



Committee and Date
 North Planning Committee
 6th March 2018

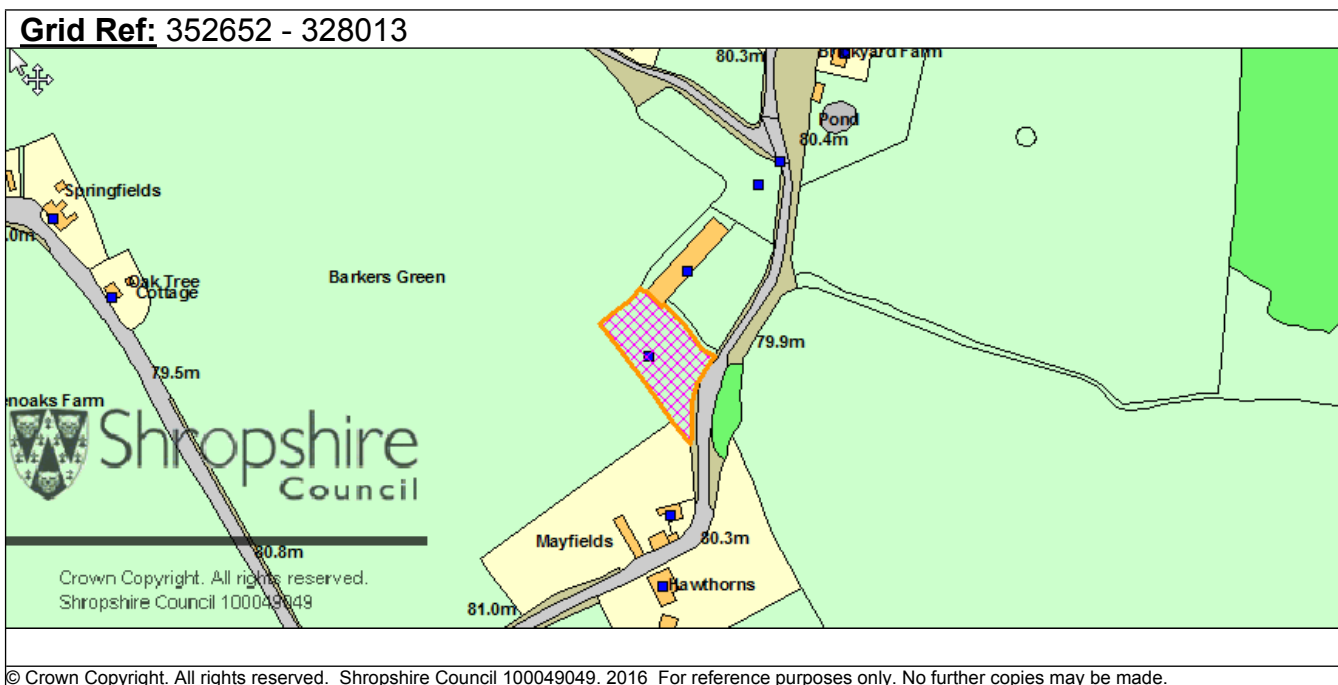
Item
6
 Public

Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 16/05730/FUL	Parish:	Wem Rural
Proposal: Change of use of land for the stationing of caravans for residential purposes for 3no. gypsy pitch together with the formation of hardstanding/parking and an utility/dayroom ancillary to that use		
Site Address: The Former Nursery Barkers Green Wem Shropshire		
Applicant: Mr J Roberts		
Case Officer: Jane Preece		email: planningdmne@shropshire.gov.uk



Recommendation:- Approval, subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the change of use of land for the stationing of caravans for residential purposes for 3 gypsy pitches together with the formation of hardstanding/parking and a utility/dayroom ancillary to that use.
- 1.2 More specifically permission is sought to station three mobile homes for residential occupation; the storage of 3 touring caravans for use when travelling and the erection of a single shared utility block. The utility block building will have a footprint of 6 m x 5 m with a pitched roof of 4 m high to the ridge. It will provide bathroom, laundry and kitchen/dining facilities.
- 1.3 The hardstanding area space is also shown for the parking of up to 6 vehicles.
- 1.4 The site will only be used for residential purposes and no business use is intended.
- 1.5 As described by the agent '*The site is already largely enclosed with hedgerow, pine trees and fencing ... Existing landscaping would be retained*'. No new landscaping is proposed.
- 1.6 For drainage purposes foul drainage it is intended to be disposed of to an existing septic tank on the site. Surface water will be disposed of to soakaways.
- 1.7 In support of the application the agent states that permission is sought on behalf of Mr J Roberts, his wife and their three sons. '*... They currently live on plot 18 Manor House Lane Gypsy site at Prees. The family have outgrown their plot at Prees. They need additional plots for their two adult sons. They want to live as an extended family which is why consent is sought for three mobile homes. ...*'

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is an area of land located within the settlement of Barkers Green, adjacent to Jewsons builders yard. Under the Site Allocations and Management of Development (SAMDev) Plan the area is defined as being in countryside with no defined infill boundary.
- 2.2 The land itself is relatively flat and the existing boundaries are formed by hedges, trees and fencing. Otherwise the site is bounded to the north east by a builders yard (Jewsons); to the east/south east by the local highway (a class C road); to the southern tip by garden land belonging to the neighbouring property of Mayfields Farm; to the remainder of the south/south west and to north west by agricultural land. Within the site, adjacent to the south west boundary there stands a large glass house.
- 2.3 The wider settlement of Barkers Green comprises a string of residential development and rural properties. Generally the spatial pattern of the existing development follows the line of the highway. The nearest settlement to access facilities and services such as shops, schools, a doctors surgery etc is the market town of Wem, which lies a short distance away to the north west.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council are of a contrary view to officers and local members request that the application be referred to committee for a decision.

4.0 **Community Representations**

4.1 **Consultee Comments**

- 4.1.1 **SC Gypsy Liaison Officer** – Shropshire Council’s owned and managed Gypsy/Traveller sites are currently full. We also have a waiting list of roughly 35 applicants.

The applicants have lived on the Manor House Lane site for many years and have no history of anti-social behaviour or neighbourly disputes.

Their pitch is overcrowded due to the age of the applicant’s children needing their own caravans. The turnover of plots on the Manor House Lane site is low and we would struggle to accommodate them in the foreseeable future.

Advisory update: The above comments remain. Additionally, Mr Roberts is suffering with health problems and the overcrowding issues remain on the plot.

- 4.1.2 **SUDS** - The proposed drainage details, plan and calculations should be conditioned if planning permission were to be granted.

- 4.1.3 **Severn Trent Water** - No comments received.

- 4.1.4 **SC Ecology** – Re-consultation comments – Conditions and an informative are recommended.

Conditions: Ecological clerk of works; Landscaping plan; Bat and bird boxes; Lighting plan condition.

Informative: Nesting birds

- 4.1.5 **SC Trees** - No objection. There are no important or protected amenity trees on this site. The substantial boundary hedge is shown as retained as a boundary screen for the site.

- 4.1.6 **SC Planning Policy** – See section 6.1 of the report below where the Planning Policy Officer comments are quoted in full.

- 4.1.7 **SC Highways** – No objection – subject to the development being constructed in accordance with approved details and recommended conditions and informatives.

Conditions: 1. Removal of permitted development rights for erection of access gates or other means of enclosure; 2. Surfacing of access apron to accord with Council’s specification; 3. Development not to be brought into use until approved parking and turning area provided.

Informatives; Mud on highway; No drainage to discharge to highway; Works on, within or abutting the public highway

- 4.1.8 **SC Public Protection** – Re-consultation comments - Information has been submitted which highlights that no noise assessment was required for a similar site use at a similar

distance to the Jewsons site. Having reviewed this application, can see that advice from public protection included the potential for an acoustic fence to be included. It was felt necessary for this to be conditioned along the boundary with the Jewsons site. Therefore, for consistency, advise that a condition requiring the provision of an acoustic barrier along the boundary where it boarder the adjacent commercial site is included should planning permission be granted for this site.

Condition: Acoustic barrier

4.2 Public Comments

4.2.1 **Wem Parish Council – Objects** At the meeting of Wem Rural Parish Council held on 7 February 2017 it was resolved to object to the application for the following reasons:

- It was considered contrary to Local Plan policies as the Parish is classed as 'Countryside' with new development being strictly restricted.
- The Inspector in her SAMDev report stated there was an adequate 5 year supply of sites of this type.
- It was considered contrary to the Parish Council own Planning Policy.

The Council also considered the proposal to be overdevelopment, contrary to national guidance and had serious concerns with site's sustainability.

The Council reviewed the responses from Shropshire Council regarding ecology, highways and drainage and the applicant's agent and further clarification would be required to comment on these areas.

4.2.2 Re-consultation comments - The Parish Council has considered the Ecology Report. It is considered the Report makes no difference to the nature of the grounds that the Parish Council has already objected to the application. The Parish Council continues to object.

4.2.3 **Public representations** - Twenty two representations received objecting to the proposal. Multiple representations have been made from the same contributors/households/addresses.

4.2.4 Objections/concerns raised include:-

- inaccurate statements in the Planning Statement
- highway safety implications
- increase in traffic
- the scheme would conflict with the local plan
- the application site is not previously developed land
- associated work has been undertaken without planning permission
- the site is not considered to be sustainable development
- the proposal would result in harm to the character and appearance of the countryside
- adverse impact on existing levels of residential amenity
- increased noise
- the site may be contaminated
- potential to adversely impact on ecology
- the location is not considered to be accessible to services and facilities

- the plot size is unsuitable for the proposed development/overdevelopment
- ambiguity over proposed 7.5 tonne vehicles to be kept on the site
- adverse impact on visual amenity
- loss of privacy
- would dominate settled community
- potential for flooding
- piped brook extends along the boundary which has caused flooding in past
- the application would conflict with national policy and guidance
- dangerous access to the site
- there is no acknowledged need for the scheme at this site
- son of family has site elsewhere
- loss of agricultural land
- increase in pressure on local services and facilities
- public right of way crosses field to the north, which connects to Shropshire Way. Development would be conspicuous to footpath users/visual intrusion in landscape
- family own land opposite. Concern for further development
- light pollution
- security concerns

4.2.5 The full content of all consultee, objector and contributor comments are available to view on line.

5.0 THE MAIN ISSUES

- Policy and principle of development
- Planning history
- Gypsy and traveller status
- Sustainable location
- Impact on character and appearance of area
- Residential amenity
- Natural environment
- Highways
- Drainage
- Other

6.0 OFFICER APPRAISAL

6.1 Policy and principle of development

6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The starting point for decision taking is therefore the development plan. Proposals that accord with an up-to-date plan should be approved, whilst proposals that conflict with the plan should be refused, unless other material considerations indicate otherwise (para 12 of the National Planning Policy Framework (NPPF) refers).

The Development Plan

6.1.2 For the purposes of the assessment of this application the development plan presently comprises of the adopted Shropshire Core Strategy, adopted March

2011; the Site Allocations and Management of Development (SAMDev) Plan adopted 17th December 2015 and the Supplementary Planning Document (SPD) on the Type and Affordability, adopted September 2012. The countryside status of the area is defined in the development plan.

- 6.1.3 Development plan policies of particular relevance to assessing the acceptability of this application in principle include:
- 6.1.4 Shropshire Core Strategy policy CS5 (Countryside and Green Belt) – CS5 strictly controls development in accordance with national policies protecting the countryside. The policy lists housing exceptions that may be permitted on appropriate sites in countryside locations, to include those that meet a local need in accordance with national policies and policy CS12.
- 6.1.5 Shropshire Core Strategy policy CS12 (Gypsy and Traveller Provision) – Policy CS12 recognises the need to meet the housing needs of the gypsy and traveller population and sets out the measures by which this will be achieved. Reference is made to supporting suitable development proposals for sites close to market towns and key centres (such as Wem) and ensuring all sites are reasonably accessible to services and facilities. Reference is also made for the need to demonstrate a strong local connection for small exception sites (under 5 pitches). However, the application has not been submitted for consideration as an exception site.
- 6.1.6 SPD on the Type and Affordability of Housing – Section 6 of the SPD advises of the law protection gypsies and traveller culture and the difficulties the travelling community face in finding appropriate sites to suit their way of life. It highlights how the Councils' approach applies the relevance of The Human Rights Act (1998) to determining planning applications for Gypsy and Traveller accommodation.
- 6.1.7 The SPD goes on to advise that the need for Gypsy and Traveller sites in Shropshire is identified in the Gypsy and Traveller Accommodation Assessment and that, in assessing a planning application, the Council will consider whether the applicant is a bona fide Gypsy or Traveller and the availability of alternative suitable sites. Occupancy conditions will be used to limit initial and future occupancy to bona fide Gypsies and Travellers who meet the established lawful definition. The SPD further states that the Council will seek to establish whether the applicant(s) reside in or resort to Shropshire and expands with further guidance on the criteria in Policy CS12.
- 6.1.8 Gypsy and Traveller Accommodation Assessment (GTAA) – The GTAA identifies the needs of Gypsies and Traveller from across the County, the aim of which is to provide a robust evidence base to plan for future provision and to inform the consideration of planning applications.

National policy considerations

- 6.1.9 National policy relation to planning provision for gypsy and traveller development is set out in Planning Policy for Traveller Sites (PPTS) August 2015 which is intended to be read in conjunction with National Planning Policy Framework (NPPF) March 2012.
- 6.1.10 The aim of the PPTS is to ensure that the need of the travelling community are assessed and provided for in a fair way for the purposes of both plan-making and

decision taking at a local level. The PPTS also aims to promote more private traveller site provision and to increase the number of traveller sites in appropriate locations to address under provision. This is to be balanced against the need to protect local amenity and the environment and the objective of contributing to the achievement of sustainable development consistent with the NPPF. The PPTS makes it clear that the local planning authorities should determine application for sites from any travellers and not just those with local connections.

6.1.11 Local and National Planning Policy Assessment

An assessment of the local and national planning policy position as it applies to this application has been provided by the Council's Senior Policy Officer and is quoted in full as follows (paragraphs 6.1.12 to 6.1.34 inclusive):

6.1.12 **'Site context and introduction**

The application relates to a site in countryside just to the south east of Wem. Barkers Green is a small, loosely developed, ribbon settlement. The centre of Wem, the closest settlement of significant size with a range of services and facilities, lies approximately 2.5 kilometres away by road. Wem is identified as a market town in Policy CS3 of the adopted Cores Strategy and there are a range of proposals identified for the town as a district centre in the SAMDev Plan.

6.1.13 It is understood that a single pitch gypsy site to the south of the site was approved on 6th August 2015 (15/01036/FUL). This approval pre-dated the adoption of SAMDev Plan (17th December 2015) and updated Planning Policy for Traveller Sites- PPTS (31st August 2015).

6.1.14 **The Proposal**

The submitted application details indicate that this is for a 3 pitch gypsy site to accommodate different members of the same extended family who currently live on the Manor House Lane site at Prees. It is understood from submitted information that they have established gypsy status.

6.1.15 **Policy Background**

The relevant national planning policy relating to gypsy and traveller sites (including travelling showpeople) is set out in Planning Policy for Traveller Sites (PPTS) August 2015. This needs to be read together with the National Planning Policy Framework (NPPF), whilst those elements of Core Strategy Policies CS5 and CS12 (that haven't been superseded by PPTS) provide the local context.

6.1.16 The 2015 PPTS update made a number of changes to national planning policy and most significantly amending the planning definition of gypsies and travellers and travelling showpeople to exclude persons who have permanently stopped travelling; increasing the emphasis given to the protection of countryside; and strengthening the presumption against the approval of planning applications for site provision in the green belt. This site is countryside but outside the Green Belt.

6.1.17 The broader legal situation, together with provisions in paragraph 24 of PPTS, however, require that the personal circumstances of the applicant, lack of alternative accommodation and identified need for Gypsy and Traveller sites should still be taken into account in determining planning applications. The PPTS specifically states that local planning authorities should consider applications from all travellers (not just those

with local connections) and that adopted local policy and existing local provision should be taken into account.

- 6.1.18 Paragraph 11 of the PPTS (relating to plan making) states that, 'where there is no identified need that criteria based policies should be included to provide a basis for decisions in case applications ...come forward'. Core Strategy Policies CS5, CS12 (together with PPTS which is more up to date) provide the basis against which proposals for gypsy and traveller sites (including those in countryside) will be considered having regard to sustainable development and other material considerations.
- 6.1.19 Policy CS5 controls development in the countryside and in line with national policy in NPPF lists residential exceptions that may be permitted on appropriate sites in countryside, including accommodation to meet a local need in accordance with CS12.
- 6.1.20 Policy CS12 provides criteria for the consideration of situations where there may be no identified need requiring site allocation but where planning applications result. This includes detailed criteria applying to general proposals for sites (bullet 2) and for the consideration of rural exception sites (bullet point 3). Whilst the applicants' agent indicates that the applicants reside and have established connections with the Shropshire area it has been stated that the application is not for a rural exception site as set out Paragraph 15 of PPTS. The proposal therefore would need to be considered under bullet point 2 of Core Strategy Policy CS12, with reference to PPTS and NPPF.
- 6.1.21 National policy (PPTS) requires that sites are sustainable and highlights the following as relevant matters, in addition to general development management considerations, when considering proposals:
- Whether effective use is made of previously used/derelict/untidy land;
 - Whether a scheme makes a contribution to enhancement of the environment and increase of openness;
 - Promotion of healthy lifestyles e.g. recreational opportunities;
 - Where landscaping is required, that it is appropriate and attractive and in particular hard landscaping does not give the appearance of creating an isolationist barrier;
 - The appropriateness of the scale of any rural site relative to nearest settled community and capacity of local infrastructure;
 - Need to avoid areas of high flood risk'
 - Whether planning conditions or obligations can be used to mitigate impacts and overcome planning concerns;
 - Need to protect green belt from inappropriate development;
 - Any heritage or natural environment designations.
- 6.1.22 It is also recognised that additional pitches may support social sustainability by making provision for growth within family units (as is indicated is the case with this application) and maintenance of family support networks and that settled sites can improve health and social outcomes. There is also an opportunity to reduce potential environmental damage through unauthorised encampment. Additionally permanent accommodation can improve access to employment opportunities.

Need for gypsy and traveller sites (GTAA)

6.1.23 The previous assessment of the need for gypsy and traveller sites in the Gypsy and Traveller Accommodation Assessment (GTAA) carried out in 2014/15 has recently been updated to support the current partial review of the Shropshire Local Plan. This review will 'roll' forward the Plan period to 2036, with an update of housing requirements including provision for gypsies and travellers. The GTAA 2017 also considers the 5 year supply picture (2016/17 to 2020/21).

6.1.24 The 2017 GTAA compares its findings to those of the previous study and identifies ongoing turnover of pitches which it is expected would continue to provide a supply of pitches to address 5 year and Plan period need requirements.*

* Paragraphs 7.31 & 7.32 and Table 7.6 of the GTAA 2017 reconcile the identified 5 year cultural need of 17 pitches with turnover of 5.5 pitches p.a. The report indicates that, 'this level of turnover would equate to 27.5 pitches over 5 years – significantly exceeding the identified need'. It should be noted that cultural needs refers to that of all gypsies and travellers (but not travelling showpeople).

6.1.25 The GTAA 2017 also concludes that whilst the Local Plan review should acknowledge longer term pitch need to 2036*, turnover on local authority pitches is expected to address this need, and there is no current requirement for site allocations or the identification of sites for longer term provision.

*34 pitches based on the PPTS 2015 definition with an underlying cultural need of 90 pitches

6.1.26 However it is also highlighted in the GTAA that although there is no overall shortfall in pitches once turnover is considered, the Council should continue to consider planning applications for appropriate small sites to address any arising needs of Gypsy and Traveller families should they be forthcoming over the Plan period. (This is in line with the Government aspiration to promote more private traveller site provision set out in PPTS 2015).

6.1.27 The 2017 GTAA has been published but this evidence has not been tested at Examination like the previous GTAA. However it should be noted, notwithstanding Government policy changes, that it is based on similar methodology to the 2015 GTAA, the methodology and conclusions of which were validated (as set out in my previous comments) by the SAMDev Plan Inspector.

Policy Considerations

6.1.28 The current application was under consideration at the time of GTAA preparation and the site was not included in the GTAA, thus the proposal will need to be considered on its merits. Core Strategy Policy CS12 is the relevant criteria based policy. Where a proposal does not relate to an exception site, CS12 states that an application to meet the accommodation needs of the gypsy and traveller community will be supported if it is a suitable proposal located close to Shrewsbury, the Market Towns, key centres and community hubs and clusters. Such a site may be in countryside. However the PPTS (paragraph 25) sets out a requirement that 'Local Planning Authorities 'should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan'. Consequently new traveller sites should be appropriately controlled in open countryside locations and siting close to settlements (bullet 2, CS12) is required.

6.1.29 There is however no specific requirement in PPTS that gypsy sites should be close to

facilities. Although, paragraph 13 does require that policies ensure that sites are economically, socially and environmentally sustainable, avoid undue pressure on local infrastructure and ensure that access to health services and attendance at school is facilitated. It is a local policy requirement (bullet point 5, CS12) that sites are ‘reasonably accessible to services and facilities and suitably accessed, designed and screened’.

- 6.1.30 In respect of sustainability issues it is worth noting that the Inspector at the Adbo Farm, Rosehill appeal (2014) (APP/L3245/A/13/2196615) commented as follows:

21. Local residents raise concerns in relation to the accessibility of the site’s location. The nearest primary school lies nearly two kilometres away on Rosehill Road. There is a small convenience store located around two and a half kilometres along the A41 to the north west. Other facilities are located in Market Drayton, Hodnet and Hinstock. There is a limited bus service which runs to Market Drayton and some of the surrounding villages. The bus stop is within walking distance of the site, on Rosehill Road. A footpath links the site with the bus stop.

22. The site cannot be said to be in a highly accessible location and I consider it likely that the occupiers of the site would be reliant on private vehicles for most of their day to day needs. Nevertheless, the site is not in an isolated countryside location and there is at least some prospect that alternative modes of transport could be used for some journeys.

23. The Framework sets out, as one of its core principles, that patterns of growth should be managed to make fullest possible use of public transport, walking and cycling. However, there is no requirement in PPTS that gypsy sites should be close to facilities.’

- 6.1.31 Core Strategy Policy CS6 also states that all development should protect, restore, conserve and enhance the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character. It also requires that development should safeguard residential amenity. These are all general development management considerations that would need to be assessed on site. Similarly consideration needs to be given as to how planning objections could be addressed by planning conditions or obligations, e.g. restricting business use etc. as identified in paragraph 28 of the PPTS. I would also highlight, that case law, in particular the implications of the Human Rights Act and Equality Act 2010, are also significant considerations in determination of an application.

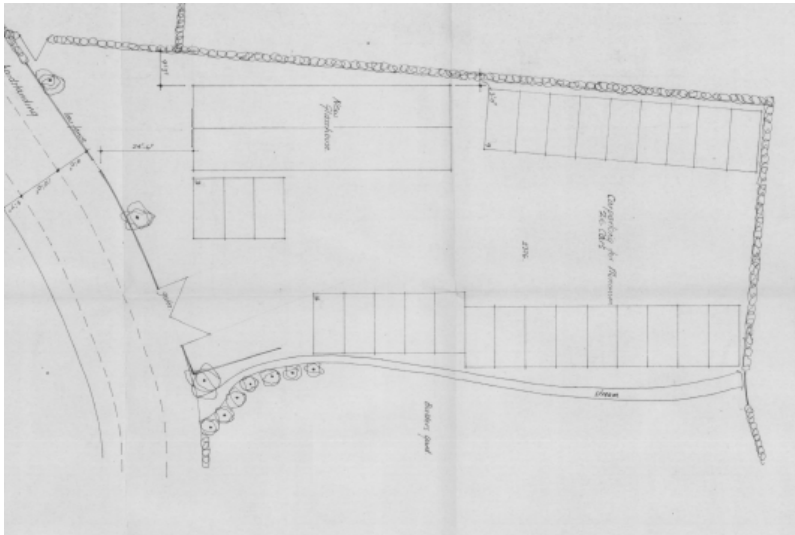
Conclusion

- 6.1.31 The site is located in countryside. Whilst PPTS paragraph 25 states that new traveller sites in open countryside away from settlements should be very strictly limited provision is made for appropriate sites in rural areas.
- 6.1.32 As with other types of development it is necessary to make an assessment of whether the proposed development can be considered sustainable in the context of NPPF & PPTS. A judgment also needs to be made as to whether the site is close to Shrewsbury, any of the Market Towns and Key Centres, and Community Hubs and Community Clusters and whether the scale is appropriate in its context. Since the location is very close to site of the 2015 approval for a single pitch (15/01036/FUL) the locational considerations would be very similar, although the scale differs in that this is a scheme for 3 pitches. This proposal also needs to be considered in the context of PPTS 2015, which was published after the 2015 approval.

6.1.33 Local Policy and evidence, including supply of sites, is a significant material consideration. The published evidence (GTAA 2017) indicates that there is no remaining requirement for the allocation of additional pitches over the Plan period (to 2036) if turnover is taken into account. However PPTS (para 11) is also clear that irrespective of identified need it is expected that applications which come forward will be assessed on their merits against local policy criteria (in CS12) which facilitate the traditional way of life of travellers. There is also a need to establish the availability of alternative accommodation (para 24 PPTS). The Council has a broader housing responsibility, manages its own gypsy and traveller sites and deals with unauthorised encampments and other relevant issues. The confirmation from the gypsy liaison officer of pitch overcrowding and lack of current pitch availability and alternative accommodation for residents at this site is therefore a relevant consideration for this application. Similarly other personal circumstances, such as the best interests of the child, are planning and legal considerations (para 24 PPTS).'

6.2 Planning history

- 6.2.1 Objectors have referred to the fact that the site has some planning history which is not acknowledged by the agent, including refusals which weigh against the current proposals. Other objectors refer to the land as derelict or agricultural - bearing in mind the former use as a nursery is horticultural – and as such does not fall within the definition of previously developed land. Therefore, details of the recorded planning history are given below.
- 6.2.2 N/81/574/WR/446
Erection of Glasshouse (approximately 140 sq.m) for the growing and retail sale of surplus produce and garden sundries, etc. on land adjacent to Mayfields (in accordance with amended plans submitted 16.07.1981) - Granted 11th August 1981.
- 6.2.3 The above planning permission was obviously implemented as the glasshouse exists on the site today. The description of development included for retail sales in addition growing. The approved layout of the site also included the provision of parking for 26 vehicles and the parking was conditionally required to be surfaced with tarmac or other approved dust free material within 3 months.
- 6.2.4 Objectors to this current application are concerned about the amount of hard surfacing and the fact that this has already been undertaken recently and as such is unauthorised. This historic consent demonstrates that the hard surfacing of a large extent of the site has been authorised in the past.
- 6.2.5 A copy of the site plan approved in connection with N/81/574/WR/446 is given here for illustrative purposes:



- 6.2.6 N/81/848/WR/75
Change of use of land from use as scrap yard to use as car park in conjunction with horticultural business on land near Mayfields (in accordance with amended plans submitted 07.12.1981) – Granted 16th December 1981.
- 6.2.7 The above planning permission related not to the current application site, but to the land on the opposite side of the road. Objectors are concerned that this parcel of land is within the same ownership of the current applicants' and will be subject to pressure for further development in association with the gypsy pitch proposals.
- 6.2.8 N/96/128/WR/446
Continued use of site as nursery with storage & hire of contracting equipment, erection of 1.8m high fences, sale of produce, temporary stationing of mobile buildings for office/residential use & siting of oil tank – The Nursery, Barkers Green, Wem – Refused 3rd April 1996.
- 6.2.9 The application was refused for reasons of (i) sporadic development to detriment of highway safety; (ii) contrary to housing policy without sufficient justification; (iii) detrimental to visual amenities; (iv) precedent and (v) contrary to North Shropshire Local Plan housing and employment policies.
- 6.2.10 20th April 1998 - Enforcement Notice served to remove from the land an unauthorised mobile home and cease the use of the land for residential purposes. Notice complied with.
- 6.2.11 N/00/15/WR/446
Erection of a building for commercial storage purposes and change of use of premises from horticultural use to use for commercial purposes – Refused 24th May 2000.
- 6.2.12 The building would have measured 18.288 m x 12.192 m x 4.267 m to the eaves and 5.618 m to the apex.
- 6.2.13 The application was refused for reasons surrounding i) undesirable sporadic commercial development contrary to strategy; (ii) detrimental to visual amenity due to size, design and materials and (iii) heavy traffic potential.

- 6.2.14 The above refusal was the subject of an appeal. The appeal was dismissed on 29th January 2001. In making his decision the Inspector noted that the change of use had already taken place and treated the appeal ‘... *as one for the continued use of the premises for commercial purposes and for the erection of the said building.*’
- 6.2.15 Enforcement issues pertaining to the unauthorised use of the site for commercial storage (empty plastic drums) were investigated in 2001/ 2002 and resolved in 2003 with the cessation of the unauthorised storage.
- 6.2.16 There is no further recorded planning history until the submission of this current application.
- 6.2.17 Notwithstanding the site planning history, the current proposal must be weighed against current planning policy and housing needs all as discussed in Section 6.1 above.

6.3 Gypsy and traveller status

- 6.3.1 Gypsy status – Annex 1 of the PPTS states: ‘For the purposes of this planning policy “gypsies and travellers” means:
Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’ s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.’
- 6.3.2 Information of the gypsy status of the applicants’ is provided in the submitted Planning Statement that accompanies the application and as per the following extract:

‘The Council has previously accepted the Gypsy status of the family when they were accepted on the Prees site. The family still travel for work although less so now for Mr Roberts Snr. But he is a dependent of his sons who still travel for work and intend to continue doing so. They continue to meet the planning definition in Annex 1 PPTS’
- 6.3.3 The gypsy status of the applicant is acknowledged and accepted, as confirmed by the comments of the Council’s Gypsy Liaison Officer given in section 4.1.1 above.
- 6.3.4 Furthermore, in accordance with accepted practice any planning permission issued for the site would be the subject of a restrictive occupancy condition to ensure that the site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites.
- 6.3.5 Local connections – Where an application is not seeking to provide affordable housing then the guidance in PPTS does not require an applicant to demonstrate strong local connections. Paragraph 24(e) of PPTS states that Councils should determine applications for sites from any travellers and not just those with local connections. This position has been endorsed in the favourable appeal decision for a gypsy site at Adbo Farm, Rosehill and the further appeal decision for gypsy pitch allowed a Shawbury Heath on 26th September 2014.
- 6.3.6 In connection with the gypsy and traveller status a further matter is brought to the fore. Within the introduction of the Council’s Housing SPD at 6.1 it is stated that: ‘*Gypsy and Travellers have a recognisable culture, protected by law. In Gypsies and Traveller*

culture, the extended family is extremely important, ... The SPD goes on to explain that *'There is also legal recognition that the rights of gypsies/travellers includes the right to live in a caravan rather than in bricks-and-mortar housing.'* It is not for the Local Planning Authority to interfere with the exercising of these rights.

- 6.3.7 These rights are highlighted as some objectors have identified that one of the sons of Mr Roberts has a property at the old station yard, Prees where under reference 16/04826/PSDPA, a decision has been issued in January 2017 that prior approval is not required for the following development: *'Prior Notification under Part 3 Class P of the Town and Country (General Permitted Development) Order 2015 for the change of use from (B8) Storage/Distribution building and land to (C3) residential dwelling to include works'*. The proposed conversion is of a brick and tile building to a 2 bed unit with an internal floor area of 72 msq and an adjacent yard – the total site are of which is 293 msq. That site would not fulfil the extended family needs nor would it fulfil the right of the applicants' to live in a caravan rather than in bricks-and-mortar housing. Furthermore, even if Mr Roberts' son chose to live in the converted station yard building at Prees, three pitches at Barkers Green would still be required to fulfil the long-term housing needs of the extended family, in that Mr Roberts has three sons, two of adult age in their 20's and the third approaching adult age.

6.4 Sustainable location

- 6.4.1 Local plan policy, the NPPF and the PPTS all strive towards development that is sustainable socially, economically and environmentally. In terms of location this generally means concentrating growth in areas where residents will have reasonable access to facilities, services, infrastructure and sustainable transport options to reduce reliance on the car.
- 6.4.2 Objectors are concerned about the location of the site relative to nearby facilities and question the sustainability of the site in this context.
- 6.4.3 In paragraph 25 the PPTS advises that *'Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.'*
- 6.4.4 Although located within the hamlet of Barkers Green, the site has a countryside status for planning purposes and lies outside the development boundary of the market town of Wem. Barkers Green has no acknowledged facilities and is served by rural roads with no pavements. It is likely therefore that occupiers would rely on the car to access facilities and services. That said it is accepted that the town centre of Wem is only a short car journey away and in this respect the site is not unreasonable isolated from the services and facilities on offer in the town; including shops, medical facilities and a primary and a secondary school. Whilst objectors are further concerned the proposal will increase pressure on local services and facilities, no substantive evidence has been provided of any capacity issues associated with the infrastructure as facilities to accommodate the potential needs of site occupiers from this small scale development.
- 6.4.5 Some assessment of sustainable and accessibility is also given in the Senior Policy Officers comments, within section 6.1 above, including the Inspectors broad view of site

sustainability in respect of Adbo Farm appeal decision. Likewise, in respect of the Shawbury Heath appeal and the nearby 8 Barkers Green site (ie a single pitch gypsy site granted permission in August 2015 under reference 15/01036/FUL), the application site is considered no less sustainable relative to nearby facilities and services. Furthermore, within the Council's own Housing SPD on the matter of 'reasonably accessible to facilities and services' the guidance explains that gypsy/traveller sites may be '*further outside settlements than would normally be allowed for other developments*' due to difficulty of obtaining such sites within towns and villages and to continue to make special provision whilst '*prejudice and antagonisms towards Gypsies and Travellers*' still exists.

- 6.4.6 Critical Infrastructure provision - On a further note of clarification, policy CS12 sets out that all sites must comply with policy CS9 where appropriate in relation to critical infrastructure provision. The application of this policy requirement of CS9 is not considered appropriate in this case – given that essential infrastructure already exists which will serve the site and the development is small in scale and so will put no undue pressure on this infrastructure.

6.5 Impact on character and appearance of area

- 6.5.1 To create sustainable places the NPPF, together with Core Strategy policies CS6 and CS17 and SAMDev Plan policy MD2 seek to achieve an inclusive and accessible environment and to ensure that development is appropriate in scale, density, pattern and design taking into account the local context and character.
- 6.5.2 With reference to scale and density, objectors consider the proposals constitutes overdevelopment of the site. Members will note that neither the Gypsy Liaison Officer nor the Public Protection Officer has raised no concerns in this regard. Indeed, it is acknowledged that the applicant's plan to move to this site to overcome issues of overcrowding and that the site has been designed and laid out to meet their extended family needs, including on-site provision of parking and amenity space. Further they will need to apply for a caravan site licence and meet any associated space and amenity provision requirements of that relevant legislation.
- 6.5.3 Objectors are further of the opinion that the development will dominate the settled community. However, taking into consideration the context, setting and spatial arrangement of Barkers Green, which is largely strung out along the rural road, it is not considered that a plot of this size (which is defined by existing boundaries) and in this position is inconsistent with or domineering of the spatial pattern locally. Further, in terms of numbers, officers do not consider that three new gypsy pitches in addition to the single gypsy pitch already permitted at Barkers Green will dominate the local settled community. By way of comparative reference, the Council's policy CS12 defines development proposals for small exception sites as under 5 pitches.
- 6.5.4 As regards any concern that in the future the site could be developed as a travelling site for more gypsy caravans, then this matter can be addressed by imposing suitable conditions, limiting the use of the site to three pitches and restricting the number of caravans and their positioning in accordance with the submitted plans.
- 6.5.5 Objectors are also concerned that the proposed development will spoil the look of the locality and be visually damaging to countryside. It is acknowledged that the development of the land as proposed has the potential to change the character and

appearance of the site itself and the outlook over the land from nearby properties; the highway and nearby public rights of way. However, the issue is whether that change will be so harmful as outweigh the specific housing benefits of the proposal and paying due regard to the existing screening available which is to be retained and improvements to that screening that could reasonable be secured in the form of supplementary landscaping.

- 6.5.6 To expand, the site sits within the hamlet of Barkers Green and is described as a former nursery. The synopsis given in 6.2 above confirms the planning history of the site. The site is understood to have become overgrown and has recently been cleared internally by the applicant. The site has road frontage with an existing access and is contained by established boundaries. The external boundaries, which comprise established hedging/trees and fencing, are to be retained. Whilst no new landscaping is proposed as part of the submission, the provision of some additional landscaping is considered necessary as discussed further elsewhere within this report.
- 6.5.7 In more detail, following on from the intended demolition of the existing glasshouse, the proposed layout of the site is such that three mobile homes and five parking spaces will be positioned alongside the south western boundary. Two of the mobile homes will run parallel with the boundary and the third will be perpendicular to it. The five parking spaces will be allocated in a group of three and pair of two in between the mobile homes. The sixth parking space will be positioned alongside the opposite boundary to the north east and to the south east of the proposed siting of the three touring caravans and the single shared utility block. As previously described the utility block building will have a footprint of 6 m x 5 m with a pitched roof of 4 m high to the ridge. It will provide bathroom, laundry and kitchen/dining facilities and will be constructed of brick and tiles to be agreed. The central area of the site identified as hardstanding and the southern, northern and eastern corners of the site reserved for amenity space.
- 6.5.8 Objectors have raised further particular concerns in relation to the visual appearance of mobile homes/caravans and associated paraphernalia being conspicuous and inappropriate in this rural context. As previously mentioned there is a legal right for gypsies/travellers to live in a caravan. Therefore, and as recognised in the Council's Housing SPD, some flexibility is necessary in applying design policy to gypsy and traveller sites. Hence, and in accordance with the governments Planning Policy for Traveller Sites, a greater emphasis is given to landscaping to mitigate against any potential harm. Whilst the site sits within the countryside for planning policy purposes, it is confirmed there are no special landscape designations in this location and the land is not within greenbelt. Furthermore, the site is already enclosed and relatively well screened by established hedges and trees to the boundaries which are to be retained. Nonetheless, as is discussed in section 6.7 below, there is scope and need for additional landscaping for biodiversity reasons and which can serve to enhance the level of screening. Additional landscaping mitigation measures coupled with the single storey scale of the units on the site will therefore help reduce any visual intrusion and associated harm.
- 6.5.9 Objectors are further aggrieved that work already appears to have been undertaken on site in order to facilitate the application proposals, whereby the site has been cleared of greenery and laid with hardstanding and a roadside boundary fence erected and gates installed which exceed 1 m in height.

- 6.5.10 The clearing of the site in itself is not development which requires the consent of the LPA. The formation of a hardstanding is and forms part of the application, being shown on the submitted plans as existing. Taking into consideration the planning history of the site it would not be unreasonable to assume that underneath the cleared vegetation some hard surfacing did already exist, albeit it probably to a lesser extent. Notwithstanding this, the final detail of the hard surfacing and any associated drainage requirements thereof can be dealt with by imposing appropriate conditions as part of the current application.
- 6.5.11 In relation to the roadside boundary fence, a timber boarded fence has existed to the site frontage for some time and whilst the security gates installed exceed 1 m in height they are not shown as to be retained as part of the proposed layout plan.
- 6.5.12 Overall, therefore whilst it is acknowledged that some perceived harm has been identified that has the potential to impact on the character and appearance of the area, with recommended planning conditions in place and additional landscaping secured, it is not considered that the impact of the development on the character and appearance of the area will be so materially harmful as to significantly and demonstrably outweigh the housing benefits in this particular case.

6.6 Residential amenity

- 6.6.1 Policy CS6 indicates that development should safeguard residential and local amenity, whilst policy CS12, the Housing SPD and the PPTS refer to the need for suitable screening.
- 6.6.2 Impact on neighbouring residential amenity – The proposal is of a small scale, involves no business use, is sited a sufficient distance away from the nearest neighbouring dwellings and can be adequately screened such that it will not lead to overlooking and overshadowing or otherwise unacceptably affect the residential amenities of neighbouring properties, including any unacceptable noise disturbance solely associated with a residential use. No high level lighting is proposed and external lighting can be controlled by condition.
- 6.6.3 Likewise, to safeguard against concerns over future business use, conditions can be imposed preventing commercial activities and storage of materials, scrap or waste.
- 6.6.4 It is also suggested by the agent that it would be appropriate to impose a condition that no vehicles over 7.5 tonnes are kept on the site. As no business use is intended, nor any on-site storage of commercial materials and as no parking provision is identified for lorries, then it has not be justified or explained why it would be necessary to store vehicles up to 7.5 tonnes on the site. This has been raised as a cause for concern amongst objectors. In the absence of any explanation or justification, rather it is therefore considered appropriate to impose a condition limiting the size of any vehicles kept on site to no more than 3.5 tonnes. This would be consistent with the condition imposed on the nearby site at 8 Barkers Green.
- 6.6.5 Implications for occupier residential amenity – The site itself it of a sufficient size to accommodate the manoeuvring of caravans and parking for users and private amenity space for family. Otherwise, the Public Protection Officer has identified a need for an acoustic fence to afford the occupants of the site protection from the neighbouring builders yard. This can be secured by imposing a suitably worded condition. Whilst the

agent has a preference for the provision of such a fence to be the applicant's choice the Public Protection Officer has advised that it is not appropriate to leave the decision to put up an acoustic fence to the applicant/residents moving to the site. It is for the local planning authority to ensure that a site is suitable for the end use. Therefore, to ensure the site is suitable; does not compromise any future operations at the builders merchants and to ensure complaints are unlikely regarding noise in future, the Public Protection Officer reiterates his recommendation that the provision for an acoustic fence is secured by condition.

6.6.6 Accordingly, and with the recommended conditions in place it is considered that the proposal is capable of complying with policies in relation to safeguarding the residential amenity of neighbours and site occupiers.

6.7 Natural Environment

6.7.1 The NPPF alongside policies CS6 and CS17 of the Shropshire Core Strategy and MD12 of the SAMDev Plan also require consideration to be given to the impact of the proposed development on the natural environment.

6.7.2 Trees – The Council's Tree Officer has commented that the site has no protected or important trees.

6.7.3 Ecology – Objections have been lodged on ecological grounds. The Council's Biodiversity Officer considered the application as originally submitted and advised of the requirement for an ecology assessment to support the application. In the absence of such an assessment to demonstrate otherwise, the Biodiversity Officer was unable to support the application as it was considered that insufficient information had been submitted to enable a full and proper assessment of the potential impacts of the development on the natural environment and any protected species that may be present. In the circumstances the Local Planning Authority was not in a position to conclude that the proposal would not cause unacceptable harm to the natural environment and comply with local and national planning policy in this regard.

6.7.4 The need for such an assessment has been an ongoing issue for some time and served to delay progress with the consideration of the application. The agent was of the opinion that as most of the site is laid to hard standing the ecological interest is restricted to the boundary hedgerow/trees, none of which would be removed. Therefore disturbance to existing wildlife would be minimal and would have no/minimal adverse ecological impact. However, like objectors, the Council's Biodiversity was concerned about the loss of ecological potential that had occurred with the hard surfacing work carried out and still required an ecological assessment to be carried out to determine whether the site still provides any potential terrestrial habitat for herptiles and whether further surveys were required or whether a reasonable avoidance measures method statement is sufficient. The Biodiversity Officer also advised that the report should set out ecological enhancements to compensate for any loss of habitat.

6.7.5 Therefore, in response to the ecology concerns, an ecological assessment has now been provided and updated to the satisfaction of the Council's Biodiversity Officer. Consequently, the Biodiversity Officer is now able to make a positive recommendation, subject to the imposition of certain conditions. The recommended conditions include for i) an appropriately qualified and experienced Ecological Clerk of Works (ECW) to provide a report to the Local Planning Authority demonstrating implementation of the

Great Crested Newts Reasonable Avoidance Measures Method Statement as set out in Appendix 2 of the Ecological Assessment; ii) compensatory landscaping, alongside bat and bird box provision to provide compensatory biodiversity enhancements and iii) the prior approval of any external lighting to minimise disturbance to bats.

6.7.6 With the recommended conditions in place the application is now considered capable of compliance with policies CS6, CS17, MD12 and the NPPF in relation to ecology, wildlife and the natural environment.

6.8 Highways

6.8.1 Concerns have been raised by local residents regarding the access provision, traffic generation and highway safety issues.

6.8.2 The Council's Highway advisor has been consulted on the application and raised no highway objection in respect of either the capacity of the local highway to accommodate the likely type and number of traffic movements generated to/from the site or the measure of visibility available from the site. These comments are based on the understanding that the application is to site 3 residential static homes and 3 touring caravans with no business use. It is the considered opinion of the Highway Officer that the likely traffic associated with the proposed development will not have a material effect on the adjoining highway to justify a highways objection.

6.8.3 On two matters of detail the Highway officer does note that i) the existing gate into the site is set close to the carriageway edge, whereby drivers would need to park on the highway and alight from their vehicle to open/close the gate and ii) the access crossing is composed of loose material.

6.8.4 Therefore, in connection with the development it is recommend that i) the gate be set back a minimum 6 metres from the adjoining carriageway edge and ii) the verge crossing and surface of the access between the carriageway edge and site gate should be improved and hard surfaced in accordance with the Council's specification. Conditions are recommended for imposition accordingly.

6.8.5 Taking into consideration the views of the Highway Officer, it is considered therefore that the proposals are acceptable on highway grounds and that there are no grounds to refuse permission on this basis.

6.9 Drainage

6.9.1 Foul drainage is to be disposed of to an existing septic tank. Surface water is to be disposed of to soakaways.

6.9.2 Objectors have pointed out the existence of a (culverted) watercourse that runs along the north eastern boundary of the site and raised concerns in relation to potential flooding. The Councils' Flood and Water Management Team have been consulted on the application. The Drainage Engineer has consequently provided comments and whilst being aware that the site is identified as being at risk of groundwater flooding, is satisfied that providing conditions are imposed to secure the prior approval of the final foul and surface water drainage disposal arrangements the development should not increase the risk of flooding.

Having regard to the view of the Drainage Officer that suitable conditions can be

imposed to secure the prior approval of the final drainage arrangements, it is considered that with such conditions in place the site can be developed in compliance with policy CS18 and the NPPF in drainage terms. On this basis, there is no technical reason to withhold planning permission on drainage grounds.

6.10 Other

6.10.1 Some local residents have expressed objections on the grounds of security. This objection is based on fear rather than evidence. Through the PPTS and the NPPF the government recognises the need to integrate communities to promote understanding and engender a sense of social cohesion over time. The provision of this site within a settled community will lend to that overall objective.

6.10.2 An objection has also been lodged that the land may be contaminated. However, no substantive evidence has provided in support of this objection to demonstrate that the land is contaminated. Furthermore, the application has been subjected to consultation the Council's Public Protection Officer and he has raised no concerns in this regard.

7.0 CONCLUSION

7.1 The Gypsy and Traveller Accommodation Assessment (GTAA) 2017 concludes that there is no current requirement for site allocations, taking into consideration turnover on local authority pitches. However, the GTAA has yet to be subjected to Examination as part of the Local Plan review process and, as such, is open to challenge.

7.2 The comments of the Council's Gypsy Liaison Officer do not appear to endorse the conclusions of the GTAA in that the Council's owned and managed Gypsy/Traveller sites are currently full; there is a waiting list of roughly 35 applicants and the turnover of plots on the Manor House Lane site is low, all meaning the applicant's housing needs would struggle to be accommodated in the foreseeable future.

7.3 The applicants' ability to self-provide would assist plot turnover on the local authority site.

7.4 When it comes to decision making the governments Planning Policy for Traveller Sites (PPTS) 2015 makes it clear at H.24 a) and b) that the following are material considerations:

(a) *'The existing level of local provision and need for sites*

(b) *'The availability (or lack) of alternative accommodation for the applicants'*

In accordance with the comments of the Gypsy Liaison Officer the applicants' are in need and there is a lack of available alternative provision.

7.5 Notwithstanding the conclusions of the GTAA 2017, there is policy support for windfall sites within the governments Planning Policy for Traveller Sites (PPTS) 2015 and Shropshire Core Strategy policy CS12. With reference to plan-making, at para. B.11 the PPTS states: *'Where there is no identified need, criteria-based policies should be included to provide a basis for decision in case applications nevertheless come forward.'* The Council has a criteria based policy in Core Strategy policy CS12. Bullet point 2 of CS12 sets out support for the suitable development of gypsy and traveller sites close to close to Shrewsbury, the Market Towns and Key Centres, and Community Hubs and Community Clusters. In this case, and with particular reference to appeal decisions and guidance on gypsy/traveller site assessment in terms of location, the site is considered close to the market town of Wem. With reference to decision-taking, at para. H.24 d)

the PPTS states that '*... the locally specific criteria ... which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites.*'

- 7.6 The site is considered to occupy a relatively sustainable location and in the assessment of this case officers are satisfied that there is no significant and demonstrable harm that outweigh the housing benefits of the proposal. Any potential harm that has been identified can be adequately addressed through mitigation measures and the imposition of planning conditions, particularly in relation to matters of character and appearance, residential amenity and the natural environment.
- 7.7 In relation to access and drainage issues these are technical matters upon which the Councils' professional drainage and highway advisers have raised no objection and recommend conditions.
- 7.8 Accordingly, approval is recommended, subject to conditions.
- 7.9 In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.
- 8.0 Risk Assessment and Opportunities Appraisal
- 8.1 Risk Management

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

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

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

8.2 Human Rights

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

interests of the Community.

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework
Planning Policy for traveller sites

Core Strategy and SAMDev Plan Policies:

CS1 - Strategic Approach
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS9 - Infrastructure Contributions
CS12 - Gypsies and Traveller Provision
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD1 - Scale and Distribution of Development
MD2 - Sustainable Design
MD7A - Managing Housing Development in the MD7A - Managing Housing Development in the Countryside
MD12 - Natural Environment
Settlement: S17 - Wem
SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

NS/81/00574/FUL Erection of Glasshouse (approximately 140 sq.m) for the growing and retail sale of surplus produce and garden sundries, etc. on land adjacent to Mayfields (in accordance with amended plans submitted 16.07.1981). GRANT 11th August 1981

NS/81/00848/FUL Change of use of land from use as scrap yard to use as car park in conjunction with horticultural business - land near Mayfields (in accordance with amended plans submitted 07.12.1981). GRANT 1st October 1981

NS/00/00092/FUL Erection of a building for commercial storage purposes and change of use of premises from horticultural use to use for commercial purposes REFUSE 24th May 2000

Appeal

NS/00/00010/REF Erection of a building for commercial storage purposes and change of use of premises from horticultural use to use for commercial purposes DISWOC 29th January 2001

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr R. Macey
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Local Member

Cllr Pauline Dee Cllr Chris Mellings

Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements;
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- d) Native species used are to be of local provenance (Shropshire or surrounding counties);
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- f) Implementation timetables.

The plan shall be carried out as approved.

Reason: This is a pre-commencement condition to ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

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

4. An acoustic barrier shall be erected along the boundary of the site where it borders the adjacent commercial site. Prior to installation the design, position and specification of the barrier shall be submitted to and approved in writing by the Local Planning Authority. The acoustic barrier shall be installed in accordance with the approved details before the development is first occupied and retained as such thereafter.

Reason: To safeguard residential amenities.

5. No work shall commence on the construction of the external walls and roof of the utility building until full details and/or samples of the external materials have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

6. Notwithstanding the work that has already been carried out on site, no further work shall undertaken in respect of the area of hardstanding until full details of the construction and surfacing materials of the hardstanding area have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: To ensure that the external appearance of the development is satisfactory.

7. The development shall not be occupied until full details of the foul drainage, including the location and sizing of the existing septic tank and the drainage fields and any previously carried out percolation tests have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the foul water drainage system is satisfactory and can cater for the new development.

8. Full details, calculations, dimensions and a location plan of the percolation tests and the proposed soakaways shall be submitted for the prior approval of the Local Planning Authority.

Percolation tests and soakaways should be designed in accordance with BRE Digest 365.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

The site is identified as being at risk of groundwater flooding. The level of water table should be determined if the use of infiltration techniques are being proposed.

Should soakaways not prove feasible, drainage calculations to limit the discharge rate from the site equivalent to 5.0 l/s runoff rate should alternatively be submitted for the prior approval of the Local Planning Authority. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year +25% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

The development shall be carried out in accordance with the approved surface water drainage details prior to occupation.

Reason: To ensure that the proposed surface water drainage systems for the site are satisfactory and are of robust design.

9. If non permeable surfacing is used on the new access, driveway and parking area or the new access/ driveway slope towards the highway, the applicant shall submit for the prior approval of the Local Planning Authority a surface water drainage system to intercept water prior to flowing on to the public highway. The development shall be carried out in accordance

with the approved details prior to the development first being brought into use and maintained as such thereafter.

Reason: To ensure that no surface water runoff from the new access/ driveway run onto the highway.

10. Details on how the surface water runoff will be managed and to ensure that any finished floor level is set above any known flood level or at least 150mm above the ground level shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details and prior to the development first being brought into use.

Reason: To minimise the risk of surface water flooding, as on the Surface Water Flood Map, the site is at risk of surface water flooding.

11. The access apron between the entrance gate and adjoining carriageway edge shall be constructed in accordance with the Council's specification as follows; 20mm thickness of 6 mm aggregate surface course, 80 mm thickness of 20 mm aggregate binder course, 200 mm thickness of MOT type 1 sub-base and shall be fully implemented prior to the dwelling being occupied.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

12. The development hereby permitted shall not be brought into use until the areas shown on the approved plan 2: proposed site layout for parking, loading, unloading and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

13. Prior to first occupation / use of the building [or each phase of the buildings], an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the GCN RAMMS, as set out in Appendix 2 of the Ecological Assessment (Churton Ecology, December 2017).

Reason: To demonstrate compliance with the GCN RAMMS to ensure the protection of great crested newts, which are European Protected Species, and other wildlife.

14. Prior to first occupation / use of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 1 external woodcrete bat box or integrated bat brick, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting.

The boxes shall thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 118 of the NPPF.

15. 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 lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014).

The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: In the interests of amenity and to minimise disturbance to bats, which are European Protected Species.

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

16. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of the Planning Policy for Traveller Sites Department for Communities and Local Government March 2015.

Reason: This permission is only granted in view of the exceptional circumstances of the gypsy community within the Local Planning Authority's area at the date of the permission hereby granted.

17. The development hereby permitted is limited to three pitches. No more than three static caravans and three touring caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Act 1968, shall be stationed on the site at any time and no caravans shall be stationed other than in accordance with the approved layout. Any caravans positioned on the site shall also be capable of being lawfully moved on the public highway.

Reason: To safeguard the amenities of the locality.

18. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason: To safeguard the amenities of the locality.

19. No commercial activities shall take place on the land, including the storage of materials.

Reason: To protect the residential and visual amenities of the area.

20. There shall be no scrap or any other transfer of waste on the site.

Reason: To protect the residential and visual amenities of the area.

21. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification, no access gates or other means of closure shall be erected within 6.0 metres of the adjoining highway carriageway edge.

Reason: To provide for the standing of parked vehicles clear of the highway carriageway in the interests of highway safety.

Informatives

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

2. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

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

3. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.

4. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: snn@shropshire.gov.uk. Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.

5. The applicant is advised that a caravan licence must be obtained from the Council's Licencing Officer. For further information visit Shropshire Council's website at www.shropshire.gov.uk

6. Mud on highway

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

No drainage to discharge to highway

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

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge) or
- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

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

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

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

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

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

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

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