



Committee and date  
South Planning Committee  
29 August 2017

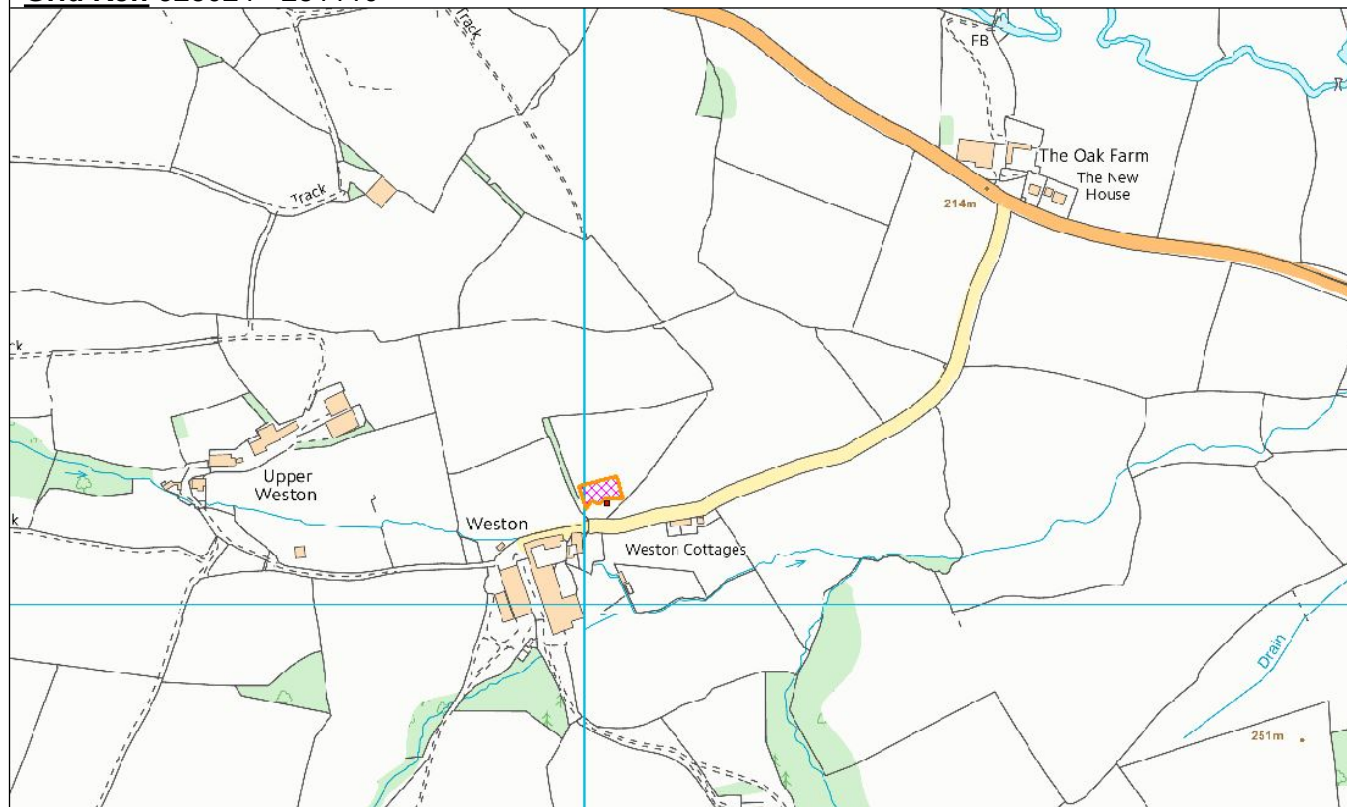
## Development Management Report

Responsible Officer: Tim Rogers  
email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 17/02528/FUL	<b>Parish:</b> Clun
<b>Proposal:</b> Erection of affordable dwelling with detached garage; installation of sewage treatment plant	
<b>Site Address:</b> Proposed Affordable Dwelling NE Of Lower Weston Farm Clun Shropshire	
<b>Applicant:</b> Miss. N. Morris And Mr. C. Webb	
<b>Case Officer:</b> Trystan Williams	<b>email:</b> <a href="mailto:planningdmsw@shropshire.gov.uk">planningdmsw@shropshire.gov.uk</a>

**Grid Ref:** 328024 - 281110



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Contact: Tim Rogers (01743) 258773

**Recommendation:** Refuse**Recommended reasons for refusal:**

1. The site is in open countryside and not within or adjoining any recognisable named settlement. Consequently, and notwithstanding the fact that the applicants have been found to fulfil the local connections and housing need criteria for a designated affordable home, the principle of the proposed development is contrary to the National Planning Policy Framework, Policies CS5 and CS11 of the Shropshire Local Development Framework Adopted Core Strategy, Policies MD3 and MD7a of the Shropshire Council Site Allocations and Management of Development Plan, and the Council's Supplementary Planning Document on the Type and Affordability of Housing.
2. By reason of its countryside location with only sporadic existing housing, and its detachment from and elevation above the established building complex at Weston Farm, the development would detract from the essentially open character and scenic quality of this part of the Shropshire Hills Area of Outstanding Natural Beauty. It would, therefore, be contrary to the National Planning Policy Framework, Policies CS5, CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy, Policies MD2 and MD12 of the Shropshire Council Site Allocations and Management of Development Plan, and the Council's Supplementary Planning Document on the Type and Affordability of Housing.

**REPORT****1.0 THE PROPOSAL**

- 1.1 This application seeks full planning permission to erect a single-storey 'affordable' dwelling for occupation by named individuals in local housing need. It is also proposed to erect a detached double garage and form an access drive off an existing farm track (a second access was proposed originally, but is omitted on an amended plan).
- 1.2 The proposed bungalow would have a 'T' shaped floor plan, providing a kitchen/lounge/dining area; study; utility, two bedrooms (one ensuite) and a bathroom. The external facing materials would be a combination of stone and timber cladding, with a slate dual pitched roof. Hot water solar panels would be provided on the south facing roof slope. There would be a stone and brick chimney stack on the north elevation. The east facing gable end would have a deep roof overhang formed, with the gable area below fully glazed. The detached garage would have an eaves and ridge height matching that of the bungalow, with walls clad in horizontal timber boarding and the south elevation being two open fronted bays.

**2.0 SITE LOCATION/DESCRIPTION**

- 2.1 Weston Farm lies in a small valley in the east side of Weston Hill, at the end of a no-through lane off the B4368, 1.25 miles west of Clun and within the Shropshire Hills Area of Outstanding Natural Beauty (AONB). The farm complex is large and comprises a variety of traditional and modern barns beyond a Grade II-listed late 16<sup>th</sup> or 17<sup>th</sup> Century 2½-storey farmhouse. This is timber-framed but partly refaced and extended in stone, its principal elevation facing east, and with a cross-wing and massive stone chimneystack on the north side abutting the road. A small stone and

timber-clad outbuilding is cut into an embankment opposite, on top of which, and slightly further along behind a native hedge, is the application site. This is in fact the lower, southern corner of a triangular-shaped field bounded to the west by a belt of trees and surrounded by further agricultural land. The closest neighbouring properties are a pair of mid-20<sup>th</sup> Century semi-detached houses ('Weston Cottages') 65 metres to the east, again on the south side of the lane. Meanwhile Upper Weston Farm lies 400 metres to the west, along a track beyond the end of the lane.

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

3.1 In accordance with the Council's adopted 'Scheme of Delegation', the application is referred to the planning committee for determination because the officer recommendation of refusal is contrary to the Local Member's and Parish Council's support. The Chair of the Committee, in consultation with the Principal Officer, considers that whether the site forms part of a recognisable settlement and the issue of landscape impact warrants consideration by the Committee in this case.

### **4.0 COMMUNITY REPRESENTATIONS**

#### **4.1 Consultee comments**

##### **4.1.1 Clun Town Council – support:**

The applicant is a local person who wishes to stay in the community and works in an industry related to agriculture (as a vet).

##### **4.1.2 Shropshire Council Flood and Water Management – comment:**

An informative should be attached to advise the developer of the need for a sustainable surface water drainage system designed in accordance with the Council's '*Surface Water Management: Interim Guidance for Developers*' document. The provisions of the Government's Planning Practice Guidance should also be followed, particularly Section 21 which aims to reduce the causes and impacts of flooding. Preference should be given to measures which allow rainwater to soak away naturally, with connection to existing drains or sewers being a last resort.

##### **4.1.3 Shropshire Hills AONB Partnership – comment:**

The local planning authority has a statutory duty to take into account the AONB designation, with the National Planning Policy Framework (NPPF) giving such areas the highest level of protection in terms of landscape conservation. The application also needs to conform to the Council's own Core Strategy policies and Site Allocations and Management of Development (SAMDev) Plan, whilst the Shropshire Hills AONB Management Plan is a further material consideration. The lack of detailed comments by the Partnership should not be interpreted as suggesting that the application raises no landscape issues.

##### **4.1.4 Shropshire Council Highways Development Control – objection:**

The details submitted are insufficient to inform a technical assessment of the proposed vehicular access arrangements. Revised or additional plans need to show the precise position of the access, and visibility splays for emerging vehicles (which should measure 43 metres in each direction, from a point 2.4 metres back from the edge of the highway carriageway and 1.05 metres above ground level). Although the access exists already it is currently only used by agricultural vehicles.

Domestic cars tend to have a lower driving position and hence different visibility requirements.

4.1.5 If permission *is* granted, informatives should be attached to advise of the need to keep the highway clear of mud and surface water run-off, and the requirement for a licence for any works on or abutting highway land.

4.1.6 Shropshire Council Historic Environment (Conservation):

21/6/17 – objection:

The siting and design of any new dwelling here clearly needs to respect and preserve the setting of the listed farmhouse, bearing in mind the local planning authority's statutory duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and also the NPPF guidance and Core Strategy policies concerning the historic environment.

4.1.7 According to the submitted Design and Access Statement the single-storey height of the proposed dwelling would minimise its visual impact when approaching from the lane. However, its effect on the setting of the historic farmstead, including the curtilage-listed outbuilding adjacent to the site access, has not been fully assessed. Potentially the outbuilding could also be affected directly through changes required to create a satisfactory access.

4.1.8 A heritage assessment should therefore be prepared in accordance with NPPF Paragraph 128 and SAMDev Policy MD13. This should comprise a photomontage showing current and proposed views towards and from the farmhouse, together with a statement summarising any impacts and making recommendations for mitigation.

4.1.9 26/7/17 – comment:

A heritage assessment has now been submitted, but is not in a standard format and so should be treated with some caution. It does, however, present and discuss the development's potential visual effects on the setting of the listed farmhouse and curtilage-listed outbuilding, and it is determined that these would be of only minor detriment and that the overall impact on the significance of the heritage assets would be negligible.

4.1.10 Nevertheless the high level glazing in the end gable of the new dwelling is likely to increase its visibility and prominence, especially at night, so it is suggested that this gable should instead be clad with timber. External lighting should also be minimised.

4.1.11 Direct or physical impacts on the curtilage-listed outbuilding would now be avoided by omitting the second access route from this point on the amended plans. This is acceptable from a conservation perspective.

4.1.12 If the application is approved, a sample panel of walling materials, including the mortar mix, should be secured by condition.

4.1.13 Shropshire Council Ecology – comment:

Given the site's location within the catchment area of the River Clun and upstream

of its Special Area of Conservation (SAC), a Habitat Regulations Assessment (HRA) has been completed. It is concluded that the development is unlikely to affect the SAC's significance or integrity. The HRA screening matrix must be included in the planning officer's report.

4.1.14 Any permission granted should include informatives setting out the legal status of nesting birds and advising on the protection of wildlife in general.

4.1.15 Shropshire Council Affordable housing – comment:

The applicant, Miss Natalie Morris, has demonstrated strong local connections to the Clun Town Council with Chapel Lawn administrative area. After considering her housing needs and personal circumstances, it is confirmed that the requirements of the Council's Supplementary Planning Document (SPD) relating to the 'build your own affordable home' scheme are satisfied as follows:

- Miss Morris and her partner intend to construct a 100m<sup>2</sup> (max.) affordable dwelling for occupation as their long-term family home.
- The dwelling would be subject to a Section 106 agreement prescribing local occupancy criteria and restricting its potential future sale value.
- Miss Morris currently lives in tied accommodation linked to her employment, some distance from the application site. Given its location and the nature of the tenure it is deemed unsuitable for her long-term housing needs. She has also expressed a wish to become a homeowner, but due to recent changes in her employment status she is currently unable to purchase a property within the local area.
- Alongside her paid employment as a vet, Miss Morris regularly assists her parents at Weston Farm. This involves providing additional labour and veterinary care for the livestock, as well as family support. This is especially important during peak times in the spring and autumn, but the distance which Miss Morris currently lives from the farm limits her response time during emergencies.
- Clun Town Council with Chapel Lawn has confirmed that Miss Morris has local connections to the parish.

4.1.17 Miss Morris has therefore demonstrated strong local connections and a housing need which cannot be met through the open market.

4.1.18 Shropshire Council Historic Environment (Archaeology) – comment:

The site is located c260 metres southeast of a cropmark enclosure possibly of prehistoric to Roman date (Historic Environment Record No. PRN 02422). Further evidence of prehistoric activity in the wider landscape includes a number of flint scatter find spots (PRNs 01995, 02545, 02547). The site can therefore be deemed to have some archaeological potential, and so an archaeological inspection of groundworks should be secured by condition.

4.1.19 Additionally, the Conservation Officer's request for a heritage assessment to establish and minimise any impacts on the setting of the listed farmhouse is supported.

## 4.2 Public comments

4.2.1 Three separate households support the application, giving the following reasons:

- The applicant and her family have been associated with Clun and its community for many years. It is vital that younger people are given every opportunity to remain in the area if the community is to survive.
- It would be very beneficial to have a vet in the area.

## 5.0 THE MAIN ISSUES

- Principle of development
- Scale, layout, design and impact on historic environment
- Impact on wider landscape
- Residential amenity
- Access and highway safety
- Ecology and foul drainage

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 A key objective of both national and local planning policy is to concentrate residential development in locations which promote economic, social and environmental sustainability. 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. Isolated or sporadic development in open countryside (i.e. on sites outside the named settlements) is generally regarded as unacceptable unless there are exceptional circumstances.

6.1.2 One of the exceptions mentioned under Core Strategy Policy CS5 and SAMDev Policy MD7a is where named individuals with strong local connections and who are in demonstrable housing need wish to build their own 'affordable' home. Detailed guidance on this initiative, including definition of the terms 'strong local connections' and 'housing need', can be found in the SPD referenced by the Housing Enabling Officer (Paragraph 4.1.15), who in this case is satisfied that these two aspects of the policy are met. If Members *are* minded to grant planning permission this would need to be subject to prior completion of a legal agreement to control both initial and future occupancy of the house, and to cap its resale value.

6.1.3 Returning to the issue of location, even affordable homes on rural exception sites are required by the SPD to be within or adjoining "recognisable named settlements". Isolated or sporadic development in open countryside, or where it would otherwise adversely affect the landscape or an area's local distinctiveness or historic character, is unacceptable. The SPD explains that all settlements comprise a group of houses occupied by households from different families, with the group becoming a settlement on account of the number houses and their proximity. Its limits are defined by where the relationship between the different properties peters out, and hence a site divorced slightly from a dispersed or loose-knit settlement might be considered to adjoin it, whereas another a similar distance from a tightly clustered or nucleated settlement would not.

- 6.1.4 Clun is clearly a recognisable settlement, and indeed is designated a Community Hub in the SAMDev Plan. Although effectively divided in two by its river, it is nevertheless well nucleated around its historic market square and has a reasonably compact form. Indeed SAMDev Policy S2 draws a development boundary tightly around its established built-up area, which contrasts distinctly with the open character of the surrounding agricultural land. The application site nowhere near borders this outer edge, instead being over a mile away as the crow flies, and in fact nearly one third of the way along the B4368 to the neighbouring village of Newcastle. Clearly, therefore, it cannot be described as adjoining Clun.
- 6.1.5 Furthermore, officers feel that 'Weston' does not comprise a settlement in its own right. Essentially it is a single farmstead, albeit a large one, plus the two semi-detached cottages which presumably were once associated with it. Even the latter do not immediately adjoin the farm complex, however. Although there are four further dwellings at Oak Farm opposite the turning down to Weston Farm, besides the farmhouse these comprise an agricultural worker's dwelling and two barn conversions, so again are essentially a farm grouping where the properties are or were historically related, as opposed to a settlement. In any event these properties are  $\frac{1}{3}$  of a mile away from Weston Farm, with no inter-visibility in-between. The same applies to Upper Weston Farm 400 metres to the west.
- 6.1.6 For these reasons officers consider that the site does not form part of a settlement, instead being in open countryside with only sporadic housing which either predates current planning policy or would have been judged under different policies (i.e. those applicable to essential agricultural workers' dwellings or barn conversions). The applicants' agent acknowledges this but argues that the proposed development would at least be seen in the context of the farmstead and Weston Cottages. Whilst this is true to a point, allowing a further new dwelling in this rural landscape would inevitably erode its open character to some extent, as discussed further in Section 6.3.
- 6.1.7 The agent also emphasises that a new affordable house would bring social benefits, primarily to the applicants but also in terms of increasing the stock of such homes for other qualifying local people in the future, and potentially by increasing participation in community life and patronage of local facilities. However, whilst acknowledging that these particular applicants do not have land available to them elsewhere, it should be remembered that similar if not greater public benefits might well be achieved through other developments in more policy-compliant and sustainable locations nearby. In any event officers consider that the benefits would not be sufficient to justify departing from the adopted policy, particularly given the inevitable degree of visual harm.

## 6.2 **Scale, layout, design and impact on historic environment**

- 6.2.1 The site's area accords with the 0.1 hectare limit imposed by the SPD, whilst the gross internal floor space of the dwelling itself would not exceed the 100m<sup>2</sup> threshold. Its design is also considered satisfactory, with a T-shaped form breaking up its overall bulk and massing, and giving its gable ends and roofs a reasonably narrow span which reflects the vernacular tradition. The overall effect, particularly given the choice of facing materials (stone and weatherboarding) and the main section's alignment with the similarly-clad and open-fronted garage, would be

somewhat akin to a converted barn, so again responding to the local context.

6.2.2 Since precise details of the external finishes (including recessed pointing using lime mortar) and joinery have been provided upfront, pre-commencement conditions in these respects would be unnecessary. However, in order to help ensure the property remained affordable in perpetuity, conditions *would* be needed to reinforce the 100m<sup>2</sup> limit on floor space, remove 'permitted development' rights and prevent the garage's conversion into additional habitable rooms.

6.2.3 It is also noted that, following the submission of a heritage assessment and the revisions to the access proposals, the Conservation Officer accepts that the scheme would have a negligible impact on the setting of the listed farmhouse and would not impact directly on the curtilage-listed outbuilding. Significantly, the assessment shows how the established hedges and trees along the field boundaries would screen the development, or at least separate it, from the farmstead. Although the Conservation Officer suggests omitting the east gable glazing, such features are in fact welcomed in Historic England guidance on converting traditional farm buildings, and moreover the deeply oversailing roof here would avoid excessive glare or light spillage. It could also be argued that any external lighting would have little impact on the setting of the listed buildings in this fairly remote location, which is unlikely to be experienced by the wider public at night-time, although controlling this aspect may be desirable for other reasons (e.g. minimising light pollution in the countryside in general, and avoiding disturbance to bats).

### 6.3 **Impact on wider landscape**

6.3.1 Whilst a degree of visual separation between the site and the historic farmstead might be desirable in terms of minimising the development's impact on the setting of the listed buildings, conversely its detachment and higher elevation on the opposite side of the road would not help to integrate it into the landscape in general. Once they have been cut the roadside hedges would be less effective in screening or filtering views when approaching along the lane, and the new property is also likely to be seen in relative isolation in some of the wider views included in the heritage assessment. Officers consider that the very presence of further sporadic housing here, however well designed, would erode the essentially open character of the landscape. Furthermore, given that NPPF Paragraph 115 affords AONBs the highest level of protection in terms of landscape conservation, it is felt that this visual harm would not be offset by the scheme's social benefits.

### 6.4 **Residential amenity**

6.4.1 There are no concerns in this regard given the proposed dwelling's distance from the farmhouse and Weston Cottages.

### 6.5 **Access and highway safety**

6.5.1 Notwithstanding the Highways Development Control Team's objection, officers do not consider that refusal of the application is warranted on highway safety grounds. This final stretch of the no-through-road off which the site would be accessed is very lightly trafficked, and this, combined with its narrow width and transition into the farmyard at this point, also means that drivers are likely to be travelling at low speeds. Consequently the risk of emerging vehicles colliding with passing traffic



would be low, even in the absence of longer visibility splays (which would be undesirable since they would require hedgerow removal and increase the scheme's visual impact).

## 6.6 **Ecology and foul drainage**

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

6.6.2 In this case the application contains sufficient details of the proposed foul drainage system (comprising a sewage treatment plant and soakaway) to avoid significant effects, as is confirmed by the Ecology Team's HRA screening matrix (attached as Appendix 2). Furthermore because significant effects have been ruled out, consultation with Natural England is not required.

6.6.3 There are no other designated ecological sites nearby, and the Ecology Team is also satisfied that informatives would be sufficient to safeguard protected and priority species and habitats.

## 7.0 **CONCLUSION**

7.1 The applicants have been found to fulfil the local connections and housing need criteria for an affordable home, which would provide clear social benefits. However, the scheme is contrary to the relevant planning policies since the site is remote from any recognisable named settlement, and, notwithstanding the reasonably high standard of design, the very presence of further sporadic housing here would detract from the essentially open character and scenic beauty of the landscape. For these reasons it is recommended that planning permission is refused.

## 8.0 **RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

### 8.1 **Risk management**

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

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

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

## 8.2 Human rights

8.2.1 Article 8 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the community.

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

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

## 8.3 Equalities

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

## 9.0 FINANCIAL IMPLICATIONS

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

## 10.0 BACKGROUND

### Relevant Planning Policies:

#### Central Government Guidance:

National Planning Policy Framework

#### Shropshire Local Development Framework:

#### Core Strategy Policies:

CS1 – Strategic Approach

CS4 – Community Hubs and Community Clusters

CS5 – Countryside and Green Belt

CS6 – Sustainable Design and Development Principles

CS7 – Communications and Transport

CS11 – Type and Affordability of Housing

CS17 – Environmental Networks

**SAMDev Plan Policies:**

MD1 – Scale and Distribution of Development

MD2 – Sustainable Design

MD7a – Managing Housing Development in the Countryside

MD12 – Natural Environment

MD13 – Historic Environment

S2 – Bishop’s Castle Area Settlement Policy

**Supplementary Planning Documents:**

Type and Affordability of Housing

**Relevant Planning History:**

None

**11.0 ADDITIONAL INFORMATION**

**View details online:**

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=OQI2M9TD0IP00>

**List of Background Papers:**

Application documents available on Council website

**Cabinet Member (Portfolio Holder):**

Cllr R. Macey

**Local Member:**

Cllr Nigel Hartin

**Appendices:**

Appendix 1 – Informatives

Appendix 2 – Habitat Regulations Assessment Screening Matrix

## **APPENDIX 1 – INFORMATIVES**

1. Despite the Council wishing to work with the applicant in a positive and proactive manner as required in Paragraph 187 of the National Planning Policy Framework, the proposed development is contrary to the policies set out in the planning committee report and referred to in the reasons for refusal, and as such it has not been possible to reach an agreed solution in this case.

**APPENDIX 2 – HABITAT REGULATIONS ASSESSMENT (HRA) SCREENING MATRIX**

**Application name and reference number:**

17/02528/FUL  
Land northeast of Lower Weston Farm, Clun, Shropshire  
Erection of affordable dwelling with detached garage; installation of sewage treatment plant

**Date of completion for the HRA screening matrix:**

26<sup>th</sup> June 2017

**HRA screening matrix completed by:**

Nicola Stone, Planning Ecologist

**Table 1: Details of project or plan**

Name of plan or project	17/02528/FUL Land northeast of Lower Weston Farm, Clun, Shropshire Erection of affordable dwelling with detached garage; installation of sewage treatment plant
Name and description of Natura 2000 site	The River Clun SAC (14.93ha) supports a significant population of Freshwater Pearl Mussel <i>Margaritifera margaritifera</i> . It is currently failing its water quality targets, particularly relating to ortho-phosphates, and Shropshire Council is working closely with Natural England and Environment Agency on developments within the Clun catchment.  Annex II Species that are a primary reason for selection of site: • Freshwater pearl mussel <i>Margaritifera margaritifera</i>
Description of the plan or project	Erection of affordable dwelling with detached garage; installation of sewage treatment plant
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	No

**Statement:**

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

In this case the application includes details of the proposed foul drainage system. Foul water from the proposed 2-bedroom dwelling will be treated by a new Kingspan Klargestert treatment plant discharging to soakaways. Percolation testing has been completed and indicates that the ground is suitable for a drainage field.

Provided the development is carried out according to these details, it will not lead to significantly increased concentrations of nutrients within the River Clun, and hence there should be no adverse effect on the integrity of the SAC, either alone or in combination with other projects.

#### **The Significance test:**

The works proposed under planning application No. 17/02528/FUL are unlikely to have any significant effect on the European-designated River Clun SAC.

#### **The Integrity test:**

The works proposed under planning application No. 17/02528/FUL are unlikely to have any adverse effect on the integrity of the European-designated River Clun SAC.

#### **Conclusions:**

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

### **Guidance on completing the HRA Screening Matrix**

#### **The Habitat Regulation Assessment process:**

Essentially, there are two 'tests' incorporated into the procedures of Regulation 61 of the Habitats Regulations, one known as the 'significance test' and the other known as the 'integrity test' which must both be satisfied before a competent authority (such as a Local Planning Authority) may legally grant a permission.

The first test (the significance test) is addressed by Regulation 61, part 1:

61. (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which –
- (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
  - (b) is not directly connected with or necessary to the management of that site,
- must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

The second test (the integrity test) is addressed by Regulation 61, part 5:

61. (5) In light of the conclusions of the assessment, and subject to regulation 62 (consideration of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

In this context 'likely' means "probably", or "it well might happen", not merely that it is a fanciful possibility. 'Significant' means not trivial or inconsequential but an effect that is noteworthy – Natural England guidance on The Habitat Regulation Assessment of Local Development Documents (Revised Draft 2009).

**Habitat Regulation Assessment Outcomes:**

A Local Planning Authority can only legally grant planning permission if it is established that the proposed plan or project will not adversely affect the integrity of the European Site.

If it is not possible to establish this beyond reasonable scientific doubt then planning permission cannot legally be granted unless it is clear that there are no alternative solutions, the project must be carried out for imperative reasons of overriding public interest, and the Secretary of State has been notified in accordance with section 62 of the Conservation of Habitats and Species Regulations 2010. The latter measure is only to be used in extreme cases and with full justification and compensation measures, which must be reported to the European Commission.

**Duty of the Local Planning Authority:**

It is the duty of the planning case officer, the committee considering the application and the Local Planning Authority as a whole to fully engage with the Habitats Regulation Assessment process, to have regard to the response of Natural England and to determine, beyond reasonable scientific doubt, the outcome of the 'significance' test and the 'integrity' test before making a planning decision.