forefront of consideration so that any development should protect and enhance the diversity, high quality and local character of Shropshire's built, natural and historic environment and it does not adversely affect the values and function of these assets.
- 6.1.4 Policy CS18 Sustainable Water Management requires that developments will need to integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on the water quality and quantity including ground water resources and to provide opportunities to enhance biodiversity by ensuring that all developments include appropriate sustainable drainage systems (SUDS) to manage surface water so that all development should aim to achieve a reduction in the existing runoff rate, but must not result in any increase in runoff rate.
- 6.1.5 Shropshire Site Allocations and Management of Development (SAMDev) Plan Policy MD2 deals with Sustainable Development. This requires that for a development to be considered acceptable it must achieve local aspirations for design in terms of visual appearance and how a place functions as set out in local community led plans and it must also contribute to and respect local distinctive or valued character and existing amenity value by a number of specific criteria such as responding to the form and layout of the existing development and the way it functions including building heights, lines, scale etc. It must also reflect local characteristic architectural design and details. There is also a requirement to consider the design of the landscaping which responds to the local character and context of the site which is especially important due to the close proximity of residential properties.

- 6.1.6 SAMDev Policy MD7b General Management of Development in the Countryside states that planning applications for agricultural development will be permitted where it can be demonstrated that the development is required in connection with an agricultural enterprise and is of a scale/size and type which is consistent with its required agricultural purpose and the nature of the agricultural enterprise and it is intended to serve. They must be well designed and located in line with CS6 and MD2 and where possible sited to that it is functionally and physically close to existing farm buildings and there are no unacceptable impacts on environmental quality and existing residential amenity.
- 6.1.7 SAMDev Plan Policy MD12 deals with the Natural Environment which in connection with other associated policies seeks through applying guidance, the conservation, enhancement and restoration of the county's natural assets which will be achieved by ensuring that the social and economic benefits of the development can be demonstrated to clearly outweigh the harm to the natural assets where proposals are likely to have an unavoidable significant adverse effect, directly or indirectly or cumulatively on any of the following: locally designated biodiversity sites; priority species and habitats; woodlands, trees and hedges and landscape character and local distinctiveness. In these circumstances a hierarchy of mitigation then compensation measures will be sought. There is also a need to encourage development which appropriately conserves, enhances, connects, restores or recreates natural assets particularly where this improves the extent or value of these assets are recognised as being in poor condition. Finally there is a need to support proposals which contribute positively to special characteristics such as adjacent high priority biodiversity areas. This site would be adjacent to two semi-mature oaks and established hedgerows which are both important in terms of biodiversity for this private track.
- 6.1.8 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. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise
- 6.1.9 The issues to consider for this scheme is whether the siting of this alpaca livestock building in the third location with its associated hay and equipment store would be appropriate in terms of impact on the adjoining residential property or on the existing landscape.
- 6.2 Siting, scale and design of structure and use**
- 6.2.1 The proposal is now to site this alpaca and hay storage building that will straddle both female alpaca paddocks to the east of the existing dwelling following the creation of a new hardcore track from the existing field access gate of the lane that is also a bridleway
- 6.2.2 The Larches is a red brick C19 dwelling that is set back from Larches Lane. There are several outbuildings between the dwelling and the highway including a black corrugated iron barn near the entrance to the driveway which is used to store hay. There is also a track that wraps around the dwelling leading to a second vehicular

access into the holding further to the east. This leads into a field and the riding arena that is now used for walking alpaca and beyond to the two alpaca paddocks. Either side of the field access is a mature hedgerow including three semi-mature oak trees that are sited in the hedgerow between the field access and the eastern corner of the site. These trees overhang both the bridleway and the fields beyond.

- 6.2.3 The proposal is for the creation of a new hardcore track to be taken from the field access which would run alongside the hedge inside the site and the arena. There are 3No existing 11Kv overhead cables that cross this land in a NNE/SSW alignment and a separate single overhead line running at right angles to the main cables that is positioned about one third of the way into this field.
- 6.2.4 The proposed access track would turn north-eastwards, under these cables and then run alongside them in a north east alignment, to reach the end of the paddock. Further compacted hardcore would be provided to create a parking and turning area and beyond this would be the proposed building facing in an SSE/NNW alignment. The proposed materials for this steel portal framed building would be Eternit 'Farmscape' profiled roof sheeting with cranked crown sheets and roll top barge boards in Anthracite -dark blue with 10No rooflights.
- 6.2.5 Unlike the previous scheme to site the building in the middle of the first paddock, this proposal would provide a building with a 3m wide apron instead of a 3.6m wide version as under the previous scheme. The same dimensions of 22.8m by 7.5m are proposed as before which would give a footprint of 171m². The eaves would be 5.3m and the ridge height of the shallow roof would be 6.5m high and there would be small overhang over the concrete apron. The barn element would provide 4No bays with a 33m² store room. Part of the roof would include a 120m² mezzanine to provide space to store the hay required by the alpaca. A soakaway would be provided to be sited to the south east of the barn between it and the boundary hedge with Little Larches.
- 6.2.6 The 2nd location for the barn would have resulted in it being sited 22m from the hedge/tree line with Larches Lane, but only 12m away from the boundary hedge to Little Larches. This was considered to be too close to Little Larches and these further revised plans have now relocated it further away from both the front hedge and also Little Larches itself. The building would now be some 44m back from Larches Lane itself and it would now be 19m away from the corner of Little Larches too. It should also be noted that there is an existing field access outside of the applicant's land that is some 5m wide that also includes a public right of way that runs from the bridleway towards the north and passes behind Little Larches' dwelling and its farm buildings and boundary hedge.
- 6.2.7 As for the proposed barn, the submitted plans show that to the rear and the north west (gable) elevations, 150 x 25 sawn treated vertical weatherboard with 50mm spaces between above 1.7m of horizontal cladding painted in Black Sadolin would be used. Whilst the south east gable end elevation (that would face towards the footpath and Little Larches small holding) would be entirely constructed of horizontal cladding. The south west front of the building would also be constructed of horizontal cladding above 4No open gated bays with the 5th bay being clad in the

same horizontal cladding. A pair of timber pedestrian doors are proposed for the store room bay.

- 6.2.8 The revised submitted elevation plans also indicate that the ground level around the building would be slightly reduced below that of the existing field by a depth of 1m. This would have the effect of reducing the height of the barn by the equivalent amount.
- 6.2.9 The applicants have in support of their scheme produced additional information setting out their business enterprise and how they manage their alpaca herd. They purchased the property in 2009 as it was a smallholding for the breeding of pigs, market garden and the grazing of cows, sheep and horses. The fields are now used for both alpaca and sheep of which there are 25 ewes with an additional 40-50 lambs born during the season
- 6.2.10 In 2014, the applicants who were already breeding alpaca set up a small agricultural company to provide natural alpaca manure to 'RHS medal winning horticulturalists'. The production of this alpaca manure is a specialised industry that relies on good bio-security and standardised feed to the animals. The applicant's also sell their product to the RHS Flowers Shows and via their website.
- 6.2.11 In addition the animals are sheared once a year and the fibre is sold to make clothing and also to provide fillings for pillows, duvets and mattress toppers. However before shearing the animals must be housed in dry conditions to ensure that the fleece is dry. As alpaca do not like to be fully enclosed, they can get quite stressed especially if the alpaca are breeding, so an open shed as now proposed would allow for the animals to be housed in a dry environment at shearing time. In addition, the animals cannot cope with prolonged damp spells and therefore need to be enclosed in a building to remain in good condition during the winter months.
- 6.2.12 In terms of accommodation although the applicants have other fields on their holding, it would appear that as part of their business plan they need to keep certain dedicated fields for the alpaca use only and that the male and females also need to be kept apart in order to ensure that breeding can be co-ordinated in the Spring. There are two fields for the female alpaca and two for the male animals. The two female-only fields are the ones that are sited to the south east of the holding where the application barn is now proposed.
- 6.2.13 The rest of the fields are to the north and west of the riding arena and comprise of two fields (which appear smaller than those for the female alpaca) immediately to the north of the dwelling leaving three larger paddocks for sheep grazing and one larger field behind the two female alpaca paddocks solely for the production of hay.

- 6.2.14 The female alpaca fields have been managed for these animals for a number of years and need to be mowed to ensure that the grass is suitable height for grazing and that in addition to the grass, special hay is also fed throughout the year. These four fields are exclusively for the alpaca so as to prevent cross-contamination of the manure product. This is also why there is a need for a barn for the female animals in this location only. It should also be noted that the former horse arena is now used for walking alpaca as there are no longer any horses on the holding.
- 6.2.15 The applicants have confirmed that wish to grow their business by increasing the herd of 7No breeding females over the next 10 years. In order to do this, a barn is required to provide the occasional shelter for these animals as well as to give them space for birthing and for their annual shear. The mezzanine would also provide adequate hay storage for all the year round use which is why such a tall building is required. The hay is currently stored in another barn, but this has caused problems as this barn is also used for lambing hence the need for separate storage facilities.
- 6.2.16 The applicants have also confirmed that unlike normal livestock buildings, this one will not need to have a dedicated muck heap nearby as the alpaca manure is picked up daily to be processed for sale for all four fields and is left in its natural state. By removing the manure from the fields, this ensures that there are no issues with flies or other infecting agents or unpleasant odours from it either. It is then dried and can be used immediately for growing. This means that there is no requirement for any on-site storage of this manure in the fields because it is all removed and then dried off for sale.
- 6.2.17 As for the waste bedding either from the applicants other livestock, this is not burned but is composted and used in the kitchen garden to provide an organic environment. The paddocks are also mown once a week during the season as alpaca are unable to graze long grass. The clippings from the grass are also used as fertilizer and home compost.
- 6.2.18 The applicants have also confirmed that their hedges are managed on an annual basis to a nominated height, but they would accept a reduced height cut if necessary; thereby increasing the height of existing hedgerows is required.
- 6.2.19 Further information has also been provided on the daily life of the alpaca holding as this is a labour intensive enterprise due to the particular dietary requirements of this species which require supplementary feed in the morning as well as the hay which are housed in special water-tight containers. Even though there are two fields for the male and female alpaca, each paddock is grazed in turn, so as to rest the remaining paddock as the applicants only have 6ha and they also need to ensure that they can continue to provide hay.
- 6.2.10 It is considered that the building would not detract from the visual amenity and rural character of the area, and that it would be of an appropriate form and scale for the intended use.

6.3 Visual impact and landscaping

- 6.3.1 The Larches is situated on the north side of an unmade road (bridleway) which has a number of mature trees planted either side of it in the established hedgerows. There are three such trees in the field the subject of this barn and two of these trees have now been protected by way of a provision of a Tree Preservation Order. The original siting for the barn was to be right underneath the canopy of two of the trees. This was considered to be an inappropriate location as it would have resulted in significant harm to these trees both in terms of root compaction and damage to the canopy too.
- 6.3.2 The revised plan now shows that the building would be sited some 44m away from the bridleway, but in doing so the building would still be relatively close to the back of Little Larches which is a small holding. It is noted that although the applicant's may not consider Little Larches to be a residential dwelling; preferring to refer to it as a small-holding with its barns and animals, there is still a dwelling here albeit one that faces southeast. However this would only be some 19m to the south west of the proposed barn unlike the applicant's dwelling which would be some 113m away.
- 6.3.3 Little Larches is situated to the south east of a metalled track (that includes a separate public footpath) that leads into their holding and has its rear wall of the stone dwelling fronting onto this track. On the applicant's side of the track is a low hedge, so the new building would clearly be seen in the field beyond this even if it were partly lowered into the ground. Nevertheless it would be a fairly high building being some 6.5m high and this has resulted in an objection by the neighbouring property. Although it is acknowledged that agricultural livestock buildings are normally quite high to provide the necessary ventilation, they do not usually contain mezzanine floors for the storage of hay as is proposed. The applicants were asked to consider siting the hay barn elsewhere as this would then allow for the ridge line to be reduced, but they declined to do so.
- 6.3.4 Originally it was requested that the south east elevation that faced onto Little Larches should be clad in solid timber as this would limit the noise of animals being housed in the building bearing in mind that the rest of the building would have Yorkshire Boarding above a horizontal cladding section. The revised drawings continue to show that the south east gable end would be constructed of solid timber as before. In addition the applicant has indicated that unlike cattle or sheep, alpaca are docile animals and make little noise apart from a 'quiet hum' in their herds.
- 6.3.5 The applicant has sought to reduce the impact of the building by setting it into the field and re-siting it for a third time as well as ensuring that the end elevation would be entirely clad with timber giving it a more traditional appearance. However the bulk and massing of this building would still be partially visible from the access and Little Larches and from users of the Public Right of Way that leads towards The Claypits from the bridleway.
- 6.3.6 It is considered that suitable landscaping could mitigate the visual impact of the building in the revised location by allowing the hedge to increase in height and by the planting of suitable native tree species along this boundary. These measures

could over time reduce the visual impact of the building. In addition, an appropriate condition to ensure that this building is not used for general livestock housing in the future would control any future occupancy by cattle or sheep. There is also a need to ensure that any external lighting is not directed towards the neighbouring property and is properly shielded to prevent light pollution.

- 6.3.8 Turning to the location of the proposed access track that would lead to the building from the existing field gate, it will be necessary to site part of the track between the hedgerow and the riding arena as there is no other space for it. Although there are no trees in the hedgerow where the new access run alongside, it still will be necessary to ensure that there is some form of temporary tree protection barrier that would be compliant with the BS 5837:2012 – Trees in Relation to Design, Demolition and Construction should be installed so as to protect the north-east to north segment of the root zone of the nearest tree to the new access track.
- 6.3.9 There is a possibility that this section of the root system that might potentially suffer inadvertent damage during construction access. The location and specification of the barrier would need to be shown on a final scaled layout plan and dealt with via a pre-commencement condition. This barrier should be installed prior to commencement of any approved development and maintained throughout the duration of construction.

6.4 Residential amenity

- 6.4.1 Core Strategy policy CS6 seeks to safeguard residential and local amenity. This accords with a core planning principle set out at paragraph 17 of the National Planning Policy Framework which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. There is an existing residential property to the south east of the application site. The Council's Public Protection Officer noted that the applicant has some 6ha, but was proposing to site the agricultural building in close proximity to a neighbouring residential property that was not under their ownership. This was considered to be unacceptable due to the potential disturbances from operations to be carried out in the proposed building especially if in the future other livestock could be housed in this building, as the close proximity between the proposed barn and Little Larches could result in unwelcome odours, flies and vermin and pollution from slurry and manure heaps.
- 6.4.2 In response to this concern, the applicant has produced the additional documentation to confirm that there would be no odour issues from the siting of the building in this location as both the manure and bedding would be removed from the site on a regular basis and there would be no slurry or manure heaps nearby.
- 6.4.3 Whilst the applicants are keen to grow their business of selling on alpaca manure so that it is not left to rot down in the paddocks next to Little Larches, were the applicants to cease keeping alpaca, there is the potential for other breeds of livestock to occupy the building in the future unless the use is tightly controlled or the barn is removed on the cessation of the use for keeping alpaca, because even with appropriate planting/landscaping measures in place, the building would still be only 17m from the neighbouring dwelling.

- 6.4.4 There is nevertheless a requirement to strike a balance between the economic need for this building which will be an integral part of a growing business enterprise to market both alpaca fibre and the animals manure for the applicants; against the need to site this agricultural building in such close proximity to neighbouring property compared to the applicant's dwelling.
- 6.4.5 In response to the Parish Council concerns, although the applicant appears to have other fields on his holding that could theoretically could be used to site this building instead, they are in fact all allocated for other specific uses. It is therefore clear that there is only these two paddocks available on the holding to site this building and they have to be grazed at different times. It is also acknowledged that whilst a general livestock barn would be wholly inappropriate here, the very specific nature of the use of the proposed building is considered to be more acceptable, but the design of the building is crucial and appropriate landscaping will be required as well as a condition restricting the use of the building to housing alpaca only.
- 6.4.6 Finally these concerns also have to be taken into consideration with the fall-back position of the potential siting of a non-livestock barn right next to the boundary with Little Larches with a more functional appearance under the Permitted Development Rights regime. It is therefore considered that on balance, this third proposed siting of the building further away from Little Larches is now considered to make this scheme more acceptable.

6.5 Other Matters

6.5.1 Highways

The site land off Larches Lane, a private track at Oretton, near Cleobury Mortimer. Larches Lane is also a right of way – Bridleway 0125/UN4 which links between the C4294 in the north and New Road, the U8362 in the south. These are both rural roads, governed by a 60mph speed limit and form a network of similar roads in the area. The proposal is to build an agricultural building to house alpacas, their hay and associated equipment. It is proposed to build an access track from an existing field gate off Larches Lane to the building. A suitable parking and turning area has been included. However due care must be directed toward any overhead cables during construction at the site as these cross the site. The development is not considered to adversely affect highway safety or local conditions and there are no objections.

6.5.2 Ecology

At one stage there was concern about the potential for great crested newt to be in the vicinity of the pond on the other side of the lane. However this is a deep pond being the original brick pit that was used to build this dwelling. There are also ducks on the pond.

- 6.5.3 In addition as the proposed development would not affect the tree canopy of the oaks so there is less concern about impact on any bats either. The Council's Ecologist has now taken the view that it is not necessary to require a protected species survey in this instance and has recommended informatives be attached to any permission instead.

7.0 CONCLUSION

7.1 The proposed building for the housing of alpaca and the storage of hay and associated agricultural equipment for alpaca husbandry enterprise and the formation of access track off Larches Lane is considered to be acceptable in principle. There would be no issues regarding the storage of manure outside of this building and nor would these animals result in vocal disturbances that would harm the neighbours amenities. The proposed building would have a traditional appearance using timber cladding to soften the appearance from the neighbouring property. The proposal accords with relevant policy and officer's recommend that the application is approved subject to standard conditions on time limits, development undertaken in accordance with approved drawings, tree protection measures to ensure that the boundary trees are not damaged during the construction and appropriate landscaping condition; external lighting and use condition.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

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

Shropshire Council Adopted Core Strategy
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS17 Environmental Networks
CS18 Sustainable Water Management

Shropshire Site Allocations and Management of Development (SAMDev) Plan
MD2 Sustainable Development
MD7b General Management of Countryside
MD12 Natural Environment

RELEVANT PLANNING HISTORY:

BR/91/0789 ERECTION OF ONE DETACHED DWELLING CONSTRUCTION OF NEW VEHICULAR ACCESS AND INSTALLATION OF NEW SEPTIC TANK REF 9th December 1991

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Design and Access Statement Great Crested Newt Reasonable Avoidance Strategy
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Gwilym Butler Cllr Madge Shingleton
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No above ground works shall be commenced until full details of both hard and soft landscape works including the provision of a native species tree planting scheme to be planted between the boundary hedge and the building hereby permitted has been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

4. No ground clearance, demolition, or construction work shall commence until a scheme has been submitted to and approved in writing by the local planning authority to safeguard trees to be retained on site as part of the development. The approved scheme shall be implemented in full prior to the commencement of any demolition, construction or ground clearance and thereafter retained on site for the duration of the construction works.

Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area, the information is required before development commences to ensure the protection of trees is in place before ground clearance, demolition or construction.

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

5. Prior to the installation of external lighting to be attached to the building hereby permitted, complete details of all external lighting shall be submitted to and approved in writing

by the Local Planning Authority. The lighting scheme shall be installed in accordance with the approved scheme and shall thereafter be maintained.

Reason: To enable the Local Planning Authority to minimize light spillage beyond the site and thus minimize the potential for light pollution and nuisance.

6. The building hereby approved shall only be used for alpaca husbandry including the storage of hay and agricultural equipment associated with breeding alpaca and shall not be used for the housing of any cattle, sheep or other livestock.

Reason: To safeguard the amenities of the neighbouring dwelling and general locality.

Informatives

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

2. The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs. The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

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

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

If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

3. Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

4. The latest Bat Conservation Trust guidance on bats and lighting is currently available at http://www.bats.org.uk/pages/bats_and_lighting.html

Useful information for householders can be found in Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (Bat Conservation Trust, 2014).

5. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the council's website at: <http://new.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-for-developers>

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed. Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

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

7. This planning permission does not authorise the applicant to: construct any means of access over the publicly maintained highway (footway or verge) or carry out any works within the publicly maintained highway, or authorise the laying of private apparatus within the confines of the public highway including any new utility connection, or undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway
The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details
<https://www.shropshire.gov.uk/street-works/street-works-application-forms>

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

8. Where there are pre-commencement conditions that require the submission of information for approval prior to development commencing at least 21 days' notice is required to enable proper consideration to be given.

9. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or

from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

10. As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Services Fire Safety Guidance for Commercial and Domestic Planning Applications which can be found using the following link:

<http://www.shropshirefire.gov.uk/planning-application>

It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of the building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter. THE BUILDING REGULATIONS, 2000 (2006 EDITION) FIRE SAFETY APPROVED DOCUMENT B5 provides details of typical fire service appliance specifications.

11. It is important to note that the current Building Regulations require an adequate water supply for firefighting. If the building has a compartment of 280m² or more in area and there is no existing fire hydrant within 100 metres, a reasonable water supply must be available. Failure to comply with this requirement may prevent the applicant from obtaining a final certificate.

12. National Planning Policy Framework 2012
National Planning Practice Guidance 2014

Shropshire Council Adopted Core Strategy
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS17 Environmental Networks
CS18 Sustainable Water Management

Cleobury Mortimer Place Plan

Shropshire Site Allocations and Management of Development (SAMDev) Plan
MD2 Sustainable Development
MD7b General Management of Countryside
MD12 Natural Environment

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Committee and date

South Planning Committee

9 May 2018

Development Management Report

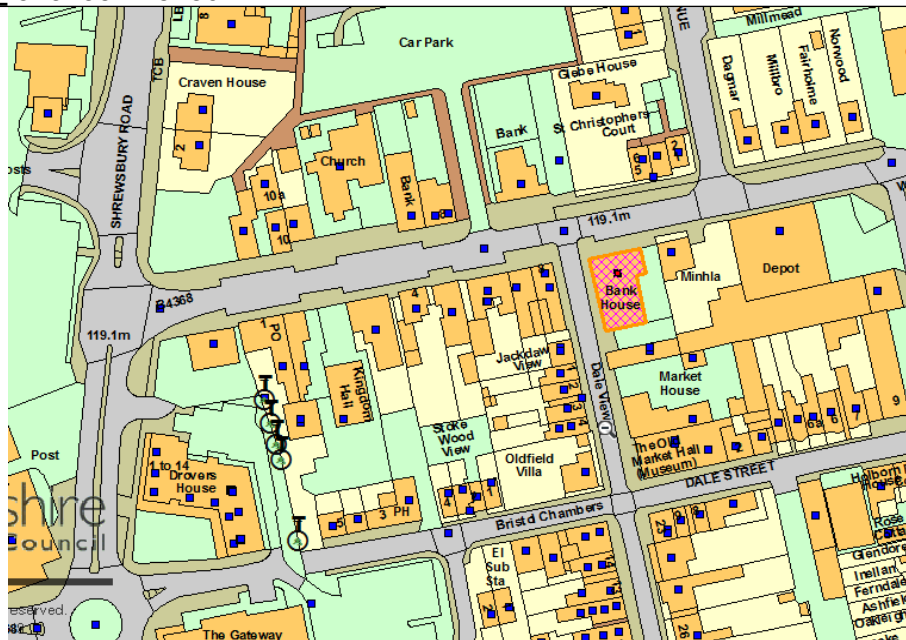
Responsible Officer: Tim Rogers

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

Summary of Application

Application Numbers: 17/06051/FUL and 17/06052/ADV	Parish:	Craven Arms
Proposals: Installation of ATM and internally illuminated signage (17/06051/FUL) Erect and display 1 No: internally illuminated top sign and 1 No: internally illuminated ATM logo panel (17/06052/ADV)		
Site Address: Bank House Corvedale Road Craven Arms SY7 9NG		
Applicant: Cardtronics UK Ltd, Trading As CASHZONE		
Case Officer: Vincent Maher	email: planningdmsw@shropshire.gov.uk	

Grid Ref: 343435 - 282807



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Recommendation:- Grant Planning Permission and Advertisement Consent subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This report covers two applications. The first of these is for a cash machine (an ATM) on the street frontage of Banks Store on Corvedale Road, Craven Arms (17/06051/FUL). The applicant has also applied for advertisement consent for a modest advertisement associated with this ATM (17/06052/ADV). This would measure 60cm wide by 17 cm height.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located on the main shopping street in Craven Arms. It is also located at the north eastern edge of the Craven Arms Conservation Area (CA). The building forms part of a grid of streets built in the late 19th century.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The case has been referred to the South Planning Committee for approval to avoid any perceived conflict of interest as the owner of the building is on the Committee.

4.0 Community Representations

- Consultee Comments

SC Heritage – Whilst in principle no objection is raised to the siting of an ATM somewhere in/on the building, in its current form we have concerns that the proposal will introduce unnecessary visual clutter which will disrupt the architectural balance of the building, causing harm to its character and appearance as a non-designated heritage asset, and to the surrounding street scene/Craven Arms conservation area, a designated heritage asset.

Concerned that current proposal will introduce an entirely new opening on a prominent, well balanced principle elevation, and therefore does not appear to be particularly well considered. Acknowledges that while the proposal will not result in a substantial degree of harm to the character and appearance of the street scene/conservation area or the building itself, it will introduce a further unnecessary addition which will disrupt the attractively balanced principle elevation, which will do nothing to preserve or enhance the character and appearance of the conservation area, a designated heritage asset, or Bank House itself, a non-designated heritage asset.

As an ATM is desired, we would question whether it could be incorporated into an existing aperture on the West elevation (facing Market Street) – or alternatively fitted within the single storey far South-West end of the building which is a more recent addition, and is considered to be of less value. It is appreciated that the ATM will be illuminated and needs to be prominent. Illumination should be kept to a minimum and confined to the machine itself - any additional illuminated signage should be omitted.

Parish Council - await comments

- Public Comments
None received

5.0 THE MAIN ISSUES

ATM (17/06051/FUL)

Principle of development
Siting, scale and design of structure

Advertisement (17/06052/ADV)

The impact of the advertisement on amenity and public safety

6.0 OFFICER APPRAISAL

ATM 17/06051/FUL

6.1 Principle of development

6.1.1 This development would support a traditional high street by providing an extra facility for shoppers and indirectly supports the vitality of this shopping area consistent with the NPPF. The last bank in Craven Arms - Barclays Bank - has recently closed and it is desirable in principle to provide other banking facilities in the town.

6.2 Siting, scale and design of structure

6.2.1 Officers have reviewed carefully the advice of the Council's heritage officer and take a different view. They consider the ATM would sit well within the proportions of an existing commercial building on a commercial street. It is a modest development that would overall preserve the character and appearance of the CA. It would not conflict with other development plan design policies (SAMDev Policy MD2, CS Policies CS6 and CS17). Relocating it to another façade would have the same effect on the CA.

Advertisement 17/06052/ADV

6.3 Impact of the advertisement on amenity and public safety

6.3.1 This application must be determined under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Regulation 3 states that the local planning authority must determine an application in the interests of amenity and public safety. The NPPF (refer paragraph 67) confirms the council's legal obligations and advises that "only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to. ... detailed assessment".

6.3.2 The policies of the development plan only have the weight of material considerations and are not to be considered as decisive factors in the determination of an application for advertisement consent.

6.3.3 The signage will not harm the interests of amenity and public safety for the following reasons:

- The application signage is modest in its proportions and does not protrude from the existing shopfront. It fits easily within the shop frontage.
- It is of a scale that is readily associated with the shop and the surrounding retail parade.
- The signage is not visible from the public highway and is not likely to cause a highway hazard or other public safety concern.

6.3.4 It is therefore recommended that advertisement consent be given subject to the “standard” conditions set out in the 2007 Regulations.

7.0 CONCLUSION

7.1 This modest proposal “supports the high street” and the design of the proposal sits in well in the context of the host building.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

National Planning Policy Framework

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

MD2 - Sustainable Design

RELEVANT PLANNING HISTORY:

SS/PREMPE/06/00310 Erection of a ramp at front of premises REC

SS/1982/573/P/ Alterations and additions to existing building. PERCON 10th February 1983

SS/1979/447/P/ Erection of a temporary storage building. PERCON 29th August 1979

SS/1976/486/P/ Alterations to west elevation to extend shop front. PERCON 19th November 1976

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=P167NLTDIGX00>

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=P167OETDIGY00>

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

Cabinet Member (Portfolio Holder)
Cllr R. Macey

Local Members
Cllr. Lee Chapman
Cllr David Evans

Appendices
APPENDIX 1 – Conditions for both applications

APPENDIX 1

Conditions for 17/06051/FUL

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

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

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

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

Conditions for advertisement application 17/06052/ADV

1. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5. No advertisement shall be sited or displayed so as to—
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.



Committee and date
 South Planning Committee
 9 May 2018

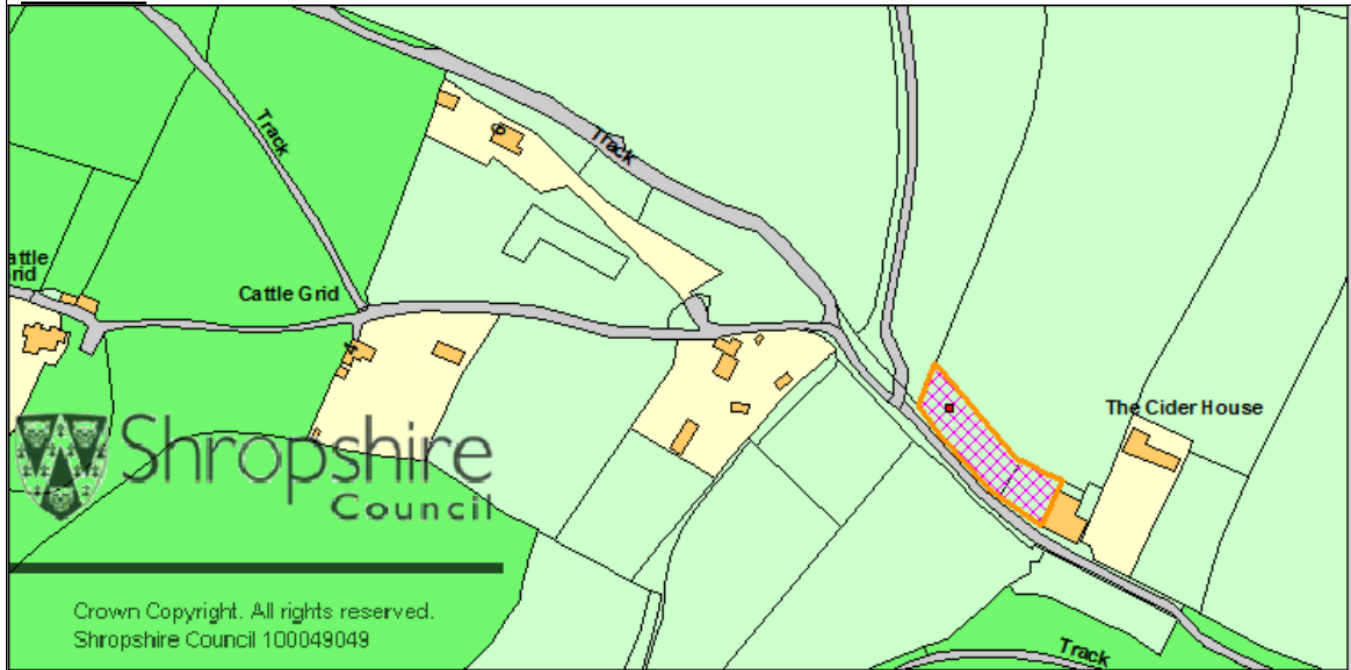
Development Management Report

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

Summary of Application

Application Number: 17/06074/FUL	Parish: Clunbury
Proposal: Erection of an affordable dwelling and installation of a package treatment plant	
Site Address: Proposed Affordable Dwelling At Clunton Coppice Clunbury Shropshire	
Applicant: Miss Jude Bowers	
Case Officer: Julie Preston	email: planningdmsw@shropshire.gov.uk

Grid Ref: 334982 - 280419



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Recommendation:- Refuse.

Recommended Reason for refusal

1. Clunton Coppice is an area with only very sporadic existing housing and it is not considered to be a recognisable named settlement suitable for a rural exception site dwelling. Consequently the proposed dwelling is regarded as being in the 'open countryside' which is afforded protection from residential development under Policy CS5 of the Shropshire Local Development Framework Adopted Core Strategy and policy 7a of the Site Allocations and Management of Development (SAMDev) Plan policies. The proposed scheme would deliver limited economic and social benefits and there are no material considerations of sufficient weight to justify a departure from the development plan. The proposal is therefore contrary to the aforementioned policies, paragraphs 11-14 and 17 of the National Planning Policy Framework and the Council's Supplementary Planning Document on the Type and Affordability of Housing.

2. The erection of a dwelling and associated activities in this location would detract from the intrinsic character and scenic quality of this part of the Shropshire Hills Area of Outstanding Natural Beauty. It would, therefore, be contrary to the National Planning Policy Framework, Policies CS5, CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy, Policies MD2 and MD12 of the Shropshire Council Site Allocations and Management of Development Plan, and the Council's Supplementary Planning Document on the Type and Affordability of Housing.

REPORT**1.0 THE PROPOSAL**

- 1.1 This application is for the erection of a local needs dwelling and installation of a package treatment plant on agricultural land at Clunton Coppice. The dwelling would be a single storey timber lodge clad in horizontal timber coloured light grey under a pitched roof of grey bitumen shingles. Light grey UPVc joinery is also proposed.
- 1.2 Access to the proposed dwelling would be via an existing access leading to a parking and turning area on the farm yard. The dwelling would be sited parallel to the roadside hedge within a rectangular plot. The soakaways for the package treatment plant extend into the field to the north of the site.
- 1.3 The proposed dwelling would provide an open plan kitchen and living/dining room area with a bathroom, two bedrooms, office and utility area.
- 1.4 The dwelling is 14.5m x 6.8m in size with eaves of 2.4m and a ridge height of 4.2m. The internal floor area is just over 90 sq m. It will sit about 0.3m above ground level and is fixed with 1.2m ground screws. A concrete base is not required. An area of wooden decking amounting to 20 sq m is proposed around the outside of the living room and utility area.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located 1.7 Km to the south east of Clunton and south of the River Clun. There is no direct vehicular access to the village other than a narrow track which is unmade for the greater part of its length. Vehicular access is instead available along a narrow unclassified road which meets the B4385 between Purslow and Twitchen. The site lies to the west of The Cider House and there are three other houses in the immediate vicinity.
- 2.2 The application site is 0.1 ha in size and is currently agricultural land. There is a small agricultural building in a roadside position to the east and the remaining 3.5 ha is farmed as a small holding by the applicant. A mature mixed hedgerow runs along the road frontage adjoining the site.
- 2.3 The application site is in the Shropshire Hills Area of Outstanding Natural Beauty. The site is level and is situated at the southern edge of the River Clun valley. The land rises steeply on the southern side of the road and is heavily wooded aside from the houses and the occasional pasture. Clunton Coppice and Purslow Wood are largely Ancient Woodlands and part of Clunton Coppice is designated as an SSSI. Both woods are identified by Shropshire Wildlife Trust as Special Wildlife Sites. With no through traffic, the area is tranquil and unspoilt.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council view is contrary to the Officer recommendation and the local Member has requested Committee determination. The Chair of the South Planning Committee, in consultation with the Principal Officer, consider that the proposal raises material planning considerations that warrant determination by Committee.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 Clunton Parish Council - Support

Clunbury Parish Council comment that they fully support the application, which is proposed by a person who has a long-standing connection with the parish, and needs accommodation on site where she has a smallholding. This is required for security purposes as well as for animal welfare. The style of the proposed dwelling would be more than acceptable in this situation.

4.1.2 SC Affordable Housing Officer – Support

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

The Local Housing Need elements of this application were established as follows from information presented to The Housing Enabling and Implementation Team by the applicant in March 2017

Ms Bowers intends to construct a 100 sq m (max) affordable timber lodge dwelling on the site to occupy as her long-term home. This dwelling will be subject to a Section 106 Agreement prescribing local occupancy criteria and restricting any potential future sale value.

Ms Bowers lives in a rented property a short distance away. The tenancy was granted to her late partner and it is not clear how long Ms Bowers will be able to remain living in the property. As this property is rented, it is deemed unsuitable for her long-term housing needs.

Ms Bowers works on a self-employed basis at a local racing stable; this job requires her to be on hand at various times of the day to look after the horses and other livestock. Ms Bower's employer has confirmed her expected early start and break in the day with her retuning to work in the afternoon. Due to the nature of her employment, she is required to assist with the running of the stables at short notice so it is imperative that she is located nearby.

Ms Bowers has her own sheep, which require her regular care and attention she also undertakes jobs that are essential when keeping livestock and ensuring animal welfare, she can be called upon to assist her friends and neighbours.

Ms Bowers is a Parish Councillor for the adjacent parish of Hopesay. She has a wide circle of local friends through her involvement with local events and work with Shropshire and Hereford Sheep Dog Triallers.

Clunbury Parish Council has confirmed that Ms Bowers is a current lawful resident and has lived in the parish for the last five years. That she is currently employed within the local area and that she can demonstrate active community involvement sustained for at least the past two years. They also confirmed that Ms Bowers owns land and farms within the parish and its hinterland.

Therefore, Ms Bowers has demonstrated a housing need, strong local connections and a need to live in the local area. Due to a lack of suitable lower value alternative accommodation, she is unable to satisfy her housing need within the Parish without assistance from this policy.

4.1.3 **SC Highways DC – Insufficient information provided.**

Clunton Coppice is served by an unclassified road maintained by Shropshire Council with an existing access to the site. The Highways Engineer requested additional information about the access, parking and turning. The agent submitted a revised site plan indicating a parking and turning area.

4.1.4 The Highway Engineer remains concerned that there is insufficient detail to make an assessment and comments that full details of the precise position of the vehicular access, visibility splays for emerging vehicles commensurate with local traffic speed and appropriate space for the parking and turning of vehicles is required. Any gates need to be set a minimum distance of 15 metres from the carriageway edge for joint agricultural/domestic use and be made to open inwards

only. A sealed hard standing for the first few metres is required to prevent loose material getting onto the highway. These matters could be controlled by planning conditions if planning permission were to be granted.

4.1.5 **SC Ecologist – no objection subject to conditions and informatives**

Habitats Regulation Assessment (HRA)

This application has been considered under the Habitats Regulations Assessment process in order to satisfy the Local Authority duty to adhere to The Conservation of Species and Habitats Regulations 2010 (known as the Habitats Regulations).

A Habitats Regulations Assessment matrix is included at the end of the report.

Shropshire Council has not identified any potential effect pathway by which the proposed activity might impact upon the River Clun SAC.

Protected Species

An ecological walkover survey was carried out in August 2017 by Wilkinson Associates.

Habitats

Habitats on the site consist of poor semi-improved grassland, a native species-poor hedgerow, a row of shrubby trees and various pieces of debris.

Should any landscaping be proposed, this should include tree and shrub planting using native species of local provenance.

Bats

The Ecologist notes that the access point is adjacent to an open-sided barn which is constructed of wood and corrugated metal. It does not have any potential to support roosting bats as it is open and draughty with no creviced likely to be used for roosting purposes. However, the site may be used by foraging and commuting bats

The lighting scheme for the site should be sensitive to bats (and other wildlife) and follow the Bat Conservation Trust's guidance. Bat boxes should be erected on the new dwelling to provide potential roosting opportunities for bats. Conditions to control lighting and the provision of bat boxes are recommended.

Birds

The hedgerows and shrubs provide potential nesting opportunities for birds. If any vegetation removal will be required, this should be carried out between September and February to avoid harming nesting birds. If this is not possible then a pre-commencement check must be carried out and if any active nests are present, works cannot commence until the young birds have fledged.

A condition is recommended requiring the provision of bird boxes on the new dwelling to provide potential nesting opportunities for birds.

Other species

An informative is suggested setting out appropriate working methods which should be followed to protect common amphibians, reptiles and small mammals that may be present on the site or enter the site during the works.

4.1.6 SuDS – no objection

The Drainage Engineer advises that a sustainable drainage scheme for the disposal of surface water from the development would be required in accordance with the Council's Surface Water Management: Interim Guidance for Developers document. The preference is for drainage measures which allow rainwater to soakaway naturally.

4.1.7 Shropshire Hills AONB Partnership - Objection

Agree with the Council's pre-application advice that Clunton Coppice is not a distinct settlement and the design requirements for the site.

4.2 Public Comments

4.2.1 Eight letters of objection have been received and eight letters in support. Some of the letters are lengthy and include photographs and additional information. Members are reminded that the full text of letters and additional information is available to view online. The main points raised are summarised in the following paragraphs.

4.2.2 Points raised in objections:

Detrimental impact on the Shropshire Hills AONB

The site is in open countryside and can be clearly seen from public roads, footpaths and bridleways. There are well used footpaths and bridleways immediately adjacent to the site and the development would be the focal point for walkers on the paths descending the fields on the opposite side of the lane. An important part of the character of the area is the distance between existing houses and most are set back off the lane. Residential development of any type in such a location will cause significant harm to the AONB contrary to its aims and Core Strategy Policy CS16.

Clunton is not a 'recognisable settlement'

Core Strategy Policy CS11 specifies that exception schemes for local needs should take place in recognisable named settlements or be linked to other existing development and business activity where this is appropriate. The location is not included in the SAMDev document as a settlement and is not a location designated for development. There are no services available. The site is not located within a recognised settlement for the following reasons:

- It does not have a location sign and the sign at the entry to the lane stating 'Clunton Coppice' refers to the historical woodlands of that name to which it leads.
- Clunton Coppice is not a place name appearing on OS maps.
- Searching Ordnance Survey on line, 'Clunton Coppice' is listed as being a 'Place Type' of 'Woodland or Forest'. This compares to Purslow or Twitchen, for example, both of which do appear on the highways directional signs at

- approaching road junctions and do appear named on OS maps, and both being listed on line by Ordnance Survey as 'Place Type' of 'Hamlet'.
- Searching online generally reveals no reference to any settlement, only to the historic woodland of the name and the coppicing activities that used to go on there.
 - In the official postal address for the properties off the 'Clunton Coppice' named lane, 'Clunton Coppice' is in the position of first line, and not the 'hamlet / village' identifying line as the applying agent tries to infer i.e. 'Clunton Coppice' appears in the 'street name' position. The 'locality' is 'Clunbury which is OS designated as 'Village'.
 - The site is about 1.5 miles by public highway miles from Clunbury village - it is not in any way physically linked to it and is not within its boundary markers.
 - The total of current properties off this lane is seven and not the 8 or 9 that has been suggested.
 - The remaining six houses off the lane are randomly scattered, randomly oriented and afford total privacy for their occupants with regard to one another. There are currently just nine adults living in the lane and no children.
 - The numbering of the houses shows a very unusual pattern, swapping from north to south. This is indicative of the lane's random character and the fact that this is definitely not a formal settlement.

Highway Safety

The track adjoining and affording access to the site is approximately 1.27 mile long overall and is a single track 'no through' lane. It is in a very poor state with pot holes and broken edges. There is limited scope for passing and there are no hard surfaced passing points. It is not uncommon to have to reverse well over half a mile to allow another vehicle to pass. The undulations and bends of the lane, the drops and overhanging trees to the sides and the often deep mud adjacent make this already a very dangerous exercise. The lane exits onto the B4385 between Twitchen and Purslow. At the junction with the B road there is extremely short visibility to the right with a blind bend, thus making exit in particular a matter for extreme caution. The track is regularly used by both local and tourist walkers, horse riders and cyclists. Any increase in traffic movements is unacceptable.

Inadequate site access

The access off the lane to the site itself is three metres wide and does not readily facilitate any separate use of the large parcel agricultural land that comprises the overall site. The opening onto the lane does not meet the standards for shared domestic and agricultural use. Visibility to the left exiting the site is blocked by the applicant's existing barn. Supporters suggest that a house for the applicant would mean a reduction in traffic movements. The applicant visits her land typically once per day i.e. two traffic movements. Her main work premises would entail four traffic movements due to her working pattern plus visitors and deliveries.

Inappropriate Structure and design

Planning policies require that affordable homes are of a high standard of design and materials. The proposed structure is fabricated and sold as a mobile home. It is elevated on temporary ground pins surrounded by a veranda. It is a 'Park Home'

style structure and does not demonstrate the expected levels of design or build quality. The existing properties are scattered widely along the lane and, whilst not listed, are nonetheless of historic value being all older type builds of character. The introduction of a grey coloured timber elevation structure under a felt roof of distinct modern park home styling is very damaging to the unique and protected character of the AONB in this location. In terms of siting, scale and design and in terms of visual impact on the locality, the proposal entirely contravenes Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy.

Plot size exceeds area permitted for Affordable Home exception site

The plot of agricultural land attached to this application and effectively incorporated with it, at c. 9 acres (3.64 hectares), greatly exceeds the 0.1 hectares maximum stipulated in the affordable housing policies. If granted permission with a section 106 agreement applied only to the application site as shown, it would be simple to avoid the sales price restrictions for future buyers, as more could be charged for the un-regulated land in order to compensate. This is precisely what the 0.1 hectare restriction is meant to protect against. The land was purchased in 2014 by the applicant and her then partner. The sum paid is sufficient to purchase a home in the area outright.

Lack of services

The land on which it is proposed to site the mobile home has only an electrical supply which feeds into the agricultural barn. It does not have any other services for residential use. There is no water supply and no hope of a mains supply. A large area within the blue line boundary is within the designated flood zone of the River Clun and the fields flood badly. A septic tank cannot be reliably accommodated and surface water drainage would be difficult.

Impact on residential amenity

The residential amenity of the existing properties would be adversely impacted in terms of visual aspect and noise generated by the proposed residential occupation, as well as the impact of the additional traffic created. The siting is entirely out of keeping with the current layout of the lane, where the seven properties are randomly scattered at considerable distance from one another and oriented in different directions thus optimising peace, privacy and outlook.

Loss of Agricultural Land

The site is part of a field of 3.64 hectares of grade 3 agricultural land. There is a shortage of agricultural land coming up for sale in the area and if the application is permitted it would effectively tie a piece of valuable land to an affordable house scheme, thus making it inaccessible to agricultural users in perpetuity.

Applicant's status and need

The evidence presented as to the applicant's need and eligibility for an affordable home appears contradictory and inconsistent. Reliance is being placed on an 'essential'/'key-worker' role as an equestrian worker for a local racing yard. The applicant's precise role is not stipulated. The applicant serves on Hopesay Parish Council and her 'Disclosable Pecuniary Interests' form states her employment as 'Small Time Farming'. Sheep do not require constant attendance and there is therefore no need to reside with them at the site proposed. The

affordable housing policy is not intended to facilitate 'affordable smallholdings' or an 'affordable hobby farms'. The applicant currently lives in rented accommodation which is actually closer to her stated main work place than is the proposed site for a house. No evidence has been produced in the application to prove that this tenancy is any way insecure. The applicant has made a personal choice to purchase agricultural land in lieu of buying a house. The cost of the land plus the cost of building would very easily buy a house in the area.

4.2.3 Points raised in support of the proposal are as follows:

Support for the applicant's case of need

The applicant has lived and worked in the area for many years. She is in exceptional and difficult circumstances and needs to be near her sheep and her work. There is nothing else in the immediate area that can solve her need for housing. There is a need for more affordable housing if we are to maintain a diverse and sustainable community locally.

There used to be many more small farmers, shepherds and agricultural workers in south Shropshire and it is their activities (doing things by hand or with small machinery) which have helped to create the rural landscape of small fields, upland scrub, and many hedges - so important to wildlife. However they have always operated on a knife edge economically, and have usually had to take on part or full time work for others in addition to their farming, and so have been vulnerable. Enabling them to remain living and working in the area enhances the diversity of their local communities.

By supporting this affordable application Council will be actively meeting its 'rural re-balance' goal, helping to maintain a diverse local community, and meeting local affordable needs.

Suitable design

A wooden single storey building would soon mature and not stand out and is also affordable and economical. The applicant has plans for landscaping around the proposed house so that it would blend in to the landscape.

The size of the proposed dwelling is only marginally bigger than the existing wooden extension at a nearby house, and as similar paint work will be used on the wooden exterior of the proposed dwelling, it will blend into the countryside equally as well as the extension does.

It is important to support small scale applications and self builds. This proposed dwelling will fit in with adjacent buildings and homes and be an asset to the parish.

Reduced traffic generation

The additional traffic is not an issue. The lane is currently in a dreadful state, largely due to construction traffic which has now stopped, A few up and down trips in a pickup is not likely to burden the lane at all. Traffic will be decreased if the application is granted as currently the applicant has to travel in to see to her stock.

Site improvements

The land on which the development has been proposed has been owned by at least 3 people in recent years. The applicant and her late partner removed scrap metal and rubbish from the site and laid the hedges and installed electricity. It was good to see it improved and made into a functioning smallholding.

Ability of countryside to alter and adapt

Ever since farming commenced, rural areas have supported the structures required by those who work the land. The countryside, even where designated as an AONB, should not be preserved in aspic but allowed to alter and develop within agreed guidelines to meet the needs of its stakeholders.

There has been two major developments at Clunton Coppice which were granted planning permission (1) Agricultural building at the Meadows (2003) and (2) Agricultural/equestrian building at Badgers Croft. Both buildings were constructed on agricultural land and both are visible from the surrounding roads, footpaths and bridleways. Neither building has enhanced the locality. The scale of these buildings and impact on the local amenity dwarf that which is proposed now.

Availability of services

The fact that mains water is unavailable, is not an issue. None of the houses in Clunton Coppice are on mains water, all having boreholes or wells. Electricity is on site and the phone line crosses the property. Flooding is not an issue (in respect to either the sewage treatment or the building). The Clun has not substantially flooded since 2007, and even prior to that never reached the location of the proposed development.

5.0 THE MAIN ISSUES

- Principle of development
- Location and landscape impact
- Siting, scale and design
- Highway Safety
- Residential Amenity
- Ecology
- Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 A key objective of both national and local planning policy is to concentrate residential development in locations which promote economic, social and environmental sustainability. The Council’s Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 state that new open market housing will only be permitted on sites within market towns, other ‘key centres’ and certain named villages (‘Community Hubs and Clusters’), as identified in the SAMDev Plan. Isolated or sporadic development in open countryside (i.e. on sites outside the named settlements) is generally regarded as unacceptable unless there are exceptional circumstances.

6.1.2 One of the exceptions mentioned under Core Strategy Policy CS5 is affordable housing to meet a local need in accordance with national planning policies and Shropshire Core Strategy policy CS11.

6.1.3 Policy CS11 relates to the Type and Affordability of Housing. The policy allows for permitting exception schemes for local needs affordable housing on suitable sites in and adjoining Shrewsbury, Market Towns and other Key Centres, Community

Hubs, Community Clusters and recognisable named settlements, subject to suitable design, tenure and prioritisation for local people and arrangements to ensure affordability in perpetuity.

- 6.1.4 SAMDev Plan policy MD7a is to be read in conjunction with policies CS5 and CS11 and advises that suitably designed and located exception site dwellings will be positively considered where they meet evidenced local housing needs and other relevant policy requirements. The Council's Supplementary Planning Document on the Type and Affordability of Housing sets out the eligibility, locational and criteria to be met for single plot developments to be acceptable.
- 6.1.5 The Council's Affordable Housing Team has advised that the applicant satisfies the eligibility criteria in terms of housing need and local connection for a single plot affordable dwelling. The issue here is whether proposed location of the dwelling would meet the locational criteria for single plot affordable dwellings, whether the house design meets the criteria for such dwellings and would be acceptable in the rural landscape, and whether the proposal would have any adverse impacts on the environment, highway safety and the amenities of local residents.

6.2 Location and landscape impact

- 6.2.1 The Shropshire Type and Affordability of Housing SPD 2012 explains that exception sites for single plot affordable dwellings must be demonstrably part of, or adjacent to, a recognisable named settlement. It explains at paragraph 5.14 that sites that do not lie in a settlement, consisting of isolated or sporadic development, or which would adversely affect the landscape, local historic or rural character (for example due to an elevated, exposed or other prominent position) are not considered acceptable. Each site is assessed on an individual basis and the SPD acknowledges that there are both tight-knit and loose-knit settlements which will be a context influencing whether a particular site is or is not acceptable.
- 6.2.2 Clunton Coppice is situated between Clunton and Twitchen and is reached by a single track road from a junction of the B4385 between Purslow and Twitchen. The road continues to Clunton as an unmade track just beyond the application site. There is a dispersed scatter of five houses and a farm within a radius of 340m of the site and an isolated house is situated some distance to the east along the lane. The nearest services are to be found in Clunton or Clun. A road sign at the B4385 road junction points to 'Clunton Coppice' but it is arguable whether it is referring to the houses or the woodland known as Clunton Coppice. On balance, it is more likely referring to the houses given that the woodland, which is a Shropshire Wildlife Site, is usually accessed from a lane to the south.
- 6.2.3 The lodge is located close to the lane behind a road side hedge which would provide some screening if allowed to grow. Were the proposal acceptable, landscape mitigation measures would be required to ensure that the roadside hedgerow is maintained and that the remaining new boundaries are enclosed by hedgerows of native species. There is an existing access and barn to the east in a road side position. The agricultural land to the north falls to the River Clun and is flat with tall hedges along field boundaries. To the south, the land rises through a field to woodland.

6.2.4 The close proximity of extensive oak woodlands along the slope to the south of the site suggests that most of the houses were built and occupied by charcoal workers, or people involved in similar woodland activities, who also farmed small holdings. The settlement pattern is very dispersed and typical of the ancient and irregular pattern of development found in the Wooded Hills and Farmlands type of landscape identified in the County's Landscape Character Assessment. The site itself is located on the valley floor which is characterised by larger and more regular fields but the area to the south has more bearing on the overall character of Clunton Coppice. Overall the proposed lodge would not be prominent in distant views but its very presence would erode the essentially open character of the landscape and be detrimental to the scenic beauty in this part of the AONB. Furthermore, given that NPPF Paragraph 115 affords AONBs the highest level of protection in terms of landscape conservation, it is felt that this visual harm would not be offset by the scheme's social benefits.

6.3 Siting, scale and design

- 6.3.1 Core Strategy policy CS6 which deals with sustainable design and development principles states that development should conserve and enhance the built, natural and historic environment and be of an appropriate scale and design taking into account local character and context.
- 6.3.2 Policy CS17 which deals with Environmental Networks is also concerned with design in relation to the environment and places the context of a site at the forefront of consideration so that any development should protect and enhance the diversity, high quality and local character of Shropshire's built, natural and historic environment and it does not adversely affect the values and function of these assets.
- 6.3.3 SAMDev Plan Policy MD2 relates to Sustainable Development. This requires that for a development to be considered acceptable it must achieve local aspirations for design in terms of visual appearance and how a place functions and it must also contribute to and respect local distinctive or valued character and existing amenity value by a number of specific criteria such as responding to the form and layout of the existing development and the way it functions including building heights, lines, scale etc. It must also reflect local characteristic architectural design and details. There is also a requirement to consider the design of the landscaping which responds to the local character and context of the site such as natural and semi-natural features such as trees, hedges, woodlands and ponds.
- 6.3.4 The site's area accords with the 0.1 hectare limit imposed by the SPD, whilst the gross internal floor space of the dwelling itself is well under the 100m² threshold. The proposed dwelling is a single storey timber lodge 14.5m x 6.75m in size. The design reflects the applicant's financial resources. Normally Officers would be looking for more conventional design and materials but in this instance, the timber cladding and modest scale, as described in section 1 of this report above, is arguably more in keeping with the character and history of the immediate locality. A two storey dwelling would be at odds with the existing cottages in the vicinity and would certainly be more prominent. On balance, it is considered that the design is acceptable in this location.

6.4 Highway Safety

6.4.1 Core Strategy policy CS6 seeks to secure safe developments and the NPPF advises that decisions should take account of whether a safe and suitable access to the site can be achieved.

6.4.2 There is an existing agricultural access to the site and amended plans have been submitted to demonstrate how vehicles will be able to park and turn to exit in a forward gear. The Council's Highways Consultants would like to see improvements to visibility but this is not considered reasonable given the limited number of vehicles using the lane. It is acknowledged that the road is narrow, in a poor state of repair and has virtually no passing places. However, the site is a small holding and some vehicle movements are already taking place. There are no grounds to refuse the application on the basis of additional traffic or poor accessibility.

6.5 Residential amenity

6.5.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The nearest dwelling is The Cider House which is located 50 m to the north west of the site. Badgers Croft is 85 m to the south west. The local area is quiet and the occupiers would be aware of more activity on the site. However, the separation distances between the proposed lodge and existing dwellings are such that there would not be overlooking or any demonstrable impact on amenity sufficient to warrant refusing the application on the grounds of a loss of amenity.

6.6 Ecology

6.6.1 Core Strategy policies CS6 and CS17, together with SAMDev Plan policy MD12 aim to protect and enhance the diversity, high quality and local character of Shropshire's environment and ensure no adverse impact on ecological assets, their immediate surroundings or their connecting corridors.

6.6.2 The River Clun SAC is a European-designated site notified because of the presence of the rare freshwater pearl mussel. It is currently in an unfavourable condition, largely due to excess nutrients and sedimentation in the river. In particular any additional phosphate entering the river is likely to worsen its water quality, and a major source of phosphate is treated waste water from residential properties. Only with certainty that there would be no significant impact on the SAC can planning permission legally be granted.

6.6.3 In this case the application contains sufficient details of the proposed foul drainage system (comprising a sewage treatment plant and soakaway) to avoid significant effects, as is confirmed by the Ecology Team's HRA screening matrix (attached as an Appendix). Furthermore because significant effects have been ruled out, consultation with Natural England is not required.

6.6.5 Clunton Coppice is a designated site of local wildlife importance and parts are ancient woodland. The Council's Ecology Team is content that ecological interests would be safeguarded by conditions requiring the provision of bat and bird boxes, and the approval of any external lighting plan, together with informatives relating to nesting birds, wildlife protection during building works and landscaping.

6.7 Drainage

6.7.1 CS18 Sustainable Water Management requires that developments will need to integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on the water quality and quantity including ground water resources and to provide opportunities to enhance biodiversity by ensuring that all developments include appropriate sustainable drainage systems (SUDS) to manage surface water so that all development should aim to achieve a reduction in the existing runoff rate, but must not result in any increase in runoff rate. The proposal includes the provision of a sewage treatment plant to be sited within the application site and drainage field on the land beyond.

6.7.2 The Council's Drainage Consultants are content that drainage matters can be suitably controlled through a pre-commencement planning condition on any approval issued.

7.0 CONCLUSION

7.1 The applicant has been found to fulfil the local connections and housing need criteria for an affordable home, which would provide clear social benefits. However, the scheme is contrary to the relevant planning policies since the site is not in a recognisable named settlement the presence of further sporadic housing here would detract from the essentially open character and scenic beauty of the landscape. For these reasons it is recommended that planning permission is refused.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy:
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS11 - Type and Affordability of housing
CS17 - Environmental Networks
CS18 - Sustainable Water Management

Site Allocations and Management of Development Plan (SAMDev)
MD2 - Sustainable Design
MD7A - Managing Housing Development in the Countryside
MD12 - Natural Environment

SPD Type and Affordability of Housing

11. Additional Information

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=P182DWTDIHQ00>

<p>List of Background Papers Application available to view on the Council web site</p>
<p>Cabinet Member (Portfolio Holder) Cllr R. Macey</p>
<p>Local Member Cllr Nigel Hartin</p>
<p>Appendices Appendix 1 Habitats Regulations Assessment</p>

APPENDIX 1

Habitats Regulations Assessment (HRA) Screening Matrix

Application name and reference number:

17/06074/FUL
Proposed Affordable Dwelling At Clunton Coppice Clunbury Shropshire
Erection of an affordable dwelling and installation of a package treatment
plant

Date of completion for the HRA screening matrix:

14th March 2018

HRA screening matrix completed by:

Sophie Milburn
Assistant Biodiversity Officer
sophie.milburn@shropshire.gov.uk
Tel.: 01743 254765

Table 1: Details of project or plan

Name of plan or project	17/06074/FUL Proposed Affordable Dwelling At Clunton Coppice Clunbury Shropshire
Name and description of Natura 2000 site	River Clun SAC (14.93ha) supports a significant population of Freshwater Pearl Mussel <i>Margaritifera margaritifera</i> . The River Clun SAC is currently failing its water quality targets particularly relating to ortho-phosphates. The current phosphate target for the river and particularly at the SAC is 0.02mg/l. Shropshire Council is working closely with Natural England and Environment Agency on developments within the Clun catchment. Shropshire Council formally consults Natural England on most planning applications within this area.
Description of the plan or project	Erection of an affordable dwelling and installation of a package treatment plant
Is the project or plan directly connected with or necessary to the	No

management of the site (provide details)?	
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	No

Statement

An interim ‘Guidance note for developers on requirements for waste water management for any development in the Clun Catchment’ has been published by Shropshire Council, based on information and discussions with Natural England and the Environment Agency who have subsequently endorsed it. This guidance will be followed by the planning authority when making planning decisions until the Nutrient Management Plan for the Clun Catchment has been finalised by NE and the EA.

Under the Interim Guidance note, this development falls in the category:

2.2 Any development that does not increase the volume or concentration of waste water

Percolation test calculations have been provided and show that the dispersal time is within the acceptable limits and the land is therefore suitable for a drainage field.

The agent has confirmed that a package treatment plant with a capacity of 2050L is to be installed and the drainage field will be a minimum of 33m². This will provide sufficient capacity for the number of potential residents of the new building.

Hence there should be no adverse effect on the integrity of the River Clun SAC through this development, either alone or in combination.

In view of the above, and providing that the development is carried out according to the details submitted, the proposal will not lead to significantly increased concentrations of nutrients within the River Clun.

The Significance test

There is no likely significant effect on the European Designated Site at River Clun SAC from planning application 17/06074/FUL.

The Integrity test

There is no likely effect on the integrity of the European Designated Site at River Clun SAC from planning application 17/06074/FUL.

Conclusions

There is no legal barrier under the Habitat Regulation Assessment process to planning permission being granted in this case.

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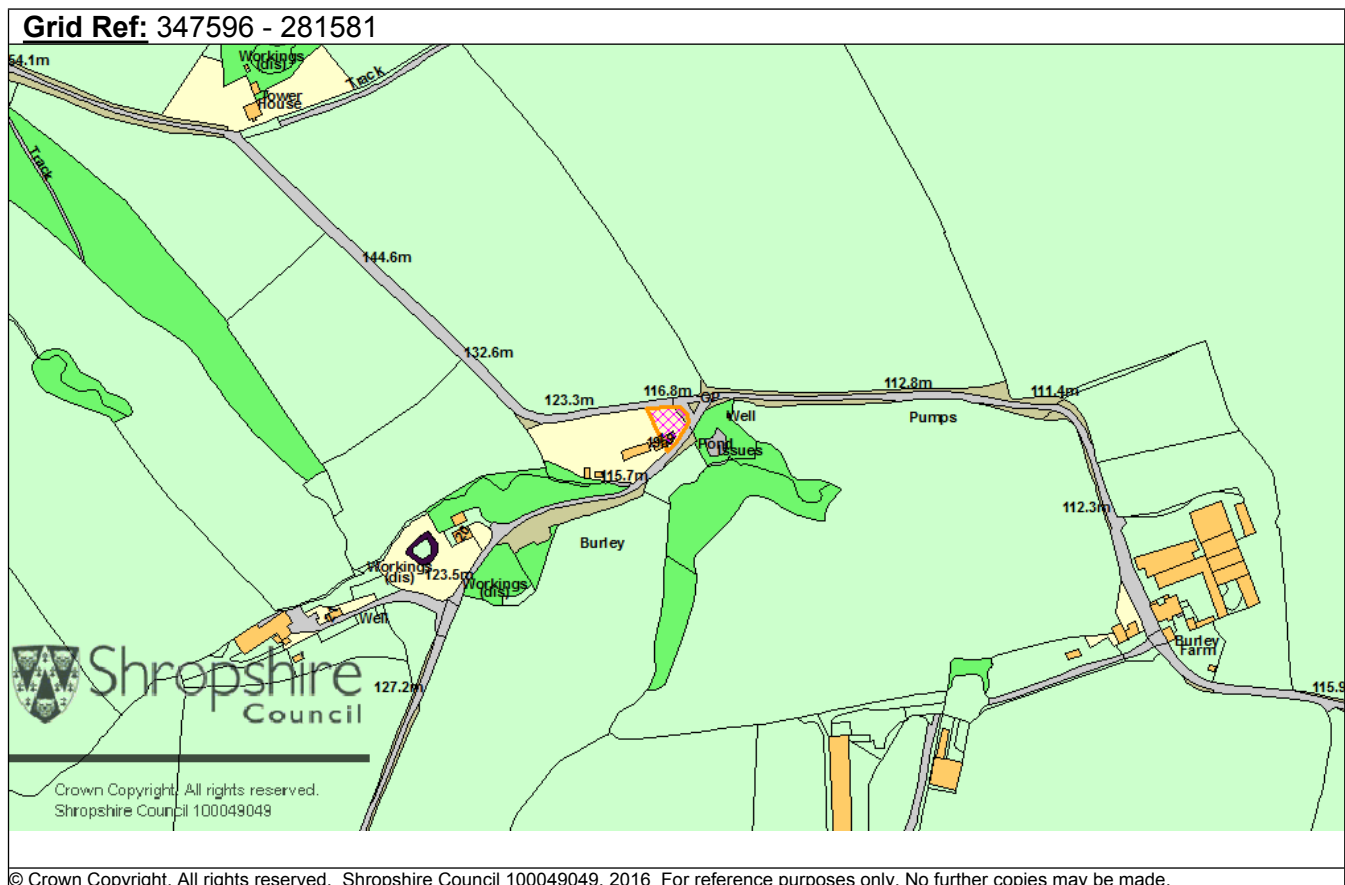
Committee and date
 South Planning Committee
 9 May 2018

Development Management Report

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

Summary of Application

Application Number: 18/01366/FUL	Parish: Culmington
Proposal: Erection of a detached double garage with office above.	
Site Address: 19 Burley Craven Arms Shropshire SY7 9LW	
Applicant: Miss Elizabeth Davies	
Case Officer: Emma Bailey	email: planningdmse@shropshire.gov.uk



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

REPORT

1.0 THE PROPOSAL

1.1 This application seeks full planning consent for the construction of a detached double garage with office space above. The dual pitched roof building would have weather boarding to the walls under a plain tile roof. An external stair case would give access to a home office contained within the roof space. The footprint of the building would measure some 6.1 metres by 6.3 metres.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site lies within the open countryside, approximately 3 miles east of the settlement of Craven Arms. It is accessed via a mostly single width lane off of the B4368. The application site is located on a rural junction. It is bounded mostly by hedgerow, which abuts the roadside to the north, east and south. Its access leads directly onto this junction through timber gates to the east. The topography of the land generally sweeps downward from the north to the south, before steadily rising upward. Development here is loosely knit and sporadic. The prevailing wider land use is agricultural, with some nearby clusters of trees.

2.2 The site is not subject to any land designations, nor is the associated dwellinghouse listed. However it is considered to have some historic merit as a non-designated heritage asset.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The applicant works within the planning department of Shropshire Council. This triggers an automatic referral of the application to planning committee.

4.0 Community Representations

- Consultee Comments

4.1 Culmington Parish Council – No Objection:

Culmington Parish Council resolved to support the above application at the Parish Council meeting held last night, Tuesday 3rd April 2018.

4.2 Shropshire Council (Ecology) – No Objection:
Recommend conditions and informatives if minded to approve.

4.3 Shropshire Council (SUDs) – No Objection:
Recommend informatives if minded to approve.

4.4 Shropshire Council (Highways) – No Objection:
Recommend informatives if minded to approve.

4.5 Shropshire Council (Archaeology) – No Objection:
Recommend condition if minded to approve.

Comment that the proposed development site lies adjacent to Burley deserted settlement of medieval date, with evidence of house platforms, substantial hollow ways, property and field boundaries, and medieval ridge and furrow (HER PRN 00963). The proposed development site is therefore deemed to have some archaeological potential. In view of the above, and in accordance with the National Planning Policy Framework (NPPF) and Policy MD13 of the Local Plan, it is recommended that an archaeological inspection of the ground works be made a condition of any planning permission for the proposed development.

4.6 Shropshire Council (Trees) - No objection.

4.7 Shropshire Council (Conservation) - No objection in principle, but would prefer to see the removal of the proposed central rooflight.

Public Comments

4.8 No letters of representation have been received at the time of writing this Report.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Residential amenity
Ecology
Other matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the adopted development plan 'unless material considerations indicate otherwise'.

6.1.2 Paragraph 14 of the National Planning Policy Framework builds on this wording by encouraging planning to look favourably upon development, unless the harm that would arise from any approval would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

6.1.3 The National Planning Policy Framework (NPPF) has been published by national government and represents guidance for local planning authorities. It is a material consideration to be given weight in the determination of planning applications.

6.1.4 The principle of the construction of an outbuilding within the curtilage of a domestic dwelling house is acceptable in principle, subject to further material planning considerations.

6.2 Siting, scale and design of structure

- 6.2.1 SAMDev Policy MD2 'Sustainable Design' and Core Strategy Policy CS6 'Sustainable Design and Development Principles' require development to be designed to a high quality by being sustainable in its design, inclusive and accessible to its environment and respecting and enhancing local distinctiveness.
- 6.2.2 Proposals are required to preserve and enhance the amenity value of the wider area to which they relate including the safeguarding of residential and local amenity. This is largely echoed within Policy CS5 'Countryside and Green Belt' of the Core Strategy and MD12 'Natural Environment' of the SAMDev Plan which seeks to protect, maintain and where appropriate enhance the local environment, and Policy CS17 'Environmental Networks' of the Core Strategy.
- 6.2.3 The outbuilding is of a design and scale that is appropriate for its use, remains subservient to the main dwellinghouse, and would not constitute overdevelopment of the wider plot. At present the application site is used as residential garden, elevated from the existing driveway and secured by retaining walls. Confirmation has been received from the applicant that the building would remain at the same level as the existing driveway and retaining walls would be used around the periphery of the development to maintain the elevated levels of the remainder of the garden area.
- 6.2.4 Comments have been received from Shropshire Council's Conservation team identifying the property as a non-designated heritage asset. A request was made for clarification on material choice and that there would be a preference for the central roof light of the development to be removed. Clarification on material choice has been received, however the applicant has pointed out that the insertion of roof lights is permitted development and so this third roof light could be inserted without planning permission in any event.
- 6.2.5 The proposal is therefore acceptable in this regard.

6.3 Residential amenity

- 6.3.1 19 Burley is a semi-detached property, with 19a to the west. These are the only two dwellings in the immediate locality. The development would be sited to the north-eastern corner of the plot, furthest from the neighbouring dwelling. Whilst it is likely that the neighbouring dwelling would have oblique views of the development, it is not considered that the proposal would have a harmful effect by reason of loss of privacy or overbearance
- 6.3.2 The proposal is therefore acceptable in this regard.

6.4 Ecology

- 6.4.1 Core Strategy policies CS6 and CS17 seek to ensure developments do not have an adverse impact upon protected species, and accord with the obligations under national legislation. SAMDev Plan policy MD12 sets out how the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration will be achieved. A Great Crested Newt Habitat Suitability Index Assessment was carried out on this site. The Council's Ecology Team is content that ecological

interests can be safeguarded satisfactorily by conditions requiring work to be carried out in accordance with the recommendations of that assessment and to control any external lighting associated with the building.

6.4 Other matters

6.4.1 The outbuilding is considered to be acceptable in its form for its proposed use in connection with the main dwellinghouse. Any planning approval would include a condition tying the building to the main dwellinghouse in perpetuity to ensure that it would remain as ancillary in its use.

6.4.2 Should for any reason the use of this building change which would separate it from the dwelling, a separate planning application would need to be submitted to the Council for full consideration. All planning applications submitted to the Council are considered on their own individual merits and would be subject to comments through all relevant consultees and adjoining neighbours.

7.0 CONCLUSION

7.1 Based on the information submitted against the above considerations, the proposal is considered to be acceptable and accords with the principal determining criteria of the relevant development plan policies.

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

Shropshire Core Strategy and SAMEv Plan:
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS17 Environmental Networks
MD2 Sustainable Design
MD12 Natural Environment
MD13 Historic Environment

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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

Ecology Report

Cabinet Member (Portfolio Holder)

Cllr R. Macey

Local Member

Cllr Cecilia Motley

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

3. The external facing materials shall be as specified on the application drawings, with the roof tiles matching those of the existing dwelling in profile, colour and texture.

Reason: In the interests of the visual amenities of the area.

4. The garage and home office hereby approved shall be used solely for purposes in connection with 19 Burley, Craven Arms. It shall not be sold or leased separately from that property.

Reason: To define the permission for the avoidance of doubt and to safeguard the planning policies for the area.

5. No development approved by this permission shall commence until the applicant has notified Shropshire Councils Historic Environment Team not less than three weeks prior to commencement of ground works, and to provide him/her with reasonable access in order to monitor the ground works and to record any archaeological evidence as appropriate.

Reason: The site is known to hold archaeological interest.

6. Prior to first occupation / use of the building, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the amphibian RAMMS, as set out in section 6.3 of the Great Crested Newt Habitat Suitability Index Assessment (Teme Ecology, 17/03/18).

Reason: To demonstrate compliance with the amphibian RAMMS.

7. Prior to the erection of any external lighting associated with the building hereby approved, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

Informatives

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

2. In determining this application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan:
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS17 Environmental Networks
MD2 Sustainable Design
MD12 Natural Environment
MD13 Historic Environment

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

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and/or scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest.

If during construction birds gain access to the building and begin nesting, work must cease until the young birds have fledged.

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

<http://new.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-for-developers.pdf>.

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

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

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

No drainage to discharge to highway

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

Works on, within or abutting the public highway

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

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Committee and date
 South Planning Committee
 9 May 2018

Development Management Report

SCHEDULE OF APPEALS AND APPEAL DECISIONS AS AT 9 MAY 2018

LPA reference	17/04678/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Mark Bradley
Proposal	Change of use of land for the siting of two timber holiday lodges for visitor accommodation and installation of package treatment plant
Location	Former Haulage Yard Bourton Road Much Wenlock Shropshire TF13 6AJ
Date of appeal	17.4.2018
Appeal method	Written Representation
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	17/04653/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Stacey Hancock
Proposal	Erection of 1No Rural Workers Dwelling; formation of vehicular access
Location	Proposed Dwelling At Redhill Stud Crackleybank Sheriffhales
Date of appeal	17.4.2018
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	17/04078/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Nick Beard
Proposal	Erection of 2No flats
Location	Maple Close Ludlow Shropshire
Date of appeal	17.04.18
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	17/01380/FUL
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Mr and Mrs D Roberts
Proposal	Change of use of land to form camping site to include the erection of 6 self-contained yurts for holiday lettings; one amenity building; installation of sewage treatment plant (amended description)
Location	Proposed Camping Site At Jenny Knoll Woodside Clun Shropshire
Date of appeal	13.12.17
Appeal method	Written Representations
Date site visit	13.02.18
Date of appeal decision	24.04.18
Costs awarded	
Appeal decision	Dismissed



Appeal Decision

Site visit made on 13 February 2018

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 April 2018

Appeal Ref: APP/L3245/W/17/3189593

Land at Jenny Knoll, Clun, Craven Arms SY7 0JB

- 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 & Mrs D Roberts against the decision of Shropshire Council.
 - The application Ref 17/01380/FUL, dated 10 March 2017, was refused by notice dated 29 August 2017.
 - The development proposed is change of use of land to form camping site to include the erection of 6 self-contained yurts for holiday lettings; one amenity building; installation of sewage treatment plant (amended description).
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development used in the heading above is the same used on the appeal form and the Council's decision notice and differs from the description stated on the planning application form. The proposal was amended prior to the application being determined by the Council and I have received written confirmation that the amended description was agreed by the Council and the appellants. I have determined the appeal accordingly.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area which forms part of the Shropshire Hills Area of Outstanding Natural Beauty (AONB).

Reasons

4. The appeal site comprises agricultural land located to the south of the small settlement of Clun. It forms part of a larger agricultural holding and at the time of my visit the site was being used to keep goats and contained a number of modest timber sheds positioned near to the site of the proposed amenity building. The site is undulating with land levels rising and falling across it and it is located within an attractive and tranquil valley setting within the AONB. It is wooded on three sides with an open aspect to the north towards Hollybush Farm and to the undulating rural landscape beyond. The site has vehicular access onto the adjacent single track road with a level area of land next to the access providing a hard surfaced parking area.

5. The site is located in the countryside, some way beyond the settlement boundary of Clun which is identified by the Council as a community hub. Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy March 2011 (CS) states that new development will be strictly controlled within the countryside. Development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to, amongst other things, sustainable rural tourism and leisure and recreation proposals which require a countryside location and farm diversification schemes, in accordance with Policies CS16 and CS17.
6. CS Policy CS16 and Policy MD11 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan December 2015 (SAMDev) relate to tourism development and state, amongst other things, that new tourism development should be appropriate to its location, should not harm Shropshire's tranquil nature and development proposals that require a countryside location should complement the character and qualities of the site's immediate surroundings.
7. The proposed change of use would include the erection of six canvas yurts and associated timber toilet/shower pods in a scattered and elevated position towards the rear of the site together with a timber amenity building near to existing timber structures on the site. In addition six parking spaces would be formed close to the road and near to the site access with pedestrian access only to the yurts and amenity building. No lighting or signage of the site is proposed. Both main parties appear to agree that the visual impact of the yurts and the amenity building is likely to be limited having regard to their position within the site, to the surrounding topography and to existing and proposed landscaping to the majority of the site boundaries. However cars parked in the proposed parking spaces are likely to be visible from the adjacent road. Nevertheless I agree that the impact of the proposal on the appearance of the area is likely to be limited having regard to the fact that there would be limited views of it from public vantage points.
8. As stated the appeal site is in a tranquil countryside location beyond the settlement boundary of Clun. Access is via a single track, unlit and undulating road. The proposed use of the site between the beginning of March until the end of October for tourism accommodation in six yurts spread across the site would significantly increase the level of activity on the site and given the nature of the route between the site and the services and facilities in Clun is also likely to significantly increase the number of vehicle movements to and from it. This increase in activity and associated noise and disturbance would be harmful to the tranquil rural character and nature of the site and the surrounding area. Whilst the Council's policies do allow for rural tourism facilities and visitor accommodation under certain circumstances and whilst camping facilities can in some cases constitute appropriate rural development, for the reasons stated, I consider that the proposal would be significantly harmful to the character and local distinctiveness of the area which is an AONB.
9. In reaching my decision I have had regard to the fact that the proposal forms part of a farm diversification scheme which could supplement the farm income and that it would be likely to contribute to the rural economy both during the construction phase and through visitor spend in the local area, noting the

support for the proposal from a local pub. It would also provide the opportunity for visitors to enjoy and to experience the natural beauty of the AONB and I note that the appellants consider that the majority of visitors to the site would be walkers. However whilst the nature of the proposed accommodation and the site location is likely to appeal to a particular clientele, there is no guarantee that this would be the case and in any event the site's location relative to Clun means that users of the site are likely to at least in part be car dependent.

10. I have also had regard to the fact that the intention is for the proposal to be a low energy and environmentally friendly scheme and that some highway improvements and additional native planting form part of the proposal. However these modest benefits of the proposal would not outweigh the significant harm that I have identified to the character of the area.
11. The appellants have referred to the fact that they could use the site for the siting of five caravans without the need for planning permission and that this fallback position would be more harmful than the proposal. Whilst such a use may be able to take place, I have no evidence before me to indicate that this is likely and have therefore attached very limited weight to the stated fallback position.
12. Finally I note that the application was submitted following pre-application advice from the Council and that the application was refused by the Council's Planning Committee contrary to the advice of its officers who were recommending the application for approval subject to appropriate conditions. I do not consider that the harm that would result from the proposal could be overcome by the imposition of conditions and whilst I have some sympathy with the appellants who sought pre-application advice prior to submission, this does not justify the granting of planning permission.
13. Taking the above matters into consideration, whilst the effect of the proposal on the appearance of the area is likely to be limited, it would have a significant adverse effect on the character of the area which forms part of the AONB. The proposal is therefore contrary to policies CS5, CS6, CS13, CS16 and CS17 of the CS, policies MD2, MD11 and MD12 of the SAMDev and to relevant paragraphs of the National Planning Policy Framework. These policies seek, amongst other things, to control development in rural locations and to ensure that new development, including tourism related development, is appropriately located and maintains the character of the countryside.

Conclusion

14. For the above reason and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR

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