



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

Date: Friday, 24 May 2019

Committee:
South Planning Committee

Date: Tuesday, 4 June 2019

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
Director of Legal and Democratic Services (Monitoring Officer)

Members of the Committee

Andy Boddington
David Evans
Simon Harris
Nigel Hartin
Richard Huffer
Cecilia Motley
Madge Shingleton
Robert Tindall
David Turner
Tina Woodward

Substitute Members of the Committee

Jonny Keeley
Heather Kidd
Christian Lea
Elliott Lynch
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 Election of Chairman

To elect a Chairman for the ensuing year.

2 Apologies for Absence

To receive any apologies for absence.

3 Appointment of Vice-Chairman

To appoint a Vice-Chairman for the ensuing year.

4 Minutes (Pages 1 - 8)

To confirm the minutes of the South Planning Committee meeting held on 8 May 2019.

Contact Linda Jeavons (01743) 257716.

5 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.

6 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.

7 Proposed Affordable Dwelling North Of Balls Lane, Broseley, Shropshire (18/03001/FUL) (Pages 9 - 36)

Erection of single plot affordable dwelling; formation of access

8 Proposed Barn Conversion At Land At Whitecross Farm, Broughton, Claverley, Shropshire (18/04311/FUL) (Pages 37 - 58)

Live -work unit comprising conversion of storage building to residential dwelling and stable building to form boarding kennel business.

9 Schedule of Appeals and Appeal Decisions (Pages 59 - 76)

10 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, 2 July 2019, in the Shrewsbury Room, Shirehall.



Committee and Date

South Planning Committee

4 June 2019

SOUTH PLANNING COMMITTEE

Minutes of the meeting held on 8 May 2019

In the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

2.00 - 3.47 pm

Responsible Officer: Linda Jeavons

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

Present

Councillor David Evans

Councillors David Turner (Vice Chairman), Andy Boddington, Simon Harris, Nigel Hartin, Richard Huffer, Cecilia Motley, Madge Shineton, Robert Tindall and Tina Woodward

102 Apologies for Absence

An apology for absence was received from Councillor Michael Wood

103 Minutes - TO FOLLOW

RESOLVED:

That the Minutes of the meeting of the South Planning Committee held on 9 April 2019 be approved as a correct record and signed by the Chairman.

104 Public Question Time

There were no public questions or petitions received

105 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 18/05149/FUL, Councillor David Evans declared that the applicant was known to him and that he would take no part in the consideration of and voting on this item.

With reference to planning applications 19/00218/FUL, 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.

With reference to planning applications 19/00218/FUL, Councillor Cecilia Motley declared that she was a member of The Shropshire Hills AONB Partnership and The

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

With reference to planning applications 19/00218/FUL, Councillor Robert Tindall declared that he was a member of The Shropshire Hills AONB Partnership. He confirmed that he had taken no part in any discussion relating to this application.

106 The Old Post Office, Chetton, Bridgnorth, Shropshire, WV16 6UF (18/03091/FUL)

The Area Planning Manager introduced the application and drew members attention to the late representations from Chetton Parish Council and the Bridgnorth branch of CPRE. He reminded Members that the Committee had first considered the application at its February Meeting and had deferred consideration in order that the applicant could give further consideration to the design, materials and fenestration of the proposal and that following the submission of amended plans a full consultation of all neighbours and consultees had been carried out.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Robert Tindall, 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 made the following points:

- The overall design of the proposal was much better than that previously considered.
- The yellow colour of the proposed bricks was not in keeping with the rest of the village and a redder coloured brick should be used.
- The introduction of an overhang on the eaves would benefit the overall look of the property

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

In the ensuing debate, Members noted the comments of all speakers and considered the amended plans, they generally agreed that the design was much improved on that considered previously.

RESOLVED:

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

107 Proposed Residential Development Land East of the Bull Ring, Claverley, Shropshire (18/05149/FUL)

In accordance with his declaration at Minute No. 107, Councillor David Evans left the room during consideration of this item.

Councillor David Turner took the Chair.

The Consultant Planner introduced the application and drew Members attention to comments contained in the late representations. He advised Members that Claverley sat within the greenbelt but the village itself was excluded from the greenbelt. He informed members that there was an error in the final sentence of paragraph 4.6 of the report which should read: -

If this is not possible then it should be demonstrated that the refuse bins and recycling boxes from the six dwellings could be temporarily stored awaiting collection on bin day bearing in mind those from the two properties from the pub conversion and surrounding properties.

Mr A Reade, on behalf of Claverley Preservation Society, 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 Tina Woodward, local Ward Councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. During her statement, the following points were raised:

- Car parking spaces are disconnected from some of the properties and there are insufficient visitor parking spaces and there is an opportunity to create better parking arrangements within the development
- High level of concern regarding fire safety and would seek assurances that all properties are made compliant.
- Welcomed the development of the buildout on the pavement which was a requirement of the planning permission to develop the Kings Arms and will go some way to improving the access.
- Opportunity being missed to deliver a layout which is more in keeping with its location in the heart of the village and also benefit owners and tenants and the wider community.

Mr J Beaman, the applicant, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees. In response to a question he confirmed that it was planned that install sprinkler systems in all the properties

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. The following comments were made: -

- The discount of 10% on the houses for sale does not make them affordable within the description of affordable houses
- The houses are particularly small and would be better as 2 bed houses to give bigger rooms.

- Concerns regarding access for fire appliances assuaged by the installation of sprinklers and building regulation requirements.

After further discussion, on the casting vote of the Vice Chairman 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;
- And an additional Grampian style condition requiring completion of the build-out from the pavement at the site access to be undertaken in compliance with Planning Permission Ref. 17/03879/FUL before the approved dwellings are occupied; and
- A section 106 agreement to ensure that the dwellings constructed remain available as affordable homes to meet the needs of the local community in perpetuity, including relevant provisions relating to the proposed cross-subsidy, in accordance with the requirements of the Type and Affordability of Housing Supplementary Planning Document (SPD) (September 2012).

At this juncture, the Chairman returned and took the chair.

108 Unit 7, The Aspire Centre, Burford, Tenbury Wells, Shropshire (19/00185/COU)

The Area Planning Manager introduced the application and stated that this was an application for a change of use and that there would be no external alterations to the building.

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

- The Parish Council had no objections to the application which had only come to committee as the Council owned the building. He hoped that he Committee would approve the application.

In the ensuing debate Members made the following comments: -

- It was a pity that the unit could not be used for its original purpose although as there was no structural changes there was no reason that this could not take place at a future date

RESOLVED:

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

109 **Proposed Dwelling To The South Of Hopesay, Shropshire (19/00218/FUL)**

As the Chairman was the Local Member Councillor David Turner took the Chair.

The Area Planning Manager introduced the application and with reference to drawings displayed, he drew Members attention to the location, layout and elevations. He drew members attention to the schedule of additional letters in particular the proposed amendments to conditions 6 and 13. He also advised that it was proposed that condition 4 be amended to read: -

The static caravan hereby approved shall be removed from the site and the land reinstated to its previous condition within 24 months of the date of this planning permission or within three months of occupation of any part of the dwelling hereby approved (whichever is the sooner).

Ms Ruth Reed on behalf of Dr and Mrs Leonard, local residents, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Mr D Clarke, a local resident spoke for 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 David Evans, local Ward Councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- The proposals were far superior to those proposed in the past and were of a good design that blended in with the area.
- If approved the dwelling would enable a local family to remain in the area.

Mrs Jackie Moulder 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 plans and noted the comments of all speakers. The following comments were made: -

- A much better design which addressed a lot of the concerns raised regarding the previous application.
- New proposal will fit in with the conservation area.

RESOLVED: -

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

Condition No. 4 being amended to read as follows:

- The static caravan hereby approved shall be removed from the site and the land reinstated to its previous condition within 24 months of the date of this planning permission or within three months of occupation of any part of the dwelling hereby approved (whichever is the sooner).

Condition 6 being amended to read as follows:

- Prior to the first use or occupation of any part of the development hereby permitted the foul and surface drainage systems hereby approved shall be installed in full accordance with the approved plan drawing number M18-PO2 Rev B and drainage particulars and the systems shall be maintained thereafter.

Condition 13 being amended to read as follows:

- A total of 1 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site prior to first occupation of the buildings hereby permitted. The bird box thereafter shall be permanently retained and maintained on the site.

At this juncture, the Chairman returned and took the chair.

110 Hillside Rowley, Shrewsbury, Shropshire, SY5 9RY (19/00758/FUL)

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

Members considered the submitted plans and it was:

RESOLVED:

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

111 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 8 May 2019 be noted.

112 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, 4 June 2019 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:

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Committee and date

South Planning Committee

4 June 2019

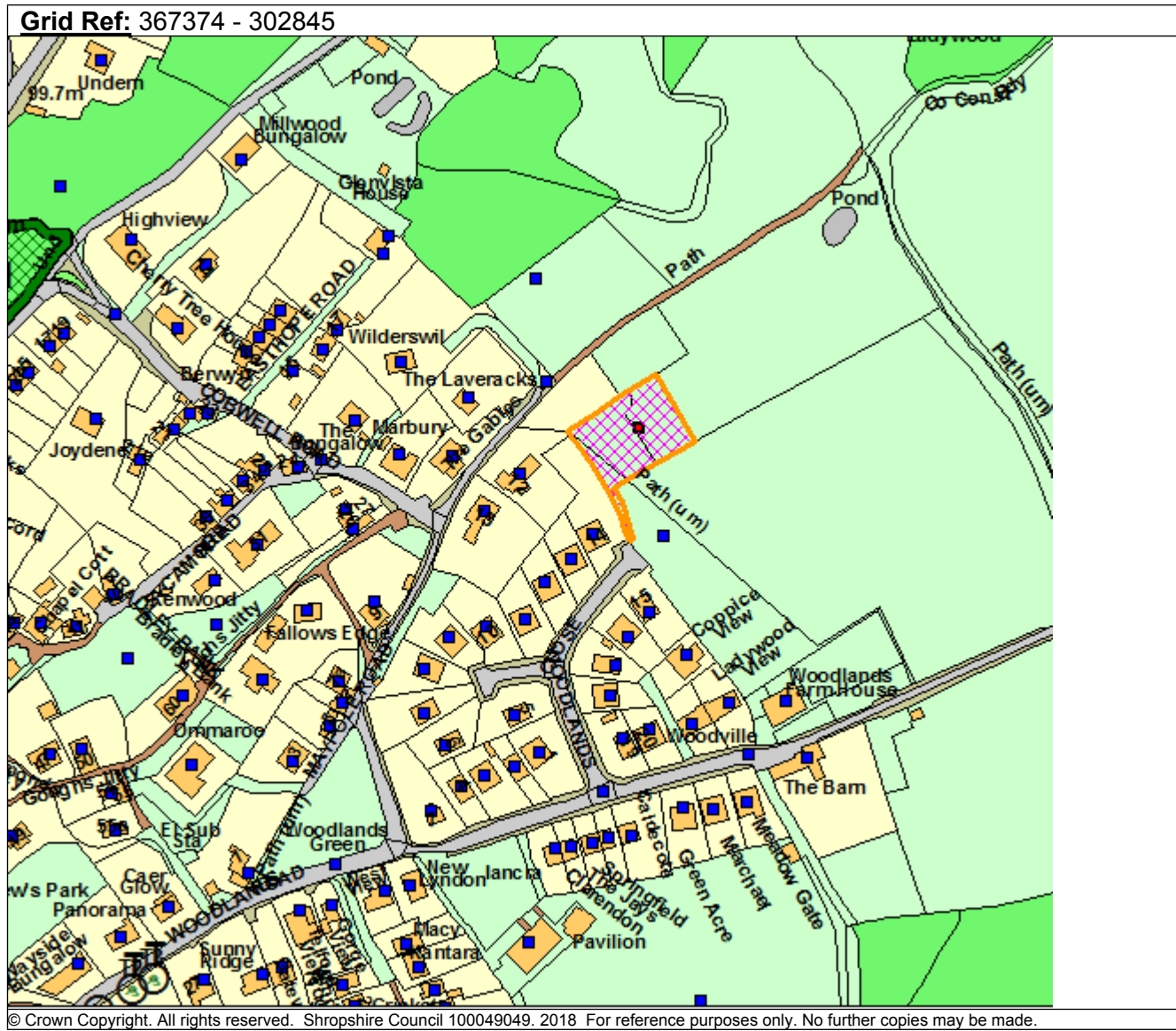
Development Management Report

Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 18/03001/FUL	<u>Parish:</u>	Broseley
<u>Proposal:</u> Erection of single plot affordable dwelling; formation of access		
<u>Site Address:</u> Proposed Affordable Dwelling North Of Balls Lane Broseley Shropshire		
<u>Applicant:</u> Miss L Owen		
<u>Case Officer:</u> Lynn Parker	<u>email:</u> planningdmse@shropshire.gov.uk	



Recommendation:- Refuse

Recommended Reasons for Refusal

1. The proposed site and access amended to be from Balls Lane are within a 'Local Green Space' as designated on the Broseley Town Plan Map where under Policy ENV.1 of the Broseley Town Plan 2013-2026 proposals for development of any kind in relation to these valued green spaces are not supported. The benefits of the proposal would not outweigh the loss of this valued area which serves as a protective buffer zone preventing physical and visual encroachment between Broseley and the Ironbridge Gorge World Heritage Site and is an unacceptable amenity loss contrary to Policy H.7 of the Broseley Town Plan 2013-2026. The adverse impact of the loss of this 'Local Green Space' on the adjacent historic environment is contrary to the Shropshire Council Local Development Framework Policies CS6 and CS17, and Site Allocations & Management Of Development Plan Policy MD13 in addition to the objectives of the National Planning Policy Framework.

2. Due to the position and size of the proposed plot and its contrived, lengthy access from Balls Lane in relation to the pattern of the adjacent built environment, the site does not respond appropriately to the form and layout of the existing adjacent development, nor is it the most effective and sustainable use of the land. The proposed siting of the plot is therefore contrary to Policy CS6 of the Shropshire Local Development Framework Core Strategy, and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan.

REPORT

THE AMENDED PROPOSAL

This application was considered at the South Planning Committee of 12th March 2019 with officers' recommendation for Refusal where Members resolved, 'That this application be deferred to a future meeting to enable the applicants to consider access being from Balls Lane rather than the currently proposed location of Woodlands Close'.

An amended Application Form, and Location and Block Plans have been submitted on 21st March 2019. The Application Form confirms by the completion of Certificate B that the requisite notice has been given to all owners and/or tenants of the land across which the access is now proposed. The amended Location and Block Plans show a revised access extending from a point in Balls Lane located approximately 65m north east of the plot at Woodlands Farm House. The proposed access extends north from Balls Lane for approximately 105m, then turns at a right angle to extend west for approximately 125m culminating at the site proposed for the affordable dwelling and totalling 230m in length with a width of 6m. Additionally in response to officers' request for a greater level of access details, a Ball's Lane Site Access Plan has been submitted on 29th April 2019, with an amended version received on 14th May 2019 indicating the proposed visibility splays, access gate position and tree works to enhance visibility. The agent has affirmed that the proposed visibility splay is based on Manual for Streets (MfS) requirements for the anticipated prevailing speeds of 20mph on each approach to the proposed point of access. That a relaxed 'X' distance has been applied of 2m to retain Tree 1, which appears to be healthy and of some amenity value. Paragraph 7.7.7 of the MfS allows a minimum X distance of 2m in "very lightly-trafficked and slow-speed situations" which is the case for this site. Given the proposed access arrangements will only serve a single dwelling and the existing field and that Ball's Lane carries only low numbers of vehicle movements at very low speeds, the agent is of the opinion that the proposed form of access and visibility splays are adequate for the prevailing site conditions. They confirm that the visibility splay also meets the vertical requirements of the MfS and that the hedges will be behind the splay line even when at full growth.

1.0 THE PROPOSAL

1.1 This application is for the erection of a dwelling, detached garage and new vehicular access under the Council's single plot affordable scheme on agricultural land to the north of Balls Lane, Broseley. Certificate B has been completed confirming the applicant is not the owner of the site. The proposed plot covers approximately 950m² including an access drive and would have a gross internal floorspace of approximately 100m² with an additional balcony of 34m² and decking

area of 13.25m². Discounting the area covered by the balcony and decking it would measure approximately 9.85m wide x 11.2m in depth x 8m max height, 4.95m to eaves. The dwelling would accommodate 2 no. bedrooms and a bathroom at ground floor level, and a lounge/dining room, kitchen, larder, WC, entrance hall and porch at first floor level. The dwelling is proposed as a split-level structure to follow the steep downwards slope of the site and is designed as an Oak framed structure with brickwork at ground floor level and weatherboarding above. Features include an external chimney on the south west facing rear elevation, a balcony with glazed safety barriers around the north east facing front and north west facing side elevations and a large triangular window serving the kitchen.

- 1.2 Additionally, a detached, dual-pitched roof, single garage is proposed adjacent to the south east side of the dwelling which would measure approximately 4.95m wide x 6.5m in depth x 4.45m to ridge height, 2.35m to eaves. It too would have a north east facing front elevation onto a permeable gravel parking area of approximately 100m². Access is proposed from a cul-de-sac end of Woodlands Close to the south of the site, forming a right angled, permeable gravel drive of approximately 60m in length extending into the parking area. It is indicated that the first 10m of the driveway would be surfaced in tarmac to prevent the transfer of loose materials onto Woodlands Close.
- 1.3 The dwelling is proposed with an Oak framed construction and brickwork to the ground floor with weatherboarding above, a tiled roof, timber windows and doors and a post and rail fencing boundary. Foul sewage is proposed to be disposed of via septic tank and surface water via SUDs and a soakaway.
- 1.4 In addition to the Supporting Statement dated June 2018, the following documents have also been submitted in support of the proposal:

Preliminary Ecological Appraisal (Incorporating an Extended Phase 1 Survey, Preliminary Roost Assessment and Habitat Suitability Index) by Salopian Consultancy Ltd dated 31st May 2018

Arboricultural Appraisal (Incorporating Arboricultural Impact Assessment and Tree Protection Measures in accordance with BS5837:2012: trees in relation to design, demolition and construction – recommendations) by Salop Consultancy Ltd dated 23rd July 2018.

Drainage Assessment dated July 2018

Access Arrangements dated July 2018

- 1.5 There is an outstanding Outline Planning Application ref: 15/02877/OUT on the parcel of land abutting the south east of the site. As submitted this application proposed residential development with all matters reserved. Having raised the same issues with the agent for that application which are expressed in this report, some negotiation between the agent, housing associations and Shropshire Council Local Housing Enabling Officer with regard to offering the site as a 100% affordable housing site was undertaken. This did not come to fruition and the recommendation for Planning Ref: 15/02877/OUT will also be for Refusal. Now Refused at the South

Planning Committee of 12th March 2019.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site falls within open countryside adjacent to the Development Boundary on the north east side of the Key Centre of Broseley. The proposed plot additionally falls within land which is designated in the Broseley Town Plan as 'Local Green Space'. There are public rights of way several metres to the north and east of the site. The Broseley Conservation Area boundary is approximately 10m to the west, and the Severn Gorge World Heritage site is to the north east, approximately 160m away at its closest point.

2.2 The site itself is positioned on the east side of no. 14 Woodlands Close and no. 12 Maypole Road but within an area of green space which is fenced off from the cul-de-sac end of Woodlands Close to the south. The plot is currently separated out from the rest of the green space by post and wire fencing and contains pigs and associated paraphernalia. The land within the plot is level with the remainder of the green space on its southern side, but slopes steeply down to the north from the middle. There is substantial native hedging and trees along the western boundary with the adjacent dwellings and to the north, otherwise the land is open grass land.

2.3 Land further to the east is agricultural up to the wooded side of the Ironbridge Gorge. Land to the west is the built environment of Woodlands Close, characterised by detached bungalows constructed in the latter half of the 20th Century in red brick, cream render, white panelling and concrete roof tiles. The substantial, two storey Woodlands Farm House is some 90m to the south of the site, and there are traditional cottages within Broseley Conservation Area to the north west in Maypole Road which is set at a much lower level than the site. A footpath extends to the east from the end of Maypole Road so that the 'Local Green Space' including the proposed plot is above it on its south side.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Town Council comments are at variance with the Officer view and the Local Member has requested Committee determination. The Chair of the South Planning Committee, in consultation with the Principal Planning Officer, considers that material planning considerations are raised which warrant consideration by the South Planning Committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Broseley Town Council – Notified of amended access 29th April 2019. No comments received.

Broseley Town Council (05-09-18) – Whilst Broseley Town Council is not opposed to the principle of the erection of an appropriate property on this site under the Single Plot Exception Site Policy, the comments made by the Planning Officer and Conservation Officer at Pre-Application Advice stage about the suitability of this particular proposal are noted. Object to the proposal to create an access from Woodlands Close and wish to see the existing access from Balls Lane retained. Support the request from the Local Member that this application be referred to the South Planning Committee for consideration.

4.1.2 SC Rural Enabler (26-09-18) - I can confirm that Miss Lacy Owen has demonstrated strong local connections to the administrative area of Broseley Town Council. After considering her housing needs and personal circumstances, I can confirm that the requirements of the Supplementary Planning Document in relation to the 'build your own affordable home scheme' have been satisfied.

4.1.3 SC Drainage (06-08-18) – Informative recommended in relation to a sustainable drainage scheme for the disposal of surface water from the development.

4.1.4 SC Highways – Consulted on 15th May 2019 in relation to the Amended Ball's Lane Site Access Plan received on 14th May. No comments received to date.

SC Highways (10-05-19) – Additional information required including visibility sightlines onto Balls Lane and whether the access track would be fenced off from the rest of the field – if so passing places would be required.

SC Highways (09-04-19) – Additional information required in relation to access details. The track is already being laid despite the fact that no access details have been submitted for assessment or approved.

SC Highways (16-08-18) – No objection. Pre-commencement condition recommended in relation to access layout, construction and sightlines details.

4.1.5 SC Conservation (01-04-19) – The amendments proposed do not alter my previous comments of 23-08-18 which still stand.

SC Conservation (23-08-18) – The proposed dwelling, curtilage and access does not reflect the built form on this edge of the Conservation Area. It would appear as an encroachment into open countryside and from a Conservation perspective this encroachment into designated local green space does not appear justified and would not be in accordance with policies, guidance and legislation.

4.1.6 SC Archaeology (22- 03-19) - Please see our comments and recommendation of 2nd August 2018 which remain unchanged.

SC Archaeology (02-08-18) – The proposed development site can be deemed to have archaeological potential. Pre-commencement condition requiring notification of Shropshire Councils Historic Environment Team not less than three weeks prior to the commencement of ground works.

4.1.7 SC Trees (10-05-19) – The proposal now calls for the removal of an Ash Tree which the submitted plan identifies as dead. The tree is alive, albeit ivy-smothered and in poor condition. No objection to the removal of this tree, but recommend that its loss is compensated by the planting of a replacement tree (or trees) of appropriate size and species at a suitable location within the red line of the site boundary. This could be achieved under landscaping conditions as recommended.

SC Trees (05-04-19) – The access is located near to a mature roadside Ash Tree and currently consists of crushed brick and other stone. Any damage to the tree

roots have already been done. The Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) are based on the original layout and should be amended. Subject to the revision of the TPP and AMS, no objections to this amended application.

SC Trees (23-08-18) – No objection to the proposed development on arboricultural grounds. Pre-commencement conditions recommended in relation to work being carried out in accordance with the recommendations of the submitted Arboricultural Appraisal and landscaping.

4.1.8 SC Ecology (23-03-19) – No additional comments to make in relation to the amended plans.

SC Ecology (10-09-18) – Prior to occupation conditions recommended in relation to a Great Crested Newt RAMMS Implementation Report, landscaping, bat and bird boxes, and external lighting.

SC Ecology (16-08-18) - A Habitat Suitability Index (HSI) – Great Crested Newts is required.

4.1.9 SC Public Rights Of Way (28-03-1) – No comments to make on the application.

4.1.10 Shropshire Ramblers (18-03-19) - Having listened on Tuesday to all the debate about the ‘affordable house’ in Planning Application 18/03001, and the deferred decision, I too was puzzled by the fact that the possible eastern approach to the site does not reach the road. A quick look at GoogleEarth provides the answer. There is NO gate from that field onto Ball’s Lane, BUT there is a field-gate into the field to the east, which is obviously in someone else’s ownership, and then a short exit onto the Lane along the line of footpath 0114/UN17/1 for some 20 metres. So, the use of that access route requires the permission of the owner of that field and also the permission of the Rights-of-Way Department to use a public footpath as the access to the site in question.

4.2 - Public Comments

Following notification of the amended proposed access, seven letters of public representation have been received from members of the public who previously commented. These are available to view in full online, however are summarised below:

- o The newly proposed driveway and access road would be a considerable intrusion into open green space, creating precedent for further building which has been turned down several times.
- o With the precedent of allowing a single applicant’s ‘affordable dwelling’ in this location, what stops further such applications being made in the remaining area, or even the surrounding fields.
- o This area is still valued green space in a buffer zone between Broseley and the World Heritage Centre in Ironbridge. If we cannot protect such areas from development then we need to seriously question the effectiveness of our county’s planning process.

- o Shropshire Council's Planning Officer has rejected this application on good grounds. We are surprised that Broseley Town Council and our Local Member are supporting this application.
- o The Development Management Report presented to the South Planning Committee on 12th March 2019 recommended that this application be Refused. I seriously urge the Committee to follow the recommendation of this report.
- o We would like to think that any Planning Committee should be questioning how someone who has apparently been assessed by the Housing Officer as on low income and unable to rent or buy in Broseley can afford to purchase a plot of land, pay an agent to act on their behalf and build an Oak framed, luxury detached house with a detached garage.
- o It cannot be an affordable construction purely from the application or the plans submitted even if the applicant meets the requirements.
- o The plot of land at 890m² is substantially bigger than my property (cir £160,000).
- o It would not be affordable to purchase, only to build.
- o I have a household of two incomes and would have to seriously consider a venture like this. How is this build being funded or achieved?
- o There has been a link between the landowner and applicant previously highlighted. This build is a way of using the rules of planning to achieve a cheap house build in a desirable area.
- o Both the drive and track, and detached garage, will require substantial ground works due to the slope of the land.
- o The high levels of on street parking on these single track road and their use by pedestrians on limited/no pavement provision have not changed.
- o Our objections remain the same and are still relevant as the changed access has not addressed them.

4.2.1 Site notice displayed on 15th August 2018. Nineteen letters of public representation received, fourteen objections and five of support. These are available to view in full online, however are summarised below:

4.2.2 14 Objection Comments:

- o The proposed development is currently outside the Broseley Planning Boundary.
- o Building outside the local development boundary may compromise tourism growth. The growth of the outdoor leisure industry will attract visitors to the town and the lure includes the beauty of the surroundings, especially the fields and woodland views looking down into the Ironbridge Severn Gorge plus Broseley's unique history and heritage.
- o It is far away from local amenities and the centre of town 30 minutes away.
- o The proposed site is positioned in open countryside identified as a Local Green Space. The Broseley Town Plan states that Local Green Spaces will be 'afforded strong protection'.
- o Any intrusion into this protected space, a buffer between Broseley and the World Heritage Site, would create a precedent for further building.

- o The plot is near or on the line of a late 18th – early 19th Century tramway from Mines on Maypole Green to Barnetts Leasow furnaces in the gorge.
- o Planning Permission has already been refused on this site a number of times in previous years.
- o This could lead to an incremental approach to another application being submitted to build a larger number of houses on the field.
- o The proposed plan does not relate to the plot sizes of adjacent dwellings.
- o The proposed dwelling would sit well outside anyone's affordable budget, bungalows/housing in Woodlands Close are selling for around £200,000.
- o The one, exclusive detached property on a large plot in an enviable position with a detached garage, veranda and a high roof with windows in, is not like any other 'affordable' housing I have ever seen.
- o It would fetch in excess of 250K on the open market.
- o There is already a third floor to the building as roof lights are included.
- o When considering the applicant's statement that they cannot afford a property in Broseley, the Council should consider the build cost (including land cost) and the market price for this development and compare this with properties currently available locally. From this, a decision should be made if this really constitutes affordable housing and if this justified development on designated green spaces.
- o How could someone on a low income who has stated she cannot afford to buy a house in Broseley afford to build such a house?
- o This proposed dwelling could never be sensibly described as an affordable dwelling.
- o We see no reason for further access to be granted when there is already access via a track on the opposite side of the field.
- o The roads in the area are largely single track or subject to high levels of parking and congestion issues. They are popular with dog walkers and families with young children. Any additional traffic even from one property should be discouraged.
- o The driveway would abut my garden and there is a significant difference in ground level so ground destabilisation could result.
- o The driveway could be re-orientated to make the exit on the centreline of the close, avoiding removal of the Ash tree.
- o The site plan does not show the side extension on our bungalow. Any traffic would pass within 2 metres of its kitchen window.
- o The footpaths that surround the site are in regular use. They will not be damaged by the proposal, but do not exist in isolation from their surroundings, so the enjoyment of the environment passed through would be affected.
- o Being on a bank, this development would require substantial ground works, foundation works and removal of a large amount of spoil.
- o It appears from the STWA sewer records that the proposed dwelling would be on top of the existing foul water sewer.

4.2.3 5 Support Comments:

- o Having seen this scheme work in Benthall, Nordley, Cross Lane Head and other rural areas, we see it as a fantastic opportunity to provide affordable rural housing to a resident of Broseley.
- o My partner and I were both born and grew up in Broseley, but sadly had to move to Bridgnorth to get a house we could afford.
- o I wish my children could experience the childhood I had within a tight nit community and family close-by.
- o I am currently in the process of building a home on this scheme without which it would not have been possible for me to stay in the local area.
- o The proposal will create an affordable home for someone in the future as well as now.
- o Should this scheme have been implemented years ago, local young people would not be in the situation where they cannot afford to buy a property in the area that they grew up in.
- o I strongly believe that we should be helping the younger generation to remain in Broseley as this can only benefit the town in the future.
- o Affordable housing can innovative without excessive costs.
- o The style of housing varies widely in Broseley.

5.0 THE MAIN ISSUES

- o Principle of development
- o Design, scale and character
- o Impact on the adjacent historic environment
- o Impact on neighbours/residential amenity
- o Access
- o Impact on the surrounding natural environment

6.0 OFFICER APPRAISAL

6.1 Principle of development

It was formerly considered that the principle of the proposed development on this site within Local Green Space was not acceptable (see 6.1.14 below). It is now considered that the lengthy amended access from Balls Lane would exacerbate the loss of this Local Green Space amenity as it is indicated to cut directly through the Local Green Space which Policy ENV.1 of the Broseley Town Plan seeks to protect by emphatically stating, 'Proposals for development of any kind in relation to these valued green spaces will not be supported'. The access now proposed from Balls Lane is considered to be overly contrived resulting in an unnecessarily long 230m approx. stretch of driveway in comparison with the 60m length originally proposed from Woodlands Close. The access as now proposed from Balls Lane would further harm the Local Green Space by visually breaking it into sections with hard landscaping. This access incursion would be visually and physically unacceptable within the protected Local Green Space.

For further consideration of the amended proposed access from Balls Lane, please see sections 6.3 and 6.5 below.

- 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. Since the adoption of the Councils Core Strategy, the National Planning Policy Framework (NPPF) has been published and revised in July 2018, and needs to be given weight in the determination of planning applications.

- 6.1.2 The NPPF in itself constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications. The NPPF sets out the presumption in favour of sustainable development. These considerations have to be weighed alongside the provisions of the development plan.
- 6.1.3 For the purposes of the assessment of this application the development plan presently comprises the adopted Shropshire Council Local Development Framework Core Strategy 2011, the Site Allocations and Management of Development (SAMDev) Plan, and a range of Supplementary Planning Documents.
- 6.1.4 A key objective of both national and local planning policy is to concentrate residential development in locations which promote economic, social and environmental sustainability. Specifically the Council's Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 state that new open market housing will only be permitted on sites within market towns, other 'key centres' and certain named villages ('Community Hubs and Clusters'), as identified in the SAMDev Plan. Isolated or sporadic development in open countryside (i.e. on sites outside the named settlements) is generally regarded as unacceptable unless there are exceptional circumstances.
- 6.1.5 The site is positioned in open countryside outside of any development boundaries designated under existing Planning Policies. LDF Core Strategy Policy CS5 states that new development will be strictly controlled in accordance with National Planning Policies protecting the countryside. The policy goes on to state that 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. In relation to new housing proposals, Policy CS5 identifies specific types of development which may be acceptable, including dwellings for agricultural, forestry or other essential countryside workers, or other affordable housing/accommodation to meet a local need, or conversion of a building of historic merit. Policy MD7a of the SAMDev Plan reinforces CS5.
- 6.1.6 As noted above under LDF Core Strategy Policy CS5 new development in the countryside is strictly controlled, however, potentially acceptable development does include the erection of new dwellings which provide affordable housing/accommodation to meet a local need in accordance with Policy CS11. In support, SAMDev Policy MD7a states that suitably designed and located exception site dwellings will be positively considered where they meet evidenced local housing needs and other relevant policy requirement.
- 6.1.7 LDF Core Strategy Policy CS11 supports the provision of affordable housing on suitable sites in recognisable named settlements, subject to suitable scale, design,

tenure and prioritisation for local people and arrangements to ensure affordability in perpetuity i.e. the completion of a Section 106 Legal Agreement to secure the dwelling as affordable, before an Approval Decision is issued for any such application.

6.1.8 The build your own affordable home on a single plot exception site scheme is detailed in Chapter 5 of the SPD Type And Affordability Of Housing beginning at paragraph 5.10. Applicants will normally be the prospective occupiers of the proposed single plot affordable dwelling and must qualify for the scheme by demonstrating the following points (summarised) to the satisfaction of the Housing Enabling Officer:

1. That they are in housing need and are unable to identify or afford a suitable alternative home currently available for sale on the open market in the local area or within 5km of the proposed site.
2. That they have a strong local connection to the area. Applicants are expected to be proactive obtaining formal written confirmation of their 'strong local connection' from the relevant Parish Council.
3. That their housing need should be met in the local area

6.1.9 The SC Housing Enabling Officer has confirmed that Miss Lacy Owen has demonstrated strong local connections to the administrative area of Broseley Town Council. After considering her housing needs and personal circumstances, it is also confirmed that the requirements of the Supplementary Planning Document in relation to the build your own affordable home scheme have been satisfied.

6.1.10 The Local Housing Need elements of this application were established as follows from information presented to the SC Housing Enabling Officer by the applicant in May 2018:

- o Miss Owen intends to construct a 100 sq m (max) affordable dwelling at the above site to occupy as her long-term family home. This dwelling will be subject to a Section 106 Agreement prescribing local occupancy criteria, limiting current/future size and restricting any potential future sale value.
- o Due to a change in circumstances Miss Owen and her son currently live with her mother in Broseley and have done so since the start of this year. Due to a limit on space they are sharing a room. As she has no home of her own this is deemed unsuitable for her long terms housing needs.
- o Broseley Town Council were able to confirm Miss Owens strong local connection to the town council area. Stating they were happy to confirm that she satisfies at least two of the criteria specified in Shropshire Councils definition of 'strong local connection' by reason of both residency and employment.
- o Miss Owen is employed in the hospitality and catering industry working unsociable hours. During this time her son is cared for by a family member

who lives in Broseley. Without this care and support this would limit her ability to work. Details have been provided to support the level of care received.

- o Miss Owen has lived in Broseley all her life and has a close support network of family and friends who live locally. She has been employed in the local area for the last six years.

Miss Owen has therefore demonstrated housing need, strong local connections and a need to live in the local area. Furthermore, due to a lack of affordable accommodation she is unable to meet her own housing needs within the Town Council area without assistance through the Council's affordable housing policy. This is because her income and savings are insufficient to purchase or rent a suitable home available in the area.

6.1.11 Single plot affordable exception sites are permitted in locations that would not normally obtain Planning Permission for new open market residential development, as they are intended to engender additional community resilience and sustainability. However this does not translate as free rein to always allow single plot affordable dwellings wherever they are proposed. Policy CS11 permits exception sites for local needs affordable housing on suitable sites in and adjoining Shrewsbury, Market Towns and other Key Centres, Community Hubs, Community Clusters, and sites which are demonstrably part of or adjacent to recognised named settlements of all sizes. This proposed site for local needs affordable housing is adjoining the Key Centre of Broseley.

6.1.12 Policy H.7 of the Broseley Town Plan states that,

Affordable housing developments will be supported outside the development boundary provided that:

- a) The affordable component is 100%;
- b) The amenity loss is acceptable;
- c) Proposed sites must be easily accessible to the main services in the town centre;
- d) The existing infrastructure must be able to meet the needs of the development with little or minor modification.

6.1.13 Additionally, the site is designated on the Broseley Town Plan Map as being 'Local Green Space'. Policy ENV.1 of the Broseley Town Plan states that,

'In recognition of their special local and historic significance and importance to the community, the areas marked on the Town Plan Map are designated as Local Green Space. Proposals for development of any kind in relation to these valued green spaces will not be supported.'

The Local Green Space is described in the Plan as,

'an area of open farmland on the norther boundary of Broseley served by two well used footpaths. This area is of value because it is immediately adjacent to the Severn Gorge World Heritage Site and serves as a protective buffer zone

preventing physical and visual encroachment’.

6.1.14 Therefore, whilst the proposed single plot affordable dwelling site could be described as adjacent to the Key Centre of Broseley and the applicant may fulfil the qualifying criteria, the plot is also in Local Green Space and its development would result in the loss of amenity as per point b) of Policy H.7. It is considered that the benefits of the proposal are unlikely to outweigh the loss of amenity in this case. The principle of the proposed development on this site within Local Green Space is not acceptable.

6.2 Design, scale and character

6.2.1 Policy CS6 of the Shropshire Council LDF Core Strategy states that development should conserve and enhance the built, natural and historic environment and be appropriate in its scale and design taking account of local character and context. Policy MD2 of the SAMDev Plan builds on Policy CS6 providing additional detail on how sustainable design will be achieved. For a development to be considered acceptable it is required to contribute to and respect locally distinctive or valued character and existing amenity value by:

- i) Responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses, streetscape, building heights and lines, scale density, plot sizes and local patterns of movement; and
- ii) Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion; and
- iii) Protecting, conserving and enhancing the historic context and character of heritage assets, their significance and setting, in accordance with MD13; and
- iv) Enhancing, incorporating or recreating natural assets in accordance with MD12.

6.2.2 The proposed site does not exceed the 0.1 hectare limit imposed by the SPD Type and Affordability of Housing and the gross internal floor space is close enough to 100m² allowing for any minor measuring inaccuracies. The dwelling would be a split level, two bedroom property which includes external non-enclosed balcony and decking areas. The scale of the proposed dwelling and its plot are therefore commensurate with policy expectations for single plot affordable dwellings.

6.2.3 The design of the proposed dwelling does not respond to the local context as it is neither commensurate with the appearance of the bungalows in Woodlands Close, the dwelling at Woodlands Farm House, or the traditional cottages in Maypole Road to the north west. The SPD Type and Affordability Housing requires that for single plot affordable dwellings standardised ‘off the peg’ designs of the type found on large estates will not be accepted. Design elements – chimneys, eaves, dormers, doors and windows for example – will be expected to reflect the site’s unique context. However, it also requires that materials of construction and external finishes should be sympathetic to those in use locally.

- 6.2.4 The design and materials of the proposed dwelling are considered to be acceptable for several reasons, although its appearance would significantly differ from the adjacent properties. Firstly, the south side of the proposed dwelling facing towards Woodlands Close has a single storey appearance as the bulk of the property is set downhill to the north into the sloping landscape. It would therefore be in accordance with the scale of the dwellings in Woodlands Close which are bungalows. Secondly, some features have been included which are common to Broseley. Lower windows within the brickwork element have decorative brick cills, and in particular the external chimney would be typical within Broseley. Thirdly for this plot in the countryside on the edge of the town, the mix of materials utilising brickwork, roof tiles, Oak framing and areas of weatherboarding would marry the characteristics of these two environments.
- 6.2.5 The proposed plot is not located where it would respect the pattern of development in Woodlands Close as the alignment of the dwelling is closer to that of the adjacent properties in Maypole Drive to the north west. As the access is proposed from Woodlands Close. This positioning additionally means that its long right angled drive is an alien feature and furthermore its front elevation would face east unlike any of the other dwellings in the vicinity. Contrarily, it could be argued that the proposed position echoes that of Woodhouse Farm House to the south which projects out from the built environment formed by the Woodlands Drive estate. A further issue is the size of the proposed plot at approximately 943m². Whilst this size of plot is in accordance with single plot affordable dwelling policy, it is significantly larger than adjacent plots. The average plot size in Woodlands Close is 392m², the largest being 685m² at no. 14, the smallest 186m² at no.2. The average plot size of the other 8 dwellings in the vicinity is 614m², the largest being no. 13 Maypole Road at 1,077m², the smallest Woodville at 317m². Therefore the overall average plot size would be 455m². The substantial Woodhouse Farm House, clearly an older property around which the built environment has developed, has a plot size of 1528m², but also a footprint of 146m² and 4 no. bedrooms.
- 6.2.6 Therefore, whilst the design, materials and scale of the proposed dwelling are considered to be potentially acceptable, the position and size of the plot would not respond appropriately to the form and layout of the existing adjacent built environment.

6.3 Impact on the adjacent historic environment

The contrived, lengthy access now proposed from Balls Lane would in addition to the proposed dwelling further encroach upon and erode the distinctively open character of this valued Local Green Space which acts as a buffer between the extent of the built form of Broseley and the dense woodland of the Severn Gorge World Heritage Site.

- 6.3.1 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 historic environment and does not adversely affect the heritage values and function of these assets. Policy MD13 of the SAMDev Plan sets out criteria by which Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored.

- 6.3.2 From a conservation perspective it is considered that the proposed site contributes to the character and setting of the adjacent Conservation Area by providing an open agricultural aspect and a buffer between the extent of the built form of Broseley and the dense woodland of the Severn Gorge World Heritage site. This area is distinctively open in nature which contrasts to the enclosed wooded areas beyond and provides an attractive open view which contributes to the character of the area. It is considered that development in this location would harm this open aspect and encroach into this designated greenspace.
- 6.3.3 The proposed dwelling, its design, scale, siting and access does not reflect the existing built form on this edge of the Conservation Area. It is considered that the proposed dwelling, curtilage and access would appear as an encroachment into open countryside and does not relate well to the existing residential development in this area. From a conservation perspective this encroachment into this designated local green space does not appear justified and would not be in accordance with policies, guidance and legislation.
- 6.3.4 The proposed development site is located on land that appears to have been crossed by a tramway of 18th or early 19th century date (Shropshire Historic Environment Record [HER] No PRN 32879), associated with an ironstone mine on Maypole Green, Broseley Wood (PRN 32878). The tramway is noted as an earthwork in an aerial photograph from 1962 (together with possible mining remains now built on) running NE from the mine towards the River Severn, though it does not appear on the historic mapping or more recent aerial photographs. The proposed development site can therefore be deemed to have some archaeological potential, though archaeological remains on the development site are likely to have been damaged or removed by more recent activity. This aspect of the site could be managed by a suitable condition requiring an archaeological inspection of ground works takes place prior to the commencement of development.

6.4 Impact on neighbours/residential amenity

- 6.4.1 Core Strategy policy CS6 seeks to safeguard residential and local amenity. By its distance, orientation and relative levels in relation the closest neighbouring properties, it is considered unlikely that there would be any significant adverse impact from overbearing, overshadowing or overlooking impact on them from the proposed development. The larger proportion of the proposed dwelling would be located on a lower level than the adjacent dwelling at no. 14 Woodlands Close and adjacent to the end of the rear garden. There is also a generous amount of native hedging containing some trees between the plot and no. 14. The aspect from the proposed north side balcony would be towards open countryside and forward of the rear garden of no. 12 Maypole Road.

6.5 Access

SC Highways have requested that more comprehensive access details are submitted to include visibility sightlines which are required to be measured from a point 2.4m back from the carriageway edge at a height of 1.05m (drivers' eyeline) for 30m in each direction for a 20mph speed limit or a road where the speeds are commensurate with 20mph speeds. The visibility splay should be such that the boundaries are no higher than 900mm to obtain a view of approaching traffic and

no higher than 600mm to obtain a view of small pedestrians along a footway or shared space. It should also be noted that the visibility sightlines must be permanently available and not be reliant on hedge maintenance. Clarification was also requested as to whether or not the access track is to be fenced off from the rest of the field – if so, passing places will be required – vehicles must not be allowed to reverse out onto the highway. For this reason, it will be preferable if the entrance width is such that a vehicle wishing to enter has somewhere to wait off the highway whilst awaiting the egress of an emerging vehicle. If the access track is to be fenced off, clarification is required as to how the parcel of land between the track and the highway is to be accessed.

Amended Drawing No. SA28446_HP01 REV A – Balls Lane Site Access Plan, has been submitted by the agent in response to the above comments. At this time confirmation is yet to be received from SC Highways that the additional details are sufficient to provide an access commensurate with highway safety.

6.5.1 At Pre-Application Advice stage, the access for this proposal was indicated to be off Balls Lane rather than its current location from Woodlands Close. Access from Balls Lane was considered to be overly contrived in that it would be unnecessarily lengthy at over 100m and impractical to serve a single dwelling in the position proposed. For this reason officers advised that access from Woodlands Close would be considered preferable. SC Highways have no objection to the access now proposed from Woodlands Close provided that further details of the means of access, including the layout, construction and sightlines are conditioned. The proposed parking and turning are regarded as adequate.

6.6 Impact on the surrounding natural environment

6.6.1 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.

6.6.2 Both SC Trees and Ecology are satisfied that sufficient information has been submitted in support of the application to allow management of these aspects through their recommended conditions.

7.0 CONCLUSION

7.1 The proposed site and access amended to be from Balls Lane are within a 'Local Green Space' as designated on the Broseley Town Plan Map where under Policy ENV.1 of the Broseley Town Plan 2013-2026 proposals for development of any kind in relation to these valued green spaces are not supported. The benefits of the proposal would not outweigh the loss of this valued area which serves as a protective buffer zone preventing physical and visual encroachment between Broseley and the Severn Gorge World Heritage Site and is an unacceptable amenity loss contrary to Policy H.7 of the Broseley Town Plan 2013-2026. The adverse impact of the loss of this 'Local Green Space' on the adjacent historic environment is contrary to the Shropshire Council Local Development Framework Policies CS6 and CS17, and Site Allocations & Management Of Development Plan Policy MD13 in addition to the objectives of the National Planning Policy Framework.

7.2 Due to the position and size of the proposed plot and its contrived, lengthy access from Balls Lane in relation to the pattern of the adjacent built environment, the site does not respond appropriately to the form and layout of the existing adjacent development, nor is it the most effective and sustainable use of the land. The proposed siting of the plot is therefore contrary to Policy CS6 of the Shropshire Local Development Framework Core Strategy, and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan.

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

LDF Core Strategy Policies:
CS1 Strategic Approach
CS5 Countryside And Green Belt
CS6 Sustainable Design And Development Principles
CS11 Type And Affordability Of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management

Site Allocations & Management Of Development (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
S4 Broseley

Supplementary Planning Documents (SPDs):
Type And Affordability Of Housing
Broseley Town Plan 2013-2026

RELEVANT PLANNING HISTORY:

None specific for this plot

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PAZU77TDMFJ00>

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

Supporting Statement
 Ecological Appraisal
 Arboricultural Appraisal
 Drainage Assessment
 Access Arrangements

Cabinet Member (Portfolio Holder)
 Cllr R. Macey

Local Member
 Cllr Simon Harris

Appendices
 APPENDIX 1 – Informatives
 APPENDIX 2 – Suggested Conditions/Informatives if Members resolve to Approve.

APPENDIX 1

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. 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:
CS1 Strategic Approach
CS5 Countryside And Green Belt
CS6 Sustainable Design And Development Principles
CS11 Type And Affordability Of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management

Site Allocations & Management Of Development (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
S4 Broseley

Supplementary Planning Documents (SPDs):
Type And Affordability Of Housing

Broseley Town Plan 2013-2026

3. Shropshire Council seeks to work proactively with applicants to secure developments that improve the economic, social and environmental conditions of an area in accordance with paragraph 38 of the National Planning Policy Framework. However in this case the application is not considered in principle to fulfil this objective having regard to relevant development plan policies and material planning considerations.

APPENDIX 2

Suggested Conditions/Informatives if Members resolve to Approve.

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.

3. Details and samples of all the materials to be used externally on the dwellings and hard surfacing hereby approved, shall have been first submitted to and approved by the Local Planning Authority in writing before being used in the development. The development shall be carried out in accordance with the approval details.

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

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. 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 (which ever is the sooner).

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

5. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- a Traffic Management Plan

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

6. No development approved by this permission shall commence until the applicant has notified Shropshire Councils Historic Environment Team not less than three weeks prior to commencement of ground works, and to provide him/her with reasonable access in order to monitor the ground works and to record any archaeological evidence as appropriate.

Reason: The site is known to hold archaeological interest. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

7. Prior to the commencement of any development at the site, the Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) contained within the submitted Arboricultural Appraisal (SC:191, Salopian Consultancy) should be revised to take account of the amended access position and submitted to the Local Planning Authority. All recommended pre-commencement tree works within the revised document should be carried out and the specified tree protection measures should be installed to the written satisfaction of the Local Planning Authority, prior to commencement of development.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

8. No works associated with the development will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a planting scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include:

- details as relevant of ground preparation,
- planting pit specification and the trees and shrubs to be planted in association with the development (including species, locations or density and planting pattern, type of planting stock and size at planting and other operations associated with plant, grass and wildlife habitat establishment).
- means of protection and support and measures for post-planting maintenance.
- creation of wildlife habitats and features and ecological enhancements.
- Implementation timetables

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

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

9. Prior to first occupation / use of the building, 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 Appraisal (Salopian Consultancy, May 2018).

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

10. 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. The following boxes shall be erected on the site:

- A minimum of 1 external woodcrete bat box or integrated bat brick, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 1 artificial nest, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design), starlings (42mm hole, starling specific), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups).

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.

11. 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.

12. The vehicular and pedestrian access to the site including layout construction and sightlines shall be constructed and laid out in complete accordance with the approved plans. The approved details shall be implemented before the use hereby approved is commenced or the dwelling occupied (whichever is the sooner).

Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

13. The dwelling hereby permitted shall not exceed 100sq.m gross internal floor area, including any future extensions. No further internal habitable space shall be created within the dwelling by internal alterations.

Reason: To ensure that the dwelling is of a size appropriate to the affordable housing market.

14. The new (affordable) dwelling hereby permitted shall be constructed to a minimum of an equivalent to the Code for Sustainable Homes level 3, for energy and water efficiency.

Reason: To ensure that the dwelling is constructed with a view to reducing its carbon footprint.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to Schedule 2, Part 1 shall be erected, constructed or carried out.

Reason: To maintain the scale, appearance and character of the development and to safeguard residential and/or visual amenities.

16. The detached garage hereby approved shall not be used as living accommodation. The garage /s shall only be used for purposes incidental to the enjoyment of the residential dwelling hereby permitted.

Reason: To safeguard the residential character and amenity of the area.

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. 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.
3. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

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

4. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's Surface Water Management: Interim Guidance for Developers document. It is available on the Council's

website at: <http://new.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-fordevelopers.pdf>.

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

5. 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.
6. 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.
7. This planning permission does not authorise the applicant to:
 - construct any means of access over the publicly maintained highway (footway or verge) or
 - carry out any works within the publicly maintained highway, or
 - authorise the laying of private apparatus within the confines of the public highway including any new utility connection, or
 - undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

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

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

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

8. 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.

9. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
10. 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:
CS1 Strategic Approach
CS5 Countryside And Green Belt
CS6 Sustainable Design And Development Principles
CS11 Type And Affordability Of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management

Site Allocations & Management Of Development (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
S4 Broseley

Supplementary Planning Documents (SPDs):
Type And Affordability Of Housing

Broseley Town Plan 2013-2026

11. 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

4 June 2019

Development Management Report

Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 18/04311/FUL	Parish:	Claverley
Proposal: Live -work unit comprising conversion of storage building to residential dwelling and stable building to form boarding kennel business		
Site Address: Proposed Barn Conversion At Land At Whitecross Farm Broughton Claverley Shropshire		
Applicant: Ms N Greensil		
Case Officer: Sara Jones	email: planningdmse@shropshire.gov.uk	

Grid Ref: 381227 - 291440

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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 proposes the conversion of an existing building to a residential dwelling and of a stable block to form a boarding kennels.

- 1.2 The scheme includes the subdivision of the internal space to provide a lounge, kitchen and two bedrooms on the ground floor and a hall and staircase which would lead to two additional bedrooms within the roof space created with the installation of three dormer windows and three roof lights. The scheme, with the exception of the dormer windows and roof lights largely utilises the existing openings found in the building.
- 1.3 Turning to the proposed boarding kennels information submitted with the application indicates that the kennels would comprise of a mix of 2 and 3 dog kennels. The submitted plan shows that there would be 8 x 2 dog kennels and 1 x 3 dog kennels. A DIY livery business has operated from the site for some time.
- 1.4 In support of the application the applicant states that she proposes to live on site to monitor the dogs on a regular basis and that the applicant needs to live in close proximity to the kennels in order to meet the individual health, safety and welfare of each dog and, in respect to the viability of the business it is unlikely that many dog owners would be content to leave their dog in the care of someone who was not around to check on their dog between the hours of 6pm and 8am.
- 1.5 The applicant also intends to offer day boarding at the kennels in order to support potential clients who use the halfpenny green airport and/or visit the area during cycle or other events.
- 2.0 SITE LOCATION/DESCRIPTION
- 2.1 The site falls within open Green Belt countryside to the south east of the village of Claverley. It is accessed directly from a Class C road via a stone track which runs along the south eastern boundary belonging to White Cross farmhouse and there is a second access off Pear Tree Lane to the north. The character of the area is of sporadic development located along the roads between minor settlements such as Broughton to the north west and Heathton to the north.
- 2.2 The site is known as White Cross farm stables and comprises 10 acres of paddocks separated with post and rail fencing a yard with 7 blockwork and timber stables, a field shelter, tack room and store. There is a further barrel roofed building used as a hay store. There are also two dilapidated railway carriages used for storage, a chicken house. There is a mobile home with 2 gas bottles connected and a garden shed, enclosed with post and rail fencing located in one of the paddocks along the hedge to the south west of the application building. There is a trampoline, children's swing, football net and various other items of domestic paraphernalia located in the paddock adjacent the mobile home.
- 2.3 It would appear that White Cross farm has been split up and sold off over the last few years and is now in 3 different ownerships; the farmhouse, 10 acres and stables (the application site) and the adjacent field belonging to a local farmer.

2.4 Planning History

- 2.4.1 Planning permission (BR/80/0097) was granted permission for the use of land as riding school and stables in 1980. Permission was subsequently approved for the siting of a mobile home and installation of a septic tank (BR/93/0074).
- 2.4.2 The applicant's mother advised (during the course of a previous application – 17/03790/PMBPA) that the site was previously a DIY livery yard and her daughter has kept horses there since 2012; it came up for sale in 2014 which is when she (the applicant's mother) purchased it. White Cross stables has a Facebook page advertising livery.
- 2.4.3 The building proposed for conversion to the accommodation comprises a 230mm thick solid brickwork structure with an asbestos sheet gable roof supported by two light weight steel trusses supporting angle purlins. It has a rectangular footprint of 103 sq.m and the proposed curtilage extends to 778sq.m.
- 2.4.4 An Enforcement Appeal in respect of when this building had been converted to a residential use without planning permission was refused in 1992. The Inspector describes the unauthorised use of the building stating that; *“On the day of my inspection I found that the subject barn was portioned off along one side into 4 enclosed sections, with open stalls or compartments along the rear and other side. The enclosed sections comprised a wc with a small wash hand basin; a kitchen with, among other things, refrigerator, Baby Belling cooker, cupboard, dining table and chairs, but no sink; a living room with easy chair, table and convector heater; and a bedroom with a single bed, easy chair, bookshelves, television and calor gas heater. The open compartments in the barn were in use for domestic and other storage.”*
- 2.4.5 Other evidence in respect of the appeal notes that; the then owners of the adjacent White Cross Farmhouse stabled their horses at White Cross Farm for 6 months (until mid-1988) and during this time there were horses stabled in the barn in 3 stables, in 1988 some partitioning was added creating an office then more partitions for living (bedroom and lounge) were added during winter 1988 – 89.
- 2.4.6 Furthermore, the Inspector confirmed that one of the previous owners (Mr HJ Beards) of the site (who had been living rough in the barn) ran a DIY livery stable business.
- 2.4.7 More recently planning permission was approved under application 10/02883/FUL for the building to be converted to a holiday let for use in conjunction with the stable block. Conditions were discharged under application 11/00791/DIS. Planning permission was also granted under application 11/01032/FUL for the formation of a vehicular access to highway.
- 2.4.8 Subsequently an application was submitted (17/03790/PMBPA) seeking a legal

determination for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use of an agricultural building to a residential dwelling. This was refused for the following reasons:-

1. Insufficient information was submitted with the application to demonstrate that the building and surrounding land within the curtilage of the building, as outlined on the submitted Site Location Plan, is or was used solely for an agricultural use as part of an established agricultural unit on or prior to 20th March 2013, or for the period of at least 10 years before the date development under Class Q begins. It was not therefore possible to determine whether the limitations of the Order, under Q.1(a) have been complied with.
2. The extent of the curtilage indicated on the application forms and Proposed Block Plan went beyond that which is permitted under Class Q and the definition of curtilage contained within Paragraph X of the Order.
3. Insufficient information was submitted to demonstrate that the proposed structural works would be reasonable and within the scope of Q (b) and Q.1(i) (aa), and no details in respect of water, drainage, electricity, gas or other services have been provided in respect of Q.1(i)(i)(bb). Accordingly, insufficient information accompanies the application to demonstrate that the proposal will comply with Q.1 (i) (i) (aa)(bb).
4. The proposal included the construction of three dormer windows on the rear roof plane. Hence, the external dimensions of the proposed dwelling would be greater than that of the existing building contrary to Q.1 (g).

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council has objected contrary to the Officer recommendation and the Ward Member has requested that the application is determined by the Planning Committee. The Area Manager in consultation with the chairman have considered this request and have concluded that the application does raise issues which warrant consideration by the Planning Committee.

4.0 Community Representations

- Consultee Comments

4.1 Claverley Parish Council - Objects.

Whilst Claverley Parish Council likes to encourage new business within the parish,

it is felt this application in its current form cannot be supported and therefore the Parish Council objects.

1. This is an equestrian / kennelling business and as such is not an agricultural enterprise. The farm house and land have both been sold off many years ago.

2. The application is for a three bedroom house yet the plans are for a 4 bedroom house.

3. No provision has been made for sound proofing the proposed kennels to prevent noise disturbance to local properties.

4. The building for conversion is not suitable to accommodate the scale of plans proposed (more suited to a 2 bed bungalow with non-habitable loft).

4.2 SC Highways – No objection, makes observations

4.3 SC Regulatory Services – (08.04.2019.)

I have examined the amended noise management plan and consider it to be appropriate.

4.4 SC Regulatory Services – (06.03.2019.)

I have examined the submitted noise management plan the bulk of which is suitable. However I would request that the following changes are made: the rock wool insulation needs to be specified as a high density rock wool, and the kennel entrance needs to include 2 sets of doors to make a small lobby area so as to prevent noise escape during entry and exit of the kennel premises.

4.5 SC Regulatory Services – (10.12.2018.)

Given the proximity of the development to existing residential dwellings I have concerns with respect to possible noise impact from the proposed dog boarding activity. The structure and design of the existing building to be converted to kennelling is I believe not currently suitable with respect to adequate containment of noise. Additionally, suitable controls with respect to noise management during operation of the proposed business will be necessary, particularly with respect to exercising the dogs and customer arrivals/departures. I would therefore request that if permission is granted that the following condition is attached.

Prior to use of the dog kennels a noise control scheme shall be submitted for written approval to the planning Authority. The noise control scheme must include full details of suitable measures to improve the sound insulation of the building and

full details of operational controls to minimise noise impact. Upon approval the scheme shall be fully implemented and adhered to at all times during operation of the business.

The applicant should be made aware that I am willing to meet on site with them and their agent to discuss suitable content of the noise control scheme if they wish.

4.6 SC Drainage – No objection, recommend informatives.

4.7 - Public Comments

Site notice displayed/dated 11.10.2018. Expired 01.11.2018. One letter sent.

Two representations received objection to the proposal on the following grounds:

There is already dog breeding kennels at the end of the field at the rear of White Cross Farmhouse which is in sight and noise from barking dogs can be heard. Approx. 100 metres from rear of our property.

The application for the 9 dog kennels is approximately 30 - 40 metres away from White Cross Farmhouse, therefore, noise disruption from barking dogs, people working and increased number of vehicles would be unbearable.

Paragraph 13 of the application states that there is sufficient outside space for the exercising of the dogs. However, the plans do not state or show where this exercise area is to be located. This is a major concern to the occupiers of White Cross Farmhouse due to the fact their garden backs directly onto the large field and at the side of Whitecross Farm, therefore, if this land is used for exercising the dogs it would be in direct view of White Cross Farmhouse and cause noise disturbance to our own pets and children.

In the planning statement in paragraph 16 it states that it is intending to offer day boarding kennels for clients who use Half Penny Green Airport or for Cycling and other events. Therefore, there would be an unbearable increase in noise from traffic, people and dogs not only in vehicles but also possibly on foot. It could be the case whereby people drop off their dogs and decide to park their cars in the narrow lanes adjacent the site.

Access to the proposed kennels would either be via the entrance of White Cross Farm to the left of White Cross Farmhouse or the entrance of White Cross Farm to the rear of White Cross Farmhouse which means all traffic to the kennels would come past White Cross Farmhouse.

Having dog kennels right next door to White Cross Farmhouse would greatly devalue it. With the noise and smell of the dogs, increased traffic, increase in people coming and going from the kennels, and possibly an increase in workforce

at the kennels.

Would harm the idyllic location, peace and quiet and beautiful views.

Would lead to an unbearable increase in traffic on the narrow lanes in this area.

The proposed boarding kennels would be a source of much noise in the surrounding area from barking dogs.

No objections for the conversion of the barn solely for residential use.

It is stated that the nearest kennels are over an hour away yet I found at least 4 ranging from 10 to 30 minutes from the site.

It is stated that the impact on house prices and as this is not a planning matter and it therefore cannot be considered when determining this proposal. Feel this is wrong and outdated, how can the possible financial implication good or bad not be taken into consideration.

The existing dog breeders already give rise to noise issues in the area.

Question on where the dogs will be kept from 07:30 till 23:30 hrs have not been answered, besides the 1 hour exercise the dogs will get are they then to be locked in their cage for the rest of the day or is there going to be some kind of caged exercise area to be built.

Note that whilst the applicants 3 dogs are well behaved and trained, they bark at the slight noise and if anyone approaches' the applicants property which will have a knock on effect of the dogs in the kennels hearing this will cause them to bark as well.

5.0 THE MAIN ISSUES

Principle of development

Green Belt

Impact on openness of the Green Belt

Development in the Open Countryside Considerations

Access

Impact upon the character and appearance of the area

Neighbour Amenities

Ecology

Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The proposal is for a kennels/live-work unit comprising a dwelling and separate boarding kennels, as such it would be *sui-generis* in nature. The plans show a 4 bedroom house although, the agent confirms that, in reality the smaller bedroom on the ground floor is likely to be utilised as an office as part of the building. It is also proposed to be the home to the applicant, her daughter and also her mother, so it is considered that 3 bedrooms and an office is a reasonable amount of space. Whilst there is a residential aspect, it does not sit within the policies pertaining to housing development and as such, it is considered as a form of mixed use comprising economic development with associated restricted occupancy housing.

6.1.2 Para 83 of the NPPF ('Supporting a prosperous rural economy') states that policies should enable; the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings, and the development and diversification of agricultural and other land-based rural businesses. Furthermore, planning policies and decisions should recognise 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.

6.1.3 Core Strategy Policy CS13 ('Economic Development, Enterprise and Employment') states that the Council will plan positively to develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities. This policy specifically supports home based enterprise and live-work schemes.

6.1.4 SAMDev Policy MD4 states that Employment development will be managed in accordance with spatial strategies CS1-CS5 and economic and employment strategy CS13.

6.1.5 Core Strategy Policy CS1 sets out the strategic approach to development, and states that in the rural area, outside of the hub and cluster settlements, development will primarily be for economic diversification and to meet the needs of the local communities for affordable housing; this proposal therefore is in alignment with this policy.

6.1.6 Policies CS2 and CS3 focus on Shrewsbury and the Market Towns and Key Centres respectively and so are not applicable in this case.

6.1.7 Policy CS4 states that in the rural area, communities will become more sustainable by focussing private and public investment in the rural area into Community Hubs

and Community Clusters, and not allowing development outside these settlements unless it meets policy CS5.

- 6.1.8 Core Strategy Policy CS5 states that new development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt. It sets out the basis for the control of development in the countryside and makes provision for the conversion of suitable rural buildings for employment, residential and other appropriate uses such as community or heritage facilities. Priority is given to conversions for economic type uses and residential conversions to provide affordable housing to meet a local need (including agricultural workers' dwellings).
- 6.1.9 Furthermore, policy CS5 sets out a number of examples of types of development that would be considered acceptable in this context, which include small scale new economic development diversifying the rural economy. Such development is expected however to take place primarily in recognised named settlements or be linked to other existing development and business activity and the applicant to demonstrate the need and benefit for the development. With specific reference to the conversion of rural buildings the policy makes reference to small scale economic development/employment generating use, including live-work proposals being acceptable in principle on the countryside and Green Belt.
- 6.1.10 SAMDev Policy MD7b, refers to the general management of development in the countryside and provides support for the re-use of existing buildings. Furthermore, para. 3.68 the explanatory text confirms that the NPPF positively encourages flexible working practices including the integration of employment and residential uses. Policy MD7a does however suggest that Permitted Development rights are removed for such conversions.
- 6.1.11 As such, this provides a justification for their retention and conversion and the 'principle' of the proposed development is acceptable.
- 6.2 Green Belt
- 6.2.1 The NPPF Section 13 – Protecting the Green Belt supports the re-use of buildings provided that the building is of a permanent and substantial construction where it preserves the openness of the Green Belt and where it does not conflict with the purposes of including land within it.
- 6.2.2 Para. 134 sets of the five purposes, which are:
- 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.

- 6.2.3 Policy MD6, amongst other matters, acknowledges the limited exceptions set out in the Framework in respect of new development within the Green Belt, including the re-use of buildings of permanent and substantial construction. Para 3.49 of the supporting text explains that in the Green Belt the normal countryside Policies CS5 and MD7a and MD7b apply, with Green Belt Policy MD6 providing an additional policy layer that reflects the extra protection afforded to Green Belts.
- 6.2.4 Whilst it is noted that a Structural Appraisal has not been submitted as part of this application one undertaken in respect to the 2010 application to convert the building into tourist accommodation. Whilst this was carried out some time ago it is considered that the condition of the building to be converted into a dwelling has not deteriorated significantly the walls of the building are in relatively good order and the floor appears to be concrete, rubble and earth. The brickwork external walls are generally noted to be in a sound stable condition. The stable building, proposed to be converted to the kennels is a blockwork building with a profile metal roof and the works proposed involve noise insulation, and internal subdivision however a visual inspection of the building confirms that the building is capable of the conversion as proposed without the need for major reconstruction.
- 6.2.5 Given the planning history of the site and from a visual inspection of the buildings it is accepted that the buildings subject of this application are of a permanent and substantial construction. Therefore, in light of the Framework's exceptions, their conversion would not be inappropriate development provided the overall development preserves the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt. These factors are considered in detail below.
- 6.3 Impact on openness of the Green Belt
- 6.3.1 There is no intention to extend the existing buildings. There is no additional ground floor space or massing to be considered. The works proposed to the existing buildings would not affect the openness of the Green Belt.
- 6.3.2 The proposals do not show an extended curtilage; the existing hardstanding will provide parking and manoeuvring space. The surrounding land and paddocks outlined in blue, whilst in the control of the applicant, are not part of this application. It is acknowledged however that the submitted Noise Management Plan involves the exercising of the dogs individually on the field furthest from any potential receptors, along with a number of other noise mitigation proposals.
- 6.3.3 The use of the building as a dwelling house accrues permitted development rights which could be used to extend the property as well as add mass through erection of outbuildings within the site curtilage. These would affect the openness of the Green Belt and it is advisable to restrict this through a condition removing permitted development rights to preserve the openness of the Green Belt.

- 6.3.4 The second test concerns assessment of the proposals against the purposes of including land within the Green Belt. These are set out above in paragraph 6.2.1.
- 6.3.5 **To check the unrestricted sprawl of large built - up areas.**
- 6.3.6 The site is located in a relatively isolated position in respect of any main settlement, however it is located within a small cluster of properties. Nevertheless, the area cannot be described as 'built up'. As the proposal only concerns the conversion of an existing buildings with no significant amount new development proposed, then it is considered that the proposals would not lead to unrestricted sprawl of a large built up area. The proposal is, therefore, consistent with this purpose.
- 6.3.7 **To prevent neighbouring towns merging into one another.**
- 6.3.8 The Framework does not define what constitutes a town, but it does refer to a distinction between towns and villages elsewhere within the Green Belt section. For the same reason as above, the proposed development will not result in neighbouring towns merging into one another. It is considered that the proposal is consistent with this purpose.
- 6.3.9 **To assist in safeguarding the countryside from encroachment.**
- 6.3.10 The proposals relate to a conversion of existing buildings with only a small amount of new/replacement built form proposed. There will be no encroachment into the countryside above what already exists. As such, the proposals are considered to be consistent with this purpose.
- 6.3.11 **To preserve the setting and special character of historic towns.**
- 6.3.12 The application site is not located within a conservation area and nor is it situated close to listed buildings. It is located a considerable distance from any historic towns and could not be considered to adversely affect the setting or character of those towns. As such, it would satisfy this requirement.
- 6.3.13 **To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.**
- 6.3.14 The application site does not comprise land that is either derelict land or other urban land. There is no linkage between this scheme and any other development proposal that concerns such land either. However, as it concerns the re-use of existing buildings which occupy a stable yard and as such the relevance of this purpose is considered to be minimal.

- 6.3.15 The proposed development is considered to be consistent with all of the purposes of including land within the Green Belt and it is, therefore, considered to be appropriate development.
- 6.4 Development in the Open Countryside Considerations
- 6.4.1 Policy MD7b also supports the reuse of existing buildings and suggests that conditions should be used to control the uses. It also acknowledges the changing needs and effects of agricultural and other related businesses in the countryside are a particular local issue, in particular the impacts of large scale agricultural buildings.
- 6.4.2 As noted previously, the NPPF positively encourages flexible working practices including the integration of employment and residential uses. The existing buildings are permanent and substantial and therefore, an alternative use is required, and officers consider that the proposed boarding kennels business would be acceptable in this location. (Neighbour impacts are considered in detail below.)
- 6.5 Access
- 6.5.1 The site is rurally located served by means of a Class III road, which in terms of its layout is rural in its nature being typically of single vehicle width. In support of the application the applicant states that they wish to open a smaller scale boarding business, with larger than average and more homely type kennels, to offer dogs a comfortable and luxury experience which will in itself help to eliminate stress that dogs might experience in standard kennels. They contend that there is an unmet demand for kennels locally, particularly during the summer. On balance, given the small scale of the business it is considered that it is unlikely that the proposed change of use would significantly adversely affect highway safety or local conditions, especially when considering the extant equine use of the site.
- 6.5.2 The site is served by two separate accesses which are proposed to be maintained. Originally it was intended that one would be used for the DIY livery and that the other used for the dwelling and boarding kennels, with the dwelling serving as the reception/point of contact for clients dropping off and collecting their dogs from the site. However during the course of the application and as a result of consultation with the Councils Public Protection Officer the applicants have confirmed, in the submitted Noise Management Plan, that the access to the site, by boarding kennels customers, would be via the existing access used for the livery stables, which is located away from potential sensitive noise receptors at White Cross Farmhouse. Ample car parking and turning space can be provided within the site.
- 6.6 Impact upon the character and appearance of the area
- 6.6.1 In addition to Green Belt policies which aim to protect the openness of the GB, policy CS17 seeks to protect and enhance the high quality and local character of Shropshire's natural environment and advises that development should not adversely affect the visual value of this asset. SAMDev policy MD12 is also concerned with protecting the visual amenity of Shropshire.

6.6.2 As noted above, the proposals relate to a conversion of existing buildings with only a small amount of new/replacement built form proposed. There will be no encroachment into the countryside above what already exists and the development would be viewed within the context of the existing livery stable yard. Furthermore Permitted Development Rights could be removed to prevent extension to the dwelling it is also considered necessary to remove PD in respect of outbuildings / sheds to preserve the rural character of the immediate surroundings and Green Belt openness to ensure compliance with policies CS17 and MD12.

6.7 Neighbour Amenity

6.7.1 Core Strategy Policy CS6 seeks to ensure that all development safeguards residential and local amenity. One of the key issues with respect to residential amenity in this case is dog vocalisations, chiefly barking, but this may also include whining, howling and yelping. Barking is acknowledged to be audible over extended distances. This may also be exacerbated by the number of dogs which may contribute to extended barking frenzy, giving rise to potentially severe noise nuisance at neighbouring dwellings. The nearest residential property is located immediately to the northwest of the application site. Concern has been raised regarding the noise and disturbance from barking dogs, people working and increased number of vehicles, caused by the proximity of the proposed boarding kennels from barking dogs, people working, the increased number of vehicles and the use of the access to the west of the site.

6.7.2 During the course of the application and as a result of discussions with the SC Public Protection Officer (Regulatory Services) amendments have been made to the scheme. The amendments include: the existing openings in the front and rear elevation of the building being blocked up using concrete blocks; a new opening for a lobby door being restricted to the far end of the building, the elevation furthest from the neighbouring properties; the new windows being restricted to the rear (south) elevation of the building. The walls are proposed to be beaded and 75mm high density rock wool used to insulation in-between the beading and the walls finished using acoustic plaster board. A similar approach is proposed to be used to help insulate and sound proof the ceiling, or alternatively a suspended acoustic ceiling may be utilised. Furthermore solid concrete block partitions would be utilised between the separate kennels rather than metal sheet to reduce potential noise impact. Ancillary activities are proposed to take place separate from the main kennel duties and a desk separating off the kennels from the reception area is proposed to be put in place to reduce the potential for the dogs to become agitated by people entering and leaving the building.

6.7.3 Additionally the submitted Noise Management Plan contains strategies which have been designed to minimise and manage the potential occurrence of dog noise. These include:

- The applicant will implement a regular daily routine to minimise stress to the dogs that might lead to barking.

- Dogs will be exercised and given opportunity to socialise with applicant and other dogs on a daily basis to minimise anxiety that might lead to barking.

- Dogs will be confined to their individual cages from 11:00pm to 7:30am. The kennel will be securely locked and any stimulant that might disturb sleep (electric lights, radios, etc) removed. Staff will not disturb the dogs overnight unless there is an emergency.

- The applicant will live on-site and will attend to any incidence of excessive barking or noise in a timely manner.

- The times when dogs are to be picked up and dropped off will be limited to between 7.30 and 9.30 in the morning and 4.00 and 6.00 in the evening. Access to the site, by customers, will be via the access used for the stables, which is located away for potential receptors.

- The applicant will also offer a drop off/pick up which will help to limit the potential number of vehicles visiting the site.

- Dogs will be walked and exercised one at a time and will be walked from the kennel to the furthest field and exercised within this field. Exercising the dogs one at a time should effectively reduce potential noise and the use of the furthest field means that should there be noise it will be taking place away from potential receptors.

6.7.4 Further concerns have been raised by local residents, these are addressed below.

6.7.5 That the kennels will be facing White Cross Farmhouse. This issue has been addressed in the conversion works proposed which involve bricking up the current stable doors and making the entrance to the side of the building, furthest away from the adjacent existing residential dwelling along with a lobby to minimise noise pollution.

6.7.6 Concern has been expressed about dogs being walked together and barking with excitement because of this. As is set out in the proposal the dogs would be walked one at a time.

6.7.7 Another comment sets out that walking all of the dogs' one at a time will take a considerable amount of time and that this would not be a realistic prospect. In support of the application the applicant confirms that she previously worked at a boarding kennels for four years and has valuable knowledge and experience. The boarding kennels where she was employed housed 80 dogs and 40 cats with only 6 workers. Even when full, every single animal was tended to and every dog went for a walk. It is considered that there is no reason why this arrangement could not

be made viable.

- 6.7.8 Local residents have also questioned where the dogs would be kept from 07:30 till 23:30 hrs and whether there would be some kind of caged exercise area to be built. This has been taken up with the applicant who has confirmed that:

“the dogs will be kept in the kennels at all times, except upon arrival, departure and when they are being walked/exercised. As set out in the noise management plan they will be exercised one dog at a time, away from the nearby residential receptors. The kennels will be appropriately sound proofed and so limiting the potential for noise impact. The dogs will be checked up regularly during the day time, and there will a monitoring system put in place in the evening.”

- 6.7.9 A comment has been made on the fact that the development would impact upon house prices, this is not a planning matter and therefore cannot be considered when determining this proposal.

- 6.7.10 In the light of consultation with the SC Public Protection Officer it is considered that, subject to the development being implemented and operated in accordance with the amended details and the noise management plan submitted, there should be no undue loss of residential amenity. Furthermore should noise be an issue, this would be a matter which would be subject to separate legislation and licensing, administered by the SC Regulatory Services.

6.8 Ecology

- 6.8.1 Policies CS17 and MD12 and section 118 of the NPPF seek to protect, preserve and enhance ecology and biodiversity. Given the nature of the works proposed and the buildings involved, it is considered that ecological interests would be adequately protected through the use of an appropriate informative

6.9 Drainage

- 6.9.1 Core Strategy policy CS18 seeks to achieve a reduction in surface water run off by the use of sustainable drainage systems within developments. The application proposes the use of a soakaway drainage system for surface water drainage and the foul drainage is proposed via a septic tank system.

7.0 CONCLUSION

- 7.1 The proposed development would represent an acceptable employment generating reuse of rural buildings and is appropriate development within the Green Belt open countryside. The existing access to the north of the site is suitable for the proposed uses of the site and there will be no adverse impact upon highway safety, visual amenity, or the biodiversity and ecology on the site or surrounding area. Furthermore subject to the development being implemented and operated in accordance with the amended details and the noise management plan submitted, there should be no undue loss of residential amenity. Accordingly, the proposal is considered to be acceptable and is therefore recommended for approval with

conditions.

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 policies:
CS1 Strategic Approach
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS13 Economic Development, Enterprise & Employment
CS17 Environmental Networks
CS18 Sustainable Water Management

SAMDev policies:
MD2 Sustainable Design
MD4 Managing Employment Development
MD6 Green Belt
MD7b General Development in the Countryside
MD12 Natural Environment

RELEVANT PLANNING HISTORY:

09/03359/FUL Barn conversion to create 3 bedroom holiday let WDN 18th January 2010
10/02883/FUL Barn conversion to create 3 bedroom holiday let GRANT 15th September 2010
11/00791/DIS Discharge of Conditions relating to 10/02883/FUL DISPAR 26th August 2011
11/01032/FUL Formation of vehicular access to highway and construction of new agricultural drive GRANT 14th July 2011
BR/79/0725 The use of land as riding school and stables REFUSE 6th December 1979
BR/79/0050 The erection of an agricultural worker's bungalow REFUSE 1st May 1979

15/02245/FUL Conversion of agricultural building to residential dwelling APPRET
 16/04151/CPL Application for Lawful Development Certificate for the proposed erection of a single storey double garage with rear storage and rear gymnasium LA 8th November 2016
 17/03790/PMBPA Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to residential use REN 6th October 2017
 BR/79/0250 The erection of an agricultural hay barn and implements store GRANT 31st May 1979
 BR/80/0646 The formation of a new vehicular access at OS 2148 GRANT 7th October 1980
 BR/80/0097 The use of land as riding school and stables GRANT 12th March 1980
 BR/82/0188 Use of barn as three holiday flatlets including a new roof at higher level to provide a first floor, new windows, dormers and chimneys PPREV 11th May 1994

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=PF7OSXTDGE000>

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

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

3. Before the relevant parts of the work are commenced details of the any new external materials to be used in the conversion of the buildings 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.

Reason: To safeguard the character and appearance of the buildings and the visual amenity of the area.

4. 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 neighbour amenity. 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, to protect the character of the area and neighbour amenity.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

5. Before the buildings hereby approved are first occupied/brought into use the foul and surface water drainage arrangements shall be installed in full in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

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

6. (1) The boarding kennel business floorspace of the live/work development shall be finished ready for use/occupation before the residential floorspace is occupied and the residential use shall not precede commencement of the boarding kennel business use;

(2) The boarding kennel business floorspace of the live/work development shall not be used for any purpose other than for purposes as a boarding kennels with or without modification.

(3) The residential floorspace of the live/work development shall not be occupied other than by the operators of the business floorspace or any resident dependants.

(4) The area designated as boarding kennel business floorspace, shall at no time be used as residential accommodation, either separately from or in connection with the residential floor area identified on the approved plans, and shall be kept available for commercial uses at all times. The live work areas are designated as shown on the approved plans.

Reason: To enable the Local Planning Authority to control the development in order to safeguard the objectives of countryside and Green Belt Policy and for the avoidance of any doubt.

7. The development hereby approved shall be implemented and operated in accordance with the Amended Noise Management Plan received 25.03.2019.

Reason: To protect neighbour amenity.

8. 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 extensions, garage, carport, or other building shall be erected within the application site without the prior consent in writing of the Local Planning Authority.

Reason: To maintain the scale, appearance and character of the development and to safeguard the openness of the Green Belt countryside.

Informatives

1. 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 policies:

CS1 Strategic Approach

CS5 Countryside and Green Belt

CS6 Sustainable Design and Development Principles

CS13 Economic Development, Enterprise & Employment

CS17 Environmental Networks

CS18 Sustainable Water Management

SAMDev policies:

MD2 Sustainable Design

MD4 Managing Employment Development

MD6 Green Belt

MD7b General Development in the Countryside

MD12 Natural Environment

2. 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.

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

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

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

5. All bat species found in the UK are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

If any evidence of bats is discovered at any stage then development work s must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

Breathable roofing membranes should not be used as it produces extremes of humidity and bats can become entangled in the fibres. Traditional hessian reinforced bitumen felt should be chosen.

6. 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, conversion, renovation and demolition work in buildings, or other suitable nesting habitat, 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 when there are no active nests present should work be allowed to commence. No clearance works can take place with 5m of an active nest.

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

7. 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 nonnative species.

8. 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.

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

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed. Preference should be given to drainage measures which allow rainwater to soakaway naturally.

Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

-



<u>Committee and date</u>
South Planning Committee
4 June 2019

Development Management Report

SCHEDULE OF APPEALS AND APPEAL DECISIONS AS AT 4 JUNE 2019

LPA reference	18/02403/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr D Walker
Proposal	Erection of a carport
Location	24 Love Lane Bridgnorth
Date of appeal	12.03.2019
Appeal method	Fast Track Written representations
Date site visit	23.04.2019
Date of appeal decision	07.05.2019
Costs awarded	
Appeal decision	Allowed

LPA reference	18/04455/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Todd Turbin
Proposal	Erection of a part single, part two storey rear extension
Location	Greenacres Cross Lane Head, Bridgnorth
Date of appeal	14.03.2019
Appeal method	Fast Track Written Representations
Date site visit	09.04.2019
Date of appeal decision	08.05.2019
Costs awarded	
Appeal decision	Allowed

LPA reference	18/00771/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	The Executors To The Estate Of Mrs Murial Biggs
Proposal	Outline application for the erection of 6 dwellings to include scale following demolition of existing dwelling on site
Location	44 Ironbridge Road Broseley Shropshire TF12 5AF
Date of appeal	02.01.2019
Appeal method	Written Representations
Date site visit	
Date of appeal decision	17.05.2019
Costs awarded	
Appeal decision	Dismissed

LPA reference	17/03809/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr & Mrs A Whittall
Proposal	Erection of two storey side extension with balcony at first floor
Location	6 Decker Hill Shifnal Shropshire TF11 8QN
Date of appeal	08.04.2019
Appeal method	Fast Track Appeal - Householder
Date site visit	
Date of appeal decision	22.05,2918
Costs awarded	
Appeal decision	Dismissed



Appeal Decision

Site visit made on 23 April 2019

by **M Aqbal BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 May 2019

Appeal Ref: APP/L3245/3213573

24 Love Lane, Bridgnorth, Shropshire WV16 4HE

- 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 Mr Donald Walker against the decision of Shropshire Council.
 - The application Ref 18/02403/FUL, dated 22 May 2018, was refused by notice dated 10 September 2018.
 - The development proposed is erection of carport.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of carport at 24 Love Lane, Bridgnorth, Shropshire WV16 4HE in accordance with the terms of the application, Ref 18/02403/FUL, dated 22 May 2018, and the plans submitted with it.

Procedural Matter

2. The carport subject of this appeal has already been erected. The Council has advised that since the application was determined, a trellis panel has been added to the front of the carport. This element is not shown on the submitted plans. I have determined this appeal on the basis of the submitted plans.

Main Issue

3. The main issue is the effect of the carport on the character and appearance of the appeal property and area.

Reasons

4. The appeal property is a detached dormer bungalow, which is set back and on a slightly elevated level to the adjacent highway. The surrounding development comprises predominantly detached and individually designed dwellings incorporating a range of materials. These variations create an eclectic street scene which contributes to the distinct character and appearance of the area.
5. Attached to the front of the appeal property, the carport projects forward by about 3m and extends less than half way across the front elevation of this property. It mainly comprises a timber framed roof structure, covered in plastic profile sheeting, which is no higher than the eaves of the appeal property. This lean-to roof is attached to the property and is supported by two slender posts along the front. The fascia and guttering around the roof of the carport along with the posts supporting it, match the appearance of the fascia and guttering on the appeal property.

6. Drawing on the above factors, the carport is a largely open and subordinate addition, which assimilates with the design and form of the host property. The carport is only visible from limited sections of the adjacent highway, and in light of the above reasons, it has no discernible impact on the wider area. Furthermore, based on my observations I do not share the Council's concern that the build quality of the carport is poor.
7. For the above reasons, I conclude that the carport does not harm the character and appearance of the appeal property or the area. I therefore find no conflict with the design aims of policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy 2011, and policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan 2015, which amongst other things seek to secure high quality design to protect and enhance the quality and character of the built environment. The aims of these policies are consistent with the design aims of the Framework. Accordingly, I find no conflict with the Framework.

Other matters

8. Due to its modest scale and adequate separation from nearby dwellings, I am satisfied that the carport does not cause any harm to the living conditions of neighbours.

Conditions

9. As the development subject of this appeal has already been implemented, there is no necessity for any conditions.

Conclusion

10. For the reasons given above, I conclude that the appeal should be allowed.

M Aqbal
INSPECTOR



Appeal Decision

Site visit made on 9 April 2019

by Elaine Benson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 08 May 2019

Appeal Ref: APP/L3245/D/19/3224217

Greenacres, Cross Head Lane, Bridgnorth WV16 4SJ

- 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 Mr Todd Turbin against the decision of Shropshire Council.
 - The application Ref 18/04455/FUL, dated 26 September 2018, was refused by notice dated 28 February 2019.
 - The development proposed is erection of a part single, part two storey rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a part single, part two storey rear extension at Greenacres, Cross Head Lane, Bridgnorth WV16 4SJ in accordance with the terms of the application, Ref 18/04455/FUL, dated 26 September 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the approved plan reference SA2955_PL_01 revision A.

Main Issue

2. The main issue in this appeal is the effect of the proposed extension on the Council's stock of affordable dwellings.

Reasons

3. The original planning permission for Greenacres relates to a 'rural exception site' where open market housing would not normally have been permitted. The appeal house and land are subject to a planning obligation under Section 106 of the above Act which contains mechanisms to ensure that the dwelling remains affordable in perpetuity. There is no dispute between the main parties that the obligation would continue to apply if this appeal were to be allowed and that the appellant remains in need of affordable housing. There are no reasons to disagree.
4. Shropshire Core Strategy (CS) Policy CS11 seeks to meet the diverse housing needs of Shropshire residents now and in the future and indicates that an

integrated and balanced approach will be taken with regard to existing and new housing, including type, size, tenure and affordability. Amongst other things, it allows for exception schemes for local needs affordable housing on suitable sites, subject to their suitable scale, design, tenure and prioritisation for local people and arrangements to ensure affordability in perpetuity. Policy MD7a of the Shropshire Council Site Allocations and Management of Development Plan 2015 (SAMD) supplements the CS. It indicates that in order to protect the long-term affordability of single plot exception dwellings in the countryside, they will be subject to size restrictions and the removal of permitted development rights as well as other appropriate conditions or legal restrictions.

5. The planning permission restricts the dwelling's gross internal floor area to no more than 100 sqm, including future extensions, in accordance with the Council's 2012 *Type and Affordability of Housing* Supplementary Planning Document (SPD) which also requires the dwelling to remain affordable in perpetuity. The existing house is not overcrowded in statutory terms and appears to meet the national internal space standards for a family of 5. However, the appellant identifies a need for additional accommodation, particularly a bedroom, to accommodate his growing family and the family business which is run from home.
6. Notwithstanding the size limitation set out above, the SPD provides for applications for extensions to be considered on their merits, including the personal circumstances of the applicant. It indicates that it may be acceptable to enlarge an existing affordable house in order to accommodate the needs of the existing household when there are genuine difficulties faced by growing households. Furthermore, the SPD acknowledges that it may not be possible for occupants to move to a new house due to the chronic shortage of affordable housing in Shropshire. However, it advises applicants that the potential sale value of the dwelling would be restricted as if it were still 100 sqm. Therefore, there would be no financial profit from any enlargements.
7. These provisions are reinforced by the planning obligation referred to above. Greenacres could only be sold in accordance with the agreed 'Sale Marketing Plan' at the 'Formula Price' and to a 'Qualifying Person'. The obligation defines the 'Formula Price' as 'the sum which is sixty per cent (60%) of the Open Market Value of the Dwelling (excluding any extensions or conversions or alterations to the development)'. 'Open Market Value' is defined as the price which the dwelling, excluding any extensions or conversions or alterations, would fetch on the open market. Based on the evidence provided, it appears to me that there is no policy objection in principle to the extension of this affordable rural exception site dwelling beyond the maximum 100 sqm. However, the future value of the dwelling would be restricted by the planning obligation to ensure that it would remain affordable in perpetuity.
8. Allowing the extension would ensure that the needs of a family in affordable housing need would continue to be met, in accordance with the SPD, noting also that the need for affordable housing is not confined to small dwellings, as recognised by CS Policy CS11. I am satisfied by the evidence that even with the extension, the restrictions already in place would ensure that Greenacres continues to contribute towards meeting Shropshire's affordable housing needs.
9. I conclude on the main issue that the proposed extension would not result in the loss of an affordable dwelling and there would be no adverse effect on the

stock of affordable dwellings in Shropshire. The proposal accords with CS Policies CS11 and CS5 and there would be no conflict with SAMD Policy MD7a or the SPD.

10. No objections are raised to the size or design of the proposed extension and there are no reasons to disagree.
11. For the reasons I have set out the appeal is allowed. A condition is required to ensure that matching materials are used, in order to protect visual amenities. For the avoidance of doubt and in the interests of proper planning the approved drawings are identified in a condition.

Elaine Benson

INSPECTOR

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Appeal Decision

Site visit made on 4 March 2019

by Jan Hebblethwaite MA Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 17th May 2019

Appeal Ref: APP/L3245/W/18/3213661

44 Ironbridge Road, Broseley, Shropshire, TF12 5AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by the executors to the estate of Muriel Biggs against the decision of Shropshire Council.
 - The application ref 18/00771/OUT dated 14 February 2018, was refused by notice dated 10 July 2018.
 - The development proposed is described on the application form as the demolition of existing dwelling and the erection of six 3-4 bed detached dwellings with off-street parking.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal proposal was submitted in outline with the scale being considered at the outline stage.
3. During the course of the consideration of the application by the Council, amended plans were submitted which provided an alternative layout showing two pairs of semi-detached dwellings and two detached dwellings. The Council have amended the description of the development to an 'Outline application for the erection of 6 dwellings to include scale following demolition of existing dwelling on site'. It is also noted that the appellant has also utilised this description on their appeal form, and I am of the view that this description accurately reflects the proposal before me.
4. Notwithstanding the above, given the outline nature of the application I have treated the site layout plan as an indicative plan which shows a possible way of developing the site.
5. Since the determination of the appeal application, the National Planning Policy Framework published in 2012 has been replaced, with the latest version being published in February 2019 (the 2019 Framework). Paragraph 212 of the 2019 Framework outlines that the policies contained within it are material considerations which should be taken into account in dealing with applications from the day of its publication.
6. I have therefore determined the appeal with the above matters in mind.

Main Issue

7. The main issues in this appeal is the effect of the development on the character and appearance of the area.

Reasons

8. The appeal site is located at the junction of Dark Lane and Ironbridge Road and consists of an extensive plot on very steeply sloping land. It currently contains a large bungalow and outbuildings, all of which are in a state of disrepair. There are currently two accesses into the appeal site. One rises steeply from Dark Lane within a few metres from the junction. The other is level and accesses the appeal site from the north west corner of the site, just before a bend in Dark Lane. The land to the west of the site is wooded. The land to the south is occupied by an hotel.
9. The pattern of development on either side of Dark Lane in the vicinity of the appeal site is markedly different. Opposite the appeal site, the existing development is typically residential, with bungalows sitting in reasonably sized gardens. The appeal site and the hotel are single developments on very large plots.
10. It is common ground between the main parties that the appeal site is located outside of the defined development boundary for Broseley and as such, in planning policy terms, the site is located in the countryside. Whilst the appellant questions the logic of excluding the appeal site from being within the development boundary, this is not a matter for me in the context of an appeal against the refusal of planning permission.
11. The appeal site therefore falls within the policies relating to countryside where new development is restricted to specified circumstances. Most of those circumstances do not apply to the appeal proposals. There are exceptions to those controls where evidence is brought to show that there is a local housing need for dwellings of the type proposed or for essential rural workers. However, no such evidence has been provided.
12. Policy CS3 of the Shopshire Local Development Framework: Adopted Core Strategy (2011) (CS) sets out (in table 2) an indicative number of new houses between 2006 and 2016. For Broseley, this indicative figure is up to 500. However, the Shopshire Council Site Allocations and Management of Development (SAMDev) Plan (2015) sets out that the figure for Broseley should be around 200 dwellings, of which the appellant has stated that 127 of these have been completed and a further 145 have planning permission.
13. The SAMDev was adopted after the CS and therefore provides the most recent appraisal of housing for Broseley. That said, Policy S4 of the SAMDev does not set a ceiling level on the number of new dwellings. It states that housing developments should be small scale and reflect the local character of the area.
14. As noted above, the south side of Dark Lane has a distinctly different from the properties within the defined development boundary. The development of the appeal site for six dwellings would significantly change the character of the site and would be a marked increase in the density of the development.
15. These factors lead me to conclude that the proposal would have an undesirable urbanising impact on the character of the appeal site and the wider area to the

south of Dark Lane. In coming to that view, I acknowledge that the site is not isolated in the context of paragraph 79 of the 2019 Framework and that there is direct pedestrian access to Broseley High Street via Dark Lane. However, these factors do not outweigh the harm I have found.

16. For the above reasons, the proposal would give rise to significant harm to the character and appearance of the area contrary to Policies CS3, CS4 and CS5 of the CS and Policies MD1, MD2 and MD7a of the SAMDev which amongst other matters seek to protect local character and distinctiveness and to restrict development outside the towns and key centres. It would also be at odds with the overarching aims of the 2019 Framework.

Other Matters

17. I have also had regard to the representations received on the application including matters relating to the highway aspects of the development, overlooking and loss of privacy, increased pressure on services, and the effect on wildlife. However, none of the matters raised amount to a significant material planning consideration which would warrant a further reason to withhold planning permission.

Conclusions

18. Taking all matters into consideration, I conclude that the appeal should be dismissed

Jan Hebblethwaite

INSPECTOR

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Appeal Decision

Site visit made on 8 May 2019

by W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2019

Appeal Ref: APP/L3245/D/19/3222553

Keepers Cottage, 6 Decker Hill, Shifnal TF11 8QN

- 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 Mr & Mrs A Whittall against the decision of Shropshire Council.
 - The application Ref 17/03809/FUL, dated 1 August 2017, was refused by notice dated 20 November 2018.
 - The development proposed is a two-storey extension to dwellinghouse.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Government published the revised National Planning Policy Framework (the Framework) on 19 February 2019, which forms a material consideration in the determination of the appeal. However, the changes have no material bearing to the main issues before this appeal.

Main Issues

3. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt having regard to national policy and relevant development plan policies;
 - the effect of the proposed development on the openness of the Green Belt;
 - the effect of the proposed development on the character and appearance of the host dwelling and surrounding area;
 - whether the proposed development would result in the loss of a smaller lower cost market dwelling; and,
 - whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate Development

4. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state

that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. In addition, the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 145 of the Framework. One of the exceptions cited is the extension of a building provided that it does not result in disproportionate additions over and above the size of the 'original building'.

5. The national policy advice in the Framework has to be read together with the relevant development plan, Policy CS5 of the Shropshire Council Local Development Framework: Adopted Core Strategy 2011 (CS) and Policy MD6 of the Shropshire Council Site Allocations and Management of Development Plan 2015 (SAMDev) conform to the thrust of national Green Belt policy in these respects.
6. There is no definition within the Framework of 'disproportionate'. Both parties acknowledge that the appeal property has benefitted from a variety of extensions and alterations that now form the existing dwelling. The Council's evidence on this matter in the Officer Report advises that the extension would amount to an increase in size of approximately 103% to the original building, when taking previous extensions and alterations into account. The appellant does not dispute this figure, but it is noted that the appellants refer to 'the proposals are for a 25% increase in size'. However, on the evidence before me I find that this increase is to the existing dwelling.
7. Therefore, on the evidence before me, I concur with the Council and conclude that, due to its size, the proposed extension would amount to a disproportionate addition to the original building. Consequently, this does not comply with the exception listed under paragraph 145 c) of the Framework.
8. For these reasons, the appeal scheme would be inappropriate development in the Green Belt and, in this regard, it would conflict with CS Policy CS5; SAMDev Policy MD6 and with the Framework. I attach substantial weight to the harm arising due to the inappropriate nature of the development.

Openness and Green Belt Purposes

9. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies openness as an essential characteristic of the Green Belt. There is no definition of 'openness' in the Framework.
10. The host dwelling is not particularly visible from within the public realm. However, notwithstanding the presence of the adjacent dwelling and associated development and planting in the vicinity of the appeal site, the openness of the Green Belt is clearly evident around the host dwelling and the wider area. Although the loss of openness that would be directly attributable to the appeal scheme would not be great in itself, it would add to the overall bulk of the property.
11. The development would introduce additional built footprint and volume to the host dwelling. This would increase the built up and urbanised nature of the appeal site. I note reference by the appellants to 2 Judgments to support their

case. The first judgement¹ found, amongst other things, that the impact of a development on openness is not necessarily related to its size but also its purpose, amongst other things. The second Judgment² similarly found, amongst other things, the purpose of the exceptions is to distinguish between those types of new buildings which would be inappropriate if built in the Green Belt from those that are not or potentially are not. Additionally, it was found that a development would only not be inappropriate development if it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

12. I conclude that the appeal proposal would fail to preserve the openness of the Green Belt. Therefore, it would be contrary to the relevant Green Belt guidance within the Framework. Accordingly, I must give such Green Belt harm substantial weight in my assessment and determination of this appeal.

Character and appearance

13. The appeal site is located in a semi-rural area given the existing development in the locality. The appeal dwelling is rendered with a slate roof and is accessed by a private road. Currently the side elevation of the dwelling is staggered with a single storey porch located in the junction. The proposal is for a 2-storey side extension with a balcony facing the access road. Under the balcony would be a porch accessed by a set of double doors similar to those in the existing porch. The proposed extension would comprise of a dining hall and porch at ground floor and an additional bedroom at first floor with a dressing room, where access to the balcony would also be taken.
14. The proposal would be level with the main front elevation of the property and would be slightly set back from the existing rear elevation. I find that the proposed extension replicates features present on the existing dwelling, in particular on the section on the opposite side of the front facing 2-storey gable that would result in an increase in symmetry of the dwelling when viewing it from the front. Although the scheme would represent a notable extension, and whilst I acknowledge that the property has been extended previously, I find the proposed extension to be subordinate and complementary to the character and appearance of the existing dwelling through its overall design, scale, siting and materials proposed.
15. For the reasons given above, I conclude that the development would not have a significantly detrimental impact on the character and appearance of the appeal dwelling or surrounding area and hence that it would accord with the design, character and appearance aims of CS Policy CS6, SAMDev Policy MD2 and the Framework.

Loss of a smaller low cost market dwelling

16. The Council's Supplementary Planning Document, Type and Affordability of Housing was adopted by the Council on 12th September 2012 (SPD), and on the evidence before me, its status has not altered. I therefore consider that this document is a material consideration, which I give significant weight.

¹ Europa Oil and Gas Ltd v Secretary of State for Communities and Local Government & Ors [2013] EWHC 2643 (Admin)

² Fordent Holdings Limited v SSCLG & Cheshire West and Chester Council [2013] EWHC 2844 (Admin)

17. The SPD at paragraphs 2.20 and 2.21 note the trend in countryside locations towards providing larger and more expensive dwellings which can exclude the less well off, including those who need to live and work in rural areas. The guidance advises that, in relation to both house extensions and replacement dwellings, it is important to control size in order to maintain and provide an appropriate stock of smaller, lower cost market dwellings.
18. I have noted that the host dwelling is of a reasonable size, and is located on a substantial plot. Whilst the appellant has not provided any financial figures in the form of a valuation of the existing property, or neighbouring properties, I find that the appeal dwelling in relative terms does not appear to amount to a smaller or lower cost dwelling. As such, I do not consider that this scheme would result in the loss of a smaller or lower cost market dwelling and it would not therefore conflict with the SPD in this regard.

Other considerations

19. The evidence refers to potential fallback options in the form of development that might be implemented without seeking planning permission under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) to construct a different form of development at the appeal site. However, there is limited information within the evidence regarding the detail of such permitted development. In any event, even if the construction of an extension under permitted development was possible in the location of the appeal scheme, the resultant structure would be much smaller than the appeal scheme, due to the single storey restriction specified in the GPDO, resulting in a reduced height and volume. Therefore, I give limited weight to the potential permitted development fallback.
20. The general circumstances of this case are not exceptional since existing dwellings in the Green Belt are not unusual. Many other Green Belt residents are likely to want to build sizeable extensions to their homes. In addition to the foregoing matters I have taken into account the appellant's wider evidence, including the desire to improve the design of the front of the property and the host dwelling being largely shielded from public views. Although I am sympathetic to the circumstances of those concerned, bearing in mind the harm I have identified and that the proposal is for permanent development, I consider these are minor factors in favour of the development.
21. I note the assertion made by the appellants in relation to the extent of the Green Belt and how the application site was not in the original West Midlands Green Belt, when it was established in 1975. However, this is not a matter for consideration under this appeal and the proposal falls to be determined against the current policy framework.
22. With the exception of the harm to the Green Belt, the proposed development would not have any other adverse impacts to the character and appearance of the host dwelling or surrounding area or the occupants of nearby residential properties, raise any highway safety issues or result in the loss of a smaller low-cost market dwelling. These matters attract neutral weight.
23. Consequently, these considerations, along with the other matters identified in the evidence either individually or collectively, do not clearly outweigh the identified harm to the Green Belt so as to amount to the very special circumstances necessary to justify the development. I have considered this

appeal proposal on its own particular merits and concluded that it would cause harm for the reasons set out above.

Conclusion

24. In summary, therefore, the appeal proposal would be inappropriate development in the terms set out in the Framework and lead to a small loss of openness to the Green Belt. These issues are not outweighed by the considerations advanced by the appellant and in the wider evidence so as to amount to very special circumstances. Consequently, very special circumstances do not exist and the development would conflict with the Framework and CS Policy CS5, as well as with SAMDev Policy MD6.
25. Taking all matters into consideration, I conclude that the appeal should be dismissed.

W Johnson

INSPECTOR

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