

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

Date: Monday, 6 November 2023

Committee:
Southern Planning Committee

Date: Tuesday, 14 November 2023
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.

There will be some access to the meeting room for members of the press and public, but this will be limited. If you wish to attend the meeting please email democracy@shropshire.gov.uk to check that a seat will be available for you.

Please click [here](#) to view the livestream of the meeting on the date and time stated on the agenda

The recording of the event will also be made available shortly after the meeting on the Shropshire Council Youtube Channel [Here](#)

The Council's procedure for holding Socially Distanced Planning Committees including the arrangements for public speaking can be found by clicking on this link:

<https://shropshire.gov.uk/planning/applications/planning-committees>

Tim Collard
Assistant Director – Legal and Governance

Members of the Committee

David Evans (Chairman)
Nick Hignett (Vice Chairman)
Caroline Bagnall
Andy Boddington
Richard Huffer
Christian Lea
Hilary Luff
Nigel Lumby
Tony Parsons
Ed Potter
Robert Tindall

Substitute Members of the Committee

Joyce Barrow
Gwilym Butler
Rachel Connolly
Nigel Hartin
Pamela Moseley
Cecilia Motley
Claire Wild
Mark Williams
Paul Wynn

Your Committee Officer is:

Tim Ward / Ashley Kendrick Committee Officer

Tel: 01743 257713 / 01743 250893

Email: tim.ward@shropshire.gov.uk / ashley.kendrick@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive any apologies for absence.

2 Minutes (Pages 1 - 4)

To confirm the minutes of the Southern Planning Committee meeting held on 19 September 2023

Contact Tim Ward (01743) 257713.

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 5.00 pm on Thursday 9 November 2023

4 Disclosable Pecuniary Interests

Members are reminded that they must declare their disclosable pecuniary interests and other registrable or non-registrable interests in any matter being considered at the meeting as set out in Appendix B of the Members' Code of Conduct and consider if they should leave the room prior to the item being considered. Further advice can be sought from the Monitoring Officer in advance of the meeting.

5 Farley Quarry, Farley, Much Wenlock, Shropshire, TF13 6NX (22/05214/EIA) (Pages 5 - 40)

Restoration of part of Farley Quarry by means of the recycling of construction, demolition and excavation wastes and the engineered placement of the rejects from the recycling process to raise levels in the Quarry to create a restoration landform, together with ancillary activities and improvements to the site access.

6 Ludlow Touring & Holiday Home Park Overton Road Ludlow Shropshire SY8 4AD (23/02851/FUL) (Pages 41 - 54)

Change of use of land for extension of existing Touring & Holiday Home Park with 61 pitches for static caravans/holiday homes and associated development, including access arrangements and internal roads, footpaths and landscaping

7 Proposed Affordable Dwelling To The West Of Cockshutford Clee St Margaret Shropshire (23/03727/FUL) (Pages 55 - 64)

Erection of an affordable home in response to an identified need for a local family and associated works.

8 Schedule of Appeals and Appeal Decisions (Pages 65 - 98)

9 Date of the Next Meeting

To note that the next meeting of the Southern Planning Committee will be held at 2.00 pm on Tuesday 12 December 2023 in the Shirehall.

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Committee and Date

Southern Planning Committee

17 October 2023

SOUTHERN PLANNING COMMITTEE

Minutes of the meeting held on 19 September 2023

2.00 - 3.30 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Tim Ward / Ashley Kendrick

Email: tim.ward@shropshire.gov.uk / ashley.kendrick@shropshire.gov.uk Tel: 01743 257713 / 01743 250893

Present

Councillors David Evans (Chairman), Caroline Bagnall, Andy Boddington, Christian Lea, Hilary Luff, Robert Tindall, Joyce Barrow (Substitute) (substitute for Nick Hignett), Gwilym Butler (Substitute) (substitute for Nigel Lumby), Rachel Connolly (Substitute) (substitute for Tony Parsons), Nigel Hartin (Substitute) (substitute for Richard Huffer) and Claire Wild (Substitute) (substitute for Ed Potter)

21 Apologies for Absence

Apologies for absence were received from Councillors Nigel Lumby, Tony Parsons, Richard Huffer, Nick Hignett, and Ed Potter.

Councillor Gwilym Butler substituted for Councillor Lumby, Councillor Rachel Connolly substituted for Councillor Parsons, Councillor Nigel Hartin substituted for Councillor Huffer, Councillor Joyce Barrow substituted for Councillor Hignett, and Councillor Claire Wild substituted for Councillor Potter.

22 Minutes

RESOLVED:

That the Minutes of the meeting of the Southern Planning Committee held on 25 July 2023 be approved as a correct record and signed by the Chairman.

23 Public Question Time

There were no public questions

24 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.

25 Proposed Solar Farm SE of Rock Farm, Rocks Green, Ludlow (22/05424/EIA)

The Principal Planner introduced the application which was an application for a Solar Farm (40MW), 12MW co-located battery energy storage facility with sub-station, ancillary buildings, structures, landscaping, emergency lighting and access from A4117 and with reference to the drawings and photographs displayed, he drew Members' attention to the to the location and layout.

The Principal Planner confirmed that members had attended a site visit and drew attention to the information contained in the schedule of late representations and copies of additional information from the Council's Senior Conservation Officer which Members had before them.

Sebastian Phillips spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Jeff Garraway spoke on behalf of Ludford Parish Council against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees

Councillor Katherine Wheeler spoke on behalf of Bitterley Parish Council against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees

Councillor Viv Parry, local Ward Councillor spoke against the application in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Duncan Howle, (Agent), spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In response to a question Mr Howle confirmed that no discussion had taken place with the landowner regarding the use of the land to the west of the application site as there was no agreement to use this land.

A Member commented that they felt that there had been a lack of consultation with residents and the local parish councils which if it had taken place may have been able to resolve some of the objections raised and prevented last minute amendments to the scheme.

Members expressed concerns regarding the effect of the proposals on the heritage site adjacent to the site but felt that the proposed mitigations reduced this effect and that the benefits of the proposals outweighed the harm.

A Member commented that they felt that the small amount of best and most versatile land should be removed from the proposal.

RESOLVED:

That in accordance with the Officer recommendation planning permission be approved subject to the conditions set out in appendix one of the report, and a supplementary condition to deliver additional heritage stand-off

26 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 19 September 2023 be noted.

27 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the Southern Planning Committee will be held at 2.00 pm on Tuesday, 17 October 2023 in the Shrewsbury Room, Shirehall.

Signed (Chairman)

Date:

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Committee and date	Item
Southern Planning Committee	
14th November 2023	Public

Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 22/05214/EIA	Parish:	Much Wenlock
Proposal: Restoration of part of Farley Quarry by means of the recycling of construction, demolition and excavation wastes and the engineered placement of the rejects from the recycling process to raise levels in the Quarry to create a restoration landform, together with ancillary activities and improvements to the site access.		
Site Address: Farley Quarry, Farley, Much Wenlock, Shropshire, TF13 6NX		
Applicant: Mr Jim Cannon		
Case Officer: Graham French	email : planning.southern@shropshire.gov.uk	

Recommendation:- Grant Permission subject to the conditions and legal routing restriction as set out in Appendix 1.

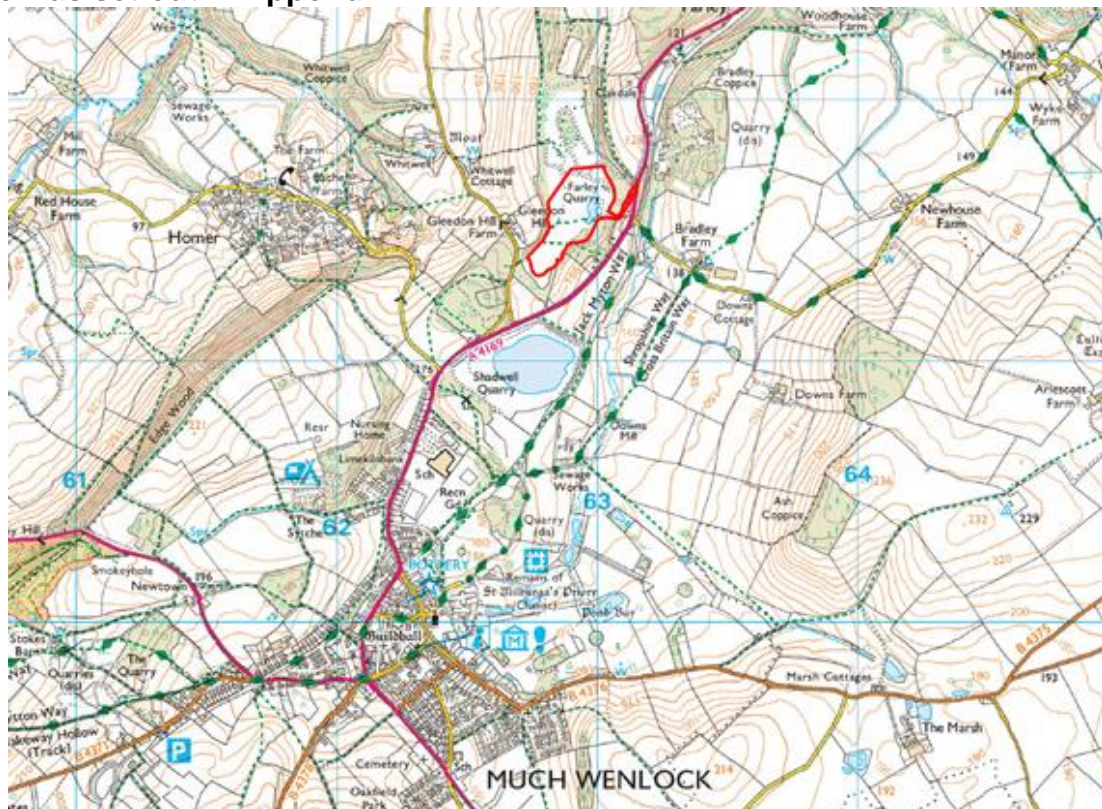


Figure 1 – Location Plan

REPORT

1.0 THE PROPOSAL

- 1.1 The proposal is for restoration of the southern half of Farley Quarry through the engineered placement of imported inert fill materials. The infill materials would comprise inert residues from the recycling of construction, demolition and excavation wastes. Ground levels in the quarry void would be raised by infilling in 3 phases from south to north to create a gently sloping restoration landform (Fig 2). The proposals also include ancillary recycling activities and improvements to the site access at Farley Quarry.
- 1.2 The southern part of the Farley Quarry comprising the main quarry void would be restored to a landform suitable for amenity and agricultural use. The restoration landform would have a gently graded north-facing slope, falling by 6m across the site from south (163m AOD) to north (157m AOD). Restoration would be to grassland and woodland and would deliver a significant biodiversity enhancement (Fig 3). The proposed profile would require approximately 300,000m³ of fill which translates into 450,000 tonnes at a density of 1.5 tonnes per m³.



Figure 2 – Phasing



Figure 3 – Restoration

- 1.3 Initial operations would begin with improvements to the Site access from the A4169. This would comprise widening of the access road, the construction of a retaining wall on the upslope side and the improvement of the visibility splays by re-profiling the highway verge and clearing it of vegetation.
- 1.4 Construction, demolition and excavation wastes and soils would be brought on site and treated to make recycled aggregate which would be stored for export. Any materials which are not suitable for recycling would be placed within the southern and central parts of the quarry to construct the restoration landform. All activity except for the access off the A4169 would remain within the quarry itself and well below the top of the perimeter quarry faces.
- 1.5 The existing access off the A4169 would be improved by widening and re-profiling. HGV traffic entering and egressing the site would be required to only use the A4169 towards Telford. Site Traffic would not pass through Much Wenlock to the south. It is proposed that approximately 150,000 tonnes of inert construction, demolition and excavation waste would be brought on site each year. The anticipated 70% recycling rate would leave a residue of 45,000 tonnes (30,000m³) of fill material per year. This would be placed annually into the quarry over a period of 10 years to achieve the proposed restoration landform.
- 1.6 Placement of fill materials would continue northward building up in 1m layers and compacting as operations progressed. Once finished levels had been formed in any

area, soil making materials would be laid to a depth of 250mm covered with a 150mm layer of topsoil reclaimed from the imported wastes. Final operations would see the northern eastern end of the restoration profile constructed together with the slopes down to the access road. A permanent access to the main restoration surface would be provided off the internal haul road, the haul road also being retained permanently.

- 1.7 The proposed hours of working would be 07:30 to 18:00 on weekdays and 07:30 to 13:00 on Saturdays. No working would take place on Sundays or public and bank holidays.
- 1.8 The proposed landscaping scheme would protect most of the important habitats within the Quarry such as calcareous grassland and woodland. The development for the most part would take place on the quarry floor which is devoid of vegetation and suffers from disturbance and erosion. The design would include the construction of a replacement footpath.
- 1.9 Environmental Statement: The proposals comprise EIA development under Schedule 2, Part 11b of the EIA Regulations 2017 (as amended). An Environmental Statement accompanies the application and includes reports on transport, hydrology, ecology, visual impact and other relevant matters.

2.0 SITE LOCATION / DESCRIPTION

- 2.1 The area covered by the planning application is 7.1 Ha and occupies the central and southern parts of the Quarry, together with the Quarry access onto the A4169 Much Wenlock Road. The majority of the northern part of the quarry lies within a different ownership. The Quarry is situated on the eastern edge of the Shropshire Hills Area of Outstanding Natural Beauty, to the north of the medieval market town of Much Wenlock and is cut into the western side of the valley of Farley Brook. The quarry is designated as a Regionally Important Geological Site.
- 2.2 The nearest residential properties are Farley House (104m) and The Mount (84m), both on Much Wenlock Road, and 19 Much Wenlock Road (60m).
- 2.3 Two public rights of way cross the quarry, but no provision has been made to facilitate access along the routes which were blocked by the quarry faces more than several decades ago. These are footpaths 0133/43/1 and 0133/42/01. A third footpath lies on the northern boundary of the site (footpath 0133/UN3/5) but it terminates abruptly where it meets the boundary of the 1949 permission.
- 2.4 Farley Quarry has a long planning history dating back to an Interim Development Order (IDO) planning permission granted in May 1948 covering an area of 19.6 hectares. This permission was for the "continuance and extension of the workings of the Gleedon and Farley Quarries (Limestone)". A second planning permission to the north was granted in July 1973 for the "extraction and processing of limestone and minerals". A later permission covered improvements to the site access.
- 2.5 An application to infill the southern part of Farley using inert recycling residues was refused on 13/1/22 (ref 20/01751/EIA). The proposals differ from the current scheme in that the restoration proposals involved the construction of a platform to accommodate future development. This is in contrast to the current application which proposed a

biodiversity-based restoration. The reasons for the previous refusal can be summarised as follows:

Reason 1 – unacceptable location

- i. The site is located within the Shropshire Hills Area of Outstanding Natural Beauty (AONB) and no clearly identified need has been established for the waste recycling facility
- ii. The proposed use, including the construction of the development platform for future development would both prejudice the restoration of the existing mineral working contrary to the Site Allocations and Management of Development (SAMDev) Plan (2015) Policy MD14 and be contrary to the Much Wenlock Neighbourhood Plan which makes clear that industrial and commercial uses will not be supported
- iii. Contrary to Core Strategy Policies CS5, CS13 and CS16, SAMDev Policy MD11 and paragraphs 176 and 177 of the NPPF insofar as it would facilitate new commercial development in a rural area outside of any sustainable settlements

Reason 2 – Inadequate Transport Statement / highway safety

- i. Valid baseline of potential quarry movements has not been demonstrated
- ii. Inadequate assessment of forward visibility on the A4169 and traffic impacts at other key road junctions in the area

Reason 3 – Visual impact within AONB

- i. The development, comprising both the waste recycling facility and the construction of the future development platform, would be significantly detrimental to the character and appearance of the area as a feature of historical landscape interest within the Shropshire Hills Area of Outstanding Natural Beauty

Reason 4 – Public footpaths

- i. The proposals do not include details to show how the closed footpaths that form part of the Public Rights of Way Network will be addressed to ensure its protection and enhancement (Core Strategy Policies CS6, CS7 and CS17, Much Wenlock Neighbourhood Plan Policies LL1, and LL3, NPPF, Chapter 8, paragraph 100)

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The proposals have been referred to committee by the local Member following objection from Much Wenlock Town Council.

4.0 COMMUNITY REPRESENTATIONS

Consultee Comments

4.1a Much Wenlock Town Council – Objection

1. The application is contrary to policies LL1 and LL2 of the Much Wenlock Neighbourhood Plan:
2. The traffic statement provided is inadequate and the time frames used are not representative of the proposed working hours.

3. The application will have a detrimental effect on the Shropshire Hills AONB and is contrary to SamDev policies MD12 and MD17 and Core Strategy Policies CS17 and CS20.
4. Councillors are concerned about noise and dust emanating from the site.
5. Councillors do not support the use of permissive paths on the site due to the lack of legal certainty and add that existing footpaths should be re-opened.

4.1b Much Wenlock Town Council – Transport Objection - Much Wenlock Town Council would like to submit the following additional comments with regard to the Transport Statement accompanying Planning Application No. 22/05214/EIA for the use of Farley Quarry for recycling and depositing waste.

1. The first comment relates to para 3.8 of the Transport Statement: the figure of 36 has been derived from subtracting the lowest flow from the average and not the highest. This figure should be corrected to 54.
2. Councillors object to the use of the expression daily variation when describing the differences between the lowest and the highest flows. This is misleading and should be described more accurately as maximum daily difference.
3. Regarding traffic accidents, para 4.5 claims 'it is also apparent that there have been no recorded injury accidents at the site access.' This is incorrect; para 4.3 of the report describes the accident resulting in serious injury that occurred at the access in 2014.
4. The overriding concern with this development is the increased number of heavy vehicle movements that will be generated by the proposed activities at the quarry, throughout the day, and the impact these vehicles will have on the existing users of the road and residents along the A4169.
5. Councillors are concerned that (except for peak periods) the HGV traffic flows quoted in the Transport Statement are based on 24-hour Automatic Traffic Counts at two sites (the same applies to the total daily flows provided.) This means that whilst the quarry operation will be between 0730-1800 hours (10.5 hours), the HGV flows quoted in the Statement are for 24 hours. This makes comparisons misleading.
6. For example, taking the quoted 24-hour five-day average HGV flow at Site1 of 170, then adding the 100 HGVs generated by the proposed operation, gives a daily increase of heavy vehicles on the A4169 of 59%. This alone is a very significant and alarming increase; therefore, if the Statement's quoted 24 hour HGV flows are reduced to match the same time period as the proposed Quarry operation, then the percentage increase becomes even greater!
7. To give another example, if the Statement's 24 hour five-day average of 170 is reduced by say, 25, to bring it in line with the proposed Quarry operating hours, the additional 100 HGVs would now represent an increase of 69%.
8. The same applies to what the Statement calls daily variations and what Councillors believe should be called maximum daily difference. The proposed 100 additional HGVs are already greater than the quoted maximum daily differences at both Site 1 (54) and Site 2 (91) and it is possible that the differences will increase when the flows coinciding with the operating hours are used.
9. Moving on to the swept-path analysis. The Transport Statement demonstrates that the largest HGV's can successfully negotiate the revised access arrangement to and from the north. Whilst this is encouraging, it is only half the story. Councillors would expect to see a swept-path analysis that clearly demonstrates that HGVs of all sizes are unable to physically turn in to, or out of the site from the

south. This should be provided in support of the applicant's claim that lorries will not travel through Much Wenlock.

10. In fact, Councillors believe that the application is too silent on the details of how, exactly, it is proposed to prevent HGV's travelling to and from Much Wenlock to gain access to Farley Quarry. Routing agreements are commonplace and applications should be emphatic on this subject if they expect to receive local support.
11. Examples of the contents of routing agreements include:-
 - Physical junction constraints
 - Cameras
 - Easy, fast reporting of observed offenders
 - Banning serial offenders (three strikes)
12. Councillors believe that, as part of the physical junction constraints, the informal lay-by opposite the existing quarry access should be closed to prevent overrunning.
13. Due to the lack of proper detail of the junction operation or routing agreement, Councillors consider that the application does not satisfy NPPF para 108b, which requires that, 'safe and suitable access to the site can be achieved for all users'.
14. Councillors also believe that an additional 100 vehicles during a limited period of the day, representing a possible increase of 69% can only be described as significant. They are concerned that no form of mitigation of this impact has been proposed by the applicant.

4.3a Buildwas Parish Council – Objection. The Parish Council supports the points raised, particularly by Much Wenlock Town Council. Vehicle movements along the A4169 and potentially the B4380 will have further impact on our road network which is already under significant stress and has had a number of RTA's in recent years.

4.3bi. Buildwas Parish Council – Objection (9/10/23). Concern that while these proposals view that there could be an increase of more than 80 extra HGV movements through Buildwas, there is reference to there being "no reason to conclude restrictions to prevent the use of the B4380 are necessary in this case, as the impact of the proposed development would not be significant in the local context"... We wholeheartedly disagree with this statement as the affects would be significant to our community.

ii. Road safety is one of our highest priorities as a Parish Council, it is the single most reported issue we receive from local residents and data available through West Mercia Police or "Crashmap" would confirm that there is a significant issue along this route and accident, some near significant, occur on the route of the junction of the A4169 and the B4380 on a daily basis. The Parish Council works closely with Shropshire Council and West Mercia Police to address these issues.

iii. We support the view of Shropshire Highways and Leighton and Eaton Constantine Parish Council that a legal 106 agreement be attached to any planning permission to prevent HGV traffic using the B4380.

4.4 Leighton and Eaton Constantine Parish Council (neighbouring parish): Objection.

i. Highways: The scope of the Transport Assessment by Hurlstone Partnership, September 2019, only covers the Access to the Site and the A4169 corridor. There is

no impact assessment on the B4380 even though this is a possible route for the proposed HGV traffic. Based on the worst-case scenario, there would be an average of 100 HGV movements and 10 staff movements per full working day (ref 6.9) to and from the Site. The Parish council must urge that any HGV traffic from this application should not use the B4380 for the reasons stated below:

ii. In previous planning applications for the former Ironbridge Power Station Development and the Buildwas Leisure Park, the following principals have been established with Shropshire Council in relation to the B4380 through Leighton.

1. It is not appropriate for heavy vehicles (e.g. aggregate trucks) to utilise this route for reasons of safety. Therefore, as per the other developments, a condition should be attached that all such vehicles **MUST** be routed up Buildwas Bank.
2. Any other vehicles will add to the pre-existing safety issues along the B4380; the Parish Council is not in support of increased traffic loading due to the pre-existing safety issues. However, if such is approved by Shropshire Council, the developer must provide a suitable sum for the additional traffic mitigation measures (as established for the Ironbridge development).

iii. The safety reasons for not using the B4380 are listed below:

- The B4380 is a rural road, a National Cycle Route with vulnerable road users. It has many properties exiting onto it along with several side roads. The road is narrow in places and has many blind bends making it dangerous particularly concerning wide or HGV traffic. There are already identified traffic problems all along this route. Speeding traffic and pedestrian safety is a real problem, particularly in the villages of Buildwas and Leighton. Traffic Calming Measures have been identified as being needed already by Shropshire Council. Due to the development at the former Ironbridge Power Station the village of Leighton will be implementing Traffic Calming Measures by the completion of the 50th property on the Ironbridge Site. This is some time away and the Parish already has issues with HGV traffic speeding through the village of Leighton. The noise of the empty HGVs hurtling through the village very early in the morning has caused many complaints from residents to the Parish Council. The possibility that up to 100 extra HGV movements per day could pass through our village with the proposed application is extremely worrying.
- Safety issues concerning speeding motorcyclists all along the B4380, particularly at weekends, are a real problem. Adding more HGV traffic to this road particularly at weekends (Saturday work hours predicted 7.30am till 1 pm) will only add to the safety issues.
- The Parish of Leighton and Eaton Constantine has 37 listed buildings recorded. Two properties are Grade 2 star. One of these Grade 2 star buildings, Baxters House, is sited on the road through Eaton Constantine and could possibly be damaged by the vibrations of HGV traffic. The Mill Public House is an important heritage building dating back to the Domesday Book. We are concerned that an increase in HGV traffic might cause damage to these important historic buildings.
- The road through Eaton Constantine is often used as a 'rat run' for traffic travelling towards Wellington and the A5. Quarry traffic from the A5 does sometimes use this route and has caused local problems due to speeding, dust, noise and vibrations. Traffic Calming Measures are in place and have helped to some extent. However, the road is not suitable for HGV traffic and SatNavs do not always recognise this.

- iv. Cumulative Impact of other Planning Applications: Two planning applications have recently been approved at the former Ironbridge Power station site. One for sand and gravel extraction and one outline permission for up to 1000 homes and work space, primary school and leisure facilities. There has also been approval for 106 static caravans along with 48 lodges and associated traffic at Buildwas Leisure Park . Neither of these applications have been considered in the Transport Assessment. The Environmental Statement (14.4.17 Harworth Plc), suggests up to 68 individual lorry movements a day could be generated to remove 100,000 tonnes of sand and gravel from the Ironbridge Site. The overlap of the operations with the Farley Quarry application could possibly be for up to 5 years. This could mean 168 extra HGV movements per day on the A4169. This is a totally unacceptable increase on the local area. The cumulative impact of the traffic from these applications must be considered.
- v. Highway Safety:
- The Impact of adding HGV traffic from the Farley Quarry application on the proposed two new road junctions onto the A4169 from the Ironbridge Power Station Site and the proposed Roundabout at the Buildwas Junction of the A4169 and Buildwas Bank has not been assessed. A road safety audit must be completed.
 - The noise, dust and vibrations from the proposed HGV traffic changing gears at the new junctions and accelerating away could impact negatively on the residential amenity of residents along the A4169. The extra HGV vehicles could also cause traffic delay on the road through these junctions and up the narrow road through Farley Dingle causing driver stress and possible road safety issues.
 - The safety of pupils travelling on the route through Farley Dingle from the Ironbridge Power Station development to the William Brookes School in Much Wenlock will be a concern with an increase in HGV traffic. There is a need to encourage more active modes of transport such a walking and cycling and to improve road safety. Pedestrian and cyclist safety would be compromised by the proposed increase in HGV traffic. Children’s safety must be a priority.
 - Crashmap data shows that there have been recently one fatal and two serious accidents at the Buildwas junction onto Buildwas Bank (21.3.20, 16.4.21, 10.12.21). There is no data for 2022 but it is known from local knowledge that there have been further serious accidents. A full road safety audit needs to be completed before any permission is given to increase HGV traffic on this route.
- vi. Planning Policy: Shropshire Hills Area of Outstanding Natural Beauty. The recycling of waste on this site would impact on the character and appearance of the countryside within the AONB. The noise and dust from such operations would also affect the peace and tranquillity of the countryside. The AONB Management Plan states ‘The special qualities of the AONB landscape underpins the area’s economy. Activities which undermine the area’s natural capital will have a long-term detrimental effect on the economy’. The National Planning policy framework states’ Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe’. We feel that there is a strong safety case to refuse this application
- 4.5 Environment Agency – No objection.
- i. In relation to the Hydro-geological Risk Assessment, it is considered that the information provided is sufficient to confirm that the adjacent properties have no

recorded private water supplies and a lower risk to controlled waters. For completeness, a comprehensive Water Features Survey has established that there are no licensed groundwater abstractions within a 1km radius of the application site. There are five private water supplies located within a 1km radius of the application site.

- ii. The proposed landfill/deposit site for recovery will require a 'Bespoke permit' under Schedule Regulation 12 of the Environmental Permitting Regulations (England and Wales) 2016. We have no objection in principle to the proposed development and would consider that the required Environmental Permit (EP) would control future landfilling/deposit for recovery operations along with associated emission to land air and water as part of that regulatory regime. See note below. Notwithstanding the conclusion of 'low risk' to controlled waters receptors as stated in the Hydrogeological Risk Assessment, it is likely that the EP will require the underlying aquifer and controlled water receptors to be protected by placement of an engineered low permeability barrier, to separate the deposited material from the underlying natural limestone geology. For an inert landfill this would normally be equivalent to 1m thickness of clay with permeability.
- iii. Pollution Prevention: Developers should incorporate pollution prevention measures to protect ground and surface water. Pollution prevention guidance can be viewed at: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

A condition on liquid storage and informative notes on Environmental Permitting are recommended (included in Appendix 1).

4.6 AONB Partnership – The planning authority has a legal duty to take into account the purposes of the AONB designation in making this decision, and should take account of planning policies which protect the AONB, and the statutory AONB Management Plan. Our standard response here does not indicate either an objection or 'no objection' to the current application.

4.7 Natural England – No response received.

Internal Comments

4.8a SC Ecology (25/04/23): Objection

- i. Biodiversity Net Gain and Open Mosaic Habitat on Previously Developed Land:
Since the earlier comments in December 2022, a DEFRA Biodiversity Metric 3.1 workbook has been submitted. No corresponding report to explain how the figures and categories entered into the spreadsheet have been derived has been submitted and so I am unable to confirm that the development will result in the purported 10,25% net gain for area-based habitats. For instance:
 - How have condition assessment been reached (note the use of the 'fairly' categories-how and why have these been used)?
 - How has strategic significance been derived?
 - All habitat creation will not commence from year one; there will inevitably be a delay in starting habitat creation due to the proposed infilling taking place over a decade - this has not been taken into account in the metric.
 - Plans showing the habitat included in the metric should be supplied

- OMHPDL is a priority habitat but has not been included in the metric-see my previous comments regarding this habitat (copied below for clarity).
- ii. Priority Habitats Having read the submitted EclA it appears that the site may comprise of the UK priority habitat 'open mosaic habitat on previously developed land' (OMHPDL). Section 6.2.7.1 of the EclA states 'Areas of bare ground and ephemeral/short perennial vegetation are mixed in complex habitat associations too small and intimate to map accurately and are best described together.' Section 6.2.4.1 of the EclA states 'Around the periphery of the quarry are small patches of sparse grassland with characteristics of both neutral and calcareous grassland. Those described in this category are those which contain species more typical of calcareous grassland or indicator species (Axiophytes ' as included in the SEDN database of Axiophyte species of Shropshire 2018). Many of the patches appear to be complex mosaics and intergrades of vegetation resulting from the mixing of soils during previous quarrying operations and support both calcareous and neutral grassland types. Having also analysed the species lists provided, it does seem to suggest that the site is composed of this UK priority habitat. There is no analysis of this in the EclA, which should be provided. If it is a priority habitat, this has implications for the restoration proposals (and biodiversity enhancement).
 - iii. Invertebrates: As stated in the UK priority habitat description for OMHPDL, this habitat is often associated with a rich and diverse invertebrate assemblage, however, there is no assessment of the site for invertebrates in the EclA. This should be provided alongside an impact assessment and any required avoidance, mitigation and enhancement measures.
 - iv. Geology: The proposed development site consists of a Local Geological Site (LGS). A geological survey of the site including recommendations on protection of the LGS will be required. Damage to a Local Site would not normally be accepted and SAMDev Plan MD12 applies. See here for further information: www.shropshiregeology.org.uk/rigs/RIGSmap.html
The reason for designation is: 'This part of the quarry shows the strata disturbed by faulting and is very instructive for any visiting groups who also may appreciate the relationship between Wenlock Reef Facies and the tabular limestone'.
There is no consideration of the presence of the LGS in any documentation accompanying the application and this should be provided.
- 4.8b. SC Ecology (25/04/23) Objection. More information is required with regards to:
1. Open Mosaic Habitat on Previously Developed Land;
 2. Invertebrates;
 3. Biodiversity Net Gain; and
 4. Geology.
- In the absence of the requested information there is objection as it is not possible to confirm that the development accords with NPPF, MD12 and CS17 regarding the protection and enhancement of biodiversity and other natural (geological) assets.
- ii. Biodiversity Net Gain and Open Mosaic Habitat on Previously Developed Land:
Since my comments in December 2022, a DEFRA Biodiversity Metric 3.1 workbook has been submitted. No corresponding report to explain how the figures and categories entered into the spreadsheet have been derived has been submitted and so I am

unable to confirm that the development will result in the purported 10.25% net gain for area-based habitats. For instance:

- How have condition assessment been reached (I note the use of the 'fairly' categories-how and why have these been used)?
- How has strategic significance been derived?
- All habitat creation will not commence from year one; there will inevitably be a delay in starting habitat creation due to the proposed infilling taking place over a decade - this has not been taken into account in the metric.
- Plans showing the habitat included in the metric should be supplied
- OMHPDL is a priority habitat but has not been included in the metric-see my previous comments regarding this habitat (copied below for clarity).

- iii. Priority Habitats: Having read the submitted EclA it appears that the site may comprise of the UK priority habitat 'open mosaic habitat on previously developed land' (OMHPDL). Section 6.2.7.1 of the EclA states 'Areas of bare ground and ephemeral/short perennial vegetation are mixed in complex habitat associations too small and intimate to map accurately and are best described together.' Section 6.2.4.1 of the EclA states 'Around the periphery of the quarry are small patches of sparse grassland with characteristics of both neutral and calcareous grassland. Those described in this category are those which contain species more typical of calcareous grassland or indicator species (Axiophytes ' as included in the SEDN database of Axiophyte species of Shropshire 2018). Many of the patches appear to be complex mosaics and intergrades of vegetation resulting from the mixing of soils during previous quarrying operations and support both calcareous and neutral grassland types. Having also analysed the species lists provided, it does seem to suggest that the site is composed of this UK priority habitat. There is no analysis of this in the EclA, which should be provided. If it is a priority habitat, this has implications for the restoration proposals (and biodiversity enhancement).
- iv. Invertebrates: As stated in the UK priority habitat description for OMHPDL, this habitat is often associated with a rich and diverse invertebrate assemblage, however, there is no assessment of the site for invertebrates in the EclA. This should be provided alongside an impact assessment and any required avoidance, mitigation and enhancement measures.
- v. Geology: The proposed development site consists of a Local Geological Site (LGS). A geological survey of the site including recommendations on protection of the LGS will be required. Damage to a Local Site would not normally be accepted and SAMDev Plan MD12 applies. See here for further information:
www.shropshiregeology.org.uk/rigs/RIGSmap.html
The reason for designation is: 'This part of the quarry shows the strata disturbed by faulting and is very instructive for any visiting groups who also may appreciate the relationship between Wenlock Reef Facies and the tabular limestone'. There is no consideration of the presence of the LGS in any documentation accompanying the application and this should be provided.
- 4.8ci. SC Ecology (25/04/23) No objection subject to conditions to protect and enhance biodiversity and other natural (geological) assets in accordance with NPPF, MD12, CS17 and policies LL1, LL2 and LL3 of the Much Wenlock Neighbourhood Plan. Since the comments in April 2023 a revised DEFRA Biodiversity Metric 4.0 workbook has been submitted alongside a report explaining how the figures, areas etc have been

derived. Condition assessment sheets for the habitats on site pre-development have also been submitted.

- ii. The submitted metric and corresponding information is acceptable. The metric has accounted for the time delays which will occur on the site due to the phased restoration and has also adopted an acceptable approach regarding open mosaic habitat on previously developed land, so that it is now accounted for in the metric. It is agreed that the development has demonstrated how it can achieve enhancement of biodiversity. Area-based habitats will have an increase of 11.28% biodiversity units from the baseline and the scheme will deliver calcareous grassland priority habitat, as well as hazel scrub for dormouse and ponds for great crested newt. Conditions are recommended to secure the creation, aftercare and long-term management and monitoring of the semi-natural habitats post operation, so that it does deliver the long-term enhancement of biodiversity as demonstrated can be achieved in the metric.
- iii. Invertebrates: The applicants' ecological consultant has provided further information and justification as to why they consider that invertebrates would not be a significant receptor on this site and therefore why further survey is not required. I accept their justification and do not therefore require invertebrate surveys.
- iv. Geology: It is understood that the proposed infilling will retain the majority of the exposures and the applicant's agent has confirmed that the applicant can agree to allow access on request to the geological exposures in the retained quarry faces once the site has been restored. Access could be granted whilst the site is active, but this will have to be more restrictive for health and safety reasons. A condition to secure the submittal of a geology access scheme should be applied, to ensure that access to geological features is possible both during and post restoration for interested individuals or groups.

4.9 SC Highways Development Control – It is confirmed that Shropshire Council as Highway Authority would raise no objection to the granting of consent for the above-mentioned planning application. The following comments are made in response to the attached correspondence dated 20th September 2023.

- i. Extant Permission and Committed Developments: The applicants transport consultant has acknowledged the redevelopment of the Ironbridge Power Station and made an assessment with regard to the likely impact of the redevelopment and the cumulative impact of the application under consideration. It is accepted that in terms of likely impact Ironbridge Power Station development will have significant impact on the surrounding road network in comparison to the proposed development. It is also acknowledged that based on the current programme for each site, the infilling of Farley Quarry is likely to be completed prior to the full occupation of the Ironbridge Power Station development. Whilst not a consideration as part of this application, it is acknowledged that there is potential benefit to the close-proximity of the two development and there is potential partnership working. This application has been assessed on its own merits and not on the assumption the two developments will work in partnership.
- ii. Visibility: The comments and observation by the applicants Transport Consultant are accepted. In view of the surrounding highway network condition, the number and type of vehicles accessing the site, it is considered appropriate that the applicant implements access improvements as outlined within their response with regard to vegetation clearance and advance signing. It is recommended that a planning condition

is placed upon any permission granted that requires these details to be approved and constructed prior to commencement.

- iii. Traffic Movements: The comments and observations outlined by the applicant's transport consultant are acknowledged, and Shropshire Council as Highway Authority have no further comments in relation to details submitted. As previously outlined it is recommended that the applicant should submit a Traffic Management Plan prior to commencement that details how vehicle movements will be managed and remain in place, unless otherwise agreed for the lifetime of the development.
- iv. HGV Routes: As previously outlined, It is recommended that the applicant enters into a formal Section 106 legal agreement that controls the routing of vehicles. It is not considered sufficient that this is controlled by Planning Condition as suggested by the applicants Highways Consultant (Section 4). It is also consistent with other quarry operations within the area, namely Ironbridge Power Station.
- v. Access design: The applicant transport consultant has confirmed the following;
 - A planning condition requiring details to be submitted, approved and for construction to be completed prior to commencement of the proposed infilling is expected and invited. It is understood this will involve a S278 agreement with the Highway Authority based on the proposed access design, which forms part of the planning application.

There are no further comments with regard to this, as outlined above the submission of details and timing of construction should be subject to a planning condition attached to any permission granted.

- vi. Tracking: There are no further comments with regard to the tracking details submitted.
- vii. Speed Flow Measurements: We have no further comments with regard to the details submitted
- viii. CTMP: The applicant transport consultant has confirmed the following;
 - A condition requiring submission of a Construction Traffic Management Plan to be submitted and approved prior to commencement is expected and acceptable.

There are no further comments with regard to this, as previously outlined should be subject to a planning condition attached to any permission granted, that requires the applicant to submit a Traffic Management Plan prior to commencement that details how vehicle movements will be managed and remain in place, unless otherwise agreed for the lifetime of the development.

- 4.10i. SC Trees – No objection on arboricultural grounds, given suitable precautions being taken to ensure no direct damage (for example tree felling) or indirect damage (for example dust, noise or light pollution) is sustained to the broadleaf woodland that surrounds parts of the application site. Particularly important in this regard are the two southerly projections of Trapps Coppice - areas of designated ancient-replanted woodland which extend towards and are contiguous with the woodland at the northern end of the site.

- ii. The submitted concept restoration plan is supported in the range and types of habitats to be created, subject also to similar support from colleagues in the Council's Ecology Team but would recommend that detailed habitat creation specifications and maintenance schedules are prepared to ensure the long-term sustainable management of the restored site. Maintenance roles and responsibilities should be clearly defined, along with a viable mechanism for funding and implementing the approved management plan.
 - iii. Woodland and scrub habitat creation and maintenance prescriptions should be based upon sound silvicultural principles, in accordance with the UK Forestry Standard (Forestry Commission, 2017). Ideally woodland creation and management within the site of this application would be expanded to include surrounding woodland within the ownership of the applicant, to ensure maximum benefit for biodiversity. Management objectives and prescriptions should be based upon surveys of both ecological characteristics (such as NVC woodland type) and forest mensuration (assessing stocking levels, yield class, standing volumes etc), in order to prepare a comprehensive, long-term woodland management plan.
 - iv. The necessary habitat creation specifications, maintenance schedules and long-term management plans could be secured by condition, should permission be granted. Suitable arboricultural and silvicultural conditions could be recommended upon request, once the points of geological and ecological concern raised in the Ecology Team's consultation response of 16th December 2022 are satisfactorily addressed.
- 4.11 SC Rights of Way – No comments received.
- 4.12 Regulatory Services - No objection. It is recommended that if permission is granted the following conditions are attached:
- i. Prior to use of the development a dust management scheme that details what measures shall be employed to control and monitor dust emissions from the site shall be submitted for written approval to the Planning Authority. Upon approval the scheme shall be fully implemented at all times.
 - ii. Site operation shall be restricted to Monday to Friday 7:30am till 6pm, Saturday 7:30am till 1pm and not at all on a Sunday or Bank Holiday
- 4.13i. SC Conservation - No objection. The proposal affects Farley Quarry where it is noted that this quarry has been operation since the nineteenth century in the extraction of limestone with intermittent operations during the twentieth century. The quarry contains two lime kilns which are considered to be non-designated heritage assets, where these lie towards the east of the site. Other heritage assets lie in the vicinity of the site including Whitwell (Scheduled Monument), Bradley Farm that contains four grade II listed buildings (including the principal farmhouse and barns and two stables which are listed in their own right), Old Windmill (grade II listed), Gleedon Hill Farm (non-designated) and Farley Halt (non-designated). In considering the proposal due regard to the following local and national policies and guidance has been taken, when applicable: policies CS5, CS6 and CS17 of the Core Strategy and policies MD2 and MD13 of SAMDev, along with emerging policies SP1 and DP23 of the Submission Local Plan, and with national policies and guidance, National Planning Policy

Framework (NPPF) revised and published in July 2021 and the relevant Planning Practice Guidance. Sections 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended).

- ii. The submitted Heritage Impact Assessment (HIA) by Peter Cardwell is noted along with the LVIA. The main consideration is that of the existing kilns being that they are sited within the existing quarry where they shall be preserved in-situ. The HIA states that the construction of the platform would lead to 'less than substantial harm', where it is considered that such harm could be mitigated through further future restoration of the site, along with Level 3 recording. The platform shall have some impact on the kilns, but as the platform shall be removed as part of the full long-term restoration of the site, where it is considered that this harm would be temporary. Also the nineteenth century spoil tip shall be completely covered where there is agreement that this shall result in what would effectively be complete loss of this fabric, though it is agreed that the spoil tip has overall little significance, where it shall at least remain insitu and could potentially be subject to further archaeological analysis in the future.
 - iii. It is considered that there would be negligible harm upon the setting of the listed heritage assets at Bradley Farm, taking account of the topography of the site and the siting of existing trees and landscaping, where mitigation should include consolidatory planting so that the visual buffer is maintained, using appropriate native broadleaf species.
 - iv. Overall, it is considered that the proposal would have 'negligible' to 'slight adverse' harm, but overall it is considered that it would not stray into 'less than substantial' territory, as defined under paragraph 202 of the NPPF, though the relevant mitigation measures such as further recording and landscaping is generally supported.
- 4.14i. SC Archaeology – No objection. The proposed development site lies within an area of former limestone quarries with associated limekilns (Shropshire Historic Environment Record [HER] No PRN 07309). One such limekiln is depicted on historic Ordnance Survey mapping at the southwestern edge of the proposed development site, and recent aerial photography had suggested that some remains of this feature might survive. Other similar features may also survive around the edges of the more recently quarried areas. The proposed development site therefore has some archaeological interest.
- ii. An Archaeological and Heritage Assessment (P Cardwell, April 2020, Report 63/1) has been produced in support of this application. The heritage assessment concludes that indirect effects on the setting of heritage assets outside the development boundary would be minimal. The archaeological assessment included a site walk-over survey and concluded that the lime kiln mapped on the south-western edge has been removed by later extraction, but that a pair of lime kilns, one of them largely intact, probably dating to the mid- to late 19th century, survive on the eastern edge of the proposed development area. These lime kilns probably represent the principal surviving historic structures within the quarry. The current proposals include the preservation in situ of the two surviving lime kilns, including provision for their recording and any necessary remedial consolidation works.
 - iii. The archaeological and heritage assessment concludes that subject to the implementation of the proposed outline mitigation strategy the predicted effects of the

proposed development would lead to less than substantial harm to those heritage assets affected by the development. We would concur with this assessment.

- iv. In the light of the above, and in relation to Paragraph 205 of the NPPF (July 2021) and Policy MD13 of the SAMDev component of the Shropshire Local Plan, it is recommended that the area of the lime kilns on the eastern edge of the proposed development site noted by the archaeological assessment be excluded from the development area. It is further advised that a programme of archaeological work be made a condition of any planning permission for the proposed development. This programme of archaeological work should comprise a Level 3 building and photographic record (as defined in Historic England's 'Understanding Historic Buildings: A guide to good recording practice', 2016), to be made of the surviving lime kilns and associated features, to be carried out before significant works associated with the development commence.

4.15i. SC Drainage – Evidence should be provided of the soakaway tests carried out at the 3 locations.

- ii. No details of the attenuation pond or its outflow control have been provided and therefore must be submitted for approval.
- iii. An open channel drain is shown to be leaving the development site at the top of the site entrance. Confirmation is required that this is a valid existing point of discharge and details of its route should be provided.
- iv. No drainage details for the access road have been provided for the bottom of the access. A drainage system to intercept water prior to flowing on to the public highway must be submitted for approval.
- v. Shropshire Council's Local Standard D of the SUDS Handbook requires that exceedance flows for events up to and including the 1% AEP plus CC should not result in the surface water flooding of more vulnerable areas (as defined below) within the development site or contribute to surface water flooding of any area outside of the development site. An exceedance route plan should be submitted for approval demonstrating that in the event of the soakaways and attenuation pond being exceeded, surface water will remain within the confines of the development boundary.

4.16 Councillor Dan Thomas (Local Member) – Has been informed of the proposals and has referred the application to committee.

Public Comments

4.17 The application has been advertised in the press and by site notice. The application has attracted objections from 6 individuals, one neutral comment and comments from 2 groups. These can be inspected on the Council's online planning register (see link in section 11 of this report). The main concerns of individuals can be summarised as follows:

- i. Effect on AONB: Farley Quarry is wholly within the AONB. There is still no adequate demonstration of exceptional circumstances requiring the

- implementation of an industrial facility within the Shropshire Hills Area of Outstanding National Beauty.
- ii. Traffic: HGV impact. Cumulative traffic impact on A4169 from increasing amounts of planned development in the local area. There has already been another quarry application approved along the Much Wenlock Road and vehicle movements will already be set to increase with construction traffic for the former power station site. Concern about inability to enforce routing restriction to avoid Much Wenlock. There should be no HGV's waiting to access the site. The site entrance is at a point where there is poor visibility regarding oncoming traffic which may be travelling at up to 50 mph.
 - iii. Pollution of water supply: Many locally are solely reliant upon springs for their water supply. Current works do not provide any level of certainty that suitably inert materials will be used to fill the quarry.
 - iv. Noise and dust impact: Noise emanating from the site from previous operations can be more noticeable at residential properties up to a mile distant and on higher ground than on those on lower ground in the immediate vicinity. Excessive dust clouds from unloading materials have already been noticed when travelling along the A4169.
 - v. Policy: Infilling operation is an industrial use and, as such, is not supported by Neighbourhood Plan Policies LL1 and LL2. All four refusal points from the original refused application 20/01751/EIA remain valid for this current revised application.
 - vi. Rights of Way: This developer has blocked rights of way for a number of years and by replacing public rights of way with a permissive path the landowner will soon be able to stop all public access, as permissive rights of way can be withdrawn. It is understood that many years ago when the quarry was being developed the undesignated footpath to the west of the site from the Sheinton road to the Farley road was created and it is important that this now becomes a designated footpath. However, the footpath is unsatisfactory over about 20 metres of its length near its mid-point because its exceptional steepness poses a real risk to walkers of slippage and injury. It is requested that as a condition of the requested planning approval the developer, for safety reasons, be required to install a flight of steps with handrail at this location.
 - vii. Other: Devaluation of properties in the local area. Some activities within the application have been witnessed to have already begun and traffic movements along the A4169 ending at the Farley Quarry have been noticed over the last few years. Industrial noise from 0730hrs to 1800hrs each weekday and 0730hrs to 1300hrs stretching over 11 to 12 years will completely destroy a local family business based on quiet rural getaways within the Shropshire Hills AONB. Concern about lighting and loss of dark sky tranquillity. This new application seeks to fill a smaller area over the same length of time as the previous refusal with the same hours of work which seems wrong.

Representations have also been received from the following:

4.18 Much Wenlock Civic Society: Objection on the following grounds:

- i. Access and Road Safety: The Much Wenlock Civic Society notes the extensive assessment undertaken by the consultants acting for the applicant. A key phrase deriving from this assessment is a claim that "an acceptable level of highway safety" could be assured, for example, by the steps proposed to improve visibility. Such claims

are subjective rather than objective and do not take into account the relative speed of the passing traffic and of the traffic emerging from the site. Whether the risk level is acceptable in the light of those element remains in doubt. The Civic Society is concerned about whether the proposals comply with the policies detailed by Shropshire Council in paragraph 2 of the decision to reject the previous application in January 2022.

- ii. AONB: The Much Wenlock Civic Society fully supports the objections detailed in Item 3 in the decision to reject the previous application in January 2022. The record specifies the basis in policy of the decision. Nothing in the new application would justify a change in the decision made at that time on this issue.
 - iii. Archaeology: The Much Wenlock Civic Society strongly supports the concerns and policy base now expressed by the Historic Environment team of Shropshire Council as a statutory consultee.
 - iv. Drainage and Groundwater: The Much Wenlock Civic Society has a strong record of examining and assessing the risks that local developments present both in respect of groundwater contamination and in respect of the existing flooding designation of the area. In an area where geology is complex, fault systems have been identified and slopes are significant, the reliability of assurances about groundwater protection need careful examination. Moreover, the designation of the area as a Rapid Response Catchment means that a highly cautionary approach ought to be adopted in assessing flood risk, especially in the light of climate change. It is a matter of concern that an otherwise very thorough report prepared by consultants for the applicant does not mention the Rapid Response Catchment Designation of the area by the Environment Agency.
 - v. Rights of Way: The Much Wenlock Civic Society has long been aware of the widespread and persistent local concern about a failure to observe, legally divert or make good the access embodied in the historical record of Rights of Way in and around the Farley Quarry. These have long been of local importance and their significance has increased as walking groups contribute increasingly to local tourism. These concerns were embodied in item 4 within the decision of Shropshire Council in January 2022 to reject the previous application relating to this site. There does not seem to have been any subsequent attempt to address and remedy these concerns. While the applicant sets out proposals to do so in future, the opportunity to make good on these obligations has already been available for some years.
- 4.19i. Much Wenlock Walkers are Welcome: The application is superficially attractive from the point of view of recreational walking. There are brief references to designating footpaths on the NW and W boundaries of the site as PROWs, the creation of a walking route within the site and the provision of a footway for 150-200 m along the west side of the A4169. The latter would allow walkers to cross from the Wyke road or the footway from Wenlock to safely access 0133/45/1. Unfortunately, the application is silent on implementation and timescales. If consented as currently applied for, it would be within the applicant's rights to defer implementation until 'restoration' has been completed, 12 years hence. Furthermore, the treatment of pedestrian access issues is so rudimentary that the legal position for walkers could substantially worsen for the foreseeable future. On this basis there is objection to the application as submitted.

- ii. As the Transport Statement (TS) observes there are three rights of way within the application site - two traverse the quarry and the third ceases in the middle of the site - probably a defect of the 1948 consent. If this application is granted, it is implicit that these PROWs will be removed. The promised 'Permissive Path' which would create a circular walk is likely to appear, if at all, at the end of the 12 years of 'restoration' activity. This loss of public rights of way is unacceptable. It perpetuates an error in law whereby the Council has chosen to ignore the comparatively recent fencing off of all three rights of way from the west of the site. It has also tolerated the rather longer-term gating of the access/egress at the Farley Road end which prevents any public access on to the PROW 0133/43/1.

- iii. It is proposed that the Council requests from the applicant a more detailed set of proposals than those which appear as a single sentence in para 1.7 of the TS and which are repeated a number of times in the documentation. The following measures are required prior to the work commencing which we suggest are prescribed by means of a Grampian condition:
 - 1) The designation of the current gap between 0133/42/2 and 0433/5/2 as a PROW. REASON: there is no legal route for traversing Gleedon Hill at present
 - 2) The creation of a 1m wide path between 0133/42/2 and 0433/5/3. REASON: the recently erected fence, topped by barbed wire, makes the current path unusable safely for any but the most agile
 - 3) The designation as a PROW of the informal north/south route at the western end of the application site. REASON: the applicant wishes to extinguish nearby rights of way
 - 4) Construction of a footway from the Wyke Road to the site entrance on the west side of the A4169. REASON: walkers at present have to cross the A4169 to access 0133/45/1 opposite the vehicular entrance to the quarry. The existing sight lines for pedestrians looking towards the Telford direction are poor and with 58 HGVs a day estimated to be using this access in the future, this will be potentially an accident site if pedestrians continue crossing where they do now.
 - 5) Phasing of 'restoration' to be such that the route across the site is maintained throughout the 'restoration', albeit that its location may be revised by a 'lift' and shift clause. REASON: the blocking of all Public Rights of Way through the quarry is both illegal and a substantial diminution of amenity.
 - 6) A footway to be provided along the HGV access road from the A4169 to separate HGVs and pedestrians. REASON: Highway Safety

- iv. At the completion of 'restoration' the planned circular footpath must be an adopted PROW - it is not acceptable that three existing PROWs are surrendered in exchange for a Permissive Path. A Permissive Path can be closed at the whim of the landowner. A legal agreement (section 106) which, it is assumed, will be needed to guarantee the quality of the restoration work should include the provision (by the applicant) of this route as a PROW. It is disappointing that, despite a number of representations to the Council over several years about the blocking of PROWs by the landowner, our concerns are not reflected in the detail of the application which is largely silent on pedestrian amenity, access and safety.

5.0 THE MAIN ISSUES

- i. Planning policy and need

- ii. Environmental implications of the proposals, including with respect to highways, ecology noise, dust, working hours, hydrology, agriculture, restoration and afteruse including rights of way.

6.0 OFFICER APPRAISAL

Planning policy

6.1 Introduction: The previous proposals for the site comprised:

- 1) recycling of construction, demolition and excavation wastes to produce secondary aggregates and soils for export / sale and
- 2) use of non-recyclable residues from the recycling operation to construct a development platform for the future commercial or recreational development.

The second element was considered to conflict with the Much Wenlock Neighbourhood Plan which does not support business use at Farley Quarry.

6.2 The current proposals are similar but involve infilling a smaller area in the southern half of the quarry. Importantly, they do not involve the formation of a level platform to accommodate subsequent commercial development. Instead, the infilled area is proposed to be restored to a gentle gradient suitable for a biodiversity use. There would still be inert material recycling for a period of 10 years, though this would cease on completion of infilling. The proposals do not involve mineral working so policies for control of new mineral workings are not relevant, though policies covering restoration of quarry sites are.

6.3 Much Wenlock Neighbourhood Plan: The Much Wenlock Neighbourhood Plan, Policies LL1 and LL2, advise that proposals for the restoration and aftercare of former quarries will be permitted where they deliver restoration for wildlife, biodiversity and public access, and in the case of Farley Quarry advise that industrial and commercial uses will not be supported.

6.4 Core Strategy and SAMDev Plan: Core Strategy Policy CS19 seeks to ensure the delivery of sustainable waste management facilities and services that will help to deliver greater resource efficiency. The policy supports proposals for additional capacity to divert waste away from landfill in a way that is consistent with the waste hierarchy. Proposals should also support the principle of 'equivalent self-sufficiency' where Local Authority areas take responsibility for their share of the regional requirement for waste management facilities. At the time of adoption of the policy in 2010 there was waste management capacity gap of about 150,000 tonnes per year in Shropshire. The intention was that sites would be allocated as in the SAMDev in accessible locations close to the main urban areas within the broad locations identified in Figure 9 of the Core Strategy. Farley Quarry is located in one of the 'Broad Locations for Additional Waste Management Facilities' which are identified in Figure 9.

6.5 SAMDev Policy MD14 states that proposals for the development of waste transfer, recycling and recovery facilities will be supported where applicants can demonstrate that potential adverse impacts on the local community and Shropshire's natural and historic environment can be satisfactorily controlled. Consideration should be given to measures to protect people and the environment, including with respect to visual

impact; noise; vibration; dust; litter; vermin and birds; air and water pollution; odour; and traffic impacts. Consideration also needs to be given to the site access and traffic movements, including the impact of heavy lorry traffic on the transport network, and in particular the quality of the proposed access to the Primary Route Network. The Policy states that proposals for inert recycling facilities may be acceptable on existing landfill and mineral working sites provided that the agreed restoration of the site is not unduly prejudiced and that waste recovery operations are linked to its agreed operational life.

- 6.6 Status of quarrying operations: The ROMP (Review of Old Mineral Permissions) procedures require owners of quarry sites with historical planning permissions to register these sites and permissions and to divide the quarries into active and statutorily dormant sites. There is a requirement for the periodic review of planning permissions for active sites every 15 years to ensure planning conditions remain up to date. For statutorily dormant sites the owner must obtain a periodic review approval from the Mineral Planning Authority before the quarry can resume production. Approval of a periodic review cannot be unreasonably withheld, and compensation may be payable if new conditions affect profitability. Farley Quarry was given the status of a statutorily dormant site in the early 1990's.
- 6.7 The current applicant advises that the possibility of a future resumption of mineral working should be seen as a valid baseline for consideration of the current application. Were the quarry to receive a ROMP approval to resume working then there would be the potential for additional disturbance, including HGV movements via the existing access.
- 6.8 The potential to resume mineral extraction is considered limited at this stage and technically, the quarry is in a restoration phase. However, the previous quarrying permissions do not contain detailed restoration conditions and it would be difficult to enforce additional restoration works at this stage. In contrast, the current proposals offer the ability to resolve a number of land use complications and achieve a higher quality restoration with the potential to deliver quantifiable habitat gains.
- 6.9 Justification for infilling: The former quarry operations have left steep slopes which are susceptible to erosion and potentially unstable. Attempts could be made to further reinstate the quarry using in-situ materials, but this would be less sustainable in the longer term. The steep topography would complicate future land management, leaving greater potential for erosion and instability. Opportunities to manage the site for biodiversity would be compromised due to poorer access to some areas. There would also be practical and health and safety complications with the objective of reinstating some public access.
- 6.10 The restoration levels differ from the previous scheme as the quarry void area would not be flat but would instead have a gentle gradient to facilitate drainage and biodiversity use. Only the lower part of the former quarry void would be infilled. The upper faces would be retained, thereby limiting the total amount of fill needed. This would also preserve some exposed faces and slopes for the benefits of biodiversity and to facilitate access for geological study. It is considered that the amount of infilling proposed strikes an appropriate balance between the requirements for a safe and accessible restored site and the need to secure a timely and progressive restoration.

- 6.11 The proposals facilitate an improved restoration and after use relative to a no-infilling scenario. If, however, the availability of suitable infill material proves to be less than is currently anticipated then the applicant has agreed to accept a planning condition providing for a suitable lower-level restoration profile, to ensure that restoration is not delayed.
- 6.12 Conclusion on policy and need: In summary the current proposals would allow an improved final afteruse relative to a no-infilling scenario. The amount of infilling is considered appropriate to deliver a sustainable afteruse in a timely and progressive way. The applicant has however agreed to accept a fallback condition if the amount of inert waste available for infilling proves to be less in practice than currently assumed. The need for inert infilling can be accepted on this basis and is aligned in this instance with the quarry restoration requirements of Core Strategy Policy CS20 and SAMDev policy MD17.
- 6.13 The site is within an area identified as suitable for waste management uses under Core Strategy Policy CS19, accepting that waste processing operations would be conditioned to cease when infilling to the proposed levels is complete. The proposals must however also meet other relevant policy tests with respect to the environmental matters discussed below.

Environment and amenity

- 6.14 Traffic: Much Wenlock Town Council and Buildwas Parish Council have objected about the effect of HGV traffic from the proposals on the local road network, with this concern supported by other local residents and Parish Councils.
- 6.15 A transport statement advises that traffic surveys have revealed that the speeds on the A4169 in the vicinity of the site are below the applicable speed limit of 50 mph. The measured traffic volumes also have a day to day and hour to hour variation that exceeds the flows predicted to occur because of the proposed development. It is further stated that the road network accommodates regular HGV activity on a daily basis, which has not led to unacceptable safety impacts. Recent collision data does not involve any recorded incidents in the vicinity of the site access. The proposals involve a number of measures to improve visibility at the site entrance. The report concludes that the proposed development traffic would not breach the capacity of the local highway network and would therefore not result in an unacceptable impact on highway safety or a severe residual cumulative impact on the road network. Objectors advise that there has been a serious accident on this stretch of the Much Wenlock Road. The applicant's highway consultant has however confirmed that there are no accidents attributable to HGV movements from the site junction.
- 6.16 Paragraph 111 of the NPPF advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".
- 6.17 The Highway Authority has not objected subject to a legal routing restriction and conditions to provide a traffic management plan and details of the proposed access improvements. It is considered that the proposed conditions and legal agreement would ensure that there would be no severe residual highway impacts after mitigation.

The proposals can therefore be accepted in highway terms subject to the recommended planning condition and legal routing agreement.

- 6.18 Noise: A noise assessment concludes that the impact of noise generated by site activities would be acceptably low. The site plant would emit sound levels below the lowest observable adverse effect level at any noise-sensitive location around the perimeter of the Quarry. In addition, the movements of heavy goods vehicles into and out of the site would not give rise to any significant additional noise impact. The overall conclusion is that the proposed development would not give rise to a noise nuisance or loss of amenity at the nearest residential properties. A condition controlling noise has been recommended in Appendix 1. The proposals are considered acceptable in relation to noise on this basis. SAMDev Policy MD2, MD17.
- 6.19 Dust / Air Quality: The environmental statement contains an assessment of dust and air quality. Exhaust emissions from site plant and road transport have been screened out as not significant, due to the low level of site activity. The assessment therefore concentrated on dust emissions from the recycling / restoration operations as a potentially significant source of nuisance dust. Dust sensitive receptors in the locality are limited to a small number of dwellings on Much Wenlock Road immediately to the east of the Quarry, together with Gleedon Hill Farm to the west. All of these properties are screened by topography and the woodland around the Site perimeter. There are no ecologically designated sites within 500m of the Quarry, but it is bounded by deciduous woodland. There are a number of public footpaths in the vicinity. The woodland, footpaths and surrounding agricultural land are considered as low sensitivity receptors.
- 6.20 Dust control will be concentrated on the prevention of dust emissions beyond the site boundary and will be centred on the use of water to condition materials and damp down running surfaces. However, in dry windy conditions it can become difficult to maintain effective dust controls. When local wind speeds exceed 20m per second in dry conditions, all site operations would be suspended that have the potential to give rise to fugitive dust emissions beyond the Site boundaries. Effective dust control should ensure that no nuisance dust leaves the site boundary. Regulatory Services have not objected but advise that a robust dust management plan will be required detailing routine control and additional control measures. This has been conditioned. SAMDev Policy MD2, MD17.
- 6.21 Area of Outstanding Natural Beauty: The site is within the AONB which extends to the west of the A4169 in this location. NPPF Paragraph 176 advises that 'great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas'... 'The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas'.
- 6.22 Paragraph 177 requires that 'when considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

The proposals comprise major development within the AONB. Therefore, the tests set in Paragraph 177 apply and are considered below.

- 6.23 Is the proposal justified by an exceptional circumstance? – The key objective of the application is to secure a sustainable restoration and afteruse for the former quarry site. This would be more difficult if ground levels in the quarry void remain as they currently are. Steep slopes and unstable rock faces would continue to impose limitations, risks and potential liabilities to future management of the site. Infilling to the proposed level would remove the lower slopes, leaving an area which is not as susceptible to erosion and is easier to manage due to easier access for people and land management plant. It is considered that this amounts to an exceptional circumstance which justifies the infilling proposals.
- 6.24 The proposed inert waste recycling operation would generate residual wastes which would be used to infill the quarry void. The recycling operation does not in itself have an exceptional circumstance justification. However, it would facilitate the infilling operation which can benefit from such a justification. It is also noted in this regard that the recycling operation is temporary only and would cease when infilling is complete.
- 6.24 Is the development in the public interest? – It is in the public interest to secure a sustainable restoration for the quarry void at Farley which will deliver biodiversity gains and facilitate a degree of public access. If the void is not infilled then steeper slopes and rockfaces would remain as a limitation to the future afteruse and a potential health and safety concern.
- 6.25 What is the need for the development and what is the impact on the local economy? The proposals can be justified as facilitating a more sustainable afteruse for the former quarry site. Additionally, the proposals would provide a valuable facility for inert waste recycling and disposal of residual inert wastes for the duration of the proposed infilling operation. This will have positive effects on the local economy by supporting employment and reducing transport distances and hence costs for inert waste management services.
- 6.26 Can the need met by the development be met elsewhere outside of the AONB? By definition, the proposal can only occur at this particular site if the afteruse benefits of inert tipping are to be realised. Recycling operations could occur elsewhere, outside of the AONB. However, the non-recyclable residues would not be available on-site for infilling of the quarry void.
- 6.27 Are there any detrimental environmental effects and can they be moderated? A number of potential environmental impacts are identified and are considered further in succeeding sections. However, given the absence of objection from statutory

consultees it is not considered that any environmental effects resulting from the proposed development would be sufficiently adverse to justify refusal.

- 6.28 Landscape and Visual Impact (LVIA): An LVIA accompanies the application in accordance with Landscape Institute methodology. It concludes that the proposed operational development will not result in any Significant Adverse Effects on any of the regional / local landscape character types identified. The development itself is located within Wooded Hills & Estatelands landscape character type. None of the landscape features and elements which define it will be physically lost as a result of the proposed development. Recycling and restoration activities relating to this specific application are considered capable of physical integration and absorption into the local landscape setting, with potential disruption contained within the existing quarry void. At post restoration the proposed valley landform and wildlife enhanced land use habitat have the potential to result in a moderate beneficial effect to both the site itself and the Woodland Hills and Estatelands character unit.
- 6.29 A Zone of Theoretical Visibility assessment confirms that the existing quarry area is generally contained and enclosed by natural landforms and topography which in reality, is further contained by vegetation structure which is not included within the computer ZTVI models. Hence the proposed development will have only a very limited potential change in visual effect on local receptors. Of 12 visual receptors it is assessed 5 will experience a Slight Adverse Effect, 1 a Very Slight Adverse Effect, 1 a Minimal Adverse Effect and for 6 there would be Neutral Effects. The main potential sources of visual disturbance would be vehicles entering and leaving the site with main receptors to these vehicles being transient users of the A4169. It will be possible to see the upper elevations of part of a temporary stockpile pre-sorting for recycling. The stockpile being potentially glimpsed, set within the middle ground of the quarry partially screened by either landform and / or vegetation structure. This being, visually, a very small scale and size element within a general wider panoramic view. At post restoration, all representative visual receptors will receive a Neutral assessed level of significance.
- 6.30 It is considered overall that the design and temporary nature of the proposals and the contained nature of the site should ensure acceptability in relation to landscape and visual impacts in accordance with Core Strategy Policy CS17 and SAMDev policies MD12 and MD13.
- 6.31 Archaeology: An assessment concludes that the impact on archaeological features is limited and this has been accepted by the Council's historic environment team leader. However, a planning condition is proposed to ensure that monitoring is carried out in liaison with the Council's Archaeology section as extraction operations are undertaken.
- 6.32 Built Heritage: Due to the proposed development being within the existing quarry and surrounded by woodland, there would be no intervisibility with the designated heritage assets within the vicinity. Mitigation of the predicted effects of the development, and specifically the preservation of the two surviving lime kilns, has been built into the proposals in order to preserve the structures in situ.
- 6.33 Should the development be granted consent then it is proposed that it should be preceded by a detailed measured and photographic survey of the kilns, together with any remedial consolidation works identified to ensure their continued survival. The

details of the scale and scope of this proposed mitigation would be set out in a Written Scheme of Investigation and agreed with the Shropshire Historic Environment Team.

- 6.34 The Historic Environment team advise that overall the proposal would have 'negligible' to 'slight adverse' harm to heritage assets and would not stray into 'less than substantial' territory, as defined under paragraph 202 of the NPPF. Relevant mitigation measures such as further recording and landscaping are supported. It is concluded that the proposals can be accepted in relation to relevant policies and guidance on built heritage including SAMDev policy MD13.
- 6.35 Ecology: An ecological survey advises that the site comprises an abandoned quarry with extensive areas of bare and disturbed ground habitats, areas of developing calcareous grassland, scrub, ruderal vegetation and a pond whose size varies significantly during the year and dries out annually and other small seasonal wetland areas. No impacts upon designated sites are predicted. The majority of habitats within the site have no significant or intrinsic botanical value and the loss of an area of bare and disturbed ground and ruderal vegetation would have negligible ecological effects. The loss of small areas of developing calcareous grassland is assessed and compensation and mitigation measures are proposed.
- 6.36 The assessment concludes that the development will not have significant negative ecological affects with regard to the habitats and plant species present on site. No impacts upon protected species including bats, reptiles, hazel dormice, water voles and breeding birds are predicted, and no further survey or assessment work is recommended. The site contains ponds used by GCN and breeding GCN populations were recorded in ponds to the north of the site boundary. The final assessment concludes that the development will not have significant negative ecological affects upon GCN or other amphibians. A Natural England development licence will be required to implement the proposed GCN mitigation strategy, based on additional survey work.
- 6.37 The applicant has provided subsequent clarification on a number of issues raised by the Council's ecologist. A full biodiversity net gain (BNG) assessment has been undertaken and predicts that the development would deliver a biodiversity net gain of 21.16%. It is confirmed that:
- i. Calcareous grassland habitats are all being protected and retained and would not be impacted directly by the restoration works. These areas are predominantly located on the western flank of the quarry on the higher ground.
 - ii. The main area impacted by the restoration works within the base of the former quarry (over 80%) comprises almost entirely of bare ground with sporadic vegetation patches and is of limited habitat value.
 - iii. The poor quality of the bare ground habitats in the base of the quarry affected by the proposed restoration works did not indicate that invertebrate surveys would be required. Habitats of higher potential value for invertebrates including the developing calcareous and neutral grassland around the quarry perimeter would not be affected directly by the proposed quarry restoration.

- iv. The proposed restoration will utilise existing soils within the site for the final restoration layer to promote the development of calcareous grasslands and to utilise any existing seed source that they contain. These restoration materials would be carefully selected, removed and stored (where necessary) for use in the final restoration. As the restoration is phased, it is anticipated that surface material from phase 1 would be selected and stored for used in the restoration of the final phase of the development.
 - v. Any permission would be subject to a legal agreement to secure enhancement of biodiversity and that an approved Habitat Management and Monitoring Plan would need to be secured and implemented over a 30 year period via a S106 agreement or through a Conservation Covenant.
- 6.38 The above measures are acceptable to the Council's ecology team. Planning Conditions attached to any Decision will ensure that the proposal operates in a sustainable manner keeping any environmental effects to an acceptable minimum. It is concluded that the proposals can be accepted in relation to relevant policies and guidance covering ecology, including Core Strategy Policy CS17 and SAMDev Policy MD12. This is provided robust mechanisms are put in place to ensure that the proposed ecological mitigation measures are delivered in practice. Appropriate ecological conditions and a legal agreement clause covering longer-term management are recommended in Appendix 1.
- 6.39 Slope stability: Regulation 32 of The Quarries Regulations 1999 states that 'the operator shall ensure that a suitable and sufficient appraisal of all proposed or existing excavations or tips at the quarry is undertaken by a competent person in order to determine whether any such excavation or tip is a significant hazard'. This matter can be dealt with by inclusion of a ground stability monitoring condition (included in Appendix 1). Under this condition any evidence of ground stability would be picked up by routine inspection by site operatives and / or by a slope stability specialist. Tree / shrub planting parallel to the contours of the slope should add further stability to the slope over time. It is concluded that the proposals can be managed acceptably with respect to slope stability.
- 6.40 Geology: The quarry is a Regionally Important Geological Site. The Council's natural environment section (Ecology) has sought confirmation of the measures which would be employed to secure continued access to the site for geological study. The applicant has agreed to accept a suitably worded condition. The proposals are for partial infilling and a number of representative rock faces would remain at a higher level around the quarry void. The infilling would potentially offer improved access to some retained faces. It is considered that the proposals can be accepted in relation to Geological conservation objectives, subject to the recommended condition (Core Strategy Policy CS17)
- 6.41 Drainage: A flood risk assessment confirms that the site is fully located in Flood Zone 1 and therefore at low risk of fluvial flooding. The development is classed as 'less vulnerable' and is therefore 'appropriate development' in Flood Zone 1. The development is at low risk of flooding from groundwater or sewer sources. The proposed SuDS-based surface water drainage scheme will ensure that all surface water is contained within the site boundary and discharged to underground strata with no increase in flood risk at the site or elsewhere.

- 6.42 The applicant's drainage consultant has responded to queries from the Council's drainage team. It is stated that the Flood Risk Assessment confirms that at location 1 there was no recordable infiltration and that at locations 2 & 3 the infiltration rate into fracture limestone was almost instantaneous and so there was no potential to record drainage rates. Both soakaway systems are designed to accommodate a 1:30yr+climate change flood flow without the requirement for additional attenuation. Neither would be affected by the infilling proposals in the centre of the quarry.
- 6.43 Notwithstanding this, the flood attenuation pond has 400m³ capacity which on its own exceeds the capacity required for a 1:30yr+climate change flood flow. The drain near the site access flows to the second soakaway and not down the access road. There would be no change to access drainage. The surface drainage scheme is entirely contained within the site boundary. Exceedance flows would be directed to the unworked northern areas of the site where there is high temporary storage capacity. It is considered an appropriate reassurance has been provided with respect to drainage within the site (Core Strategy Policy CS18).
- 6.43 Water Resources: A Hydrogeological Risk Assessment advises that due to an absence of superficial cover, the area has high vulnerability to groundwater contamination. Site investigation has demonstrated that groundwater is present within the limestone beneath the site at an elevation of 145mAOD to 130mAOD from south to north. Groundwater flow is towards the north-east with a local hydraulic gradient of approximately 0.04. Groundwater flowing beneath the quarry site has the potential to provide baseflow to Farley Brook and may support spring flow. There are five private water supplies located within a 1km radius of the application site and no licensed groundwater abstractions within this radius. Risk assessment has demonstrated that the proposals would not represent a significant risk to local ground or surface water resources.
- 6.44 The Environment Agency has not objected. They advise that any Environmental Permit for the site would require the provision of an engineered low permeability barrier, to separate the deposited material from the underlying natural limestone geology. They also recommend a condition covering bunded storage of fuels / oils. It is noted that any materials imported to the site would be subject to recycling first and this would ensure that only suitable inert materials were used for the restoration infilling works. It is considered that appropriate safeguards are available to prevent pollution to local ground and surface water resources. Any planning and operational controls would be supported by controls under the Environmental Permitting system (Core Strategy Policy CS18).

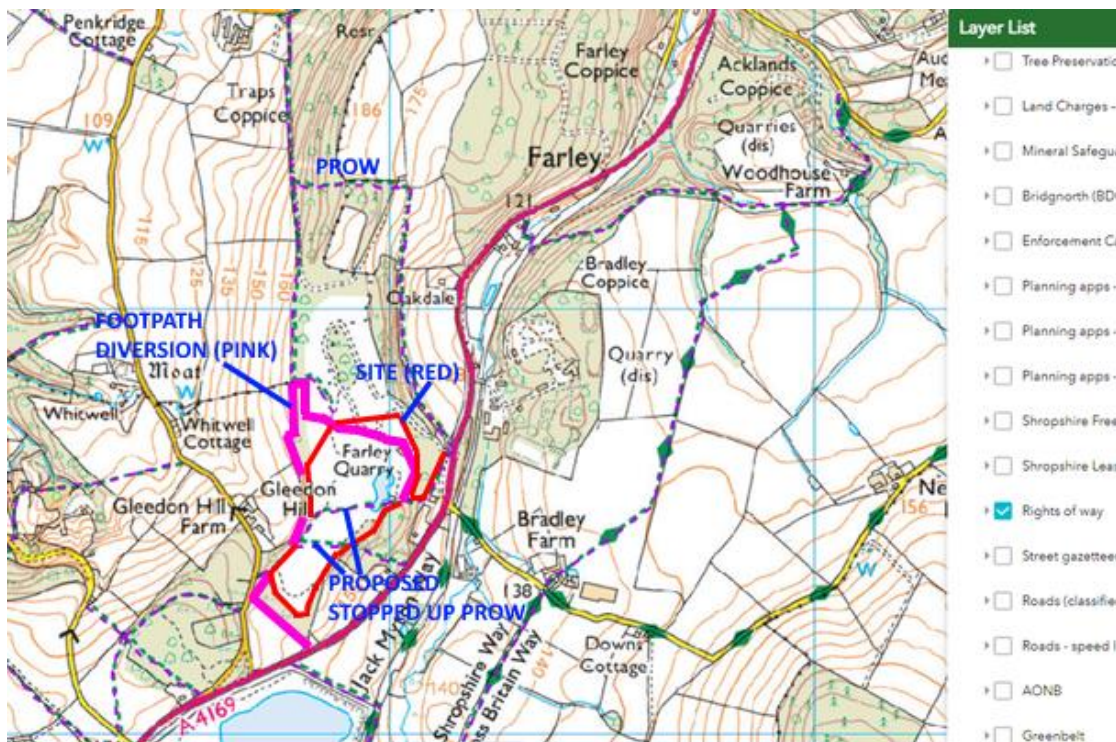


Fig 4 – Proposed Footpath Diversion

- 6.45 Rights of Way: Two existing footpaths run west to east across the middle of the site, passing across the steep inclines of the quarry void. The applicant proposes to divert these to provide an alternative safe, secure and less steep route around the proposed development, linking to the existing rights of way network (See Fig 4). The Rights of Way team is aware of this and will consider an application for the diversion at the appropriate time. This can be covered as a legal agreement clause. There is concern from objectors that the path should be a definitive right of way rather than a permissive route. As it would replace definitive rights of way any legal agreement clause would stipulate that the replacement route should also be a definitive right of way. The applicant has been made aware of this requirement. If a formal diversion is approved then a permissive route would not be required.
- 6.46 Socio-economic: The recycling and infill operations would contribute to the economy by providing an additional source of recycled construction materials into a competitive marketplace, and also providing a recovery facility for construction wastes that cannot be recycled. The Quarry operations would provide direct employment initially for 3 people rising to 6 as the operation develops. There would be additional indirect employment in administrative and regulatory support, maintenance, supplies and contractors. In addition, there would be long term benefits for biodiversity and the provision of a landform capable of beneficial use.
- 6.47 Interactions and cumulative effects: The Environmental Statement concludes that the proposals are unlikely to give rise to unacceptable levels of environmental or local amenity impact including cumulative impacts. This is taking account of the temporary and phased nature of the operations with inbuilt protections and the additional controls which can be imposed by conditions and under the proposed legal agreement.
- 6.48 Consideration of alternatives: It is considered that the option of not infilling the quarry void would result in a poorer and less sustainable afteruse for the site due to the

retention of steep slopes with the potential for erosion, slope stability and public safety issues. Additionally, maintaining steeper slopes within the void would complicate future management of the site and there would be no incentive for the landowner to deliver the ecological enhancements which the current proposals would deliver, including over 20% net biodiversity gain.

- 6.49 Conclusion on AONB policy: A key policy test for major development within AONB's is whether there are any detrimental environmental effects and, if so, whether they can they be moderated. This report has considered the environmental issues associated with the proposals. The recycling and infilling operations would be set down within a well-contained area surrounded by retained quarry faces / slopes and woodland. The phased and temporary nature of the scheme includes inbuilt environmental safeguards. These would be supported by detailed planning conditions and further supplemented by strict operational controls exercised under the Environmental Permitting. There are no outstanding objections from technical consultees. It is concluded that there are no issues which are sufficiently adverse after mitigation as to justify refusal on grounds of impact within the AONB.

7. CONCLUSION

- 7.1 It is considered that the proposals would help to secure an improved afteruse for the former quarry site by removing steep gradients which currently limit the potential of the site, raising concerns about erosion, slope stability and public safety. Saved calcareous subsoils would be placed on the infill area, allowing the establishment of a valuable calcareous grassland habitat. The applicant has agreed to accept a Legal Agreement clause providing funding to secure the longer-term sustainable management of the site to promote biodiversity.
- 7.2 A legal agreement covering the proposals would also secure controls over HGV routing to avoid Much Wenlock and the B4380 Atcham Road. Additionally, it would formally divert two existing rights of way so that they pass around the edges of the quarry site where there are gentler slopes.
- 7.3 The refusal reasons of the previous application have been addressed through submission of further information including on highways and through removal of the proposal to use the restored infilled area as a platform for future employment or leisure development. Instead, the area is now proposed for a biodiversity use which aligns with the Much Wenlock Neighbourhood Plan policies referred to above.
- 7.4 The potential environmental and amenity effects of the proposals have been assessed in detail as part of the applicant's Environmental Statement. Further information has been formally requested and provided. There are no sustained objections from technical consultees which would suggest that the proposals should not proceed. Additional information on ecology confirms that no species or designations would experience unacceptable adverse effects after mitigation has been provided and there would be a significant uplift in biodiversity. Highway officers have not objected. Further information on hydrology has been provided in response to comments from the land drainage team. Conditions requiring water management and monitoring are included in Appendix 1.

7.5 Any effects on heritage assets would be below the 'less than substantial' threshold. The location of two former lime kilns within the site would remain undisturbed. The phased nature and design of the development and associated landscaping proposals mean that any visual effects would be minimised.

7.6 No issues have been identified which would be likely to give rise to unacceptable impacts on the local environment or amenities which would justify refusal once the proposed mitigation measures are accounted for. It is concluded on balance that proposals are sustainable and can be accepted in relation to relevant development plan policies and guidance and other material planning considerations.

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 three months after the grounds to make the claim first arose.

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

8.2 Human Rights: Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community. First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents. This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities: The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1970. The officer has reviewed available information to establish whether the proposals might potentially raise issues with the Equalities Act 2010. No such issues have been identified.

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

9. BACKGROUND

Relevant Guidance and Planning Policies

National Planning Policy Framework: Summary of relevant minerals guidance:

9.1 Shropshire Core Strategy

- Policy CS5 (Countryside and Green Belt) – allowing for development on appropriate sites within the countryside that maintain and enhance countryside vitality and character where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specified proposals including: required community uses and infrastructure which cannot be accommodated within settlements;
- Policy CS6 (Sustainable Design and Development Principles) – requiring designs of a high quality to respect and enhance local distinctiveness, mitigating and adapting to climate change
- Policy CS8 (Facilities, Services and Infrastructure Provision) – seeking the development of sustainable places by preserving and improving facilities and services; facilitating the timely provision of additional facilities, services and infrastructure to meet identified needs in locations that are appropriate and accessible; positively encouraging infrastructure where this has no significant adverse impact on recognised environmental assets
- Policy CS9 (Infrastructure Contribution);
- Policy CS16 (Tourism, Culture and Leisure);
- Policy CS17 (Environmental Networks) – to identify, protect, enhance, expand and connect Shropshire’s environmental assets;
- Policy CS18 (Sustainable Water Management) – to reduce flood risk; to avoid an adverse impact on water quality and quantity
- Policy CS20 (Strategic planning for Minerals) Note: Gonsal Quarry associated with the current application is within an area identified as a broad location for future mineral working in the plan accompanying policy CS20.

9.2 SAMDev Plan:

- MD2: Sustainable Design
- MD5: Sites for Sand and Gravel Working
- MD7b: General Management of Development in the Countryside
- MD12: The Natural Environment
- MD13: The Historic Environment
- MD15: Landfill and Landraising Sites
- MD16: Mineral Safeguarding
- MD17: Managing the Development and Operation of Mineral Sites
- S13: Much Wenlock Area

10. RELEVANT PLANNING HISTORY:

- 10/02079/FUL Application under Section 73a of the Town and Country Planning Act 1990 for the erection of a 1800mm high retaining wall and associated works (Retrospective) GRANT 16th July 2010
- 18/05729/SCO Request for a scoping opinion under regulation 13 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 2011 SCO 7th March 2019
- 20/01751/EIA The recycling of construction, demolition and excavation wastes and the construction of a development platform in the quarry by means of the placement of materials and soils that cannot be recycled, together with ancillary activities and improvements to the site access REFUSE 13th January 2022
- 20/03850/SCO Scoping opinion for the continuance and extension of the workings of the Gleedon and Farley Quarries (limestone) SCO 9th December 2020
- 22/05214/EIA Restoration of part of Farley Quarry by means of the recycling of construction, demolition and excavation wastes and the engineered placement of the rejects from the recycling process to raise levels in the Quarry to create a restoration landform, together with ancillary activities and improvements to the site access. PDE
- SC/MB1990/0895/BR Alterations to access, stabilisation & improvements NPW 1st December 2004
- SC/MB1977/0492/BR Extraction of limestone REFUSE 7th February 1978
- SC/MB1992/0246/BR The continuation and extension of the workings NPW 26th April 2018 SA/90/1311 Improvements to the access onto the B4378, stabilisation to the northern face, replacement of office buildings and improved hardstanding for cars (part application). NOOBJC 10th January 1991
- BR/87/0348 Use of land as haulage depot for two heavy goods vehicles GRANT 20th July 1987
- BR/90/0895 Alteration to access and improvements to existing buildings OBS 19th December 1990

Appeal

- BR/APP/FUL/04/0028 Development Appeal DISMIS 15th September 2005

11. ADDITIONAL INFORMATION

Link to application documents:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RLIA5JTDKIK00>

List of Background Papers: Planning application reference 22/05214/EIA and the related Environmental Impact Assessment, plans and supplementary reports.
Cabinet Member (Portfolio Holder) Councillor Chris Schofield
Local Member Cllr. Dan Thomas (Much Wenlock) Adjoining Ward Cllr Claire Wilde (Severn Valley)
Appendices: APPENDIX 1 - Legal obligation heads of terms and recommended conditions

APPENDIX 1

Legal Agreement Clauses

- 1) Routing restriction for HGV's to avoid Much Wenlock, Buildwas and Ironbridge. Repeat offenders to be banned from the site.
- 2) Scheme to secure formal diversion of existing rights of way within the site.
- 3) Scheme to fund longer-term ecological management of the site following expiry of the aftercare period. Indicative value £50k minimum, Index-linked.

Conditions to include

1. Standard commencement condition including notification of commencement date
2. Definition of site
3. Definition of permission documents
4. 10 year time limit for infilling operation with 2 years subsequently for completion of final restoration
5. Submission of schedule indicating plant operating within the site with prior approval for new plant types, notwithstanding rights under the GPDO
6. Submission of archaeological written scheme of investigation for prior approval.
7. Control of liquid storage in the interests of pollution prevention.
8. Scheme of access design and improvements with regard to vegetation clearance and advance signing to be submitted for prior approval and implementation.
9. Submission of Construction Traffic Management Plan prior to commencement
10. Wheel / access road cleaning system to be employed.
11. Landscaping / tree planting plan to be submitted for prior approval including planting specifications and maintenance schedules. Woodland creation and management to include surrounding woodland within the ownership of the applicant.
12. Submission of site-specific noise and dust management plan including measures to control and monitor noise and dust emissions from the site.
13. Site operation shall be restricted to Monday to Friday 7:30am till 6pm, Saturday 7:30am till 1pm and not on Sundays or Bank Holidays. Access gates to be kept locked outside of these times.
14. Protection of retained vegetation including appropriate stand-offs.
15. Total material imported to the site shall not exceed 200,000 tonnes per annum. Records to be maintained.
16. Review of restoration infill rates from year 5 onwards with provision for amended lower-level restoration scheme in the event that the level of inert infilling is materially less than that specified in the approved details.
17. Submission of final drainage scheme for the site.
18. Prior approval for any fixed lighting.
19. Scheme setting out measures for reviewing and ensuring slope stability to be submitted for prior approval.
20. Submission of scheme securing access for geological study.
21. Submission of soil handling strategy including measures for saving of indigenous calcareous subsoils for use in final restoration.
22. Operations to take place in strict accordance with a European Protected Species (EPS) Mitigation Licence with respect to Great Crested Newts.
23. Submission of detailed habitat management plan for prior approval.

24. Provision of 5 years aftercare for all restored areas (notwithstanding the habitat management clause in the legal agreement).

AGENDA ITEM



Committee and date

Southern Planning Committee

14th November 2023

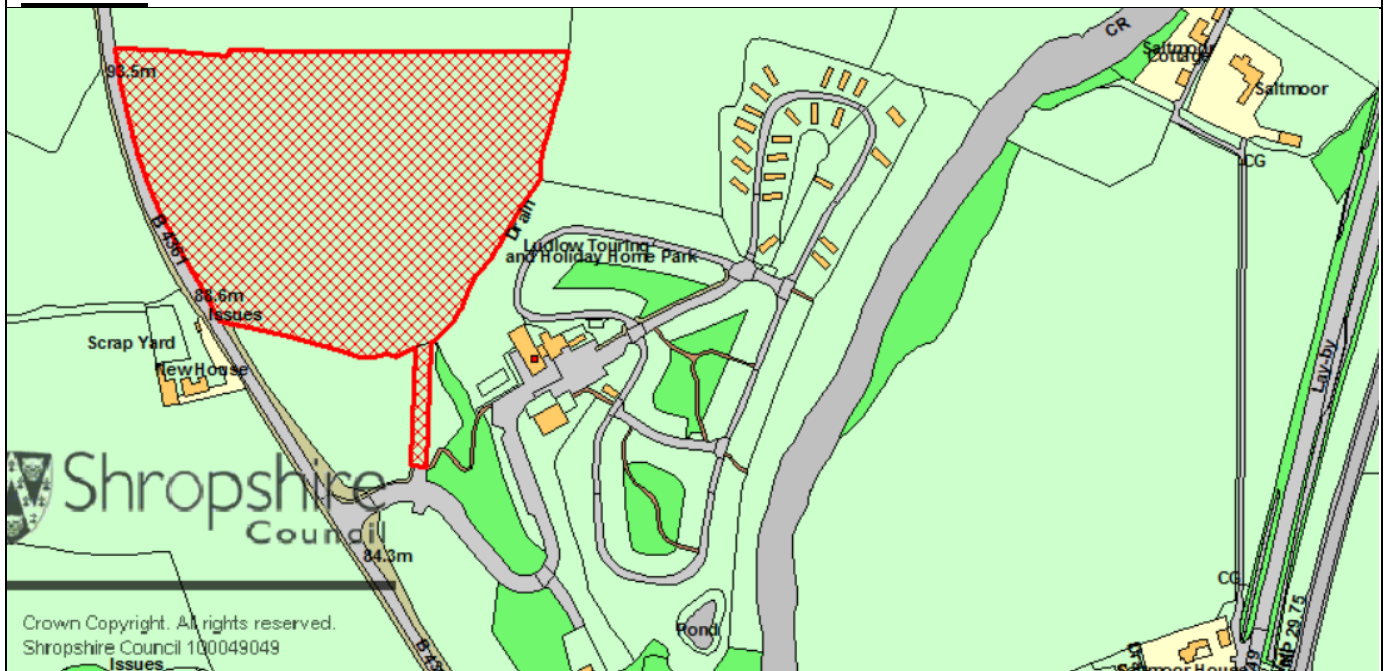
Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 23/02851/FUL	Parish:	Richards Castle
Proposal: Change of use of land for extension of existing Touring & Holiday Home Park with 61 pitches for static caravans/holiday homes and associated development, including access arrangements and internal roads, footpaths and landscaping		
Site Address: Ludlow Touring & Holiday Home Park Overton Road Ludlow Shropshire SY8 4AD		
Applicant: Morris Leisure		
Case Officer: Louise Evans	email: Louise.m.evans@shropshire.gov.uk	

Grid Ref: 351237 - 272202



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

REPORT

1.0 THE PROPOSAL

- 1.1 The application relates to the change of use of agricultural land for the extension of an existing caravan park to accommodate 61 additional static units. The scheme also includes engineering operations to facilitate a new internal access road and pitches.
- 1.2 The existing site was granted approval in 2011 for 137 pitches to accommodate touring units only. The approval was amended in 2015 to allow 38 static units with the remaining 99 pitches for touring units only.
- 1.3 The existing site is accessed from the B4361. No changes are proposed to the access onto the county highway as part of this development.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located to south of the market town of Ludlow / Ludford village and due east of the small village of Overton.
- 2.2 The application site occupies agricultural land and includes a new vehicular access route which passes through existing amenity land adjacent to the current site entrance. The western boundary of the site is the B4361 county highway whilst the eastern and southern boundaries adjoin the existing caravan park.
- 2.3 At their closest points the River Teme and the A49 run to the east of the site beyond the existing caravan site. The River Teme is a designated SSSI at this location.
- 2.4 To the north of the site is open countryside and Ludlow Livestock Market. To the south is Overton Garage selling petrol and used cars. There are some scattered/isolated residential properties in the vicinity of the site, a scrap yard, and school. The site also lies within 200 metres of the Grade II listed Turnpike Cottage to the North.
- 2.5 The site contains two pockets of sand and gravel which are mineral safeguarded areas. The site is also located on grade 2 best and most versatile agricultural land.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

3.1 Richard's Castle Parish Council has submitted objections to the scheme that are opposing to the recommendation expressed by Officers. In consultation with the Chairman of the Planning Committee, it has been resolved that a committee determination is necessary.

4.0 REPRESENTATIONS

4.1 Consultee Comments

4.1.1 SC Ecology Team: 28.07.23 - No objection, conditions and informative suggested. 19.09.23 – satisfied with the proposed landscaping.

4.1.2 SC Trees Team: 01.08.2023 - AIA submitted and reviewed. No objection, conditions suggested.

4.1.3 SC Conservation: 02.08.23 - Note the lack of a view point or analysis from the grade II listed Turnpike Cottage in the LVIA. Request a further chance to comment when an amended LVIA is available. 14.09.23 – Defer to the comments of the Landscape Officer (no objection).

4.1.4 SC SUDS: 19.07.23 – submission documents queried. Condition suggested. 30.07.23 – condition suggested with comments regarding percolation tests. 14.09.23 – Condition suggested with comment that percolation test must be carried out prior to commencement of phase 1.

4.1.5 SC Landscape Officer: 27.07.23 -the methodology for the assessment of visual effects is generally acceptable however concerns are raised in respect of the assessment of effects. Insufficient information has been provided in respect of landscape mitigation and enhancement. The LVIA in its current form is not reliable in order to make a sound planning judgement. 12.09.23 – The additional information submitted adequately addresses the previously identified areas of concern.

4.1.6 SC Archaeology: 24.07.23 - Summary of known information provided. condition suggested.

4.1.7 SC Highways: 25.07.23 – No objection. Requested development be undertaken in accordance with the submitted plans. Informative notes suggested.

4.1.8 Natural England: 02.08.23 – No objection. The proposed development will not have significant adverse impacts on the designated River Teme SSSI.

4.1.9 Environment Agency: 20.07.23 - Do not wish to provide bespoke comment on the

proposal.

4.1.10 Severn Trent – no response received.

4.2 Public Comments

4.2.1 73 pre-drafted support letters have been signed by individuals from local business and have been submitted by the applicant's agent.

4.2.2 Richards Castle Parish Council

4.2.2.1 Initial comments 07.08.2023: object on the grounds of visual impact and overdevelopment. They have noted that the proposed pitches are all for static caravans and they consider that these will have a greater visual impact by being permanently in place. Static caravans were not intended to be part of the park when it was established and even when the permission was amended, touring pitches would continue to dominate, however, the proposed plans reverse this. Furthermore, they consider that the density of the proposed additional sites is too high. The parish council believes more consideration should be given to enhancing green areas, and without this the visual impact is too great. They have noted that the study undertaken by the applicant highlights the scale of visual impact as high to moderate adverse in several locations.

4.2.2.2

Subsequent comments 27.09.2023: The additional documents do not change the views of the parish council, namely that the visual impact of developing the additional site in an area of open countryside will cause disproportionate harm to

4.2.3 the local countryside amenity and the planning authority is urged to refuse the

4.2.3.1 application for the reasons set out in the earlier submission.

Local Member Comments

Cllr Vivienne Parry has raised the following matters: The site visible to the main road. Caravans would be used for housing in the open countryside. It is a roman campsite. The river is protected. Suggested that residents are concerned with the amount of statics that they intend to extend the site with and also how many more cars will be on this fast road. She suggests that residents also feel that it will look like a small housing estate not part of the open countryside they are used to, especially that it is higher up in this field and will be seen from the surrounding area.

5.0 THE MAIN ISSUES

Principle of development
Landscape and visual impact
Highway safety
Mineral safeguarding

Best and most versatile agricultural land
Heritage impact
Biodiversity impacts
Other matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The starting point for decision taking is the development plan. Proposals that accord with an up-to-date plan should be approved, whilst proposals that conflict with the plan should be refused unless there are other material considerations which indicate otherwise. For the purposes of the assessing this proposal the development plan comprises of the adopted Shropshire Core Strategy 2011 and the adopted Site Allocations and Management of Development (SAMDev) Plan 2015.
- 6.1.2 Core Strategy policy CS16 supports new and extended tourism developments that are appropriate to their location and enhance and protect the existing offer within Shropshire. SAMDev policy MD11 reinforces the delivery of Core Strategy Policy CS16 and further requires schemes to be well screened and sited to mitigate the impact on the visual quality of the area through the use of natural on-site features, site layout and design, and landscaping and planting schemes where appropriate. Furthermore, policy MD11 requires regard to be given to cumulative impact of visitor accommodation on the natural and historic assets of the area as well as the road network.
- 6.1.3 Having regard to the development plan policies, the principle of an extended tourism facility for static caravans in the proposed location is acceptable (?), subject to all other planning requirements being satisfied. These matters are discussed below.

6.2 Landscape and Visual Impact

- 6.2.1 The existing site has been developed on two distinct levels. There is a natural change in the land levels of approximately 9m, which occurs approximately 90m east of the B4361. Access to the site from the B4361 is on the upper plateau along with an amenity area. The main caravan area including the reception and facilities buildings are located on the lower level of the site nearer the river. The area of the proposed static caravans is on the upper plateau adjacent to the B4361. A new internal access road will be created across the existing amenity area into the field where the statics will be sited and further engineering operations will be required to create level pitches for the static units.

- 6.2.2 The application has been accompanied by a Landscape and Visual Impact Assessment (LVIA) which concludes that the proposed development would have limited, localised visual and landscape impacts. It recognises that the impacts can be reduced / mitigated through the use of sympathetic materials / colours and a robust native species based landscaping scheme, together with the phasing of development to allow planting to establish.
- 6.2.3 Shropshire Council's Landscape Officer queried a number of key points within the initial report which was then supported by an addendum to the LVIA and a landscaping scheme. Following the submission of the additional information, Officers are now satisfied that the information is sufficiently robust to inform decision making.
- 6.2.4 The application site is not covered by any landscape designations. The site is located within an area of landscape that is identified as being 'Principle Settled Farmland' in the published Shropshire County Council Landscape Typology. This landscape character area is rural in nature and consists of enclosed fields with scattered settlements / dwellings and filtered medium to small-scale landscapes with extensive filtering of views from trees and vegetation. The existing entrance to the site, Overton Garage and the scrap yard at New House already introduce man-made features which have some influence on the rural character of the immediate surroundings. The proposals would introduce further development into the rural area. However, taking account of the scale, siting and nature of the proposals it is not considered that this would significantly detract from the noted landscape qualities of the area.
- 6.2.5 The site forms a component of views across the River Teme valley at a small number of locations to the east and west. These are elevated locations which experience the site in the mid to foreground of medium distance filtered views towards Tinkers Hill to the east and Morris Forest to the west. These locations would experience a perceived change in landscape character due to the relative absence of visible structures within current views.
- 6.2.6 Whilst acknowledging the more elevated nature of the proposed scheme from the existing site, the caravans will have a low profile with muted colours, and, together with the undulating topography of the area as well as existing and proposed landscaping, the proposed development would not significantly affect the character and appearance of the landscape from visual receptors.
- 6.2.7 Overall landscape and visual impacts would be localised to within 1km of the site and would only have a discernible impact at locations with relatively unobscured views of the site which can be mitigated through the native species landscaping scheme. It is also intended to phase the development. Phase 1 would include all the engineering operations and the siting of caravans on the eastern part of the site

together with all the proposed landscaping. Phase 2 would then be undertaken 3 years later and would provide the caravans on the western part of the site. This will enable the landscaping scheme to establish and provide visual mitigation for the development. This can be controlled via planning conditions as recommended at the end of the report.

6.3 Highway safety

6.3.1 The proposed development will be accessed via the existing site entrance off the B4361 which has suitable geometry to serve the increased use. The application has been accompanied by a Transport Statement which concludes that trip generation anticipated to arise from the extension would result in strictly limited increases in traffic on the local highway network and that the scheme would not give rise to any capacity or highway safety issues on the local highway network.

6.3.2 Officers concur that the B4361 has sufficient capacity to absorb the traffic generated by this development without significant impact to highway safety and no concerns have been raised by the Local Highway Authority in this regard.

6.4 Mineral safeguarding

6.4.1 Two pockets of sand and gravel are located within the application site and are Mineral Safeguarding Areas (MSAs) for the purposes of policies CS20 and MD16 of the adopted development plan.

6.4.2 MSAs are intended to protect existing and potential future resources of minerals in order that non-mineral development does not needlessly sterilise potential resources and prevent mineral extraction taking place. In accordance with policy MD16, applications for non-mineral development in a MSA must include an assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the development. This assessment must demonstrate that mineral interests have been adequately considered and that known mineral resources will be prevented, where possible, from being sterilised or unduly restricted by other forms of development occurring on or close to the resource.

6.4.3 The application has been accompanied by a Mineral Resource Assessment which concludes that although sand and gravel deposits are likely to be present, the purity of the deposits and the volume of the possible mineral resource is such that it is not regarded to be a viable mineral resource for extraction.

6.4.4 Taking the above into account, it is concluded that the known mineral resource is not needlessly being sterilised by the proposed development as it is accepted that the resource is not of economic value. The scheme is compliant with policies CS20 and MD16 in this regard. The application is also accompanied by cut and fill

calculations for the engineering operations which detail that it will be necessary for the majority of material to remain onsite and be used within the proposed development.

6.5 **Best and Most Versatile Agricultural Land**

6.5.1 Natural England's Agricultural Land Classification mapping details the land within the site boundary as grade 2 – very good quality agricultural land.

6.5.2 There is no agricultural land protection policy within the current development plan and only one reference to best and most versatile agricultural land within the NPPF as follows:

174. Planning policies and decisions should contribute to and enhance the natural and local environment by:
(b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

6.5.3 In terms of site selection, it is recognised that there are no opportunities to directly extend the caravan site on agricultural land that is not grade 2 classified. In fact, from an economic perspective, the proposed site is the most preferable for development as its steeply sloping topography to the east and south result in reduced areas of land being suitable for crop production and harvesting by comparison to other adjoining land which is generally flat in nature.

6.5.4 Therefore, whilst the economic and other benefits of the best and most versatile agricultural land are recognised in this instance, they are not outweighed by significantly larger economic benefits of tourism development on this site.

6.6 **Heritage Impacts**

6.6.1 Listed Buildings

6.6.1.1 In accordance with section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 special regard must be given to the desirability of preserving listed buildings and their settings in the determination of planning applications.

6.6.1.2 There are a number of listed buildings within the vicinity of the proposed development. The closest being Turnpike Cottage which is located approximately 200 metres north of the proposed development site, on the opposite side of the B4361, and which is grade II listed for being a remarkably unaltered example of a C19 toll house (now a dwellinghouse). Lodge Gate Cottage as well the gates, piers and walls to The Lodge at this location are also grade II listed and are located on elevated land above the B4361 from Policeman's Corner. The same being the case for 16 and 17 Overton.

6.6.1.3 Having given special regard to the setting of these listed buildings, including their proximity to the proposed development, the intervisibility between them as well as the intervisibility from other public sites, officers are satisfied that there would be no harm to the settings of any of the identified listed buildings as a result of the proposed development.

6.6.2 Archaeology

6.6.2.1 Within the wider landscape it has been noted that there are a number of archaeological sites visible as cropmarks on aerial photography located between 680m and 930m to the north-west, which are likely to be indicative of prehistoric activity. The closest site is a possible rectilinear enclosure where a fragment of Romano-British pottery was found nearby (HER PRN 34789). Other features include a further three enclosures (HER PRNs 04898, 04899 and 28386) and a ring ditch, likely representing a levelled Bronze Age barrow (HER PRN 04898). A Neolithic-Bronze Age flint implement was found during archaeological trial trenching in 2011 (SLR), recovered from a spoil heap, approximately 180m east of the proposal site.

6.6.2.2 The projected line of a prehistoric trackway is recorded 100m to the south of the proposal site. The line of this trackway was tentatively identified during the 2011 archaeological trial trenching, although no dating evidence was recovered (HER PRN 31236). The line of a possible Roman road is also recorded 185m to the east of the site (HER PRN 02613). The 2011 archaeological trial trenching targeted this road alignment and confirmed that it was a post medieval road south from Ludford (later replaced by the B4361). No evidence for a Roman predecessor was recorded on this alignment.

6.6.2.3 Data from the Portable Antiquities Scheme (PAS) also records low levels of activity, with small quantities Romano-British artefacts having been recovered from both the western and eastern sides of the wider Teme Valley.

6.6.2.4 It is anticipated that, as a minimum, the groundworks will comprise site wide topsoil stripping. In addition, section drawings submitted with the application indicate that cut and fill groundworks will be required to varying depths across the majority of the proposed development area. These works have the potential to impact upon currently unknown archaeological remains.

6.6.2.5 In view of the above, and in relation to Policy MD13 of the Local Plan and Paragraph 205 of the NPPF, it is recommended that a phased programme of archaeological work be made a condition of any planning permission for the proposed development as suggested at the end of this report.

6.7 **Biodiversity Impacts**

6.7.1 The River Teme is located approximately 230 metres east of the proposed

application site and is designated a Site of Special Scientific Interest in this location as a representative, near-natural and biologically-rich river type associated with sandstone and mudstone. Natural England has been consulted with regard to this specialist interest and they have not raised concerns regarding any direct or indirect impacts that may result if this development were to be allowed.

6.7.2 The proposals will directly impact an arable field and associated grassland field margin and a strip of semi-improved grassland will be lost due to the construction of an access road. There will be a small breach in a scrubby gap of the eastern boundary hedgerow to create pedestrian access to the existing caravan park.

6.7.3 An Ecological Appraisal has accompanied the application which found no evidence of protected or notable species during the site visit and no further surveys have been recommended. Although no evidence of protected species was recorded, the site offers the potential to support species such as skylark and yellowhammer. Hazel dormice have also previously been recorded and enhancement measures have been put in place in the form of boxes. Additional planting has been recommended to ensure good connectivity to these boxes, which do not show current evidence of use from hazel dormice.

6.7.4 Biodiversity net gains at the site are required in accordance with the NPPF and Policy CS17. Conditions and informative notes have been recommended to be attached to any permission granted to ensure the protection of wildlife and to provide ecological enhancements under NPPF as well as policies MD12 and CS17 of the adopted development plan.

6.8 Other matters

6.8.1 Residential use

6.8.1.1 The Parish Council have expressed concerns that the proposals could lead to some of the static caravans being used for residential use (not tourism). This would not align with relevant development plan policies which seek to support appropriate leisure / tourism uses whilst restricting open market dwellings in countryside locations. The applicant has however confirmed that there is no intention to seek residential use and has agreed to accept a planning condition restricting the occupancy of the caravans to leisure use only.

6.8.1.2 Holiday accommodation makes a positive contribution to the visitor economy and is often supported in locations that are not suitable for residential dwellings. As such an appropriate condition has been recommended to restrict this development to tourism use to ensure that the economic benefit from visitor accommodation is retained.

7.0 CONCLUSION

7.1 The application seeks to extend an existing caravan site in an open countryside setting and is compliant with development plan policies in this regard.

- 7.2 Tourism is an important business sector and contributes significantly to the Shropshire economy in helping to support local shops, pubs, restaurants and generating local employment. However, within the countryside there has to be a balance between positive benefits and potential negative impacts of tourism development which can be felt immediately adjoining the site and within the wider area from the use of the site, for example, through increased journeys. In this regard, the development is well served with direct access to a class B highway and close proximity to the A49 Trunk Road managed by National Highways.
- 7.3 It is recognised that there will be landscape and visual impacts as a result of the development, but these can be appropriately mitigated and controlled through the use of planning conditions such that they would not result in an unacceptable level of harm and this is not outweighed by the benefits of the development and its contribution to the local economy.
- 7.4 Having considered all the relevant planning matters and other material considerations, the scheme is acceptable and is recommended for approval subject to the planning conditions set out at the end of this report.

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 2023

Core Strategy and SAMDev Policies:

CS5, CS6, CS13, CS16, CS17, CS20, MD2, MD11, MD12, MD13 and MD16

RELEVANT PLANNING HISTORY:

AGENDA ITEM

Southern Planning Committee - 14th November 2023

Ludlow Touring & Holiday Home
Park

11/00635/FUL Provision of a 137 pitch touring caravan park and associated development, including; site office, on-site store, toilet and amenity blocks, waste store, works compound, children's play area, access arrangements and internal roads, footpaths and landscaping GRANT 22nd June 2011

11/04217/OHL Installation of a new H Pole into an existing overhead line NOBOHL 10th November 2011

11/05426/ADV Erect and display two externally illuminated roadside entrance signs GRANT 24th January 2012

13/01436/FUL Installation of 88 ground mounted Black Solar PV panels GRANT 17th June 2013

15/03134/VAR Variation of Condition 2, 3, 4 and 5 of planning permission 11/00635/FUL Provision of a 137 pitch touring caravan park and associated development GRANT 2nd December 2015

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RX2VOGTDI7G00>

List of Background Papers Planning application reference 22/02851/FUL and plans and supplementary reports.

Cabinet Member (Portfolio Holder) - Councillor Chris Schofield

Local Member

Cllr Vivienne Parry

Appendices

APPENDIX 1 - Conditions

Conditions to include:

1. Standard commencement condition
2. Development to be carried out in accordance with approved plans.
3. Programme of archaeological work agreement
4. Arboricultural method statement agreement
5. No dig cellular confinement system agreement
6. Surface water infiltration calculations agreement
7. Bat and bird box details agreement
8. Lighting plan agreement
9. Maximum caravan numbers defined
10. Development restricted solely to holiday let / tourism use. Records to be maintained.
11. Works to be undertaken in accordance with Ecological Appraisal
12. Landscaping implementation
13. Construction Environmental Management Plan
14. Protection of existing trees

AGENDA ITEM



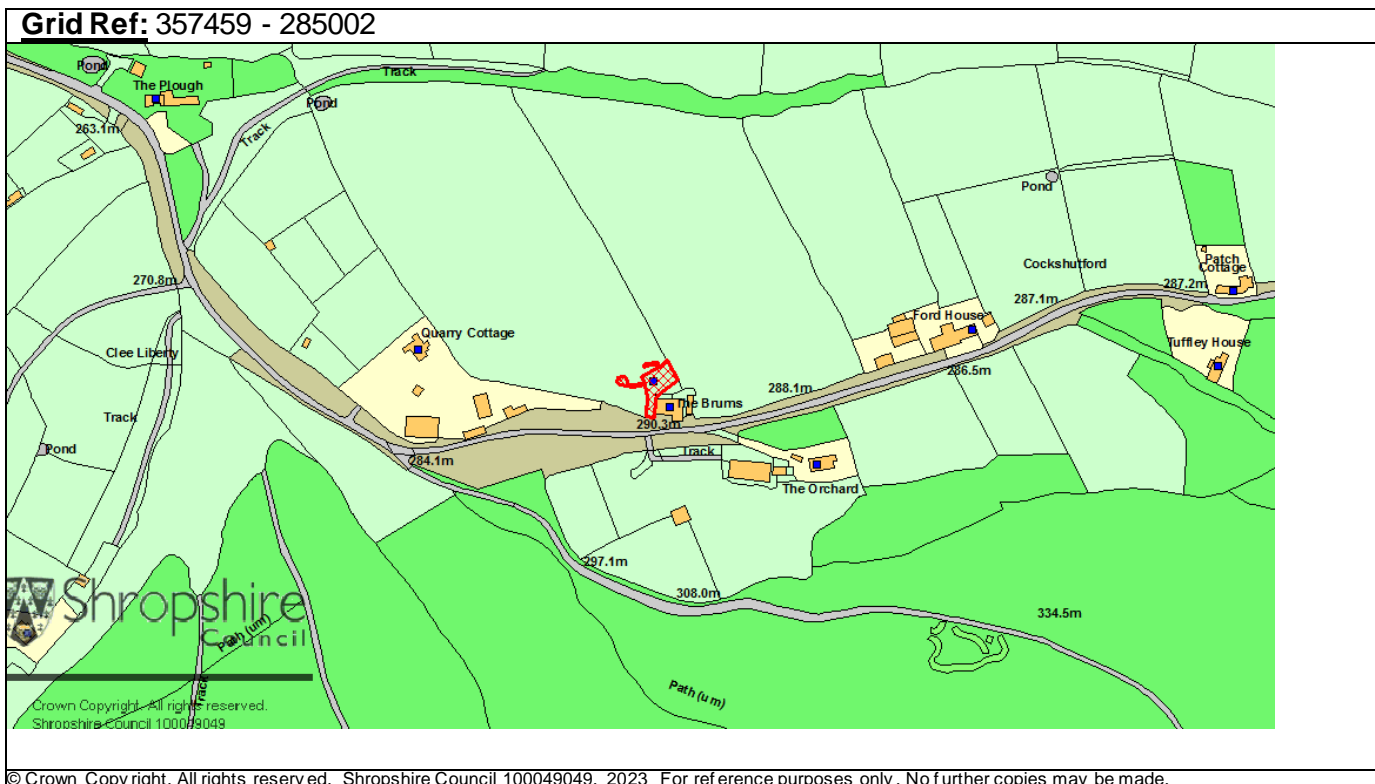
Committee and date
Southern Planning Committee
14th November 2023

Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 23/03727/FUL	Parish: Clee St Margaret
Proposal: Erection of an affordable home in response to an identified need for a local family and associated works.	
Site Address: Proposed Affordable Dwelling To The West Of Cockshutford Clee St Margaret Shropshire	
Applicant: Mr & Mrs Heighway	
Case Officer: Lynn Parker	email: lynn.parker@shropshire.gov.uk



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Recommendation:- Refuse

Recommended reason for refusal

1. The site is not part of or adjacent to a recognisable named settlement with only a limited number of scattered dwellings nearby; these are generally separated from one another by stretches of agricultural land and because the pattern of development is so sporadic the site is not regarded as being in a sustainable location. The principle of the proposed development is therefore contrary to Policies CS1, CS5 and CS11 of the Shropshire Council Local Development Framework Core Strategy, Policies MD3 and MD7a of the Shropshire Council Site Allocations and Management of Development Plan, the Council's Supplementary Planning Document on the Type and Affordability of Housing, and the objectives of the National Planning Policy Framework.

REPORT

1.0 THE PROPOSAL

- 1.1 This application is for the erection of a detached dwelling under the Council's single plot affordable scheme on a field at The Brums, Cockshutford to the west of Clee St Margaret. Confirmation is provided within the application certificates that the application is the sole owner of this agricultural holding. The plot covers approximately 830m², not including the drainage areas indicated to the north and west sides. The proposed dwelling is rectangular with a single storey projection from its north west facing rear elevation, is otherwise 1½ storeys and a two bedroom unit with a gross internal floor space of not more than 100m². It would be located centrally within the plot and utilise an existing field gate to become its access. Internal accommodation would comprise an open plan living/kitchen/dining area, bathroom and bedroom with dressing room and ensuite at ground floor level, and a further bedroom and bathroom at first floor level.
- 1.2 The dwelling is proposed with horizontal timber clad walls above a brick plinth and a roof of small plain clay or natural slate tiles. It is designed with dual pitched roofs and includes other traditional rural features such as a catslide roof porch and timber framed gable. Foul sewage is proposed to be disposed of via septic tank and surface water to a proposed attenuation/infiltration pond
- 1.3 In addition to a Planning Statement, an Ecological Impact Assessment (Churton Ecology, March 2023), and a Surface Water and Foul Water Drainage Strategy (H&H Drainage, 28th March 2023) have been submitted in support of the application.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site falls within AONB countryside to the north east of the settlement of Clee St Margaret and east of the Key Centre of Craven Arms. It is accessed via an unclassified road from the C6223 in the west. There is an existing field gate into the site at its

southern corner providing a well established access to a corrugated metal agricultural barn structure. There is additionally a stile on the west side of the gate serving the public footpath which runs along the west side of the plot in a south/north west direction. The land is agricultural field which gently slopes to the north west with a perimeter defined by native hedging and trees. There are neighbouring properties approximately 100m away either side of the plot and 50m away across the road to the south east, otherwise the surrounding land is agricultural.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

3.1 The Parish Council comments are at variance with the Officer view and the Local Member has requested Committee determination. The Chair of the South Planning Committee, in consultation with the Development Manager South, consider that material planning considerations are raised which warrant consideration by the South Planning Committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Clee St Margaret Parish Council - Support the application as it is of a modest scale in keeping with the guidance for affordable homes, the site is part of Cockshutford settlement and the applicants eligibility is supported.

4.1.2 SC Rural Enabler - Confirms that the applicants satisfy the eligibility criteria in respect of the Single Plot Exception Site Scheme. They have demonstrated a strong local connection and are in housing need where there are relevant reasons to remain living in the Parish.

4.1.3 SC Drainage - The development is unlikely to significantly increase flood risk, therefore an informative is recommended in relation to a sustainable drainage scheme for the disposal of surface water from the development.

4.1.4 SC Highways - No objection. The access, parking and turning proposed is acceptable subject to conditions.

4.1.5 SC Rights of Way - Confirm that Footpath 23 will run very close to the south west side of the development boundary. Although not directly affected by the development, an informative is recommended providing advice in relation to its status and use.

4.1.6 SC Ecology - Following an acceptable level of survey work being demonstrated within the submitted Ecological Impact Assessment, conditions and informatives are recommended to ensure the protection of wildlife and to provide ecological enhancements

4.1.7 Shropshire Hills AONB - The planning authority has a legal duty to take into account the purposes of the AONB designation in making this decision, and should take account of planning policies which protect the AONB, and the statutory AONB Management Plan.

4.2 - Public Comments

4.2.1 Confirmation of site notice display received on 4th September 2023. Proposed development advertised in the Shropshire Star on 12th September 2023 as affecting a footpath setting.

4.2.2 Seven letters of public representation have been received expressing support for the application which can be viewed online, summarised below:

- Cockshutford is more accurately described as a linear settlement with dwellings spread out all along the full length of Cockshutford Road with no identifiable centre.
- The Brums where this development is proposed, is indubitably and unequivocally within and indeed approximately at the centre of the Settlement of Cockshutford in all meaningful social, geographical and postal address senses.
- There is a need for affordable homes in this area.
- An affordable home here will provide much needed accommodation for the local, younger residents of the future.
- An affordable home is not just for young people, but to provide accommodation for those living in the local area who are priced out of the market.
- The development is positioned thoughtfully close to a large barn which would screen it, using an existing access and to not interfere with the public footpath.
- The applicants have already shown they are an asset to the local area.

4.2.3 Cllr Motley, the Local Member, has additionally submitted a statement supporting the proposed development and describing the applicants' qualifying criteria. She further outlines the reasons for her view that Cockshutford is a settlement. This document can be viewed in full online.

4.2.4 One letter of public representation objecting to the proposal has additionally been received. Queries have been raised as to whether a 'local family' can be defined as having lived in the area for not more than 10 years and are not young.

5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale and design
- Access
- Ecology

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 In addition to the NPPF which constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications, the development plan presently comprises the adopted Shropshire Council Local Development Framework Core Strategy 2011, the Site Allocations and Management of

Development (SAMDev) Plan, and a range of Supplementary Planning Documents. The Draft Shropshire Local Plan (2016 -2038) has not yet been adopted.

- 6.1.2 A key objective of both national and local planning policy is to concentrate residential development in locations which promote economic, social and environmental sustainability. Specifically 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.
- 6.1.3 The site is positioned in countryside outside of any development boundaries designated under existing planning policies. LDF Core Strategy Policy CS5 states that proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. In relation to new housing proposals, Policy CS5 identifies specific types of development which may be acceptable, including for other affordable housing/accommodation to meet a local need, Policy MD7a of the SAMDev Plan reinforces CS5. The proposed development would be for the erection of a new affordable dwelling to meet a local need in accordance with policies CS5 and MD7a.
- 6.1.4 LDF Core Strategy Policy CS11 supports the provision of affordable housing on suitable sites in recognisable named settlements, subject to suitable scale, design, tenure and prioritisation for local people and arrangements to ensure affordability in perpetuity i.e. the completion of a Section 106 Legal Agreement to secure the dwelling as affordable.
- 6.1.5 The applicants would be the prospective occupiers of the proposed affordable dwelling and it has been confirmed by the SC Housing Enabling Officer that after considering their housing needs and personal circumstances, they qualify for the scheme. It has been demonstrated that they are in housing need, and have strong local connections to the area in which they propose to build their home. The applicants have the support of Clee St Margaret Parish Council and their Local Member, Cllr Motley.
- 6.1.6 Single plot affordable exception sites are permitted in locations that would not normally obtain Planning Permission for new open market residential development, as they are intended to engender additional community resilience and sustainability. However this does not translate as free rein to always allow single plot affordable dwellings wherever they are proposed. Policy CS11 permits exception sites for local needs affordable housing on suitable sites in and adjoining Shrewsbury, the Market Towns and other Key Centres, Community Hubs, Community Clusters, and sites which are demonstrably part of or adjacent to recognised named settlements of all sizes. Sites that do not lie in a settlement, constituting isolated or sporadic development or which would adversely affect the landscape, local historic or rural character are not considered acceptable.

- 6.1.7 Having assessed the location of the proposed dwelling, the plot of land would not satisfactorily form part of a group of residential properties which would make up a settlement as set out in Policy CS11. The proposed dwelling would be located in a stretch of agricultural land at least 100m away from neighbouring properties on each side and visually separated from the property approximately 50m to the south east by the road. The selected site could therefore be described as sporadic development in the countryside which does not relate to the existing built environment in the vicinity. Whilst there is an existing barn at the site, this is a functional agricultural structure recognised as more appropriate within the rural environment. Advice was provided at pre-application stage that this was the LPAs stance. The proposed dwelling would not be in an appropriate location for new affordable housing.
- 6.1.8 Whilst the applicants may fulfil the qualifying criteria, the proposed plot is not in a sustainable location and therefore not in accordance with adopted planning policy. The benefits to the individuals of the proposed development are unlikely to outweigh the adverse affect on the landscape and rural character in this case and the principle of the development is not acceptable.
- 6.2 Siting, scale and design
- 6.2.1 The plot is located in the south eastern corner of a field and adjacent to an existing barn structure where the physical impact of the proposed dwelling would be less intrusive on the ability to use the remainder of the field for agricultural purposes. However, the proposed position of the dwelling set back from the road to the rear of the existing barn, would project the built environment further north into agricultural land which is not in keeping with the pattern of development along this section of the road.
- 6.2.2 The design and materials proposed for the dwelling are of traditional appearance where dual pitched roofs of differing heights and the use of a mix of brick, horizontal timber boarding and either small clay or natural slate roof tiles reflect the rural vernacular. At 1½ storeys with first floor accommodation in the roof, the dwelling would not be of excessive height or prominence compared with other buildings in the vicinity.
- 6.2.3 The proposed design and scale of the dwelling are therefore generally appropriate in accordance with Policies CS6 and MD2 as they would take account of local character and context.
- 6.3 Access
- 6.3.1 The proposed development would utilise the existing vehicular access through a farm gate and off a short track which serves a barn structure. No alterations or closures are indicated for the neighbouring public right of way. The boundary line is acceptable in relation to the public right of way, and parking and turning can be easily achieved within the site. The addition of one dwelling here would be unlikely to impact on the adjacent highway conditions given that the existing established field access would be used.

6.4 Ecology

6.4.1 SC Ecology have commented that they concur with the conclusions and recommendations made in the submitted Ecological Impact Assessment and the level of survey work demonstrated. As a result, conditions have been recommended as a sufficient biodiversity enhancement mechanism.

7.0 CONCLUSION

7.1 The site is not part of or adjacent to a recognisable named settlement with only a limited number of scattered dwellings nearby; these are generally separated from one another by stretches of agricultural land and because the pattern of development is so sporadic the site is not regarded as being in a sustainable location. The principle of the proposed development is therefore contrary to Policies CS1, CS5 and CS11 of the Shropshire Council Local Development Framework Core Strategy, Policies MD3 and MD7a of the Shropshire Council Site Allocations and Management of Development Plan, the Council's Supplementary Planning Document on the Type and Affordability of Housing, and the objectives of the National Planning Policy Framework.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

Core Strategy Policies:

Policy CS1: Strategic Approach

Policy CS5: Countryside And Green Belt

Policy CS6: Sustainable Design and Development Principles

Policy CS11: Type and Affordability of Housing

Policy CS17: Environmental Networks

Policy CS18: Sustainable Water Management

Site Allocations & Management Of Development (SAMDev) Plan Policies:

MD1: Scale and Distribution of development

MD2: Sustainable Design

AGENDA ITEM

Southern Planning Committee - 14th November 2023

Proposed Affordable Dwelling
To The West Of

MD3 Delivery Of Housing Development
MD7a: Managing Housing Development In The Countryside
MD12: The Natural Environment

Supplementary Planning Documents (SPDs):
Type And Affordability Of Housing

RELEVANT PLANNING HISTORY:

SS/1988/1095/P/ - Erection of an agricultural workers dwelling and formation of vehicular and pedestrian access. REFUSED 16th December 1988.

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RZWQGRTDJKQ00>

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

Planning Statement dated August 2023.
Ecological Impact Assessment (Churton Ecology, March 2023)
Surface Water and Foul Water Drainage Strategy (H&H Drainage, 28th March 2023)

Cabinet Member (Portfolio Holder) - Councillor Chris Schofield

Local Member

Cllr Cecilia Motley

Appendices
None

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Agenda Item 8

SCHEDULE OF APPEALS AS AT COMMITTEE 14th November 2023

LPA reference	22/05311/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs S Seal
Proposal	Erection of 1no dwelling including Garage and Parking
Location	Proposed Dwelling South Of 1 Discovery Close Craven Arms Shropshire
Date of appeal	13.09.2024
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	23/01721/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Mark Meadows
Proposal	Erection of single storey side extension
Location	Oak Fields Quatford Bridgnorth Shropshire WV15 6QJ
Date of appeal	13.09.2023
Appeal method	Fast Track
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	23/00292/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr David Smith
Proposal	Erection of single storey extension
Location	
Date of appeal	05.07/2023
Appeal method	Written Representations
Date site visit	
Date of appeal decision	21.09.2023
Costs awarded	
Appeal decision	Dismissed

LPA reference	22/03988/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Shenton Gwilliam
Proposal	Erection of an agricultural occupancy restricted dwelling with a detached garage, installation of septic tank
Location	Proposed Agricultural Workers Dwelling East Of Upper Farm Guilden Down Shropshire
Date of appeal	26.09.2023
Appeal method	Hearing
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	22/05591/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr S Philips
Proposal	Two storey side extension.
Location	The Wheatlands 3 Lanes End Farlow Kidderminster Shropshire DY14 0RH
Date of appeal	05.07.2023
Appeal method	Fast Track
Date site visit	
Date of appeal decision	29.09.2023
Costs awarded	
Appeal decision	Allowed

LPA reference	22/02441/FUL
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Mr Kyle Philpott
Proposal	Installation of solar farm and associated infrastructure
Location	Proposed Solar Farm To The South Of Hall Lane Kemberton Shifnal Shropshire
Date of appeal	02.10.2023
Appeal method	Public Inquiry
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	23/02411/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr G Hall
Proposal	Erection of a single storey garden room extension to side/rear elevations
Location	The Granary Angel Bank Bitterley Ludlow Shropshire SY8 3EY
Date of appeal	09.10.2023
Appeal method	Householder Fast Track
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	22/02056/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr N Thiara
Proposal	Erection of one replacement dwelling with detached 3-bay garage and six additional dwellings; formation of additional vehicle access, estate road and parking areas
Location	Development Site Adjacent Stone Lee Calcutts Road Jackfield Shropshire TF8 7LG
Date of appeal	12.10.2023
Appeal method	Written representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	23/00609/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Jacob Malcolm
Proposal	Formation of site access (re-submission)
Location	Proposed Dwelling To The West Of Friars Street Bridgnorth
Date of appeal	17.10.2023
Appeal method	Written representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	22/04795/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Gillon Crow
Proposal	Erection of a detached three bedroom dwelling, new vehicular access and associated landscaping
Location	Proposed Dwelling SW Of Reabrook Villa Hookagate Shrewsbury
Date of appeal	29.06.2023
Appeal method	Written representations
Date site visit	22.08.2023
Date of appeal decision	18.10.2023
Costs awarded	
Appeal decision	Dismissed

LPA reference	22/02338/FUL and 22/02339/LBC
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Yeat Investments Ltd
Proposal	
Location	Mill House Clee St Margaret Craven Arms Shropshire SY7 9DT
Date of appeal	Conversion and extension to the Mill House, conversion of Bakehouse to ancillary accommodation, restoration of the Corn Mill to working order, the installation of a Bat House and associated external works affecting a Grade II Listed Building
Appeal method	Hearing
Date site visit	24.05.2023
Date of appeal decision	23.10.2023
Costs awarded	Dismissed
Appeal decision	Dismissed

LPA reference	23/00309/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr marc Illman
Proposal	Erection of two storey side extension
Location	Mulberry Cottage 41 Snailbeach Shrewsbury Shropshire SY5 0NX
Date of appeal	02.08.2023
Appeal method	Written representations
Date site visit	17.10.2023
Date of appeal decision	31.10.2023
Costs awarded	n/a
Appeal decision	

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Appeal Decision

Site visit made on 22 August 2023

by N Bromley BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2023

Appeal Ref: APP/L3245/D/23/3323663

Curlew Cottage, Rowe Lane, Stanton Long, Much Wenlock, Shropshire TF13 6LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Smith against the decision of Shropshire Council.
 - The application Ref 23/00292/FUL, dated 19 January 2023, was refused by notice dated 12 April 2023.
 - The development proposed is erection of an extension to dwelling.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposed development on the character and appearance of the host property, having particular regard to it being a non-designated heritage asset.

Reasons

3. The host property is one half of a pair of semi-detached houses, located along a rural road in the countryside. The building is an early nineteenth century two-storey cottage constructed in local stone, brick and roofed with plain clay tiles. Its principal elevation does not front the road, instead its outlook is towards the rear landscaped private garden area, as established in a previous appeal for a certificate of lawful development (ref APP/A0665/W/20/3261183).
4. The parties agree that the appeal property is a non-designated heritage asset (NDHA) and whilst there is otherwise limited supporting information in respect of it being an NDHA, I am content, following my site visit, that it can be treated as such.
5. The principal elevation contains the main entrance door and canopy, with windows either side on the ground floor and first floor. There are two chimney stacks, which further add symmetry to the appearance of the cottage. Its significance as a heritage asset derives from its quaint, cottage appearance, particularly the principal elevation, which contains its important architectural features, and has an outlook towards the tranquil and well-maintained garden.
6. The proposed development, which the appellant describes as a garden room, would project forward of the principal elevation of the cottage, and would have stone dwarf walls, brick detailing, and glazing with timber frames above. The front canopy porch would be replaced, and the extension would sit over the entrance door and one of the existing ground floor windows.

7. The proposed extension would be modest in proportion to the size of the existing house and the use of timber frames and glazing would help it to have a simple and lightweight design. The use of stone dwarf walls, with brick detailing, reflects the style of the building. However, the proposed extension would dominate this important elevation by virtue of its footprint and height. It would harm the symmetry and appearance of the principal elevation and overall, it would significantly harm and be incongruous to the character and interest of the dwelling.
8. Accordingly, given the proposed extension's discordant design in relation to the host building, and the attractive setting, I attach significant weight to the harm to the significance of the non-designated heritage asset.
9. For the reasons outlined above, the proposed development would cause harm to the character and appearance of the host building, such that it would negatively affect its significance as a non-designated heritage asset. Therefore, it would conflict with Policies CS5, CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) and Policies MD2, MD7b and MD13 of the Shropshire Council Site Allocations and Management of Development Plan (2015). Together, these require, amongst other things, that development proposals; protect, conserve, and enhance the historic context and character of heritage assets. The proposal would also not accord with paragraph 203 of the Framework, which calls for a balanced judgement of any harm against the significance of the heritage asset.
10. I acknowledge that the proposed development can be constructed to ensure that it would not harm the main fabric of the cottage and that it would have limited views from any main vantage points, whilst also providing additional internal accommodation for the appellant. I also note that the Parish Council supports the application. However, these factors do not override the harm identified.

Conclusion

11. For the reasons given above, I have found that the proposed development would conflict with policies contained within the development plan. Whilst it may not conflict with other policies, I consider that it would conflict with the development plan as a whole. I have found no other material circumstances that would outweigh that conflict. As such, I conclude that the appeal should be dismissed.

N Bromley

INSPECTOR



Appeal Decision

Site visit made on 29 August 2023

by N Bromley BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2023

Appeal Ref: APP/L3245/D/23/3318342

The Wheatlands, 3 Lanes End, Farlow, Kidderminster, Shropshire DY14 0RH

- 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 S Philips against the decision of Shropshire Council.
 - The application Ref 22/05591/FUL, dated 12 December 2022, was refused by notice dated 7 February 2023.
 - The development proposed is two storey side extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a two-storey side extension at The Wheatlands, 3 Lanes End, Farlow, Kidderminster, Shropshire DY14 0RH in accordance with the terms of the application, Ref 22/05591/FUL, dated 12 December 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: L075-05(-); L075-10(C); and L075-12(C).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those as shown on the approved plans.

Main Issue

2. The effect of the proposal on the character and appearance of the host building, with particular regard to its significance as a non-designated heritage asset.

Reasons

3. The Wheatlands is a detached, two storey house, located in the open countryside and within the Shropshire Hills Area of Outstanding Natural Beauty (AONB). The Council indicates that the building is recorded on the Historic Environment Record (HER), as part of the Historic Farmsteads Characterisation Project. On this basis, it is a non-designated heritage asset (NDHA) in the terms of the National Planning Policy Framework (the Framework).
4. The significance of the building as a heritage asset derives from its attractive appearance, with stone walls, clay tile roof, and its setting alongside the neighbouring cottage of a similar appearance, within the AONB. The Framework, at paragraph 203, sets out that, in weighing applications that

directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

5. The cottage fronts the road and is set behind a tall hedgerow. A large outbuilding is situated forward of the front elevation, close to the road, which, along with the frontage hedgerow, obscures views of the cottage from the road. The cottage has been extended to the side and rear previously and the cumulative number of previous extensions have increased the size of the original cottage, to the extent that it can no longer be described as a modest cottage. Notwithstanding this, the cottage maintains its attractive appearance within its rural setting and the character and appearance of the building is largely preserved.
6. The proposed development would extend to the side of the existing building and increase its footprint markedly. However, it has been designed to have a subordinate appearance, with a set back from the front elevation and a reduced ridge height. Additionally, a hipped roof is proposed to reduce its height and scale. The materials are proposed to match the original cottage but horizontal timber cladding and "timber barn doors" are proposed on the front and rear elevations, in an attempt to replicate a "rural barn style", that the proposal seeks to take its design influence from.
7. The proposed extension has been deliberately designed to have a contrasting appearance to the original cottage, which along with its subordinate design, would ensure that it would not overwhelm the appearance of the main building or the site. The use of materials and its "rural barn style" appearance represents a high-quality design that assimilates well within the site and its rural setting. Therefore, the design would help to preserve the character and attractive appearance of the cottage.
8. For the reasons outlined above, the design of the proposed development is acceptable, and would not result in harm to the character and appearance of the host building. On this basis, the effect of the proposal would be neutral and on balance it would not be harmful to the significance of the non-designated heritage asset. Therefore, the proposal would accord with Policies CS5 and CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (2011), along with Policies MD2, MD7b and MD13 of the Shropshire Council Site Allocations and Management of Development Plan (2015). These, taken together and amongst other things, seek development that is of a high-quality design, that protects, restores, conserves, and enhances the built environment, historic context, and the character of heritage assets. It would also be in accordance with paragraph 203 of the Framework.

Conditions

9. In addition to the standard time limit condition, I have also, in the interests of certainty, attached a condition specifying the approved plans. A condition to secure that external materials, relating to the proposal, are those specified on the approved plans, is also necessary in the interests of safeguarding the character and appearance of the host property and surrounding area.

Conclusion

10. For the reasons given above, I conclude that the appeal should be allowed.

N Bromley

INSPECTOR

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Appeal Decision

Site visit made on 22 August 2023

by N Bromley BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2023

Appeal Ref: APP/L3245/W/23/3318783

Reabrook Villa, Hookagate, Shrewsbury, Shropshire SY5 8BE

- 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 Gillon Crow against the decision of Shropshire Council.
 - The application Ref 22/04795/FUL, dated 20 October 2022, was refused by notice dated 24 February 2023.
 - The development proposed is construction of a new family home and associated landscaping sited on the garden plot of an existing neighbouring dwelling. The application involves the change of use from residential curtilage / garden space to a residential dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address on the application form includes reference to Redhill Drive To Shrewsbury Road End Of Annscroft. This is a description of the location, rather than part of the address. For this reason, I have omitted this from the banner heading. I also note that the decision notice and appeal form do not use this part of the address line either.
3. Both main parties and the Longden Parish Council refer to the emerging Shropshire Local Plan (2016 - 2038) (ELP), which has been submitted for examination by the Secretary of State. Paragraph 48 of the Framework enables me to ascribe weight to the policies of an emerging plan depending on its progress, extent of objections against a particular policy, and degree of consistency with the Framework.
4. In their appeal statement, the Council advises that some weight can be afforded to policies of the ELP. However, I have not been provided with copies of the relevant policies of the ELP. The examination process has yet to reach formal main modifications. Consequently, there is no certainty on the outcome of the ELP and whether there are any unresolved objections relating to Hookagate. Due to this early stage, I have afforded limited weight to these policies.

Main Issues

5. The main issues are the effect of the proposed development on:
 - i. highways safety; and
 - ii. the living conditions of the neighbouring occupiers at Corbett Cottage, with particular regard to outlook.

Reasons

Highway safety

6. The appeal site is located on Longden Road, to the side of the existing dwelling, Reabrook Villa, which has an existing vehicle access, and serves a small parking area for two cars. The neighbouring property, Corbett Cottage, on the other side of the appeal site, also has a vehicle access, which provides opportunity for the parking of vehicles on the driveway. The access to Corbett Cottage is located in close proximity to the shared boundary with the appeal site. There is also on street parking on this side of Longden Road within close proximity to the appeal site.
7. The proposed development seeks to widen the existing vehicle access that serves Reabrook Villa, to create a shared driveway, which would provide two car parking spaces each for the existing and proposed dwelling, on the site frontage. An existing red brick wall on the site frontage would be removed and replaced with a low-level wall.
8. The appellant has submitted a Transport Briefing Note that seeks to demonstrate that the proposed visibility splays, whilst a shortfall on the Manual for Streets 2007 guidance, are acceptable following speed survey results and taking into account the number of vehicles recorded on the road, and the traffic to be generated by a single dwelling.
9. The proposed shared driveway layout would be of sufficient size to accommodate perpendicular parking but there would be insufficient space for a vehicle to turn on site and vehicles would need to reverse when either accessing or exiting the site. It also appears that the proposed visibility splays are a shortfall on the recommended splays identified following the speed survey. Additionally, this shortfall would be exacerbated by the parking spaces, which appear to cross the denoted visibility splay lines, due to the layout of the proposed development and the constraints of the site. Therefore, visibility from the proposed parking spaces would be substandard and pose a highway safety risk.
10. I have taken into account the very low accident record for the stretch of road, including outside of the appeal property, as well as the visibility splays provided by the appellant and the likely number of times per day that the access would be used. However, given the restricted visibility and the requirement to reverse on the road, the proposed development would unacceptably increase the risk of accidents and inconvenience to the free flow of traffic on the main road.
11. I note that other properties in the locality have access arrangements which appear to have restricted visibility, but as I am required to do, I have determined the case on the evidence before me and on its own merits. Furthermore, the safety of an access is a site specific matter, given that visibility and physical layout will differ to some extent in each case, even for nearby properties.
12. Consequently, the proposed development would result in an unacceptable impact on highway safety, which would fail to accord with policy CS6 of Shropshire Local Development Framework: Adopted Core Strategy (2011) (CS), and paragraphs 110 and 111 of the Framework, which together, and

amongst other things, seeks to achieve an inclusive and accessible environment, whilst ensuring highway safety for all users.

Living conditions

13. The appeal site forms the spacious side garden of the existing residential property, which is adjacent to the end gable of the neighbouring property, Corbett Cottage. Corbett Cottage has three windows and a door at ground floor and two windows at first floor. The windows and door have a direct outlook over the side garden and towards the side elevation of Reabrook Villa. The proposed dwelling would infill a large amount of the existing gap between the two properties and would be built close to the shared boundary. It would primarily be two storeys in height, with a gable end and rear section set further away from the boundary. A small single storey element would be located closest to the shared boundary.
14. The resultant relationship between the proposed dwelling and Corbett Cottage would mean that the outlook from the neighbouring windows would be towards the side wall of the proposed dwelling, which runs for a large section of the length of the shared side boundary. The parties have been unable to establish what internal rooms the windows serve, but the location and the size, would suggest that they do not serve habitable rooms, or they are secondary windows to habitable rooms.
15. The appellant has referred to and provided a number of examples, within Hookagate, of instances that they believe show minimal separation distances between windows in side walls that face one another. Limited information has been provided and, in any event, each case will differ. Consequently, I have determined the case before me on its own merits.
16. In this instance, the separation distance between the side wall of Corbett Cottage and the main two storey element of the proposed dwelling is shown on the submitted plans. This level of separation distance, although not in accordance with common separation distance standards, would result in ample space between the two side walls. Additionally, the staggered scale of the gable end of the proposed development would further lessen the impact of the outlook from the neighbouring windows and a significant overbearing impact would not be caused to the outlook from these windows. Therefore, the living conditions of neighbouring occupiers would be protected.
17. For the above reasons, the proposed development would not cause unacceptable harm to the living conditions of the occupiers of Corbett Cottage, in respect of outlook. As such, the proposed development would accord with Policy CS6 of the CS, and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan (2015), which together, and amongst other things, seek to ensure that new development respects the living conditions of current and future occupiers.

Other Matters

18. The appellant has drawn my attention to a previous appeal decision relating to a development at Snailbeach and whether the amount of development within Community Clusters is limited. I see no reason to disagree, but I need to consider the proposal on its own merits. The appellant has also identified that the Council has raised no concerns with regard to the effect of the proposed

development on the character and appearance of the area and other matters, including conditions that may be appropriate should I allow the appeal. I see no reason to disagree with the parties on these matters.

19. The creation of an additional dwelling at the site would contribute to boosting the supply of new housing, as referenced in the Framework. However, for 1 dwelling this is only a very minor benefit.

Conclusion

20. In conclusion, access to the proposed dwelling would harm highway safety and it would conflict with policies contained within the development plan. I have identified that the proposal would be acceptable in terms of its effect on the living conditions of neighbouring occupiers, this is of neutral effect when weighed in the planning balance. Whilst the proposed development may not conflict with other policies, I consider that it would conflict with the development plan as a whole, as well as the Framework. No other material considerations, including provision of a dwelling towards the supply of housing, would outweigh this conflict.

21. For the reasons given above, I conclude that the appeal should be dismissed.

N Bromley

INSPECTOR



Appeal Decisions

Hearing Held on 23 May 2023

Site visit made on 24 May 2023

by J P Longmuir BA(Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2023

Appeal A Ref: APP/L3245/W/23/3316833

The Mill, Clee St Margaret, Craven Arms, Ludlow, Shropshire SY7 9DT

- 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 C/o Savills against the decision of Shropshire Council.
 - The application Ref 22/02338/FUL, dated 17 May 2022, was refused by notice dated 8 September 2022.
 - The development proposed is the Conversion & Extension to the Mill House, the Conversion of the Bakehouse to an Annexe - change of use, the Restoration of the Corn Mill to working order, the installation of a Bat House and associated external works.
-

Appeal B Ref: APP/L3245/W/23/3316832

The Mill, Clee St Margaret, Craven Arms, Ludlow, Shropshire SY7 9DT

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by C/o Savills against the decision of Shropshire Council.
 - The application Ref 22/02339/LBC, dated 17 May 2022, was refused by notice dated 12 September 2022.
 - The works proposed are The Conversion & Extension to the Mill House, the Conversion of the Bakehouse to an Annexe - change of use, the Restoration of the Corn Mill to working order, the installation of a Bat House and associated external works.
-

Decisions

1. **Appeal A**- the appeal is dismissed.
2. **Appeal B**- the appeal is dismissed.

Application for costs

3. At the Hearing an application for costs was made by the Appellant against the Council. This application is the subject of a separate Decision.

Procedural Matters

4. The decision notices refer to the setting of the Clee St. Margaret Conservation Area. However, the Council confirmed at the Hearing that the site is within the Conservation Area and the proposal should therefore be considered accordingly. I have considered the appeals on this basis.
5. The appeals concern works and development at a historic mill complex that includes three separate buildings that together comprise the Grade II listed building: 'Mill House, Mill building and Bakehouse' (List Entry

Number:1470405) (the listed mill complex), situated within the Clee St. Margaret Conservation Area (CA). In making my decisions I have born in mind my statutory duties under sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

6. These appeal decisions address both planning and listed building consent appeals for the same site and the same scheme. The remit of both regimes is different, and the main issues identified below relate to either planning appeal (Appeal A) or the listed building appeal (Appeal B) or both. To reduce repetition and the avoidance of doubt I have dealt with both appeals together within this single decision letter.
7. At the Hearing the Council advised that the emerging Shropshire Plan is still in preparation and there are no emerging policies within it that carry weight at this time. This is confirmed in the Statement of Common Ground¹.

Main Issues

8. The main issues in both appeals are whether the proposed works and development would preserve the Grade II listed building or its setting or any features of special architectural or historic interest that it possesses, and whether the character or appearance of the Clee St Margaret Conservation Area would be preserved or enhanced.

Reasons

9. Located on the north side of the Clee Brook, the listed mill complex includes a Mill House, water-powered Corn Mill and Bakehouse, which are arranged loosely around a central yard/open courtyard. The gable ends of the Mill House and Bakehouse form a gateway into the site from the road with the former Corn Mill situated at the far end of the yard, which terminates the view into the site from the road.
10. The listed mill complex was first added to the statutory list in 2020 and benefits from a relatively extensive official list entry that details reasons for its designation. According to the summary of the site's history, a mill was first recorded in 1086 although the extant buildings are all around 18th century in date.
11. The individual buildings that make up the complex as an entity are distinguishable for their individual scale and features that are telling of their historic function and integration within the local topography and stream-side setting.
12. The former Mill House is constructed of roughly coursed red sandstone with a clay tile roof, in a rectangular plan form and narrow footprint. It is cut into higher ground behind, so that the rear elevation of the house reads as being single storey plus attic. While in contrast, its courtyard frontage has a below ground opening to a cellar and a raised central front door is accessed by stairs. A later 19th century barn and pigsty abuts the north-west gable end of the house. At roof level, the house features two, possibly 19th century dormers, to the front. The rear elevation is characteristically simple, featuring a very small cat-slide dormer just above the eaves and a

¹ Paragraph 7.2

substantial stone chimney with brick upper stack in an otherwise unbroken roof.

13. Internally, the Mill House is narrow with a room on either side of a central passage that contains a staircase and studwork. At first floor level there is one bedroom served by a dormer and a second has been partitioned to create a small bathroom and rear bedroom. The attached barn and pigsty are both accessed from the front.
14. The former Corn Mill is the tallest structure within the listed mill complex, being two storeys plus a storage attic under a pitched clay tiled roof. It features a lean-to and wide opening and smaller upper storey window facing towards the yard. The building is dug into the bank to the north², behind which is the former millpond and the emanating stream and the discernible alignment to the mill brook provides legibility of its historic use and function. The list description identifies three floors of the building, including the likely storage use of the attic to feed the gravity led milling below. Although the water wheel, wheel pit and the water connection no longer exist, some elements of the former mill workings and its timber roof structures survive.
15. The former Bakehouse is single storey stone built with a pitched slate roof and a two room rectangular plan form. Each room has an external door and window; and one features a substantial free standing bread oven and gable end chimney.
16. Notwithstanding the lack of use and dilapidated state, I consider that the significance and special interest of the Grade II listed building as an entity is derived principally from its preservation as a rural mill complex, the surviving historic fabric and vernacular form of the buildings. The use of local materials, modest scale and simple features inform the historic function and interrelated nature of the listed building and its authenticity as a small-scale place of flour and bread production.
17. Remnants of the listed building's historic grounds, the yard spaces between the buildings, the brook and the former mill pond, which is evidential in extent but is partially overgrown, are all part of the listed building's setting that enable appreciation of its historic origins and links to the water and agrarian surroundings, which contributes also to its overall significance and special interest.
18. The Clee St. Margaret Conservation Area (CA) was designated in 1994 and encapsulates the small rural settlement of the same name. The CA designation includes the cluster of vernacular buildings fronting narrow lanes mainly to the south and east in the vicinity of St Margaret's Church. Like many historic villages in largely rural areas, Clee St Margaret thins out towards its edges and the CA's northern boundary partly follows the line of the Clee Brook, beyond which lies rolling countryside.
19. The significance and special interest of the CA is underpinned by its historic origins and evolution as a small rural settlement that evolved close to the Clee Brook. The character and appearance of the CA as a whole is evident by the quality and range of traditional buildings that are representative of the local vernacular in their materials including red sandstone, timber

² Cross sections in existing plans and cover photo of 2021 survey

framing, weather boarding and clay tile roofs. The historic use, layout and relationship between buildings within the CA is of interest and contributes positively to the character and appearance of the CA as a whole. So too does its landscape context, to which undeveloped green spaces, proximity to the Clee Brook and views out to the surrounding countryside all contribute.

20. The appeal site is situated at the northern boundary of the CA, where it follows the course of the Clee Brook. The appeal site's location away from the core of the settlement but close to the brook, together with the relatively large Bakehouse, is telling of its historic use and function as a place of small-scale industry at the settlement edge.
21. The simple, vernacular form of the buildings on the appeal site, their age and material treatment correspond with other traditional buildings in the CA, underscoring its cohesive character and appearance. Ostensibly a mill was recorded in the area as early as 1086, and although not proven to have been on the appeal site, the extant mill complex is long standing and is a valuable component in the social and historic evolution of the settlement over many centuries. As such the former mill complex makes a positive contribution to the CA, both in terms of the legibility of the former function and legibility as a relatively intact historic mill group as well as their simple vernacular architecture and form of the individual buildings. Therefore, the appeal site is of value to the character and appearance of the CA as a whole and contributes to its significance and special interest.
22. The proposed works and development include the conversion and extension to the former Mill House, conversion of the Bakehouse to ancillary accommodation, restoration of the Corn Mill, as well as instillation of a 'bat house'.
23. The largest element of the proposal is the extension to the rear of the Mill House that would effectively be in several parts. The primary part would have a parallel ridge to the main house linked by an intervening flat roof and weatherboarded/glazed link.
24. Internal works include the insertion of various partitions to facilitate creation of two en-suite bedrooms at first floor level. Within the attached barn element, a master bedroom/bathroom would be inserted at ground floor level and a new stairway inserted up to a first-floor lounge. Three new openings would be created within the rear elevation through to a connecting corridor within the proposed flat roof link extension. While at ground floor level, the rear wall of the former pigsty would be removed, and a utility room inserted. The proposal also includes retention of the existing chimneys, the replacement of the roof and gutters, replacement shutters, doors and windows on a like for like basis.
25. The submitted block plan demonstrates that the proposed extension to the former Mill House would be substantial and would be approximately double the existing building's footprint. Whilst the extension would be in parallel, it would protrude beyond the existing building on its western end and its ridge would reach well above the existing pigsty. The proposal also involves some demolition of parts of the pigsty, which even if in poor condition, would result in a loss of historic fabric.

26. A weatherboarded/glazed link would delineate between the old and new elements of the former Mill House, while the extension would also cut into the ground so that its external height would appear as single storey. The proposals would largely concentrate new interventions to the rear, leaving its yard-facing frontage relatively unaltered. However, the overall scale and extent of the proposed extension would virtually obscure the extant rear elevation, including the stone base of the chimney stack and roofline. The proposal would introduce a boxy flat roof element, pitched-roof dormers and a 'bridge' entrance that collectively, would be wholly out of place with the simplicity of the building's existing rear elevation.
27. Whilst the proposed materials within the extension would be perceived as lightweight, the link element would feature two large, glazed openings within its road-side elevation. Whether or not readily apparent from the road, the expanse of flat roof and modern glazing would be a stark departure from the muted and weathered walls and roof of the existing Mill House building, and the modest size of its fenestration. Likewise, the elevation would have a projecting Juliet balcony, doorway and dormers, which would collectively appear fussy and out of context with the simplicity of the existing building.
28. Fundamentally, the proposal would result in a substantial departure away from the extant former Mill House's modest proportions and narrow footprint and create development in depth which would undermine the characteristic linearity and plan form of the existing building. While noting the intention to improve circulation with minimum loss of fabric, the integrity of the existing circulation would be completely undermined through the creation of new entrances, corridors and staircases. There would also be a re-ordering of the rear of the building competing with the primary yard-facing frontage. Overall, the proposals would undermine the special architectural and historic interest of the listed building.
29. It is also proposed to convert the former Bakehouse to facilitate its use as ancillary residential accommodation. Internally a new opening would be created connecting the two currently separate rooms; one side of which would be converted into a bedroom with wet room and the other side a kitchen and sitting room. Externally new steps and a low wall are proposed up to the front and side entrance doors. Both entrances would have new doors, which would be simple timber boarding within existing openings.
30. Inside the Bakehouse a new sliding internal door is proposed and a new opening within the existing dividing wall. However, the opening would be modest, and the plan form of the building would still be evident. A new wet room would be formed, which would be small so that together with a perceived lightweight opaque glass screen, in a corner, would avoid harm to the internal floorplan. The floorplans show that the bread oven would remain in situ. Overall, the proposals for the Bakehouse would be modest in scale and sympathetic to this element of the listed building.
31. Within the former Corn Mill, the proposals include replacement of the roof, gutters, shutters, doors and windows on a like-for-like basis as well as the instillation of a new wheel, water tray and associated workings. The proposed site layout states the Corn Mill is: 'to be restored to working order'. The works to the Mill would also include new supporting steel work, a reinforced floor and re-building of walls, as well as an internal bat roost.

32. I note that Historic Buildings & Places have expressed concerns about the potential extent of loss of historic fabric within the former Corn Mill. However, I am satisfied that appropriately worded conditions could secure a necessary survey and a written scheme of investigation to minimise loss of fabric, so as to ensure that this particular element of the proposals would not cause harm.
33. Within the wider site a free-standing 'bat house' (roost), which would have timber boarding and clay tiled roof, with a 5 x 5m floor area and 6m height³, would be located to the west side of the former Corn Mill. The proposed bat house would be large scale and closely sited which would disrupt and detract from the integrity of the three buildings and their relationship to one another.
34. The proposal also includes the reinstatement of the former mill pond, which is evidential in extent but is partially overgrown. It is also proposed to introduce a new access point into the appeal site from further north along the road, with a hard-surfaced driveway, parking and turning area to the rear of the former mill house. While the reinstatement of the mill pond would be sensitive, the hard texture of the driveway and presence of cars would detract from the mill pond and intrude upon its relationship with the existing mill buildings and the undeveloped spaces between them.
35. In addition, the new car parking and access would be in close proximity to the mill pond, thereby reducing the extent of verdant grounds. Consequently, the proposals would detract from the setting of the listed building, undermining an aspect of its significance and special interest.
36. In respect of the CA, the proposals would weaken the integrity of a valuable component in the social and historic evolution of the settlement. The simple vernacular architecture of the former mill complex would be eroded. The impact of the proposal would be readily apparent from the road at the point of the new access. Consequently, the proposals would be detrimental to the character and appearance of the CA as a whole.
37. Taking all these points together, I consider that the proposed works and development would fail to preserve either the setting or special architectural or historic interest of the Grade II listed building; and would fail to preserve or enhance the character or appearance of the conservation area. Consequently, the proposals would be contrary to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
38. Bearing in mind the scale and nature of the proposals the impact would be localised on the listed building and CA as a whole, I consider that the degree of harm would be less than substantial, which carries considerable importance and weight.
39. Paragraph 200 of the Framework establishes that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
40. Paragraph 202 of the Framework states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of

³ Annotation to bat house elevation

the proposal including, where appropriate securing its optimum viable use. This is considered below.

Heritage and Planning Balances

41. The extant mill complex is disused and the various structures are in varying states of disrepair and deterioration. This is not in dispute. The re-use of the buildings would bring back an active use to the former mill complex, and investment into the fabric, and halting further deterioration of the heritage asset, which would be of wider public benefit.
42. The proposed restoration of the former Corn Mill to working order would reintroduce its original function and, together with the reinstatement of the former mill pond, would be elements of the scheme that would better reveal the significance of the heritage asset and be of public benefit.
43. There are other public benefits associated with the re-occupation of the dwelling, and those to the economy during the construction phase and future occupiers, including of the ancillary accommodation within the bakehouse, feeding into the local economy.
44. The proposal would create circulation space within the new building's footprint, which is not possible with the existing, whilst minimising the creation of new openings. Nevertheless, the proposed footprint of the Mill House would virtually double the existing whilst also resulting in the material loss of fabric, plan form and eroding of the verdant grounds and setting to the rear. The scale and size of the proposal have not been compellingly justified to achieve an active use, extension and restoration and the wider public benefits, whilst causing the minimum level of harm. Consequently, this reduces the weight of public benefits the proposals would realise to a moderate level.
45. It is also laudable that the proposals would use materials and measures intended to reduce carbon emissions, however, these would be expected of any such scheme and could feasibly be adopted without the level of harm identified. There are also aspects of the scheme that would not cause harm to significance, such as the changes to the former bakehouse, which would be small and sensitive and allow for its use as ancillary residential accommodation. Additionally, there would be no harm in respect of archaeology, highway safety, flood risk, living conditions, or the landscape character or setting of the AONB. However, these would be neutral in the overall heritage and planning balances and not expressly of public benefit.
46. On the other hand, the proposals would fail to preserve the special interest of the Grade II listed building and the CA. Even though the harm to each would be less than substantial, this would be permanent.
47. Drawing all of this together, I conclude that the sum public benefits would not be of sufficient weight to outweigh the harm identified in this case and the considerable importance and weight this carries. Therefore, the proposals would be in conflict with the historic environment protection policies of the Framework.
48. The proposals would also conflict with Shropshire Council Adopted Core Strategy Policies CS6 and CS17, insofar as they require development to protect and enhance the high quality and local character of Shropshire's

historic environment; and that development will be designed to a high quality which respects and enhances local distinctiveness. There would also be conflict with Policies MD2, MD7, MD13 and MD17 of the Site Allocations and Management of Development insofar as they seek to ensure that design is in keeping with the character of the area; and expect traditional rural buildings to normally be converted in their present form without significant alteration or reconstruction; and ensure Shropshire's heritage assets will be protected, sympathetically enhanced and restored.

49. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states determination must be made in accordance with the plan unless material considerations indicate otherwise. Paragraph 11(c) of the Framework states that decision taking means approving development proposals that accord with an up-to-date development plan without delay. In respect of Appeal A, the proposal would be contrary to the Development Plan when taken as a whole and material considerations do not indicate the proposals should be approved.

Conclusions to both appeals

50. For the reasons given above and having regard to all other matters raised, I conclude that both Appeal A and Appeal B should be dismissed.

John Longmuir

INSPECTOR

Appearances

For the Council

Dr Andrew Wigley BSc MA PCHE PhD FSA MCfA Policy and Environment Manager

Ms Helen Tipton Planning Officer

Ms Louise M Evans MRTPI Principal Planning Officer

Councillor Nigel Lumby

Councillor Caroline Bagnall

For the Appellant

Ms Sioned Davis, No.5 Chambers instructed by Savills

Ms Jo Unsworth BSc MSc MRTPI Associate Director Planning Savills

Ms Catherine Bruce BA(Hons) MA MRTPI Associate Director Planning Savills

Dr Paula Jones BA(Hons) MA PhD Associate Director Heritage HCUK

Mr Frank Porthouse Director Project Design Studio Ltd

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Costs Decision

Hearing Held on 23 May 2023

Site visit made on 24 May 2023

by J P Longmuir BA(Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2023

Costs application in relation to Appeal Ref: APP/L3245/W/23/3316833 The Mill, Clee St Margaret, Craven Arms, Ludlow, Shropshire SY7 9DT

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by C/o Savills for a full award of costs against Shropshire Council.
 - The hearing was in connection with an appeal against the refusal of planning permission for Conversion & Extension to the Mill House, the Conversion of the Bakehouse to an Annexe - change of use, the Restoration of the Corn Mill to working order, the installation of a Bat House and associated external works.
-

Costs application in relation to Appeal Ref: APP/L3245/W/23/3316832 The Mill, Clee St Margaret, Craven Arms, Ludlow, Shropshire SY7 9DT

- The application is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The application is made by C/o Savills for a full award of costs against Shropshire Council.
 - The hearing was in connection with an appeal against the refusal of listed building consent for Conversion & Extension to the Mill House, the Conversion of the Bakehouse to an Annexe - change of use, the Restoration of the Corn Mill to working order, the installation of a Bat House and associated external works.
-

Decision

1. The application for an award of costs is refused.

The submissions by Savills

2. There was no evidence from a heritage expert. All the specialists as well as the planning case officer agree that it should have been supported. The evidence does not substantiate the reasons for refusal and the Council's Statement of Case (SoC) had only 7 paragraphs focussed on why the scheme was not acceptable.
3. There were no technical objections to the application and the reason for refusal was drafted to reflect Members views unsupported by professional evidence.
4. The Council make generalised criticism of the scheme including reference to form and disproportionately large scale which detract from the linearity and humble character. There is no detail why the form and scale are harmful. The

- characteristics of the site including the topography and visibility were not appreciated.
5. There is no assessment of the significance of the heritage assets in the Council's SoC, which contrasts to the Appellant's evidence. In addition, the important components of the setting of the assets would remain unaffected due to the siting.
 6. The Council did not consider the need to facilitate the preservation of the assets which the proposal offers. The Council failed to balance the public benefits in the same process as their Conservation Officer and paragraph 202 of the Framework¹.
 7. The reason for refusal is poorly worded. The site is not a readily visible feature from other parts of the Conservation Area and is peripheral. The decision notice makes reference to setting and not as actually within and part of the designation.
 8. There is no assessment of how the scheme accords or conflicts with the Development Plan.

The response by Shropshire Council

9. The case officer's recommendation was on balance and the Committee Members were entitled to come to a different view. It is a subjective judgment. The Committee saw the site and carefully considered the proposal.
10. The reason for refusal clearly expresses the impact of the proposal.
11. The decision notice refers to the relevant planning policies.
12. The Committee Members appreciated the public benefits of the proposal and took them into account.

Reasons

13. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
14. The 1990 Act² places a statutory duty to consider the Listed Buildings and the Conservation Area. The decision notice acknowledges they warrant great weight, which shows the Council had this requirement in mind at determination.
15. The reason for refusal refers in part to the size of the extension. This is not an unreasonable observation as the Appellant's Heritage Proof of Evidence³ acknowledges: 'the scale of the extension means that it will substantially increase the footprint of the Mill House'.
16. The submitted heritage impact assessment⁴ notes: 'the north-eastern side of the Mill House will significantly alter with the new extension'. As I found in the

¹ National Planning Policy Framework

² The Planning (Listed Buildings and Conservation Areas) Act 1990

³ Paragraph 5.10

⁴ Page 46

- main decisions, this elevation has interests in the cat-slide dormer and chimney and retains its vernacular characteristics. The extension would be harmful.
17. The heritage impact assessment⁵ also suggests that a very low level of harm will result. Thus, it still found some harm which has to be considered. It is also apparent that the Council's Committee Members considered the Case Officer's report. This records⁶ the views of the Council's Conservation Officer that there was some harm to the significance of the listed building but that it was suggested as very low level and offset by the heritage and public benefits.
 18. The extent to which the proposal would detract is a matter of judgement, rather than a precise science. Similarly, the exercise of balancing harm and public benefits is also a matter of judgement. The reason for refusal acknowledges the benefit to restore the Corn Mill, which demonstrates that the Council did undertake a balance of the harm with the public benefits. Similarly, whilst the SoC was succinct it confirms the balancing approach the Committee members undertook.
 19. The decision notice makes reference to the humble nature of the buildings. This is an objective term reflecting their simplicity and highlighting one of the features of the significance and special interest of these vernacular buildings. The decision notice also refers to simple linearity of the house, which is also an objective characteristic against which to consider the proposal.
 20. The decision notice refers to the impact as detracting. This is also an objective term. It was used comparatively with the existing significance and special interest. At the Hearing this was also elaborated in terms of the typical buildings of the locality.
 21. The Council at the Hearing explained in their view the glazed flat roof would be harmful, which was well articulated in detail.
 22. Whilst the decision notice was erroneous in the reference to the setting of the Conservation Area, the fact that the appeal site is a component warrants greater consideration.
 23. There was no submitted evidence from the Council of how the scheme accords or conflicts with the Development Plan. However, the position on the most important policies was clear during the Hearing and allowed me to come to a conclusion on the proposal in relation to the Development Plan as a whole.

Conclusion

24. For the above reasons I conclude that the Council has not acted unreasonably, and that the applicant has not been put to wasted time and expense in pursuing the appeal. Therefore, an award of costs as described in the Planning Practice Guidance is not justified.

John Longmuir

INSPECTOR

⁵ Page 46

⁶ Paragraph 4.1.2

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Appeal Decision

Site visit made on 17 October 2023

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st October 2023

Appeal Ref: APP/L3245/D/23/3321114

41 Snailbeach, Shrewsbury SY5 0NX

- 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 Marc Illman against the decision of Shropshire Council.
 - The application Ref 23/00309/FUL, dated 20 January 2023, was refused by notice dated 1 March 2023.
 - The development proposed is erection of two storey side extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Snailbeach Conservation Area.

Reasons

3. The appeal property is a detached, two storey cottage of traditional size and appearance. It occupies a mature, elevated site within the Snailbeach Conservation Area (the SCA). The significance of the SCA appears to be derived from the dispersed pattern of development of the small settlement of Snailbeach and the well-preserved buildings and spaces within it which reflect its mining past. Given the traditional construction and characteristics of the host dwelling, it makes a positive contribution to the SCA and is identified as a non-designated heritage asset.
4. The appeal dwelling has previously been extended at two storey level to the side. I observed that this is a generally subservient addition to the dwelling and did not compete with its modest size and traditional characteristics, due to its limited width and overall massing.
5. The proposal would significantly amplify the existing side extension and subsequently the bulk and mass of the host property. This would result in a side addition which would overwhelm the traditional proportions of the original dwelling by virtue of its excessive width and bulk, even despite the slight set down of the ridge and eaves.
6. The appeal dwelling is visible from the public highway given the raised topography of the site. I am not convinced that the existing landscaping and steep land restricts all views. The proposal would be readily apparent and, for the reasons noted above, would clearly read as a dominant addition which does not harmonise well with the host dwelling. Overall, it would not be a subservient or sympathetic feature and thus it would fail to preserve the

- dwelling's modest, traditional character for which it is noteworthy within the SCA.
7. I acknowledge that the local vernacular is mixed, with examples of traditional and modern construction within close proximity to the appeal site, and there may be instances where modern extensions to traditional properties are appropriate. However, it is the effect of the significant bulk and massing of the proposal, combined with the previous extension, which causes harm to the host building and the locality in this instance.
 8. Taking all the above into consideration, the proposal would have an adverse effect on the character and appearance of the host dwelling and, in turn, would fail to preserve the character and appearance of the SCA.
 9. Given the scale of the proposed development, the level of harm it would cause to the SCA and the host dwelling would be less than substantial. Nevertheless, paragraph 199 of the National Planning Policy Framework (the Framework) is clear that great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
 10. Paragraph 202 of the Framework requires this harm to be weighed against the public benefits of the proposal. Whilst the proposed development would create jobs during construction, these would be temporary and limited given the scale of the proposal. No other public benefits have been put to me. An improved internal layout is a private benefit and, moreover, I am not convinced that the existing dwelling does not provide adequate living conditions for existing occupiers. Therefore, the harm I have identified would not be outweighed.
 11. Accordingly, the proposal would harm the character and appearance of the host dwelling and would fail to preserve the character and appearance of the SCA. It therefore conflicts with Policies CS5, CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) and Policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (December 2015). Together, these policies seek to ensure developments are of a high-quality design which responds to local character and protects the historic environment.
 12. The proposal also conflicts with the guidance on controlling the size of dwellings in rural areas to ensure development is sympathetic to the character and appearance of the original building as set out in the Type and Affordability of Housing Supplementary Planning Document (September 2012). It also fails to accord with the aims of achieving well-designed places that are sympathetic to local character and history as set out in the Framework.
 13. The appellant suggests that the policies of the development plan may be out-of-date given their age. However, the Framework is clear that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework and that due weight should be given to them, according to their degree of consistency with the Framework. The aims of the policies set out above are in line with those of the Framework. Therefore, the presumption in favour of sustainable development at paragraph 11d of the Framework is not engaged.

Conclusion

14. The proposal conflicts with the development plan when taken as a whole and there are no other considerations which indicate that a decision should be made other than in accordance with it. Therefore, the appeal should be dismissed.

H Ellison
INSPECTOR

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