

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

Date: Monday, 4 December 2023

**Committee:**  
**Southern Planning Committee**

**Date:** Tuesday, 12 December 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](mailto: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](mailto:tim.ward@shropshire.gov.uk) / [ashley.kendrick@shropshire.gov.uk](mailto: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 14 November 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 7 December 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 Proposed Residential Barn Conversions To The South Of Acton Burnell (23/03726/FUL) (Pages 5 - 14)

Conversion of 2 barns, erection of 2 dwellings (on site of existing Dutch barns to be removed) and associated works (resubmission)

## 6 Proposed Residential Development Land To The South Of A456 Burford Shropshire (23/02796/FUL) (Pages 15 - 30)

Erection of 40 dwellings, vehicular, pedestrian and cycle access from the A456, landscaping, open space, sustainable urban drainage system and associated infrastructure

## 7 Proposed Affordable Dwelling At Land At Highclear Beaconhill Lane Monkhopton Bridgnorth Shropshire (23/04666/FUL) (Pages 31 - 38)

Erection of 1 No affordable dwelling with 3 bay garage and storage above, formation of vehicular access and installation of package treatment plant

## 8 Schedule of Appeals and Appeal Decisions (Pages 39 - 50)

## 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, 16 January 2023, in the Shirehall.

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## Committee and Date

Southern Planning Committee

12 December 2023

## **SOUTHERN PLANNING COMMITTEE**

### **Minutes of the meeting held on 14 November 2023**

**2.00 - 4.40 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), Nick Hignett (Vice Chairman), Caroline Bagnall, Andy Boddington, Richard Huffer, Christian Lea, Hilary Luff, Nigel Lumby, Ed Potter, Robert Tindall and Rachel Connolly (Substitute) (substitute for Tony Parsons)

### **28 Apologies for Absence**

Apologies for absence were received from Councillor Tony Parsons.

Councillor Rachel Connolly substituted for Councillor Parsons

### **29 Minutes**

#### **RESOLVED:**

That the Minutes of the meeting of the Southern Planning Committee held on 19 September 2003 be approved as a correct record and signed by the Chairman.

### **30 Public Question Time**

There were no public questions.

### **31 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.

### **32 Farley Quarry, Farley, Much Wenlock, Shropshire, TF13 6NX (22/05214/EIA)**

The Principal Planner introduced the application which was an application for the 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. 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.

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

Councillor William Benbow spoke on behalf of Much Wenlock Town Council against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees

The Solicitor read out a statement from Councillor Dan Thomas, local Ward Councillor against the application in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

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

Members expressed concern regarding the effect of the proposals on the AONB and the town of Much Wenlock. There was particular concern regarding the increase in the amount of traffic using the local highways. Members also commented that the proposals were contrary to policies in the Much Wenlock Neighbourhood Plan

**RESOLVED:**

That against the Officer recommendation planning permission be refused on the following grounds: -

- That the proposed development would adversely affect local amenities including within the AONB and for the nearby the town of Much Wenlock
- That the public benefits of the proposals were insufficient to justify major development within the AONB
- That the proposed development was contrary to Policy LL2 of the Much Wenlock Neighbourhood Plan

**33 Ludlow Touring & Holiday Home Park Overton Road Ludlow Shropshire SY8 4AD (23/02851/FUL)**

The Principal Planner introduced the application which was an application for the 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 and with reference to the drawings and photographs displayed, she 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.

The Solicitor read a statement on behalf of Richards Castle (Shropshire) 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.

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

The Principal Planner advised members that it was proposed that the development would be carried out in two phases, the first phase consisting of all the groundworks and landscaping and the installation of the units to the east of the site, and the second phase – the installation of the units on the west of the site and that it was suggested that an additional condition be added to ensure this.

Members generally welcomed the scheme and the benefits it would bring to the local economy. A Member asked that it be ensured that all caravans installed were of a suitable colour to ensure that they blended into their setting.

**RESOLVED:**

That in accordance with the Officer recommendation planning permission be granted subject to the conditions set out in appendix 1 to the report and the addition of the following conditions

- A condition to ensure that that the caravans installed were of a suitable colour to ensure that they were not obtrusive
- A condition to ensure that development will be carried out in 2 phases

**34 Proposed Affordable Dwelling To The West Of Cockshutford Clee St Margaret Shropshire (23/03727/FUL)**

The Area Planning Officer introduced the application which was an application for the erection of an affordable home in response to an identified need for a local family and associated works. and with reference to the drawings and photographs displayed, she drew Members' attention to the location and layout.

Heather Coonick (Clerk) spoke on behalf of Clee St Margaret Parish Council in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees

Councillor Cecilia Motley, local Ward Councillor spoke in support of the application in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

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

Members felt that there was an identified need for the dwelling and that Cockshutford constituted a settlement and thus the application was compliant with policy.

A Member suggested that the wording of the policy should be addressed to take into account the types of settlements that are in South Shropshire as a lot of the recognised settlements fell outside the definition contained in the policy.

**RESOLVED:**

That contrary to Officer recommendation planning permission be granted and that delegated authority be given to officers to agree a Section 106 agreement and to apply conditions as necessary

**35 Schedule of Appeals and Appeal Decisions**

**RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the southern area as at 14 November 2023 be noted.

**36 Date of the Next Meeting**

**RESOLVED:**

That it be noted that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 12 December 2023 in the Shirehall.

Signed ..... (Chairman)

Date: .....





Committee and date  
Southern Planning  
Committee

Item

12<sup>th</sup> December 2023

Public

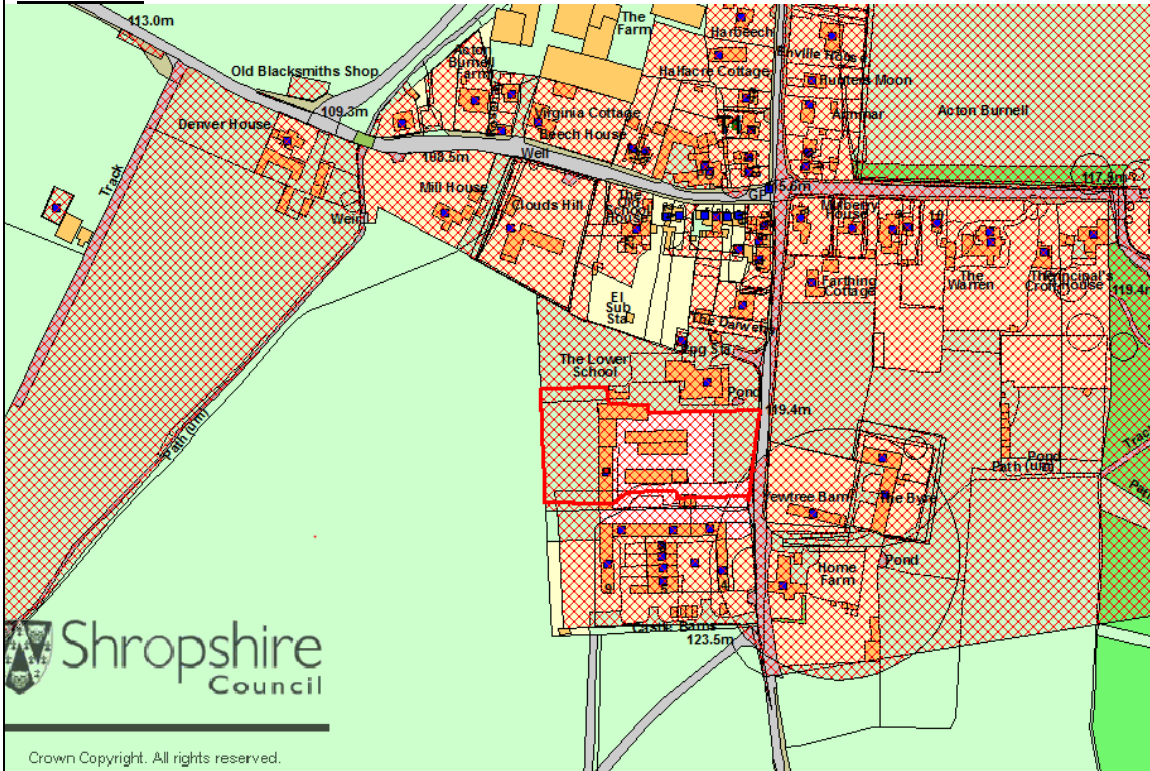
## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 23/03726/FUL	<b>Parish:</b>	Acton Burnell
<b>Proposal:</b> Conversion of 2 barns, erection of 2 dwellings (on site of existing Dutch barns to be removed) and associated works (resubmission)		
<b>Site Address:</b> Proposed Residential Barn Conversions To The South Of Acton Burnell		
<b>Applicant:</b> Mr Mitchell		
<b>Case Officer:</b> Jacob Collett	<b>email</b>	: jacob.collett@shropshire.gov.uk

**Grid Ref:** 352679- 301939



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## **Recommendation:- Refuse**

### Recommended Reasons for refusal

1-The application site is within the open countryside and therefore the creation of new open market dwellings (units 3 & 4) is contrary to Local Development Framework Core Strategy Policies CS1, CS3, CS4 and CS5, Site Allocations and Management of Development (SAMDev) Plan Policies MD1 and MD7a and the NPPF. The Council has a robust five-year housing land supply within settlements designated for development and so the housing policies of the Development Plan must be attached full weight, and whilst the proposed scheme would deliver modest economic and social benefits there are no material considerations of sufficient weight to justify a departure from the Development Plan.

2-Whilst the conversion of heritage assets and historic buildings is supported in the open countryside, Unit 2 is concluded to be a modern agricultural building. There is some limited historic fabric included within the building, however it is not substantial or of significant enough merit to result in the entire building being considered a building of heritage value. Consequently Unit 2 does not meet the historic building conversion policy and there is no policy support for the conversion of modern agricultural buildings in the open countryside. Consequently unit 2 is contrary to Local Development Framework Core Strategy Policies CS1, CS3, CS4 and CS5, Site Allocations and Management of Development (SAMDev) Plan Policies MD1 and MD7a and the NPPF.

3-The proposed new dwellings (Units 3 & 4) will be built in a solid form where historically there were no solid outbuilding ranges evident. In this position, with modern design elements and in a two-storey scale, this building would appear as a dominant form within the significantly valuable and attractive historic farm setting, Conservation Area and highway scene, changing the open character of this north yard and blocking views to the southern historic farmstead and the other barns as part of this application. The application is therefore contrary to Local Shropshire Council Core Strategy Policies CS5, CS6 and CS17 and SAMDEV policies MD2, MD7(a), and MD13 along with the NPPF.

## **REPORT**

### 1.0 THE PROPOSAL

1.1 The application proposes the conversion of one existing historic barn, the conversion of one modern agricultural barn and the erection of two new open market dwellings to create a faux courtyard.

1.2 A similar scheme (23/01643/FUL) was refused in July 2023. The modified scheme has altered the siting and scale of Units 3&4 slightly.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The site is located to the immediate south of Acton Burnell and north of the adjacent historic farm buildings that form Home Farm. Home Farm has previously been converted to residential dwellings and is extremely attractive in its setting and heritage value. The setting of the site is also high in historic value/character due to its association with Home Farm, but also in its own right. The site is characterised by a traditionally open appearance from the public highway in contrast to the denser site of Home Farm. The existing historic barn is to the western edge of the site with the modern agricultural building to the north. The land fronting the highway currently has two open framed Dutch barns.

### 3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

3.1 In accordance with the 'Scheme of Delegation' this application has been concluded by the committee chair to be determined by planning committee due to ward councillor call in.

4.0 Community Representations  
A Site notice was displayed at the Site.  
- Consultee Comments

#### Conservation

There is concern raised on the impact of a long linear two storey building form aligned parallel to the highway due to their elevated position.

The introduction of a solid long two storey building with a very consistent fenestration pattern as proposed will result in a dominant feature within the wider Home Farm site, which would compete with and take visual precedence over the traditional historic farm ranges to the south and the existing cart shed range to the rear.

While it is acknowledged that there are existing barns on site, the very skeletal and open nature of these lightweight ranges are highlighted where these are quite different building forms to a long solid two storey north-south aligned range proposed.

As proposed units 3 and 4 result in less than substantial harm identified as it relates to the Conservation Area and the non-designated heritage assets within the wider Home Farm site.

Rear gardens for Units 3 &4 could impact negatively on the open nature of the amenity areas indicated on the east/highway side of the site.

#### SUDS

No Objection

#### SC (Shropshire Council) Highways

No Objection subject to conditions

SC Affordable Housing

No Comment

SC Ecology

No Objection subject to conditions

SC Trees

No objection subject to conditions

SC Archaeology

No comment

- Public Representations

No public representations were received

## 5.0 THE MAIN ISSUES

Principle of development

Siting, Scale, Design and Heritage

Visual Impact and Amenity

Heritage

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of Development

6.1.1 The development comprises three types of housing development, the Conversion of a Historic Barn (Unit 1), the conversion of a modern agricultural building (Unit 2) and two new build dwellings (Units 3 & 4). Each have been considered separately against adopted policy.

6.1.2 Unit 1 – The conversion of heritage assets in the countryside to residential use is supported within Shropshire's Development plan. **Therefore Unit 1 is acceptable in principle.**

6.1.3 Unit 2 – The applicant has argued that as some small parts of the existing modern agricultural building are historic in nature it complies with the residential conversion policy. There is not sufficient historic fabric for the building to be of historic merit. The conversion of agricultural buildings outside of designated settlements or community clusters are not supported within adopted policy. **Consequently Unit 2 would not be policy compliant or acceptable in principle.**

6.1.4 Unit 3 & 4 – These units are entire new built development. Shropshire's housing policy does not support new open market housing in locations that are outside designated community clusters or development boundaries. Acton Burnell is not a designated community cluster and the scheme does not provide any overwhelming public benefit in the planning balance to depart from the development plan. **Consequently, there is no policy support for new build housing in this location and Units 3 & 4 are not acceptable in principle.**

### 6.2 Siting, Scale and Design

6.2.1 Unit 1 – Acceptable in siting, scale and design

- 6.2.2 Unit 2 – Whilst not policy compliant, there is no additional harm caused by the units' scale or design that is unacceptable.
- 6.2.3 Units 3 & 4 – The design of these units is broadly acceptable against wider planning policy; however the units do have a harmful impact on the heritage setting of the adjoining farm and barns by virtue of their massed scale and prominent siting.
- 6.2.4 The proposed material schedule is acceptable.
- 6.3 Visual Impact and Neighbour Amenity
- 6.3.1 Unit 1 – Acceptable in visual impact and neighbour amenity
- 6.3.2 Unit 2 – Whilst not policy compliant, given the existing building is of a similar scale it is acceptable in visual impact and neighbour amenity.
- 6.3.3 Units 3 & 4 – These units have a substantial harmful impact on the immediate visual landscape and setting, because they are in a prominent, elevated location that has traditionally been open in nature.
- 6.3.4 The units on a wider landscape perspective have limited impact nor do they cause any neighbour amenity harm.
- 6.4 Heritage
- 6.4.1 Unit 1 – The retention of an existing heritage asset is fully supported, with the schemes details acceptable from a conservation perspective.
- 6.4.2 Unit 2 – The conversion is not policy compliant, however its impact on the historic setting is, on balance, less than significantly harmful given its rearward siting, existing building, and distance from Home Farm.
- 6.4.3 Units 3 & 4 – The siting, height and massing of these units is concluded to cause significant and irreparable harm to the extremely attractive heritage setting of Home Farm and Unit 1. The units will occupy an elevated, prominent, and dominant position having a detrimental impact on the traditional openness of the land. It will also result in a modern building taking visual precedence over other traditional buildings on the site including Unit 1 and on the adjacent Home Farm site. Whilst there have been Dutch barns on the land for an extended period, they have been open framed and skeletal with clear visibility through them. The removal of the Dutch barns on balance helps enhance the sites attractiveness, but its replacement with a denser building erodes the intervisibility of the site which is a key characteristic. The Units as proposed, in combination with the new car port as part of the adjacent scheme, would block views of Home farm from Acton Burnell. The scheme would also block views of the historic cart barn forming part of this scheme, reducing its prominence significantly and limiting intervisibility of heritage buildings across the two sites. Units 3 &4 will also have garden space to their rear resulting in domestic paraphernalia and boundary treatments on land fronting the highway, further eroding the traditional open setting of the site which is a key part of its value and the character of Acton Burnell Conservation Area.

6.4.4 Harm is caused by the proposed Units 3 & 4 to the wider heritage setting and this has not been offset by any wider public benefit that would outweigh its impact in the planning balance.

## 7.0 CONCLUSION

The submitted schemes Unit 2, 3 & 4 are not policy compliant in principle. The siting and scale of Units 3 & 4 cause unacceptable harm to the heritage setting of Home Farm, Unit 1 and the conservation area.

## 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:

NPPF

Core Strategy and Saved Policies:

CS5

CS6

SamDev MD2

SamDev MD7a

SamDev MD7b

SamDev MD13

Type and Affordability of Housing

### RELEVANT PLANNING HISTORY:

23/01643/FUL Conversion of 2No. barns and erection of 2No. dwellings (on site of existing Dutch barns to be removed) and associated works REFUSE 31st July 2023

## 11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RUV92ITDH3U00>

View details online:

List of Background Papers

Planning application reference 23/03726/FUL and plans and supplementary reports.

Cabinet Member (Portfolio Holder) - Councillor
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Local Member - Cllr Dan Morris
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Committee and date

**12th December 2023**

## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 23/02796/FUL	<b>Parish:</b>	Burford
<b>Proposal:</b> Erection of 40 dwellings, vehicular, pedestrian and cycle access from the A456, landscaping, open space, sustainable urban drainage system and associated infrastructure		
<b>Site Address:</b> Proposed Residential Development Land To The South Of A456 Burford Shropshire		
<b>Applicant:</b> J.Harper And Sons (Leominster)		
<b>Case Officer:</b> Louise Evans	<b>email:</b> Louise.m.evans@shropshire.gov.uk	

**Grid Ref:** 359017 - 268648

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**Recommendation:-** Approve subject to a S106 for affordable housing and a financial contribution towards highway works as well as the conditions set out in Appendix 1.

- 12th December 2023

Proposed Residential  
Development Land To The South  
Of A456

## REPORT

### 1.0 THE PROPOSAL

- 1.1 The development relates to the erection of 40 dwellings, a new access from the A456, and associated infrastructure including landscaping, open space and a sustainable urban drainage system.
- 1.2 Of the 40 dwellings, 10 are proposed to be affordable dwellings made up of 2 one-bedroom flats, 2 two-bedroom bungalows, 4 two-bedroom houses and 2 three-bedroom houses. The remainder will be open market dwellings made up of 2 two-bedroom bungalows, 4 two-bedroom houses, 20 three-bedroom houses and 4 four-bedroom houses.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site comprises the northern part of a field in agricultural use and runs adjacent to the southern side of the A456 on the western side of Burford. The site is flat in character and measures approximately 2.27 hectares.
- 2.2 On the opposite side of A456 there is a mix of residential properties and the Lower Teme Valley Business Park. To the east of the site is a small residential development whilst to the west is a park home development on the site of the former Burford Nurseries. To the south of the site is a continuation of the same field from which the site is formed.
- 2.3 The River Teme lies 0.35km to the south of the site. It is designated as a Site of Special Scientific Interest (SSSI); notified because the channel is of special interest as a representative, near-natural and biologically rich river type associated with sandstone and mudstones.
- 2.4 The site is located in Flood Zone 1 on the Environment Agency's Flood Map for Planning.
- 2.5 The site is located in a Minerals Safeguarding Area for Sand and Gravel.
- 2.6 There are a number of heritage assets within the vicinity of the site including the Castle Tump Scheduled Monument which is located approximately 250 metres to the east.

### 3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

- 12th December 2023

Proposed Residential  
Development Land To The South  
Of A456

3.1 It is a major application which in the view of the Planning Services Manager in consultation with the Chairman should be determined by the relevant Planning Committee.

## 4.0 Community Representations

### 4.1 Consultee Comment

4.1.1 SC Trees: No objection, conditions recommended.

4.1.2 SC Ecologist: Recognises Biodiversity Net Gain proposals. A Construction and Environmental Management Plan and Habitat Management Plan will be conditioned to ensure that BNG is achieved onsite as described within the application. Conditions are also recommended in relation to the use of wildlife boxes and lighting. Informative notes have been suggested for bats in trees, nesting birds and general wildlife protection.

4.1.3 SC Highways: Noted that a small area of landscaping is shown across a visibility splay. Noted that the indicative locations for the lighting columns may need to be altered slightly for them to be adopted and that a relocation of a speed limit on the highway will be subject to a separate consenting process. No objection, conditions and informative notes suggested.

4.1.4 SC Regulatory Services: no comments in respect of contaminated land. Suggests a condition for the implementation of the noise mitigation as well as a condition for a construction management plan in order to protect the amenity of residents.

4.1.5 SC Rights of Way: No comments to make on the application.

4.1.6 SC Archaeology (Historic Environment): In terms of the impact on the significance of the Scheduled Monument as a result of development within its setting, we would broadly concur with the HIA and Historic England that the proposed development will cause less than substantial harm. It is therefore advised that the tests within the NPPF Paragraphs 199 and 202, need to be assessed by the decision maker when considering the planning balance. Conditions have been recommended.

4.1.7 SC Conservation (Historic Environment): HIA noted which concludes there may be less than substantial impact but suggests mitigation planting proposed will reduce this impact. The team concur with these conclusions and advise that in

- 12th December 2023

Proposed Residential  
Development Land To The South  
Of A456

accordance with paragraph 202 of the NPPF (2021), this harm should be weighed against the public benefits of the proposal, with great weight being given to the conservation of the heritage assets in line with paragraph 199 of the NPPF.

- 4.1.8 SC SUDS: Standard conditions for drainage recommended. No details of the maintenance of the attenuation pond have been provided. Details of who will be responsible for the vegetation and silt removal together with a maintenance schedule must be submitted for approval.
- 4.1.9 SC Affordable Houses: *(The following comments were received but do not take account of the amendments to the scheme)* Note that the site is an allocation in the draft Local Plan. If the plan is to be given weight, it should be read a whole. There is a need for level access accommodation within the affordable housing stock and therefore, suggest that 2 of the proposed 2 beds are substituted for the 2 bed bungalows. The 2-bed bungalow proposed as part of the market provision is considered to be an excellent type of dwelling for affordable housing provision and therefore strongly encouraged. 67% of responses in the Right Home Right Place survey indicated a need for 2 and 3 bed roomed provisions, which proposed (26 dwellings provided at 2 and 3 bed). However, the provision is strongly weighted towards the provision of 3 bed provision (20), whereas only 6 x 2 bed dwellings are proposed. Therefore, suggest that 4 x 3 beds revert to 2 bed provision. Clarification as to which of the proposed dwellings meet M4(3) wheelchair user dwellings within Building Regulations and a further 70% of the dwellings will be built to the M4(2) (accessible and adaptable dwellings) or higher standard within Building Regulations, as per emerging Policy DP1.
- 4.1.10 SC Learning and Skills: There is no expectation that this development of 40 dwellings will impact negatively on local education provision. The primary aged pupil yield will be between 5 and 10 children once the dwellings are fully occupied. There are currently 111 primary aged children living in the catchment area, of which 88 (80%) go to the catchment school, Burford CE Primary. The current net capacity of the school is 140 places, so is sufficient to meet our statutory obligations for school places. The school draws a large number of pupils from out of county – 62 from Herefordshire and Worcestershire LAs. In school place planning terms, there are no sufficiency grounds for increasing primary provision in the catchment area.
- 4.1.11 Historic England: Do not wish to offer any comments.
- 4.1.12 The following have not responded to consultation on this scheme:
- Natural England

- 12th December 2023

Proposed Residential  
Development Land To The South  
Of A456

- Environment Agency (Midlands Region)
- Malvern Hills District Council
- Worcestershire County Council
- Clinical Commissioning Group
- West Mercia Constabulary
- Severn Trent

## 4.2 Public Comments

4.2.1 Nine representations have been received and the concerns raised have been summarised as follows:

- Site depends on Worcestershire for services but collects council tax in Shropshire
- Services are full to capacity already
- Too many houses in the town
- Query detail of submissions
- Flood risk – impact on house insurance and flood risk elsewhere
- Concerns over site drainage
- Concerns that hedges will not be replanted
- Overlooking/loss of privacy
- Concerns over highway safety – A456 is a busy road
- Noted bat activity recently
- Impact from industrial estate opposite and the A456

4.2.2 No comments have been received by the Local Member or from Burford Parish Council in connection with this planning application.

## 5.0 THE MAIN ISSUES

Principle of development

## 6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 A key objective of the adopted development plan is to concentrate residential development in locations that promote economic, social and environmental sustainability. The Council's Core Strategy Policies CS1, CS3, CS4 and CS5 seek to achieve managed, targeted growth by steering new open-market housing to sites within market towns, other 'key centres' and certain named villages ('Community Hubs and Clusters') as identified in the Site Allocations and Management of Development (SAMDev) Plan. Sporadic development in the countryside (i.e. outside the designated settlements) is generally unacceptable

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unless there are exceptional circumstances, typically as set out in Core Strategy Policy CS5 and SAMDev Policy MD7a.

- 6.1.2 Burford is defined as a community hub within the adopted development plan but the application site falls outside its development boundary and is located in the countryside. Therefore, having regard to the adopted development plan, the site is not in a suitable location for an open market housing development,.
- 6.1.3 With regards to the status of the adopted policies for housing, Shropshire Council can currently demonstrate 5.64 years' supply of deliverable housing land against the housing requirement within the adopted Local Plan, and 7.20 years supply of deliverable housing land against the housing need identified within the Local Housing Need Assessment. Consequently, the local planning policies with regards to the supply of housing remain up to date and contribute to achieving sustainable development through development of the right types of housing, in the right locations and within the right timescales.
- 6.1.4 The Council is at a relatively advanced stage of a Local Plan Review. Specifically, a draft Shropshire Local Plan (2016-2038) has been prepared and was submitted to the Secretary of State for examination in September 2021. The application site is a draft allocation (BUR002) within the plan for the provision of 40 dwellings.
- 6.1.5 With regards to the weight that can be given to emerging plans the NPPF advises the following at paragraph 48:  
*48. Local planning authorities may give weight to relevant policies in emerging plans according to:*  
*a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*  
*b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*  
*c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*
- 6.1.6 With regards to the stage of preparation, interim findings from the Inspectors have determined that the plan is unsound and could not be considered for adoption at that time. The effect of the Interim findings is that only limited weight may be applied to the Draft Local Plan.
- 6.1.7 With regards to unresolved objections, the draft allocation (BUR002) is only subject to two objections from Malvern Hills District Council and a local resident. General support to the policy wording is provided by Historic England and a neutral response from the EA. The objection from Malvern Hills District Council largely raised concern



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with infrastructure provision in the area although was strongly rebutted by Shropshire Council in its summary/response document to representations received which was submitted to the Examination. This response set out that Burford's housing allocations reflected its role as a Community Hub. Malvern Hills District Council have been consulted on the current planning application and have not provided comments.

- 6.1.8 Additionally, it is important to note that, like the components of the Adopted Local Plan, the draft Shropshire Local Plan is intended to be read and applied as a whole. As such, all relevant draft policy requirements would need to be taken into account where it is proposed that any weight is given to the draft Shropshire Local Plan. The relevant draft policies are included within a later section of the report however, the scheme is considered to be generally compliant.
- 6.1.9 The NPPF is a material planning consideration but does not change the statutory status of the Development Plan as the starting point for decision making. The main consideration is whether the application site is in a suitable location for housing having regard to the development plan, and if not, are there any other considerations sufficient to mean that the proposal should be determined otherwise than in accordance with the development plan.
- 6.1.10 The applicant has submitted a supplementary statement to outline the benefits of allowing this proposal to be weighed against the conflict with the adopted development plan and this includes -
- The delivery of 40 dwellings with a range of types and tenures
  - delivery of 10 affordable dwellings which equates to a 25% provision and a 5% increase above the policy requirement for the area as set out within Core Strategy policy CS11 and draft policy DP3.
  - 47.46% Biodiversity Net Gain in habitat units and 161% in hedgerow units which is above the policy requirement of 10% set out within Draft Policy DP12.
  - Provision of additional features to improve sustainability including PV Panels, Electric Vehicle Charging Points and cycle storage for all dwellings;
  - Delivery of 3,760.7 sqm of public open space (excluding the SUDS basin) provided over three large areas; and, this is a 14% increase above the policy requirement of 3,300sq.m set out in policies MD2 of the adopted SAMDev plan and DP15 of the Draft Local Plan.
- 6.1.11 The applicant has made reference to an Inspectors decision at Meole Brace Retail Park (PINS ref: 3267148). The scheme comprised an outline planning application for up to 150 residential dwellings on a site subject of a draft allocation for residential development in the Shropshire Local Plan (SHR145). The Inspector noted that although the Council could demonstrate more than a 5-years supply of deliverable

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housing that these requirements are set a minima and the delivery of the appeal scheme's housing would positively support the Government's objective of significantly boosting the supply of homes. Likewise to the proposed development, the scheme provided 5% affordable housing above the Council's policy requirement. The Inspector noted that this would positively contribute to the Council's strategic objective for delivering affordable homes and was a significant benefit of the proposal and to which substantial weight was attached to the decision to allow the development.

6.1.12 It was also noted that there would be substantial economic benefits associated with the delivery of this scale of major development, including direct and indirect jobs during construction, along with the increase in resident spend to the benefit of local facilities and other financial receipts.

6.1.13 The applicant has argued that the same weight should be afforded to these matters within the current proposal and that more weight can be afforded to the draft allocation of the site as the emerging plan has progressed since the determination of that appeal.

6.1.14 It is Officer's view that that the draft Local Plan should still only be given limited weight in the determination of planning applications, however, the benefits of the scheme, specifically the over provision of affordable housing, biodiversity net gain and open space should be given significant weight in the determination of this application.

6.2 Layout, Scale and Design

6.2.1 The development includes a mix of one and two storey properties ranging from one to four bedrooms in scale. The proposed elevations illustrate a traditional material pallet of light and dark red brick walls and grey and red roof tiles. Details such as brick plinths, brick arched heads, stone cills and chimneys are also included within the design. The varied materials palette and architectural details aim to reflect the character of the village and provide an interesting design variation across the site.

6.2.2 The layout of the development is acceptable and provides an active frontage towards the A456 and the public open space within the site. Objectors have raised concern over impact to existing properties, however, the design, location and orientation of the proposed dwellings is appropriate and will not lead to unacceptable effects in this regard.

6.3 Heritage

6.3.1 The application includes a Heritage Statement which assesses the impact on designated and non-designated heritage assets in the area around the site. The assessment establishes that impacts to the heritage assets within the surrounding

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area are limited, though a 'less than substantial' impact could be perceived to the Castle Tump Scheduled Monument. SC Conservation and Archaeology as well as Historic England have been consulted and none object to the development, subject to the inclusion of a landscaping condition as a mitigation measure to minimise impact on setting of the nearby heritage assets. In accordance with paragraph 202 of the NPPF, the 'less than substantial' harm should be weighed against the public benefits of the proposal, with great weight being given to the conservation of the heritage assets in line with paragraph 199 of the NPPF.

#### 6.4 Ecology and trees

6.4.1 Neither the council's Ecologist nor the Tree Officer have objected to the development subject to implementation of the identified mitigation, tree protection and landscaping together with the inclusion of conditions to secure these. On this basis there are no significant outstanding issues in relation to ecology or trees.

#### 6.5 Highway Safety

6.5.1 It is proposed that the site will be accessed in the form of a simple priority junction taken from the A456. The application is accompanied by a Transport Statement which concludes that the proposed development can be accommodated without detriment to the operational capacity or safety of the local highway network and that it can be suitably accessed. The Local Highway Authority do not object to the scheme and have recommended conditions to be attached to any permission granted.

6.5.2 The proposal involves the relocation of a 40mph speed limit along the A456 which would be subject to a separate consent known as a Traffic Regulation Order. A planning condition would be necessary to secure the 40mph speed limit relocation and a financial contribution towards the cost of the TRO would be secured by a section 106 agreement.

#### 6.6 Amenity for future occupiers

6.6.1 Potential noise impacts from Teme Business Park and road noise from A456 have required assessment and a noise survey has been submitted with this application. This sets out the required façade sound reduction by glazing and ventilation to be compliant with guideline values. This is in line with a recently approved scheme on the other side of the A456 where double glazing with passive ventilators were proposed to meet the internal guideline values and provide sufficient alternative means of ventilation. A condition requiring submission of details has been recommended to cover this matter.

#### 6.7 Capacity of local services

6.7.1 Several of the third-party representations have raised the issue that existing community facilities including local schools, dentists and doctors are at full capacity

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and cannot cope with the additional demands arising from further new housing development. The site will be liable for Community Infrastructure Levy (CIL) payments and will contribute to the schemes set out in the LDF Implementation Plan which is derived from the Ludlow Place Plan.

6.7.2 Furthermore, Shropshire Council's Learning and Skills department recognises that the development will generate very small numbers of pupils and that the local primary school has sufficient capacity to accommodate such numbers. This is supplemented by a capacity study of secondary education undertaken by the applicant and again which identifies that the development will not lead to a shortfall in provision. With regards to healthcare services, no response has been provided to the consultation undertaken. Without evidence of a specific shortfall generated by the development, the Local Planning Authority is unable to seek developer contributions above that generated through the CIL.

6.8 Flood risk and drainage

6.8.1 A number of concerns have been raised by third parties about potential flood risk and drainage concerns. Whilst flood zones 2 and 3 from the River Teme do come within close proximity, the entire development site is located within flood zone 1 (i.e. not at risk from flooding). With regards to surface water flooding, the application demonstrates, with the provision of an appropriately sized attenuation basin, that greenfield run off rates can be maintained. Finally, the applicant has provided a consultation response from Seven Trent indicating their agreement, in principle, to connection of the site for foul drainage. With the above in mind, it would be difficult to maintain objections to the scheme on the grounds of flood risk or drainage.

6.9 Mineral Safeguarding

6.9.1 One final consideration to note is that the site is located in a Mineral Safeguarding Area. However, as the development site is located within the built area of Burford, that is surrounded by existing development and is only 2 hectares in area, there is no likelihood of it ever being developed as a mineral extraction site and its development cannot be considered to have any implications for mineral safeguarding. Therefore, it does not present any significant issues in terms of Core Strategy Policy CS20 and SAMDev Policy MD16 which seek to ensure that new non-mineral related development do not sterilise mineral resources.

**6.10 CONCLUSION**

6.10.1 The scheme constitutes a departure from the adopted development plan which remains up to date with regards to its housing policies. Planning applications should be determined in line with the development plan unless material considerations indicate otherwise. The material considerations in this case are that the site is a

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draft allocation in an emerging plan, which officers suggest is given only limited weight in the planning balance, but also that it will provide above policy requirements for affordable housing, biodiversity net gain and public open space, and these matters can be given substantial weight. The less than substantial harm to a scheduled ancient monument also needs to be brought into the planning balance but in all other respects, the development can be made acceptable with the use of the planning conditions and a section 106 agreement.

6.10.2 Taking the above into account, it is the view of Officers that the material considerations put forward in relation to this scheme are overriding and that the development is recommended for approval subject to the planning conditions detailed at the end of this report and a section 106 agreement to secure the provision of affordable housing in perpetuity and a financial contribution towards the cost of a Traffic Regulation Order to relocate a speed limit.

## **7.0 Risk Assessment and Opportunities Appraisal**

### **7.1 Risk Management**

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

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

7.1.2 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.

### **7.2 Human Rights**

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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.

### 7.3 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.

### 7.4 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.

## 8.0 Background

### Relevant Planning Policies

Central Government Guidance:

- National Planning Policy Framework
- National Planning Practice Guidance

Core Strategy (Adopted March 2011):

- Policy CS1: Strategic Approach;
- Policy CS4: Community Hubs and Community Clusters;

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- 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; and
- Policy CS20: Strategic Planning for Minerals

Site Allocations and Management of Development (SAMDev) Plan (Adopted December 2015):

- Policy MD1: Scale and Distribution of Development;
- Policy MD2: Sustainable Design;
- Policy MD7b: General Management of Development in the Countryside;
- Policy MD8: Infrastructure Provision;
- Policy MD11: Tourism Facilities and Visitor Accommodation;
- Policy MD12: Natural Environment;
- Policy MD13: Historic Environment;
- Policy MD16: Mineral Safeguarding; and
- Settlement Policy S10: Ludlow.

Emerging Policy Shropshire Local Plan 2016 to 2038 (not adopted)

- The settlement guidelines in draft Policy S10.2
- Draft Policy SP1: The Shropshire Test
- Draft Policy SP2: Strategic Approach
- Draft Policy SP3: Climate Change
- Draft Policy SP4: Sustainable Development
- Draft Policy SP5: High Quality Design
- Draft Policy SP6: Health and Wellbeing
- Draft Policy SP8: Managing Housing Development in community Hubs
- Draft Policy SP16: Strategic Planning for Minerals
- Draft Policy DP1: Residential Mix
- Draft Policy DP3: Affordable Housing Provision
- Draft Policy DP11: Minimising Carbon Emissions
- Draft Policy DP12: The Natural Environment
- Draft Policy DP14: Green Infrastructure
- Draft Policy DP15 Open Space and Recreation
- Draft Policy DP16: Landscaping of New Development
- Draft Policy DP18: Pollution and Public Amenity
- Draft Policy DP20: Water Efficiency
- Draft Policy DP21: Flood Risk
- Draft Policy DP22: Sustainable Drainage Systems
- Draft Policy DP27: Broadband and Mobile Communication Infrastructure

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## RELEVANT PLANNING HISTORY:

22/03646/FUL Erection of 40 dwellings, vehicular, pedestrian and cycle access from the A456, landscaping, open space, sustainable urban drainage system and associated infrastructure WDN  
2nd June 2023

### 9. 0 Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RWXBW1TD4Q00>

List of Background Papers Planning application reference 23/02796/FUL and plans and supplementary reports.
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Cabinet Member (Portfolio Holder) - Councillor Chris Schofield
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Local Member - Cllr Richard Huffer
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Appendices APPENDIX 1 - Conditions
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## APPENDIX 1

### Conditions to include

1. Time limit
2. Development in accordance with the plans
3. Archaeological written scheme of investigation (WSI).
4. Surface and foul water drainage scheme including a management and maintenance plan.
5. Schedule and specification of the products that will be used to provide sound insulation.
6. Construction Environment Management Plan (CEMP) and Habitat Management Plan (HMP) agreement.
7. Construction Management Plan and Method Statement (highway safety)
8. Phasing plan
9. Construction Management Plan (amenity)
10. Public open space scheme and management
11. Securing of speed limit relocation
12. Road phasing
13. Road phasing implementation
14. Construction details of roads
15. Pre commencement tree protection measures implementation
16. Tree retention and tree protection measures during construction.
17. Landscaping scheme implementation
18. Wildlife boxes agreement and implementation
19. External lighting

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- 20. Management and maintenance of the proposed streets
- 21. Materials samples agreement
- 22. Hard landscaping details

## AGENDA ITEM



Committee and date  
**12th December 2023**

### Development Management Report

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

#### Summary of Application

<b>Application Number:</b> 23/04666/FUL	<b>Parish:</b>	Monkhopton
<b>Proposal:</b> Erection of 1No affordable dwelling with 3 bay garage and storage above, formation of vehicular access and installation of package treatment plant		
<b>Site Address:</b> Proposed Affordable Dwelling At Land At Highclear Beaconhill Lane Monkhopton Bridgnorth Shropshire		
<b>Applicant:</b> Mr William Pugh		
<b>Case Officer:</b> Nia Williams	<b>email:</b> nia.williams@shropshire.gov.uk	

**Grid Ref:** 363665 - 293086



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**Recommendation:-** Refuse

**Recommended reason for refusal**

- The site is not part of or adjacent to a recognisable named settlement with only a limited number of 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.
- The dwelling would be viewed as an isolated dwelling in the open countryside and by reason of scale and massing would result in an intrusive and incongruous form of development which would appear overly prominent in its context and detracts from the character of this area of open countryside. The issues with scale and massing are further exacerbated by the large, detached garage which is sited separately from the proposed property which is not appropriate in size, form or layout. The development is therefore contrary to Policies CS6, MD2 of the plan and the objectives of the NPPF.

## 1.0 THE PROPOSAL

- 1.1 This application is for the erection of 1 No affordable dwelling with a 3 bay garage and storage above, formation of vehicular access and installation of package treatment plant. The application falls to be considered under the Council's single plot affordable scheme.
- 1.2 The proposed 3 bedroomed dwelling is rectangular in shape with a gross internal floor space of no more than 100m<sup>2</sup>. The proposed dwelling lies within a field parcel approximately 12 hectares in size and the plot covers approximately 980.14m<sup>2</sup>. The garage will measure approximately 9.103m in length, 5.727m in depth and a maximum height of 6.5m and would be located to the north of the site with the main dwelling to the southwest.
- 1.3 Internal accommodation on the ground floor would comprise of an open plan kitchen/dining area, living room and WC. On the first floor 3 bedrooms and a bathroom. The materials proposed for the main dwelling will be faced in part local stone and part timber with a red/brown clay roof tile. Similar roof and timber materials will be used on the proposed garage.
- 1.4 In addition to a Planning Statement, an Ecological Impact Assessment and a Surface Water and Foul Water Drainage Strategy have been submitted in support of the application.

## **2.0 SITE LOCATION/DESCRIPTION**

2.1 The site is located approximately 5 miles to the west of Bridgnorth, approximately 0.9 miles from the village of Monkhopton and 1.2 miles from Upton Cressett. The site will be accessed off a private drive leading onto Beacon Hill Lane, which leads directly to the B4368 to the north and means of access and parking space are to be provided. The land is an agricultural field with a perimeter defined by native hedging and trees. There are neighbouring properties approximately 35m away to the south east, otherwise the surrounding land is agricultural.

## **3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION**

3.1 The Parish Council are of a contrary view to officers and the application is the subject of a call in from the local member. As agreed by the Chair of Planning Committee and the Service Manager this application is brought to Planning Committee for determination.

## **4.0 Community Representations**

### **4.1 Consultee Comment**

4.1.1 Morville Parish Council comment that they are quite satisfied that the applicant is eligible for the Affordable Housing Scheme.

4.1.2 SC HOUSING ENABLING OFFICER - Confirms that they are satisfied that the applicant meets the 'need' requirements of the 'build your own' affordable housing scheme.

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.

4.1.4 SC Highways – Awaiting comment

4.1.5 SC Ecology - Awaiting comment

### **4.2 Public Comments**

4.2.1 **No public comments received at the time of writing this report**

### **4.3 Ward member comments**

4.3.1 Local ward member Cllr Tindall - Given the previous and current divergence concerning the application of the Single Plot Affordable Dwelling Policy, I would ask that, in the event of the Case Officer being minded to refuse the application, that the application is considered by the Southern Planning Committee.

## **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 Morville Parish Council and their Local Member, Cllr

Tindall.

- 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 section of agricultural land with a small number of properties dispersed in a loose knit formation along Beacon Hill Lane. The selected site could therefore be described as sporadic development in the countryside. 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 of structure**
- 6.2.1 The plot is located in the corner of a wider agricultural field in the south east 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 and the 3 bay garage, which is some distance away from the dwelling, creates an overly large footprint with an excessive amount of development. Extensive ground coverage is proposed to create the driveway across the land. The siting of the proposed driveway, garage and main dwelling raises several concerns with regards to the siting and scale of the development. The garage appears to be a relatively large structure and careful consideration needs to be given to the visual prominence the garage will have on the site. It is deemed that the proposed 3 bay garage with storage above would be overly prominent within the plot and will compete with the main dwelling.
- 6.2.2 The design and materials proposed for the dwelling are of traditional appearance

which is consistent with a number of other properties in the area that match the local vernacular. With a maximum height of 8.35m, the dwelling would not be of excessive height or prominence compared with other buildings in the vicinity, however with a maximum height of 6.5m and covering an area of over 52m<sup>2</sup> it is deemed that the erection of the 3 bay garage would be overly prominent within the site.

## 6.3 Access

- 6.3.1 The site will be accessed off a private drive leading onto Beacon Hill Lane, which leads directly to the B4368 to the north. A section of hedgerow will be removed and replaced with new fencing to allow for visibility splays measuring 2.4m x 39.7m (ATC 85%- 29.5mph)

## 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.

- 7.2 Having regard to the layout of the site and scale of the garage it is considered that this would have an adverse visual impact on this rural landscape and as such the proposed development would be contrary to policies CS6 of the Shropshire Core Strategy and policies MD2 and MD11 of the SAMDev Plan and the Type and Affordability of Housing Supplementary Planning Document.

- 7.3 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

# AGENDA ITEM

**Southern Planning Committee - 12th December 2023**

Proposed Affordable Dwelling  
At Land At Highclear

Central Government Guidance:

NPPF

Core Strategy and Saved Policies:

CS1

CS3

CS4

CS5

CS11

SamDev MD2

SamDev MD7a

SamDev MD3

SamDev MD7a

SamDev MD11

Type and Affordability of Housing

RELEVANT PLANNING HISTORY: \_

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S35E52TDL0U00>

List of Background Papers

Planning application reference 23/04666/FUL and plans and supplementary reports.

Cabinet Member (Portfolio Holder) - Councillor Chris Schofield

Local Member : Cllr Robert Tindall

Appendices

# Agenda Item 8

## SCHEDULE OF APPEALS AS AT COMMITTEE 12th December 2023

<b>LPA reference</b>	22/04127/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Hamstead Investment Group Ltd
<b>Proposal</b>	Re-development of former bank to create a ground floor bakery and extension to first floor to create 3 no. flats
<b>Location</b>	Former TSB Bank High Street Albrighton Wolverhampton Shropshire WV7 3JE
<b>Date of appeal</b>	08.11.2023
<b>Appeal method</b>	Written representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	22/04991/FUL & 22/04992/LBC
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr M Archer
<b>Proposal</b>	Conversion and extension of redundant barn to holiday letting accommodation (modification to previously approved 19/03669/FUL to allow for changes in fenestration and an increase in length)
<b>Location</b>	Woodcroft Farm Richards Castle Ludlow Shropshire SY8 4EB
<b>Date of appeal</b>	08.08.2023
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	13.11.2023
<b>Costs awarded</b>	Dismissed
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	22/05234/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Craig Roberts
<b>Proposal</b>	Siting of 2No domestic garden storage outbuildings with associated groundworks, hardstanding, fencing and landscaping and the associated change of use of land to garden curtilage
<b>Location</b>	Maitland The Barns Of Litley Chorley Bridgnorth Shropshire
<b>Date of appeal</b>	21/11/2023
<b>Appeal method</b>	Written representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	22/05688/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr G Gordon
<b>Proposal</b>	Erection of 1No dwelling following demolition of garage and outbuildings/sheds.
<b>Location</b>	Land Rear Of 2 Spring Cottages Hookagate Shrewsbury Shropshire
<b>Date of appeal</b>	23.11.2023
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	23/02411/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr G Hall
<b>Proposal</b>	Erection of a single storey garden room extension to side/rear elevations
<b>Location</b>	The Granary Angel Bank Bitterley Ludlow Shropshire SY8 3EY
<b>Date of appeal</b>	09.10.2023
<b>Appeal method</b>	Householder Fast Track
<b>Date site visit</b>	
<b>Date of appeal decision</b>	24.11.2023
<b>Costs awarded</b>	
<b>Appeal decision</b>	Allowed

<b>LPA reference</b>	22/04355/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Committee
<b>Appellant</b>	Econergy International Ltd
<b>Proposal</b>	Erection of an up to 30 MW Solar PV Array, comprising ground mounted solar PV panels, vehicular access, internal access tracks, landscaping and associated infrastructure, including security fencing, CCTV, client storage containers and grid connection infrastructure, including substation buildings and off-site cabling
<b>Location</b>	Proposed Solar Farm To The West Of Berrington Shrewsbury Shropshire
<b>Date of appeal</b>	23.11.2023
<b>Appeal method</b>	Public Inquiry
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	23/01429/VAR
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr & Mrs Bryan
<b>Proposal</b>	Removal of condition 3 attached to planning permission 4/72/1072 relating to agricultural occupancy
<b>Location</b>	Reaside, Neenton, Bridgnorth, WV16 6RL
<b>Date of appeal</b>	30.11.23
<b>Appeal method</b>	Written Reps
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	



## Appeal Decisions

Site visit made on 7 November 2023

**by Gareth W Thomas BSc (Hons) MSc (Dist) DMS MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13<sup>th</sup> November 2023**

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### **Appeal A Ref: APP/L3245/W/23/3317766**

#### **Woodcroft, Batchcott, Richards Castle, LUDLOW, SY8 4EB**

- 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 M Archer against the decision of Shropshire Council.
  - The application Ref 22/04991/FUL, dated 2 November 2022, was refused by notice dated 18 January 2023.
  - The development proposed is Conversion and extension of redundant barn to holiday letting accommodation (modification to previously approved 19/03669/FUL) to allow for changes in fenestration and an increase in length.
- 

### **Appeal B Ref: APP/L3245/Y/23/3317823**

#### **Woodcroft, Batchcott, Richards Castle, LUDLOW, SY8 4EB**

- 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 Mr M Archer against the decision of Shropshire Council.
  - The application Ref 22/04992/LBC, dated 3 November 2022, was refused by notice dated 8 January 2023.
  - The works proposed are Works to Listed Building to include the insertion of additional windows at ground and first floor level to the east elevation; change approved window to French doors on north elevation; and erection of extension by 450mm to allow rebuilding of west gable wall (amendment to previously approved 19/03670/LBC)
- 

## **Decisions**

### **Appeal A:**

1. The appeal is dismissed.

### **Appeal B:**

2. The appeal is dismissed and listed building consent is refused for works to Listed Building to include the insertion of additional windows at ground and first floor level to the east elevation; change approved window to French doors on north elevation; and erection of extension by 450mm to allow rebuilding of west gable wall (amendment to previously approved 19/03670/LBC).

## **Main Issues**

3. The main issue in this appeal is whether the appeal proposal involving a curtilage building would preserve the Grade II listed building known as Woodcroft with the list entry 1383778 or any features of special architectural or historic interest that it possesses.

## Reasons

### *Special interest and significance*

4. The appeal property recently modernised to a high standard in keeping with its heritage status forms a highly attractive freestanding house dating from late 17<sup>th</sup> century. The outbuilding the subject of this appeal is a curtilage building that sits close to the principal listed building. Photographic evidence gleaned from the Council reveals a modest, utilitarian agricultural barn that has since been demolished and partly rebuilt. It is clear that demolition amounts to the complete loss of part of the listed building comprising the curtilage structure. It is no longer a conversion but a complete rebuild. Significant harm has been caused to the integrity of this heritage asset for which no evidence has been submitted to justify demolition.
5. Although there is no argument between the parties that this subject building is a curtilage building for the purposes of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act), it is worth rehearsing the legal provisions. It is clear that the outbuilding was constructed before the relevant date of 1 July 1948, as I estimate it to be about 150 years old. Any building within the curtilage of a listed building at the date of listing and which was built before the relevant date is considered to be covered by the main listing, whether or not it is specifically mentioned in the description.
6. In respect of the extent of the curtilage of a listed building, case law indicates that the area need not be marked off or enclosed; it would be sufficient that the land served the purpose of the house or building in some reasonably useful way. Three factors that have to be taken into account when considering whether structures fall within the curtilage of a listed building were defined in *AG ex rel Sutcliffe v Calderdale BC* [1983] JPL 310. These are the physical layout of the building and the structure, the ownership, past and present and their use and function, past and present. The outbuilding is sited extremely close to the listed building and, although probably of a later date, was, in my opinion, nevertheless likely to have been associated with it. It is therefore a bone fide curtilage building associated with Woodcroft.

### *The effect of the proposed works*

7. The appellant provides little justification for the demolition of the outbuilding although I accept on face value that it had deteriorated and probably became structurally unsound as works to convert the building commenced.
8. Chapter 16 of the National Planning Policy Framework (the Framework) sets out policies for conserving and enhancing the historic environment. In paragraph 199 it accords great weight to the conservation of such assets and, in paragraph 133, requires development that would lead to substantial harm to a heritage asset to be refused consent unless this is necessary to achieve substantial public benefits. Even if the harm would be less than substantial, public benefits are nevertheless still needed to outweigh that harm.
9. In this case, the demolition of the outbuilding has obviously lead to the total loss of any significance it may have had in its own right or as a contributor to the setting of the listed building. Even if this loss were considered to be less than substantial and would not harm the historic or architectural interest of the listed building at Woodcroft, it would nevertheless harm its setting, for the



reasons discussed above. No benefits to demolition have been identified that would outweigh the harm noted above. Therefore, the demolition of the building would conflict with the aims of the Framework in respect of the protection it gives to heritage assets. The policies identified by the Council echoes the approach of the Framework and the proposal is contrary to Policies CS6 and CS17 of the Shropshire Core Strategy and MD7(a) of the Shropshire Allocations and Management of Development Plan.

10. As the proposal is not for the conversion of the outbuilding but rather for its complete rebuilding, I need not consider the matter of the principle of the holiday let opportunity further. On the issue of the appropriateness of design, it is sufficient to say that apart from some nice stonework including appropriate coursing and appropriate local pointing, the proposal before me is poorly designed in terms of elevational treatment and, had it been a proposal for genuine conversion, I would have found the design to be totally insensitive in the context of the setting of Woodcroft. In that regard I fundamentally disagree with the appellant that the reconstruction follows the essential form and scale of the former structure. Although falling outside my remit in terms of this appeal, it is now for the Council to decide its next course of action and, given the Council's tourism policies, for the appellant to possibly come forward with something far more sensitive.

### **Other Matters**

11. A second and third reasons for refusal were cited by the Council relating to the failure of the appellant to submit a heritage impact assessment with the planning application and an assessment of likely impacts on protected species. As the building has been demolished and I am dismissing the appeal on this basis, I see no reason to consider these matters further.

### **Conclusion**

12. For the above reasons, I dismiss this appeal.

*Gareth W Thomas*

INSPECTOR

Appendix 1  
List of those who have appealed

<b>Reference</b>	<b>Case Reference</b>	<b>Appellant</b>
Appeal A	APP/L3245/W/23/3317766	Mr M Archer
Appeal B	APP/L3245/Y/23/3317823	Mr M Archer



## Cost Decision

Site visit made on 7 November 2023

**by Gareth W Thomas BSc(Hons) MSc(Dist) DMS MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 15 November 2023**

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**Costs application in relation to 2no. Appeals –  
Appeal A Ref: APP/L3245/W/23/3317766 and  
Appeal B Ref: APP/L3245/Y/23/3317823  
Woodcroft, Batchcott, Richards Castle, LUDLOW, SY8 4EB**

- 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 Chapel Properties for a full award of costs against Shropshire Council.
  - Appeal A was against the refusal of an application for planning permission for the conversion and extension of redundant barn to holiday letting accommodation (modification to previously approved 19/03669/FUL) to allow for changes in fenestration and an increase in length.
  - Appeal B was against a refusal to grant listed building consent for the insertion of additional windows at ground and first floor level to the east elevation; change approved window to French doors on north elevation; and erection of extension by 450mm to allow rebuilding of west gable wall (amendment to previously approved 19/03670/LBC).
- 

### Decision

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

### Reasons

2. The Government's 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. Costs may be awarded on procedural failings or on substantive grounds.
3. I have considered the applicant's application for costs on procedural grounds.
4. The essence of the application is that in the view of the applicant, the Council prevented a development which should clearly have been permitted, having regard to the National Planning Policy Framework as well as the Development Plan and suggests that the Council misapplied SAMDev Policy MD7, in particular the criteria to that policy. It is alleged that criteria b) of that policy would permit the replacement of buildings which contribute to local distinctiveness, especially where this is required to support appropriate rural economic development. It is further alleged that the Council ignored pleas to postpone a decision on the application(s) to allow the arguments to be put to the Council

- and presumably to improve the design of the proposal. In terms of procedural unfairness, it is claimed that the Council failed to cooperate during the application process despite the applicant's willingness to negotiate and put things right.
5. The Council has not commented on the application for an award of costs. However, it seems to me that Policy MD7b whilst supporting appropriate rural economic development opportunities in principle, is nevertheless clear that proposals for the replacement of buildings that contribute to the historic environment will be resisted unless the proposal is in accordance with policy MD13. MD13 seeks to protect heritage assets, which would include buildings and structures within the curtilage of listed buildings. I note that the applicant applied for planning permission to convert an existing agricultural building, which formed part of the listed building at Woodcroft. The conversion also required listed building consent and it is on this basis that I determined the two appeals.
  6. Whilst I recognise that the applicant may have carried out unauthorised works in all innocence of legislation, the demolition of a listed building is unlawful. The Council in my view was quite correct in assessing the proposal on the basis of heritage policies as well as other development management policies. It is though true that the most relevant policy with regards to the proposal is MD7b and not MD7a. That said the refusal notice clearly identifies a whole series of heritage policies as well as the relevant 1990 Act that seeks to protect listed buildings, their curtilages and settings.
  7. From my assessment of the evidence, I am satisfied that the Council did not mis-direct itself in determining the applications for planning permission and listed building consent. It seems to me that the applicant having carried out unauthorised development stopped work as soon as he realised this. However, from what I can ascertain, he continued to promote something that was totally unacceptable from both heritage and design points of view. I am not surprised that the Council was not keen on entering into further dialogue over something that is inherently unacceptable in heritage terms. My decisions on the appeals also drew attention to design failings irrespective of the condition of the building.
  8. As a result, I conclude that the Council's refusal does not amount to unreasonable behaviour in the terms of the PPG. Thus, I conclude that unreasonable behaviour resulting in unnecessary expense in the appeal process has not been demonstrated and that a full award of costs is not justified.
  9. For the above reasons this application fails.

*Gareth W Thomas*

INSPECTOR



## Appeal Decision

Site visit made on 16 November 2023

**by John Whalley**

**an Inspector appointed by the Secretary of State**

**Decision date: 24.11.2023**

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**Appeal ref: APP/L3245/D/23/3329696**

**The Granary, Angel Bank, Bitterley, Ludlow SY8 3EY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal of planning permission.
  - The appeal is made by Mr Jeff Hall against the decision of Shropshire Council.
  - The application, ref. 23/02411/FUL, dated 2 June 2023, was refused by a notice dated 23 August 2023.
  - The development is: Erection of a single storey garden room extension to side/rear elevations.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the construction of a single storey garden room extension to side/rear elevations at The Granary, Angel Bank, Bitterley, Ludlow SY8 3EY in accordance with the terms of the application ref: 23/02411/FUL, dated 2 June 2023, 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: Proposed Block Plan – Plan ref: 2301-5-013 005, rev. B, dated 14 March 2023; Existing Elevations – Plan ref: 2301-5-013 002, rev. B, dated 14 March 2023; Garden Room Proposed Plan and Elevations – Plan ref: 2301-5-013: 001, rev. C, dated August 2003.

### Main issue

2. The decision turns on the likely effect of the proposed extension on the character and appearance of The Granary and its immediate surroundings.

### Appeal property and proposed extension

3. The appeal dwelling, The Granary, is located immediately south of the A4117 Ludlow Road, west of the small settlement of Angel Bank. The Granary had been converted to residential use by adapting part of a former granary building. It is one of 3 in a group, including the semi-detached Threshers Barn and Long House.
4. Mr Jeff Hall, the Appellant, wishes to extend his home by adding a single storey 24m<sup>2</sup> floor area garden room extension wrapped around the eastern and

southern elevations of the house. The extension would have a plain clay tiled pitched roof; the walls built with brick to also match the existing building.

### **Considerations**

5. Mr Hall said the present appeal project, (drawing 2301-5-013 001, rev. C), was a modification of an earlier scheme, (drawing 2301-5-013 003, rev. B). It was changed following criticism of the earlier mansard type roof design. The Council's Conservation Officer had welcomed the alteration to the roof design. But the footprint remained excessive. Harm to the character of the building as a non-designated heritage asset would be caused, although of less than a substantial nature.
6. The Council said the extension would have an unacceptable impact on the original dwelling. It would overwhelm the original barn, intrinsically and irreversibly altering its character, appearance, form and layout. The harm to this non-designated heritage asset would be substantial. The addition would not be of a subservient scale to the main dwelling. It would be an overdevelopment of the property.
7. I agree with the Council's view that the former granary buildings retain some of typical historic farm stead character of the area, but that the conversions to 3 dwellings means they no longer have features that would characterize a former granary. As the Council said, their significance lies in their traditional appearance, particularly in terms of their facing brickwork, stone walling and roof tiles. The proposed use of matching roof tiles and walling brickwork would help retain much of that traditional appearance, even though the extent of glazing proposed would add a degree of incongruity. But especially as much of the earlier granary character has been lost, the modern addition as proposed would not, in my view, be so visually harmful to its host building as to be unacceptable. The preference for the extension's fully tiled pitched roof reaching up close to its eaves is likely to reduce some of its subservience to The Granary dwelling. However, I agree with Mr Hall that it would not be a disproportionate addition to The Granary.

### **Conclusion**

8. I conclude that planning permission should be granted for the appeal extension. The general condition limiting the duration of the permission is applied, (s.91 of the Act), as is a condition defining the amended scheme as shown on submitted drawing No. 2301-5-013: 001, rev. C.

*John Whalley*

INSPECTOR