



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

Date: Monday, 10 December 2018

Committee:
South Planning Committee

Date: Tuesday, 18 December 2018
Time: 2.00 pm
Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

You are requested to attend the above meeting.
The Agenda is attached

Claire Porter
Head of Legal and Democratic Services (Monitoring Officer)

Members of the Committee

David Evans (Chairman)
David Turner (Vice Chairman)
Andy Boddington
Gwilym Butler
Simon Harris
Nigel Hartin
Richard Huffer
Madge Shingleton
Robert Tindall
Michael Wood
Tina Woodward

Substitute Members of the Committee

Jonny Keeley
Heather Kidd
Christian Lea
Elliott Lynch
Cecilia Motley
William Parr
Vivienne Parry
Kevin Turley
Leslie Winwood

Your Committee Officer is:

Linda Jeavons Committee Officer
Tel: 01743 257716
Email: linda.jeavons@shropshire.gov.uk

AGENDA

1 **Apologies for Absence**

To receive any apologies for absence.

2 **Minutes (Pages 1 - 8)**

To confirm the minutes of the South Planning Committee meeting held on 20 November 2018.

Contact Linda Jeavons (01743) 257716.

3 **Public Question Time**

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is no later than 24 hours prior to the commencement of the meeting.

4 **Disclosable Pecuniary Interests**

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

5 **Proposed Affordable Dwelling North Of Jays Farm, Hope Bagot, Shropshire (18/02384/FUL) (Pages 9 - 30)**

Erection of affordable dwelling and installation of septic tank (revised scheme).

6 **Land To The South East Of Hemford, Bromlow, Minsterley, Shropshire (18/03312/OUT) (Pages 31 - 42)**

Outline application for the erection of a single dwelling (to include access).

7 **Royal Oak, Alveley, Bridgnorth, Shropshire, WV15 6LL (18/03476/FUL) (Pages 43 - 60)**

Application under Section 73A of the Town and Country Planning Act 1990 for the erection of toilet block, shower block and change of use to glamping and touring caravan site.

8 **Barn South West Of The Grove, Ashford Bowdler, Shropshire (18/03585/FUL) (Pages 61 - 86)**

Conversion and extension to redundant agricultural building to form one dwelling and garage; change of use of agricultural land to form domestic curtilage; formation of vehicular access, and; installation of package treatment plant.

9 **Barn South West Of The Grove, Ashford Bowdler, Shropshire (18/03586/LBC) (Pages 87 - 102)**

Conversion and extension to redundant agricultural building to form one dwelling and garage; change of use of agricultural land to form domestic curtilage; formation of vehicular access, and; installation of package treatment plant.

10 Spicers Hall Caravan Park, Spicers Hall Farm, Digbeth Lane. Claverley. Wolverhampton (18/04206/FUL) (Pages 103 - 114)

Application to position 1 metre high lighting bollards at 30 metre intervals along approved widened access track and passing places.

11 Garages North Of Mynd View, Craven Arms, Shropshire (18/04776/FUL) (Pages 115 - 124)

Erection of a detached, 3 bedroomed dwelling following demolition of existing garages.

12 Schedule of Appeals and Appeal Decisions (Pages 125 - 132)

13 Date of the Next Meeting

To note that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 15 January 2019, in the Shrewsbury Room, Shirehall.

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Committee and Date

South Planning Committee

18 December 2018

SOUTH PLANNING COMMITTEE

Minutes of the meeting held on 20 November 2018

2.00 - 5.11 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Linda Jeavons

Email: linda.jeavons@shropshire.gov.uk Tel: 01743 257716

Present

Councillor David Evans (Chairman)

Councillors David Turner (Vice Chairman), Andy Boddington, Gwilym Butler, Simon Harris, Nigel Hartin, Richard Huffer, Madge Shingleton, Robert Tindall, Michael Wood and Tina Woodward

32 Apologies for Absence

There were no apologies for absence.

33 Minutes

RESOLVED:

That the Minutes of the meeting of the South Planning Committee held on 23 October 2018 be approved as a correct record and signed by the Chairman.

34 Public Question Time

There were no public questions or petitions received.

35 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

With reference to planning application 18/03579/FUL, Councillor David Turner declared that he was well acquainted with two adjacent landowners and would leave the room and take no part in the consideration of this item.

With reference to planning application 18/04768/TPO, Councillor Robert Tindall declared that he was a member of the Shropshire Hills AONB Partnership.

With reference to planning application 18/04768/TPO, Councillor David Turner declared that he was a member of The Shropshire Hills AONB Partnership and The

Shropshire Hills AONB Management Board. He confirmed that he had taken no part in any discussion relating to this application.

36 Change in Order of Business

RESOLVED: That item No. 7, Proposed Residential Development Land East of Shaw Lane, Albrighton, Shropshire (18/03579/FUL) be taken as the next item of business.

37 Proposed Residential Development Land East Of Shaw Lane, Albrighton, Shropshire (18/03579/FUL)

(In accordance with his declaration at Minute No. 35, Councillor David Turner left the room during consideration of this item.)

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations. He provided a verbal update regarding information received following publication of the agenda, including objections from the Campaign to Protect Rural England (CPRE) and Albrighton Development Action Group.

Members had undertaken a site visit on a previous occasion and had viewed the site and had assessed the impact of a proposal on the surrounding area.

Mr G Catling, representing Albrighton Development Action Group, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Councillor P Woodman, representing Albrighton Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Malcolm Pate, local Ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- By taking the care facility out of the equation, this current application was a blatant attempt to divide the application into two parts;
- He was not against the housing on the site but would prefer the site to be accessed from Kingswood Road;
- Highways had originally objected and had not supported the initial application on highway grounds but following proposals to incorporate traffic calming measures, Highways had withdrawn their objection;
- Shaw Lane is the most congested road in Albrighton;
- 200 children use the current school driveway to and from their way to school;
- Drainage – The system could not cope now and there has been flooding in the area. Even with the proposed conditions, he could not understand how Severn Trent Water could alleviate the problems; and

- He urged refusal.

Mr C Jessup, the applicant, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees and responded to questions from Members regarding the access arrangements.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers and the Area Highways Development Control Manager (South). Members reiterated their concerns regarding the sole vehicular access to the development onto Shaw Lane, traffic congestion, highway and pedestrian safety, and the lack of assurance that access from Kingswood Road to the south could be achieved in the future

RESOLVED:

That, contrary to the Officer's recommendation, planning permission be refused for the following reasons:

- It is acknowledged that the application site forms part of an adopted Development Plan housing allocation and would deliver new market housing and a high level of affordable housing broadly in line with the development guidelines for the site set out in Policy S1.1a of the SAMDev Plan. However, these benefits are outweighed by the following negative factors which comprise:
 - the vehicular access to the development being solely onto Shaw Lane with no assurance at this stage that access from Kingswood Road to the south could be achieved, which is the preferred option for the site as shown on the SAMDev Policies Map S1Map, with the consequence that the nature and scale of the development would create traffic flows that would exacerbate the existing traffic congestion already experienced in the Shaw Lane area because of the close proximity of the School, Railway Station and Doctors Surgery, to the detriment of highway and pedestrian safety.

The proposed development would therefore be contrary to Shropshire Core Strategy policies CS6; Site Allocations and Management of Development (SAMDev) Plan policies MD2 and S1.1, and paragraph 109 of the National Planning Policy Framework: It would not satisfy the environmental role of sustainable development set out in the National Planning Policy Framework."

38 Land East Of Badger Hall, Badger, Wolverhampton, Shropshire, WV6 7JR (18/01284/FUL)

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations.

Members had undertaken a site visit the previous day and had viewed the site and had assessed the impact of a proposal on the surrounding area.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting.

Mr C Gallagher, representing The Gardens Trust and The Shropshire Parks and Gardens Trust, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Michael Wood, local Ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement, he drew Members attention to the comments/reservations of the Parish Council regarding the siting and shape of the breeding pool, and expressed a preference for the initial submitted proposal.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers.

RESOLVED:

That, as per the Officer's recommendation, planning permission be granted, subject to the conditions set out in Appendix 1 to the report.

39 Penhaligon Stud, Norbury, Bishops Castle, Shropshire, SY9 5DU (18/03215/FUL)

The Technical Specialist Planning Officer introduced the application and with reference to the drawings displayed, she drew Members' attention to the location, layout and elevations.

Members had undertaken a site visit that morning and had viewed the site and had assessed the impact of a proposal on the surrounding area.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting.

Councillor S Edwards, representing Norbury Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Mr P Oakes, the applicant, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees and responded to questions from Members.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. In response to questions from Members, the Technical Specialist Planning Officer explained that with the grant of the temporary planning permission the Council had accepted that there was a functional need for a dwelling here and that a continuing functional need and the viability of the business has now been established. Other locations for the dwelling in the vicinity of the buildings has been considered; and this location together with the landscape plan would ensure retention of the oak tree.

RESOLVED:

That, as per the Officer's recommendation, planning permission be granted, subject to:

- The conditions set out in Appendix 1;
- Completion of a S106 to secure an affordable housing contribution should it ever be demonstrated in the future that there is no functional need for the rural workers dwelling either from the original rural enterprise, or from other rural enterprises in the locality;
- An additional condition which would safeguard and protect the Oak tree during construction; and
- The additional condition as set out in the Schedule of Additional Letters.

(At this juncture, the meeting adjourned at 03:30 pm and reconvened at 03:45 pm.)

40 The Cottage Nordley Bridgnorth Shropshire WV16 4SX 18/04281/FUL

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations.

Members had undertaken a site visit the previous day and had viewed the site and had assessed the impact of a proposal on the surrounding area.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting.

Ms H Woolley, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Mrs J Madeley, on behalf of Astley Abbots Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Christian Lea, local Ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- Both he and the other local Ward Councillor, William Parr, had concerns regarding the demolition of the cottage;
- The proposal was contrary to SAMDev Plan policy MD7a, which states that replacement dwellings should not be considerably larger than the original footprint. The outbuildings do not form part of the original footprint and so the proposed dwelling represented an overall increase of 60%;
- The proposed dwelling would be the largest property in the immediate area and so would be out of scale and would overshadow other properties;
- Replacement dwellings should occupy the original footprint;

- Would mean the loss of Grade 3 agricultural land and so would be contrary to Core Strategy Policy CS6 which aims to protect agricultural land. There was no justifiable reason for a change of use when the dwelling could be accommodated within the existing curtilage;
- The proposal would be contrary to Shropshire Council's aim to limit larger dwellings in the countryside. If granted, this dwelling would become unaffordable for a local person to purchase and it was difficult enough for young people to remain in an area where they grew up; and
- The existing property should be refurbished and renovated in a sympathetic manner.

Mr M Harris, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees and responded to questions from Members.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. In response to questions from Members, the Principal Planner explained that the proposed vehicular access did not require planning permission so did not form part of this current planning application. Wherever possible Officers did encourage preservation and renovation but, in this case, it had been adequately demonstrated that this would not be a realistic approach. He further provided clarification regarding the landscaping, the permitted footprint, and the use and retention of temporary buildings during construction. On the Chair's casting vote, it was

RESOLVED:

That, as per the Officer's recommendation, planning permission be granted, subject to:

- The conditions set out in Appendix 1 to the report;
- The additional condition as set out in the Schedule of Additional Representations;
- To ensure the establishment of a native hedge along the western boundary and the northern site boundary on removal of the existing buildings, condition No. 7 be amended as follows:

Prior to the commencement of development, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the planting of a hedgerow, formed of native species, along the northern and western site boundaries, along with details of any other trees and hedges to be planted in association with the development, including species, locations or density and planting pattern, type of planting stock, size at planting, means of protection and support, measures for post-planting maintenance and replacement of losses and boundary treatments.

The approved landscaping scheme shall be implemented as specified and in full no later than the end of the first planting season (November to February inclusive) following completion of the development. If within a period of three

years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or is otherwise lost or destroyed, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

**41 Bank House, Longhills Road, Church Stretton, Shropshire, SY6 6DS
(18/04768/TPO)**

(At this juncture, the Vice Chairman, Councillor David Turner, took the Chair.)

The Tree and Woodland Amenity Protection Officer introduced the application and drew Members' attention to the location of the site and the two Douglas fir trees.

Members had undertaken a site visit that morning and had viewed the site and had assessed the impact of a proposal on the surrounding area.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor David Evans, local Ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- This was the third application requesting permission to fell the two Douglas fir trees;
- The trees were far too tall and a danger to the neighbouring property. Branches had fallen into the garden of 17 Shrewsbury Road just missing the occupant's elderly mother;
- The owner of 17 Shrewsbury Road would like to sell his property but a seller is obliged to advise potential buyers of any disputes;
- Managing the trees is not an option;
- He had viewed these trees from Russell's Meadow and other areas of Church Stretton and had concluded that these trees would not be missed on the skyline;
- The dispute is causing stress to both the applicant and his neighbour;
- The report suggests that the trees may have to be removed in 10/15 years' time;
- On the grounds of health and safety, he urged Members to grant permission to fell the two trees.

Mr D Newbrook, the applicant, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In the ensuing debate, Members considered the submitted proposal and noted the comments of all speakers. Members expressed differing views. Some Members commented that the trees were a feature and part of the landscape and suggested that many of the concerns raised could be addressed through appropriate

management of the trees. Other Members, although some did express a preference for retention, considered that the health and safety of residents and the neighbouring property outweighed retention and supported removal.

RESOLVED:

That, contrary to the Officer’s recommendation and for reasons of health and safety and to protect the property and occupants of the neighbouring property, permission to fell 2 No. Douglas fir trees be granted.

(At this juncture, the Chairman returned and took the Chair.)

42 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 20 November 2018 be noted.

43 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 18 December 2018 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:



Committee and date

South Planning Committee

18 December 2018

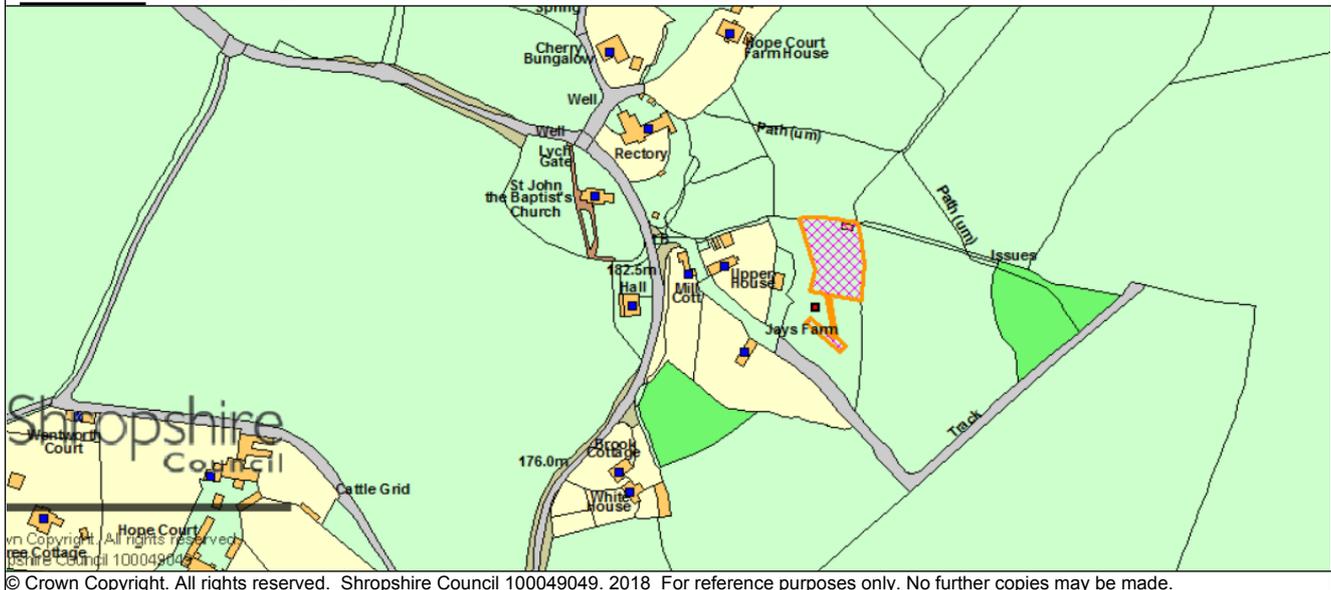
Development Management Report

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

Summary of Application

Application Number: 18/02384/FUL	Parish:	Hope Bagot
Proposal: Erection of affordable dwelling and installation of septic tank (revised scheme)		
Site Address: Proposed Affordable Dwelling North Of Jays Farm, Hope Bagot, Shropshire		
Applicant: Mr Rupert Burton-Bowen		
Case Officer: Trystan Williams		email: planningdmsw@shropshire.gov.uk

Grid Ref: 358987 - 274005



Recommendation: Grant permission subject to prior completion of a Section 106 to ensure the dwelling remains 'affordable' in perpetuity, and to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 This application seeks full planning permission to erect a single-storey 'affordable' dwelling for occupation by a named individual in local housing need. It is also proposed to form a vehicle parking/turning area, and to install a septic tank and soakaways for foul drainage. The dwelling would have a rectangular floor plan, and would provide a lounge, kitchen/dining area, utility, lounge, three bedrooms and a bathroom. The dual pitched roof would be of plain clay tiles, with horizontal natural oak boarding to external walls and a lead capped stone plinth below the boarding.

A previous application for a two-storey dwelling in a similar position (ref. 16/05675/FUL) was withdrawn owing to concerns over:

- the degree of housing need;
- the size of the site; and
- potential impacts on the historic environment.

2.0 SITE LOCATION/DESCRIPTION

2.1 Hope Bagot is a small village in a secluded and well-treed valley on the west side of Clee Hill, within the Shropshire Hills Area of Outstanding Natural Beauty (AONB). Its greatest concentration of buildings, designated a conservation area, is around the Grade I-listed Norman Church of St John the Baptist. Jays Farm is situated on the eastern edge of this grouping, up a rough track and bridleway exiting the road to Knowbury opposite the southeast corner of the churchyard and the village hall. The application site is the northern half of a paddock across the bridleway from the applicant's family's existing home, which is a rendered bungalow. To its west, below an associated timber stable block and a boundary with gappy vegetation and panel fencing, is half-timbered and Grade II-listed 'Upper House', beyond which, alongside the road junction, stands stone and brick Mill Cottage. Other listed buildings nearby, both of them Georgian and with Grade II designation, include 'Hope Court Farm House' across a field to the north and 'The Rectory' to the northwest, beyond Upper House. East of the site is further pastureland.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 In accordance with the Council's adopted 'Scheme of Delegation' the application is presented to the planning committee for determination because the officer recommendation of approval is contrary to an objection from the Parish Council, and at the request of Shropshire Council's Local Member. The Principal Officer, in consultation with the Chair and Vice Chair of the South Planning Committee, consider that the Committee should consider the site context in this case due to the differing views expressed by interested parties.

4.0 COMMUNITY REPRESENTATIONS

Consultee comments

4.1. Hope Bagot Parish Meeting – objection:

The application should be regarded as invalid as the applicant has not followed the process outlined in Shropshire Council's '*Build your Own Affordable Home*' information pack adapted from its Housing SPD. Being approved as a qualifying person by the Housing Enabling Team should involve the intended occupier

approaching the parish council to obtain confirmation of a strong local connection, following a specific pro-forma. In this case it is patently incorrect that at the time of the applicant's eligibility application parish meetings were not taking place due to the chairman's poor health. The Housing Enabling Officer did not approach the parish clerk to confirm whether or not meetings were being held, and in fact a minuted meeting resulted in the submission of an objection to the previous (ultimately withdrawn) planning application for a dwelling here. The Housing Enabling Team has since acknowledged that the correct process was not followed at that time, yet it continues to collaborate with the applicant in avoiding the local connections assessment by the parish meeting, in breach of the aforementioned guidelines. This raises serious issues of local democracy.

- 4.1.1 Notwithstanding the Housing Enabling Team's stated reasons for not involving the parish meeting in the eligibility assessment, councillors believe that the applicant fails to meet a minimum of two of the nine clear criteria used by Shropshire Council in that process. Consequently it is felt that the need for an affordable dwelling has not been established satisfactorily.
- 4.1.2 The site is immediately adjacent to the village conservation area and close to numerous listed buildings. Although this revised application has gone some way to reflect the rural and agricultural vernacular, the site's location is inappropriate as the development would be close to and visible from Upper House, The Rectory and the church. Moreover suburban fencing and non-native hedging installed recently along the boundary with Upper House is totally inappropriate in this context, and in breach of local and national guidelines. A potentially more acceptable solution would be to site the dwelling southeast of Jays Farm instead.
- 4.1.3 The access route is unsuitable as it involves crossing a small culvert prone to flooding, and passes very close to windows of both Upper House and Mill Cottage. An additional dwelling would involve a 50% increase in domestic traffic, whilst potential damage by heavy construction vehicles is an even greater concern. It is understood that there is no covenant by which the households served by this track are liable for its upkeep, despite the culvert's key role in channelling water away from the village. Such a covenant should be put in place before any planning application is considered, and furthermore the track should be resurfaced and equipped with proper drainage.
- 4.2 Shropshire Hills AONB Partnership – comment:
No site-specific comments. However this indicates neither objection nor lack of objection to the application, and in reaching its decision the local planning authority must still satisfy its legal duty to take into account the purposes of the AONB designation, planning policies concerned with protecting the landscape, plus the statutory AONB Management Plan. The Partnership also reserves the right to make a further, detailed response.
- 4.3 Shropshire Council Flood and Water Management – comment:
Precise details of surface water and foul drainage systems should be secured by condition. Additionally, because the site is mapped as being at risk of pluvial flooding, the applicant should be advised to ensure that the new dwelling's finished floor level is set above any known flood level or at least 150mm above ground level.

- 4.4 Shropshire Council Historic Environment (Conservation) – comment:
The site is adjacent to the village conservation area and various listed buildings, including Upper House to the immediate west and the church beyond. Jays Farm itself should be regarded as a non-designated heritage asset.
- 4.4.1 The previous application for a dwelling here attracted objections on the grounds of its unsatisfactory standardised design, and the lack of a heritage impact assessment (HIA) as required under the National Planning Policy Framework (NPPF) and Policy MD13 of the Council's Site Allocations and Management of Development (SAMDev) Plan. This resubmission follows pre-application advice aimed at securing a more sympathetic scheme based on a single-storey barn-like structure that responds positively to the site's topography, reflects the rural setting and appears ancillary to the surrounding buildings. It is pleasing to see that this is reflected in the linear form, simple fenestration, stone plinth and timber clad-walls.
- 4.4.2 Furthermore this application includes a HIA which provides a detailed account of the potential impacts upon the settings of the relevant heritage assets, and, in line with NPPF guidance, considers the balance between the public benefits of an affordable dwelling and any harmful impact on the historic environment. It also notes the initial consideration given to different options for the building's siting, concluding that in the position proposed it will be cut into the hillside and set as low as possible. Inevitably it would have some impact, for example through incidental glimpses in long-range views from the church. However in general it is agreed that its impacts (including those on the immediately adjacent assets) would be negligible, subject to appropriate mitigation including planting new native hedges and using appropriate external finishes. These aspects should be controlled through conditions.
- 4.5 Shropshire Council Highways Development Control – comment:
No objection subject to the development being carried out in accordance with the approved details, and to relevant informatives.
- 4.5.1 The plans include adequate on-site parking and turning provision, whilst access would be via the existing track serving agricultural land. It should be noted that domestic vehicles have different visibility requirements to agricultural ones, generally 2.4 x 15-metre splays at 1.05 metres above ground level where traffic speeds are likely to be in the region of 10mph. The splays' inside boundary treatments should be maintained no higher than 900mm, or 600mm where adjacent to pedestrian footways or shared road space. In this instance the entrance would be onto a public bridleway.
- 4.6 Shropshire Council Rights of Way – comment:
Access would be via a bridleway. Whilst the public right of way would not appear to be affected directly, it would need to be considered during the construction stage.
- 4.7 Shropshire Council Historic Environment (Archaeology) – no objection:
No comments in respect of archaeological matters.

- 4.8 Shropshire Wildlife Trust – no objection:
Although the nearby churchyard is designated a Local Wildlife Site, it is unlikely to be affected significantly. The Council's Ecology Team will advise on other issues, including the need for an ecological assessment and potential impacts on protected species.
- 4.9 Shropshire Council Ecology
28/6/18 – objection:
The site and its surroundings should be assessed by a suitably qualified and experienced ecologist before any permission is granted. This should include an inspection for badgers, which if present will necessitate the submission of a mitigation strategy and precautionary method statement.
- 4.9.1 3/12/18 – No objection:
The site has now been assessed by a licensed ecologist. Habitats were found to include semi-improved grassland, tall ruderal vegetation, a building, a semi-mature ash tree and a defunct species-rich hedgerow. The proposed layout shows the retention of the existing hedgerows plus supplementary tree and shrub planting, and any permission granted should include an informative advising on the use of native species plants of local provenance
- 4.9.2 The building on the site is a small metal-clad structure unsuitable for roosting bats. However the site and its boundary vegetation may be used by foraging and/or commuting bats. Thus, in order to minimise disturbance and enhance roosting opportunities, conditions should control external lighting and secure bat box provision.
- 4.9.3 The hedgerows, tree and building provide potential nesting opportunities for wild birds. Bird boxes should be secured by condition, and an informative should advise on the legal status of active nests.
- 4.9.4 No evidence of badgers was found on the site or on accessible land within 50 metres. However the site may occasionally be used by both badgers and hedgehogs for foraging and/or commuting. The consultant's report therefore recommends mitigation measures for these species, adherence to which should be ensured by a further condition.
- 4.10 Shropshire Council Affordable Housing:
4/7/18 – no objection:
The applicant has demonstrated strong local connections to the Hope Bagot local administrative area. After considering his housing needs and personal circumstances, it is confirmed that the requirements of the Council's Supplementary Planning Document (SPD) relating to the 'build your own affordable home' scheme are satisfied as follows:
- The applicant intends to construct a 100m² (max.) affordable dwelling for occupation as his long-term family home.
 - The dwelling would be subject to a Section 106 agreement prescribing local occupancy criteria and restricting its potential future sale value.
 - The applicant and his daughter currently live with family in the parish. As they

have no home of their own, this arrangement is unsuitable for their current and future housing needs.

- The applicant relies on his parents for regular help with childcare, including taking his daughter to school and supervising her afterwards. They are also on hand to assist if the applicant is required to work away.
- In return, the applicant provides support to his parents. Only if they live close by is this mutual care and support possible.
- Since Hope Bagot is a small parish it has a 'parish meeting' rather than a full parish council. At the time of the applicant's affordable housing eligibility application in 2017 it was unclear when the next meeting would be held, and so instead a member of the local community confirmed the applicant's longstanding local connections. He is stated to have lived in the parish for fourteen years, and attended a local school.

The applicant has therefore demonstrated strong local connections and also a need to live in the local area. Moreover, due to issues of affordability and availability he is unable to meet his housing need through the open market.

4.10.1 11/10/18 – comment:

To clarify the previous comments, and with specific reference to the four key elements of the eligibility assessment:

- **Housing need:** The applicant does not own a home of his own, and, along with his daughter, currently lives with his parents in the parish. This is unsuitable for his long-term housing needs and aspirations, meaning a housing need has been established.
- **Strong local connections:** Although ideally an applicant's local connections would be confirmed by the Parish Council, this has not proved possible in every case. Instead the local connections have been verified by Shropshire Council's Housing Enabling Team, based on the supporting information provided. In this case the applicant's father had discussed plans to build an affordable home with the chair of the previous parish meeting, who had passed away by the time the applicant needed to submit his eligibility application. It was therefore unclear when the next meeting would be held, but in order to be proactive in making his case the applicant secured a letter from a prominent member of the community who has known him since childhood. His local connections have therefore been confirmed.
- **Local Need:** The applicant and his daughter already live in the parish. He and his parents mutually support each other, with the applicant's need arising from the fact that he is a single parent who works full-time, and his father requiring assistance as a result of poor health. This need for care and support forms the basis of the applicant's eligibility application.
- **Affordability and availability of alternative properties:** The applicant has disclosed details of his income and savings. These show that, whilst other properties of lower value may be available in the wider local area, they are still unaffordable to him.

The Housing Enabling Team is very much aware of the problem that households have in securing properties in rural areas where housing supply is low and prices are high. Based on the policy criteria, in this case the applicant has established a need

to build an affordable dwelling on a rural exception site.

Public comments

4.11 Fifty separate households and the Shropshire branch of the Campaign to Protect Rural England object on the following grounds:

- Hope Bagot is a small hamlet with few community services or facilities. The increased demand on what local infrastructure exists would be unsustainable.
- Anyone living in this remote village where property values are high would appear to rule themselves out of the need for an 'affordable' dwelling.
- The site is greenfield land outside the established built-up area of the village.
- The site is carved artificially out of a larger paddock. It would be impossible to prevent future expansion of the domestic curtilage beyond the 0.1-hectare policy limit, which would have the effect of enhancing the property's value.
- More suitable sites have been ignored, contrary to Paragraph 5.21 the Housing SPD which says only the most environmentally sustainable and appropriate site should be pursued. The Council should not have prequalified the proposed site, and no further consideration should be given to it.
- The Council has allowed the applicant to sidestep the policy requirement for his eligibility for an affordable home to be certified by the parish meeting. It is therefore unclear which qualifying criteria the applicant meets, and what substantiating evidence there is. Consequently this may be a purely speculative proposal to enhance the value of the land (even if it could only be sold to a qualifying local person), and where no exceptional circumstances apply.
- The fact that Hope Bagot has a parish meeting rather than a parish council is irrelevant, as the meeting is nevertheless an accountable body of appointed members which has existed and functioned throughout the duration of both this and the previous planning applications.
- The applicant's parents are currently marketing the Jays Farm bungalow, and land which may be more suitable for the proposed dwelling. Previously the entire holding was advertised for sale. The likelihood of the applicant's parents, or possibly the whole family, relocating undermines the stated need for an affordable dwelling in this location in order to ensure the availability of mutual care and support. Again this suggests the scheme is merely a ploy to enhance and profit from the value of the property as a whole, notwithstanding any restrictions on the sale of the development plot.
- There is a steady supply of existing homes in the local area (and no further from the applicant's daughter's school) being marketed at prices comparable to or even lower than the likely construction costs of the proposed dwelling. Again this suggests there are no exceptional circumstances to justify the proposal.
- The scheme would have no wider public benefits, so there is nothing to outweigh its harmful effects.
- Attempting to make the new bungalow resemble a converted barn is misconceived. The land is no longer farmed, and in any event the separation between the development and the existing dwelling is such that they would look like two isolated bungalows rather than a coherent agricultural complex.
- Although the bungalow would be lower than the two-storey house proposed previously, its footprint is effectively twice as large and hence its bulk is also greater.
- Contrary to the Conservation Officer's comments this highly prominent, ugly and

uncharacteristic bungalow, standing elevated in the middle of a field and surrounded by parked vehicles and other domestic paraphernalia, would detract from the settings of the surrounding, traditionally designed listed buildings.

- Although the Conservation Officer says the development would have a “negligible” impact on only long-distance views from the churchyard, as the church is Grade I-listed surely no new properties should be visible at all from any point within its setting.
- The HIA underestimates the impact on the church’s setting, using a single photograph from a carefully selected viewpoint. In fact the development would be visible from all along the path up to the southern entrance, and from various individually listed memorials alongside.
- Impacts on the settings of Upper House, The Rectory and the village conservation area would be immediate and very damaging, and further planting would do nothing to avoid the development dominating Upper House in particular.
- The historic route of the adjacent bridleway, with its views towards the site channelled between the walls of Upper House and Mill Cottage, is integral to their setting and to the character of the conservation area.
- The development would be clearly visible from other footpaths across the fields to the north and east.
- Attempts to screen the development with further Leylandii bushes and cheap fencing, as already installed along the boundary with Upper House, would also be out of keeping with the historic environment and contrary to the SPD’s guidelines on boundary treatments around affordable dwellings. In any event Historic England guidance advises that screening is no substitute for appropriately sited and well-designed development.
- The existing fencing and boundary vegetation is impermanent, unsightly and insufficient to screen the development, especially as it is outside the land which would transfer to the applicant. Already the Council has authorised the felling of several trees here.
- The existing stables between the site and Upper House are in poor condition and again provide no effective screening.
- The development would detract from the scenic quality, peace and tranquillity of the wider AONB, including striking views of the wooded hillside and horizon of Clee Hill.
- The development would reduce the area’s appeal to tourists.
- Upper House and The Rectory would be overlooked by the development.
- Neighbours would suffer increased traffic noise. Already this has proved antisocial.
- Local residents were not consulted before the application’s submission.
- Access to the site is via a narrow unmade bridleway which runs over a weak culvert and between two existing dwellings, one of them listed. Passage by large construction vehicles would be almost impossible without damaging these structures, blocking access and endangering walkers and horse-riders. The track is not publicly maintained, and neither do the applicant or his family contribute to its upkeep.
- It is unclear that any established rights to use the track/bridleway for vehicular access would also apply to a new dwelling.
- Already the applicants have obstructed the bridleway and a prescriptive right of way.

- The development would increase traffic on and hence further damage the already poor local road network.
- The plans show the septic tank and soakaways on ground higher than the development site, which may be impracticable.
- The development would exacerbate flooding of the access track, both by increasing run-off and blocking the culvert beneath it.
- No proper ecological survey has been completed.
- The site is surrounded by numerous ecologically important habitats supporting rare and protected species, including badgers, plus bats and spotted flycatchers which roost/nest in neighbouring buildings. Destroying the feeding and breeding habitats of these species is illegal, and furthermore they would be affected by increased noise and light pollution.

4.11.1 Two members of the public support the application for the following reasons:

- Many of the public objections follow the same format and appear to have been instigated by one or two individuals. Any personal issues with the applicant's family are irrelevant.
- The applicant is a local man with a young daughter, both of whom have disabilities and need to live in a quiet and safe environment where family members are available to support them.
- Government policy encourages the provision of affordable homes to enable young, local people to establish themselves on the property ladder.
- This would be one small house sited unobtrusively.

5.0 THE MAIN ISSUES

- Principle of development
- Layout, scale, design and impact on historic environment/landscape
- Residential amenity
- Access and highway safety
- Drainage and flood risk
- Ecology

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 A key objective of both national and local planning policy is to concentrate residential development in locations which promote economic, social and environmental sustainability. Specifically the Council's Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 state that new open market housing will only be permitted on sites within market towns, other 'key centres' and certain named villages ('Community Hubs and Clusters') as identified in the SAMDev Plan. Isolated or sporadic development in open countryside (i.e. outside the named settlements) is generally regarded as unacceptable unless there are exceptional circumstances.

6.1.2 One of the exceptions mentioned under Core Strategy Policy CS5 and SAMDev Policy MD7a is where named individuals with strong local connections and who are in demonstrable housing need wish to build their own 'affordable' home. Detailed guidance on this initiative, including definition of the terms 'strong local connections' and 'housing need', can be found in the SPD referenced by the Housing Enabling Officer (Paragraph 4.10.1), who in this case is satisfied that those two aspects of the

policy are met. Any permission granted would be subject to prior completion of a legal agreement to control the property's initial and future occupancy and cap its resale value, excluding any additional land subsequently transferred to it.

6.1.3 In response to the Parish Council's and other objectors' points on housing need:

- The Housing Enabling Officer's further comments (Paragraph 4.10.1) clarify that the applicant satisfies at least two of the local connections criteria (listed on Page 33 of the SPD) in that he currently lives in the local area, attended a local school, and he and his parents (who also currently live at Jays Farm) require each other's mutual support and care.
- It is acknowledged that the applicant has not obtained formal written confirmation of his local connections from the Hope Bagot Parish Meeting. However, aside from the debate about whether or not the parish meeting has the same statutory powers as a parish council, the SPD does not explicitly require such confirmation, merely saying that "applicants are expected to be proactive in obtaining [it]". Ultimately the assessment of the applicant's eligibility is a specialised role undertaken by Shropshire Council's Housing Enabling Team, by whom the local planning authority is guided. It is also emphasised that in this instance the assessment was informed partly by confirmation from an upstanding member of the local community familiar with the applicant's circumstances.
- The Housing Enabling Officer is aware of the recent marketing of the existing Jays Farm bungalow, but understands that, for personal reasons, the applicant's parents are seeking to move to another property nearby. Clearly the Council cannot ultimately control such matters, and there is also some possibility of the applicant securing planning permission and then marketing the plot or the completed dwelling. However the same would be true in any other case, and even if it did happen there would still be the wider public benefit of increasing the local stock of affordable homes whose occupation is restricted to eligible people in perpetuity.
- Should the applicant's parents in fact end up wishing to move into the new dwelling, with or without their son, it is likely that they too would meet the relevant criteria, and the situation would be comparable with affordable housing schemes elsewhere where current homeowners have sought to downsize.
- In discounting homes available on the local market, the Housing Enabling Officer establishes the applicant's inability to secure a mortgage against properties in that price bracket. The ability to finance a new-build is not explored, as obviously there are many unknown factors. However it should be noted that build costs can often be staggered, or free or cheap labour can be arranged.
- It is recognised that homes in this desirable location generally command high values. However this is a key part of the applicant's problem, as it effectively prices him (and indeed other young local people on relatively low incomes) out of the market. This is precisely what the affordable housing policy is intended to help address, initially by assisting specific individuals who have land available, but longer-term by increasing the stock of homes whose value is capped at a percentage of their market value.

6.1.4 Returning to the issue of location, even affordable homes on rural exception sites must be within or adjoining "recognisable named settlements" (although there is no

particular requirement for the settlement to be 'sustainable' in the sense of having a full range of services and facilities). The SPD says that settlements comprise a group of houses occupied by households from different families, with the group becoming a settlement on account of the number dwellings and their proximity. It explains that a settlement's limits are defined by where the relationship between its various properties peters out, which varies from settlement to settlement. For example, a site a short distance from a scattered or loose-knit settlement may be considered to adjoin it, whereas a site a similar distance from a tightly clustered or nucleated settlement would not.

6.1.5 Although Hope Bagot is a small and quite widely dispersed village, it is a long-established and clearly identifiable settlement nucleated around the church, where there is an obvious sense of arrival. Claims that the application site is greenfield land are undisputed, but it does lie reasonably close to both the Hays Farm bungalow and Upper House, on the eastern edge of the main grouping, to which it would relate visually (see Section 6.2). Moreover there is already a wider scatter of properties off farm tracks, for example to the northeast and southwest of the village. In this context the site can comfortably be said to adjoin the settlement.

6.1.6 Regarding the objectors' comments about alternative sites, the SPD does indeed encourage early discussions with the local planning authority to establish any preference. Ultimately, however, the applicant is entitled to submit an application for whichever site he chooses, and the Council has a statutory duty to determine it. In any event officers are not persuaded that developing land southeast of Jays Farm would be necessarily more policy-compliant or indeed feasible, as it too has rising levels, is further from the village nucleus, would utilise the same access route, is in fact partially occupied by a large extension behind the original bungalow, and has extensive tree cover at its far end.

6.1.7 Given the above the scheme is considered acceptable in principle.

6.2 **Layout, scale, design and impact on historic environment/landscape**

6.2.1 The SPD prescribes a maximum plot size of 0.1 hectares and a maximum floor space of 100m² for owner-occupied affordable homes on rural exception sites, to help ensure their onward affordability. It also requires a particularly high standard of design sympathetic to the rural setting. Meanwhile Core Strategy Policies CS6 and CS17 and SAMDev Policy MD2 require all new development to reinforce local distinctiveness in terms of building forms, scale and proportion, heights and lines, density and plot sizes, materials, architectural detailing, and safeguarding the historic and natural environment.

6.2.2 Under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority must pay particular regard to the desirability of preserving the special architectural or historic interest and setting of listed buildings, and preserving or enhancing the character and appearance of conservation areas. This is reflected by NPPF Part 16 and SAMDev Policy MD13, which attach great weight to conserving designated heritage assets. According to the NPPF, where a development would cause substantial harm to such an asset it should be refused permission unless that harm is necessary in order to achieve, and would be outweighed by, substantial public benefits, whilst less than substantial harm should

be weighed against any public benefits. Additionally, Part 15 of the NPPF requires great weight to be given to conserving landscape character and scenic beauty in certain designated areas, including AONBs.

- 6.2.3 In this case the plans observe the relevant size limits. The floor space restriction is reinforced by Conditions 10 and 11 (the latter removing 'permitted development' rights for extensions and outbuildings), whilst the block plan shows the extent of the domestic curtilage delineated with new and existing hedges. Any future expansion of the plot would constitute a change of use requiring a further planning permission, and as mentioned already any future valuation would be based on the value of the dwelling itself.
- 6.2.4 Design is to some extent a subjective matter, but committee members may agree with the Conservation Officer that there is merit in the concept of a low, linear building resembling a converted barn. Whilst its disposition to other buildings might not follow a typical working farmstead layout, its form and materials would reflect the wider agricultural vernacular and officers consider the design appropriate given the rural setting, the variety amongst the surrounding dwellings, and the structure's considerably lower height than the two-storey house proposed previously. Neither are its bulk and massing felt to be excessive given the low eaves and ridgeline, and narrow gable ends.
- 6.2.5 It is acknowledged that there is a degree of inter-visibility between the site and the church, and that Upper House also features in these views. However the development's visibility would not necessarily amount to harm, and indeed the Conservation Officer endorses the submitted HIA's findings that its impact would be negligible. It is fair to say that the new dwelling would not be seen extensively throughout the churchyard, and where it is, it would be only partially visible through a narrow gap between Upper House and its outbuilding, and protruding just above the latter. Its different orientation and darker finishes mean the form, construction and historic character of Upper House would remain clearly distinguishable, and furthermore its ridge would be set well below the skyline. In fact the arrangement would be broadly similar to the established juxtaposition of Upper House, its outbuilding and Mill Cottage, with their variety of construction, materials and roof lines forming a characterful, attractive and not unduly prominent grouping against the backdrop of the wooded hillside.
- 6.2.6 The fencing installed recently along the paddock's boundary with Upper House is barely discernible from the churchyard, and in any event is outside the application site and so of no direct relevance. However officers agree with objectors that the new boundary treatments around the site itself should comprise more sympathetic native hedging, and this can be ensured under a standard landscaping condition. Conditions can also be used to secure precise details of the external finishes and of ground and floor levels.
- 6.2.7 Heading up the access track and bridleway, the development should be largely concealed by existing buildings and vegetation until reaching the entrance to Jays Farm. Even from there it would be nestled fairly unobtrusively between the higher ground in the foremost part of the paddock and the established hedges to the north and northeast, and again set against the backdrop of the hillside beyond. Entering

the paddock itself the church tower is discernible above the western boundary fence and Upper House, but this is a fleeting glimpse from private land, facing away from the development area.

6.2.8 Looking back from the footpaths to the north and east, the development would be set down behind, and largely concealed by, the field hedges. It would not obstruct any views of the church, Upper House, Hope Court Farm House, The Rectory or indeed other heritage assets, including the conservation area as a whole.

6.2.9 It is acknowledged that the development would be visible from Upper House itself. Again, however, these are not public views, and neither would that building's setting be compromised given that the views from its primary windows would be oblique, that there would be a generous separation of around 40 metres, and that the paddock containing the application site is and always has been separate physically, functionally and in ownership. Issues of residential amenity are discussed separately below.

6.2.10 Visual impacts aside, there is no reason to believe that, following some inevitable construction noise, normal day-to-day domestic activity on this site would have a greater impact on the area's tranquillity than does any other household in the village. Neither is the development likely to have any perceptible impact on the area's tourist appeal.

6.2.11 For these reasons it is suggested that the scheme would not demonstrably harm either the settings of the adjacent heritage assets or the essentially open character and scenic beauty of the wider landscape. Certainly if there were any harm to the historic environment it would be less than substantial, and, in the view of officers, outweighed by the public benefit of securing an affordable dwelling for occupation by qualifying local people in perpetuity.

6.3 **Residential amenity**

6.3.1 For similar reasons as those discussed in Paragraph 6.2.9, it is judged that Upper House would suffer no significant overlooking, overshadowing or overbearing impact, despite the development being visible to some extent. Hope Court Farm House and The Rectory are even further away, and well screened.

6.3.2 As also mentioned already noise from people and traffic is unlikely to prove problematic long-term. Meanwhile any physical damage caused to neighbouring property during the construction stage would be a civil matter, as is responsibility for maintaining the shared access track. Furthermore, although the Council encourages applicants to discuss their proposals with the local community in advance, this is not a statutory requirement.

6.4 **Access and highway safety**

6.4.1 From a highway safety perspective the means of access is satisfactory, especially bearing in mind that the use of the track by two existing households plus agricultural/equestrian vehicles is established. The legality of driving along the bridleway is subject to other legislation, of which the applicant can be advised through an informative. Further informatives would emphasise the need to avoid obstructing any public or private rights of way, whilst refuse collection and deliveries

should be no more problematic than they are for numerous other rural properties served by long and/or shared driveways.

6.4.2 The proposed parking and turning arrangements are also acceptable, and Condition 9 would ensure their completion before the dwelling is occupied. It is noted that the Highways Development Control Team raises no concerns regarding the capacity of the local road network.

6.5 **Drainage and flood risk**

6.5.1 The submitted plans indicate the position of the proposed septic tank and its drainage field, whilst the application form specifies further soakaways for surface water drainage. There is no obvious reason why the septic tank system would not work if it were to be installed at a lower level than the house or else equipped with a pump. Nevertheless it is considered reasonable to secure precise drainage details by condition, bearing in mind the topography and the risk of surface water flooding, including along the access track.

6.5.2 Any damage to or blockage of the culverted watercourse would be a civil matter and/or subject to other controls outside the planning system.

6.6 **Ecology**

6.6.1 As noted above the site and its surroundings have now been assessed by a licensed ecological consultant, and the Council's Ecology Team is satisfied that direct impacts on protected and priority species are unlikely provided the proposed mitigation measures are adhered to. This can be reinforced by Condition 8, whilst other conditions would secure the Ecology Team's suggested enhancements and control external lighting. Informatives setting out the relevant wildlife legislation would provide a further safeguard.

7.0 **CONCLUSION**

7.1 Although Hope Bagot is a small rural village not designated for new open market housing, this particular scheme is acceptable as an exception since the site adjoins the settlement and the new dwelling would be designated affordable to meet a specific local need. Its scale, design and siting are satisfactory, and whilst it would inevitably be visible from some aspects, it would not demonstrably harm the settings of the surrounding heritage assets or the character and scenic quality of the wider landscape. Furthermore there are no undue or insurmountable concerns regarding residential amenity, access, drainage or ecology. The application therefore accords with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to prior completion of a legal agreement to ensure that the property remains 'affordable' in perpetuity, and to conditions to reinforce other critical aspects.

8.0 **RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

8.1 **Risk management**

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 **Human rights**

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

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

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

8.3 **Equalities**

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

9.0 **FINANCIAL IMPLICATIONS**

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

10.0 BACKGROUND

Relevant Planning Policies:

Central Government Guidance:

National Planning Policy Framework

Shropshire Local Development Framework:

Core Strategy Policies:

- CS1 - Strategic Approach
- CS5 - Countryside and Greenbelt
- CS6 - Sustainable Design and Development Principles
- CS7 - Communications and Transport
- CS11 - Type and Affordability of housing
- CS17 - Environmental Networks
- CS18 - Sustainable Water Management

SAMDev Plan Policies:

- MD1 - Scale and Distribution of Development
- MD2 - Sustainable Design
- MD7A - Managing Housing Development in the Countryside
- MD12 - Natural Environment
- MD13 - Historic Environment

Supplementary Planning Documents:

Type and Affordability of Housing

Relevant Planning History:

16/05675/FUL – Erection of an affordable dwelling (single plot rural exception site); installation of septic tank (withdrawn March 2017)

11.0 ADDITIONAL INFORMATION

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=P98F3HTD07V00>

<p>List of Background Papers: Application documents available on Council website</p>
<p>Cabinet Member (Portfolio Holder): Cllr R. Macey</p>
<p>Local Members: Cllr Richard Huffer</p>
<p>Appendices: Appendix 1 – Conditions and Informatives</p>

APPENDIX 1 – CONDITIONS AND INFORMATIVES

STANDARD CONDITIONS

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 in strict accordance with the approved plans and drawings listed below.

Reason: To define the consent and ensure a satisfactory development, in accordance with Policies CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

CONDITIONS THAT REQUIRE APPROVAL BEFORE DEVELOPMENT COMMENCES

3. No development shall commence until precise details of existing and proposed ground levels, plus the finished floor level of the dwelling hereby permitted, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the external appearance of the development is satisfactory, and to minimise the flood risk to the development, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy. This information is required prior to commencement of the development since it relates to matters which need to be confirmed before subsequent phases proceed, in order to ensure a sustainable development.

4. No development shall commence until precise details of the means of surface water and foul drainage have been submitted to and approved in writing by the Local Planning Authority. These shall include:
 - Percolation test results and sizing calculations for any surface water soakaways, and provision for a silt trap or catch pit upstream of the drainage field
 - Details of other/alternative means of surface water drainage, to include measures to avoid run-off onto adjacent highways
 - Sizing calculations and a specification for any existing or proposed package treatment plant or septic tank
 - Percolation test results and sizing calculations for any foul water drainage field, or details of any alternative means of discharge
 - Details of any alternative foul drainage system
 - A drainage layout plan

The approved scheme(s) shall be implemented in full prior to the first use/occupation of the development, and shall thereafter be retained thereafter.

Reason: To ensure that the development is provided with satisfactory means of drainage and avoid causing or exacerbating flooding or pollution on the site or elsewhere, in accordance with Policies CS6, CS17 and CS18 of the Shropshire Local Development Framework Adopted Core Strategy. This information is required prior to commencement of the development since it relates to matters which need to be confirmed before subsequent phases proceed, in order to ensure a sustainable development.

5. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of landscaping, which shall include:
- Survey of all existing trees and hedgerows on the site and along its boundaries
 - Identification and measures for the protection of existing trees and hedgerows which are to be retained
 - Schedules/densities of proposed planting
 - Details of any other boundary treatments/means of enclosure and any other fences, walls or retaining structures
 - Details/samples of hard surfacing materials
 - Timetables for implementation

The works shall be completed in accordance with the approved details. Thereafter, all fences, walls, hardstandings and other hard landscaping shall be maintained in accordance with the approved details in the absence of any further specific permission in writing from the local planning authority, whilst any trees or plants which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the external appearance of the development is satisfactory, and to help safeguard the visual and residential amenities of the area, in accordance with Policies CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy. This information is required prior to commencement of the development since it relates to matters which need to be confirmed before subsequent phases proceed, in order to ensure a sustainable development.

CONDITIONS THAT REQUIRE APPROVAL DURING CONSTRUCTION/PRIOR TO OCCUPATION OF THE DEVELOPMENT

6. No above-ground development shall commence until samples/precise details of all external materials/finishes have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details and retained thereafter.

Reason: To ensure that the external appearance of the development is satisfactory, in accordance with Policies CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

7. Prior to the first use or occupation of the new dwelling hereby permitted, artificial roosting opportunities for bats and nesting opportunities for wild birds shall be provided at the site in accordance with details which shall first be submitted to and approved in writing by the local planning authority. This provision shall include:

- A minimum of one external Woodcrete bat box or integrated bat 'brick' suitable for nursery or summer roosting by small crevice-dwelling bat species
- A minimum of one artificial 'nest' suitable for sparrows (i.e. 32mm hole, terrace design), starlings (42mm hole, starling-specific design), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups)

These shall be retained thereafter for the lifetime of the development.

Reason: To maintain/enhance roosting opportunities for bats and nesting opportunities for wild birds, in accordance with Policy CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

CONDITIONS RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

8. All works associated with the development hereby permitted, including demolition and site clearance works, shall be carried out in accordance with the recommendations set out in Sections 16 and 18 of the 'Ecological Constraints Assessment' report prepared by Star Ecology, referenced JBBD/2083/18.1, dated 12th November 2018 and received by the Local Planning Authority on 14th November 2017.

Reason: To safeguard protected and/or priority species and habitats, in accordance with Policy CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

9. Prior to the first use or occupation of any part of the development hereby permitted, vehicle parking and turning areas shall be laid out and completed in accordance with the approved plans. These shall thereafter be retained for the lifetime of the development.

Reason: In the interests of highway safety, in accordance with Policies CS6 and CS7 of the Shropshire Local Development Framework Adopted Core Strategy.

10. At no time shall the gross internal floor space of the dwelling hereby permitted exceed 100 square metres, and to this end no additional habitable space beyond that shown on the approved plans shall be formed through external or internal alterations without prior written approval from the local planning authority.

Reason: To ensure that the dwelling remains of a size which is 'affordable' to local people in housing need, in accordance with Policy CS11 of the Shropshire Local Development Framework Adopted Core Strategy.

11. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order modifying, revoking or re-enacting that Order), no garage, car port, extension or other building/structure shall be erected within the curtilage of the dwelling hereby permitted without the prior written consent of the Local Planning Authority.

Reason: In the interests of the visual amenities of the area, and to ensure that the dwelling remains of a size which is 'affordable' to local people in housing need, in accordance with Policies CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

12. No external lighting shall be installed or provided on the site other than in strict accordance with a detailed scheme which shall first be submitted to and approved in writing by the local planning authority. This shall be designed so as to take into account the guidance contained in the Bat Conservation Trust document 'Bats and Lighting in the UK'.

Reason: To minimise potential disturbance to bats and safeguard the visual amenities of the area, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

INFORMATIVES

1. Your attention is drawn specifically to the conditions above which require the Local Planning Authority's prior approval of further details. In accordance with Article 27 of the Town and Country Planning (Development Management Procedure) Order 2015 a fee (currently £116) is payable to the Local Planning Authority for each request to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority.

Where conditions require the submission of details for approval before development commences or proceeds, at least 21 days' notice is required in order to allow proper consideration to be given.

Failure to discharge conditions at the relevant stages will result in a contravention of the terms of this permission. Any commencement of works may be unlawful and the Local Planning Authority may consequently take enforcement action.

2. This permission should be read in conjunction with the legal agreement under Section 106 of the Town and Country Planning Act 1990 which refers specifically to this development.
3. This planning permission does not authorise the applicant to:
 - construct any means of access over the publicly maintained highway (including any footway or verge);
 - carry out any works within the publicly maintained highway;
 - authorise the laying of private apparatus within the confines of the public highway, including any a new utility connection; or
 - disturb any ground or structures supporting or abutting the publicly maintained highway.

Before carrying out any such works the developer must obtain a licence from Shropshire Council's Street Works Team. For further details see <https://www.shropshire.gov.uk/street-works/street-works-application-forms/>.

Please note that Shropshire Council requires at least three months' notice of the developer's intention to commence any works affecting the public highway, in order to allow time for the granting of the appropriate licence/permit and/or agreement of a specification and approved contractor for the works.

4. If the new vehicular access and/or parking/turning areas hereby permitted would slope towards the public highway, surface water run-off should be intercepted and disposed of

appropriately. It is not permissible for surface water to drain onto the public highway or into highway drains.

5. The applicant/developer is responsible for keeping the highway free from mud or other material arising from construction works.
6. This consent does not convey any right of vehicular access over any public right of way, and it is a road traffic offence to drive a motor vehicle on a public footpath, bridleway or restricted byway without lawful authority. Any person intending to use a right of way for vehicular access should first satisfy themselves that such a right exists, if necessary by taking legal advice.
7. This planning permission does not authorise the obstruction, realignment, reduction in width, resurfacing or other alteration of any public right of way, temporarily or otherwise. Before carrying out any such operation you should consult Shropshire Council's Outdoor Recreation Team and obtain any closure order or further consents which may be required.
8. This planning permission does not authorise any right of passage over, or the obstruction, realignment, reduction in width, resurfacing or other alteration of, any private driveway or right of access. Before carrying out any such operation you should first satisfy yourself that you have the necessary consent from the landowner(s) and any other affected party, if necessary by taking legal advice.
9. 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, containing eggs or chicks or on which fledged chicks are still dependent. If possible all demolition, clearance and/or conversion work associated with the approved scheme should be carried out outside the nesting season, which runs from March to September inclusive. If it is necessary for work to commence during the nesting season a pre-commencement inspection of buildings and vegetation for active nests should be carried out. If vegetation is not obviously clear of nests an experienced ecologist should be called in to carry out the check. Only if no active nests are present should work be allowed to commence.
10. 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 38.

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Committee and date

South Planning Committee

18 December 2018

Development Management Report

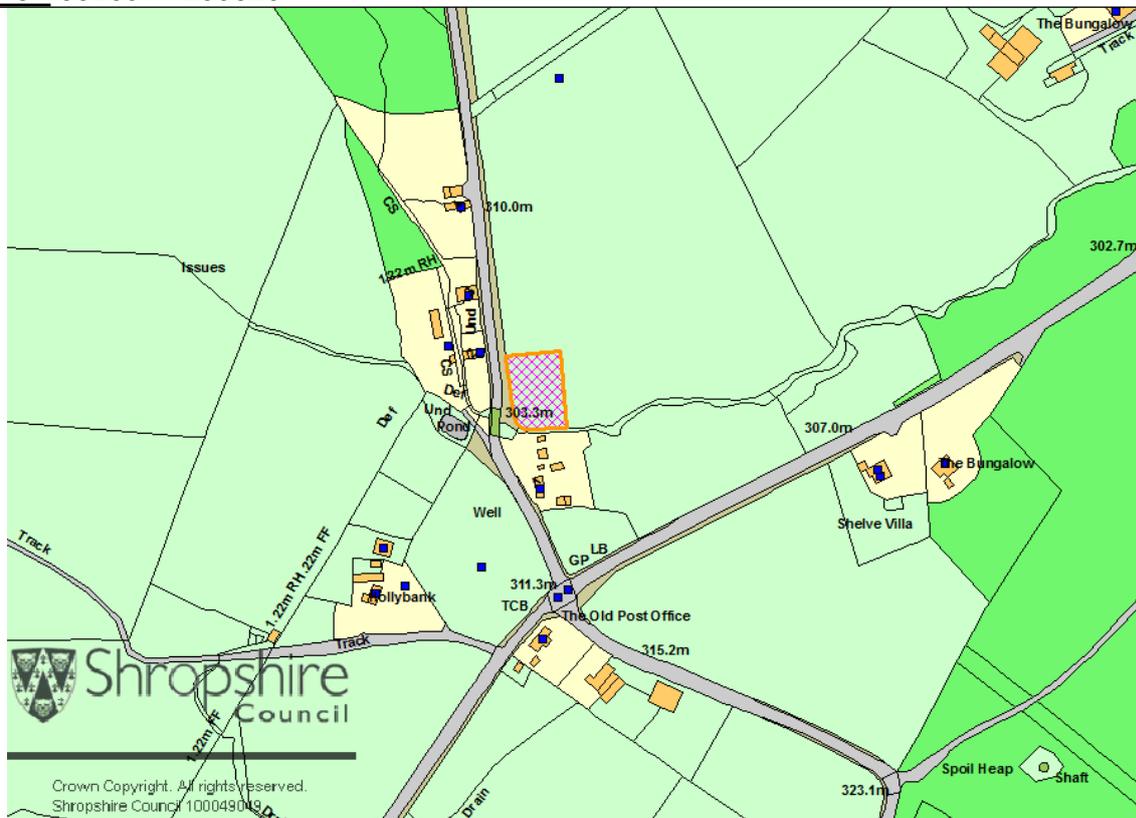
Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 18/03312/OUT	Parish:	Worthen With Shelve
Proposal: Outline application for the erection of a single dwelling (to include access)		
Site Address: Land To The South East Of Hemford, Bromlow, Minsterley, Shropshire		
Applicant: Mr & Mrs Chesters		
Case Officer: Cathryn Robinson	email: planningdmc@shropshire.gov.uk	

Grid Ref: 332694 - 299820



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

REPORT

1.0 THE PROPOSAL

1.1 This application seeks outline permission for the erection of a single open market dwelling. All matters (Appearance, Landscaping, Layout and Scale), with the exception of access, are reserved for later approval. The proposed vehicular access, as amended, would be towards the northern end of the site road frontage. It would have a tarmac surface, with gates set back some 5.5m from the road. The visibility splay to the south would be 2.4m x 41m with that to the north being in excess of 79m. The indicative site layout shows a vehicle parking and turning area adjacent to a detached double garage, with the dwelling positioned in the southern portion of the plot, with hedge planting to the road boundary retained and supplemented by new tree planting. The indicative site layout also shows a post and rail fence to the eastern and northern boundaries to the field.

2.0 SITE LOCATION/DESCRIPTION

2.1 The development site sits to the Southern segment of the settlement of Hemford. Currently open agricultural land, the site is bounded to the West by the C-classified which travels South to join the A488 and to the South by mature vegetation and a brook. The development site falls within the Shropshire Hills Area of Outstanding Natural Beauty (AONB).

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council have provided views contrary to the Officers recommendation. This application has been discussed with the Local Member. The Principal Officer, in consultation with the Chair and Vice Chair of the South Planning Committee, consider that the material planning considerations raised require a committee determination of the scheme.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Worthen with Shelve Parish Council – Object:

Worthen with Shelve Parish Council would refer the relevant officer to the Parish Plan and LIP. Extracts of which are detailed below:

WSPC L.I.P. and results of the Parish Plan Questionnaire indicate that the future housing stock should provide properties to enable downsizing within our communities, thus freeing up family homes. In addition, good value small family homes (2/3 bed roomed) are required rather than executive accommodation as there is an abundance of these property types in the parish. Outline applications do not indicate the size and type of housing that could be constructed.

The total number of open market housing in the ward, to encompass all settlements, not just Bent Lawnt and Hope is 15. The preference of this council is for infill. A maximum development site will be no more than 2 properties. There will be a maximum development rate of 5 houses per 5 year period.

For information, at the time of writing, Worthen with Shelve Parish Council have been consulted on applications for 34 new open market properties in the Hope and Shelve Ward and to date 15 have been agreed.

The Parish Council consider this site to be open countryside and not infill.

4.1.2 Shropshire Hills AONB Partnership

The Shropshire Hills AONB Partnership notes that this application affects the nationally designated area and provides general advice on legal and policy considerations for decisions affecting the AONB. The AONB designation remains a matter for the Council to take fully into consideration, fulfilling its statutory duty in respect of the AONB, in reaching a decision on the application.

4.1.3 SUDs

No objection; see decision notice, where conditions and informatives are recommended.

4.1.4 SC Affordable Housing

If the development is policy compliant then whilst the Council considers there is an acute need for affordable housing in Shropshire, the Councils housing needs evidence base and related policy pre dates the judgment of the Court of Appeal and subsequent changes to the NPPG, meaning that on balance and at this moment in time, then national policy prevails and no affordable housing contribution would be required in this instance.

4.1.5 WSP Consulting for SC As Local Highway Authority

23.11.18

Following receipt of further information uploaded on 19th November 2018 it is considered that the justification for the proposed revised visibility splay for the new access would appear to be reasonable.

It is incumbent on the applicant to cut back any vegetation within the visibility splay and to keep the visibility splay clear at all times in perpetuity.

No objection subject to the development being constructed in accordance with the approved details, and the conditions recommended to reinforce the critical aspects.

06.11.18

It is considered that the proposed development of a single dwelling at this location is unlikely to have a severe negative impact on the adjacent public highway. Therefore, the principle of such a development is acceptable from a highways & transport perspective. However, the proposed visibility splay for the new access serving the development has not been appropriately justified by the developer.

In the supporting statement accompanying this planning application, it states that the achievable visibility splay at the proposed site access is suitable for the adjacent 60mph highway. This is not factually true and visibility splay shown is significantly lower than that recommended in Manual for Street 2.

It is recommended that the developer provides the appropriate evidence and supporting justification to demonstrate that the substandard visibility splay proposed is adequate and commensurate with the local traffic conditions, and would not be contrary to highway safety.

03.10.18

It is considered that the principle of this proposed development for the erection of a detached dwelling with detached garage here, is likely to be acceptable from a highway perspective, subject to the access and parking facilities being commensurate with highway safety and the local conditions.

4.1.6 SC Ecology

No objection; please see decision notice, where conditions and informatives are recommended.

4.2 - Public Comments

4.2.1 This application was advertised via notice at the site. Additionally, the residents of three neighbouring properties were individually notified by way of publication of this application. At the time of writing this report, no representation had been received in response to this publicity.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Design and visual impact
Access
Residential amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 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.

6.1.2 The adopted development plan for Shropshire is the Local Development Framework (LDF) Core Strategy, the Supplementary Planning Document (SPD) on the Type and Affordability of Housing and the Site Allocations and Management of Development (SAMDev) Plan. Significant weight is also to be attributed to the National Planning Policy Framework (NPPF) in the determination of planning applications.

6.1.3 Core Strategy Policies CS1, CS3, CS5 and CS11 seek to steer new housing to sites within market towns, other 'key centres' and certain named villages. Policy CS4 also allows for the identification of 'Community Hubs and Clusters' within the rural area where further housing development can happen; these hubs and clusters

were designated as part of the adoption of the Council's Site Allocations and Management of Development (SAMDev) plan.

6.1.4 The Council is satisfied it can demonstrate a deliverable 5 year supply of housing land to meet housing need through the sites identified in the SAMDev document and through provision of housing across the county through the community hub and cluster approach; the majority of recent appeal decisions support this position. Consequently the Council's policies on the amount and location of residential development should be regarded as up-to-date and that there is no pressing need to support sites beyond the boundaries of the designated settlements by way of supplementing the County's housing targets.

6.1.5 Hemford is recognised as comprising part of community cluster within the Bishops Castle area within policy S2.2 (vii) of SAMDev. The hamlet is loose knit and sporadic its nature, thus initial assessments are required in order to ascertain whether or not these peripheral plots comprise part of the settlement. Previously approved property 14/03447/OUT, located within proximity of the plot to the South, was recognised site as comprising part of Hemford. As such, despite the peripheral nature, it can be considered that the hamlet of Hemford extends to this extent.

6.1.6 Policy S2.2 (vii) notes that infill development, on suitable sites, may here be acceptable. Hemford is acknowledged as no more than a hamlet with a dispersed development pattern, and as such identification of logical infill plots is difficult. This plot is bordered by a residential neighbour to the South – albeit well screened via mature vegetation – with further residential development located on the opposite side of the road. A plot to the South-West – on the opposite side of the road – was also granted outline permission in the last few years. These neighbouring residential developments, on balance, loosely establish the plot as infill. On this basis therefore the outlined development site is, on balance, deemed acceptable in principle.

6.2 Design and visual impact

6.2.1 As the proposal is outline with all matters reserved, a consideration of design, scale, siting and appearance will take place at the reserved matters stage. This application is simply to assess the principle of the development.

6.2.2 Notwithstanding the above, the bulk of residential development is located on the opposite side of the highway; as such any property here constructed should be located in the South-Eastern plot corner – where the topography is noted lowest – by way of working to reduce its visual impact. On this basis initial concerns were raised regarding the proposed access, located to the North-West corner particularly where the indicative block plan suggested the property to be located to the North near the driveway.

6.2.3 To avoid scenarios of the subsequent dwelling being located unnecessarily far North, to relate to the driveway, or a requirement to run the driveway along the length of the plot to reach a southerly located property the applicant was requested to relocate the access point. It is noted that a bend in the highway to the South of the site somewhat constraints the access location; nonetheless amended drawings pushed the access further south, and have been deemed acceptable in terms of

highway safety.

6.2.4 Alongside careful siting of the subsequent dwelling, the plot should be subjected to a sympathetic landscaping scheme. These measures shall cumulatively work to reduce the visual impact and bulk of any property here constructed. This is particularly key where the development site falls within the Shropshire Hills AONB.

6.3 Access

6.3.1 The property shall be served by a new access entering onto the C-classified which travels South to join the A488. Whilst subject to the national speed limit, due to the alignment of the road from both directions vehicle speeds are highly likely to be universally below this. Accordingly, though the proposed visibility splays are lower than that recommended in Manual for Street 2, sufficient supporting evidence has been provided surrounding the road conditions to justify that the substandard visibility splay proposed is adequate and commensurate with the local traffic conditions and shall not compromise highway safety.

6.4 Residential amenity

6.4.1 It is noted that the layout at this stage is only indicative, thus if necessary further measures can be undertaken to minimise any potentially adverse impacts. In terms of residential neighbours, 1 Hemford to the South is separated from the development site by a brook and mature vegetation. The C-classified highway from which the property gains access separates the development site from the nearest residential neighbour to the West. Based on the ample size of the plot, and the separation from residential neighbours it is not considered that the addition of a sole dwellinghouse at this location would pose unacceptable harm to the amenity of neighbouring residents.

7.0 CONCLUSION

7.1 The proposal is considered, on balance, an acceptable infill development thus according with the specifications of the SAMDev plan in relation to housing development in Hemford and its associated cluster settlement. Although the site is on the fringes of the village the development would be relate to the context of the neighbouring buildings and would not encroach visually into the surrounding open countryside. The application therefore accords with the principle determining criteria of the relevant development plan policies; officer approval is therefore recommended.

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

Core Strategy and SAMDev Policies:
 CS1 - Strategic Approach
 CS3 - The Market Towns and Other Key Centres
 CS4 - Community Hubs and Community Clusters
 CS5 - Countryside and Greenbelt
 CS11 - Type and Affordability of housing
 Settlement: S2 - Bishops Castle

RELEVANT PLANNING HISTORY:

16/00819/AGR Detached, pitched, steel framed building with concrete block and Yorkshire boarding above. Open fronted to the North Eastern elevation. REN 17th March 2016

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=PC0VHRTDMTH00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Supporting Statement Ecology Report
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Mrs Heather Kidd
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

Reason: The application is an outline application under the provisions of Article 5 of the Development Management Procedure Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

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

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

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

4. 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.

5. Prior to commencement of development 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 section 3 of the Preliminary Ecological Assessment (Salopian Consultancy, September 2018).

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

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

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

7. The first submission of reserved matters shall include a landscaping plan. The submitted plan shall include:

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots);
- 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: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

8. The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking 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.

9. Prior to the first occupation of the development hereby permitted (or Prior to the commencement of the use hereby permitted) a visibility splay shall be provided in full accordance with the details indicated on the approved plan Drawing No.SA30136_PL_03 REV A. The splay shall thereafter be maintained at all times free from any obstruction above the level of the adjacent highway carriageway.

Reason: To ensure the provision of adequate visibility in the interests of highway safety.

10. The access apron shall be constructed in accordance with the Council's specification currently in force and shall be fully implemented prior to the development being brought into use.

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

11. Any gates provided to close the proposed access shall be set a minimum distance of 5 metres from the carriageway edge and shall be made to open inwards only.

Reason: To ensure a satisfactory form of access is provided 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 38.

2. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation. Your attention

is specifically drawn to any conditions above that require the Local Planning Authority's approval.

In accordance with Article 27 of the Town & Country Planning (Development Management Procedure) Order 2015 a fee may be payable to the Local Planning Authority for applications to discharge conditions. If a fee is necessary this will be required per request. The required forms are available from www.planningportal.gov.uk or from the Local Planning Authority.

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. Failure to discharge pre-commencement 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. The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

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

Should soakaways are not feasible, drainage calculations should limit the discharge rate from the site equivalent to 5.0 l/s runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 35% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

4. On the Surface Water Flood Map, the land adjacent to the watercourse is at risk of surface water flooding. The applicant should ensure that the finished floor level is set above any known flood level or at least 150mm above the ground level to minimise the risk of surface water flooding.

5. 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 the building and begin nesting, work must cease until the young birds have fledged.



Committee and date

South Planning Committee

18 December 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: 18/03476/FUL

Parish: Alveley And Romsley

Proposal: Application under Section 73A of the Town and Country Planning Act 1990 for the erection of toilet block, shower block and change of use to glamping and touring caravan site

Site Address: Royal Oak, Alveley, Bridgnorth, Shropshire, WV15 6LL

Applicant: Mr David Skitt

Case Officer: Sara Jones

email: planningdmse@shropshire.gov.uk

Recommended Reasons for refusal:

1. It is acknowledged that the proposed development would contribute to the rural economy and to the role of Shropshire as a tourist destination to stay. However these benefits are considered to be outweighed by the harm the openness of the Green Belt and be at odds with one of the five purposes of the Green Belt, namely safeguarding the countryside from encroachment. No very special circumstances have been demonstrated or exist that would be of sufficient weight to justify inappropriate development in the Green Belt. The development would therefore be contrary to the adopted Core Strategy policy CS5, SAMDev policy MD6 and the guidance set out in the National Planning Policy Framework Part 13.

2. Notwithstanding the above the benefits of proposed development are considered to be outweighed by the environmental harm. The introduction of the structures proposed would appear as incongruous additions to the area and as such would result in a detrimental impact upon the character and appearance of the area. Accordingly, the proposed development is contrary to Local Plan policies CS5, CS6, CS16 & CS17 of the adopted Core Strategy and policies MD2, MD11, MD12 of the SAMDev and national guidance contained within the NPPF, in particular paragraphs 83 and 110.

REPORT**1.0 THE PROPOSAL**

1.1 This is a retrospective application for the change of use of land to a glamping and touring caravan site and the erection of a toilet block and shower block. The details submitted with the application indicate 7 camping pods positioned predominantly along the rear (eastern) boundary of the site furthest away from the adjacent highway (A442). The ablution blocks are shown to be position immediately adjacent the childrens play area, associated with the Public House and the internal access track. The touring caravans are shown to be located on land to the south of the Public House and the west of the proposed camping pods.

1.2 The details submitted indicate four different designs for the pods, described as :- Caravan, Chalet, Alpine and Tipi; each constructed in timber. The ablution blocks are container type structures which are to be clad in natural timber. The Design and Access Statement submitted with the application states that an application to the Caravan and Motorhome Club has been made for a certificate to facilitate 5 touring caravans on the site.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site lies at the eastern end of the settlement of Alveley, and is located on the eastern side of the A442 Bridgnorth to Kidderminster Road. The site comprises an L shaped plot which supports the Royal Oak Public House, its associated car park and play area and a field. There is also a static caravan which has historically occupied the land to the rear of the play area and which it is understood has been used for staff accommodation.

2.2 The boundaries comprises mature hedging and trees to the east (rear) and north and south and is adjoined by agricultural land to the east and south. The site lies in the Green Belt countryside outside by close to the settlement of Alveley.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The proposed development is not considered to accord with the requirements of the Councils relevant adopted policies and a contrary opinion has been received from the Parish Council. Whilst the Local Member has subsequently confirmed her view that a Committee decision is unnecessary, the Principal Planning Officer in consultation with the Chairman and Vice Chairman consider that the application raises issues which warrant consideration by Committee.

4.0 Community Representations

- Consultee Comments

4.1 Alveley Parish Council - The Parish Council recommends approval of this application subject to strict conditions being imposed with regard to:-

1. The number of visitors on the site at any one time;
2. The maximum number of glamping pods (no more than 8) and caravans (no more than 5) on the site;
3. Disturbance (especially outside normal working hours or daylight hours) covering:
 - (a) Noise (including music);
 - (b) Movement on and off the site;
 - (c) External lighting (so that it does not impact on local residents or road users).
4. Access and egress arrangements, which should continue to be via the Royal Oak car park, rather than direct onto the A442.
5. Environment - planting of a hedge of native species bushes/trees to screen the site from the road and passing traffic - also minimum disturbance to existing trees and bushes.

4.2 SC Regulatory Services - The applicant is advised to familiarise themselves with the following document published by the Communities and Local Government, Model Standards 2008 for Caravan Sites in England Caravan Sites and Control of Development Act 1960 Section 5.

4.3 SC Drainage - *On the application form, surface water is discharging into soakaways. The site is located outside the SuDS Consultation area and therefore I am happy to attach our standard informative for this application.*

4.4 Shropshire Fire And Rescue Service – Recommend informatives.

4.5 - Public Comments

Site notice displayed/dated 07.08.2018. Expired 28.08.2018. Seven letters sent 06.08.2018. Expired 27.08.2018.

4.6 9 representations received objecting on grounds which may be summarised as follows:

-Site lies in the green belt and the development does not conform to the development plan as being an exception site.

-Retrospective application having been operating as a caravan site for over 2 years with in excess of 20 caravans and pods on the site.

-Undesirable noise and increased anti-social activity - 'campers' partying very vocally until the small hours, music, fires and increased amount of unwanted traffic accessing private road.

-Proximity to busy Bridgnorth-Kidderminster main road and concerns about safety and suitability of the access.

-Previous application by Freedom Camping was opposed.

-The application refers to historic use of caravans on this green belt site. There is no history of touring caravans staying on this site. There has been very occasional campers on the site but those stays have been extremely rare.

-This application does not refer to tents but there have been tents there this year.

-The toilet/shower block is not unobtrusive. Clearly visible from the main road and pub car park in the centre of a green belt area.

-The site's floodlights are intrusive.

-The static caravan is too close to the boundary and is a permanent residence.

-Exacerbate existing problems with the sewage system.

-The recent application for a shop nearby was refused partially due to traffic reasons. The increased volume of caravans turning into and out of this site will cause a further traffic hazard on an already busy road.

-There is a permanent marquee in place which has live music playing on a regular basis and the noise can be heard in the village.

-Have no objection to a small, (up to 5 units), camping and touring caravan site at the side of the Royal Oak, provided that it is well run and consideration is given to neighbours.

-A site notice has not been displayed on the campsite fence or anywhere visible from the road during the consultation process.

Inaccuracies in the application documents:

-The location plan does not show the 7 houses forming The Oaks opposite the campsite although they do appear on the block plan. The 6 houses of Button Hall Close opposite the Royal Oak Public House are not shown either. This give could give the impression that there are no near neighbours to the campsite.

-Block Plan Drawing Number 2018-072-01: There are 8 wooden glamping pods, not the 7 shown on the Block Plan, 4 in each field.

-Touring caravans and motorhomes pitch anywhere in the field, not just along the southern boundary as shown on the plan.

-The hedge marked "existing native hedge" alongside the A442 is backed by a close-boarded fence, behind the fence, fast growing conifer trees have been planted. The native hedge was a condition of planning granted to The Stables, the barn shown at the southern boundary on the plan. Conifers are not in keeping with the existing hedgerow to the south of the barn, nor do they enhance the green belt.

-An extensive access road and parking for the pods in the paddock behind the Royal Oak has been laid with coarse aggregate. This has degraded the natural appearance of the paddock.

-There is no mention of the touring caravan, currently situated on the southern boundary that has been present for the last 12 months. This appears to be rented out to campers, based on photographs and reviews on Booking.com.

<https://tinyurl.com/yct647hw>

-Glampod Details Drawing Number 2018-072-03 - This document omits the design of three of the pods that are situated in the southern field, the Hobbit House, The Lodge and Caravan 2

-A simple measurement based on the scaled Block Plan (ref. 2018-072-01) supplied by the applicant's Agent, shows that the actual distance from the facade of the nearest house 7 The Oaks, to the boundary of the campsite is 28.8m, not 50m as claimed.

-The "Alveley Festival" as such does not exist, can only surmise that this refers to the Rebel Rising Country Music Festival organised by Steve Farrar Promotions from Tenbury Wells, Worcestershire. This is an event attended by people from all over the country, with camping onsite for caravans and motorhomes, with some choosing to camp on the Royal Oak site. The Oaks is located opposite the campsite, while the festival site is located on the far side of Daddlebrook Road, opposite the old garage.

-Neighbours of the campsite, including The Oaks, have not received notification of the application for a Certified Location site in accordance to the application process of the Caravan and Motorhome Club. Residents have not been given the opportunity to comment and believe the Club will be making their decision next week. A site notice for the Certified Location application has not been displayed, contrary to the application process.

-The site does not qualify for a club exemption, given the 8 pods are classed as caravans, there are at least two permanent caravans on the site, one of which is being let out and the site also accepts tent campers.

-The main road is not busy all the time and the nearest house (7 The Oaks), based on the measurements made on the scaled Block Plan mentioned above, is 64.8m from the pods.

-The location of the children's play area is still behind the pub and the ablutions block has been placed on the boules court. The flood lights from the boules court are still in place, enabling the location to be easily identified.

-One or two caravans does not make a campsite and are in any case, permitted under the 28 day rule. The mobile home visible in the photograph was originally being lived in by a member of staff. Since autumn 2011, any touring caravans or tents on the site, prior to the applicant's ownership, have been highly sporadic and do not constitute established use of a campsite.

-The previous occupants of The Royal Oak mowed the area behind the pub to enhance the aesthetic appeal of the pub. Good grass land management cannot be a justification for established campsite use. The curving drive was in place to enable the occupant to access the mobile home.

-Photograph No. 6 was taken after May 2013, when the house in the bottom left corner (7 The Oaks) was sold for the first time. The photograph shows a white

object in the top left hand corner, which may or may not be a caravan.

5.0 THE MAIN ISSUES

Principle of development
Green Belt
Accessibility
Very Special Circumstances
Visual Amenity
Residential Amenity
Ecology
Highway Safety

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.2 Paragraph 83 of the NPPF (2018) supports the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; the development and diversification of agricultural and other land-based rural businesses; sustainable rural tourism and leisure developments which respect the character of the countryside; and the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

6.1.3 Paragraph 84 also recognises that “...sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”

6.1.4 Policy CS5 advises development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to small scale development diversifying the rural economy; including farm diversification; and the retention and appropriate expansion of an existing established business.

6.1.5 Policy CS16 requires visitor accommodation to be in accessible locations served by a range of services and facilities. In rural areas proposals must be of an appropriate scale and character for their surroundings, be close to or within settlements, or an established and viable tourism enterprise where accommodation is required. As

noted above in order to be considered sustainable, Government guidance contained within the NPPF rural tourism is expected to respect the character and appearance of the countryside. The provision of visitor facilities should be in appropriate locations where identified needs are not met by existing facilities in rural service centres.

6.1.6 Policy MD11 states that holiday let development that does not conform to the legal definition of a caravan will be resisted in the countryside. Broadly speaking the legal definition of a caravan covers any structure designed or adapted for people to live in which is capable of being moved from one place to another (whether by being towed or by being transported on a motor vehicle or trailer) and any motor vehicle. This includes twin units separately constructed and designed for assembly on site, provided that the twin unit is physically capable of being moved or transported on a motor vehicle or trailer.

6.1.7 It is acknowledged that this development is associated with the existing public house and that the site is adjacent to Alveley village. There are, however, other material planning considerations applicable to this case and these are considered in turn below.

6.2 Green Belt

6.2.1 The site lies in the Green Belt countryside. Paragraphs 145 and 146 of the NPPF (2018) indicate types of development that are inappropriate in the Green Belt, and those that may be appropriate in the Green Belt, provided that the openness of the Green Belt is preserved and there is no conflict with the purpose of including the land in the Green Belt. Development in the Green Belt is inappropriate (and thus can be permitted only in very special circumstances) unless it falls within one of the exceptions identified in Paragraphs 145 and 146.

6.2.2 Given the above, when considering any planning application, local planning authorities are required to ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

6.2.3 Paragraph 145 refers to the erection of buildings and states that "*The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*" represents appropriate development in Green Belt terms.

6.2.3 Green Belt serves five purposes:
a) to check the unrestricted sprawl of large built-up areas;
b) to prevent neighbouring towns merging into one another;
c) to assist in safeguarding the countryside from encroachment;

- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.2.4 It is considered that the construction of the toilet and shower block and the change of use associated with the stationing on the land of the camping pods and touring caravans would constitute inappropriate development in the Green Belt because the development has introduced additional built footprint and volume onto land that was previously open. It is also clearly visible from the adjoining highway and appears as an encroachment into the countryside from this position. The development therefore fails to preserve the openness and would represent an encroachment of development into the countryside, therefore conflicting with the purposes of including land within it. It is therefore concluded that the proposal harms the objectives of the Green Belt to which the Government attaches significant importance.

6.3 Accessibility

6.3.1 Policy CS16 encourages the development of visitor accommodation “in accessible locations served by a range of services and facilities”. It further states that in rural areas, proposals must be “close to or within settlements, or an established and viable tourism enterprise where accommodation is required”.

6.3.2 In this case, it is accepted that, whilst the site lies to the east side of the A442 and the settlement lies to the west, the site lies close to the settlement of Alveley where there are a range of facilities and adjacent to the existing well established Public House which occupies the site. Furthermore the A442 has a number of pedestrian refuges to facilitate its safe crossing. It is concluded therefore that the site is in a relatively accessible location as required by development plan policy. It is therefore not considered to contradict the relevant sections of Policies CS6 and CS16 of the Shropshire Core Strategy (2011), and Policy MD11 of the Development Plan which seek to ensure, amongst other things, that new visitor accommodation is accessible to services and facilities.

6.4 Very Special Circumstances

6.4.1 In support of the application the applicant states that:

Tourism and Leisure is a key component of the Councils Core Strategy and vital to Alveley's economy.

That the proposed development would complement the existing tourism and leisure offer provided by the conversion of the stables to the holiday lets to the east of the site which is owned by the owner of the Public House (the tenant is the applicant).

Guests stay at the site associated with the nearby wedding venue “Mill Barns”.

The applicant and his siblings are tenants of three pubs and the margins in their

trade are very tight. Without the income generated by the pods and caravans the PH would operate at a loss for 4 – 6 months of the trading year. In August the income from the Pods and five caravans has been £8,000.

The PH is therefore able to employ 12 local people.

Guests purchase food from the Alveley shop and the applicant lends plates to take to the Chinese takeaway, when using the pods.

6.4.2 Whilst it is accepted that planning policy supports the location of visitor accommodation close to or within settlements, and associated with established and viable tourism enterprises where accommodation is required, this conflicts with other planning controls which seek to protect the green belt countryside from development which would be inappropriate by definition and would not preserve the open undeveloped character of the countryside.

6.4.3 The appellant states that the development provides a significant source of income to the supplement the Public House business. In this regard, it is asserted that it helps to keep this rural public house viable which is a valuable community asset. However it is noted that there are three Public Houses in Alveley and therefore this material consideration can be given limited weight. Moreover, this site could be separated from the public house business in the future, regardless of the applicants current intentions.

6.4.4 Policy CS5 encourages appropriate expansion of an existing established businesses however, that encouragement is caveated as being “subject to the further controls over development that apply to the Green Belt”. Accordingly, the proposal does not accord with Policy CS5 in this regard.

6.5 Visual Amenity

6.5.1 Paragraph 83 and 110 of the NPPF states that planning decisions for sustainable rural tourism and leisure developments should respect the character of the countryside; and generally that applications for development should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.

6.5.2 Policy CS6 seeks to ensure that development is appropriate in scale, density, pattern and design taking into account the local context and character.

6.5.3 Policy CS16 notes that the rural and tranquil nature of Shropshire’s countryside is a key component of Shropshire’s attractiveness as a visitor destination, it is therefore vital that all tourism proposals, particularly in rural areas, is compatible with their location so that Shropshire’s unique character and tranquillity is retained. Furthermore to the requirements in Policy CS16, policy MD11 recognises that chalets and log cabins have a greater impact on the countryside and schemes

should be landscaped and designed to a high quality.

- 6.5.4 Policy CS17 aims to ensure that all development contributes to the local distinctiveness, having regard to the quality of Shropshire's environment, including landscape.
- 6.5.5 Policy MD2 requires development to respond effectively to local character and distinctiveness, it should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set. As such, new development should respect the existing pattern of development, both visually and in relation to the function of spaces, retain and enhance important views and landmarks and respond appropriately to local environmental and historic assets.
- 6.5.6 Policy MD11 of the SAMDev states that; Tourism, leisure and recreation development proposals that require a countryside location will be permitted where the proposal complements the character and qualities of the site's immediate surroundings, and meets the requirements in Policies CS5, CS16, MD7, MD12, MD13 and relevant local and national guidance. In addition all proposals should to be well screened and sited to mitigate the impact on the visual quality of the area through the use of natural on-site features, site layout and design, and landscaping and planting schemes where appropriate.
- 6.5.7 The site is agricultural in character and despite the existing hedgerows and trees the site itself is essentially open. It is readily visible from public vantage points along the A442 and the proposed development would result in an incongruous addition in this rural location, and would be at odds with the open character and appearance of the area. The pods would appear as alien features and this together with the associated amenity buildings, vehicles and camping paraphernalia would result in an adverse impact upon the relatively open rural character of the area.
- 6.5.8 It is noted that the applicant has confirmed that he is happy to provide a landscaping scheme by way of a planning condition however it is considered that, in this instance this would be insufficient to mitigate the harm.
- 6.5.9 The proposal is therefore considered contrary to Local Plan policies CS5, C16 and C17, MD2, MD11& MD12 and national guidance contained within the NPPF which aims to improve the character and quality of an area and the way it functions and conserve and enhance the natural environment by protecting and enhancing valued landscapes.

6.6 Impact on Residential Amenity

- 6.6.1 Policies CS6 of the Core Strategy refers to the need to safeguard residential and local amenity and recognise the importance of ensuring that developments do not have unacceptable consequences for neighbours. One issue surrounding the use of the land as a glamping/ touring caravan site is the potential impact of the use on the standard of amenity enjoyed by neighbouring residents.

6.6.2 Objections have been lodged by the neighbours on noise, disturbance and light pollution grounds and on how the site is to be managed in this regard.

6.6.3 In support of the application the applicant has made the following points (summarised) :

The applicant acknowledges that nuisances have occurred and apologizes to the community.

Notes that the Parish Council recommend approval subject to conditions and accepts “reasonable” conditions.

Accepts that rubbish was burnt and states that a specific skip has been provided for visitors.

That visitors will be asked to respect neighbours and obtrusive lighting will be limited.

6.6.4 In respect of noise it is noted that the Planning Practice Guidance Note advises that this issue should not be considered in isolation, and its effects should be weighed against the economic, social and environmental dimensions of the development.

6.6.5 It is also acknowledged that there is a potential for the proposed glamping/touring caravan site to generate noise/smells and light pollution, it is considered that provided the site is managed appropriately then the residential amenity of the area would not be impacted on in a significant way. Additionally in the event that planning permission be granted and noise/smells/artificial lighting from the site consequently proved to create an issue then the Councils Public Protection Team could investigate this under nuisance legislation.

6.7 Ecological Impact

6.7.1 As mentioned above Core CS17 requires development to protect and enhance the diversity, high quality and local character of Shropshire’s natural environment, and to have no adverse effect on ecological assets. Policy MD12 relates to the conservation, enhancement and restoration of Shropshire’s natural assets. In this respect it must be demonstrated that the social or economic benefits of development clearly outweigh the harm to natural assets.

6.7.2 In this case it is considered that the proposal would not significantly harm the biodiversity and ecological interests could be protected by the inclusion of appropriate conditions requiring the installation of a lighting plan and informatives covering nesting birds, wildlife protection and landscaping. Therefore there would be no conflict with the elements of Core Strategy policies CS17 and SAMDev policy MD12 which, amongst other criteria seek to ensure that development protects

Shropshire's environmental assets.

6.8 Highway safety

6.8.1 Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic to be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced. The NPPF, at section 9, seeks to promote sustainable transport. At paragraph 108 – 109 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

6.8.2 The access is to be afforded via a gate in the existing public house car park. The access onto the A442 is in existing use for the public house and is considered adequate. No parking plans have been submitted but there is sufficient space on site to provide a parking area for each pod/hut together with additional parking near the entrance which would cater for visitors and maintenance vehicles.

6.8.3 Given the above it is considered that the proposal is unlikely to lead to severe highway safety impacts and it is located in a relatively accessible location in terms of accessing the settlements wider facilities and services on foot.

6.9 Other Issues

6.9.1 The applicant states that he has applied to the Camping and Caravanning Club for an Exemption Certificate this would enable the land subject of the application to be used for the siting of up to 5 caravans and 10 tents. Regardless of the outcome of this application i.e. whether or not it is approved or refused, should a Certificate be granted by such an exempted organisation planning permission would not be required.

6.9.2 The accommodation structures are relatively lightweight however, they are proposed to be stationed on the site for most of the year and therefore do not comprise temporary structures.

7.0 CONCLUSION

7.1 It is acknowledged that the proposed development would contribute to the rural economy and to the role of Shropshire as a tourist destination to stay. However these benefits are considered to be outweighed by the harm the openness of the Green Belt and be at odds with one of the five purposes of the Green Belt, namely safeguarding the countryside from encroachment. No very special circumstances have been demonstrated or exist that would be of sufficient weight to justify inappropriate development in the Green Belt. The development would therefore be contrary to the adopted Core Strategy policy CS5, SAMDev policy MD6 and the guidance set out in the National Planning Policy Framework Part 13.

7.2 Notwithstanding the above the benefits of proposed development are considered to be outweighed by the environmental harm. The introduction of the structures proposed would appear as incongruous additions to the area and as such would result in a detrimental impact upon the character and appearance of the area. Accordingly, the proposed development is contrary to Local Plan policies CS5, CS6, CS16 & CS17 of the adopted Core Strategy and policies MD2, MD11, MD12 of the SAMDev and national guidance contained within the NPPF, in particular paragraphs 83 and 110.

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 Core Strategy and SAMDev Plan policies:
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS16 Tourism, Culture and Leisure
CS17 Environmental Networks
CS18 Sustainable Water Management

MD2 Sustainable Design
MD6 Green Belt
MD7b General Development in the Countryside
MD11 Tourism Facilities and Visitor Accommodation
MD12 Natural Environment

RELEVANT PLANNING HISTORY:

10/05136/FUL Improved access and visibility to existing field entrance GRANT 18th January 2011
14/05094/FUL Erection of an extension to existing stable block to house toilet a tack room and a WC including a toilet and sink GRANT 28th September 2015
17/05720/FUL Conversion of stables to two holiday lets GRANT 13th September 2018

18/04590/FUL Erection of canopy porch and disabled entrance door GRANT 30th November 2018
 BR/APP/FUL/05/0154 Erection of a boules piste and two floodlight columns GRANT 12th April 2005
 BR/APP/FUL/07/0277 Siting of a residential caravan for a temporary period REFUSE 17th May 2007
 BR/APP/FUL/07/0121 Repositioning of outdoor play equipment and adjustment to boules court GRANT 10th April 2007
 BR/APP/FUL/06/0600 Erection of a fire escape stair on north elevation GRANT 20th September 2006
 BR/APP/FUL/06/0140 Erection of a rear single storey extension GRANT 13th April 2006
 BR/87/0218 INSTALLATION OF L.P.G. TANK GRANT 30th April 1987
 BR/88/0104 CONSTRUCTION OF BOWLING GREEN REF 5th May 1988
 BR/85/0700 ERECTION OF SINGLE STOREY SIDE EXTENSION INCORPORATING EXISTING OUTBUILDING AND ALTERATIONS TO PORCH AND FRONT WINDOW GRANT 10th January 1986
 BR/86/0840 CONSTRUCTION OF L.P.G. TANK WDN 1st June 1987
 BR/86/0452 USE OF LAND AS BEER GARDEN REF 5th August 1986
 BR/93/0732 ERECTION OF SINGLE STOREY EXTENSION AT THE REAR OF THE PUBLIC HOUSE TO FORM FREEZER ROOM GRANT 15th December 1993
 BR/98/0356 PROVISION OF OUTDOOR PLAY EQUIPMENT GRANT 9th July 1998

Appeal

09/01202/REF USE OF LAND AS BEER GARDEN ALLOW 6th August 1987

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
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Tina Woodward

Informatives

1. Despite the Council wanting to work with the applicant in a positive and proactive manner as required in the National Planning Policy Framework paragraph 38, the proposed development is contrary to adopted policies as set out in the officer report and referred to in the reasons for refusal, and it has not been possible to reach an agreed solution.

2. In determining this application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

Shropshire Core Strategy polices:

CS5 Countryside and Green Belt

CS6 Sustainable Design and Development Principles

CS16 Tourism, Culture and Leisure

CS17 Environmental Networks

CS18 Sustainable Water Management

SAMDev policies:

MD2 Sustainable Design

MD6 Green Belt

MD7b General Development in the Countryside

MD11 Tourism Facilities and Visitor Accommodation

MD12 Natural Environment



Committee and date

South Planning Committee

18 December 2018

Development Management Report

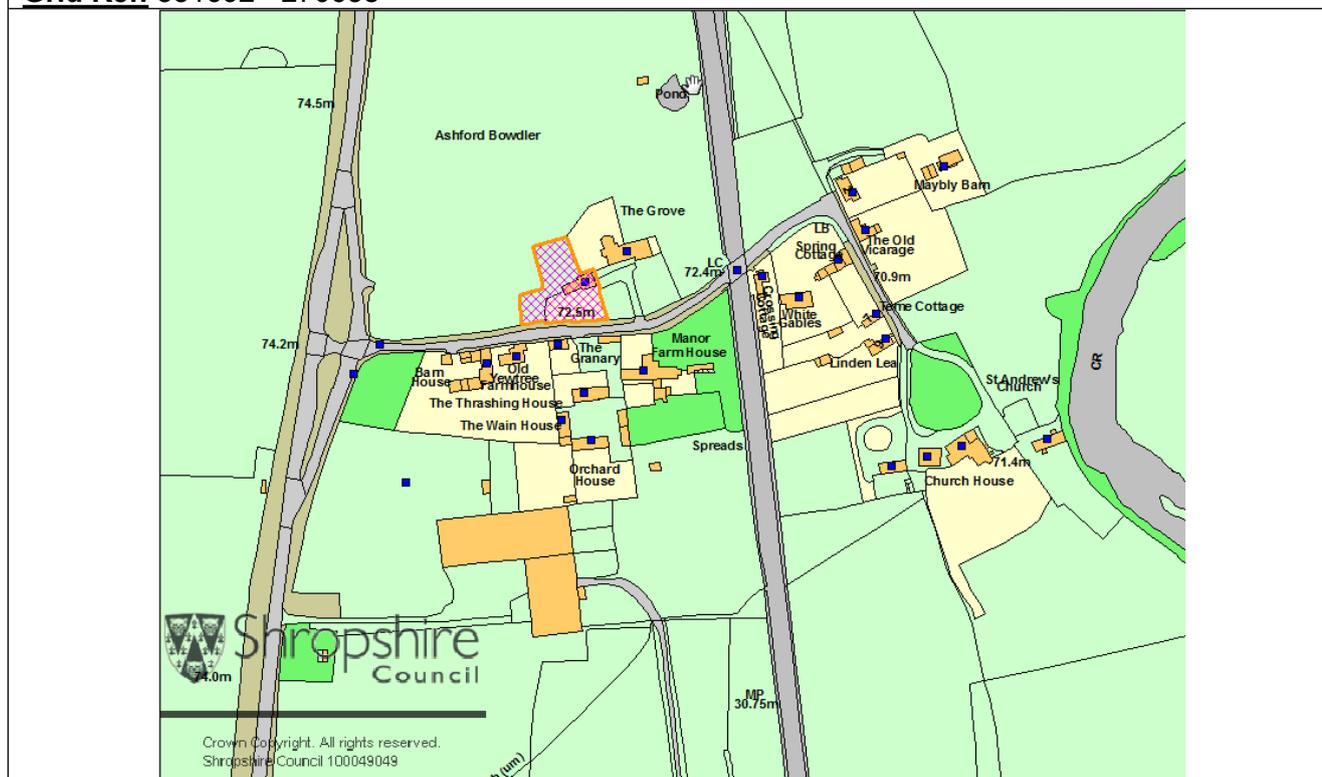
Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 18/03585/FUL	Parish:	Ashford Bowdler
Proposal: Conversion and extension to redundant agricultural building to form one dwelling and garage; change of use of agricultural land to form domestic curtilage; formation of vehicular access, and; installation of package treatment plant		
Site Address: Barn South West Of The Grove, Ashford Bowdler, Shropshire		
Applicant: Mr Rob Bryant		
Case Officer: Cathryn Robinson	email: planningdmc@shropshire.gov.uk	

Grid Ref: 351692 - 270638



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

- 1.1** This application seeks permission for the conversion of a detached brick barn and cart shed to a dwelling; the erection of garage and annexe structure, connected to the main dwelling via glazed 'link' is also proposed alongside the conversion. The formation of a vehicular access, and the installation of package treatment plant are also necessary to facilitate the conversion.
- 1.2** This application is accompanied by a 'sister' application seeking listed building consent for the works - 18/03586/LBC.
- 1.3** NOTE: Former applications 12/03444/FUL and 16/00491/FUL permitted the residential conversion of this barn.
- 1.4** This application went before the committee on its meeting of October 23rd 2018. Members there resolved to defer the application to a future meeting to enable the applicant to reconsider the height and design of the annex building.
- 1.5** During the debate by Members at the meeting of the October 23rd 2018 the following key areas of concern were identified for reconsideration: -
- Lack of subservience
 - Scale and massing
 - Unduly prominent in the street scene
 -
- 1.6** In response to the Members concerns a revised scheme has been submitted which proposes the following alterations: -
- Removal of first floor projection over existing stone wall, which reduces overall width and therefore building height.
 - Reduction in garage / ground floor ceiling height to 2.2m
 - Reconfiguration of staircase and first floor bathroom / landing.
 -
- 1.7** The revised scheme continues to propose the erection of a two-storey garage and annexe structure to provide ancillary accommodation, connected to the main dwelling via glazed 'link'; the ancillary structure has however been reconfigured to reduce its overall bulk and massing, which has ultimately resulted in a decrease of some 20m² in the internal accommodation levels.
- 1.8** The initial proposal was designed as that the first floor annexe accommodation would overhang the existing rubble stone curtilage boundary wall. The revised proposals see the removal of this projection, thus reducing the width of the structure. As viewed from the street-scene; the width of the garage/annexe gable end has reduced from approximately 6.8m to 5.9m, and the overall width of this structure reduced from some 10.7m to 9.6m.

1.9 The aforementioned width reduction has been coupled with reductions in the ground floor ceiling height (now 2.2m) to result in an overall ridge height reduction of the ancillary structure. The structure, formerly standing at some 6.7m in height, now measures approximately 6m to its ridge.

2.0 SITE LOCATION/DESCRIPTION

2.1 The barn to the south west of The Grove farmhouse is a grade II listed building containing stables, a cart shed and a byre. It dates from the 18th century and is constructed in brick with a dentil course under the eaves and a tiled hipped roof. There is a grass courtyard in front of the building enclosed by a wall constructed partly in brick and partly in modern block work. The barn and farmhouse fall within the Ashford Bowdler Conservation Area.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council have provided views contrary to the Officers recommendation. This application has been discussed with the Local Member whom concurs with the objection of the Parish Council. The Vice Chair of the South Planning Committee, in consultation with the Principal Officer, considers that the material planning considerations raised warrant determination by Committee in this case.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Ashford Bowdler Parish Council

07.11.18

Further comments of objection from Ashford Bowdler Parish Meeting.

We are grateful to the Council for referring back this application for amendment. However, in our view, the changes made do not address adequately the issues raised in various comments from individuals and the Parish Meeting.

It is a positive development that the height of the garage unit has again been reduced. Though helpful, it doesn't eliminate the problem identified i.e. that it is still out of proportion to adjacent properties with its current configuration. Please see our previous comments.

The other objections raised seem not to have been considered. These are summarised again as follows:

- Window numbers and area will destroy the character of the listed coach house. Windows at the rear are too intrusive to the adjoining listed Regency property.
- The sewage treatment effluent should not be emptied into the culvert. No other properties in the village do this as they have septic tanks. The applicant has plenty of land to construct an adequate system without using the culvert. We are still concerned about flooding of the culvert which does happen on a regular basis. It will be appreciated if the Council will seriously reconsider this application with a view to eliminating the problems raised.

23.09.18

Ashford Bowdler Parish Meeting would like to register objections to the planning application above. We are broadly supportive of bringing the old coach house back into use but not with the changes and design features shown on the latest drawings. Others in the village have raised a number of points related to planning regulations etc. and we don't propose to repeat them here.

Ashford Bowdler is a conservation village and its occupants desire it to remain as such. The coach house is firmly within the boundaries of the conservation area and is also listed. The features included in this application turn what was a design of its time, a Victorian agricultural building, into a creation of the 21st century and that adjacent to a largely regency manor house. This would make it out of line with the rest of the village the buildings of which are mostly several hundred years of age. This flies in the face of the concept of having conservation areas. The design as proposed has huge areas of glass, front and back, much of which reaches the ground. These features are totally alien in the village. The original structure of the barn will be hardly recognisable with the design proposed.

When planning approval was requested by the previous owner less than three years ago, there were copious comments from council specialists heavily restricting what could be done with this building. One such comment said that there should be no windows on the rear elevation due to the proximity to The Grove. There appears to be no such comment this time around. Other applications in the village in recent times asking to make relatively minor changes to former agricultural buildings have been met with strong resistance from the Council. I would hope that the same position will be taken for this application.

Another significant issue is that of the garage. It is good to see that the height has been reduced twice since the original design. In our view, that really is not sufficient. The addition of a room above the garage raises its profile too much and it would become quite a dominant feature from the perspective of some neighbouring properties and when approaching along the lane. We recommend eliminating the room above and changing the roof profile to have a hipped end adjacent to the lane.

We do support other comments already made about the disposal of waste water from the building. As has been mentioned, the culvert already has a tendency to overflow after heavy rain so any extra water from the digester would only exacerbate the situation. Other comments made by an expert in water treatment also refer to the technical inadequacy of the Klargestor unit for a small household. It would certainly be unacceptable to have inadequately treated waste being exited into the culvert. Treatment of waste here is a major concern. The comments about the culvert also are relevant to the construction of the bridge forming the main access to the property. This must be done without restriction to flow or we will have even more problems with flooding in that area.

In summary, the design needs a major rethink to better align with the rest of this conservation village; the water treatment plan should be reconsidered to eliminate waste water flowing into the culvert; the garage should be redesigned to avoid it

being an eyesore.

4.1.2 SUDs

No objection; recommend conditions and informatives.

4.1.3 SC Conservation

27.09.18

These comments supplement those previously submitted on 24/8/18.

The proposed amended plans are noted where there are two principal amendments:

- Reduction of the proposed outbuilding/garage height; and
- Substitution of proposed window in outbuilding (gable) to a timber shutter (where it is noted that this is a means of a fire escape).

These proposed amendments are supported in principle, where the reduction in height shall aid subserviency to that of the principal listed building.

24.08.18

This proposal follows pre-application advice that was given as part of PREAPP/18/00130, where the principle of the conversion of this listed barn was deemed to be acceptable in principle. There were design concerns with the proposal, where further amended drawings were submitted for consideration by SC Conservation. Also a Structural Survey was requested in accordance with policy MD7a of SAMDev, in order to determine whether the barn is capable of conversion which is provided as part of these applications.

The proposed revisions for this proposal are noted, including the retention of the existing timber shutters that shall be pinned back in order to retain the agricultural appearance of the building. New windows have been accommodated by using the existing brick recesses, especially on the rear elevation, along with contrasting oak cladding, where the windows on the principal front elevation utilise existing openings. The main principle issue was how to accommodate the extra bedroom in a sensitive manner, given the existing sensitivity of the existing form of the barn, where any extension would likely to have a detrimental impact. The principle of a contemporary glazed units, supported by green oak, along with a green sedum roof, partially hidden by an existing rubblestone boundary wall to a new outbuilding was considered, where this was deemed to be the least harmful option and therefore retaining the historic legibility of the principal barn building. This also utilises the pleasing curvature of the existing rubblestone wall that contributes towards the setting of the site, along with the significance of the barn building in terms of its historic layout and field pattern. Ashford Bowdler is characterised by ancillary outbuildings on the frontage, where this outbuilding should be clearly ancillary to the principal listed barn, as well as fitting in with the other buildings that are adjacent within the conservation area, as an overall composition. It also affords uninterrupted views and linkage towards the rural hinterland beyond, keeping the outbuilding contained within the site, without causing undue clutter

The conclusion of the Structural Survey is noted, where it is deemed that the existing barn is capable of conversion with some localised repairs, which is not surprising, given the length of time it has remained vacant. This should therefore inform a relevant Schedule of Works in terms of what interventions are required to the building, including the relevant timber roof structure and the existing brickwork that may involve some rebuilding of existing lintels. Conditions are recommended below with regards to the extent of the likely works that may be required to the existing timber roof structure, along with relevant areas of repointing of the brickwork.

Overall, there are no principle objections to this proposal, where the conversion of this vacant listed building is supported in principle, subject to conditions.

4.1.4 SC Archaeology

In accordance with the National Planning Policy Framework (NPPF) Section 141, it is recommended that a programme of archaeological work, to comprise an archaeological watching brief during any ground works associated with the proposed conversion, extension, landscaping and services, be made a condition of any planning permission.

4.1.5 SC Highways

The site is located on the northern side of the unclassified no through road which serves the village of Ashford Bowdler east of the A49 and to the south of Ludlow. The unclassified road is rural is subject to a low level of traffic generated by the occupation of the surrounding properties. The likely traffic generation of the dwelling is unlikely to result in a detrimental impact on the adjoining unclassified road.

The Proposed Site Plan drawing no. P003 Rev B shows the proposed layout of the site and new access. The new access is to be created by removing a section of the boundary wall and is considered to be acceptable for the prevailing highway conditions. The drainage ditch running parallel to the site frontage within the highway will need to be satisfactorily culverted under the access apron to ensure its integrity.

No objection, subject to the development being constructed in accordance with the approved details and the inclusion of conditions to reinforce the critical aspects.

4.1.6 SC Ecology

No objection; see decision notice, where conditions and informatives are attached. Please also see the European Protected Species 3 tests matrix.

4.1.7 SC Affordable Housing

Listed Buildings are exempt from the need to contribute towards affordable housing.

4.2 - Public Comments

4.2.1 This application was advertised via notice at the site. Additionally, the residents of five neighbouring residents were individually notified by way of publication. At the

time of writing this report. At the time of writing this report sixteen representations had been received.

- 4.2.2** Of the five neutral representations, the comments raised are summarised as follows –
- A septic tank should be explored as the preferred drainage option
 - Water should not discharge into the existing watercourse since it is prone to overflowing and at cold times of year is dangerous due to ice
 - It is unclear whether or not the existing wall shall be sympathetically retained where the new access shall be installed; as a conservation area it is important that changes to buildings and other structures are in keeping with existing materials
 - Preference for a hipped roof, to mimic the existing barn, as to lessen prominence from the lane
 - Modern design at odds with the Georgian, Grade 2 listed neighbour
- 4.2.4** The eleven objections received are summarised as follows –
- The extension to the existing barn is considered to have a hugely detrimental impact on the character and appearance of the conservation area
 - The extension will be visible from many public vantage points, and be obviously visible above the existing boundary wall
 - When entering the village from the East property 'The Grove' and this redundant agricultural building dominates the view; the proposed extension will have an obvious impact to this important arrival into the village
 - The garden intrudes into open countryside and the associated residential paraphernalia would have a detrimental impact on both the character and appearance of the conservation area
 - The proposed green roof above the single storey link extension is also wholly out of character and would result in a new feature that is not present within the conservation area
 - The glazing at the front of the link would not have the effect of being a lightweight link between two buildings as there is a solid wall to the rear.
 - The partial demolition of the boundary wall, to make way for the new access, does not preserve the character or appearance of the conservation area
 - The proposed glazing would destroy the character and appearance of this historic building
 - The garden areas are created with new boundary fencing that intrude into the open countryside
 - The addition of an extension which would more than double the footprint of the existing building clearly has a hugely detrimental impact on the character and appearance of the conservation area
 - No physical evidence suggests a building was ever sited at this location; the historic maps do not support this application
 - The impact to the conservation area is not duly assessed
 - The deeper floor plan and gable ends, along with its prominent position adjacent to the highway give the impression of an incongruous bulky building that would have a dominating impact on the listed building and its setting

- There is a window proposed on the southern elevation on the upper floor of the extension to bedroom 1. The Granary' and is only 8.5m away and has two windows on its northern elevation to habitable rooms which would look directly into bedroom one thus resulting in a loss of residential amenity and privacy
- Ground floor windows at 'The Granary' will suffer from loss of light
- Submitted amendments considered insufficient to override issues initially raised

4.2.5 Following the post-committee (meeting October 23rd 2018) design revisions further public representations were invited. Two objections were received as follows –

- The amendments to the application have not dealt sufficiently with the issues previously raised
- The Klargestor will still be discharging water into the culvert, exacerbating the risk of flooding.
- The design of the north face of the Coach House is out of keeping with the elegant Georgian facade of The Grove and will result in a major loss of privacy for the occupants of that property.
- The garage building, even with its height reduction, will still be overly prominent in the village scene.
- The Granary still consider the proposal to be detrimental to them in terms of light loss; the property were refused further new windows to allow light thus cannot afford to have their light deprived amenity room further compromised
- Why is it necessary for this building to be so tall and is so after these last adjustments?
- As a modern building, it would be best in single storey form
- Continued harm to the conservation area

5.0 THE MAIN ISSUES

Principle of development

Siting, scale and design of structure

Impact on visual amenity and the wider conservation area

Neighbouring amenity

Drainage

NOTE: the impact on the special architectural character and historic interest of the listed building and associated curtilage listed wall is considered within the officer report attached to listed building application 18/03586/LBC.

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The proposed site is situated within the Ashford Bowdler Conservation Area and affects a listed building or its setting and has the potential to impact on these heritage assets The proposal therefore has to be considered against Shropshire Council policies CS6 and CS17 and with national policies and guidance including PPS5 Historic Environment Planning Practice Guide and section 16 of the National

Planning Policy Framework (NPPF). Special regard has to be given to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses and preserving or enhancing the character or appearance of the Conservation area as required by section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.1.2 Shropshire Core Strategy CS5: Countryside and Green Belt seeks to control residential development within the open countryside. Since Ashford Bowdler is not recognised as neither a hub nor cluster by CS4: Community Hubs and Community Clusters nor the newly adopted Site Allocations and Management of Development (SAMDev) Plan the development site is considered as open countryside where the establishment of new residential dwellings is generally opposed. However policy CS5 allows for the conversion of redundant rural buildings in the countryside to dwellings provided the proposal takes account of and makes a positive contribution to the character of the building.

6.1.3 Core Strategy Policy CS17: Environmental Networks requires development to identify, protect and enhance the high quality of Shropshire's natural, built and historic environment whilst contributing to local distinctiveness and having due regard to the quality of Shropshire's environment. MD13: The Historic Environment of the Site Allocations and Management of Development (SAMDev) plan further encourages development which delivers positive benefits to heritage assets. In line with this policy the conversion of existing buildings, particularly of heritage/historic interest, is supported by both local and national policy requirements. The outbuilding in question is limestone constructed barn, curtilage listed in association with the Grade II listed principal farmhouse. The heritage status of this building sees it suitable, in principle, for residential development.

6.2 Siting, scale and design of structure

6.2.1 Proposed is the conversion of a redundant agricultural building to a family home; some extensions are proposed in order to supplement the accommodation, namely add a garage and annexe accommodation. Preapplication advice was sought on an alternative proposal; initially a two-storey extension was intended to be directly affixed to the rear of the barn. A detached garage was intended to be subject to a separate application/additional dialogue. A two-storey introduction of this scale was deemed inappropriate in the manner it structure fundamentally alters the simple silhouette and footprint of the existing barn, which is currently distinctive its character. The only acceptable manner to gain accommodation of this scale was deemed via a 'detached' extension connected to the main barn via a glazed 'link'. The separation and reduction in intervention with the original building afforded by such an approach ensures that the existing agricultural character of the barn is not unduly eroded.

6.2.2 A preapplication site visit and further discussion was undertaken by the applicant, agent, local planning authority and conservation officers. In order to reduce the amount of new built form associated with this listed building and its setting, the amalgamation of the garage and annexe accommodation into a sole structure was suggested. Provided this structure was; not excessive its scale, sufficiently

subservient within its context and of a high quality overall design, this option was considered likely the best way in moving forward by way of avoiding future ad-hoc applications for outbuildings and further extensions as may be desired by the client or future occupiers of the property.

- 6.2.3** Contrary to claims made within submitted representation, the addition as proposed does not double the existing building footprint nor accommodation levels. The scheme as previously considered increased the internal accommodation levels by 183m², where the revised scheme proposes increases of 162.3m². The proposal is noted as generous its scale; however roughly a fifth of this is contained within the basement, thus does not add the bulk of the property. Another fifth is also attributable to the double garage element; should this not have been an integral part of the scheme, it is likely garaging would've been sought as a separate structure thus further adding to visual mass within the property curtilage.
- 6.2.4** A gabled timber boarded ancillary building –where the gable end faces the highway –is proposed, and shall be attached to the main barn via glazed 'link'; the structure will use the existing rubble stone wall to comprise some of its external walls. As previously considered, its overall height would stand some 2.2m lower than the highest ridge height of the main barn; the revised scheme increases this height difference to some 2.9m. As viewed from the street-scene; the width of the garage/annexe gable end has reduced from approximately 6.8m to 5.9m, and the overall width of this structure reduced from some 10.7m to 9.6m.
- 6.2.5** Concern has been raised regarding the subservience of the structure, both in terms of its relationship with the main barn and the wider street scene. In terms of its relationship with the main barn, the height difference of 2.9m is considered more than sufficient in establishing an obvious visual subservience to the ancillary outbuilding. In regards to the wider street scene, neighbouring property 'The Granary' has been confirmed as exhibiting an overall ridge height of some 6.9m. The revised proposal ridge height of 6m is therefore considered to be comfortably subservient within the street scene, particularly where the built form on the North side of the highway – 'The Grove', and the barn subject of this application – are notably taller than the development on the South side of the highway.
- 6.2.6** In conjunction with the building height, as discussed above in 6.2.4 and 6.2.5, the use of timber boarding, deemed a 'lesser status' construction material also helps to reinforce the ancillary nature of this built form. In terms of its design, the justifying rationale is to mimic the surrounding character where lesser status outbuildings exhibit roadside fronting gables. Indeed, an example of such form is observed opposite the development site in the layout of the now residentially converted outbuildings – inclusive of neighbouring properties 'The Granary' and 'Barn House' - formerly associated with Manor Farm House; accordingly this design approach is not considered incongruous.
- 6.2.7** It is acknowledged that much of the objections received do not find favour with a contemporary design, however such an approach is preferable to a poorly executed pastiche. There is resistance to the reinstating of historical forms and design elements in the absence of sound evidence of their historic existence and merit.

The introduction of more modern designed elements allows the main heritage component to remain the predominant feature of the property, and allows the historic context and evolution of the building to be legibly read. Though proposing built form forward of the principal elevation of the main building the siting is considered appropriate in this instance as per paragraph 6.2.6 in echoing the local character of ancillary outbuildings.

6.2.8 A simple single storey link extension shall attach the timber boarded outbuilding to the main barn; the flat roof structure shall exhibit a green roof. Objection comments have raised concern with this element of the scheme: the proposed green roof is labelled a new feature within the conservation area which would be wholly inappropriate; additionally the link extension is not considered a lightweight addition between the structures, where there is a solid wall to the rear. In regards to the green roof, whilst not currently observed within the conservation area it is not a 'material' selection considered sufficiently inappropriate to warrant requests for its removal; indeed it could be considered of visual benefit where, from long range views, the vegetation could be read in context with the garden lawn thus reinforcing the visual separation desired between the structures. In regards to the referenced solid wall, this is noted to be an existing wall whose removal is considered inappropriate on heritage grounds; all new structural elements associated with this link are of a lightweight and glazed nature.

6.2.9 Representation has been received objecting to the glazing as proposed to the main barn, which is considered to destroy the character and appearance of this historic building. It is acknowledged that the previous permissions for the conversion of this building contained rooflights only to the rear elevation. The fenestration here designed is resultant of discussion with our conservation officers, where existing fenestration has been retained as much as possible. New fenestration to the rear – where an absence of fenestration requires the insertion of some new units (be it windows or rooflights) to allow the building to function as a dwelling – has been designed as to make use of existing recesses in the brickwork; the glazing shall be located within these recesses, as to allow the character and form of this wall to be retained as much as possible rather than randomly placed windows punctuating the rear elevation. Existing openings are retained to the other elevations, with existing shutters also retained and pinned back as to avoid undue harm to the heritage asset and conserve its character.

6.3 Impact on visual amenity and the wider conservation area

6.3.1 The barn in question is Grade II listed; the building also sits within the Ashford Bowdler Conservation Area. The development site is acknowledged as being readily visibly to motorists and pedestrians alike travelling the U-classified highway which adjust from the A49 to provide access to the village; the site can also be glimpsed from the A49 trunk road. As such there is a notable degree of visual sensitivity which must be carefully considered prior to the permitting of works at this location.

6.3.2 In terms of the character of the street scene, when travelling eastwards along the U-classified highway it is noted that buildings on the right hand side of the road generally front the roadside, and The Grove and its associated barn (subject of this

application) are set back from the highway. It is acknowledged that building forward of the principal elevation of the barn is at odds with this street-scene pattern; however it is considered that this is of lesser visual impact than its siting to the side or rear of the barn would be, where the built form and addition of bulk would represent visual erosion of the openness of the countryside to the North of the development site. The revised proposal improves upon this situation, where the reduction in width and height of the ancillary structure further reduces its bulk. As per paragraph 6.2.6, the design and siting of the structure works to echo local character thus shall not look unduly alien. Further open fields shall remain to the West of the development site, thus not unduly impacting the visual entrance into the village nor the character and appearance of the conservation area.

- 6.3.3** In regards to the partial demolition of the boundary wall on the southern boundary to make way for the proposed access; these works were approved via former applications 12/03444/FUL and 16/00491/FUL seeking to residentially convert this barn, thus it would be inappropriate to now deem this intervention to the wall as unacceptable regardless of the level of objection this element of the proposal has attracted. Aside from gaining access from the South, the alternative to gaining access to this property would be via a lengthy driveway of over 90m extending from the existing field access across the fields to the North and West (which are within the ownership of the applicant). This is considered an option which would unacceptably erode the open countryside; additionally it would directly contrast with the character of Ashford Bowdler and its conservation area, where the vast majority of properties front – and are accessed via- the U-classified Ashford Bowdler Village road.
- 6.3.4** It is confirmed that alongside post and wire fencing to delineate the new garden, that native species hedgerow shall also comprise the proposed boundary treatment; this vegetative boundary is consistent with the locality thus shall not appear as unduly alien nor prominent within the landscape. The new outlined property curtilage, whilst larger than the existing North field boundary, extends no further north than the existing residential curtilage of neighbouring The Grove. As such, it is not considered that the curtilage as proposed unacceptably erodes the surrounding countryside. It is acknowledged that domestic paraphanelia will pose some impact, however where the development site is adjacent to a residential property this is not considered of unacceptable visual impact.
- 6.3.5** In terms of alterations to the principal barn, interventions to the structure are generally kept to a minimum thus avoiding harm to the heritage asset in line with policy MD13. Due to changes in modern agricultural practices the buildings are no longer fit for their original purpose, and if no alternative use is found it is likely the buildings would be left to gradually deteriorate risking the long term maintenance and survival of important historic buildings; as such the permitting of a sympathetic conversion scheme for this building, rather than it remaining redundant and falling into a state of disarray, is required in order to best preserve and enhance the character and appearance of the conservation area.

6.4 Neighbouring amenity

- 6.4.1** Objection comments reference the fenestration proposed to the North elevation which shall directly overlook the amenity space of neighbouring 'The Grove'. At first floor level this fenestration is to serve a bathroom and a landing. Bathroom windows are generally obscure glazed for the privacy of the occupants, however this can be conditioned accordingly if deemed necessary. Accordingly a landing is not considered primary accommodation where the inclusion of fenestration can give rise to unacceptable overlooking nor loss of privacy; particularly in this instance where the landing window is located over the stairs. The remainder of the first floor windows to this elevation would have an angled view of the neighbouring garden; serving a hallway (thus not primary living accommodation) and an additional bathroom (which shall be obscure glazed). In this light it is not considered that overlooking from any these windows would be of sufficient harm to warrant the refusal of this application.
- 6.4.2** In terms of ground floor windows, the bifold doors serving the dining room are the nearest to neighbouring 'The Grove' their siting shall allow only angled vantage points into the neighbouring garden. As ground floor fenestration, it is considered that landscaping measures are appropriate in ensuring that no detrimental overlooking can occur. Additionally only one East facing window is proposed; this is at ground floor level, and at a height that shall serve as a light source only rather than giving rise to direct overlooking of the neighbouring curtilage. It is neither considered that the levels of activity associated with the establishment of a sole residential dwelling at this location shall cause disturbance sufficient to unduly harm the amenity of occupants of 'The Grove'.
- 6.4.3** Neighbouring property 'The Granary' sits opposite the development site, with approximately 8.6m separating this property from the roughly 1.8m high stone rubble wall comprising the Southern curtilage boundary of the development site. Accordingly, particularly at ground floor, 'The Granary' possesses a compromised situation in terms of its amenity; it must therefore be assessed whether or not the proposal significantly exacerbate the existing situation. In relation to the sun's path, where the neighbouring property sits South of the proposed addition it is not considered that the outbuilding will be sited in a location where it will cast direct shadow over the neighbouring property. Following the October 23rd committee meeting, the agent – via drawing number P301 – has provided a section drawing illustrating sunlight travel which confirms this stance.
- 6.4.4** Though the proposal is acknowledged likely to give rise to some loss of natural daylight to neighbouring 'The Granary' it is not considered sufficient to warrant the refusal of this application; the triangular nature of the gable end facing the neighbouring property – rather than a solid rectangular form – aids this scenario. The reduction in the outbuilding width and height following the design revisions works to improve this situation. At the separation distance involved, it is neither considered that the outbuilding as proposed would sufficiently overbear the occupants of neighbouring 'The Granary' as to warrant the refusal of this application.

6.4.5 Concern was raised regarding the inclusion of a first floor window, serving bedroom 1, of the proposed outbuilding. Due to the relationship with neighbouring 'The Granary' there was apprehension regarding potentially unacceptable overlooking; in the interests of working proactively as per paragraph 38 of the NPPF these concerns were relayed to the agent, who confirmed that the opening was included as means of fire escape only. Amended plans specify that no glazing will be fitted to the opening, which will instead be in the form of a removable (from inside) opaque insulated panel with a timber shutter on the outside as required in order to meet building regulations for fire escape. Suitable conditions attached to the decision notice shall ensure that this cannot be substituted for glazing.

6.5 Drainage

6.5.1 A package sewage treatment plant is proposed and will be located in the land to the west of the site. Objection has been received in relation to the treatment of both surface and waste water, with a neighbouring culvert prone to overflow following heavy rain thus concerns are raised for any extra water from the digester exacerbating the situation. The representations in this regard are noted; full details of the plant and surface water disposal are the subject of a planning condition thus will be confirmed at a later date. No objections have been raised by the Council's Drainage Consultants, who are content that drainage interests can be safeguarded through a condition on any approval issued. (Foul and surface water drainage details were conditioned (no.11) on the barn conversion scheme 16/00491/FUL for this building, which was permitted on the 16th June 2016).

7.0 CONCLUSION

7.1 The works are judged to be in scale and character with the original building and its setting. It is not considered that the proposal gives rise to sufficient harm to neither visual nor residential amenities as to warrant the refusal of this application; the long-term safeguarding of this listed building is indeed a factor weighing in favour of the planning balance. The application therefore accords with the principal determining criteria of the relevant development plan policies and approval is recommended.

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

Core Strategy and SAMDev Policies:
CS5 – Countryside and Green Belt
CS6 - Sustainable Design and Development Principles

- CS11 – Type and Affordability of Housing
- CS17 - Environmental Networks
- CS18 – Sustainable Water Management
- MD2 - Sustainable Design
- MD7a – Managing Housing Development in the Countryside
- MD12 – Natural Environment
- MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

- 12/03444/FUL Conversion of agricultural building to a two-storey dwelling; formation of vehicular access; installation of package treatment plant GRANT 21st February 2013
- 12/03758/LBC Alterations in association with conversion of agricultural building to a two storey dwelling GRANT 21st February 2013
- 16/00491/FUL Conversion of agricultural building to form one dwelling; formation of vehicular access; installation of package treatment plant GRANT 16th June 2016
- 16/00492/LBC Alterations in association with conversion of agricultural building to a two storey dwelling (renewal of planning permission 12/03758/LBC) GRANT 16th June 2016
- 18/03586/LBC Conversion and extension to redundant agricultural building to form one dwelling and garage; change of use of agricultural land to form domestic curtilage; formation of vehicular access, and; installation of package treatment plant PDE
- SS/1/7904/T/ Felling of an Oak tree PERCON 20th August 1997
- SS/1/6041/U/ Felling and lopping of trees OBJECT 24th October 1995
- SS/1/00/11132/TC Felling of Leylandii trees. NOOBJ 27th July 2000

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=PCUI6ETDFFV00>

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 including Heritage Impact Assessment
Structural Survey
Ecology Report
Cabinet Member (Portfolio Holder)
Cllr R. Macey
Local Member
Cllr Vivienne Parry
Appendices
APPENDIX 1 – Conditions
APPENDIX 2 – European Protected Species tests form

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 approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

4. No development shall take place until either:

a) a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained from Natural England and submitted to the Local Planning Authority; or

b) a statement from an appropriately qualified and experienced ecologist has been submitted in writing to the Local Planning Authority explaining why a licence is not required and setting out any additional mitigation measures required.

Reason: To ensure the protection of bats, which are European Protected Species.

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

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

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

6. The access, parking and turning areas shall be satisfactorily completed and laid out in accordance with the Proposed Site Plan drawing no. P003 Rev C prior to the dwelling being

occupied. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.

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

7. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls of the proposed outbuilding and link extension shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

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

8. Prior to first occupation / use of the building, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority and installed. 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 175 of the NPPF.

9. The access apron and culverting of the ditch shall be constructed in accordance with the Shropshire Council's specification currently in force for an access 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.

10. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The 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: To minimise disturbance to bats, which are European Protected Species.

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

11. 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 5.0 metres of the highway boundary.

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

12. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order modifying, revoking or re-enacting that Order), no extension, garage, car port or other building/structure shall be erected or installed within the curtilage of the dwelling hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To safeguard the character and setting of the converted barn, in accordance with Policies CS5, CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order, with or without modification), no windows shall at any time be placed in the South elevation of the outbuilding hereby permitted.

Reason: In order to protect the residential amenity of adjacent properties.

14. The curtilage for the enjoyment of this property shall remain as the land contained within the hedgerow and post and wire stock fence to garden boundary as delineated in site plan P003-C.

Reason: To avoid unacceptable encroachment of the domestic curtilage into the surrounding open countryside

15. The 'Garage' as labelled on approved drawing P101 E shall only be used for purposes of the storage of vehicles and/or domestic items associated with the dwelling. At no time shall this space be converted to primary accommodation in association with the existing dwelling.

Reason: To mitigate against the need for future detached garage structures, in order to safeguard the character and setting of the converted barn, in accordance with Policies CS5, CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

16. All demolition, conversion, site clearance, development, landscaping and biodiversity enhancements shall occur strictly in accordance with section 6.1 of the Ecological Appraisal (Greenscape Environmental, January 2018).

Reason: To ensure the protection of and enhancements for bats, which are European Protected Species.

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 38.

2. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation. Your attention

is specifically drawn to any conditions above that require the Local Planning Authority's approval.

In accordance with Article 27 of the Town & Country Planning (Development Management Procedure) Order 2015 a fee may be payable to the Local Planning Authority for applications to discharge conditions. If a fee is necessary this will be required per request. The required forms are available from www.planningportal.gov.uk or from the Local Planning Authority.

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. Failure to discharge pre-commencement 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 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.

4. 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.

5. 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.

6. The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e. wheelie bins & recycling boxes).

Specific consideration must be given to kerbside collection points, in order to ensure that all visibility splays, accesses, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycle ways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety.

<https://new.shropshire.gov.uk/planning/faqs/>

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, scrub removal and/or conversion, renovation and demolition work in buildings 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 and buildings for active bird nests should be carried out. If vegetation or buildings 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. Only if there are no active nests present should work be allowed to commence.

8. Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

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.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

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.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

9. 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.

APPENDIX 2

EUROPEAN PROTECTED SPECIES: The 'three tests'

Application reference number, site name and description:

18/03585/FUL

Barn South West Of The Grove Ashford Bowdler Shropshire Conversion and extension to redundant agricultural building to form one dwelling and garage, formation of vehicular access and installation of package treatment plant

Date:

4th September 2018

5th September 2018

Officer:

Sophie Milburn

Assistant Biodiversity Officer

sophie.milburn@shropshire.gov.uk

Tel.: 01743 254765

Cathryn Robinson

Planning and Enforcement Officer

Email: Cathryn.Robinson@shropshire.gov.uk

Telephone: 01743 257 771

Test 1:

Is the development ‘**in the interests of public health and public safety**, or for other imperative reasons of **overriding public interest**, including those of a social or economic nature and beneficial consequences of primary importance for the environment’?

The development involves the conversion of a barn which has become redundant as agricultural buildings. The barn is of local heritage interest and assets to the area, falling within the Ashford Bowdler Conservation Area and where the building is Grade II listed. Adapting the buildings to allow for an alternative use (in this case residential dwellings) would ensure the buildings long-term preservation and retain physical evidence of the evolution of the area. As identified by national and local planning policy the conservation of such heritage assets is considered to be of significant public benefit since it has wider social, cultural, economic and environmental benefits. The buildings are a non-renewable resource and its preservation will enable it to be-enjoyed by future generations and contribute to the local character and sense of place within the immediate surrounding area.

Test 2:

Is there ‘**no satisfactory alternative?**’

The alternative would be not to convert the barn. Due to changes in modern agricultural practices the building is no longer fit for their original purpose, and if no alternative use is found it is likely the building would be left to gradually deteriorate risking the long term maintenance and survival of important historic buildings.

Test 3:

Is the proposed activity ‘**not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status** in their natural range’?

Bat surveys between January and July 2018 identified day roosts for small numbers of lone male or non-breeding female common pipistrelles (max count 4) and brown long-eared bats (max count 1).

EPS offences under Article 12 are likely to be committed by the development proposal, i.e. damage or destruction of an EPS breeding site or resting place and killing or injury of an EPS.

The likely offences cannot be avoided through mitigation measures secured through planning conditions as the building is going to be converted.

Section 6.1 of the Ecological Appraisal (Greenscape Environmental, January 2018) sets out the following mitigation, compensation and enhancement measures, which will form part of the licence application:

- The Registered Consultant (RC) will carry out a pre-commencement check.
- ‘Bat(s) will be excluded from the roost areas using one-way exclusion techniques where possible.’
- ‘Exclusion will be left in situ for 3 days and checked by the consultant.’
- ‘Removal of the roof will occur when bats are least likely to be present.’
- ‘The removal of the roof will not take place if the temperature has been below 4°C for 4 consecutive days and nights.’
- ‘The RC will be present on site when the roof is removed carefully by hand, particularly the ridges and around gables.’
- ‘If a bat is found when the RC is not present then work will stop in that area IMMEDIATELY and the RC contacted for advice.’
- ‘The bat can only be handled by the RC or authorised person unless it is in immediate danger. The bat must be carefully placed in a well ventilated lidded box with a small container (preferably a plastic bottle lid) with water in it. The container must be kept in a quiet and safe place.’
- ‘Care should be taken to avoid rousing the bat whilst transferring to a suitable location, this may be a suitable hibernation box or alternative roost. This must provide a safe, quiet environment with stable cool temperature with relatively high humidity which is safe from disturbance.’
- ‘Gaps will be created by leaving a 20mm gap at the end of ridge tiles every 3m along the roof.’
- ‘Lining material under the ridge will comprise Bitumen Hessian material to BS EN 13707:2013 (1F) so bats cannot come into contact with modern breathable membranes.’
- ‘Once the building has been re-roofed bat access will be limited by sealing all doors and windows, thus reducing the potential for bats to re-enter where they are not expected.’
- At least two Schwegler 3FF/1FF bat boxes will be erected in the trees close to the field access.
- ‘[A] bat loft is to be installed in the new garage ... The following specifications should be adhered to when designing the bat loft’:
 - o ‘The total volume of the void will be 4m wide, 5m long, by 2m high.’
 - o ‘Skylights will not be placed in the roof section designated as a bat loft’.
 - o ‘The loft space will have a small access hatch so it can be checked for bat activity, but not used for storage’.
 - o ‘Bitumen hessian lining to F1, BS747 will be used so bats cannot come into contact with modern breathable membranes’.
 - o ‘Access to the bat loft will be made by leaving two ridge tiles slightly raised leaving 15mm gaps. Under these areas, slits will be made in the membrane’.
 - o ‘A lead replacement tile and/or a purpose-built ridge access tile will be installed on the western aspect of the loft just below gable height to allow bat access’.

- o ‘Roost opportunities in the bat loft will be made using 1m strips of Bitumen Hessian lining at the ridge tile. Gaps and slits will be made in these to allow bat access’.
- o ‘Wooden bat boxes will be created and erected on the gable ends of the bat loft to create further roost opportunity. These will have an entrance gap of 15mm’
- o ‘The roof space set aside for bats will be insulated between the floor and ceiling and not under the tiles ... to keep the area the right temperature for bats in summer.’

I am satisfied that the proposed development will not be detrimental to the maintenance of the populations of common pipistrelles and brown long-eared bats at favourable conservation status within their natural range, provided that the conditions set out in the response from Sophie Milburn to Consultee Access (dated 24th September 2018) are included on the decision notice and are appropriately enforced.

The conditions are:

- Working in accordance with protected species survey;
- European Protected Species Licence;
- Erection of bat boxes; and
- Lighting plan.

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Committee and date

South Planning Committee

18 December 2018

Development Management Report

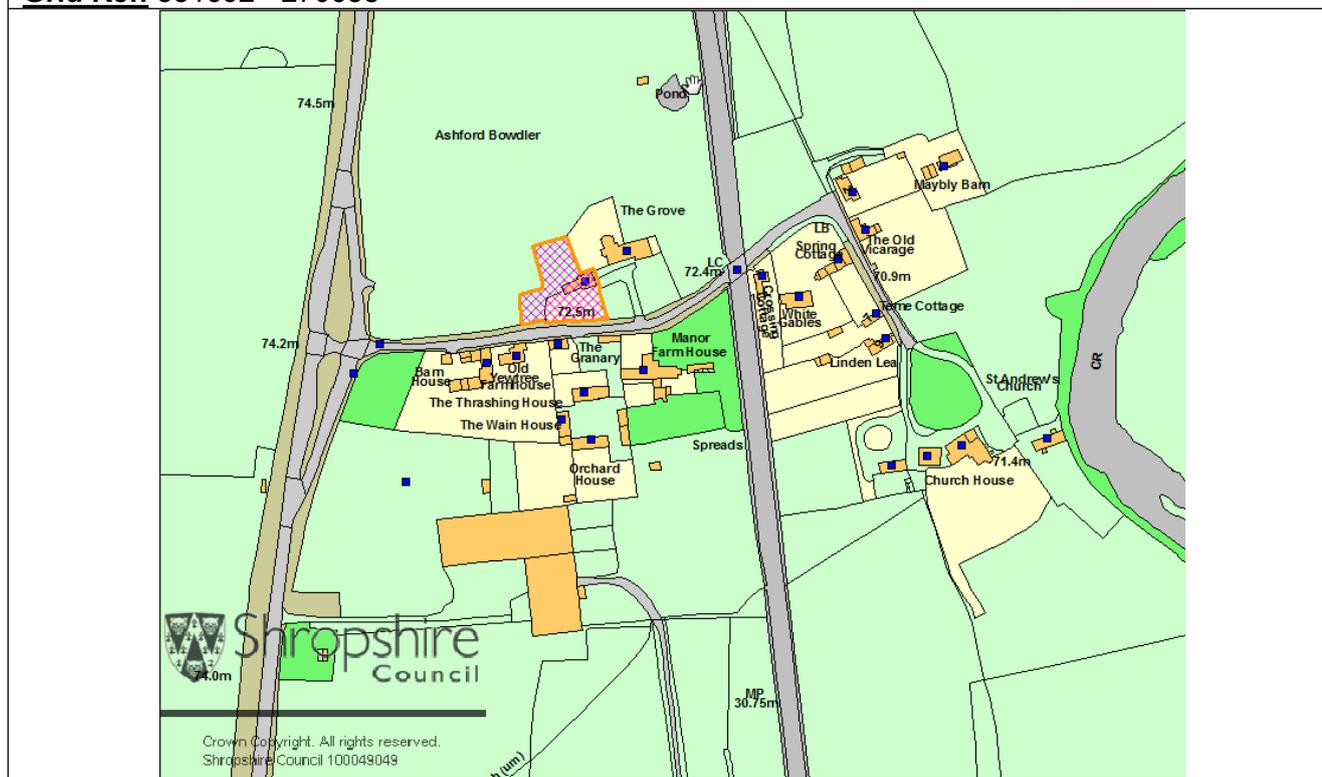
Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 18/03586/LBC	Parish:	Ashford Bowdler
Proposal: Conversion and extension to redundant agricultural building to form one dwelling and garage; change of use of agricultural land to form domestic curtilage; formation of vehicular access, and; installation of package treatment plant		
Site Address: Barn South West Of The Grove, Ashford Bowdler, Shropshire		
Applicant: Mr Rob Bryant		
Case Officer: Cathryn Robinson	email: planningdmc@shropshire.gov.uk	

Grid Ref: 351692 - 270638



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

REPORT

1.0 THE PROPOSAL

1.1 This application seeks listed building consent for the conversion of a detached brick barn and cart shed to a dwelling; the erection of garage and annexe structure, connected to the main dwelling via glazed 'link' is also proposed alongside the conversion. The formation of a vehicular access, and the installation of package treatment plant are also necessary to facilitate the conversion.

1.2 This application is accompanied by a 'sister' application seeking planning permission for the works – 18/03585/FUL which is the subject of a separate report on this agenda.

1.3 NOTE: Former applications 12/03758/LBC and 16/00492/LBC approved alterations for the residential conversion of this barn.

1.4 This application went before the committee on its meeting of October 23rd 2018. Members there resolved to defer the application to a future meeting to enable the applicant to reconsider the height and design of the annex building.

1.5 During the debate by Members at the meeting of the October 23rd 2018 the following key areas of concern were identified for reconsideration: -

- Lack of subservience
- Scale and massing
Unduly prominent in the street scene

1.6 In response to the Members concerns a revised scheme has been submitted which proposes the following alterations: -

- Removal of first floor projection over existing stone wall, which reduces overall width and therefore building height.
- Reduction in garage / ground floor ceiling height to 2.2m
Reconfiguration of staircase and first floor bathroom / landing.

1.7 The revised scheme continues to propose the erection of a two-storey garage and annexe structure to provide ancillary accommodation, connected to the main dwelling via glazed 'link'; the ancillary structure has however been reconfigured to reduce its overall bulk and massing, which has ultimately resulted in a decrease of some 20m² in the internal accommodation levels.

1.8 The initial proposal was designed as that the first floor annexe accommodation would overhang the existing rubble stone curtilage boundary wall. The revised proposals see the removal of this projection, thus reducing the width of the structure. As viewed from the street-scene; the width of the garage/annexe gable end has reduced from approximately 6.8m to 5.9m, and the overall width of this structure reduced from some 10.7m to 9.6m.

1.9 The aforementioned width reduction has been coupled with reductions in the ground floor ceiling height (now 2.2m) to result in an overall ridge height reduction of the ancillary structure. The structure, formerly standing at some 6.7m in height, now measures approximately 6m to its ridge.

2.0 SITE LOCATION/DESCRIPTION

2.1 The barn to the south west of The Grove farmhouse is a grade II listed building containing stables, a cart shed and a byre. It dates from the 18th century and is constructed in brick with a dentil course under the eaves and a tiled hipped roof. There is a grass courtyard in front of the building enclosed by a wall constructed partly in brick and partly in modern block work. The barn and farmhouse fall within the Ashford Bowdler Conservation Area.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council have provided views contrary to the Officers recommendation. This application has been discussed with the Local Member whom concurs with the objection of the Parish Council. The Vice Chair of the South Planning Committee, in consultation with the Principal Officer, considers that the material planning considerations raised warrant determination by Committee in this case.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Ashford Bowdler Parish Council – Object:

07.11.18

Further comments of objection from Ashford Bowdler Parish Meeting.

We are grateful to the Council for referring back this application for amendment. However, in our view, the changes made do not address adequately the issues raised in various comments from individuals and the Parish Meeting.

It is a positive development that the height of the garage unit has again been reduced. Though helpful, it doesn't eliminate the problem identified i.e. that it is still out of proportion to adjacent properties with its current configuration. Please see our previous comments.

The other objections raised seem not to have been considered. These are summarised again as follows:

- Window numbers and area will destroy the character of the listed coach house. Windows at the rear are too intrusive to the adjoining listed Regency property.
- The sewage treatment effluent should not be emptied into the culvert. No other properties in the village do this as they have septic tanks. The applicant has plenty of land to construct an adequate system without using the culvert. We are still concerned about flooding of the culvert which does happen on a regular basis. It will be appreciated if the Council will seriously reconsider this application with a view to eliminating the problems raised.

23.09.18

Ashford Bowdler Parish Meeting would like to register objections to the planning application above. We are broadly supportive of bringing the old coach house back into use but not with the changes and design features shown on the latest drawings. Others in the village have raised a number of points related to planning regulations etc. and we don't propose to repeat them here.

Ashford Bowdler is a conservation village and its occupants desire it to remain as such. The coach house is firmly within the boundaries of the conservation area and is also listed. The features included in this application turn what was a design of its time, a Victorian agricultural building, into a creation of the 21st century and that adjacent to a largely regency manor house. This would make it out of line with the rest of the village the buildings of which are mostly several hundred years of age. This flies in the face of the concept of having conservation areas. The design as proposed has huge areas of glass, front and back, much of which reaches the ground. These features are totally alien in the village. The original structure of the barn will be hardly recognisable with the design proposed.

When planning approval was requested by the previous owner less than three years ago, there were copious comments from council specialists heavily restricting what could be done with this building. One such comment said that there should be no windows on the rear elevation due to the proximity to The Grove. There appears to be no such comment this time around. Other applications in the village in recent times asking to make relatively minor changes to former agricultural buildings have been met with strong resistance from the Council. I would hope that the same position will be taken for this application.

Another significant issue is that of the garage. It is good to see that the height has been reduced twice since the original design. In our view, that really is not sufficient. The addition of a room above the garage raises its profile too much and it would become quite a dominant feature from the perspective of some neighbouring properties and when approaching along the lane. We recommend eliminating the room above and changing the roof profile to have a hipped end adjacent to the lane.

We do support other comments already made about the disposal of waste water from the building. As has been mentioned, the culvert already has a tendency to overflow after heavy rain so any extra water from the digester would only exacerbate the situation. Other comments made by an expert in water treatment also refer to the technical inadequacy of the Klargestor unit for a small household. It would certainly be unacceptable to have inadequately treated waste being exited into the culvert. Treatment of waste here is a major concern. The comments about the culvert also are relevant to the construction of the bridge forming the main access to the property. This must be done without restriction to flow or we will have even more problems with flooding in that area.

In summary, the design needs a major rethink to better align with the rest of this conservation village; the water treatment plan should be reconsidered to eliminate waste water flowing into the culvert; the garage should be redesigned to avoid it being an eyesore.

4.1.2 SC Conservation – No Objections:27.09.18

These comments supplement those previously submitted on 24/8/18.

The proposed amended plans are noted where there are two principal amendments:

- Reduction of the proposed outbuilding/garage height; and
- Substitution of proposed window in outbuilding (gable) to a timber shutter (where it is noted that this is a means of a fire escape).

These proposed amendments are supported in principle, where the reduction in height shall aid subserviency to that of the principal listed building.

24.08.18

This proposal follows pre-application advice that was given as part of PREAPP/18/00130, where the principle of the conversion of this listed barn was deemed to be acceptable in principle. There were design concerns with the proposal, where further amended drawings were submitted for consideration by SC Conservation. Also a Structural Survey was requested in accordance with policy MD7a of SAMDev, in order to determine whether the barn is capable of conversion which is provided as part of these applications.

The proposed revisions for this proposal are noted, including the retention of the existing timber shutters that shall be pinned back in order to retain the agricultural appearance of the building. New windows have been accommodated by using the existing brick recesses, especially on the rear elevation, along with contrasting oak cladding, where the windows on the principal front elevation utilise existing openings. The main principle issue was how to accommodate the extra bedroom in a sensitive manner, given the existing sensitivity of the existing form of the barn, where any extension would likely to have a detrimental impact. The principle of a contemporary glazed units, supported by green oak, along with a green sedum roof, partially hidden by an existing rubblestone boundary wall to a new outbuilding was considered, where this was deemed to be the least harmful option and therefore retaining the historic legibility of the principal barn building. This also utilises the pleasing curvature of the existing rubblestone wall that contributes towards the setting of the site, along with the significance of the barn building in terms of its historic layout and field pattern. Ashford Bowdler is characterised by ancillary outbuildings on the frontage, where this outbuilding should be clearly ancillary to the principal listed barn, as well as fitting in with the other buildings that are adjacent within the conservation area, as an overall composition. It also affords uninterrupted views and linkage towards the rural hinterland beyond, keeping the outbuilding contained within the site, without causing undue clutter

The conclusion of the Structural Survey is noted, where it is deemed that the existing barn is capable of conversion with some localised repairs, which is not surprising, given the length of time it has remained vacant. This should therefore inform a relevant Schedule of Works in terms of what interventions are required to the building, including the relevant timber roof structure and the existing brickwork that may involve some rebuilding of existing lintels. Conditions are recommended below with regards to the extent of the likely works that may be required to the

existing timber roof structure, along with relevant areas of repointing of the brickwork.

Overall, there are no principle objections to this proposal, where the conversion of this vacant listed building is supported in principle, subject to conditions.

4.1.3 SC Archaeology- No Objection:

In accordance with the National Planning Policy Framework (NPPF) Section 199, it is recommended that a programme of archaeological work, to comprise an archaeological watching brief during any ground works associated with the proposed conversion, extension, landscaping and services, be made a condition of any planning permission.

4.2 - Public Comments

4.2.1 This application was advertised via notice at the site. Additionally, the residents of five neighbouring residents were individually notified by way of publication. At the time of writing this report. At the time of writing this report sixteen representations had been received.

4.2.2 Of the five neutral representations, the comments raised are surmised as follows –

- A septic tank should be explored as the preferred drainage option
- Water should not discharge into the existing watercourse since it is prone to overflowing and at cold times of year is dangerous due to ice
- It is unclear whether or not the existing wall shall be sympathetically retained where the new access shall be installed; as a conservation area it is important that changes to buildings and other structures are in keeping with existing materials
- Preference for a hipped roof, to mimic the existing barn, as to lessen prominence from the lane
- Modern design at odds with the Georgian, Grade 2 listed neighbour.

- 4.2.4**
- The eleven objections received are surmised as follows –
 - The extension to the existing barn is considered to have a hugely detrimental impact on the character and appearance of the conservation area
 - The extension will be visible from many public vantage points, and be obviously visible above the existing boundary wall
 - When entering the village from the East property 'The Grove' and this redundant agricultural building dominates the view; the proposed extension will have an obvious impact to this important arrival into the village
 - The garden intrudes into open countryside and the associated residential paraphernalia would have a detrimental impact on both the character and appearance of the conservation area
 - The proposed green roof above the single storey link extension is also wholly out of character and would result in a new feature that is not present within the conservation area
 - The glazing at the front of the link would not have the effect of being a lightweight link between two buildings as there is a solid wall to the rear.
 - The partial demolition of the boundary wall, to make way for the new

access, does not preserve the character or appearance of the conservation area

- The proposed glazing would destroy the character and appearance of this historic building
- The garden areas are created with new boundary fencing that intrude into the open countryside
- The addition of an extension which would more than double the footprint of the existing building clearly has a hugely detrimental impact on the character and appearance of the conservation area
- No physical evidence suggests a building was ever sited at this location; the historic maps do not support this application
- The impact to the conservation area is not duly assessed
- The deeper floor plan and gable ends, along with its prominent position adjacent to the highway give the impression of an incongruous bulky building that would have a dominating impact on the listed building and its setting
- There is a window proposed on the southern elevation on the upper floor of the extension to bedroom 1. The Granary' and is only 8.5m away and has two windows on its northern elevation to habitable rooms which would look directly into bedroom one thus resulting in a loss of residential amenity and privacy
- Ground floor windows at 'The Granary' will suffer from loss of light
- Submitted amendments considered insufficient to override issues initially raised

4.2.5 Following the post-committee (meeting October 23rd 2018) design revisions further public representations were invited. Two objections were received as follows –

- The amendments to the application have not dealt sufficiently with the issues previously raised
- The Klargester will still be discharging water into the culvert, exacerbating the risk of flooding.
- The design of the north face of the Coach House is out of keeping with the elegant Georgian facade of The Grove and will result in a major loss of privacy for the occupants of that property.
- The garage building, even with its height reduction, will still be overly prominent in the village scene.
- The Granary still consider the proposal to be detrimental to them in terms of light loss; the property were refused further new windows to allow light thus cannot afford to have their light deprived amenity room further compromised
- Why is it necessary for this building to be so tall and is so after these last adjustments?
- As a modern building, it would be best in single storey form
Continued harm to the conservation area

5.0 THE MAIN ISSUES

Special architectural character and historic interest Ecology

NOTE: the impact on the broader planning issues is considered within the officers' report on application 18/03585/FUL

6.0 OFFICER APPRAISAL

6.1 Special architectural character and historic interest

6.1.1 Section 66 of the (Listed Buildings and Conservation Areas) Act 1990 states that local planning authorities should pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Consideration of the proposal against Shropshire Council policies CS6 and CS17 and with national policies and guidance including PPS5 Historic Environment Planning Practice Guide and section 16 of the National Planning Policy Framework (NPPF) shall aid the Local Planning Authority in achieving this aim.

6.1.2 The works are accepted in principle, with the increased floor space working to ensure the long term safeguarding of the building through the creation of a modern family home. The establishment of a 'detached' outbuilding, connected to the main barn via single storey glazed 'link', works to protect the overall character of the listed building as a whole by retaining the distinction of its silhouette. The rebuilding of the wall along the lane in stone will also be a positive benefit to the appearance of the area. Suitable conditions attached to the decision notice shall further monitor the development to ensure that no undue harm is caused to the historic buildings fabric. Further conditions shall ensure that the materials used are of a high quality as not to compromise the character of the listed building.

6.1.3 As previously considered, its overall height would stand some 2.2m lower than the highest ridge height of the main barn; the revised scheme increases this height difference to some 2.9m. As viewed from the street-scene; the width of the garage/annexe gable end has reduced from approximately 6.8m to 5.9m, and the overall width of this structure reduced from some 10.7m to 9.6m. Such amendments work to further increase the subservience of the outbuilding within the barn's curtilage and the wider street scene; looking comfortably like an ancillary structure to the main barn, the new outbuilding further adheres to the local built character where a cluster of lesser ancillary buildings relate to primary property 'The Grove'.

6.1.4 The proposed alterations to the listed barn include the provision of windows and doors in existing openings on the south and east elevation; these alterations are minimal in their nature, making use of and updating existing features rather than proposing the insertion of new. New window openings are proposed on the west and north elevations. It is noted that levels of glazing proposed to the rear (north) elevation is relatively high, thus generally unusual in regards to barn conversions. The North elevation is characterized by recesses in its brickwork; the glazing is proposed to be located within these recesses, as to allow the character and form of this wall to be retained as much as possible rather than randomly placed windows punctuating the rear elevation.

6.2 Ecology

6.2.1 The barn is a maternity roost for a small number of Brown Long-eared bats. These are protected species and a European Protected Species Mitigation Licence will be required from Natural England as the conversion will result in disturbance. A bat loft

will be provided as part of a mitigation strategy and an EPS matrix is included as an appendix to the report on planning application 18/03585/FUL, which is also on this agenda.

7.0 CONCLUSION

7.1 The proposed development is not considered to result in the loss of significant historic fabric nor harm the principal special architectural character and historic interest of the listed building. The scheme complies with the main objectives of relevant development plan policies and Government Guidance relating to conserving and enhancing the historic environment. It is recommended that listed building consent is granted.

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

Shropshire Core Strategy and Site Allocations and Management of Development (SAMDev)
Plan Policies:

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

MD2 - Sustainable Design

MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

12/03444/FUL Conversion of agricultural building to a two-storey dwelling; formation of vehicular access; installation of package treatment plant GRANT 21st February 2013

12/03758/LBC Alterations in association with conversion of agricultural building to a two storey dwelling GRANT 21st February 2013

16/00491/FUL Conversion of agricultural building to form one dwelling; formation of vehicular access; installation of package treatment plant GRANT 16th June 2016

16/00492/LBC Alterations in association with conversion of agricultural building to a two storey dwelling (renewal of planning permission 12/03758/LBC) GRANT 16th June 2016

18/03585/FUL Conversion and extension to redundant agricultural building to form one dwelling and garage; change of use of agricultural land to form domestic curtilage; formation of vehicular access, and; installation of package treatment plant PDE

SS/1/7904/T/ Felling of an Oak tree PERCON 20th August 1997

SS/1/6041/U/ Felling and lopping of trees OBJECT 24th October 1995

SS/1/00/11132/TC Felling of Leylandii trees. NOOBJ 27th July 2000

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=PCUI6YTDFFW00>

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 including Heritage Assessment

Structural Survey

Ecology Report

Cabinet Member (Portfolio Holder)

Cllr R. Macey

Local Member

Cllr Vivienne Parry

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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (As amended)

2. All works shall be carried out in complete accordance with the terms of the application and approved plans.

Reason: To ensure the satisfactory preservation of the Heritage Asset.

3. Work shall be carried out strictly in accordance with the Phase 2 Bat Activity Survey & Mitigation Report conducted by Greenscape Environmental Ltd (July 2018). Bat boxes and bat loft must be permanently retained for the lifetime of the development.

Reason: To ensure the protection of Bats, a European Protected Species

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. No development, demolition or site clearance procedures shall commence until a European Protected Species (EPS) Mitigation Licence with respect to Bats has been obtained and submitted to the local planning authority for the proposed work prior to the commencement of works on the site. Work shall be carried out strictly in accordance with the granted EPS Mitigation Licence.

Reason: To ensure the protection of Bats, a European Protected Species

4. No development approved by this permission shall commence until a photographic survey (Level 1) survey, as defined in English Heritage's guidance 'Understanding Historic Buildings: A Guide to Good Recording Practice') of the interior/ exterior of the buildings has been submitted to and approved in writing by the Local Planning Authority.

Reason: This information is required before development commences to record the historic fabric of the building prior to development.

5. Prior to the commencement of the works a timber-by-timber inspection of the structural frame, its components and joints shall be undertaken. This inspection shall inform a fully detailed scheme of repairs which shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the relevant works. The scheme shall include:

- A method statement, having regard to the structural integrity of the frame
- Plans, sections and elevations at a scale of not less than 1:50 showing full details of the components to be repaired or replaced,
- A complete specification for replacement timbers,
- The proposed methods of repair, and
- The type of surface treatments or decorative finishes to be applied.

Reason: To ensure the satisfactory preservation of the Heritage Asset.

6. A schedule of building works shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. No work shall be carried out other than in accordance with the approved schedule. All existing original features shall be retained in situ unless it is specifically shown on the approved plans that they are to be removed.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

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

7. Prior to the above ground works commencing samples and/or details of the timber cladding to be used in the construction of the external walls of the proposed outbuilding shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

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

8. Unless otherwise agreed in writing by the Local Planning Authority, the historic roof structure will be retained and repaired. A method detailing the extent of the repairs and any replacement timbers shall be submitted to and approved in writing by the Local Planning Authority prior to any roofing works on the existing barn commencing. The work shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural interest and character of the Listed Building in accordance with policy CS6 of the Council's Core Strategy.

9. In relation to the new outbuilding and link extension, no roof works shall commence until details of the roof construction including details of eaves, undercloaks ridges, valleys and verges are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

10. The existing blockwork boundary wall shall be removed and the wall rebuilt in natural stone in accordance with the approved plans. The natural stone which shall be geologically compatible with the adjoining walls and shall match it in size, shape, colour and surface finish. Samples of stone for use in the new wall shall be made available to and approved in writing by the Local Planning Authority before the removal of the existing blockwork commences.

Reason: To safeguard the architectural and historic interest and character of the Listed Building.

11. Before the relevant parts of the work are commenced, details of roofing materials, including ridge materials and detailing, together with the method of ventilating the roof voids and the method of fixing these items, shall be submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: To ensure satisfactory preservation of the Heritage Asset.

12. Details of exterior soil and vent pipes, waste pipes, rainwater goods, boiler flues and ventilation terminals, meter boxes, exterior cabling and electrical fittings shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the

aforementioned works. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

13. Mortar for bedding and jointing the stonework in the boundary wall shall be a lime mortar unless otherwise agreed by the Local Planning Authority. A sample panel of stonework approximately 1m square shall be erected on site and approved in writing by the Local Planning Authority before the relevant work commences. External stonework shall not be treated with a waterproofing solution.

Reason: To ensure the satisfactory preservation of the Listed Building.

14. No pointing or re-pointing of existing or proposed masonry shall commence until the Local Planning Authority has approved the following items in writing:

- a drawing showing the proposed area(s) of repointing
- the mortar mix
- the method of removing existing mortar, please note that old mortar shall not be removed using any mechanical tool or angle grinder.
- an inconspicuous pointing sample provided on site following approval of the above items

Reason: To safeguard the historic interest and character of the Listed Building and ensure an appropriate external appearance.

15. The roof windows shall be of the traditional low profile metal pattern and details shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the relevant works. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural interest and character of the building in accordance with policy CS6 of the Council's Core Strategy.

16. The proposed flues shall have a dark matt finish of a colour which shall first be approved in writing by the local planning authority.

Reason: To safeguard the architectural and historic interest and character of the Listed Building in accordance with policy CS6 of the adopted Core Strategy.

17. The window frames and doors of the proposed development shall be constructed of timber and details of the proposed finishes for all external joinery shall be submitted to and approved in writing by the Local Planning Authority before the relevant work commences.

Reason: To ensure that the development is of a design sympathetic to the character of the Listed Building in accordance with policy CS6 of the Council's Core Strategy.

18. No joinery works shall commence until precise details of all external windows and doors and any other external joinery have been submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings.

Reason: To safeguard the architectural and historic interest and character of the Listed Building.

19. A total of 12 artificial nests suitable for small birds such swallow and wren, as recommended within the Phase 2 Bat Activity Survey & Mitigation Report conducted by Pearce Environment Ltd (January 2012), shall be erected on the site prior to first occupation of the buildings hereby permitted.

Reason: To ensure the provision of nesting opportunities for wild birds

20. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK

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

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

21. All gutters, downpipes, soil and vent pipes and other external plumbing shall be of cast iron or cast aluminium unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the architectural and historic interest and character of the Listed Building in accordance with policy CS6 of the adopted Core Strategy.

22. All new external work and finishes and work of making good shall match the existing work adjacent, in respect of materials used, detailed execution and finished appearance.

Reason: To ensure satisfactory preservation of the building in accordance with policy CS6 of the Council's Core Strategy.

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Committee and date

South Planning Committee

18 December 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: 18/04206/FUL	Parish: Claverley
Proposal: Application to position 1 metre high lighting bollards at 30 metre intervals along approved widened access track and passing places	
Site Address: Spicers Hall Caravan Park, Spicers Hall Farm, Digbeth Lane. Claverley. Wolverhampton	
Applicant: Sought After Location Limited	
Case Officer: Lynn Parker	email: planningdmse@shropshire.gov.uk

Grid Ref: 378903 - 293562



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application is for the installation of lighting bollards along the access track at Spicers Hall Caravan Park, Spicers Hall Farm, Digbeth Lane, Claverley. The bollards are proposed to be 1m in height x 0.219m wide and would be located at 30m intervals along the existing access track which has been widened and improved following the grant of Planning Ref: 17/05264/FUL in May 2018. One light would be positioned at the end of each passing place, plus four further lights between the passing places. The bollards would be set into a poured concrete footing at a depth of 0.12m, and bolted as per the manufacturer specifications. They would be of die cast aluminium with a reflector of anodized aluminium behind a clear acrylic enclosure. The lighting itself would be low wattage and incorporate a cap at the top of each bollard, to direct light onto the track and minimise light spillage above and beyond the track itself.
- 1.2 The submitted Planning Statement states that the proposed lighting bollards are to provide a suitable level of lighting for all users of the exiting caravan park in the interest of public safety. The track is not wholly straight and has a significant curve at its head as it approaches the park. The access track and its passing places will be screened from the surrounding countryside and vantage points outside the site by new native species hedges.
- 1.3 During the course of the application, and in response to the consultee comments and public representations received, the agent has submitted further supporting information reiterating that provided in the Planning Statement and confirming the following:
- o The proposal is to provide lighting to the access track and not an attempt to increase the impact of the site on its surroundings.
 - o It is an attempt to ensure the safety at night of all users of the track, including pedestrians.
 - o The nature of a site such as this is that many units are most intensively used at weekends and for holidays and short breaks. Residents will often choose to leave their cars behind at night and walk into the village for a meal or a couple of drinks.
 - o Such trade is beneficial to local businesses and ought not to be discouraged, but a long stretch on no-illuminated track with obstacles would most probably increase car use or discourage night time visits to the village altogether.
 - o It does not necessarily follow that such safety lighting must harm the character of the area, as the intention is that the lighting would not be noticeable from outside the site.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site falls within Green Belt countryside on the west side of the village of

Claverley. The Claverley Conservation Area boundary abuts the east side of the access track concerned, which is outside of the designation. The site is accessed from Pound Street approximately 60m to the south east via a lane which becomes less finished just beyond the Caravan Park access and continues to the west. The access point and track serving the Caravan Park are currently undergoing works approved under Planning Permission Ref: 17/05264/FUL on 31st May 2018 to widen the driveway and provide passing places along it. It extends for approximately 300m into the caravan site and has a sweeping curve at its northern end.

2.2 The land to the east side of the track within the Conservation Area slopes downwards for approximately 65m to the Claverley Brook, then rises again for over 100m to the rear boundaries of buildings on Church Street including All Saint's Church, the Old Vicarage, the Old School House, Church Hill House, The Gables, Clare Cottage and Brookfield. A line of mature deciduous trees flanks the bank of the brook with a break aligned with the rear of the Old Vicarage. There is a terrace of four neighbouring cottages to the south east of the track access with front elevations facing onto Pound Lane and rear gardens extending to the west. The closest of these cottages, a minimum distance of 30m across the road at Rose Glen, has large bay windows on its side elevation facing north towards the Caravan Park track. Further dwellings are located across Pound Lane to the south east approximately 100m away. Otherwise the surrounding land is agricultural.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The proposed development is considered to accord with the requirements of the Councils relevant adopted policies, however a contrary opinion from the Parish Council has been received that could require determination of the application by Committee and this is supported by the Local Member. The Principal Planning Officer in consultation with the Committee Chairman has confirmed that based on material planning reasons, a Committee decision is therefore necessary under the terms of the scheme of delegation to officers as set out in Part 8 of the Council Constitution.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Claverley Parish Council – Object to this application as it is felt inappropriate development in the Green Belt and would cause unnecessary light pollution especially viewed from the adjacent Conservation Area. If safety is an issue, a more suitable measure would be a speed limit and/or speed humps. It is noted that the cattle grid (trip hazard) is mentioned in the Design and Access Statement (4.2) to justify the lighting on safety grounds yet the cattle grid has been removed and the pit filled in.

4.1.2 SC Drainage - No comment from the drainage and flood risk perspective.

4.1.3 SC Regulatory Services - No objection in principle and no conditions to recommend.

4.1.4 SC Highways - This proposal is unlikely to have a severe impact on the adjacent public highway, therefore an objection on highway safety grounds could not be

supported. However, it should be noted that Claverley has very limited street lighting and the proposed lit bollards may subsequently be seen from some distance, as well as, potentially being visible from the local highway network, which could distract some road users.

4.1.5 SC Rights Of Way - Footpath 54 runs along the access drive, although not directly affected by the proposal, informative recommended in relation to ensure the footpath remains open and available to the public at all times.

4.1.6 The Ramblers Association – Consulted, no comments received.

4.1.7 SC Conservation - The proposal is not considered to accord with the relevant policies, guidance and legislation from a conservation perspective.

4.1.8 SC Archaeology - No comments to make on this application in respect of archaeological matters.

4.1.9 Historic England - On the basis of the information available to date, we do not wish to offer any comments.

4.2 - Public Comments

4.2.1 Site notice displayed 21st September 2018. Proposal advertised in the Shropshire Star on 25th September 2018 as being within a Conservation Area. Sixteen public representations have been received from fourteen different people all expressing objection to the proposal. These are summarised below:

- 4.2.2
- o In all the years this caravan site has been for holiday usage, it was never considered necessary to light this road.
 - o The driveway in question is straight for two thirds of its length with good visibility, and no more difficult to negotiate than the vast majority of unlit single track roads on all approaches to the village.
 - o Any vehicles using the access track between dusk and dawn could simply use their headlamps as they would have had to do to negotiate the far trickier mile or so of unlit road linking the village to any main route.
 - o None of the county lanes leading into the village or its surrounds have ever seen the need for street lighting.
 - o Country folk carry a torch making other forms of light redundant.
 - o The lights would intrude on the scenic, historic, architectural and cultural features which contribute to the distinctive character of the locality.
 - o The lighting would destroy the night time ambience of Grade II Listed Buildings to the as well as other houses overlooking this rural access road.
 - o The photographs do not show the extent of the access track to the caravan site, so do not illustrate the effect this lighting would have on the Green Belt and adjacent Conservation Area.
 - o The track lies on the boundary of the Conservation within Green Belt and within view of the historic church and several other Grade II and Grade II* Listed Buildings.
 - o This site will look increasingly like a housing estate on the fringe of the Conservation Area.

- o Against the policy and recommendations of the CPRE, the lighting would cause unnecessary light pollution in open countryside.
- o This is a rural community, one of the most treasured and peaceful villages in Shropshire.
- o Light pollution would have adverse consequences on both human and wild life.
- o The light pollution will mean that nocturnal birds and bats will be disturbed to an immense degree.
- o The more ‘bling’ the developer can make, the more he will sell his caravans for.
- o The proposal will make a blot on the landscape caravan park more attractive to buyers to the benefit of the owners’ profits.
- o Having the site inhabited throughout the winter will bring a complete change of character to the area.
- o Our living and sleeping accommodation faces where the lights will be sited.
- o If these lights are installed it will mean that they shine into virtually every window in our house as the site is on the side of the valley.
- o We have always been lucky to be able to see the night sky and now fear that light pollution will ruin this.
- o The developers are presently installing cabling for the lights anyway.

5.0 THE MAIN ISSUES

- o Principle of development
- o Visual impact and landscaping
- o Impact on neighbours/residential amenity
- o Impact on the Green Belt

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Policy CS6 of the Shropshire Council Local Development Framework Core Strategy states that development should conserve and enhance the built environment and be appropriate in its scale and design taking account of local character and context. It further states that development should safeguard residential and local amenity. Policy MD2 of the SAMDev Plan builds on Policy CS6 providing additional detail on how sustainable design will be achieved. LDF Core Strategy Policy CS17 is also concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire’s building, natural and historic environment and does not adversely affect the visual, ecological, geological, heritage or recreational values and function of these assets.
- 6.1.2 The proposed lighting bollards would be low level, widely spaced, low wattage with a cap directing light onto the track and screened by native species hedging. They would add value to an existing rural tourism business and contribute to delivering the high quality required of such enterprises without significant impact on the surrounding environment and with the benefits of promoting social interaction and physical activity. The principle of the development is therefore acceptable.

6.2 Visual impact and landscaping

- 6.2.1 Much public and some consultee concern has been raised over the potential for light pollution from the proposed development and its impact on the adjacent historic environment. The lighting bollards proposed are not spot lights or flood lights, nor even domestic external lights, they are low level, low wattage guidance lights which have specifically been designed to incorporate a cap at the top of each bollard to direct light onto the track they are intended to serve and minimise light spillage beyond it. Furthermore hedging along the full length of the track on both sides has already been approved under Discharge of Condition Ref: 18/03584/DIS to comprise 9 plants per metre, planted in a double staggered row with 25cm between plants and 30cm between rows. The agreed planting ratio is 40% blackthorn, 40% hawthorn and 20% holly. It therefore considered unlikely that significant light pollution would result from the proposed bollards and their installation would comply with the aim of the applicant to provide lighting that is not noticeable outside the site.
- 6.2.2 The reason provided by the applicant for the proposed development is to provide lighting to the access track to ensure the safety at night of all its users, including pedestrians accessing the village services. In this respect, it is considered that the proposed lighting would allow for easy pedestrian and cycle connections with Claverley, promoting social interaction and encouraging physical activity rather than vehicle use in addition to potentially benefitting local businesses. Paragraph 84 of the NPPF states that, *'It will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport)'*.
- 6.2.3 SC Conservation have commented that the proposed lighting is considered to be inappropriate as it would have a harmful impact upon the setting of Listed Buildings in the vicinity and Claverley Conservation Area by eroding the rural character. However, the lighting bollards are not proposed to be on land within the Conservation Area, albeit that the track abuts its western boundary, and the closest Listed Buildings are approximately 180m to the east at All Saint's Church, the Old Vicarage, and the Old School House. These buildings are on higher land than the Caravan Park Track, so have views down towards it, however there is a substantial belt of trees along the Claverley Brook between them and 180m is considered to be a further distance than would be considered adjacent to, or within any historic curtilage of these Listed Buildings, particularly as the track is over the other side of the brook. Furthermore there are numerous mature trees along the rear boundaries of the plots of the Listed Buildings in question which partially screen views of them from the west. There is a further Listed Building approximately 180m to the south east at Powk Hall Farm, which is set back from Pound Street and in a location where views of the Caravan Park track would not be achievable due to the position of adjacent buildings and the surrounding mature landscaping. Therefore, taking the low level, low wattage and screening of the proposed lighting bollards into account together with the minimum 180m distance and mature landscaping in between them and the Listed Building in the vicinity, they are considered unlikely to have any further visual impact on the historic environment that existing domestic lighting within the village, particularly any external garden lighting present.

6.3 Impact on neighbours/residential amenity

6.3.1 As already noted above, the proposed lighting bollards are low level, low wattage, hedge screened installations, not spot lights or flood lights. They would have less impact than would the headlights of a vehicle shining towards a dwelling. The proposed bollards would be 1m in height from ground level where it is unlikely that they would be at the same level as house windows in the vicinity. As the development would be a line of bollards along the Caravan Park track, cumulatively there is potential for them to be noticeable within the landscape, but it is considered that their number and spacing would not increase the overall luminance or result in an unacceptable level of light pollution on the residential amenities of properties in the vicinity. Hedging is approved on both sides along the full length of the track which would provide a generous level of screening, the height of the hedging once mature likely to be above 1m as is common to the rural area. The closest neighbouring dwelling is approximately 30m away from the access point of the track and would not have windows which face directly up the track as it is positioned to the south east of it, and would therefore benefit from the screening by the approved hedging.

6.3.2 Policy MD12 of the SAMDev Plan sets out criteria by which the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration will be achieved. As the proposed lighting would be low level, low wattage, capped to direct light down onto the track and contained between a line of hedging on both sides, it is considered unlikely that there would be an adverse impact on any nocturnal wild life present in the area.

6.4 Impact on the Green Belt

6.4.1 Green Belt Policies CS5 and MD6, and Section 13 of the National Planning Policy Framework require that the openness, permanence and visual amenity of the land within its boundaries are preserved. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposed development would have little additional physical or visual impact on the openness of the surrounding Green Belt over and above that of the existing works to improve and landscape the Caravan Park track. This low level development is therefore not considered to conflict with the purposes of including land within the Green Belt, in this case.

7.0 CONCLUSION

7.1 The proposed development consisting of low level, widely spaced, low wattage, ground directional bollard lighting screened by native species hedging is not considered to be contrary to adopted policies as it would enhance an existing rural tourism business without significant impact on the residential amenities of neighbouring properties, the surrounding historic environment or on the attributes of the Green Belt.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- ② 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.
- ② 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

LDF Core Strategy Policies:
CS5 Countryside And Green Belt
CS6 Sustainable Design And Development Principles
CS17 Environmental Networks

Site Allocations & Management Of Development (SAMDev) Plan Policies:
MD2 Sustainable Design
MD6 Green Belt And Safeguarded Land
MD12 Natural Environment
MD13 Historic Environment

RELEVANT PLANNING HISTORY:

18/03742/ADV Erect and display one non-illuminated entrance sign (amended description).
Granted 19th October 2018

18/03584/DIS - Discharge of Condition 3 (construction method statement), 4 (landscaping) & 5 (access) relating to planning permission 17/05264/FUL -Application under Section 73A of the Town and Country Planning Act 1990 for the widening of site access track through the provision of passing places (Amended description). Approved 30th August 2018

18/03175/DIS - Discharge of conditions 3 (construction method statement), 4 (landscaping) and 5 landscaping protection) on planning permission 17/05265/FUL for ground levelling engineering operations. Approved 25th July 2018

17/05265/FUL - Application under Section 73A of the Town and Country Planning Act 1990 for ground levelling engineering operations. Granted 6th June 2018

17/05264/FUL - Application under Section 73A of the Town and Country Planning Act 1990 for the widening of site access track through the provision of passing places (Amended description). Granted 31st May 2018

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PEU8O8TDG8G00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

- Planning Statement dated August 2018.
- Further Supporting Information from Agent received on 23rd October 2018.

Cabinet Member (Portfolio Holder)
Cllr R. Macey

Local Member
Cllr Tina Woodward

Appendices
APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITIONS

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 THAT IS RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

3. The external materials and specification shall be as specified on the approved drawings and described within the submitted Planning Statement dated August 2018.

Reason: To ensure that the works are appropriate to the surrounding environment.

Informatives

1. If your application has been submitted electronically to the Council you can view the relevant plans online at www.shropshire.gov.uk. Paper copies can be provided, subject to copying charges, from Planning Services on 01743 252621.

2. As Footpath 54 runs along the access drive, although not directly affected by the proposal please ensure that the following is adhered to:

- The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.
- Building materials, debris, etc must not be stored or deposited on the right of way.
- There must be no reduction of the width of the right of way.
- The alignment of the right of way must not be altered.
- The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.
- No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

3. There is increasing concern over the problem of 'sky glow' caused by artificial lighting. Astronomical observations have been severely affected in recent years and there is a growing lobby to curtail lighting that emits light above the horizontal. Highway Authorities take due

regard of this problem when specifying new highway lighting and recommend that all proposals for exterior lighting should also comply with this requirement.

4. In determining the application the Local Planning Authority gave consideration to the following policies:

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

LDF Core Strategy Policies:
CS5 Countryside And Green Belt
CS6 Sustainable Design And Development Principles
CS17 Environmental Networks

Site Allocations & Management Of Development (SAMDev) Plan Policies:
MD2 Sustainable Design
MD6 Green Belt And Safeguarded Land
MD12 Natural Environment
MD13 Historic Environment

5. 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 38.

-



Committee and date

South Planning Committee

18 December 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: 18/04776/FUL	Parish:	Craven Arms
Proposal: Erection of a detached, 3 bedroomed dwelling following demolition of existing garages		
Site Address: Garages North Of Mynd View, Craven Arms, Shropshire		
Applicant: Mr D Streatfield		
Case Officer: Helen Tipton	email: planningdmsw@shropshire.gov.uk	

Grid Ref: 343426 - 282915



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Recommendation:- Refuse**Recommended Reason for refusal**

The proposed development, by reason of its size and scale would not achieve the required standards of residential amenity space necessary to successfully accommodate a two-storey, three bedroomed dwelling on the site and it would result in a cramped form of development. Whilst there is an acute need to make efficient use of development land and the site is in a sustainable location, the benefits of the scheme would not outweigh the harm identified to neighbours living conditions and the two-storey built form would be overbearing with an unacceptable loss of privacy to the occupiers of the adjacent property. As a result the proposed scheme is contrary to policy CS6 of the Council's Core Strategy, MD2 of the Council's Site Allocations and Management of Development (SAMDev) Plan, paragraphs 2.16, 2.17 and 2.18 of the Council's Type and Affordability of Housing Supplementary Planning Document, (SPD) as well as the advice set out in the National Planning Policy Framework, (NPPF) on achieving good design.

REPORT**1.0 THE PROPOSAL**

- 1.1 The application seeks planning permission for the erection of a detached, 3 bedroomed dwelling following demolition of existing garages.
- 1.2 An integral garage would also be incorporated into the scheme and there would be off-road parking provided at the front of the property.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located in a central position within Craven Arms Town and approached from Corvedale Road, along Mayfield Avenue, before connecting with Mynd View. The site proposed for development sits in an end corner plot, adjacent the junction with Mynd View and Mayfield Avenue.
- 2.2 The site currently consists of a block of four concrete sectional garages which have a rearward sloping roof and four metal, 'up and over' garage doors. The garage block stands along the rear / northern boundary of the site and its building line also meets with the east and western boundaries of the plot, whilst concrete hardstanding reaches to the pavement edge and provides off road parking to the front of the garages.
- 2.3 The site is bound to the north by the rear garden of 9 Mayfield Avenue whilst the side amenity space of number 9 also abuts with the eastern building line of the garages. Domestic hedgerow then extends, from the south eastern corner of the garage block, towards the roadside edge, defining the boundary to the east.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Town Council have provided views contrary to the Officers recommendation for refusal and the Local Members have requested that the application is considered at the South Planning Regulatory Committee. The Vice Chairman, in consultation with the Principal Officer, considers that the material planning considerations raised warrant determination by the Committee.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 Shropshire Council Drainage – comment.

In the planning application, it states that the surface water from the proposed development is to be disposed of directly to a main sewer. Such a connection must not be made as it can result in increased flood risk elsewhere. The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

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 be feasible, drainage calculations limiting the discharge rate from the site, equivalent to a greenfield runoff rate, should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 35% for climate change will not cause flooding of any property either within the proposed development or any others in the vicinity.

Urban creep is the conversion of permeable surfaces to impermeable over time, e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas.

The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:

Residential dwellings per hectare	Change allowance % of impermeable area
Less than 25	10
30	8
35	6
45	4
More than 50	2
Flats & apartments	0

Note: where the inclusion of the appropriate allowance would increase the total impermeable area to greater than 100%, 100% should be used as the maximum. Curtilage means area of land around a building or group of buildings which is for the private use of the occupants of the buildings.

If non permeable surfacing is used on the new access, driveway and parking area or the new access/ driveway slopes towards the highway, the applicant should submit for approval a surface water drainage system to intercept water prior to flowing on to the public highway.

The proposed method of foul water sewage disposal should be identified and submitted for approval, along with details of any agreements with the local water authority and the foul water drainage system should comply with the Building Regulations H2.

A drainage condition has been recommended, as follows:-

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

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

4.1.2 Severn Trent Water – no objection.

As the proposal has minimal impact on the public sewerage system it is advised we have no objections to the proposals and do not require a drainage condition to be applied.

Severn Trent Water advise that there is a public sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 metres of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

4.1.3 Shropshire Council Highways – no objection.

It is considered that it is unlikely that the demolition of four garages and the erection of a three bedroomed dwelling with integral garage here, will significantly adversely affect highway safety or local conditions.

The proposed access and parking are adequate. The proposed garage and parking equal what is already in place. The expected amount and frequency of traffic movement into Mynd View is low.

The removal of the garages begs the question of where current users, (if there are

any) will be expected to park, although in the open, there is street parking available in Mynd View and from 5th November 2018, the under-used Corvedale public car park is free to use over a 24hour period.

Informative comments are provided which should advise on the need for a licence for any works on or abutting highway land, that the applicant is responsible for keeping the highway free from any mud or other material emanating from the application site and that no drainage should discharge to highway drains.

4.1.4 Affordable Housing team – no objection.

If the development is policy compliant then whilst the Council considers there is an acute need for affordable housing in Shropshire, the Council's housing needs evidence base and related policy pre-dates the judgment of the Court of Appeal and subsequent changes to the National Planning Practice Guidance (NPPG), meaning that on balance and at this moment in time, then national policy prevails and no affordable housing contribution would be required in this instance.

4.1.5 Craven Arms Town Council – no objection.

2 November 2018 -

The Town Council have no objection to the application.

On 8 November 2018, the Town Council were re-consulted following the submission of a revised block plan. No additional comments were received.

4.2 Public Comments

4.2.1 This application was advertised by way of a site notice and three neighbours were also individually notified of the proposed scheme. Following the subsequent submission of a revised block plan the same neighbours were notified a second time, although at the time of writing, no representations had been received.

5.0 THE MAIN ISSUES

Principle of development
Affordable Housing
Siting, scale and residential amenity
Appearance and visual impact
Drainage
Highways impact

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The Council's Core Strategy Policy CS3 identifies Craven Arms as one of Shropshire's larger, 'sustainable' settlements. Meanwhile Policy S7 of the Site Allocations and Management of Development (SAMDev) Plan sets a guideline of

around 500 dwellings to be provided in the town throughout the period 2006 to 2026, through the allocation of a combination of greenfield and brownfield sites, (as identified in Schedule S7.1a of the SAMDev Plan and on the associated Policies Map) plus 'windfall' sites within a predefined development boundary.

- 6.1.2 In this case the site is in an established residential area and within the settlement boundary. It is also within walking distance of the main town centre services, facilities and employment opportunities. The proposed development is therefore acceptable in principle.
- 6.1.3 Part 11 of the National Planning Policy Framework, (NPPF) states that planning policies and decisions should promote an effective use of land and promote and support the development of under-utilised land and buildings in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 6.1.4 The principle of development is already satisfied and the proposed scheme would utilise an under used site which is considered as an 'infill' plot within a residential area. The applicant's agent has advised that the garage block is in a poor condition and the four garages are now used for storage, with none being used for their originally intended purpose. The tenant of garage 3 lives outside of Craven Arms, tenants of garages 2 and 4 have parking facilities at their homes and the tenant of garage 1 is being provided with a parking bay, by the applicant, at the tenants residential property. In any event, it is noted that on street parking is available in Mynd View as well as many other streets in the general area and additional free car parking is available in the nearby Corvedale public car park. It is therefore concluded that the scheme would make an effective use of the under-utilised land.
- 6.2 Affordable Housing Contribution
- 6.2.1 The Affordable Housing Teams comments refer to a Court of Appeal decision which lead to the reinstatement of a Written Ministerial Statement and Government PPG advising that planning obligations should not be used to secure tariff-style affordable housing contributions below certain thresholds. This is now reinforced by a revised version of the National Planning Policy Framework (NPPF), published in July 2018, which states categorically, (at paragraph 63) that affordable housing provision should not be sought in connection with small-scale open-market developments. In the circumstances it must be accepted that the Council's policy requirements in this respect are out-of-date and can no longer be given significant weight, meaning no affordable housing contribution is required in this instance.
- 6.3 Siting, scale and residential amenity
- 6.3.1 Core Strategy Policies CS6, CS17 and SAMDev Policy MD2 expect all new development to reinforce local distinctiveness in terms of building forms, scale and proportion, density and plot sizes, as well as materials and architectural detailing whilst the Supplementary Planning Document (SPD) on the Type and Affordability of Housing states that, "whilst there is a need to make efficient use of development land, it is also important to maintain acceptable living standards for the occupants of dwellings, in terms of the internal size of living accommodation and the provision

of external private amenity space. Developments must not provide cramped accommodation and minimal outside amenity space. It is also important to ensure such developments do not have unacceptable consequences for neighbours, such as overshadowing or loss of privacy”.

6.3.2 Although the proposed development would be sited appropriately to meet with general policy requirements and its internal space would be acceptable, the scale of the dwelling would provide a cramped form of external amenity space within the plot and would not replicate the size of the other spacious residential sites already provided in the area. Under the SPD, private outside space should at least provide external areas for domestic storage and children’s play when providing family sized accommodation such as this. A revised block plan was submitted on the 8 November 2018 which confirmed that the external amenity space would be greater, to the rear of the proposed dwelling than originally anticipated, however it is still considered that the outside space is too limited for a family sized three bedroomed dwelling with integral garage.

6.3.3 In addition and more critically, there are potential overlooking issues at the rear of the proposed property. A two-storey dwelling in this position would look directly out over the rear garden of 9 Mayfield Avenue, which would be at considerable detriment to the privacy of the neighbours. Officers consider that the scheme would have unacceptable consequences for neighbours, particularly in relation to the complete loss of their privacy when viewing out from the rear, first floor of the proposed building.

6.4 Appearance and visual impact

6.4.1 The general appearance of the proposed dwelling would be acceptable, given that it would be an improvement to the visual amenity of the site as it currently exists. The form of the building would replicate those which surround it, repeating the character of other residential built forms in this location and the front building line would be level with the front of those houses to the west, repeating the pattern of development along Mynd View. However, precise external materials and their finish would be required in the event of any approval decision, (either by way of a pre-commencement condition or supplied upfront) in order to control the appearance of the development.

6.4.2 The site sits at the eastern end of Mynd View, where it would be the first dwelling to be seen when heading north towards the street, (along Mayfield Avenue). Visually, however and in addition to the schemes resemblance to other buildings in this location, the northern corner of Mynd View is occupied by private amenity space which provides some greenery and screening to the proposed development site.

6.5 Drainage

6.5.1 A condition requiring further surface water drainage details would be reasonable and necessary, in the event of a favourable planning outcome, to avoid increasing the already high risk of groundwater flooding at the site. However foul drainage would utilise mains sewerage and, given the utility providers lack of objection, further details in this respect are considered unnecessary. Also, given that the

entire site is already non-permeable, the drainage comments provided in relation to urban creep are not considered to apply.

6.6 Highway impact

- 6.6.1 Since the proposed development would allow for an element of off-road parking, the kerbside outside the site does not need adapting to meet vehicular requirements and it has already been concluded that there is sufficient on-road and free parking availability in the vicinity, the scheme would have no highway safety or other highway implications.

7.0 CONCLUSION

The principle of development has been established and the overall appearance of the proposed dwelling is acceptable. There are also no concerns in relation to drainage or impacts on the highway. However, the scheme is considered to be overbearing, would provide a cramped form of development and result in a loss of privacy to neighbouring properties, which would outweigh the benefits of the scheme and be contrary to policy. Refusal of the application is therefore recommended.

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

Core Strategy and SAMDev Plan Policies:
CS6 - Sustainable Design and Development Principles
CS11 - Type and Affordability of housing
CS17 - Environmental Networks
MD2 - Sustainable Design
MD3 - Managing Housing Development
Settlement: S7 - Craven Arms

SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

None.

11. **Additional Information**

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=PGP65WTD06Z00>

List of Background Papers
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr. Lee Chapman Cllr David Evans

Informatives

1. Despite the Council wanting to work with the applicant in a positive and proactive manner as required in the National Planning Policy Framework paragraph 38, the proposed development is contrary to adopted policies as set out in the officer report and referred to in the reasons for refusal, and it has not been possible to reach an agreed solution.



Committee and date

South Planning Committee

18 December 2018

Development Management Report

SCHEDULE OF APPEALS AND APPEAL DECISIONS

AS AT 18TH DECEMBER 2018

LPA reference	17/04653/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Ms Stacey Hancock
Proposal	Erection of 1No Rural Workers Dwelling; formation of vehicular access
Location	Proposed Dwelling At Redhill Stud Crackleybank Sheriffhales Shropshire TF11 8RX
Date of appeal	17.4.18
Appeal method	Hearing
Date site visit	9.10.18
Date of appeal decision	14.11.18
Costs awarded	
Appeal decision	Allowed

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Appeal Decision

Hearing held on 9 October 2018

Site visit made on 9 October 2018

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 14th November 2018

Appeal Ref: APP/L3245/W/18/3197995

Redhill Stud Farm, Crackleybank, Sheriffhales TF11 8RX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Stacey Hancock against the decision of Shropshire Council.
 - The application Ref 17/04653/FUL, dated 23 September 2017, was refused by notice dated 3 January 2018.
 - The development proposed is erection of a dwelling and formation of a vehicular access.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a dwelling and formation of a vehicular access at Redhill Stud Farm, Crackleybank, Sheriffhales TF11 8RX in accordance with the terms of the application Ref 17/04653/FUL dated 23 September 2017, and subject to the conditions set out in the schedule to this decision letter.

Preliminary Matters

2. The address of the appeal site varies between the application form and the subsequent documents. I have used the version given on the first page of the application form.

Main Issue

3. The main issue is whether or not the proposed residential development is justified, having regard to the aims of national and local planning policies which seek to restrict new housing development in the countryside.

Reasons

Background

4. In 2008, an appeal decision¹ was made allowing development in connection with the breeding and keeping of horses on the appeal site. Temporary planning permission² was granted in 2011 for a mobile home and office unit, on the grounds of the functional need of the enterprise. However, this temporary permission expired in 2014, and no application has been made to renew the permission. In 2016, a planning application³ for the erection of a dwelling was refused, on the grounds that the financial sustainability test was not met.

¹ APP/J3205/A/08/2078003

² 11/01582/FUL

³ 16/04832/FUL

5. The exact number of horses present on the site varies, due to the nature of the stud and livery operations. However, at the time of the planning application to which this appeal relates, there were 44 horses on site, 22 owned by the applicant, and 22 on a DIY livery basis. The appellant also keeps a small number of farm animals. The Council are satisfied that there is an essential need for a permanent presence on site for the welfare and security of the animals. The Council also consider the scale and design of the proposed dwelling to be appropriate, and I have no basis on which to take a different view.

Policy context

6. There is no dispute between the main parties that the appeal site is located outside any development limits, and is therefore in the open countryside for planning purposes. To promote sustainable development in rural areas, paragraph 79 of the National Planning Policy Framework (NPPF) indicates that planning policies and decisions should avoid the development of isolated homes in the countryside unless, amongst other circumstances, there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.
7. Policy MD7a of the Shropshire Council Site Allocations and Management of Development SAMDev Plan (2015) seeks to manage housing development in the countryside. Dwellings to house essential rural workers will be permitted if no other suitable dwellings are available, and in the case of a proposed primary dwelling to serve a business without existing permanent residential accommodation, whether the relevant financial and functional tests are met.
8. I have taken into account the appellant's position that Policy MD7a is to be given limited weight on the grounds that NPPF paragraph 79 does not specifically refer to a financial test. However, the development plan, adopted in this case in 2015, forms the basis of decision making. Whilst SAMDev Plan Policy MD7a predates the NPPF, I am satisfied that it is generally compliant with its aims in respect of development in the countryside, and should be given significant weight.

Whether the proposed development is justified

9. The Council have voiced concern that insufficient financial evidence has been submitted, and they contend that full accounts are required for consideration. Whilst I acknowledge this position, I note that there is currently no specific guidance within policy, or in the form of a supplementary guide, setting out the Council's detailed requirements for the information they wish to see. To my mind, this leaves a degree of leeway in terms of considering each case on its individual circumstances.
10. Nevertheless, in support of her case, the appellant has provided year end accounts for the years 2014 – 2018, and also submitted a tax record dated 5 April 2018 at the hearing. She considers the production of full accounts to be unjustified and unnecessary in respect of the requirements of the relevant policies.
11. At the hearing, the Council confirmed that they are willing to take both the revenue from the stud and the livery into consideration, and I am satisfied with that approach. The submitted accounts show that the business has been in

profit for the last four years. However, the Council are concerned that the records do not allow for a contingency wage in the event that Ms Hancock was unable to continue to run the enterprise. The Council indicate that such a wage should be set at £16,500. In response, the appellant stated that, if she was unable to continue in her role, her partner and/or sons are sufficiently knowledgeable and experienced to be able to take over the business. In addition, the appellant confirmed that insurance measures are in place to cover such an eventuality. I am therefore reassured that the business would be sustained if the appellant could not continue in her current role.

12. In the absence of full accounts, the Council have employed a number of standard assumptions which were derived in accordance with guidance in the now superseded Planning Policy Statement 7: Sustainable Development in Rural Areas document. The appellant does not dispute these assumptions. Working on the Council's figure of £6000pa to service a mortgage for the new house, this would give rise to a cost to the business of £500 per month. The evidence before me shows that the appellant has been servicing a 10 year business loan on a repayment of £600 per month. The appellant has submitted evidence confirming that the loan has recently been paid off, making available to the business a monthly sum that would cover the Council's estimated mortgage repayment.
13. With respect to the cost of the new house, the appellant additionally stated that 'sweat-equity' would be utilised, bringing the build cost to approximately £70,000. I note that this approach accords with the guidance set out in the Council's 'Type and Affordability of Housing Supplementary Planning Document' (SPD).
14. From the submissions before me, it is evident that the business has been established for some time, and has clearly grown since 2008, undoubtedly helped by granting of a temporary permission for the mobile home. Although I have not been furnished with a formal business plan, on the basis of what I have seen and heard, I have no reason to doubt the appellant's commitment to her business and its future growth.
15. Drawing the above factors together, I have seen that the business is a profitable stand-alone enterprise which is capable of meeting the associated costs of the development and, as required in SAMDev Plan Policy MD7a, the appellant has demonstrated that the cost of the dwelling can be funded solely by the equestrian business. I therefore conclude that the proposed residential development would be justified, and would accord with SAMDev Plan Policy MD7a, and paragraph 79 of the NPPF.

Other Matters

16. I have had regard to the concerns raised by interested parties, including the effect of the proposal on the use of the private road from the A41 to the appeal site. These concerns relate primarily to business traffic, and the provision of passing places on the lane. However, the appeal scheme relates to a new dwelling, which would replace an existing temporary dwelling. As a result, there is little basis to conclude that the scheme would give rise to any additional traffic on the lane. Any expansion of the business activities would fall to be considered independently of the appeal proposal. I note that the Council have raised no concerns on highways grounds, or in relation to the

destruction of a hedge to achieve an access, and there is little detailed evidence before me relating to the matters that have been alluded to.

Planning Obligation

17. Regulation 122 of the Community Infrastructure Levy Regulations 2010 (the Regulations) requires that if planning obligations are to be taken into account in the grant of planning permission, those obligations must be necessary, directly related, and fairly and reasonably related in scale and kind to the development in question.
18. The appeal is accompanied by a signed and completed section 106 agreement which provides that the proposed dwelling will default to affordable housing if no longer required for an essential rural worker. In such a circumstance, the appropriate affordable housing contribution will be paid to the Council. The agreement is not in contention in this appeal. I am satisfied that the agreement meets the tests set out in the CIL regulations, and I have therefore taken it into consideration in my decision.

Conditions

19. The Council have suggested a number of planning conditions which were discussed at the hearing, and which I have considered against the relevant advice in the Planning Practice Guidance (PPG). As a result, I have amended some of them for clarity and brevity, or substituted alternative text.
20. In addition to the standard time limit condition, for certainty, it is necessary that the development is carried out in accordance with the approved plans, as referred to in the Document issues Sheet (13/03/2018). A condition relating to materials is appropriate in the interests of character and appearance. At the hearing, it was agreed that this condition did not constitute a pre-commencement condition.
21. A condition seeking the removal of the mobile homes following the first occupation of the development is required to avoid the proliferation of housing in the open countryside. I have taken into account the appellant's suggested re-wording of this condition to allow the structures to remain for purposes incidental to the enjoyment of the new dwelling. However, the structures are unauthorised, and so such a condition would not be relevant or appropriate.
22. A condition restricting permitted development (PD) rights is justified in this instance in order to limit the size of the dwelling in accordance with the (SPD). Finally, a condition limiting the occupation of the new dwelling is appropriate to ensure that it remains available to meet the needs of the business.

Conclusion

23. For the reasons above, I conclude that the proposed development would comply with the development plan as a whole, and so the appeal is allowed.

Elaine Gray

INSPECTOR

APPEARANCES

For the Council:

Olivia Wojniak	Consultant
Elizabeth Atwood	Case Officer

For the Appellant:

Ms Stacey Hancock	Appellant
Mr Robert Mills	Agent

DOCUMENTS RECEIVED AT THE HEARING

Personal Tax Computation – 5 April 2018

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1865 01 (Location plan); 1865 02; 1865 03; 1865 04; 1865 05.
- 3) Prior to the above ground works commencing, samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in complete accordance with the approved details.
- 4) Within one month of the first occupation of the rural worker's dwelling hereby permitted, the existing mobile homes on the site shall be removed.
- 5) Notwithstanding the provisions of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order modifying, revoking or re-enacting that Order), no development falling within Classes A, B, C and E of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the local planning authority
- 6) The dwelling hereby permitted shall only be occupied by a person solely or mainly employed, or last employed, in the equine enterprise as Redhill Stud Manager, or dependents of such a person residing with him or her, or a widow or widower or surviving civil partner of such a person.

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