

## Development Management Report

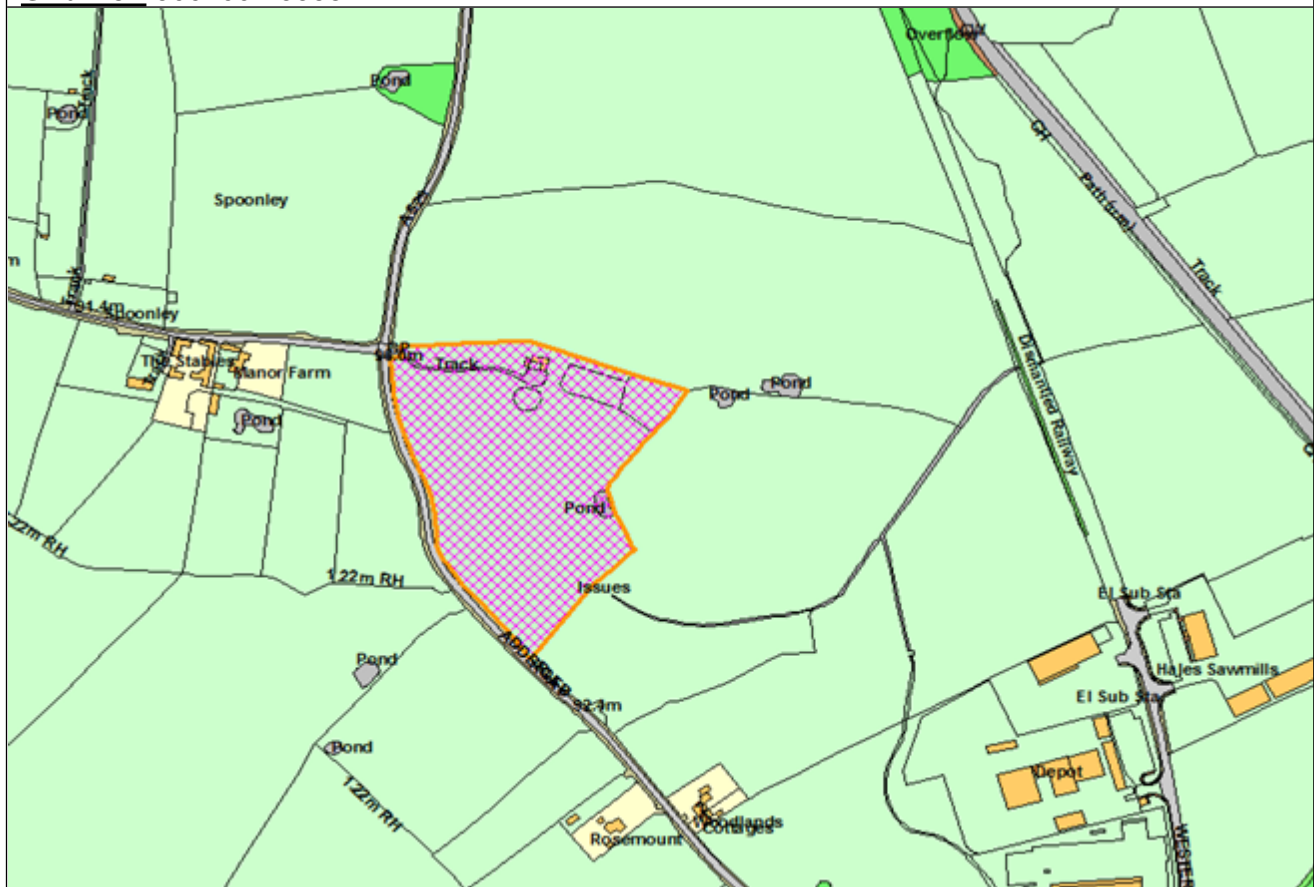
Responsible Officer: Tim Rogers

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### Summary of Application

<b><u>Application Number:</u></b> 16/01822/OUT	<b><u>Parish:</u></b> Adderley
<b><u>Proposal:</u></b> Outline planning permission for a temporary agricultural workers dwelling with all matters reserved (Amended Description)	
<b><u>Site Address:</u></b> Land At O.S.7882 And 7968 Adderley Road Market Drayton Shropshire	
<b><u>Applicant:</u></b> Mr L Gilbert	
<b><u>Case Officer:</u></b> Richard Denison	<b><u>email:</u></b> <a href="mailto:planningdmne@shropshire.gov.uk">planningdmne@shropshire.gov.uk</a>

**Grid Ref:** 366760 - 335841



**Recommendation:- Granted subject to the conditions set out in Appendix 1.****REPORT****1.0 THE PROPOSAL**

1.1 This is an outline application which relates to the siting of a temporary agricultural workers dwelling for 3 years to provide accommodation in association with running a new pig rearing enterprise (subject to application reference 16/01821/FUL) with all matters reserved. An indicative layout plan has been submitted indicating the provision of a single storey prefabricated dwelling measuring 6.7 metres wide by 18.3 metres long which will be sited on a concrete pad. The dwelling would provide a living room, kitchen/dining area, office, three bedrooms and a bathroom. Access would be along the proposed new access which would serve the pig rearing enterprise with the provision of a car parking and manoeuvring area. The site covers an area of 0.1 hectares.

**2.0 SITE LOCATION/DESCRIPTION**

2.1 The proposed site covers an area of 4.38 hectares and lies 600 metres north of the A53 bypass and 300 metres from the edge of the Protected Employment Site for Market Drayton. The site falls within the Parish of Adderley and consists of former pasture land for horses. The proposed land is graded as '3 Good to Moderate', although not classified as excellent or very good agricultural land. The A529 road runs along the western boundary of the site and provides vehicular access to the main A53 bypass around Market Drayton. The site is enclosed with a mixture of native hedgerows and trees with a small pond located along the eastern boundary. The nearest residential property to the proposed pig rearing buildings is Manor Farm which is located 300 metres to the west on the opposite side of the main A529 road. Rosemount and Nos.1 and 2 Woodlands Cottages are located directly to the south and are over 340 metres away and separated by adjoining farm fields and hedgerows. Springs Farm is located to the north and is 520 metres away and separated by open fields. The site currently consists of a 'U' shaped arrangement of stables, together with a portal framed storage building. A vehicular access is located towards the north west corner of the site along a dirt track to the existing buildings which are located along the northern boundary.

**3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The Parish Council have submitted a view contrary to officers based on material planning reasons which cannot reasonably be overcome by negotiation or the imposition of planning conditions. The Principal Planning Officer in consultation with the Committee Chairman and Local Member agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

**4.0 COMMUNITY REPRESENTATIONS****4.1 Consultee Comments**

4.1.1 **Shropshire Council, Highways Development Control** - It is noted that the description of the development has now been amended to temporary residential accommodation but all matters are continuing to be reserved for latter approval. The

proposed accommodation is however intrinsically linked to the concurrent planning application 16/01821/FUL for the pig rearing business currently pending determination. Whilst the access is a reserved matter further access details have been submitted in respect of this application that have also been forwarded in respect of the pig rearing business. The Highway Authority continues to raise no objection to the establishment of residential accommodation on the site subject to it being served by a satisfactory means of access.

The current existing access in the north western corner of the field in the applicant's ownership is not considered satisfactory but the new proposed access serving the pig rearing unit under application 16/01821/FUL is considered to be satisfactory. As part of the highway conditional approval of the pig rearing business it has recommended that the existing access be permanently closed. The access details as submitted in respect of the subsequent reserved matters application should therefore be in accordance with the approved access details for the pig rearing business which has been included in the red line of the submitted application details

- 4.1.2 **Shropshire Council, Trees & Woodland Amenity Protection Officer** - The arboricultural aspects to this scheme have been dealt with under 16/01821/FUL and I have copied my comments here: Having regard to the submitted Buckland Arboriculture Ltd Phase Two Arboricultural Impact Assessment, Tree protection Plan and Method Statement this scheme will not result in the loss of amenity. No objection is raised subject to a safeguarding condition regarding the protection of tree and hedgerows being retain.
- 4.1.3 **Shropshire Council, Planning Ecologist** - No objection is raised subject to safeguarding condition regarding artificial nest boxes being installed and control over flood lighting.
- 4.1.4 **Shropshire Council, Flood & Water Management Team** - A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's Surface Water Management: Interim Guidance for Developers document. It is available on the council's website at: [www.shropshire.gov.uk/drainage-and-flooding/local-flood-risk-management-strategy/](http://www.shropshire.gov.uk/drainage-and-flooding/local-flood-risk-management-strategy/). The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed. Preference should be given to drainage measures which allow rainwater to soakaway naturally. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.
- 4.1.5 **Shropshire Council, Public Protection** - Having considered the application and noise assessment submitted it is noted that mitigation is required. As a result I propose the following condition which is in line with the recommendations of the noise report submitted: Glazing to a minimum standard of 4 ' 12 ' 4 specification with trickle vents shall be installed to all windows. Reason: To ensure that the health of future residents is adequately protected.
- 4.1.6 **Adderley Parish Council** objects to this planning application, with both this application and 16/01821/OUT being considered together due to their integrated nature. The Council is very concerned about the increase of heavy farm traffic on

this road and also turning in and out of the access as detailed in the proposal. The Council's concern is that the amount of farm traffic has been considerably underestimated on the proposal and would ask that this matter be revisited. The Council were also concerned that the access itself would not, in reality, have the sight lines that are envisaged due to the topography of the road. Further concerns are the smell and the noise of the operation itself within the locality.

4.1.7 **Market Drayton Town Council** - To support this application as long as all legal and correct requirements are met.

#### 4.2 **Public Comments**

4.2.1 One letter of objection has been received who raised objection to the pig rearing buildings associated with this dwelling. No formal reasons have been provided other than it relates to the pig rearing enterprise.

4.2.2 One letter of support has been received from the National Pig Association raising the following comments:-

- The National Pig Association (NPA) is the representative trade association for British commercial pig producers, is affiliated to the National Farmers Union (NFU) and represents the pig interests of NFU members who produce pigs
- The UK is only 45% self sufficient with regards to pig meat the remaining is imported.
- The proposed development at Market Drayton is considered to be a medium sized enterprise which will conform to high welfare and management standards as dictated by an independently audited farm assurance scheme which includes quarterly additional monitoring of herd health and welfare by a veterinarian.
- In addition, as an industry we do not recognise the term 'factory farming'. There is no accepted definition of either a 'mega' or 'factory' farm. Size or scale of farm does not dictate animal welfare; it is the treatment of the individual animal that is important. Well managed farm management practices, suitable housing, good stockmanship/animal husbandry and continuous employee training is ultimately responsible for ensuring high animal welfare standards.
- The proposed pig unit will be straw based, therefore producing farmyard manure, straw will be used in abundance on a daily basis which will help to bind ammonia and reduce any odour issues. Unfortunately all farms, regardless of their size may emit odour at certain points however this can be minimised via best practice and management protocol. Farm Yard Manure exported off the unit to fields regularly will also mitigate odour issues and is frequently used to recycle valuable nutrients which subsequently reduces reliance on imported oil based artificial fertiliser.
- In addition farmers must abide by strict legislation with regards to slurry and manure management and face significant penalties if found to be responsible for any local pollution incidents. Both odour and traffic intensity will be limited to short periods at the beginning and end of each batch of pigs; this does not differ

from many other farming enterprises.

- Animal rights organisations, by their own admission, share the common objective of stopping meat eating altogether and therefore employ any approach necessary to achieve this. In their online campaigns and petitions, they may use vegan propaganda, misinformation and highly emotive and sensationalist language which is deliberately misleading. We therefore request that if you receive information relating to or have a pig planning application that is subject to animal rights activity, it is not permitted to impact on the planning process.
- Living onsite where ever possible, due to the close proximity to the livestock, always enables an increased level of animal husbandry and welfare. This also demonstrates a compelling commitment to the success of the business.
- We welcome Shropshire Council's core strategy policies which support agriculture and its development and contribution to the rural economy within the county, specifically strategic objective 7 and policy CS5.
- There is increasing pressure on our pig producer members and the industry as a whole from orchestrated campaigns and new residents moving into the countryside and who regard it as a place of leisure and aesthetic appeal and fail to appreciate that it is a modern working environment and the vital role that it plays both economically and in food production. Furthermore complaints frequently focused on animal welfare concerns should be dismissed immediately as this is not a planning concern.
- I would also take this opportunity to offer advice to the planning committee in that they should consider the accurate and robust information provided as per the planning process i.e. the number of extensive reports prepared by professional consultants and the local plan policies, and not misinformed opinion or blatant animal rights propaganda.

## **5.0 THE MAIN ISSUES**

- Policy & Principle of Development
- Functional Appraisal
- Design, Scale and Character
- Impact on Residential Amenity
- Highways
- Impact on Trees
- Ecology
- Drainage
- Flooding

## **6.0 OFFICER APPRAISAL**

### **6.1 Policy & Principle of Development**

- 6.1.1 This application was subject to a detailed pre-application enquiry which indicated that the provision of a new pig rearing enterprise with an associated dwelling in the rural area would be acceptable. However, this would be based upon a detailed application examining the layout and design, visual impact and impact on local

residents, together with examining the highways implications, ecology and drainage. Whilst a detailed consultation exercise would be required with the local community, ward member and Parish Council. This proposed outline application is for a temporary dwelling to support a new farming enterprise and is proposed for a 3 year period to enable the business to establish before considering a more permanent dwelling on site.

- 6.1.2 Policy CS5 'Countryside and Green Belt' of the Shropshire Core Strategy indicates that new development will be strictly controlled in accordance with national policies protecting the countryside. The policy indicates that dwellings to provide accommodation for agricultural workers would be acceptable in principle and would have to meet National Planning Policy Guidance and the Supplementary Planning Guidance on the 'Type and Affordability of Housing'. Policy 6 'Delivering a Wide Choice of High Quality Homes' of the National Planning Policy Framework indicates that housing applications should be considered in the context of the presumption in favour of sustainable development. To promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. However, it indicates that local authorities should avoid isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work. This is re-iterated in Policy MD7a 'Managing Housing Development in the Countryside' of the SAMDev Plan. The principle of providing an essential countryside workers dwelling is considered acceptable subject to the provision of a detailed functional appraisal.

## 6.2 **Functional Appraisal**

- 6.2.1 The Supplementary Planning Document for Type and Affordability of Housing (September 2012) indicates that new agricultural workers dwellings in the countryside should be avoided unless there is an essential need for a rural worker to live permanently at or near their place of work. Policy MD7a of the SAMDev Plan indicates that essential rural workers dwelling would be permitted if there are no other existing suitable and available affordable dwellings or other buildings which could meet the need, including any recently sold or otherwise removed from the ownership of the rural business; and in the case of a primary dwelling to serve a business without existing permanent residential accommodation, relevant financial and functional tests are met and it is demonstrated that the business is viable in the long term and that the cost of the dwelling can be funded by the business. If a new dwelling is permitted and subsequently no longer required as an essential rural workers' dwelling, a financial contribution to the provision of affordable housing will be required, calculated in accordance with the prevailing target rate and related to the floor space of the dwelling.

### **Essential Need**

- 6.2.2 The Welfare of Farmed Animals Regulations (England) 2000 sets the minimum acceptable standards for animal welfare. The regulation is supplemented and interpreted in the DEFRA Code of Recommendations for the Welfare of Livestock – Pigs. This requires that the stockman has sufficient time, availability and response time to ensure the welfare of the animals. The agent has provided a detailed response to the essential need to provide an agricultural worker on site:-

#### Newly Weaned Piglets

6.2.3 A batch of newly weaned piglets are introduced to the shed every 24 weeks. The change in feed from sows' milk to starter ration combined with the change in housing means the piglets are vulnerable to disease, infection and stress. During the first 3 weeks the piglets demand constant and careful management to ensure a smooth transition and maintenance of their welfare. During this period the pigs will be inspected continuously during the day plus a late night and early morning inspection to ensure they are adapting to the new environment and using the feeding and drinking systems correctly.

#### Supervision of Systems

6.2.4 The use of automated systems help to care for the pigs, however the systems still require experienced competent persons readily available to react to any malfunctions immediately. The DEFRA code of care states that skilled experienced operators must always be available. Failure of ventilation, lighting, feeding or drinking systems can all have a devastating effect on the pigs. The severity of the failure grows exponentially with any delay in resolving the issue.

#### Out of Hours Inspections

6.2.5 Out of hours' inspections continue throughout each cycle in early morning, late evening and during cold or hot weather in the night. The inspections are required to respond to any pigs causing aggressive behaviour or those showing any signs or illness to ensure they are moved to isolation pens and appropriate care and treatment administered.

#### Avoidance of Stress

6.2.6 In hot weather pigs require additional monitoring and implementation of cooling methods to ensure that they do not over heat. Pigs have a limited ability to sweat and are therefore acutely susceptible to heat stress which can trigger outbreaks of vice and pneumonia.

#### Avoidance of Vice

6.2.7 Vice is the term given to aggravation and aggression between pigs which can result in tail biting or ear and feet chewing causing severe trauma between pigs. Vice can occur through poor stockmanship, poor environmental quality (air, temperature, ventilation, etc), inadequate nutrition or lack of available feed and water. Vice is avoided by maintaining the optimum conditions for the pigs at all times and being able to react immediately to any incidents that occur.

#### Biosecurity

6.2.8 Bio-security is an essential aspect of any agricultural enterprise particularly where a significant number of animals are cared for indoors. Firstly, to meet the high standards for animal health and welfare required under relevant assurance schemes and codes, secondly to ensure the financial performance of the enterprise and thirdly to prevent the spread of disease within and between farms.

6.2.9 Maintaining bio-security can only be achieved by controlling movements of vehicles and people on and off the farm. As well as being able to conduct regular inspections of the livestock to react to any issues that can affect their health and welfare. This requires a skilled worker to be readily available at most times within sight and sound of the pig rearing buildings.

### Nutrition

- 6.2.10 Ensuring the pigs have the correct feed and water available at all times is absolutely fundamental to achieving the business aim of the enterprise, interruption of water for even an hour can lead to increased stress in the pigs. Feed is less critical but interruptions will still have an impact on the performance of the pigs.

### Environment

- 6.2.11 The correct environmental conditions in the shed are almost as important as feed and water, the stockman must avoid sudden fluctuations in temperature whilst ensuring good air quality.

### Emergencies

- 6.2.12 In the event of a fire within either of the pig buildings an immediate response is required to mitigate the threat to the pigs and implement the emergency plan. A delay of even a few minutes would cause severe suffering to the pigs trapped inside a burning building.
- 6.2.13 Most pig rearing farms are in remote locations, combined with the high value of the pigs inside this makes them a target for professional criminals. The herd require 24 hours on site supervision for protection from theft or injury by intruders including animal rights activists.

### **Labour Requirement**

- 6.2.14 A detailed Planning Statement has been submitted with the application which has confirmed that the applicant will be engaged full time on the farm and will employ one person on a full time basis to assist in managing and rearing the pigs during normal working hours. It is proposed that the applicant will be within sight and sound of the pig buildings and readily available at most times through the day via the provision of the dwelling. A labour requirement calculation has been carried out based on Standard Man Days published in John Nix Farm Management Pocketbook which is a recognised method for this calculation. The pig rearing enterprise demonstrates a requirement for 2.11 full time persons and this includes general maintenance. This is based on 270 days per person and allows for time off, holiday leave, sick leave and any other absences.

### **Existing Accommodation**

- 6.2.15 The applicant currently lives on Christchurch Lane in Market Drayton which is approximately 3.5km away from the site on the opposite side of the town. The location of this property does not provide adequate supervision for the business and there are no immediately adjoining properties or accommodation which would be suitable to provide the security and supervision required for the health and welfare of the animals. The applicant does not own any other properties.

### **Financial Appraisal**

- 6.2.16 The proposed temporary dwelling is required to operate the proposed new pig rearing enterprise which is subject to application 16/01821/FUL. The applicant will contract rear pigs whereby the applicant owns the land and buildings and is paid a management fee by the owner of the pigs. The management fee is supplemented by various bonuses relating to the efficiency of the pig rearing by the farmer. The owner of the pigs provides the feed for the pigs and the farmer provides the straw,



water and electricity for lighting and ventilation. The contract rearing arrangement provides various advantages to both parties, as it reduces financial risk for the farmer but ensures the pigs are reared by a competent skilled and motivated stockperson.

- 6.2.17 The contract rearing business model provides a relatively low risk, low capital opportunity for farmers and is particularly attractive to new farmers. The farmer is protected from shifts in commodity prices and also drops in the price of finished pigs and is therefore provided a relatively predictable and stable income. A detailed Financial Statement and Five Year Cash Flow which has been submitted with the application which indicates an average net profit of in the region of £45,000 per annum. The main factors which will affect this figure are the performance of the pigs, increase in interest rates and increases in input costs. This financial model has been tested to changes in these factors, with the worst case scenario based on poor performance of the pigs, an increase in interest rates of 7.5% and 20% increase in input costs. The model still demonstrates that the business in worse case scenario would still provide a nett profit in the region of £20,000 per annum.
- 6.2.18 It is officer's opinion that the proposed business is considered to provide a robust financial model that will provide a competitive return to the applicant for all of his time, land and capital including the finance to build a dwelling required for the enterprise. The proposed dwelling is only supported on the basis that the pig rearing enterprise considered under application 16/01821/FUL is granted.

### 6.3 **Design, Scale and Character**

- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. This is reiterated in policy MD2 of the SAMDev Plan which indicates the development should contribute and respect the locally distinctive or valued character and existing amenity value. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development.
- 6.3.2 This is an outline application with the proposed layout, scale and appearance being reserved for later approval. However, the agent has submitted an indicative layout plan showing a modest size prefabricated dwelling with a total gross external floor area of 122.6sqm which includes a farm office.
- 6.3.3 In accordance with the adopted Core Strategy and the Housing SPD the proposed dwelling should be restricted to 100 square metres of internal floor space plus an additional business floor area. The Housing SPD also indicates that essential workers dwellings should be restricted by a Section 106 legal agreement to ensure that if it is no longer is required in connection with the business it will revert to an affordable dwelling. It is clear that the dwelling would be single storey and would provide a dwelling with a gross floor area in excess of the 100sqm which would not be acceptable. However, the details submitted are only indicative and this application is only outline and does not consider the layout or size of the proposed dwelling which would be considered as part of a reserved matters application. A condition can be imposed restricting the size of the dwelling to be submitted.

#### 6.4 **Impact on Residential Amenity**

6.4.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. Although this is an outline application with layout, scale and appearance reserved there are no adjoining properties with the nearest property being Manor Farm which is located over 170 metres to the west on the opposite side of the A529 and separated by hedgerows. Having regard to the distance and intervening landscaping a dwelling located on this site will not result in any impact on neighbours from causing an overbearing impact, loss of light or resulting in overlooking and loss of privacy. Furthermore, it is considered that the provision of a single dwelling would not result in significant traffic movements which would be detrimental to properties in the surrounding countryside.

#### 6.5 **Highways**

6.5.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that proposals likely to generate significant levels of traffic should be located in accessible locations where there are opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. This policy also indicates that development should be designed to be safe and accessible to all.

6.5.2 The proposed site is currently served from Adderley Road (the A529) which has a national speed limit of 60mph and is only 600 metres away from the main A53 bypass around Market Drayton. The existing vehicular access serves a stable and agricultural building and has restricted visibility in both directions due to the existing boundary hedgerows and the alignment of the road. The proposed development provides a new vehicular access approximately 180 metres further to the south and will be used in conjunction with the pig rear buildings. The national 'Transport Data Collection' has indicated that traffic along the road operates below the national limit with north bound traffic being at 45.8mph and the south bound traffic being at 43mph (this is based on a 7 day average 85th percentile operating speed). Based on the speed survey the Design Manual for Roads and Bridges indicates that the proposed access will require visibility splays of 120 metres in a southward direction and 130 metres in a northward direction. To achieve this part of the existing boundary hedgerow will need to be realigned with the provision of a grass verge.

6.5.3 The proposed entrance will provide wide splays to a maximum width of 26 metres which narrows to 10 metres at the point of the realigned hedgerow and continues to narrow for over 30 metres into the site until the driveway is provided at 3.5 metres wide. This large entrance will allow two HGV (in association with the pig rearing enterprise) to pass one another clear of the highway should a vehicle leave and enter at the same time. The Highways Authority have raised no objection to the proposed new access and visibility splays subject to safeguarding conditions regarding the construction of the new access; proposed visibility splays; parking and turning area being laid out prior to the pig rearing unit and dwelling being occupied; and any entrance gates to be set back 15 metres from the highway edge.

#### 6.6 **Impact on Trees**

6.6.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development should protect and enhance the local natural environment. A

detailed Phase 2 Arboricultural Impact Assessment has been undertaken to assess all of the existing trees and hedgerows on site, together with providing a detailed maintenance schedule and mitigation measures. It is noted that none of the trees are protected by a Tree Preservation Order and the site is not within a Conservation Area. The proposed site is located along the northern boundary of the field adjacent to a native hedgerow. The application is not considering the layout, although the indicative site plan indicates that the footprint would be sited tight up against the northern boundary directly adjacent to the hedgerow. This is not acceptable as the concrete pad may impact on the root structure of the hedgerow and cause long term damage to the hedgerow. However, the site is large enough to locate the dwelling away from the boundary to prevent any damage and the Tree & Woodland Amenity Protection Officer has raised no objection.

## 6.7 **Drainage**

6.7.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity.

6.7.2 The application indicates that the nearest foul mains are 773 metres away adjacent to the A53. Due to the distance and cost it is unlikely that foul drainage will be connected to this system and it is likely that foul drainage from the dwelling will be dealt with via a package treatment plant or septic tank and no objection has been raised by the Drainage Engineer subject to the design being in accordance with Building Regulations.

6.7.3 The proposed clean surface water from the proposed dwelling will be diverted into a grassed detention basin, whilst surface water from the hardstanding to the front of the building will pass through an oil interceptor. The detention basin is designed to accommodate peak storm events and then release the water at a controlled flow into an existing pond once the storm has passed and then into the local ditch. The proposed access driveway will be constructed to provide surface water run-off to the grass land field to either side. The Flood and Water Management Team have raised no objection to this proposed method of surface water drainage subject to safeguarding conditions.

## 7.0 **CONCLUSION**

7.1 It has been clearly demonstrated in the supporting information that there is a functional need to provide a residential unit on site to manage and care for the pigs to assist in the operation of the enterprise. The business demonstrates a clear profit for the first five years and will be financially sound and has a clear potential of remaining so after this period. The proposed site would relate to the proposed pig rearing buildings would be sympathetic to this rural location and will not have any detrimental impact on the amenities of the neighbouring dwellings or visual impact on the landscape. The proposed new access provides adequate visibility in both directions and will not result in any highway safety issues. Conditions would be imposed to restrict the dwelling as an agricultural workers dwelling and provision for a temporary period of 3 years. The proposed dwelling is only supported on the basis that the pig rearing enterprise considered under application 16/01821/FUL is granted.

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

## **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 - written representations, a hearing or inquiry.
- The decision is 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 a) promptly and b) in any event not later than 6 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 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

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

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

### **8.3 Equalities**

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

## **9.0 FINANCIAL IMPLICATIONS**

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

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

## **10.0 BACKGROUND**

### **10.1 Relevant Planning Policies**

Policies material to the determination of the Application. In determining this application the Local Planning Authority gave consideration to the following policies:-

#### **National Planning Policy Framework:**

7 : Requiring Good Design

10 : Meeting the Challenge of Climate Change, Flooding and Coastal Change

11 : Conserving and Enhancing the Natural Environment

#### **Shropshire Council Core Strategy (February 2011):**

CS5 : Countryside and Green Belt

CS6 : Sustainable Design and Development Principles

CS17 : Environmental Networks

CS18 : Sustainable Water Management

Supplementary Planning Document - Type and Affordability of Housing

#### **Site Allocations and Management Development Plan (December 2016):**

MD2 : Sustainable Design

MD7a Managing Housing Development in the Countryside

MD12 : Natural Environment

### **10.2 Relevant Planning History**

16/01821/FUL - Erection of two agricultural buildings, feed bins and hardstanding for pig rearing enterprise to include new highway access. Current Application.

15/04581/AGR - General purpose agricultural storage building to store machinery and produce. Granted 17<sup>th</sup> November 2015.

NS/03/01276/FUL - Erection of a stable block for private use and change of use of land for horticultural purposes. Granted 3<sup>rd</sup> March 2004.

## **11.0 ADDITIONAL INFORMATION**

List of Background Papers - Planning Application reference 16/01822/OUT

Cabinet Member (Portfolio Holder) - Cllr M. Price

Local Member - Cllr Paul Wynn

Appendices

APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. The temporary dwelling hereby permitted shall be for a limited period of 3 years from the date the dwelling is located on site. At the end of this period the proposed dwelling shall be removed and the land reinstated to its former condition.

Reason: The temporary permission is provided to enable the new pig rearing business to establish and to assess its long term viability.

2. Approval of the details of the design and external appearance of the development, access arrangements, layout, scale, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 4 of the Development Management Procedure Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

3. Application for approval of the reserved matters shall be made to the local planning authority within 12 months from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

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

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

6. Glazing to a minimum standard of 4 ' 12 ' 4 specification with trickle vents shall be installed to all windows.

Reason: to ensure that the health of future residents is adequately protected.

7. All trees and hedges which are to be retained in accordance with the approved plan shall be protected in accordance with the submitted Tree Protection Plan and all work highlighted to be carried out in accordance with the Method Statement and BS 5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection".

Reason: To safeguard the amenities of the local area by protecting trees.

**CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

8. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

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

9. Prior to the first occupation of the dwelling hereby permitted, a suite of artificial nesting and/or roosting boxes shall be erected on the site. The type and location of the boxes shall be submitted to and agreed in writing with the Local Planning Authority and the scheme shall then be undertaken in accordance with the agreed details.

The following artificial nesting/roosting boxes shall be provided:

1. A total of 1 woodcrete bat box suitable for nursery or summer roosting for small crevice dwelling bat species.
2. A total of 1 woodcrete artificial nesting box suitable for house sparrow, house martin, robin, blackbird or tit species.

Reason: To ensure the provision of roosting/nesting opportunities for wildlife in accordance with section 11 of the National Planning Policy Framework.

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

10. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Bats and Lighting in the U.K. guidance.

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

11. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason: Permission has only been granted because there is an essential long term agricultural need sufficient to override the general presumption against new residential development in this area.