



Committee and date
South Planning Committee
9 May 2018

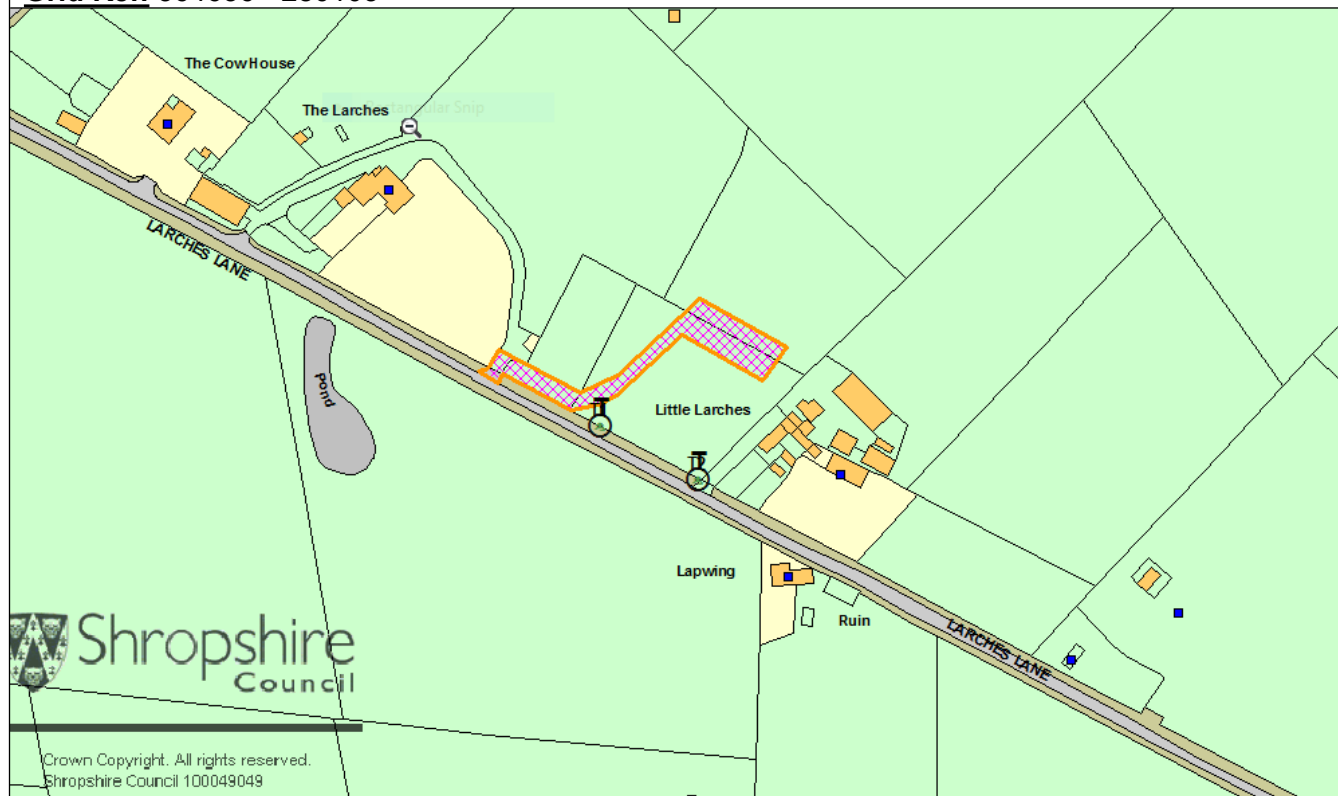
Development Management Report

Responsible Officer: Tim Rogers
email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 17/02689/FUL	Parish: Farlow
Proposal: Erection of a building for the housing of alpaca, the storage of hay and associated agricultural equipment for alpaca husbandry; formation of access track	
Site Address: The Larches Larches Lane Oreton Cleobury Mortimer DY14 0TW	
Applicant: Mr & Mrs P Archer	
Case Officer: Mandy Starr	email: planningdmsw@shropshire.gov.uk

Grid Ref: 364636 - 280103



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2016 For reference purposes only. No further copies may be made.

Contact: Tim Rogers (01743) 258773

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

REPORT

1.0 THE PROPOSAL

- 1.1 The proposal is for the erection of a general purpose agricultural building for the housing of alpaca and the formation of a new access track and concrete apron to be positioned so as to be along a field boundary on land that is sited to the south east of the applicant's dwelling of The Larches on land that is sited near to a property known as Little Larches. The building would have a shallow dual pitched roof, coloured anthracite, and would incorporate five rooflights on each roof slope. The walls would be of weatherboarding, with the south east elevation fully covered in horizontal cladding painted black. The south west elevation would feature four open, gated bays and one enclosed bay forming a store room. Within the upper part of the building there would be a mezzanine floor for hay and fodder storage. The building would measure some 22.86m by 11.16m, with a height of some 5.3m to the eaves and 6.52m to the ridge.
- 1.2 The proposed current location of this barn has been revised twice as the previous locations which were firstly to be positioned adjacent to the hedge and tree boundary along Larches Lane and further back into road side field itself were considered unacceptable and so the barn would now be sited further into this field effectively straddling both this paddock and the second paddock beyond.
- 1.3 In addition following the submission of further information regarding the use of the barn the application description was changed to solely being a building for the housing of alpaca (not any other livestock), the storage of hay and associated agricultural equipment for alpaca husbandry and formation of an access track to a field that is sited off Larches Lane Oreton.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The Larches is a detached property sited on the north side of Larches Lane which is an unmade track and Bridleway 0125/UN4 that runs roughly east/west between Foxholes in the west and New Road in the east. The lane is tree-lined in places as is the case here with both fields and dwellings alongside; although most of the dwellings are on the north side of the lane. The Larches is to the north west of the application site and has two vehicular access off the bridleway. To the south east is the property known as Little Larches which is separated from the application property by a public footpath that runs in a north easterly direction towards The Claypits. The land either side of Larches Lane is part of reasonably level plateau with a gentle slope up to the north west from the lower end of track. The application field itself is level as is the land beyond it to the east too.
- 2.2 This part of Oreton is not within the Shropshire Hills Area of Outstanding Natural Beauty nor is the village in a conservation area. There are no designated heritage assets nearby either.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The views of the Parish Council are contrary to the Officer recommendation and the Ward Members have requested Committee determination. The Chair and Vice Chair of the South Planning Committee, in consultation with the Principal Officer, consider that the material planning considerations raised in these proposals warrant the application being determined by the South Planning Committee.

4.0 Community Representations

- Consultee Comments

4.1 **Farlow Parish Council** – Objection:

“Farlow Parish council met in public session on Thursday 26 April 2018 and their unanimous **objections** to the above revised application can be summarised as follows

Objections

Although there has been some movement in the positioning of the buildings the subject of this application such movement is minimal and in no way addresses the concerns of the neighbour Dave Turner.

If the buildings in question could be moved to the adjacent field and behind the menage and pylons this would address our concerns and consequently we would withdraw our objections”.

1st Revised Comments 28.02.2018 "The proposed amendment fails to significantly reduce the impact that this building would have on the neighbouring property. The applicant has a sufficiently sized holding that another site could be found for the proposed building without undue impact on surrounding properties. As the building would see daily activity related to stock handling and management, a location closer to the main farm buildings would be more appropriated."

Original Comments 24.06.2018- Object for the following reasons:

- ☐ Location of proposed building is inappropriate and is over domineering for both Larches Lane and especially adjacent properties. The building could be positioned elsewhere on the owners land which would address our concerns
- ☐ The size of the proposed building especially the height at 22ft is excessive and again would dominate the surrounding area. We fail to see the need for a building of such dimensions and we are particularly concerned about the proposed height
- ☐ There is little room to fit a building of this size between the hedge (with three large trees) along Larches Lane and the overhead power cables. Whilst the planning documents state they intend to build away from the trees and their roots, we do not believe this will be possible
- ☐ We are concerned that the Statutory Notice has not been displayed on the site to give notice to nearby residents of the proposed development which would have a significant impact on their respective properties.

4.2 SC Regulatory Services

Having considered the additional information provided since last comments from Regulatory Services, there are no further comment to add. The previous comments still stand. As this has no technical noise or odour issue to be addressed it is considered most appropriate that any amenity impact from the proposed unit is assessed by the planning case officer when making their decision.

4.3 SC Rights of Way

Although BW UN4 runs along Larches Lane it appears not to be directly affected by development.

4.4 SC Highway Authority

No objection – subject to the development being constructed in accordance with the approved details and recommend informative

4.5 SC Trees

The location of the barn has moved away from trees on the frontage therefore the likelihood of post-development conflict has been reduced.

There is no objection on arboricultural grounds to the proposed development, providing suitable simple precautions are taken to protect the mature oak tree located in the boundary hedge closest to the point of access.

Require additional information to be considered as part of any permission with regard to tree protection of the nearest oak tree.

4.6 SC Ecology

The amended position will no longer directly impact any trees, therefore a bat survey is not required. Recommend Informatives.

4.7 SC Drainage – Recommend informative.

4.8 Shropshire Fire & Rescue

Comments made on the need to provide adequate access for emergency fire vehicles and would be dealt with at Building Regulations stage of the development.

-Public Comments

4.9 1 letter from a neighbour objecting on the following grounds:

- Object to the location as size and height of building will overshadow our small cottage and Larches Lane

5.0 THE MAIN ISSUES

Principle of development

Siting, scale and design of structure and use

Visual impact and landscaping

Residential amenity

Other matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Shropshire Core Strategy Policy CS5 Countryside and Green Belt states that new development will be strictly controlled in accordance with national planning policies protecting the countryside. It does however permit development proposals on appropriate sites which maintain and enhance countryside vitality and character where they improve the sustainability of the rural communities. Any application will therefore need to assess the characteristics of the site and the nature of any impacts to the local environment and amenities and consider whether any identified impacts are capable of being satisfactorily mitigated.
- 6.1.2 Core Strategy Policy CS6 which deals with sustainable design and development principles states that development should conserve and enhance the built, natural and historic environment and be of an appropriate scale and design taking into account local character and context. It also needs to take into account the health and wellbeing of communities including safeguarding residential and local amenity and that development is designed to a high quality consistent with good practice standards including appropriate landscaping and taking account of site characteristics and ground contamination.
- 6.1.3 PolicyCS17 which deals with Environmental Networks is also concerned with design in relation to the environment and places the context of a site at the forefront of consideration so that any development should protect and enhance the diversity, high quality and local character of Shropshire's built, natural and historic environment and it does not adversely affect the values and function of these assets.
- 6.1.4 Policy CS18 Sustainable Water Management requires that developments will need to integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on the water quality and quantity including ground water resources and to provide opportunities to enhance biodiversity by ensuring that all developments include appropriate sustainable drainage systems (SUDS) to manage surface water so that all development should aim to achieve a reduction in the existing runoff rate, but must not result in any increase in runoff rate.
- 6.1.5 Shropshire Site Allocations and Management of Development (SAMDev) Plan Policy MD2 deals with Sustainable Development. This requires that for a development to be considered acceptable it must achieve local aspirations for design in terms of visual appearance and how a place functions as set out in local community led plans and it must also contribute to and respect local distinctive or valued character and existing amenity value by a number of specific criteria such as responding to the form and layout of the existing development and the way it functions including building heights, lines, scale etc. It must also reflect local characteristic architectural design and details. There is also a requirement to consider the design of the landscaping which responds to the local character and context of the site which is especially important due to the close proximity of residential properties.

- 6.1.6 SAMDev Policy MD7b General Management of Development in the Countryside states that planning applications for agricultural development will be permitted where it can be demonstrated that the development is required in connection with an agricultural enterprise and is of a scale/size and type which is consistent with its required agricultural purpose and the nature of the agricultural enterprise and it is intended to serve. They must be well designed and located in line with CS6 and MD2 and where possible sited to that it is functionally and physically close to existing farm buildings and there are no unacceptable impacts on environmental quality and existing residential amenity.
- 6.1.7 SAMDev Plan Policy MD12 deals with the Natural Environment which in connection with other associated policies seeks through applying guidance, the conservation, enhancement and restoration of the county's natural assets which will be achieved by ensuring that the social and economic benefits of the development can be demonstrated to clearly outweigh the harm to the natural assets where proposals are likely to have an unavoidable significant adverse effect, directly or indirectly or cumulatively on any of the following: locally designated biodiversity sites; priority species and habitats; woodlands, trees and hedges and landscape character and local distinctiveness. In these circumstances a hierarchy of mitigation then compensation measures will be sought. There is also a need to encourage development which appropriately conserves, enhances, connects, restores or recreates natural assets particularly where this improves the extent or value of these assets are recognised as being in poor condition. Finally there is a need to support proposals which contribute positively to special characteristics such as adjacent high priority biodiversity areas. This site would be adjacent to two semi-mature oaks and established hedgerows which are both important in terms of biodiversity for this private track.
- 6.1.8 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise
- 6.1.9 The issues to consider for this scheme is whether the siting of this alpaca livestock building in the third location with its associated hay and equipment store would be appropriate in terms of impact on the adjoining residential property or on the existing landscape.
- 6.2 Siting, scale and design of structure and use**
- 6.2.1 The proposal is now to site this alpaca and hay storage building that will straddle both female alpaca paddocks to the east of the existing dwelling following the creation of a new hardcore track from the existing field access gate of the lane that is also a bridleway
- 6.2.2 The Larches is a red brick C19 dwelling that is set back from Larches Lane. There are several outbuildings between the dwelling and the highway including a black corrugated iron barn near the entrance to the driveway which is used to store hay. There is also a track that wraps around the dwelling leading to a second vehicular

access into the holding further to the east. This leads into a field and the riding arena that is now used for walking alpaca and beyond to the two alpaca paddocks. Either side of the field access is a mature hedgerow including three semi-mature oak trees that are sited in the hedgerow between the field access and the eastern corner of the site. These trees overhang both the bridleway and the fields beyond.

- 6.2.3 The proposal is for the creation of a new hardcore track to be taken from the field access which would run alongside the hedge inside the site and the arena. There are 3No existing 11Kv overhead cables that cross this land in a NNE/SSW alignment and a separate single overhead line running at right angles to the main cables that is positioned about one third of the way into this field.
- 6.2.4 The proposed access track would turn north-eastwards, under these cables and then run alongside them in a north east alignment, to reach the end of the paddock. Further compacted hardcore would be provided to create a parking and turning area and beyond this would be the proposed building facing in an SSE/NNW alignment. The proposed materials for this steel portal framed building would be Eternit 'Farmscape' profiled roof sheeting with cranked crown sheets and roll top barge boards in Anthracite -dark blue with 10No rooflights.
- 6.2.5 Unlike the previous scheme to site the building in the middle of the first paddock, this proposal would provide a building with a 3m wide apron instead of a 3.6m wide version as under the previous scheme. The same dimensions of 22.8m by 7.5m are proposed as before which would give a footprint of 171m². The eaves would be 5.3m and the ridge height of the shallow roof would be 6.5m high and there would be small overhang over the concrete apron. The barn element would provide 4No bays with a 33m² store room. Part of the roof would include a 120m² mezzanine to provide space to store the hay required by the alpaca. A soakaway would be provided to be sited to the south east of the barn between it and the boundary hedge with Little Larches.
- 6.2.6 The 2nd location for the barn would have resulted in it being sited 22m from the hedge/tree line with Larches Lane, but only 12m away from the boundary hedge to Little Larches. This was considered to be too close to Little Larches and these further revised plans have now relocated it further away from both the front hedge and also Little Larches itself. The building would now be some 44m back from Larches Lane itself and it would now be 19m away from the corner of Little Larches too. It should also be noted that there is an existing field access outside of the applicant's land that is some 5m wide that also includes a public right of way that runs from the bridleway towards the north and passes behind Little Larches' dwelling and its farm buildings and boundary hedge.
- 6.2.7 As for the proposed barn, the submitted plans show that to the rear and the north west (gable) elevations, 150 x 25 sawn treated vertical weatherboard with 50mm spaces between above 1.7m of horizontal cladding painted in Black Sadolin would be used. Whilst the south east gable end elevation (that would face towards the footpath and Little Larches small holding) would be entirely constructed of horizontal cladding. The south west front of the building would also be constructed of horizontal cladding above 4No open gated bays with the 5th bay being clad in the

same horizontal cladding. A pair of timber pedestrian doors are proposed for the store room bay.

- 6.2.8 The revised submitted elevation plans also indicate that the ground level around the building would be slightly reduced below that of the existing field by a depth of 1m. This would have the effect of reducing the height of the barn by the equivalent amount.
- 6.2.9 The applicants have in support of their scheme produced additional information setting out their business enterprise and how they manage their alpaca herd. They purchased the property in 2009 as it was a smallholding for the breeding of pigs, market garden and the grazing of cows, sheep and horses. The fields are now used for both alpaca and sheep of which there are 25 ewes with an additional 40-50 lambs born during the season
- 6.2.10 In 2014, the applicants who were already breeding alpaca set up a small agricultural company to provide natural alpaca manure to 'RHS medal winning horticulturalists'. The production of this alpaca manure is a specialised industry that relies on good bio-security and standardised feed to the animals. The applicant's also sell their product to the RHS Flowers Shows and via their website.
- 6.2.11 In addition the animals are sheared once a year and the fibre is sold to make clothing and also to provide fillings for pillows, duvets and mattress toppers. However before shearing the animals must be housed in dry conditions to ensure that the fleece is dry. As alpaca do not like to be fully enclosed, they can get quite stressed especially if the alpaca are breeding, so an open shed as now proposed would allow for the animals to be housed in a dry environment at shearing time. In addition, the animals cannot cope with prolonged damp spells and therefore need to be enclosed in a building to remain in good condition during the winter months.
- 6.2.12 In terms of accommodation although the applicants have other fields on their holding, it would appear that as part of their business plan they need to keep certain dedicated fields for the alpaca use only and that the male and females also need to be kept apart in order to ensure that breeding can be co-ordinated in the Spring. There are two fields for the female alpaca and two for the male animals. The two female-only fields are the ones that are sited to the south east of the holding where the application barn is now proposed.
- 6.2.13 The rest of the fields are to the north and west of the riding arena and comprise of two fields (which appear smaller than those for the female alpaca) immediately to the north of the dwelling leaving three larger paddocks for sheep grazing and one larger field behind the two female alpaca paddocks solely for the production of hay.

- 6.2.14 The female alpaca fields have been managed for these animals for a number of years and need to be mowed to ensure that the grass is suitable height for grazing and that in addition to the grass, special hay is also fed throughout the year. These four fields are exclusively for the alpaca so as to prevent cross-contamination of the manure product. This is also why there is a need for a barn for the female animals in this location only. It should also be noted that the former horse arena is now used for walking alpaca as there are no longer any horses on the holding.
- 6.2.15 The applicants have confirmed that wish to grow their business by increasing the herd of 7No breeding females over the next 10 years. In order to do this, a barn is required to provide the occasional shelter for these animals as well as to give them space for birthing and for their annual shear. The mezzanine would also provide adequate hay storage for all the year round use which is why such a tall building is required. The hay is currently stored in another barn, but this has caused problems as this barn is also used for lambing hence the need for separate storage facilities.
- 6.2.16 The applicants have also confirmed that unlike normal livestock buildings, this one will not need to have a dedicated muck heap nearby as the alpaca manure is picked up daily to be processed for sale for all four fields and is left in its natural state. By removing the manure from the fields, this ensures that there are no issues with flies or other infecting agents or unpleasant odours from it either. It is then dried and can be used immediately for growing. This means that there is no requirement for any on-site storage of this manure in the fields because it is all removed and then dried off for sale.
- 6.2.17 As for the waste bedding either from the applicants other livestock, this is not burned but is composted and used in the kitchen garden to provide an organic environment. The paddocks are also mown once a week during the season as alpaca are unable to graze long grass. The clippings from the grass are also used as fertilizer and home compost.
- 6.2.18 The applicants have also confirmed that their hedges are managed on an annual basis to a nominated height, but they would accept a reduced height cut if necessary; thereby increasing the height of existing hedgerows is required.
- 6.2.19 Further information has also been provided on the daily life of the alpaca holding as this is a labour intensive enterprise due to the particular dietary requirements of this species which require supplementary feed in the morning as well as the hay which are housed in special water-tight containers. Even though there are two fields for the male and female alpaca, each paddock is grazed in turn, so as to rest the remaining paddock as the applicants only have 6ha and they also need to ensure that they can continue to provide hay.
- 6.2.10 It is considered that the building would not detract from the visual amenity and rural character of the area, and that it would be of an appropriate form and scale for the intended use.

6.3 Visual impact and landscaping

- 6.3.1 The Larches is situated on the north side of an unmade road (bridleway) which has a number of mature trees planted either side of it in the established hedgerows. There are three such trees in the field the subject of this barn and two of these trees have now been protected by way of a provision of a Tree Preservation Order. The original siting for the barn was to be right underneath the canopy of two of the trees. This was considered to be an inappropriate location as it would have resulted in significant harm to these trees both in terms of root compaction and damage to the canopy too.
- 6.3.2 The revised plan now shows that the building would be sited some 44m away from the bridleway, but in doing so the building would still be relatively close to the back of Little Larches which is a small holding. It is noted that although the applicant's may not consider Little Larches to be a residential dwelling; preferring to refer to it as a small-holding with its barns and animals, there is still a dwelling here albeit one that faces southeast. However this would only be some 19m to the south west of the proposed barn unlike the applicant's dwelling which would be some 113m away.
- 6.3.3 Little Larches is situated to the south east of a metalled track (that includes a separate public footpath) that leads into their holding and has its rear wall of the stone dwelling fronting onto this track. On the applicant's side of the track is a low hedge, so the new building would clearly be seen in the field beyond this even if it were partly lowered into the ground. Nevertheless it would be a fairly high building being some 6.5m high and this has resulted in an objection by the neighbouring property. Although it is acknowledged that agricultural livestock buildings are normally quite high to provide the necessary ventilation, they do not usually contain mezzanine floors for the storage of hay as is proposed. The applicants were asked to consider siting the hay barn elsewhere as this would then allow for the ridge line to be reduced, but they declined to do so.
- 6.3.4 Originally it was requested that the south east elevation that faced onto Little Larches should be clad in solid timber as this would limit the noise of animals being housed in the building bearing in mind that the rest of the building would have Yorkshire Boarding above a horizontal cladding section. The revised drawings continue to show that the south east gable end would be constructed of solid timber as before. In addition the applicant has indicated that unlike cattle or sheep, alpaca are docile animals and make little noise apart from a 'quiet hum' in their herds.
- 6.3.5 The applicant has sought to reduce the impact of the building by setting it into the field and re-siting it for a third time as well as ensuring that the end elevation would be entirely clad with timber giving it a more traditional appearance. However the bulk and massing of this building would still be partially visible from the access and Little Larches and from users of the Public Right of Way that leads towards The Claypits from the bridleway.
- 6.3.6 It is considered that suitable landscaping could mitigate the visual impact of the building in the revised location by allowing the hedge to increase in height and by the planting of suitable native tree species along this boundary. These measures

could over time reduce the visual impact of the building. In addition, an appropriate condition to ensure that this building is not used for general livestock housing in the future would control any future occupancy by cattle or sheep. There is also a need to ensure that any external lighting is not directed towards the neighbouring property and is properly shielded to prevent light pollution.

- 6.3.8 Turning to the location of the proposed access track that would lead to the building from the existing field gate, it will be necessary to site part of the track between the hedgerow and the riding arena as there is no other space for it. Although there are no trees in the hedgerow where the new access run alongside, it still will be necessary to ensure that there is some form of temporary tree protection barrier that would be compliant with the BS 5837:2012 – Trees in Relation to Design, Demolition and Construction should be installed so as to protect the north-east to north segment of the root zone of the nearest tree to the new access track.
- 6.3.9 There is a possibility that this section of the root system that might potentially suffer inadvertent damage during construction access. The location and specification of the barrier would need to be shown on a final scaled layout plan and dealt with via a pre-commencement condition. This barrier should be installed prior to commencement of any approved development and maintained throughout the duration of construction.

6.4 Residential amenity

- 6.4.1 Core Strategy policy CS6 seeks to safeguard residential and local amenity. This accords with a core planning principle set out at paragraph 17 of the National Planning Policy Framework which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. There is an existing residential property to the south east of the application site. The Council's Public Protection Officer noted that the applicant has some 6ha, but was proposing to site the agricultural building in close proximity to a neighbouring residential property that was not under their ownership. This was considered to be unacceptable due to the potential disturbances from operations to be carried out in the proposed building especially if in the future other livestock could be housed in this building, as the close proximity between the proposed barn and Little Larches could result in unwelcome odours, flies and vermin and pollution from slurry and manure heaps.
- 6.4.2 In response to this concern, the applicant has produced the additional documentation to confirm that there would be no odour issues from the siting of the building in this location as both the manure and bedding would be removed from the site on a regular basis and there would be no slurry or manure heaps nearby.
- 6.4.3 Whilst the applicants are keen to grow their business of selling on alpaca manure so that it is not left to rot down in the paddocks next to Little Larches, were the applicants to cease keeping alpaca, there is the potential for other breeds of livestock to occupy the building in the future unless the use is tightly controlled or the barn is removed on the cessation of the use for keeping alpaca, because even with appropriate planting/landscaping measures in place, the building would still be only 17m from the neighbouring dwelling.

- 6.4.4 There is nevertheless a requirement to strike a balance between the economic need for this building which will be an integral part of a growing business enterprise to market both alpaca fibre and the animals manure for the applicants; against the need to site this agricultural building in such close proximity to neighbouring property compared to the applicant's dwelling.
- 6.4.5 In response to the Parish Council concerns, although the applicant appears to have other fields on his holding that could theoretically could be used to site this building instead, they are in fact all allocated for other specific uses. It is therefore clear that there is only these two paddocks available on the holding to site this building and they have to be grazed at different times. It is also acknowledged that whilst a general livestock barn would be wholly inappropriate here, the very specific nature of the use of the proposed building is considered to be more acceptable, but the design of the building is crucial and appropriate landscaping will be required as well as a condition restricting the use of the building to housing alpaca only.
- 6.4.6 Finally these concerns also have to be taken into consideration with the fall-back position of the potential siting of a non-livestock barn right next to the boundary with Little Larches with a more functional appearance under the Permitted Development Rights regime. It is therefore considered that on balance, this third proposed siting of the building further away from Little Larches is now considered to make this scheme more acceptable.

6.5 Other Matters

6.5.1 Highways

The site land off Larches Lane, a private track at Oreton, near Cleobury Mortimer. Larches Lane is also a right of way – Bridleway 0125/UN4 which links between the C4294 in the north and New Road, the U8362 in the south. These are both rural roads, governed by a 60mph speed limit and form a network of similar roads in the area. The proposal is to build an agricultural building to house alpacas, their hay and associated equipment. It is proposed to build an access track from an existing field gate off Larches Lane to the building. A suitable parking and turning area has been included. However due care must be directed toward any overhead cables during construction at the site as these cross the site. The development is not considered to adversely affect highway safety or local conditions and there are no objections.

6.5.2 Ecology

At one stage there was concern about the potential for great crested newt to be in the vicinity of the pond on the other side of the lane. However this is a deep pond being the original brick pit that was used to build this dwelling. There are also ducks on the pond.

- 6.5.3 In addition as the proposed development would not affect the tree canopy of the oaks so there is less concern about impact on any bats either. The Council's Ecologist has now taken the view that it is not necessary to require a protected species survey in this instance and has recommended informatives be attached to any permission instead.

7.0 CONCLUSION

7.1 The proposed building for the housing of alpaca and the storage of hay and associated agricultural equipment for alpaca husbandry enterprise and the formation of access track off Larches Lane is considered to be acceptable in principle. There would be no issues regarding the storage of manure outside of this building and nor would these animals result in vocal disturbances that would harm the neighbours amenities. The proposed building would have a traditional appearance using timber cladding to soften the appearance from the neighbouring property. The proposal accords with relevant policy and officer's recommend that the application is approved subject to standard conditions on time limits, development undertaken in accordance with approved drawings, tree protection measures to ensure that the boundary trees are not damaged during the construction and appropriate landscaping condition; external lighting and use condition.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance

Shropshire Council Adopted Core Strategy
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS17 Environmental Networks
CS18 Sustainable Water Management

Shropshire Site Allocations and Management of Development (SAMDev) Plan
MD2 Sustainable Development
MD7b General Management of Countryside
MD12 Natural Environment

RELEVANT PLANNING HISTORY:

BR/91/0789 ERECTION OF ONE DETACHED DWELLING CONSTRUCTION OF NEW VEHICULAR ACCESS AND INSTALLATION OF NEW SEPTIC TANK REF 9th December 1991

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Design and Access Statement Great Crested Newt Reasonable Avoidance Strategy

Cabinet Member (Portfolio Holder) Cllr R. Macey
--

Local Member Cllr Gwilym Butler Cllr Madge Shineton

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 above ground works shall be commenced until full details of both hard and soft landscape works including the provision of a native species tree planting scheme to be planted between the boundary hedge and the building hereby permitted has been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs

4. No ground clearance, demolition, or construction work shall commence until a scheme has been submitted to and approved in writing by the local planning authority to safeguard trees to be retained on site as part of the development. The approved scheme shall be implemented in full prior to the commencement of any demolition, construction or ground clearance and thereafter retained on site for the duration of the construction works.

Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area, the information is required before development commences to ensure the protection of trees is in place before ground clearance, demolition or construction.

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

5. Prior to the installation of external lighting to be attached to the building hereby permitted, complete details of all external lighting shall be submitted to and approved in writing

by the Local Planning Authority. The lighting scheme shall be installed in accordance with the approved scheme and shall thereafter be maintained.

Reason: To enable the Local Planning Authority to minimize light spillage beyond the site and thus minimize the potential for light pollution and nuisance.

6. The building hereby approved shall only be used for alpaca husbandry including the storage of hay and agricultural equipment associated with breeding alpaca and shall not be used for the housing of any cattle, sheep or other livestock.

Reason: To safeguard the amenities of the neighbouring dwelling and general locality.

Informatives

1. 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.

2. The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs. The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

3. Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

4. The latest Bat Conservation Trust guidance on bats and lighting is currently available at http://www.bats.org.uk/pages/bats_and_lighting.html

Useful information for householders can be found in Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (Bat Conservation Trust, 2014).

5. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the council's website at: <http://new.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-for-developers>

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed. Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

6. 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.

7. 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 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.

8. Where there are pre-commencement conditions that require the submission of information for approval prior to development commencing at least 21 days' notice is required to enable proper consideration to be given.

9. 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.

10. As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Services Fire Safety Guidance for Commercial and Domestic Planning Applications which can be found using the following link:

<http://www.shropshirefire.gov.uk/planning-application>

It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of the building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter. THE BUILDING REGULATIONS, 2000 (2006 EDITION) FIRE SAFETY APPROVED DOCUMENT B5 provides details of typical fire service appliance specifications.

11. It is important to note that the current Building Regulations require an adequate water supply for firefighting. If the building has a compartment of 280m² or more in area and there is no existing fire hydrant within 100 metres, a reasonable water supply must be available. Failure to comply with this requirement may prevent the applicant from obtaining a final certificate.

12. National Planning Policy Framework 2012
National Planning Practice Guidance 2014

Shropshire Council Adopted Core Strategy
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS17 Environmental Networks
CS18 Sustainable Water Management

Cleobury Mortimer Place Plan

Shropshire Site Allocations and Management of Development (SAMDev) Plan
MD2 Sustainable Development
MD7b General Management of Countryside
MD12 Natural Environment

-