



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

Date: Monday, 22 July 2019

Committee:
South Planning Committee

Date: Tuesday, 30 July 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 Apologies for Absence

To receive any apologies for absence.

2 Minutes (Pages 1 - 4)

To confirm the minutes of the South Planning Committee meeting held on 4 June 2019

Contact Linda Jeavons (01743) 257716.

3 Public Question Time

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

4 Disclosable Pecuniary Interests

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

5 Meadowtown Farm, Meadowtown, Shrewsbury, Shropshire, SY5 0DZ (18/03093/FUL) (Pages 5 - 32)

Conversion of two agricultural buildings into four holiday letting units, change of use of further agricultural building into stables, formation of manege, alterations to existing vehicular access and formation of parking areas.

6 Proposed Dwelling To The North Of Stiperstones, Snailbeach, Shropshire (18/04662/FUL) (Pages 33 - 44)

Erection of dwelling and detached garage.

7 5 Cape Street, Broseley, Shropshire, TF12 5NQ (18/05657/FUL) (Pages 45 - 54)

Application under Section 73A of the Town and Country Planning Act 1990 for the erection of a front extension (amended description).

8 Proposed Dwellings East Of Doddington, Shropshire (18/05739/FUL) (Pages 55 - 72)

Erection of 2no. dwellings; formation of access and installation of package treatment plant and temporary siting of caravan.

9 Royal Oak Alveley Bridgnorth Shropshire WV15 6LL (19/01487/FUL) (Pages 73 - 92)

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

10 Schedule of Appeals and Appeal Decisions (Pages 93 - 118)

11 Exclusion of Public and Press

To consider a resolution under Section 100 (A) of the Local Government Act 1972 that the proceedings in relation to the following items shall not be conducted in public on the grounds that they involve the likely disclosure of exempt information as defined by the provisions of Schedule 12A of the Act.

12 Planning Enforcement Quarterly Report (Pages 119 - 126)

13 Date of the Next Meeting

To note that the next meeting of the South Planning Committee will be held at 2.00 pm on Wednesday, 28 August 2019, in the Shrewsbury Room, Shirehall.

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Committee and Date

South Planning Committee

30 July 2019

SOUTH PLANNING COMMITTEE

Minutes of the meeting held on 4 June 2019

2.00 - 3.30 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Linda Jeavons

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

Present

Councillor (Chairman)

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

1 Election of Chairman

RESOLVED: That Councillor David Evans be elected Chairman for the ensuing municipal year.

2 Apologies for Absence

No apologies for absence were received.

3 Appointment of Vice-Chairman

RESOLVED: That Councillor David Turner be appointed Vice Chairman for the ensuing municipal year.

4 Minutes

RESOLVED:

That the Minutes of the meeting of the South Planning Committee held on 8 May 2019 be approved as a correct record and signed by the Chairman.

5 Public Question Time

There were no public questions or petitions received.

6 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.

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

The Planning Officer introduced the amended application. The application had been previously considered at the Committee's meeting on 12th March 2019 where the decision had been deferred to enable the applicants to consider access arrangements. The amended application proposed an access from Balls Lane rather than the previous proposal which located the access from Woodlands Close. He provided a verbal update regarding information received following publication of the agenda, including:

- Further verbal comments from Broseley Town Council
- Further information requested by Shropshire Council Highways
- An amended plan provided by the applicant's agent showing the position of a replacement paddock entrance gate and movement of agricultural vehicles in relation to the revised access
- Further public representation regarding traffic movements on Balls Lane

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

- Concerns regarding access
- Broseley Town Council continued to oppose the application.

Mr S Thomas, Applicants Agent, spoke for the proposal in accordance with the Council's scheme for Public Speaking at Planning Committees and responded to questions from Members of the Committee.

In the ensuing debate, Members considered the revised plans for access and noted the comments of the speakers and Planning Officer. Members expressed concern over the length of the driveway created by the revised access and sought reassurance that should this application be approved would not create a precedence for development in the green protected buffer zone between Broseley and the Ironbridge Gorge. The Planning Officer explained that as this was an application for Affordable Housing it was an exception site and as such would not create a precedent. Future applications would be considered purely on their own merits. Members noted that they had not received comments from Shropshire Council Highways Department on Access Plan B before them.

RESOLVED:

That, contrary to the Officer's recommendation, planning permission be as per the conditions as set out in Appendix 2 to the report. Reason – Members considered that notwithstanding the fact that the site is within land which is designated in the Broseley Town Plan as 'Local Green Space', the benefit of providing an affordable dwelling to meet the identified need of a local family, which complied with adopted

policies in all other respects, outweighed the partial and limited loss of the green space.

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

The Planning Officer introduced the application with reference to the drawings displayed, she drew Members' attention to the location, layout and elevations. Members heard that the drawings presented for the application inaccurately showed the height of the ridge line which was shown as being 0.6m higher than it actually was and that an ecology appraisal is now required.

Members noted a typographical error in section 2.4.1 of the report which should have read 'application number 93/0392/Ful'.

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

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting and which included:

- a petition received in support of the application, submitted by the applicants agent and signed by 17 local residents,
- a representation from a neighbouring dwelling expressing concern about the height of the proposed dwelling and situations of windows leading to loss of privacy
- a petition received objecting to the to the proposal signed by 21 people.

Mr I Benson, resident of Claverley, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees and responded to questions from Members of the Committee

Councillor Richard Cotham of Claverley Parish Council Spoke against the proposal in accordance with the 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, as local Ward Councillor, made a statement and left the room and took no part in the debate and did not vote on this item. During her statement, the following points were raised:

- Support for small business venture;
- Concerns over noise abatement measures;
- Barn style conversion without garden provision;
- Residential caravan and domestic play equipment present on site;
- Design concerns, including poor building design and lack of hedging and soft landscaping; and
- Lack of sustainable energy provision such as solar panels.

Miss N Greensill, 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 proposal and noted the comments of all speakers and advice given by the Planning Officer. Members expressed concern over the impact of the noise created by kennelling 19 dogs in a limited space and considered the steps taken to mitigate the noise levels. The Planning Officer confirmed that the applicants would require a license to operate commercial dog kennels from the Public Protection department of the Council which would be subject to a noise management plan.

Members discussed the issue of light within the buildings and suggested additional fenestration to address this issue.

In response to a Member’s question the Planning Officer confirmed that the report did not contain a condition requiring the removal of the caravan presently located on site. Members suggested that this should be removed shortly after occupancy of the dwelling.

RESOLVED:

That, as per the Officer’s recommendation, planning permission be granted as per the conditions as set out in Appendix 1 to the report, subject to the Area Planning Manager be granted delegated authority to negotiate the timely removal of the domestic caravan situated on site, request amended plans to accurately depict the existing building, to request an appropriate ecology appraisal/assess the implications, and additional fenestration to provide more light to the kennelling area.

9 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 4th June 2019 be noted.

10 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, 2nd July 2019 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:



Committee and date

South Planning Committee

30 July 2019

Development Management Report

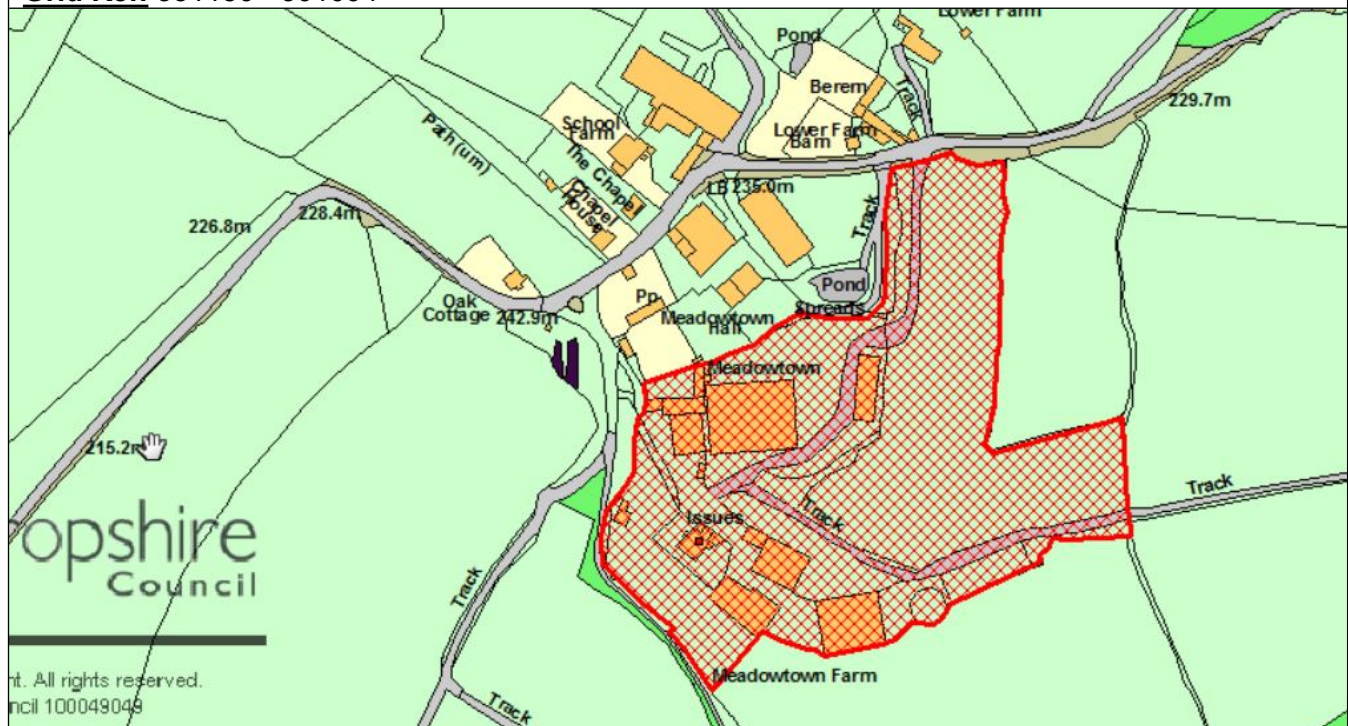
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 18/03093/FUL	Parish:	Worthen With Shelve
Proposal: Conversion of two agricultural buildings into four holiday letting units, change of use of further agricultural building into stables, formation of manege, alterations to existing vehicular access and formation of parking areas		
Site Address: Meadowtown Farm Meadowtown Shrewsbury Shropshire SY5 0DZ		
Applicant: Mr & Mrs Dalley		
Case Officer: Trystan Williams	email: planningdmsw@shropshire.gov.uk	

Grid Ref: 331156 - 301094



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

REPORT

1.0 THE PROPOSAL

1.1 This application seeks full planning permission to convert two former agricultural buildings into four units of self-contained holiday accommodation, use another agricultural building for stabling horses, form car parking/turning areas alongside, adapt an existing field gate and reinstate a compacted hardcore driveway beyond, and form a 20 x 40-metre manège (outdoor riding arena) comprising a level 125mm dressed surface over membranes and a stone sub-base, enclosed with kick boards and 1.5-metre high post-and-rail fencing. Some parts of the three buildings concerned would be demolished.

1.2 Amended plans show the manège repositioned, changes to the parking arrangements, and a new southern entrance omitted. They also provide further details of the proposed alterations to the northern access. Furthermore, despite some earlier references to day visitors and off-site riding lessons, the applicants' agent has now confirmed that these are no longer included in the application, with the stables and manège to be used only by the applicants themselves and holidaymakers staying on-site. It should also be noted that interim versions of the plans proposed two vehicle passing places along the road to the northeast, but these have since been omitted following production of a 'Transport Statement'.

A previous similar application (17/04572/FUL) was withdrawn pending bat emergence surveys plus further access and transport details.

1.3

2.0 SITE LOCATION/DESCRIPTION

2.1 The site comprises a farmstead and two paddocks on the southern edge of Meadowtown, a hamlet 2½ miles southwest of Worthen in the Shropshire Hills Area of Outstanding Natural Beauty (AONB). It is bounded to the north by the Grade II-listed, 17th Century timber-framed Meadowtown Hall, plus unrelated agricultural buildings and land, to the west and southwest by a byway with a small overgrown quarry (now a Site of Special Scientific Interest (SSSI)) beyond, and to the east and southeast by larger fields owned by the applicant. Meanwhile siding the road opposite the northern entrance is a brick, stone and render residential barn conversion. The ground rises from north to south.

2.2 Besides the farmhouse the buildings are now largely redundant. Those in question are as follows:

- The 'Grain Barn', siding an existing entrance off the byway to the west, is a traditional linear stone building of 1½ storeys including a loft, but with two lower bays to the west and an open-sided wing to the rear. Much of its southern frontage has been rebuilt in concrete blockwork, albeit concealed behind an adjoining portal-framed hay barn which would be demolished. The roofs are now covered with corrugated sheets. It would be converted into one single-

storey holiday let.

- The ‘Milking Barn’ southeast of the house is an early-mid 20th Century brick-built former milking parlour with a lean-to along its northeast side, and again corrugated roof sheets. Its conversion into three holiday lets would involve foreshortening the building on its southwest side.
- East of the Milking Barn, the wider southern range of a relatively modern ‘double-pile’ portal-framed cowshed would be retained for stabling.

2.3 Three other buildings, again comparatively modern, would be unaffected. Initially it was proposed to site the manège between two of them, but instead the amended plans show it tucked into the narrow eastern ‘leg’ of the L-shaped paddock beyond the proposed driveway.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 In accordance with the Council’s adopted ‘Scheme of Delegation’, the application is referred to the planning committee because the officer recommendation of approval is contrary to an objection from the Parish Council, and Shropshire Council’s Local Member and planning committee chairman and vice chair feel that the full committee should consider the material planning considerations raised.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee comments

4.1.1 Shropshire Council Flood and Water Management – no objection:

Any permission granted should include an informative encouraging the use of sustainable surface water drainage systems.

4.1.2 Shropshire Hills AONB Partnership – comment:

No site-specific comments. However this indicates neither objection nor lack of objection to the application, and in reaching its decision the local planning authority must still satisfy its legal duty to take into account the purposes of the AONB designation, planning policies concerned with protecting the landscape, plus the statutory AONB Management Plan.

Shropshire Fire and Rescue Service – comment:

4.1.3 Since the premises would be used as guest accommodation they would fall within the scope of the Regulatory Reform (Fire Safety) Order, with which their proposed open-plan internal layouts may not comply. Improved escape arrangements and installing sprinkler systems are therefore recommended. Early consideration should also be given to access for emergency fire vehicles, although ultimately this issue will be addressed under the Building Regulations.

4.1.4 Shropshire Council Highways Development Control:

25/7/18 – objection:

The local road network could prove difficult to visitors owing to its narrowness, lack of passing places, convoluted routing, poor drainage and often poor surface.

4.1.5 The application contains insufficient details of proposed parking provision. The southern car park with access off the byway would have insufficient turning space, and it is unclear how two parking spaces behind the Grain Barn would be accessed.

4.1.6 The northern site entrance already exists, but will need improvement for domestic vehicles. 2.4 x 30-metre visibility splays are generally required where traffic speeds are likely to be in the region of 20mph, and their inside boundary treatments should be no higher than 900mm, or 600mm where adjacent to a footway or shared road space. The first six-metre stretch of the shared driveway should be at least 4.2 metres wide so that in- and out-bound vehicles can pass without obstructing the road. Additionally its gradient must not exceed 1 in 24, or 1 in 10 thereafter. Any gates must open inwards and be set back by at least 15 metres if the access would still be used by agricultural vehicles.

4.1.7 Sufficient space must be provided for temporary roadside bin storage, without obstructing the access, visibility splays or the highway.

4.1.8 7/9/18 – objection:

The further details now submitted are still insufficient. Vehicle movements associated with the holiday lets appear to have been underestimated, it seeming unlikely that guests would remain on site for the duration of their stay. Furthermore the agent's supporting statement references "day-time visitors", which suggests that other people besides resident guests would travel to and from the site to participate in daytime activities such as organised rides and riding lessons. Full details of total visitor numbers and vehicle types (e.g. cars, trailers and horseboxes) are therefore required, and provision of passing places may be necessary.

18/10/18 – objection:

The following are required:

- 4.1.9
- Clarification of the number of access points proposed, and their locations
 - Clarification of the number, locations and allocation of parking spaces on-site
 - Clarification of the extent/nature of the business, and a traffic assessment, as requested previously

4.1.10 The proposed parking provision may be inadequate bearing in mind that two- and three-bedroomed holiday lets could be shared by guests making separate journeys in different vehicles, and especially if day visitors would also use the livery facilities and participate in riding lessons. The parking spaces behind the Grain Barn could only be served by the existing access west of the site, but this may not be viable given the steep gradient. It is also unclear, following omission of the southern entrance and car park proposed originally, how the parking spaces now shown between the Milking Barn and the stables could actually be accessed. Certainly those directly alongside the Milking Barn would appear to block a direct emergency

access route to the stables.

Additionally, previous comments on refuse collection and the need for improvements to the northern access are reiterated.

- 4.1.11 Any permission granted should include informatives advising on the need to keep the adjacent roads clear of mud and surface/waste water from the site, and the requirement for a licence for any works on or abutting highway land.

28/5/19 – comment:

- 4.1.12 No objection subject to the development being carried out in accordance with the submitted details, and to relevant conditions and informatives.

A Transport Statement now clarifies that:

- 4.1.13
- there would be four holiday lets in total;
 - the manège would only be used by the applicants and occupiers of the holiday lets;
 - car parking provision would comprise two spaces per holiday let, two for the farmhouse and a further six alongside the manège;
- 4.1.14
- the northern entrance would be improved to serve the manège and the Milking Barn, whilst the Grain Barn and farmhouse would utilise the existing farm entrance to the west;
 - visitors would ride ponies and horses already accommodated on site; and
 - a small/medium-sized horsebox is already kept at the property and will be used by the applicants and their children to visit shows approximately every 3-4 weeks.

- 4.1.15 The Transport Statement also identifies three routes to the site. Highways officers have subsequently travelled them and noted that, whilst they are all narrow country lanes with limited passing places, they are lightly trafficked.

- 4.1.16 The route west through Rorrington to the B4386 is the poorest in terms of gradient, surface, mud, water run-off and visibility. The section immediately southwest of the site is such that vehicles would have to reverse some distance to enable passing. The Statement suggests the applicants should discourage visitors from using this route.

- 4.1.17 Overall the Statement has adequately demonstrated the local conditions and circumstances to the highway authority's satisfaction, and it is therefore considered that an objection on highway safety grounds cannot be sustained. Conditions should:
- ensure that the northern access is improved as per the amended plans, and its apron constructed in accordance with the Council's standard specification, before the development is brought into use; and

- remove ‘permitted development’ rights in order to avoid any fencing or other obstructions being placed within the visibility splays in the future.

Meanwhile informatives should be as recommended previously.

4.1.18 Worthen with Shelve Parish Council:

26/8/18 – objection:

- Works in connection with this scheme may have commenced already.
- Access would be via a single-track rural road with few passing places, and also along a byway to the west. There are no details of likely vehicle movements, but the number of parking spaces proposed, the possibility of horseboxes or vehicles with trailers accessing the site, and also access by construction vehicles, give rise to significant highway safety concerns.
- Although it is proposed to convert existing buildings, the level of activity at the site, and also the proposed manège, could harm the character and appearance of the AONB.
- A recent permission for a horse-walker at another property nearby (ref. 18/00872/FUL) was conditional upon it being for private rather than commercial use.

4.1.19 2/11/18 – objection:

- The passing places now proposed are insufficient given the general state of the roads and the amount of traffic which could potentially be generated (the estimates now provided by the applicant’s agent do not include trips made by holidaymakers during their stays, including on foot, cycle or horseback, or journeys by delivery vehicles). Certainly on occasions when these roads have been used as a diversion route the additional traffic has caused problems.
- Other points are as per the previous comments.

4.1.20 22/5/19 – objection:

Councillors stand by their previous comments. Additionally the number of parking spaces proposed indicates that the projected vehicle movements have been understated.

4.1.21 Shropshire Council Rights of Way – comment:

The adjacent byway would not appear to be affected directly. Nevertheless the applicant must ensure that it remains unaltered and unobstructed at all times, unless first agreed otherwise by the Rights of Way Team.

4.1.22 Shropshire Council Historic Environment (Conservation) – comment:

The 19th Century Grain Barn should be regarded as a non-designated heritage asset whose reuse is supported in principle, provided a structural survey is undertaken to confirm its capability of conversion. The external alterations proposed are mainly sympathetic, especially over-cladding the previously much-altered frontage with weatherboarding provided this is left to weather naturally. It is,

however, suggested that the amount of glazing on the lower section should be reduced, whilst the proposed wood burner flue should have a matt black finish.

4.1.23 The Milking Barn is a relatively modern structure, probably dating from the 1950s, and has limited historic and architectural significance. Furthermore, in its case the proposed weatherboarding and domestic-style windows look somewhat incongruous. It is therefore suggested that the conversion of this building be omitted from the scheme.

Shropshire Council Historic Environment (Archaeology) – comment:

4.1.24 The site lies on the edge of the historic, probably medieval, settlement of Meadowtown, north of a possible former motte site, and east of a complex of lynchet field boundaries and ridge and furrow earthworks. Its proximity to Grade II-listed Meadowtown Hall is also noted. Previously undisturbed ground therefore has some archaeological potential, so an archaeological inspection of groundworks should be secured by condition.

Shropshire Council Ecology:

8/8/18 – objection:

4.1.25 Although a licensed ecologist has completed a ‘Preliminary Ecological Appraisal’, further details of the proposed bat mitigation measures are required.

3/9/18 – comment:

4.1.26 The ecological consultant’s report has now been updated. It concludes that the Grain Barn contains occasional/transitional roosts of common pipistrelle and brown long-eared bats, probably associated with larger roosts/colonies off-site. This building’s conversion will therefore require a low impact class European Protected Species (EPS) licence from Natural England. The revised report proposes the following mitigation, compensation and enhancement measures, which would form part of the licence application:

- At least one bat box suitable for pipistrelles, and one tube suitable for brown long-eared bats, will be installed on another building or a mature tree before work begins.
- An Ecological Clerk of Works (ECW) will check for bats immediately before work begins, and remain present to oversee sensitive operations such as the removal of roofing.
- Any bats found will be placed in the pre-installed bat box.
- Any external lighting will be of the passive infra-red type, set on a short timer and orientated downwards, away from boundary vegetation.

4.1.27 Subject to conditions requiring a copy of the EPS licence, ensuring that the consultant’s recommendations are followed and the proposed bat boxes are actually installed, and also controlling external lighting, it is agreed that the favourable conservation status of bats in the local area is likely to be maintained. However an EPS ‘three tests’ matrix will need to be completed by the planning officer, in order to demonstrate that the development is necessary for reasons of

“overriding public interest” and that there is “no satisfactory alternative”. This should be included in the officer’s report and discussed/minuted at the committee meeting.

4.1.28 Two ponds were identified within 250 metres. One is a slurry pit unsuitable for great crested newts, but permission to survey the other was not forthcoming, so it must be assumed that great crested newts are present there. Thus, whilst the application site itself offers poor quality terrestrial habitat, the consultant has produced a method statement including the following:

- An ECW will brief site workers, carry out a pre-commencement walk-over, inspect potential refugia, and remain present to oversee clearance works.
- Any excavations will be backfilled immediately, and after checking by the ECW, or else covered with plywood or equipped with a ramp to provide any newts with a means of escape.
- All building materials will be stored on pallets, and where possible kept on hardstanding.
- Any environmentally hazardous materials will be stored within an area determined by the ECW.
- In the event of great crested newts being discovered on site, work will cease and the ECW will be contacted for further advice.

4.1.29 Although no setts were observed, a badger trail was noted along a section of the northern site boundary. Again, therefore, the ecological consultant has produced a method statement, which recommends the following:

- All work will cease at least one hour before sunset, and none will start until an hour after sunrise.
- Any temporary lighting will be directed away from badger paths.
- No badger path will be obstructed at any time.
- Any excavations will be filled in or covered over at the end of each working day, or else equipped with a means of escape.
- Any potential dangers to badgers will be reported to an appointed ecological consultant, who will then take measures to minimise the risk.
- Any temporary spoil heaps will be left un-compacted and will not be allowed to grass over, in order to discourage badgers from excavating new setts on site. Alternatively electric fencing will be used to prevent badger access.
- Any exposed pipework will be capped to prevent badgers from entering.

4.1.30 Adherence to these two method statements should be ensured through a condition requiring the ECW to submit a verification report to the Council before the development is first used.

4.1.31 No bird nests were observed in any of the buildings, although scattered trees and hedges around the site’s perimeter do offer some nesting opportunities. This vegetation should therefore remain wherever possible, and artificial nesting provision should be secured by condition. Meanwhile as a precaution, an informative should advise on the statutory protection afforded to any active nests.

4.1.32 No evidence of any other protected or priority species was observed on or close to the site, and in any event following the great crested newt and badger method statements would also help to safeguard other species. This should be reinforced with an informative advising on general measures to protect wildlife.

4.1.33 Additionally the consultant's report recommends a sensitive landscaping scheme in order to further enhance the site's ecological value, and again this should be secured by condition.

Natural England

4.1.34 The development is unlikely to affect the interest features of the Meadowtown Quarry SSSI, or others nearby.

4.1.35 The Shropshire Hills AONB Partnership should be consulted, and the Council's decision guided by paragraph 172 of the National Planning Policy Framework (NPPF), which affords such designated landscapes the highest level of protection.

4.1.36 Additionally the Council should consider potential impacts on protected or priority species and habitats, any locally designated wildlife or geological sites, ancient woodland and veteran trees, plus opportunities for environmental enhancements.

4.2 Public comments

4.2.1 Objections received from eleven separate properties make the following points:

- The application is not supported by any detailed business plan or market research.
- It is unclear that the applicants have the necessary expertise to run an equestrian business, or that there has been any application for a licence under relevant animal welfare legislation.
- It remains unclear whether the manège and stables would be used exclusively by the holiday lets' occupiers and the applicants, or by day visitors as well.
- The fact that permission No. 18/00872/FUL for a horse-walker at another property nearby was conditional upon that development being solely for private use establishes a precedent to refuse the current application, which by contrast is specifically for commercial, and much more extensive, equestrian facilities.
- It is unclear whether the manège would be inside a building or open-air. Either way it would be noisy and visually intrusive in its revised position.
- The development would cause light pollution in this area of dark skies.
- The development could increase littering.
- Additional traffic, people noise and general disturbance would detract from the area's tranquillity and residential amenity.
- The development could devalue neighbouring properties.

- The tall window shown on the Grain Barn's northwest elevation is actually much shallower at present, and deepening it would result in holidaymakers overlooking Meadowtown Hall's kitchen and living room windows 23 metres away, plus its garden. In fact the position of Meadowtown Hall is labelled incorrectly on the location and block plans. Car parking provision behind the Grain Barn would also disturb the neighbours.
- At no point has the applicant engaged with local residents about the scheme.
- The site is served by a winding single-track road with few passing places, a poor surface and poor drainage. This is unsuitable for further traffic, especially large vehicles like horseboxes, and drivers unfamiliar with the conditions.
- Various wholly inconsistent traffic projections have been supplied, and the latest figures are still grossly underestimated. Holidaymakers are unlikely to stay on site all week, especially as there are no local facilities, and in reality would probably make several trips per day. Additionally staff, deliveries, contractor's vehicles, any day visitors plus journeys made on horseback would increase traffic even further.
- The latest Transport Statement contains no evidence in support of its conclusions about traffic levels and speeds. Its random sample of road widths is meaningless as many narrower pinch-points have been ignored, and there are many unreported road traffic incidents along these lanes.
- The Statement itself admits that the road from Rorrington is unsuitable to serve this development, yet any attempt to restrict visitors to the alternative routes would be impossible to enforce. Furthermore, it would only exacerbate the hazardous effects of additional traffic on the allegedly preferred routes.
- The fact that this was once a dairy farm is irrelevant, as that use ceased some years ago and would probably have generated far less traffic anyway. Moreover traffic from other properties has increased in the meantime.
- The proposed passing places have now been omitted, and in any event they would only have assisted on the very short stretch of road in one direction alongside the applicant's own land.
- Already horses kept at this site are being ridden irresponsibly, for example by children without high visibility clothing or supervision.
- Although shown as existing, the northern access track has not actually been used in recent years and is now completely grassed over. It is directly opposite the entrance to two neighbouring houses omitted from the plans.
- The Camping and Caravanning Club's recently refused a small campsite at Meadowtown Farm owing to concerns over access, implying that this planning application should also be refused on highway safety grounds.
- The adjacent byway and its current users would be affected by increased vehicular and horse traffic.
- The application makes no provision for the safe storage of additional refuse on collection days.
- Additional noise and lighting would impact on nesting curlew, a rare horseshoe bat colony in the farmhouse, and other wildlife.

- The submitted ecological report only assumes the presence of great crested newts nearby, whereas in fact the species has been confirmed at neighbouring properties.
- Barn owls use the buildings proposed for conversion.
- The current drainage systems may have insufficient capacity for such a large development, and their overuse could pollute nearby watercourses.
- Drainage and other ground works have commenced already, in breach of the Archaeology Team’s recommendations. Additionally trees and hedges have also been removed and an entrance has been widened.
- If the development would have a private water supply this could affect the supply to other residents, as could disruptions or pollution caused by construction works.

5.0 THE MAIN ISSUES

- Principle of development
- Design and impacts on historic environment and wider landscape
- Impact on residential amenity
- Access and highway safety
- Ecology
- Drainage and water supply

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Part 6 of the NPPF says local planning authorities should support sustainable rural tourism and leisure developments which respect the character of the countryside. Meanwhile the Council’s Core Strategy Policies CS13 and CS16 support schemes aimed at diversifying the rural economy for tourism, cultural and leisure uses which are appropriate in location, scale and nature, plus high quality visitor accommodation proposals in accessible locations served by a range of services and facilities. In rural areas it requires visitor accommodation to again be of an appropriate scale and character for the surroundings, and close to or within settlements or an established and viable tourism enterprise. It also emphasises the desirability of reusing existing buildings where this would accord with Policy CS5. The latter sets out a hierarchical approach to rural conversions, giving priority to small-scale economic/employment-generating development (specifically including tourism uses), affordable housing and “other uses appropriate to a countryside location”, but also allowing unfettered residential use where the building is a ‘heritage asset’.

6.1.2 Officers acknowledge that Meadowtown is small, quite remote and very rural in character, and that it lacks any services or facilities. Nevertheless it *is* a recognisable settlement, and moreover one which is designated part of a ‘Community Cluster’ under Policies MD1 and S2 of the Council’s Site Allocations and Management of Development (SAMDev) Plan. This implies that the location is broadly ‘sustainable’, and in fact even facilitates *permanent* new housing, as

opposed to the settlement being regarded as open countryside for planning purposes.

6.1.3 Additionally the current scheme involves converting and reusing existing former agricultural buildings of permanent and substantial construction as visitor accommodation and associated stabling. In principle this would accord with the Policy CS5 hierarchy even were the site outside the settlement, and despite only the Grain Barn being of heritage value. Although the manège would be entirely new it *would* actually be an open-air facility rather than a building, and the applicants' agent has now confirmed categorically to officers that both it and the stables would be exclusively for private use by occupiers of the holiday lets and the applicants themselves, and not available to the general public. Furthermore keeping and riding horses are land-based activities which require a rural, or at least semi-rural, location.

In these circumstances, with the location and nature of the development being fundamentally policy-compliant in any event, officers would not usually expect to see a detailed business plan. Meanwhile with reference to the public comments, the planning system is concerned solely with the use of the land and not aspects such the applicants' experience or compliance with separate animal welfare legislation.

6.1.4 Regarding the point about the Council preventing commercial use of a nearby horse-walker, officers do not find that case directly comparable since the site was outside any Cluster settlement, and the application had been made solely on the basis of personal use so no details of traffic or other potential impacts associated with commercial activity were submitted or considered in any detail. By contrast the current application has always proposed commercial facilities, so such a restriction would be incompatible. It would, however, be reasonable and necessary to impose conditions restricting occupancy of the accommodation and use of the equestrian facilities to holidaymakers, and also tying them to the farmhouse. Besides defining the consent in line with what has been applied for, this would maximise the benefits to the rural economy, ensure the availability of on-site management in the interests of sustainability, help manage the increase in traffic (discussed further below), and address the issue of the proposed units offering an insufficient standard of amenity for permanent residents given their situation amongst the commercial activity and remaining farm buildings, without separate curtilages or means of access.

6.1.5

6.2 **Design and impacts on historic environment and wider landscape**

6.2.1 Core Strategy Policy CS5 requires conversion schemes to contribute positively to the character of the building and its surroundings, whilst SAMDev Policy MD7a and Historic England guidelines normally expect traditional rural buildings to be converted in their present form without significant reconstruction or alteration. Both national and local policies require tourism schemes to preserve and enhance landscape quality and character, and expect all development affecting heritage assets to safeguard their significance, whilst Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 obliges the Council to pay special regard to the desirability of preserving the architectural or historic interest and

setting of listed buildings.

6.2.2 In this case there has now been submitted a structural appraisal confirming that the Grain Barn is capable of conversion without substantial rebuilding, and this can be reinforced by a condition preventing demolition. It is agreed with the Conservation Officer that weatherboarding over the concrete blockwork on the south elevation, and removing the hay barn in front, will enhance the building's appearance and setting, and better reveal its original form. It is also noted that the new fenestration would generally utilise existing or former openings, including the more extensive glazing on the front of the single-storey section, which would originally have been an open-fronted cart shed. Precise details of the new windows and doors, along with all other external materials and finishes, can again be secured by condition.

6.2.3 As mentioned already, the fact that the Milking Barn is newer and not a heritage asset does not preclude its retention and conversion into holiday accommodation. Officers have attempted to secure design improvements by leaving the brickwork exposed and at least retaining the current roof form as an overhanging canopy on the southwest side, but ultimately it is not considered that a refusal on design grounds could be substantiated. The aforementioned conditions would apply to this building also.

6.2.4 Besides demolition of the parallel northern range, no external changes are needed to convert the cowshed into stabling. Meanwhile the manège, despite being uncovered and now shown repositioned higher up the hillside away from the buildings, should in fact be reasonably discreet as it would largely be surrounded by established hedges, whose retention could be ensured as part of a standard landscaping condition.

6.2.5 Officers have visited the site several times and are unaware of any hedgerow removal or tree felling, other than clearance of an overgrown field entrance onto the byway, where a replacement gate has now been installed. However neither this nor minor drainage repairs around the farmhouse amount to development requiring planning permission. It is therefore still possible to address the Archaeology Team's comments by condition. Meanwhile the Conservation Officer raises no concerns regarding the setting of listed Meadowtown Hall, which should not be harmed bearing in mind the minimal alterations to the Grain Barn and the established boundary treatments in-between.

A condition controlling external lighting, though intended primarily to avoid disturbing bats, would also help to minimise light pollution. Meanwhile any instances of littering would be a criminal offence rather than a planning matter. The issue of noise is discussed below.

6.2.6

6.3 Impact on residential amenity

6.3.1 Although one north-facing window on the Grain Barn would be deepened, because its accommodation would all be at ground floor level there should be no significant overlooking of Meadowtown Hall. A gap in the boundary wall would presumably be rebuilt, and assuming this is in the applicant's control it can be ensured as part of the landscaping condition.

6.3.2 The manège would be a reasonable distance from all of the neighbouring dwellings, and whilst some sound from horses and people using it would inevitably carry, this is unlikely to be so loud or continuous as to be anything like a statutory nuisance. It also seems unlikely that traffic noise would warrant refusing the application.

6.3.3 Government guidance is clear that effects on property values are not a planning consideration, and neither is there any statutory requirement for the applicants to have engaged in their own neighbour consultation.

6.4 Access and highway safety

6.4.1 As mentioned already, despite it having initially been intended to open the equestrian facilities to day visitors as well, the applicants' agent has now confirmed that they would be restricted to family members and holidaymakers residing on-site. This can be reinforced by condition, whilst further reassurance is provided by the latest block plan's omission of separate parking provision alongside the manège. Whilst this would not necessarily prevent individuals from riding horses out on the local road network, it should help to avoid the numbers of journeys (both vehicular and on horseback) which might be expected of a non-exclusive riding school or DIY livery, for example.

6.4.2 It is recognised that the local roads are relatively poor, and furthermore that the Council cannot ultimately prevent holidaymakers from using the poorest route (to/from Rorrington). Nevertheless it would be difficult to substantiate a refusal on these grounds, even without any passing places being proposed, given that the Highways Development Control Team fundamentally accepts the Transport Statement, that intensive agricultural activity could resume without planning permission, and also bearing in mind Meadowtown's designation as a Cluster settlement, where permanent new housing would be acceptable in principle and could potentially generate more traffic than holiday accommodation.

Regarding objectors' other points:

- 6.4.3 • The northern access, although overgrown, does still exist as a field gate, and the details for its upgrading are acceptable to the Highways Development Control Team notwithstanding its position opposite an entrance to other properties. Conditions could be used to ensure its improvement before other aspects of the development are brought into use, and to prevent installation of any gates closer to the road.
- The plan of the northern entrance also makes provision for temporary

refuse storage.

- The internal arrangement of the remaining parking spaces is now satisfactory.
- No new access would now be formed off the byway to the west/southwest, although the existing farmyard entrance off it would be used to access the Grain Barn.
- Officers have no details of the apparently rejected application to the Camping and Caravanning Club, or the assessment criteria used by that organisation. However this does not prevent determination of the current planning application, including its Transport Statement, against the relevant policies.

6.5 Ecology

6.5.1 The EC Habitats Directive 1992 requires strict protection of certain species and their habitats, including all UK bat species. Disturbance or destruction of breeding sites or resting places is allowed only in the interests of public health and safety, or for other imperative reasons of overriding public interest, and provided there is no satisfactory alternative and no detriment to maintaining the species' populations at a favourable conservation status within their natural range.

6.5.2 In this instance, as summarised above, the Grain Barn's conversion would disturb or destroy occasional, possibly satellite roosts of two different bat species. With appropriate mitigation this could likely be covered by a low impact class licence. Nevertheless officers have fully considered the implications for the site's conservation objectives in the EPS matrix attached as Appendix 2. It is concluded that the development would indeed meet the three 'tests' outlined above, subject to conditions similar to those suggested by the Ecology Team. These include one controlling external lighting, raised as a specific concern by objectors.

6.5.3 The objectors' evidence of great crested newts simply confirms the assumption by the applicants' consultant that the species is present nearby, so does not necessitate any changes to the proposed method statement. Adherence to the latter can be reinforced by the suggested Condition 10, but working on the usual basis that all conditions will be complied with in any event, it is not reasonable or necessary to secure a further, verification report by an ECW. This same condition would also serve to protect badgers and other forms of wildlife.

6.5.4 There was no evidence of barn owls nesting within any of the buildings, whilst the issue of nesting birds in general can be addressed through an informative and a condition securing bird boxes. Landscaping, meanwhile, would be controlled under the aforementioned Condition 3.

6.5.5 It is also noted that neither Natural England nor the Council's Ecology Team has any concerns regarding the nearby SSSI.

6.6 Other matters raised in representations

6.6.1 Surface water run-off is unlikely to increase significantly, and the Flood and Water Management Team advises that an informative encouraging the use of sustainable systems would suffice. Meanwhile the adequacy of the existing foul drainage system would be established at the Building Regulations stage.

6.6.2 Finally private water supplies and fire safety matters are also controlled under separate legislation which the planning system need not duplicate. Informatives can be included in these respects, however.

7.0 CONCLUSION

7.1 The development is acceptable in principle given the location within a Community Cluster settlement, and the fact that it would reuse existing redundant farm buildings. The design is satisfactory, and there are no undue or insurmountable concerns regarding the historic environment, landscape character, residential amenity, highway safety, drainage, water supply or fire safety. Furthermore, although two small transitional bat roosts would be disturbed, the three tests set out in the EPS matrix are satisfied. Overall, therefore, the application accords with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions to reinforce the critical aspects.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk management

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

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

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

8.2 Human rights

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

the community.

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

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

8.3 **Equalities**

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

9.0 **FINANCIAL IMPLICATIONS**

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

10.0 **BACKGROUND**

Relevant Planning Policies:

Central Government Guidance:

National Planning Policy Framework

Shropshire Local Development Framework:

Core Strategy Policies:

CS1 - Strategic Approach

CS4 - Community Hubs and Community Clusters

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS7 - Communications and Transport

CS9 - Infrastructure Contributions

CS11 - Type and Affordability of housing

CS13 - Economic Development, Enterprise and Employment

CS16 - Tourism, Culture and Leisure

CS17 - Environmental Networks

CS18 - Sustainable Water Management

SAMDev Plan Policies:

- MD1 - Scale and Distribution of Development
- MD2 - Sustainable Design
- MD11 - Tourism Facilities and Visitor Accommodation
- MD12 - Natural Environment
- MD13 - Historic Environment
- S2 – Bishop’s Castle Area Settlement Policy

Relevant Planning History:

17/04572/FUL Conversion of agricultural buildings into four holiday letting units with associated car parking and amenity space; formation of manège with associated car parking and stables (within existing barn); alterations to existing access road (withdrawn February 2018)

11.0 ADDITIONAL INFORMATION

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=PBAY4STDMJO00>

<p>List of Background Papers: Application documents available on Council website</p>
<p>Cabinet Member (Portfolio Holder): Cllr G. Butler</p>
<p>Local Member: Cllr Heather Kidd</p>
<p>Appendices: Appendix 1 – Conditions and Informatives Appendix 2 – EPS matrix</p>

APPENDIX 1 – CONDITIONS AND INFORMATIVES

STANDARD CONDITIONS

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

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

2. The development shall be carried out in strict accordance with the approved, amended plans and drawings listed below.

Reason: To define the consent and ensure a satisfactory development in accordance with Policies CS5, CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

CONDITIONS THAT REQUIRE APPROVAL BEFORE DEVELOPMENT COMMENCES

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

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

Reason: To ensure that the external appearance of the development is satisfactory, safeguard the visual amenity of the Shropshire Hills Area of Outstanding Natural Beauty, help maintain the residential amenities of the area, and maintain/enhance the site's ecological value, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy. This information is required prior to commencement of the development since it relates to matters which need to be confirmed before subsequent phases proceed in order to ensure a sustainable development.

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

4. The applicant/owner/developer shall notify Shropshire Council's Historic Environment Team in writing not less than three weeks prior to the commencement of ground works associated with the development hereby permitted. A representative of that team shall thereafter be afforded reasonable access onto the site during the course of the development in order to monitor the ground works and record any archaeological evidence as appropriate.

Reason: To ensure that any evidence associated with known archaeological sites nearby is recorded satisfactorily in accordance with Policy CS17 of the Shropshire Local Development Framework Adopted Core Strategy. This notification is required prior to commencement of the development since it relates to matters which need to be confirmed before subsequent phases proceed, in order to ensure a sustainable development.

5. No works associated with the conversion of the building labelled 'Grain Barn' on the approved block plan, including demolition or clearance of the adjoining structures, shall commence until there has been submitted to and acknowledged/approved in writing by the local planning authority:
- a) a European Protected Species (EPS) Mitigation Licence from Natural England, in respect of bats; or
 - b) a statement from an appropriately qualified and experienced ecologist explaining why such a licence is not required, and setting out any additional mitigation measures as appropriate.

Thereafter all works on site shall be carried out in strict accordance with the stipulations of the EPS Mitigation Licence or method statement.

Reason: The proposed development would disturb a bat roost which is protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Species and Habitats Regulations 2017. As such an EPS licence from Natural England is required before this aspect of the development can proceed.

6. No works associated with the conversion of the building labelled 'Grain Barn' on the approved block plan, including demolition or clearance of the adjoining structures, shall commence until there have been submitted to and approved in writing by the local planning authority precise details of bat boxes/tubes to be provided at the site. These shall be broadly as recommended in Section 3.7 of the submitted 'Preliminary Ecological Appraisal Report' by Pearce Environment Ltd., referenced 040118MM, dated June 2018 and received by the local planning authority on 10th August 2018. They shall thereafter be retained for the lifetime of the development.

Reason: To maintain and enhance roosting opportunities for bats, in accordance with Policy CS17 of the Shropshire Local Development Framework Adopted Core Strategy. This information is required prior to commencement of the development since certain of the bat boxes need to be in situ and available for use throughout the duration of the construction works, as advised in the Bat Roost Assessment report, in order to safeguard protected species.

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

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

8. Prior to the installation of any external windows or doors, precise details of their materials, form and style, including details of glazing bars, mullions, sill mouldings and surface treatments/decorative finishes, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with approved details and retained thereafter.

Reason: To ensure that the external appearance of the development is satisfactory, and to safeguard the character and appearance of the historic farm building, in accordance with Policies CS5, CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

9. Prior to the first use or occupation of any part of the development, artificial nesting opportunities for wild birds shall be provided at the site in accordance with details which shall first be submitted to and approved in writing by the local planning authority. This provision shall include a minimum of four artificial 'nests' (either integrated into the building's fabric or external boxes) suitable for starlings (i.e. 42mm hole, starling-specific design), sparrows (32mm hole, terrace design), swifts (swift 'bricks' or boxes) and/or other small birds (32mm hole, standard design). These shall be retained thereafter for the lifetime of the development.

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

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

10. The development (including demolition and site clearance works) shall, subject to the provisions and requirements of Conditions 5 and 6 above, be carried out and completed in strict accordance with the bat, great crested newt and badger mitigation/enhancement measures recommended in Section 3.7 and Appendix 4 of the submitted 'Preliminary Ecological Appraisal Report' by Pearce Environment Ltd., referenced 040118MM, dated June 2018 and received by the local planning authority on 10th August 2018.

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

11. Prior to the first use of any part of the development, the northern access to the site shall be upgraded and parking/turning areas provided in accordance with the approved plans and the details agreed under Condition 3 above. These areas shall thereafter be retained for their intended purposes and, in the case of the access visibility splays, maintained clear of any obstruction above 900mm in height.

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

12. Notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), no new entrance gates or other means of enclosing the vehicular accesses to the site shall be erected or installed within five metres of the edge of the adjacent highway carriageway without the prior written consent of the local planning authority. Any gates shall be hung so as to open inwards, away from the highway.

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

13. No parts of the existing buildings shown to be retained on the submitted plans and drawings shall be demolished or rebuilt.

Reason: To ensure that the buildings are converted in their present form. Substantial demolition and rebuilding may be contrary to Policies CS5, CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy, and Policies MD7a and MD13 of the Shropshire Council Site Allocations and Management of Development Plan.

14. All external sections of flue included in the development shall be treated with a matt black finish, which shall be retained for the lifetime of the development.

Reason: To safeguard the character and appearance of the traditional farm buildings, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

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

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

16. The buildings labelled 'Grain Barn' and 'Milking Barn' on the approved block plan shall only be occupied by holidaymakers whose main residence is elsewhere. The owner/operator of the holiday accommodation enterprise shall maintain an up-to-date register of occupiers and their main home addresses, and shall make this information available to the local planning authority at any reasonable time.

Reason: To define the consent and avoid the establishment of new permanent dwelling units without further consideration of relevant planning issues, in accordance with Policies CS5, CS6, CS11 and CS16 of the Shropshire Local Development Framework Adopted Core Strategy.

17. The existing dwelling on the site, labelled 'Farm House' on the approved block plan, shall provide the requisite supervision and management of the holiday accommodation enterprise hereby permitted. As such it shall not be sold separately or otherwise severed from the holiday accommodation without the prior written consent of the Local Planning Authority.

Reason: In the interests of sustainable tourism development, and to help safeguard the residential amenities of the area, in accordance with Policies CS5, CS11 and CS16 of the Shropshire Local Development Framework Adopted Core Strategy.

18. The stables and manege included in the development hereby permitted shall only be used by occupiers of the existing dwelling on the site or by holidaymakers resident at the site.

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

INFORMATIVES

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

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

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

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

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

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

3. The applicant/developer is responsible for keeping the highway free from mud or other material arising from construction works.
4. If the new vehicular access and/or parking/turning areas hereby permitted would slope towards the public highway, surface water run-off should be intercepted and disposed of appropriately. It is not permissible for surface water to drain onto the public highway or into highway drains.
5. In order to control/attenuate surface water at source and avoid increasing the risk of flooding at the site or elsewhere, the incorporation of sustainable drainage systems (SuDS) such as soakaways designed in accordance with BRE Digest 365, water butts, rainwater harvesting, permeable paving, attenuation and grey water recycling should be considered.
6. If the development would be served by a private water supply, the quality of the water will need to meet the microbiological and chemical standards of the Private Water Supplies (England) Regulations 2016. Additionally it should be demonstrated that there is a sufficient and sustainable supply available to meet the needs of future residents.

Regulation 13(2) of the 2016 Regulations stipulates that a water supply must not be brought into use unless the local authority is satisfied that it does not constitute a potential danger to human health. You must therefore provide sufficient information to allow the local authority to consider this, including sampling results. It is advised that Shropshire Council is appointed to carry out the sampling in order to ensure this is done in a way which satisfies the legislative requirements.

For further information see <https://shropshire.gov.uk/environmental-health/environmental-protection-and-prevention/private-water-supplies/>.

7. This planning permission does not authorise the obstruction, realignment, reduction in width, resurfacing or other alteration of any public right of way, temporarily or otherwise. Before carrying out any such operation you should consult Shropshire Council's Outdoor Recreation Team and obtain any closure order or further consents which may be required.
8. This consent does not convey any right of vehicular access over any public right of way, and it is a road traffic offence to drive a motor vehicle on a public footpath, bridleway or restricted byway without lawful authority. Any person intending to use a right of way for vehicular access should first satisfy themselves that such a right exists, if necessary by taking legal advice.
9. This development may be liable to a payment under the Community Infrastructure Levy (CIL) which was introduced by Shropshire Council with effect from 1st January 2012. For further information please contact the Council's CIL team (cil@shropshire.gov.uk).

10. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks or on which fledged chicks are still dependent. If possible all demolition, clearance and/or conversion work associated with the approved scheme should be carried out outside the nesting season, which runs from March to September inclusive. If it is necessary for work to commence during the nesting season a pre-commencement inspection of buildings and vegetation for active nests should be carried out. If vegetation is not obviously clear of nests an experienced ecologist should be called in to carry out the check. Only if no active nests are present should work be allowed to commence.
11. Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected against killing, injury and trade by the Wildlife and Countryside Act 1981 (as amended). Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are also protected from trade, whilst the European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during the course of development works to ensure that these species are not harmed.
- If piles of rubble, logs, bricks, other loose materials or other potential wildlife refuges would be disturbed, this should be carried out by hand during the active season (March to October) when the weather is warm.
 - Any grass should be kept short prior to and during construction, in to avoid creating wildlife habitats which would then need to be disturbed.
 - All storage of building materials, rubble, bricks and/or soil should be either on pallets or in skips or other suitable containers, in order to avoid use as refuges by wildlife which could then become trapped.
 - Wherever possible any trenches formed as part of the construction work should be excavated and closed during the same day in order to prevent wildlife becoming trapped. If it is necessary to leave a trench open overnight it should be sealed with a close-fitting plywood cover or provided with a means of escape in the form of a shallow-sloping earth ramp, board or plank. Any open pipework should be capped overnight, and all open trenches or pipework should be inspected for trapped animals at the start of each working day.
 - Any reptiles or amphibians discovered should be allowed to disperse naturally. If large numbers are present, advice should be sought from an appropriately qualified and experienced ecologist.
 - Should a hibernating hedgehog be found, it should be covered over with a cardboard box and advice should be sought from either an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (tel. 01584 890 801).
12. 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.

**APPENDIX 2 –
EUROPEAN PROTECTED SPECIES: CONSIDERATION OF THE ‘THREE TESTS’**

Application name and reference number:

18/03093/FUL

Meadowtown Farm, Meadowtown, Shrewsbury, Shropshire, SY5 0DZ

Conversion of two agricultural buildings into four holiday letting units, change of use of further agricultural building into stables, formation of manege, alterations to existing vehicular access and formation of parking areas

Date of consideration of three tests:

3rd September 2018/12th July 2019

Consideration of three tests carried out by:

Sophie Milburn, Assistant Biodiversity Officer
Trystan Williams, Planning Officer

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

The scheme includes converting a dilapidated agricultural building known as the Grain Barn into holiday accommodation. This is of public benefit in that this building is a heritage asset of vernacular interest, and contributes positively to the local landscape. The NPPF recognises that retaining heritage assets in viable use is often the best way to secure their long-term conservation. Conservation has wider social, cultural, economic and environmental benefits, including preserving non-renewable resources for future generations to enjoy, making the most efficient use of existing fabric so as to reduce the consumption of building materials, energy and land through new-build, making a positive contribution to local character and sense of place, and contributing to our knowledge and understanding of our past.

2 Is there ‘no satisfactory alternative’?

The most likely alternative would be for the barn to remain unconverted and unused, it no longer being suited to modern farming practices even if agricultural activity were to resume at this site. This would likely result in its further deterioration, which would diminish its significance as a heritage asset and possibly also its value as bat roosting habitat. Furthermore it would not be an efficient use of the existing resource, and downplays the role of economic and social progress in helping to achieve sustainable development.

Another option might be conversion for other uses. However there is no evidence that this would be feasible or indeed any less disruptive to roosting bats.

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

Surveys have established that the Grain Barn contains occasional/transitional roosts of common pipistrelle and brown long-eared bats, probably associated with larger roosts/colonies off-site. Since its conversion would disturb or destroy the roost site(s), this aspect of the scheme will need to occur under a low impact class European Protected Species (EPS) licence from Natural England. However subject to conditions ensuring that this licence is indeed obtained, reinforcing the requirement for appropriate mitigation, compensation and enhancement measures, and controlling external lighting, the development will not be detrimental to the maintenance of bat populations at a favourable conservation status within their natural range.

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Committee and date

South Planning Committee

30 July 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: 18/04662/FUL	Parish:	Worthen With Shelve
Proposal: Erection of dwelling and detached garage		
Site Address: Proposed Dwelling To The North Of Stiperstones Snailbeach Shropshire		
Applicant: Mr A Davies		
Case Officer: Trystan Williams		email: planningdmsw@shropshire.gov.uk

Grid Ref: 336317 - 300667



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

1. The site lies beyond the established built-up area of Stiperstones village, in open countryside where, in the absence of any exceptional circumstances or evidence that the settlement housing guideline is unlikely to be met, a new open-market dwelling would fundamentally conflict with Policies CS1, CS4, CS5 and CS11 of the Shropshire Local Development Framework Adopted Core Strategy and Policies MD1, MD3, MD7a and S2 of the Shropshire Council Site Allocations and Management of Development Plan. Whilst the scheme might deliver some economic and social benefits these would be very modest and equally applicable to other more sustainable and policy-compliant sites within the designated settlements, and hence would not outweigh the disadvantages.
2. On account of the site's physical and visual separation from the established housing to the south and east, and also its prominence in elevated views from the east, the proposed dwelling would detract from the essentially open, verdant character and scenic quality of the Shropshire Hills Area of Outstanding Natural Beauty, contrary to the National Planning Policy Framework, Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy, and Policies MD2 and MD12 of the Shropshire Council Site Allocations and Management of Development Plan.

REPORT**1.0 THE PROPOSAL**

- 1.1 This application seeks full planning permission to erect a two-storey open-market dwelling, faced in brick under a gabled and tiled roof, plus a detached double garage alongside. The submitted plans also show a new vehicular access off an adjacent track/bridleway, and a package treatment plant for foul drainage.
- 1.2 The proposals are essentially unchanged from previous application 17/06019/FUL, which was withdrawn after officers were given delegated authority to refuse it owing to concerns about the site's location and the development's visual impact.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Measuring 0.13 hectares, the site is the southwest corner of a field beyond a track/bridleway heading northwest out of Stiperstones village, which lies at the western foot of the Stiperstones ridge in the Shropshire Hills Area of Outstanding Natural Beauty (AONB). This track serves three existing dwellings to the south, the closest being a late 20th Century red brick bungalow ('Lowland View') diagonally opposite, plus a sewage treatment works directly opposite. It then crosses a tree/hedge-lined ditch before continuing to Hogstow Farm some 200 metres away. To the southeast it forks in two, both branches rising steeply to oblique junctions with the Class C road between Plox Green and The Bog, which runs elevated along the field's eastern edge. An outlying stone cottage (No. 1) stands behind trees across the road.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 In accordance with the Council's adopted 'Scheme of Delegation' the application is presented to the planning committee for determination following a request from the Local Member, made within the relevant time limit and based on material planning considerations. It should also be noted that the officer recommendation of refusal is contrary to the Parish Council's position of support.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee comments

- 4.1.1 Worthen with Shelve Parish Council – support

- 4.1.2 Shropshire Council Affordable Housing – no objection:

Although the Council considers there to be an acute need for affordable housing in Shropshire, its housing needs evidence base and related policy predate a Court of Appeal judgment and subsequent changes to the Government's Planning Practice Guidance (PPG) regarding the use of Section 106 agreements to secure affordable housing contributions. On balance, therefore, if the development is otherwise plan-compliant then at this time national policy prevails and no contribution is required.

- 4.1.3 Shropshire Council Flood and Water Management – comment:

Full details and surface water and foul drainage systems should be secured by condition. Furthermore, because the site is mapped as being at risk of groundwater flooding, the level of the water table should be established if infiltration techniques are proposed. If soakaways are unfeasible, a suitably designed attenuation system should be used instead.

- 4.1.4 Shropshire Council Highways Development Control – no objection:

The proposed access, parking and turning facilities are adequate. However it should be noted that occupiers would have to walk the length of the access track in order to put out and retrieve refuse on collection days, and that a smooth, level space is required for temporary roadside bin storage without obstructing the highway or access visibility splays.

- 4.1.5 Any permission granted should include informatives advising on the need to keep roads clear of mud and surface/waste water from the site, and the requirement for a licence for any works on or abutting highway land.

- 4.1.6 Shropshire Hills AONB Partnership – comment:

No site-specific comments. However this indicates neither objection nor lack of objection to the application, and in reaching its decision the local planning authority must still satisfy its legal duty to take into account the purposes of the AONB designation, planning policies concerned with protecting the landscape, plus the statutory AONB Management Plan.

4.1.7 Shropshire Council Rights of Way – comment:

The site is accessed via a route recorded as a public bridleway, which does not appear to carry public vehicular rights. The applicant/developer must satisfy themselves that they have sufficient access rights, as these would not be conveyed by the granting of planning permission, and it is a road traffic offence to drive a motor vehicle on a public bridleway without lawful authority. Furthermore, no works which might affect the bridleway should be carried out without prior approval from the Rights of Way Officer.

4.1.8 Shropshire Council Ecology – comment:

The site has been surveyed by a licensed ecologist, who recommends:

- a 10-metre wider buffer zone to separate the development from the ditch/stream along the western boundary;
- planting scattered native shrubs/small trees, and a native hedgerow; and
- providing bat and bird boxes on the new building and/or on existing trees.

These measures should be secured by condition, whilst a further condition should control external lighting in order to minimise disturbance to any foraging or commuting bats. Additionally, informatives should advise on the legal status of bats and nesting birds, and on appropriate landscaping species.

4.1.9 The Hogstow Meadows Local Wildlife Site (LWS) lies to the north. However it is on higher ground than the stream valley, and so with appropriate precautions (i.e. establishment of the buffer zone during construction, and use of a package treatment plant for foul drainage) the development should have no residual adverse impact.

4.1.10 The hillside to the east is part of the Stiperstones and the Hollies Special Area of Conservation (SAC). However this would not be affected by drainage from the development since it comprises higher ground. Moreover a development of this scale and nature is unlikely to subject the SAC to additional recreational pressure, and since no effect pathways have been identified under the Habitat Regulations Assessment (HRA) process, there is no legal barrier to planning permission being granted. Nevertheless Natural England should also be consulted.

4.1.11 Natural England – comment:

It is noted that Council officers have screened the proposal in accordance with the Conservation of Species and Habitats Regulations 2017, and it is agreed that significant effects on the nearby SAC are unlikely. The SAC is also designated at a national level as a Site of Special Scientific Interest (SSSI), but again this development is unlikely to damage or destroy any particular interest features.

4.1.12 The local planning authority should also consider potential impacts on landscape character, protected and priority species or habitats, any locally designated ecological or geological sites, ancient woodland and veteran trees, as well opportunities for environmental enhancements.

4.2 Public comments

4.2.1 None

5.0 THE MAIN ISSUES

- Principle of development
- Affordable housing contribution
- Layout, scale, design and impact on landscape
- Access and highway safety
- Ecology
- Flood risk and drainage
- Residential amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 A key objective of both national and local planning policies 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 seek to steer new open-market housing to sites within market towns, other 'key centres' and certain named villages ('Community Hubs and Clusters') as identified in the Site Allocations and Management of Development (SAMDev) Plan. Isolated or sporadic development in open countryside (i.e. outside the designated settlements) is generally regarded as unacceptable unless there are exceptional circumstances as outlined in Core Strategy Policy CS5 and SAMDev Policy MD7a.

6.1.2 The inclusion of Stiperstones village as a component of a Community Cluster under SAMDev Policies MD1 and S2 implies broadly that the location is sustainable, and carries considerable weight, with the National Planning Policy Framework (NPPF) stating that proposals which accord with an up-to-date local plan should be approved without delay. Policy S2 gives a guideline of around fifteen additional dwellings across the Cluster by 2026, with a preference for no more than five during each third of the Plan period, and besides conversion schemes the intention is for these to comprise infill development on suitable small-scale 'windfall' sites within the named settlements. Although development boundaries have not been designated, and the Council's policies do not explicitly define infill, the explanatory text accompanying Core Strategy Policy CS4 confirms that, in order to avoid fragmented development, new housing must be located in the settlements themselves and not on adjoining land or in the countryside in-between.

In general Stiperstones has a linear pattern of development, with an almost continuous ribbon of housing and other buildings along the 'main' road. At its north end this culminates with Lowland View, and currently there are no properties across the track/bridleway to Hogstow Farm. In fact looking north from this point, and also looking down from the stretch of road to the east, there is a marked

6.1.3 change to open fields, with long unbroken views down the valley. Hogstow Farm is not visible, and neither does the application site directly oppose or relate visually to No. 1 further east, instead being separated by the remainder of the field, the road itself and the considerable difference in levels. Officers therefore feel that the development would encroach beyond the edge of the established built-up area of the settlement and into the surrounding countryside, and hence that it is contrary to the aforementioned policies.

The applicant's agent and the Council's Local Member suggest the scheme is comparable with approved applications for new dwellings at Pennerley (ref. 18/00924/OUT), Marton (18/01453/FUL) and Priest Weston (15/02546/OUT). However the case officer believes there are a number of key differences which committee members should take into account, specifically:

- 6.1.4 • Stiperstones has a much tighter-knit pattern of development than Pennerley, which by contrast is extremely scattered/dispersed, with very few of its existing dwellings sharing contiguous boundaries and there being no distinct edge. In that context it is more difficult to identify 'conventional' infill plots.
- In the Marton case some weight was given to the fact that the number of new dwellings approved within that Cluster was very low relative to the SAMDev guideline, and it was also noted that there are limited opportunities for infilling elsewhere in the village. This is not the case in the Cluster including Stiperstones, where the number of approvals already exceeds the housing guideline.
- In any event, in all three of those earlier cases the sites do actually share a contiguous boundary with an existing dwelling (or at least sit between other buildings) and lie directly opposite another. As described already that is not the case with the current site.

6.1.5 In some cases planning agents have argued that Policies CS5 and MD7a merely give *examples* of special circumstances where new housing might be permissible outside settlements, and that these should not be seen as exhaustive. Certainly, however, the policies do not expressly support market housing in the countryside, stating instead that it should be "strictly controlled". SAMDev Policy MD3, meanwhile, does provide some scope for "other sustainable housing development", but this is qualified by a requirement to also have regard to the other relevant local plan policies and to the likelihood of first meeting the housing guidelines *within* the designated settlements. As mentioned already the number of new dwellings already approved in this particular Cluster, and moreover the fact that the Council has a sufficient five-year supply of deliverable housing land overall, suggests there is no pressing need to approve market housing on peripheral or outlying sites, and this view is endorsed by the majority of recent appeal decisions.

6.1.6 There has also been some wider debate about whether or not there is a freestanding presumption in favour of sustainable development under the National Planning Policy Framework (NPPF), irrespective of an up-to-date local plan being in place. In *Barwood Strategic Land II LLP vs East Staffordshire Borough Council and Another* (ref. C1/2016/4569), a High Court judge ruled that a planning inspector had misconceived the NPPF in relying on it to justify a large housing development

outside the development boundary of Burton-on-Trent, contrary to East Staffordshire Borough Council's recently adopted local plan. Furthermore he confirmed that, as a statement of planning policy rather than a statute, the NPPF does not have the same weight as Section 38(6) of the Planning and Compulsory Purchase Act 2004, which effectively gives precedent to the local plan where it is up-to-date. Indeed this is clarified in subsequently updated versions of the NPPF, which state: "The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan..., permission should not usually be granted.". In any event the current scheme is not considered sustainable in that it would result in sporadic development poorly related to the established pattern of this settlement, and which would detract from the wider landscape (see Section 6.3).

- 6.1.7 It is acknowledged that the scheme would have clear personal benefits to the applicant, but no specific local housing need or other exceptional circumstances have been demonstrated, and indeed the proposal is for an unfettered property which could be sold at any time. Furthermore, whilst there may be some wider social and economic benefits in terms of boosting housing supply in general, providing local employment during construction and increasing patronage of local services longer-term, in these respects the impacts of just one dwelling would be negligible, and equally applicable to new housing within the confines of the Cluster settlements. Consequently officers do not find that the benefits would offset the disadvantages in terms of undermining the Council's adopted housing strategy and causing landscape harm, and overall, the development is considered to be unacceptable in principle.

6.2 **Affordable housing contribution**

- 6.2.1 The Affordable Housing Team's comments reference the Court of Appeal decision which led to the reinstatement of a Written Ministerial Statement and Government PPG advising against the use of planning obligations to secure tariff-style affordable housing contributions below certain thresholds. This is now reinforced by the revised NPPF, which states categorically that affordable housing provision should not be sought in connection with small-scale developments. It must therefore be accepted that the Council's policies in this respect are out-of-date and can no longer be given significant weight.

6.3 **Layout, scale, design and impact on landscape**

- 6.3.1 Core Strategy Policy CS4 requires development in Community Clusters to be of a scale and design sympathetic to the character of the settlement and its environs, and to satisfy the more general design requirements under Policy CS6 and SAMDev Policy MD2. These expect all development to reinforce local distinctiveness in terms of building forms, scale and proportion, heights and lines, density and plot sizes, as well as materials and architectural detailing. Furthermore, Paragraph 172 of the NPPF requires great weight to be given to conserving and enhancing landscape and scenic beauty within AONBs.

6.3.2 In this case, as mentioned above, the land north of the track/bridleway has a fundamentally rural character and open aspect in marked contrast to the housing on the south side, and this sense of leaving the village and entering largely undeveloped countryside is clearly appreciable in elevated views from the road and hillside to the east. Inevitably, even with landscaping, the introduction of a new domestic property and associated paraphernalia here, bordered by agricultural land on three sides and poorly related to the pattern of the established housing to the south, would detract somewhat from this character and scenic quality. The scheme is therefore felt to be contrary to the aims and objectives of the AONB designation and the particularly high status of protection that conveys, especially as the visual harm would not be offset by the very modest social and economic benefits.

6.3.3 It is noted that the scale of the house is modest and its simple form and detailing reasonably traditional. If members are minded to grant permission, precise details/samples of the external finishes should be secured by condition.

6.4 **Access and highway safety**

6.4.1 Because of the acute angle of the junction, visibility is severely restricted when turning right from the southern branch of the track onto the public highway. Nevertheless it would perhaps be difficult to substantiate a refusal on highway safety grounds given the lack of objection from the Highways Development Control Team, the fact that several existing dwellings already use this junction, and that even the 'main' road is relatively lightly trafficked.

6.4.2 The proposed entrance into the site itself, and the parking and turning provision, is satisfactory. Meanwhile refuse collection should prove no more problematic than it is at numerous other rural properties.

6.5 **Ecology**

6.5.1 As summarised above the Ecology Team has ruled out significant effects on the nearby SAC/SSSI, and neither has Natural England raised any concerns in this respect. The full HRA can be viewed on the 'Planning' pages of the Council's website, dated 5th November 2018.

6.5.2 It is noted that the Ecology Team raises no insurmountable concerns regarding the LWS, whilst the Shropshire Wildlife Trust was also consulted but did not respond.

6.5.3 The Ecology Team is also satisfied that issues of protected and priority species could be addressed through conditions and informatives. It should be noted that details of proposed bat and bird boxes are in fact included in the ecological consultant's report.

6.6 **Flood risk and drainage**

6.6.1 Despite the risk of groundwater flooding, and the NPPF seeking to steer development to areas with the lowest risk of flooding from any source, almost all of

Stiperstones village is at similar risk, so given its designation as a Cluster settlement it is reasonable to conclude that the NPPF requirements are broadly satisfied. Furthermore the Flood and Water Management Team is satisfied that any residual risk can be addressed through a condition requiring sustainable drainage systems, and certainly this approach has been followed elsewhere.

6.7 Residential amenity

6.7.2 There are no concerns in this regard given the distances from the neighbouring properties.

7.0 CONCLUSION

7.1 A new open-market dwelling in this countryside location, beyond and visually distinct from the Cluster settlement of Stiperstones, would fundamentally conflict with the formally adopted and up-to-date local development plan. Whilst there would be some benefits these would be very modest and not specific to this site, and hence would not sufficiently outweigh the harm which this outlying and visually prominent development would cause to the essentially open character and scenic beauty of the AONB. For these reasons it is recommended that planning permission is refused.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk management

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

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

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

8.2 Human rights

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

the community.

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

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

8.3 **Equalities**

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

9.0 **FINANCIAL IMPLICATIONS**

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

10.0 **BACKGROUND**

Relevant Planning Policies:

Central Government Guidance:

National Planning Policy Framework

Shropshire Local Development Framework:

Core Strategy Policies:

CS1 - Strategic Approach

CS4 - Community Hubs and Community Clusters

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS7 - Communications and Transport

CS9 - Infrastructure Contributions

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

CS18 - Sustainable Water Management

SAMDev Plan Policies:

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD3 - Managing Housing Development

MD7A - Managing Housing Development in the Countryside

MD12 - Natural Environment

S2 – Bishop’s Castle Area Settlement Policy

Supplementary Planning Documents:
SPD Type and Affordability of Housing

Relevant Planning History:

17/06019/FUL – Erection of dwelling and detached garage (withdrawn June 2018)

11.0 ADDITIONAL INFORMATION

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=PGCKYNTDGWN00>

List of Background Papers:

Application documents available on Council website

Cabinet Member (Portfolio Holder):

Cllr G. Butler

Local Member:

Cllr Heather Kidd

Appendices:

Appendix 1 – Informatives

APPENDIX 1 – INFORMATIVES

1. In arriving at this decision the Council has endeavoured to work with the applicant in a positive and proactive manner, as required by Paragraph 38 of the National Planning Policy Framework, by giving clear pre-application advice and explaining the relevant planning policy considerations. However, it has not been possible to reach an agreed solution in this instance, and as it stands the proposal is considered contrary to policy for the reasons set out above.

-



Committee and date

South Planning Committee

30 July 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: 18/05657/FUL	Parish:	Broseley
Proposal: Application under Section 73A of the Town and Country Planning Act 1990 for the erection of a front extension (amended description)		
Site Address: 5 Cape Street Broseley Shropshire TF12 5NQ		
Applicant: Mr John Taylor		
Case Officer: Emma Bailey		email: planningdmse@shropshire.gov.uk

Grid Ref: 367160 - 302052



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

Recommended Reason for Approval

REPORT**1.0 THE PROPOSAL**

1.1 This application seeks retrospective consent for the construction of a front extension on the dwellinghouse known as 5 Cape Street, Broseley.

1.2 Please note that the application was originally submitted describing the development as a 'greenhouse'. This matter was raised with the planning agent during the course of the decision-making process and agreement was given to amend the description of the development.

2.0 SITE LOCATION/DESCRIPTION

2.1 Cape Street is a residential through-road within the settlement boundary of Broseley. It is characterised by a mix of buildings of varying scale and design and of mostly historic interest. Some dwellings have off-street parking provision, others do not.

2.2 The front extension of 5 Cape Street is of a lightweight design and positioned behind a boundary wall previously granted consent under planning ref: 16/02992/FUL (Erection of part replacement front boundary wall to a maximum height of 2.2m).

2.3 The site lies within the Broseley conservation area.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

3.1 The Town Council view is contrary to the officer recommendation. The Chair and Vice- Chair of the South Planning Committee, in consultation with the Principal Officer, consider that by virtue of its position within the Broseley conservation area the material planning considerations raised on this site warrants consideration by Committee.

4.0 COMMUNITY REPRESENTATIONS

Please note that all comments are available to view in full on the Shropshire Council website.

4.1 Consultee CommentsBroseley Town Council

Recommend refusal to this development as the proposal was not a greenhouse but a conservatory and living space. The application incorrectly describes the proposed development and some concern was

expressed that it may not meet building regulations.

Shropshire Council (Conservation)

The application seeks retrospective permission for the erection of a front extension to 5 Cape Street a property within the Broseley conservation area. The property has been subject of extensive alterations and extensions in the past, most recently the erection of a replacement front wall which appears to form the western wall of the front extension. The property has already been subject to an amount of extension more than sufficient for this size of property, it is considered that any further additions including this to the front elevation do not have sufficient justification. The erection of an extension of this type to the front elevation is not considered to be in keeping with the character of the property and the conservation area and would in fact result in a detrimental impact upon both.

From a conservation perspective the application is not considered to either preserve or enhance the character of the conservation area and would therefore not be in accordance with policies, guidance and legislation as outlined above.

Shropshire Council (Archaeology)

No comment

4.2 Public Comments

A site notice was placed at the application site 10.01.2019, a press notice was published in the Shropshire Star 15.01.2019 and neighbour letters have been sent. One letter of representation has been received at the time of writing this Report, raising the following key points:

- ☐ The application is retrospective
- ☐ Development is not a greenhouse

5.0 THE MAIN ISSUES

- ☐ Principle of development
- ☐ Design, scale and character of the proposal
- ☐ Impact of the development on the Broseley conservation area
- ☐ Letters of representation
- ☐ Other matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the adopted development plan 'unless material considerations indicate otherwise'.

- 6.1.2 Paragraph 11 of the revised National Planning Policy Framework (2018) builds on this wording by encouraging planning to look favourably upon development, unless the harm that would arise from any approval would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
- 6.1.3 The National Planning Policy Framework (NPPF) has been published by national government and represents guidance for local planning authorities. It is a material consideration to be given weight in the determination of planning applications.
- 6.1.4 The building lies within Broseley Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when deciding whether to grant consent for development which affects a conservation area, Local Planning Authorities should have special regard to the desirability of preserving the character or appearance of that area.
- 6.1.5 Part 12 (Conserving and Enhancing the Historic Environment) of the NPPF states that local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality
 - The desirability of new development making a positive contribution to local character and distinctiveness
 - Opportunities to draw on the contribution made by the historic environment to the character of a place
- 6.1.6 Alterations and extensions to dwellings are acceptable in principle provided that they meet the following key policies.
- 6.2 Design, scale and character of the proposal**
- 6.2.1 SAMDev Policy MD2 ‘Sustainable Design’ and Core Strategy Policy CS6 ‘Sustainable Design and Development Principles’ require development to be designed to a high quality by being sustainable in its design, inclusive and accessible in its environment and respecting and enhancing local distinctiveness. This is echoed within Broseley’s Design Statement of the Broseley Town Plan. Furthermore, proposals are required to preserve and enhance the amenity value of the wider area to which they relate including the safeguarding of residential and local amenity.
- 6.2.2 The extension is of a design and scale that is appropriate and proportionate to the existing building. While it is acknowledged that the proposal would maximise the potential of the plot, it would not constitute overdevelopment of it. External materials match the existing building to ensure that it appears cohesive in its setting.

6.2.3 The proposal is therefore acceptable in this regard.

6.3 Impact of the development on the Broseley conservation area

6.3.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when deciding whether to grant consent for development which affects a conservation area, Local Planning Authorities should have special regard to the desirability of preserving the character or appearance of that area.

6.3.2 Further, SAMDev Policy MD2 (Sustainable Design) and Core Strategy Policy CS6 (Sustainable Design and Development Principles) require development to be designed to a high quality by being sustainable in its design, inclusive and accessible in its environment and respecting and enhancing local distinctiveness. This is expanded upon within SAMDev Policy MD13 (Historic Environment) which stipulates that Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored where appropriate. Development is required to preserve and enhance the amenity value of the wider area to which it relates including the safeguarding of residential and local amenity.

6.3.3 Shropshire Council's Conservation team were consulted as part of this application, who have made the following comments:

The application seeks retrospective permission for the erection of a front extension to 5 Cape Street a property within the Broseley conservation area. The property has been subject of extensive alterations and extensions in the past, most recently the erection of a replacement front wall which appears to form the western wall of the front extension. The property has already been subject to an amount of extension more than sufficient for this size of property, it is considered that any further additions including this to the front elevation do not have sufficient justification. The erection of an extension of this type to the front elevation is not considered to be in keeping with the character of the property and the conservation area and would in fact result in a detrimental impact upon both.

From a conservation perspective the application is not considered to either preserve or enhance the character of the conservation area and would therefore not be in accordance with policies, guidance and legislation as outlined above.

6.3.4 While the Conservation Officer's comments are noted, it should be made clear that planning ref: 16/02992/FUL for the Erection of part replacement front boundary wall to a maximum height of 2.2m (granted consent in 2016) has already resulted in a level of harm to this part of the conservation area. No other dwellinghouse on this stretch of road has such a tall boundary treatment fronting it. This harm therefore pre-exists, regardless of whether or not there is an extension behind it.

6.3.5 It is noted that the property has been previously extended. However the development as proposed here is considered modest and a logical area to infill between the dwellinghouse and the tall brick wall that it faces.

6.3.6 Views of the extension from the public realm are restricted, however what can be seen matches that of the existing dwellinghouse and does not appear disproportionate or out of character with it. Critically, the bulk of the extension is hidden behind this wall. Officers in consultation with the Area Planning Manager are therefore of the view that the harm of the extension upon the conservation area does not significantly worsen the existing situation, to the extent where it should be refused.

6.4 **Letters of representation**

6.4.1 At the time of writing this Report, one letter of representation has been received, objecting to the development. The key points raised are briefly discussed below:

6.4.2 The application is retrospective

This matter is noted. The submission of this application seeks to regularise the development as built.

6.4.3 Development is not a greenhouse

This matter was raised with the planning agent during the course of the decision-making process and agreement has been given to amend the description of the development.

6.5 **Other matters**

6.5.1 Enforcement

It is noted from examining previous consents on the site and comparing them with photographs taken during a site visit that previous developments have not been built in accordance with the approved plans. This would need to be investigated separate to the determination of this application.

6.5.2 Building Regulations

Comments made by Broseley Town Council in relation to Building Regulations are noted, however this matter would need to be addressed outside of the determination of this application.

7.0 **CONCLUSION**

7.1 On balance, the scheme is considered to be acceptable and accords with the principal determining criteria of the relevant development plan policies.

7.2 Approval is therefore recommended subject to 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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

MD2 - Sustainable Design

MD13 - Historic Environment

National Planning Policy Framework

RELEVANT PLANNING HISTORY:

09/00193/CON Take down existing garden retaining wall and clean off bricks for use in rebuilding GRCON 29th December 2009

10/03194/FUL Erection of two storey side extension following demolition of conservatory and erection of first floor side, including extension above existing study, new dormers and rooflights GRANT 7th October 2010

10/05263/FUL Variation to planning permission 10/03194/FUL dated 26.07.2010 to amend the drawings to include the erection of a porch GRANT 27th January 2011

12/02622/FUL Change of use of land to form part of domestic curtilage to include extension to an existing boundary wall and fencing and erection of a Summer House GRANT 18th September 2012

15/04501/FUL Erection of a two storey extension following demolition of existing ground floor masonry built store room GRANT 21st December 2015

16/02992/FUL Erection of part replacement front boundary wall to a maximum height of 2.2m GRANT 26th August 2016

18/05657/FUL Application under Section 73A of the Town and Country Planning Act 1990 for the erection of a front extension (amended description) PCO

BR/APP/CAC/09/0149 DEMOLITION OF RETAINING WALL REC

BR/APP/FUL/07/0264 Erection of a rear two storey extension REFUSE 28th June 2007

BR/TRE/TCA/06/0002 1 atlas cedar & 1 robinia to be removed and dug out NOOBJC 17th March 2006

BR/86/0646 ERECTION OF WOODEN FENCING AND GATE GRANT 22nd September 1986

11. Additional Information

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

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Councillor Gwilym Butler

Local Member Cllr Simon Harris

Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. 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.

Informatives

1. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required by the National Planning Policy Framework, paragraph 38.

2. In determining this application the local planning authority gave consideration to the following policies:

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

Shropshire Council Core Strategy policies:
CS6 Sustainable Design and Development Principles
CS17 Environmental Networks

Shropshire Council Site Allocations and Management of Development (SAMDev) Plan policies:
MD2 Sustainable Design
MD13 Historic Environment

Broseley Town Plan 2013 - 2026

-



Committee and date

South Planning Committee

30 July 2019

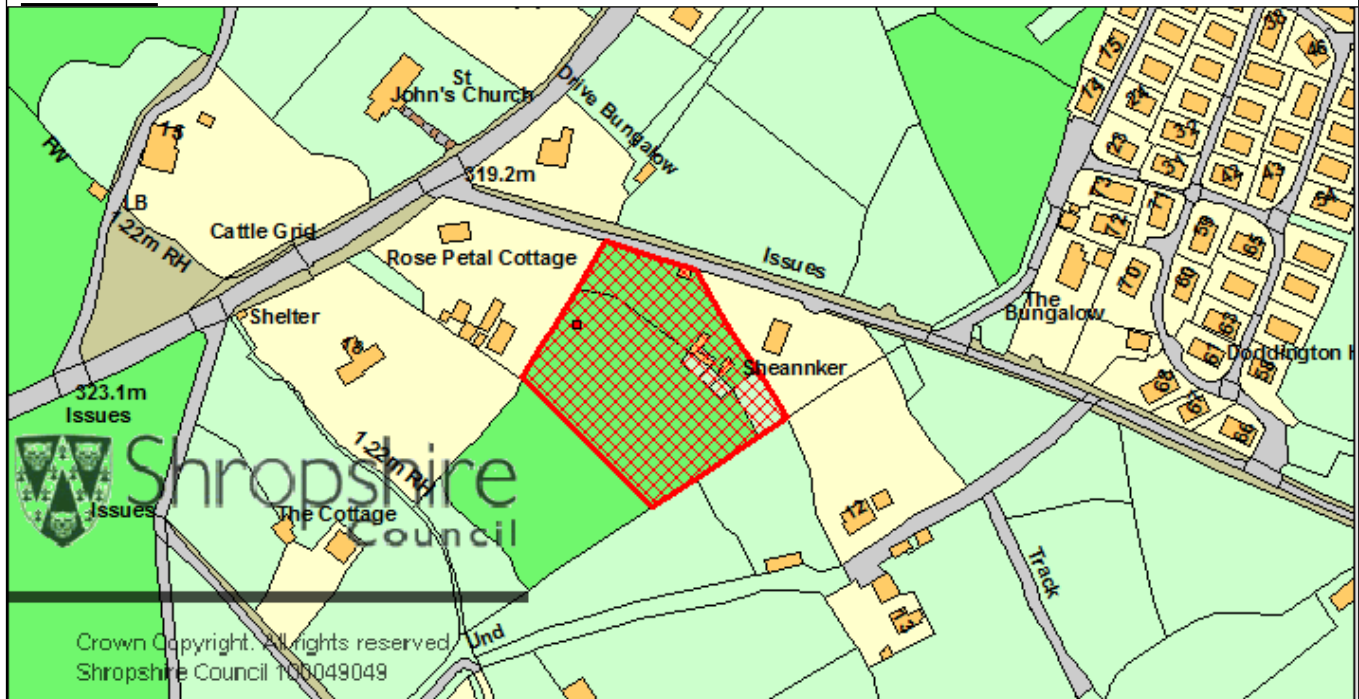
Development Management Report

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

Summary of Application

Application Number: 18/05739/FUL	Parish:	Hopton Wafers
Proposal: Erection of 2no. dwellings; formation of access and installation of package treatment plant and temporary siting of caravan.		
Site Address: Proposed Dwellings East Of Doddington Shropshire		
Applicant: Mr Bryan Talbot		
Case Officer: Heather Owen		email: planningdmsw@shropshire.gov.uk

Grid Ref: 361638 - 276082



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Recommendation:- Grant Permission subject the agreement of the structural design of the bridges, the conditions set out in Appendix 1 and the granting of delegated authority to enable the Area Planning Manager to add/amended conditions to require further detail of the bridge construction if necessary.

REPORT

1.0 THE PROPOSAL

1.1 This application seeks full planning permission for the following:

- Erection of two detached dwellings.
- Installation of Sewage Treatment Plants (one per dwelling).
- Temporary siting of caravan.

1.2 The scheme seeks to provide a detached 4 bedroomed dwelling and attached garage (plot 1) with a footprint of approximately 127sqm and a total overall floorarea, over the two floors approximately 232sqm, excluding the garage. The second plot is proposed to provide a 3 bedroomed detached dwelling with a footprint of approximately 97sqm and an overall floor area of approximately 195sqm. The block plan places plot 2 at the front of the site with plot 1 towards the rear of the site. The supporting planning statement suggests that plot 1 is intended to be used as the applicant's principle residence.

1.3 Both dwellings as proposed have a contemporary design with dual mono-pitched roofs. For plot 1 the roof is proposed to be part sedum roof and part standing seam zinc. The roofs for the dwelling on plot 2 are proposed to be part composite slate roof and part sedum roof. A mix of timber edged boarding, stone, brick and render are proposed to clad the walls of both of the proposed dwellings. The dwellings are proposed as 'split level', which each property served by a 'bridge' which would provide access to the first floor and a parking/turning area for each dwelling.

1.4 The site currently benefits from planning permission for the erection of one detached dwelling, a package treatment plant, alterations to access and siting of a caravan (part retrospective) ref -17/05144/FUL, granted 01st February 2018.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site covers approximately 1.2acres of rough pasture land on the south side of the settlement of Doddington. The site is defined by mature hedging boundaries and post and wire fencing. An existing access into the site is located in the north west corner of the application site. This access opens out onto a single with lane which connects the site to the wider road network, namely the A4117 which runs through Doddington.

2.2 The land slopes at a gentle gradient down from the A4117 towards the west which gives the application site a sloping nature. A detached single storey bungalow known as 'Sheannker' is located adjacent the site to the east. Approximately 110m to the north east of the site is 'Doddington Heights', an established mobile home complex. To the west lies a detached two storey stone dwelling with a grouping of

outbuildings set between.

- 2.3 The site itself is outside of the Shropshire Hills Area of Outstanding Natural Beauty (AONB), the boundary of which runs along the A4117, which is around 70m to the north west of the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council objections are contrary to officer recommendation. Both Local Members request that this case be considered by planning committee and following discussion with Chair and Vice Chair of the South Planning Committee it was determined that due to the sensitive location and significant material planning considerations the case would benefit from committee determination.

4.0 Community Representations

- 4.1 Consultee Comments

- 4.1.1 Hopton Wafers Parish Council: Strongly objects to these proposals.

The proposed dwellings will not blend into the elevated landscape of agricultural land off Earls Ditton Lane. They are massive dwellings and do not match the local surroundings and will appear imposing in the environment. Houses nearby are mostly one storey and have smaller floor areas. These dwellings would be very prominent on the landscape and be visible for many miles.

This is speculative development of market housing on agricultural land and does not meet the criteria set in our Community Led Plan and SamDEV statement. The community and Parish Council would only support single plot small scale (up to 100m² - not 192m² and 232m²) housing, to be affordable and thus more available for local people which would encourage the community to survive and families to stay together. Luxury homes does not meet this criteria.

The site is on the edge of Doddington and is debatable whether it should be permitted for any dwelling as it is agricultural land.

There is the matter of current planning (17/01544/FUL) on the field which has been recently permitted. This house may still be built or further amendments made to the current application which would mean three market houses on one site - again this all goes against the wishes of the community in the Community Led Plan.

Local residents have serious concerns about the access into the site which has already been altered. Services have been put into the site prior to permission being granted. The site is deemed to be contaminated due to being used for waste disposal and an ecologist should undertake a survey.

Earls Ditton Lane is in a poor state and the junction onto the A4117 has been the site of many accidents over the years due to the steepness of the junction and speed of traffic on the main road. Increased numbers of vehicles will make this matter worse.

In summary this Council strongly objects to this planning application due to the site location, number and size of properties, materials proposed and issues with the access/road/junction.

- 4.1.2 SC Affordable Housing: There are no affordable housing obligations associated with this proposal
- 4.1.3 SC Highways: No Objection – subject to the development being carried out in accordance with the submitted details. Recommend informatives regarding works to a highway.
- 4.1.4 SUDS: No objection, recommend informative regarding use of sustainable drainage systems.
- 4.1.5 SC Trees: Recommend landscaping condition:
Existing mature vegetation on the site boundaries should be conserved and enhanced.
A detailed landscaping scheme should be secured by condition to include details of the planting plan, species, time schedule and a plan identify existing trees and hedges for retention and confirming methods of protection of these existing trees and hedgerows and show that level changes and the movement of vehicles or storage of materials will not have a detrimental effect on those features.
- 4.1.6 SC Regulatory Services: Guidance for development regarding Private Water Supplies Regulations.
- 4.2 Public Comments
- 4.2.1 2 objections received:
- Loss of view.
 - Concern where the sewerage is going – there is no mains sewage in this village.
 - The field is agricultural and always has been.
 - The previous purchaser did not tell me he would sell.
 - Concerned that this single lane track is already deteriorating from the increase in traffic and another 2 dwellings could generate up to another 8 vehicles.
 - Traffic is busy and travels fast.
 - Have already had two cars come through the hedge into the garden.
 - We did not object to the previous scheme as it was for a local person but now the scheme is for a property development and has gone from 1 single storey building to 2, 4 bed houses.
 - The doubled storied houses would stand out like a sore thumb.

5.0 THE MAIN ISSUES

Principle of development
 Siting of Caravan
 Affordable Housing Contribution
 Siting, scale and design of structure
 Visual impact and landscaping – Setting of Shropshire Hills AONB
 Highway Safety
 Residential Amenity
 Drainage

6.0 OFFICER APPRAISAL**6.1 Principle of development**

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The development plan for Shropshire is the Council's Adopted Local Development Framework Core Strategy, the associated 'Type and Affordability of Housing' Supplementary Planning Document (SPD) and the adopted Site Allocations and Management of Development (SAMDev) Plan.

6.1.2 For new housing development, Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 seek to steer new housing to sites within market towns, other 'key centres' and certain named villages ('Community Hubs and Clusters') as identified in policy CS3; CS4 and set out in detail in the Council's SAMDev Plan, policy MD1.

6.1.3 Doddington is identified as a community cluster alongside Hopton Wafers by policies CS3 and MD1. The settlement policy S6.2(ii) provides further guidance as to the nature and amount of housing expected stating:

'Limited infill of smaller, market priced houses on single plot developments immediately adjacent to existing development, and conversions may be acceptable, with housing guidelines of around 12 additional dwellings over the period to 2026. Doddington is within the Shropshire Hills Area of Outstanding Natural Beauty (AONB) and new development will have to pay particular regard to its setting.'

6.1.4 The following is an extract from the Council's previous assessment of this site in terms of whether the plot qualifies as infill. 'Doddington is a relatively scattered loose-knit settlement, the site subject to this application is situated between two existing properties and within relatively close proximity to an established mobile home complex and a loose grouping of properties to the south. Given the presence of built development surrounding the site, it is judged that the site would represent an infill plot on the edge of Doddington' There has been no material change in planning policy since this assessment was made and it is judged that in principle the development of this site for residential use would comply with the main objectives of relevant planning policy.

- 6.1.5 The Councils most recently published Five Year Housing Land Supply Statement, March 2019 includes analysis of completions and commitments and sites with planning permission as at 31st March 2018. In the case of the community cluster within which Doddington sits there have been 3 completions and 10 sites with planning permission or prior approval (as at 31st March 2018).
- 6.1.6 SAMDev policy at MD3.2 states that the settlement housing guideline is a significant policy consideration and provides further guidance on how decisions should be determined in such circumstances where development would result in the number of completions plus outstanding permissions providing more dwellings than the guideline. The policy requires decisions to have regard to:
- i) The increase in number of dwellings relative to the guideline; and*
 - ii) The likelihood of delivery of the outstanding permissions; and*
 - iii) The benefits arising from the development; and*
 - iv) The impacts of the development, including the cumulative impacts of a number of developments in a settlement; and*
 - v) The presumption in favour of sustainable development.*
- 6.1.7 On applying the criteria listed in policy MD3.2, it is acknowledged that the scheme if permitted would add to the number of permissions granted within the cluster as a whole which if all delivered would increase the number of dwellings above the cluster guideline. At present there is no evidence to suggest that each of the outstanding planning permission would not be delivered. It is noted that the number of completions within this cluster since the previous 5 year land supply publication using data from 31st March 2016 has increased by 1 (from 2), and thus there is still a significant under delivery of housing completions for this cluster.
- 6.1.8 Doddington has been identified as an appropriate location for open market residential development and the Local Planning Authority is satisfied that this designated has been made taking into account the long term sustainability of the settlement and county as a whole. Out of the existing planning permissions for new build dwellings within Doddington itself, one is at the site subject to this application (17/05144/FUL) and to which due to the proposed siting of these two dwellings it would not be possible to build and the other is for 1 single dwelling, also located along Earls Ditton lane (18/03934/OUT). The other completions and the 8 planning permissions appear to be focused at Hopton Wafers. In terms of this applications contribution towards the housing figures, it should be borne in mind that the number of houses would in effect be an increase of one rather than two given that the previous permission at this site currently contributes to these figures within the current five year housing supply. It is judged that the erection of one further dwelling would not cause any demonstrable harm to the character of the settlement in terms of delivering excessive housing to the settlement which may result in disproportionate car usage or excessive energy consumption in the context of the Community Cluster policy. When the above is weight in the planning balance it is considered it would be difficult to justify refusal of this application on housing numbers.

6.2 Siting of Caravan

6.2.1 The proposal includes the siting of a static caravan, which is already at the site located alongside the northwest boundary, though it is understood the caravan now sited is different to the one placed there which the previous application gave a 12month temporary consent for. The applicant's agent advises that it is the intention of the applicant to occupy this caravan whilst their dwelling is constructed, this is not an unusual request for small dwellings plots such as this and provided the caravan occupation is restricted to a temporary period it is not considered unacceptable. To remain consistent with the previous permission at this site a condition would be attached to any planning permission given restricting the siting of the caravan for 12months.

6.3 Affordable Housing Contribution

6.3.1 Core Strategy Policy CS11 and an accompanying Supplementary Planning Document require all market housing schemes to make an affordable housing contribution (usually a payment in lieu of on-site provision where a small number of dwellings is proposed). However the revised version of the NPPF published in February 2019, incorporated the 2014 Written Ministerial Statement which announced that planning obligations should not be used to secure such tariff-style contributions below certain thresholds, the stated intention being to boost housing supply by removing "disproportionate burdens on small-scale developers". Paragraph 63 of the NPPF states, that affordable housing provision should not be sought in connection with small-scale residential developments (i.e. those comprising fewer than ten dwellings, or five or fewer in 'designated rural areas'), without any reference to developer burden or other motives. This application is for 2 dwellings and given the above circumstances it must be accepted that the Council's policies in this respect are out-of-date and can no longer be given significant weight, meaning no affordable housing contribution should be sought here.

6.4 Siting, scale and design of structure

6.4.1 Both national and local plan policy seek to ensure developments are of a high quality of design which seeks to create distinctive places. At paragraph 126 the NPPF acknowledges that the level of design detail and degree of prescription should be tailored to the circumstances of each place.

6.4.2 Paragraph 127 of the NPPF goes into further detail regarding the development of planning policies and decisions seeking to ensure that developments:

'a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased

densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

and paragraph 130 the NPPF goes further stating:

'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).'

6.4.3 Core Strategy policy CS6, which seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character. SAMDev policy MD2 expands further on this and expects development 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;
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;
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.'

6.4.4 To a degree the suitability of a design is a subjective matter. It should be borne in mind however that the previous permission (which could still be implemented) permitted the use of a contemporary design here, albeit at single storey level rather than two storey. The external wall materials through the use of render, stone and

facing brick pick up on materials used in the construction of dwellings throughout Doddington. The sedum roof would help to partially soften the dwelling and a condition would be attached to any permission given requiring detail of the zinc seam roof to ensure it has a finish which is not overly reflective. Doddington has a mix of dwelling styles from the traditional to the more modern, including the mobile home park to the north east of the site.

- 6.4.5 One of the more unusual features to this scheme is the introduction of two bridge structures to serve each dwelling and provide access to the first floor of the dwellings. The applicant's agent advises the aim of this design solution is to create the visual impression of a 'split level' dwelling, so the dwellings would be viewed in the main as single storey from the public highway.
- 6.4.6 For plot 1, the bridge is proposed to project off the front elevation of the dwelling by approximately 9m and would have a width of around 6m. For plot 1 the structural posts would be partly incorporated into the dwelling structure and clad with stone. For plot 2, the bridge is proposed to measure approximately 10m in width and approximately 6m in length. As the bridges would be used by vehicles additional information was requested around the structural design of this part of the proposal and as such a Structural Engineering report by Delta Vector Engineering Ltd has been submitted. The report advises that the bridges would be constructed with steel beams and posts. 'Iroko' decking is proposed for the surface sitting on the steel bridge beams and an open rail metal fence would run around the bridge edges. Sections of the bridge design have been included with the structural report and indicate that every other pair of bridge beams would be braced together with angle bracing. In terms of the structural integrity of the proposals the Councils Highways Team are reviewing the proposals and at the time of writing this report a response is awaited, it is hoped that a response will be available for consideration at the meeting.
- 6.4.7 Turning to the design, it is acknowledged that this design solution is not typical and careful consideration needs to be given as to whether such a design is suitable for a rural location. The drawings submitted indicated what appears to be relatively lightweight structures using steel beams and steel posts which would either be built into the walling of the house (plot 1) or where free standing, clad with stone. The surface material of timber decking would provide a softer appearance than a tarmacked surface and the open rail fencing would enable views through to the wider landscape to remain and would be more suitable than a close boarded fence for example. Sections of the site have been provided which shows some areas of fill are proposed to enable the construction of the bridges and to the rear of both plots to level out the immediate access from the rear of the dwellings. The level of fill proposed would not significantly alter the character of the landscape and is considered acceptable in this case.
- 6.4.8 When considering the above in the planning balance it is judged that on balance that the proposed design of the dwellings and bridges are acceptable, subject to conditions on materials and agreement on the principal of the structural engineering of the bridges.

6.4.9 In terms of siting it is noted that the Parish Council raise concern that the site will be developed for three houses, with the previous permission also being built. However when the current permission and the proposed block plans are compared it can be seen that the proposed dwellings have been sited in a way which would overlap the dwelling with planning permission and thus it would not be possible to build all three dwellings.

6.4.10 As already noted within this report Doddington by being nominated as part of a community cluster has been accepted as a sustainable location for open market housing development. It is accepted that both properties are sizeable dwellings in terms of floorspace provided. The settlement policy for this cluster refers to 'smaller, marked priced houses', however it does not define 'smaller' and there are no specific restrictions in adopted planning policy on the size of open market dwellings providing the plot on which the dwellings would be constructed is of sufficient size. The Parish Council expects small to mean less than 100sqm as set out in their SAMDev statement. In considering this matter it has to be borne in mind that the other open market dwellings permitted across the cluster are all more than 100sqm in size, and the dwelling which currently has consent for this site is approximately 177sqm. Given the plot size available here it is judged that the site is capable of taking the dwellings at the size proposed.

6.5 Visual impact and landscaping

6.5.1 Although falling outside of the AONB the site is in close proximity to the boundary and thus the impact of this development on the setting of the AONB should be taken into account. The site is set at a lower gradient than the A4117 and thus the boundary with the AONB and existing development and mature tree and hedge landscaping sits between the site and the boundary. Whilst two storey in height the dwellings and the proposed bridges would be viewed alongside existing dwellings and when considering the above, on balance it is judge that the proposed dwellings are unlikely to appear unduly prominent within the wider landscape views and the impact on the setting of the Shropshire Hills AONB would not be adverse. A landscaping condition is recommended to ensure existing mature vegetation on the site boundaries is enhanced with new planting in order to further soften the impact of the development and provide long-term sustainable landscape mitigation and biodiversity enhancements.

6.6 Highway Safety

6.6.1 Paragraph 109 of the NPPF states that developments should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.6.2 Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced.

- 6.6.3 The proposals seek to utilise the existing field entrance which had previously been widened and a gate installed and was subsequently granted retrospective permission under the previous planning application at this site (17/05144/FUL). The Councils Highway Team have reviewed the scheme and are content that the access is appropriate to serve two dwellings and is content that sufficient parking and turning areas have been provided for each plot.
- 6.6.4 There is local concern regarding both the general state of repair of Earls Ditton Lane and the impact of the intensification of the junction with the A4117 as a result of this permission and other planning permissions granted for dwellings along Earls Ditton Lane. In terms of the general maintenance and state of Earls Ditton Lane, this is a county wide highway authority matter which would be covered by general highway authority spending. The intensified use of the A4117 as a result of the proposal and other permissions along this lane has not been raised as a concern by the Councils Highways Authority. In terms of contributions towards improvements to this junction, it would not be reasonable to expect a contribution via a S106 c, given the small scale of housing numbers proposed and that this has not been a requirement of the previous permission at this site or the approved single dwelling further south of the site (18/03934/OUT). The need for potential improvements to this junction would be a separate matter, which the Parish needs to discuss with the Highways Authority and potentially raise within the Place Plan monitoring where if agreed as a propriety issued, CIL Monies can then be used for local infrastructure improvements.
- 6.7 Residential Amenity
- 6.7.1 Core Strategy Policy CS6 requires all development to safeguard the amenities of neighbouring residents. There are neighbouring properties which share boundaries with the site on both the west and east sides of the site. A scattered group of properties also sit opposite the site separated by the highway. Concerns raised regarding the loss of view as a result of the development are noted, however there is no right to a view across private land and little weight can be given in planning terms to this.
- 6.7.2 Plot 2 would be the closest dwelling to the neighbouring property on the east side, which is a detached bungalow known as Sheannker. The block plan indicates the dwelling would be approximately 10m from the boundary adjoining this neighbour and the rear elevation of the dwelling is orientated at an angle towards the south east, facing away from this neighbour. A single ground floor window is proposed to be inserted into the side elevation facing this neighbour, no openings are proposed to the first floor. The existing mature hedge boundary would go some way to screening the ground floor opening and given the distance and orientation of the proposed dwelling it is considered that the dwelling would not be overbearing or result in loss of privacy or light to result in undue harm to the amenity of this neighbouring property.
- 6.7.3. The property to the west is set at a higher ground level than the application site as the land slopes up towards this property. There is a mature landscaped boundary between the sites. Given the distance between the dwellings and the lay of the land it is judged that the proposed development would not unduly harm the residential

amenity of this neighbouring property.

6.8 Drainage

- 6.8.1 Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in existing runoff rate and not to result in an increase in runoff. In this case the surface water is proposed to be managed via a sustainable drainage system using permeable paving, a part sedum roof and water butts with any overflow via an on-site soakaway. Local residents' question what is to happen with sewage generated by the development, The plans submitted indicate that foul drainage for each plot is proposed to be served by a sewage treatment plant. The Councils drainage officer has considered the information provided and is satisfied that the development can be adequately drained without causing or exacerbating flooding in the site or vicinity.

7.0 CONCLUSION

- 7.1 The application site is situated within the settlement of Doddington which is part of a nominated community cluster, the principal of open market housing development is therefore acceptable on suitable sites in accordance with policies CS4 and MD1. The application site is considered to represent infill forming part of the loose-knit cluster settlement and it is judged that the addition of two further dwellings in this settlement would not cause demonstrable harm to the settlement character in terms of the number of new houses within the area.
- 7.2 The design and scale of the proposed dwellings whilst contemporary picks up on local vernacular materials and would sit within the plot without resulting significant harm to the character or appearance of the settlement or surrounding area. The dwellings could be constructed with the setting of the character and natural beauty of the Shropshire Hills AONB preserved and without resulting in severe impact on highway safety or undue harm to levels of residential amenity.
- 7.3 Overall on balance it is considered that the application accords with the principal determining criteria of the relevant development plan policies and it is recommended that the application is approved, subject to the agreement of the structural design of the bridges and delegated authority to enable the Area Planning Manager to add/amended conditions to require further detail of the bridge construction if necessary.

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

Core Strategy:

CS1 Strategic Approach
CS4 Community Hubs and Community Clusters
CS6 Sustainable Design and Development Principles
CS9 Infrastructure Contributions
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management

Site Allocations and Management of Development (SAMDev) Plan:

MD1 Scale and Distribution of Development
MD2 Sustainable Design
MD3 Managing Housing Development
MD12 Natural Environment

Settlement Policies

S6 Cleobury Mortimer

Supplementary Planning Document (SPD) on the Type and Affordability of Housing.

RELEVANT PLANNING HISTORY:

17/05144/FUL Erection of 1No dwelling, installation of package treatment plant, alterations to existing vehicular access and siting of caravan (part - retrospective) GRANT 1st February 2018

18/00876/DIS Discharge of Condition 4 (materials) associated with planning application number 17/05144/FUL DISPAR 3rd April 2018

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=PJOVLPTDIJO00>

List of Background Papers
Cabinet Member (Portfolio Holder) Cllr Gwilym Butler
Local Member(s) Cllr Gwilym Butler & Cllr Madge Shingleton
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 amended 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. The caravan unit hereby approved shall be removed from the site and the land reinstated to its previous condition within 12 months of the date of this planning permission.

Reason: To retain planning control and in the interests of the visual amenity of the area.

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

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

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

5. No above ground works shall be commenced until full details of both hard and soft landscape works (in accordance with Shropshire Council Natural Environment Development Guidance Note 7 'Trees and Development') have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in the interest of visual amenity.

Informatives

1. Mud on highway

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

No drainage to discharge to highway

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

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

-construct any means of access over the publicly maintained highway (footway or verge) or

-carry out any works within the publicly maintained highway, or

-authorise the laying of private apparatus within the confines of the public highway including any 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.

2. 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-for-developers.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.

3. PRIVATE WATER SUPPLY

Consideration should be given to ensuring that the quality of the water supply to the proposed development meets the required microbiological and chemical standards of

the Private Water Supplies (England) Regulations 2016 where these regulations apply. In addition, an investigation should be carried out in order to provide evidence that there is a sufficient and sustainable water supply available to meet the needs of future residents living in the proposed dwellings. Alternatively, there may be provision for properties to connect to the mains water supply. The latter is the preferred option with regards to public health.

Regulation 13(2) of the Private Water Supply (England) Regulations 2016 stipulate that a water supply must not be brought into use unless the Local Authority are satisfied that the supply does not constitute a potential danger to human health. The applicant must therefore provide suitable information with any future application including test results. Shropshire Council should be used to carry out sampling to ensure that it is carried out in a way that satisfies legislative requirements.

For information on water sampling and contact details please visit:

<https://new.shropshire.gov.uk/environmental-health/environmental-protection-and-prevention/private-water-supplies/how-do-private-water-supplies-regulations-affect-me/>



Committee and date

South Planning Committee

30 July 2019

Development Management Report

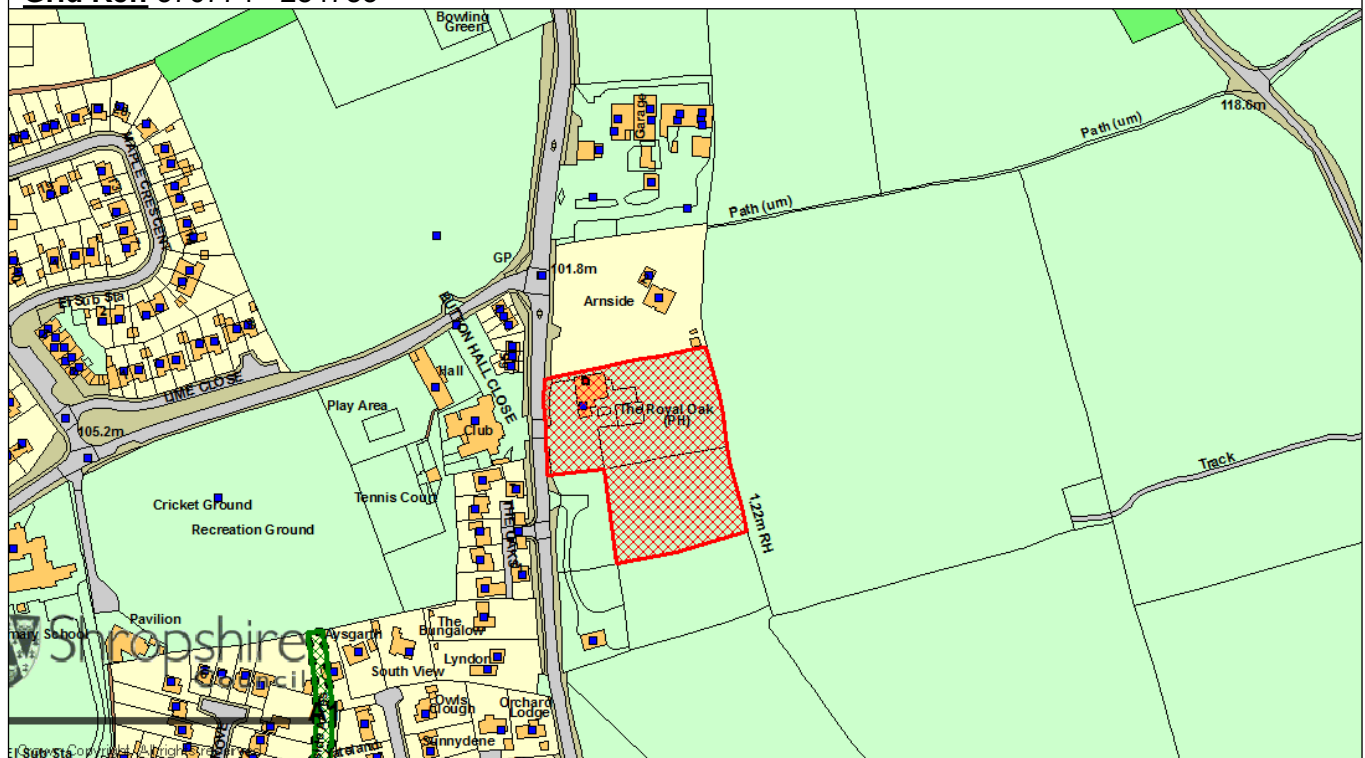
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 19/01487/FUL	Parish:	Alveley And Romsley
Proposal: Application under Section 73A of the Town and Country Planning Act 1990 for the erection of toilet block, shower block and change of use to glamping and touring caravan site		
Site Address: Royal Oak Alveley Bridgnorth Shropshire WV15 6LL		
Applicant: Mr David Skitt		
Case Officer: Sara Jones	email: planningdmse@shropshire.gov.uk	

Grid Ref: 376774 - 284783



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

Recommended Reason for refusal

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

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

REPORT

1.0 THE PROPOSAL

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

1.2 A previous planning application was submitted under application No. 18/03476/FUL and Refused by the Planning Committee on the following grounds:

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

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

1.3 At the Committee Meeting, Members expressed the view that, without prejudice to the decision made on any reapplication, Officers should guide the applicant on their options and suggested that the pods should be grouped more closely with the pub building and be less sprawled out across the site, a more robust landscaping scheme should be introduced, and a more in-depth case to be submitted as to why the applicant considered the development would be needed to sustain the public house. Members also required more information in relation to the management of the pods and would want them tied to the pub business.

1.4 This current application has subsequently been submitted. The application repositions the camping pods to the rear of the public house building and car park and, as previously, includes the erection of a toilet block and shower block in its original position immediately adjacent the children's play area, associated with the Public House and the internal access track. As previously the details submitted indicate four different designs for the pods, described as:- Caravan, Chalet, Alpine and Tipi; each constructed in timber. The ablution blocks are container type structures which are to be clad in natural timber. The touring caravans are shown to be located on land to the south of the Public House and the west of the proposed camping pods. The applicants Agent has confirmed that his applicant will apply for a License from the Shropshire Council if planning permission is granted. The applicants Agent has confirmed that initially the scheme proposes 5 touring vans and also stated that the applicant also applied to the Caravan Club (Exempted Organisation) for a 5 van accreditation but was informed that they should wait until Planning Permission was achieved.

2.0 SITE LOCATION/DESCRIPTION

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

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

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The proposed development is not considered to accord with the requirements of the Councils relevant adopted policies and the Principal Planning Officer in consultation with the Chairman consider that the application raises issues which warrant consideration by Committee.

4.0 Community Representations

- Consultee Comments

4.1 Alveley Parish Council -

The Parish Council supports this application in principle as potentially positive for the rural economy. However, Councillors are aware of the impact on the Green Belt and the need for the economic justification to be strong and sustainable. Parish Councillors are agreed that, at present, the site has a very negative visual impact and falls well below the standard they see as acceptable to outweigh harm to the Green Belt. They feel that the facility should be sited, arranged and substantially screened in order to minimise:

1. The potential intrusion on nearby residential properties; and
2. The extent to which the appearance of the site is out - of keeping with the surrounding countryside.

The Parish Council is concerned by the proposal to use leylandii for screening purposes, and would wish to see hedging of mixed native species in keeping with the rural location.

After careful consideration, the Parish Council recommends approval of the application subject to strict conditions being imposed with regard to:

- a. Numbers on site at any one time (possibly through a licensing agreement);
- b. Layout and landscaping, especially mixed species hedges for screening, and no disturbance to existing trees and hedges;
- c. The number of pods (no more than 8) and the number of caravans (no more than 5) on the site;
- d. The number of touring vans on site but unoccupied during the week;
- e. Disturbance (especially outside normal working hours or daylight hours) covering
 -
 - (i) Noise, including music,
 - (ii) Movement on and off site,
 - (iii) External lighting (so that it does not impact on local residents or road users).
- f. Access and egress arrangements, which should be via the Royal Oak car park.

4.2 SC Regulatory Services - Recommends that if permission is granted that the following condition is attached.

Prior to use of the development a noise management scheme that details what measures shall be employed to control noise from users of the site shall be submitted for written approval to the Planning Authority. Upon approval the scheme shall be fully implemented at all times.

4.3 SC Drainage – Recommend informative.

4.4 Shropshire Fire And Rescue Service – Recommend informatives.

4.5 - Public Comments

Site notice displayed/dated 09.04.2019. Expired 30.04.2019. Twelve letters sent 03.04.2019. Expired 24.04.2019. Thirteen representations received at the time of writing this report which raise the following issues : -

Concerned that this is a retrospective application.

Increased noise from the Royal Oak, particularly since a seating area has been constructed at the front of the building, directly facing residential housing. There has already been some loud noise from customers late in the evening and this has disturbed residents.

No objection, in principle, to this application if run in a tidy and orderly way, without noise or nuisance to neighbours and/or the wider community, it should enhance the profile of the village.

Concerned about the number of touring caravans and compliance with safety regulations relevant to such a caravan site. Limited access points for emergency vehicles such as the fire service and fire safety risks as a consequence of the use of firepits, chimneas and campfires. Insidious risk of carbon monoxide poisoning.

Disappointed to read that planning permission has been granted to convert the stables to two holiday lets. Concerned that if at first you're unsuccessful, keep applying and the planning authority will eventually cave in!

Noise and disturbance with no respect for neighbouring residents shown by the owner and no regard for neighbouring residents by visitors/campers. Antisocial behaviour (rowdy and raucous campers shouting and swearing into the early hours of the morning). Numerous local reports of public nuisance with excessive noise going on to 03:00 in the morning and local people having to sleep with the windows closed in the summer due to the smoke from campfires and chimnaeras.

Unightly advertising banners banner signs erected.

Concerned that caravans and tents to be left on site when visitors are away from the area.

Use of the site for caravan storage considered to be inappropriate in the green belt. Over the past two winter seasons there have been at least six and up to eight or nine unoccupied caravans stored on the site all of which contributed to a long term

impact on the visual amenity of this green belt site.

Adverse impact on the value of neighbouring property and an inability to sell property in the future.

Consider that the “glamping pods” are essentially cheap sheds. The failure to employ authentic natural materials will mean that the built structures will age very badly.

Consider the internal road is unsympathetically constructed of generic crushed stone. It has recently been top dressed with Cotswold stone chippings in an attempt to soften the impact, the effect however will only be temporary as normal trafficking will crush the soft Cotswold stone and bring the original ugly aggregate to the surface.

Concern that if this application is approved the illegal road building will be extended into the adjacent touring caravan field.

Proposed leylandii screening planting has already taken place despite the Parish Council expressing a preference for "native species". Question approach to allow an unsympathetic development in the green belt and then to simply conceal the blot with non-native planting that provides little opportunities for wildlife and which will in itself become a major detriment to the visual environment in a few years.

In order to legally operate a camping site an operator needs either an exemption certificate for smaller scale sites or a site licence and the associated planning permission. Currently the applicant has none of these and has therefore illegally operated the site for around two years.

As a consequence there is no formal process in place whereby the safety of the site users can be assured.

Therefore:-

- The safe limit for units on site is not established.
- The safe spacing of pitches has not been determined.
- The adequacy of fire precautions has not been tested.
- The safety of the electrical installation & appliances has not been certified.
- There is no process for neighbours to address public nuisance issues.

Consider that since the site is being operated illegally any public liability insurance the applicant may hold will be invalid and customers will have no redress in the event of an accident.

Representation from CPRE received stating that:

The development represents inappropriate development in the Green belt, being in the wrong location and setting.

This resubmission only involves cosmetic changes and considers that there are no

very special circumstances to justify the development.

Concern that there is no specific legislation concerning glamping sites nor an Officer of the Council available to monitor the development if permitted.

At present there are 5 caravans on the second field, a sixth that is residential plus a seventh tucked into the top left hand corner.

Other issues raised during the course of the previous application include:

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

Use of site for tented camping.

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

The site's floodlights are intrusive.

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

Exacerbate existing problems with the sewage system.

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

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

5.0 THE MAIN ISSUES

Principle of development
Green Belt
Accessibility
Very Special Circumstances
Visual Amenity
Impact on Residential Amenity
Ecological Impact
Highway safety

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Whilst frustration over the retrospective nature of this application is understandable, it must be remembered that the process is quite legitimate by virtue of Section 73a of the Town and Country Planning Act 1990. Retrospective applications must

therefore be considered objectively within the same framework as any other, and since the planning system is not punitive the applicant's reasons for not having obtained consent previously are irrelevant.

- 6.1.2 Paragraph 83 of the NPPF (2019) supports the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; the development and diversification of agricultural and other land-based rural businesses; sustainable rural tourism and leisure developments which respect the character of the countryside; and the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.
- 6.1.3 Paragraph 84 also recognises that "...sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist."
- 6.1.4 Policy CS5 advises development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to small scale development diversifying the rural economy; including farm diversification; and the retention and appropriate expansion of an existing established business.
- 6.1.8 Policy CS16 requires visitor accommodation to be in accessible locations served by a range of services and facilities. In rural areas proposals must be of an appropriate scale and character for their surroundings, be close to or within settlements, or an established and viable tourism enterprise where accommodation is required. As noted above in order to be considered sustainable, Government guidance contained within the NPPF rural tourism is expected to respect the character and appearance of the countryside. The provision of visitor facilities should be in appropriate locations where identified needs are not met by existing facilities in rural service centres.
- 6.1.9 Policy MD11 states that holiday let development that does not conform to the legal definition of a caravan will be resisted in the countryside. Broadly speaking the legal definition of a caravan covers any structure designed or adapted for people to live in which is capable of being moved from one place to another (whether by being towed or by being transported on a motor vehicle or trailer) and any motor vehicle. This includes twin units separately constructed and designed for assembly on site, provided that the twin unit is physically capable of being moved or transported on a motor vehicle or trailer.
- 6.1.10 It is acknowledged that this development is associated with the existing public

house and that the site is adjacent to Alveley village. There are, however, other material planning considerations applicable to this case and these are considered in turn below.

6.2 **Green Belt**

6.2.1 The site lies in the Green Belt countryside. Paragraphs 145 and 146 of the NPPF (2019) indicate types of development that are inappropriate in the Green Belt, and those that may be appropriate in the Green Belt, provided that the openness of the Green Belt is preserved and there is no conflict with the purpose of including the land in the Green Belt. Development in the Green Belt is inappropriate (and thus can be permitted only in very special circumstances) unless it falls within one of the exceptions identified in Paragraphs 145 and 146.

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

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

6.2.4 Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

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

6.3 **Accessibility**

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

viable tourism enterprise where accommodation is required”.

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

6.4 **Very Special Circumstances**

6.4.1 In support of the application the applicant states that:

The Pod and Touring Caravan development income is vital to the economic activity of the business and has submitted trading figures to support this claim. The trading figures supplied show the necessity of the tourism and leisure use for the business viability.

Unfortunately the trade at the Royal Oak is very seasonal and although the food offer is value for money the applicant has found that a second offering was needed to compensate for the leaner times.

Many local organisations now meet regularly at the pub and wedding guests associated with the Mill wedding venue, a short distance away stay for several nights in the pods.

When the family took over the tenancy of The Royal Oak, it had been closed for some time. The business thus started with no established goodwill. By hard work, the family has established a destination pub, which is popular with local residents, passing trade and people visiting Shropshire for tourism and leisure. It has proved extremely hard work, as the pub and restaurant trade is undergoing severe economic hardship. In order to establish a profitable trading situation, the family decided to try glamping pods and pitches for up to five touring caravans.

Residence is permitted for up to 28 days is permitted under current planning law. It is intended to license the site for both glamping pods and touring caravans.

Currently they employ 14 people most of which are residents in Alveley and at least one employee who is specifically employed to clean and monitor the pods.

The business brings trade to the local area and sources products locally both in the restaurant and for the glamping. The pods host guests attending functions and use the village shop. There is a proven need for accommodation in the village.

If the applicant are not allowed to continue with the glamping there is a very strong possibility that the applicant will have to make a decision to leave The Royal Oak due to its viability.

Consider that a similar case at Abels Harp in Minsterlsy was approved with similar objections.

The toilet and shower block has been clad with natural timber, which is not incongruous in the location. They are set back behind the single storey wing of the public house.

Members were concerned about the sites exposure to the main road and as a consequence the scheme has been amended to include the planting of a Leylandii hedge where the rear field adjoins the carpark (west boundary); along the boundary between the first and second field to the south which is currently delineated by a post and rail fence; the south boundary and similar native hedging with trees forms the whole rear and east boundary of the site. There is a detached property standing in large grounds to the north of the application site and this has a tall and dense Leylandii or similar screen hedge all along this boundary. The planting would immediately screen the pods, cars and tourists and help to cut down noise pollution.

The applicants are agreeable to entering into a Sec 106 Agreement to permanently maintain all screen hedging and/or erect and maintain a 1.8 metre high close boarded fencing at the rear of the car park, so that the pods would not be directly visible from the road.

There is a long established vehicular access into the site from the car park fronting Kidderminster Road, with a separating fence and lockable gateway into the site.

- 6.4.2 Whilst it is accepted that planning policy supports the location of visitor accommodation close to or within settlements, and associated with established and viable tourism enterprises where accommodation is required, this conflicts with other planning controls which seek to protect the green belt countryside from development which would be inappropriate by definition and would not preserve the open undeveloped character of the countryside.
- 6.4.3 Financial information submitted indicates that the PH made a loss of some £14,000 in 2017. It is acknowledged that the information submitted demonstrates that there is a strong market for the type of accommodation proposed (682 nights booked last year) and that the income raised would provide a valuable supplementary source of income which would help towards the viability of this community asset, there are three Public Houses in Alveley and therefore this material consideration can be given only limited weight. Moreover, this site could be separated from the public house business in the future, regardless of the applicant's current intentions.
- 6.4.4 Policy CS5 encourages appropriate expansion of existing established businesses however, that encouragement is caveated as being "subject to the further controls over development that apply to the Green Belt". Accordingly, the proposal does not accord with Policy CS5 in this regard.
- 6.4.5 In respect of the Abels Harp in Minsterlsy case (application 15/02309/FUL), made

reference to above, it is noted that each case is considered on its own merits and this case currently under consideration can be distinguished from the Abels Harp, in that the site was located in the AONB but not in the Green Belt; the separate ablutions block was deleted from the application (as the amended scheme proposed to use facilities within the public house); it was judged that the impact of the pods was insufficient to justify refusal given the sites lawful use as an overspill car park and its limited visibility in the landscape being generally well screened.

6.5 Visual Amenity

- 6.5.1 Paragraph 83 and 110 of the NPPF states that planning decisions for sustainable rural tourism and leisure developments should respect the character of the countryside; and generally that applications for development should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.
- 6.5.2 Policy CS6 seeks to ensure that development is appropriate in scale, density, pattern and design taking into account the local context and character.
- 6.5.3 Policy CS16 notes that the rural and tranquil nature of Shropshire's countryside is a key component of Shropshire's attractiveness as a visitor destination, it is therefore vital that all tourism proposals, particularly in rural areas, is compatible with their location so that Shropshire's unique character and tranquillity is retained. Furthermore to the requirements in Policy CS16, policy MD11 recognises that chalets and log cabins have a greater impact on the countryside and schemes should be landscaped and designed to a high quality.
- 6.5.4 Policy CS17 aims to ensure that all development contributes to the local distinctiveness, having regard to the quality of Shropshire's environment, including landscape.
- 6.5.5 Policy MD2 requires development to respond effectively to local character and distinctiveness, it should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set. As such, new development should respect the existing pattern of development, both visually and in relation to the function of spaces, retain and enhance important views and landmarks and respond appropriately to local environmental and historic assets.
- 6.5.6 Policy MD11 of the SAMDev states that; Tourism, leisure and recreation development proposals that require a countryside location will be permitted where the proposal complements the character and qualities of the site's immediate surroundings, and meets the requirements in Policies CS5, CS16, MD7, MD12, MD13 and relevant local and national guidance. In addition all proposals should to be well screened and sited to mitigate the impact on the visual quality of the area through the use of natural on-site features, site layout and design, and landscaping and planting schemes where appropriate.
- 6.5.7 The site is agricultural in character and despite the existing hedgerows and trees

the site itself is essentially open. It is readily visible from public vantage points along the A442 and the proposed development would result in an incongruous addition in this rural location, and would be at odds with the open character and appearance of the area. The pods would appear as alien features and this, together with the associated amenity buildings, vehicles and camping paraphernalia would result in an adverse impact upon the relatively open rural character of the area.

6.5.8 In response to the Members suggestions the pods have been repositioned so as to be grouped more closely with the existing Public House and a significant number of leylandii trees planted. Furthermore it is noted that the applicants agent has confirmed that the applicants are agreeable to entering into a legal agreement to permanently maintaining all screen hedging and/or to erecting and maintaining a 1.8 metre high close –boarded fence at the rear of the car park, so that the pods would not be directly visible from the road.

6.5.9 These amendments however are considered ineffectual and indeed the introduction of non-native planting and close boarded fencing would in this instance further erode the visual amenity of the area and be insufficient to mitigate the harm.

6.5.10 The proposal is therefore considered contrary to Local Plan policies CS5, C16 and C17, MD2, MD11, MD12 and national guidance contained within the NPPF which aims to improve the character and quality of an area and the way it functions and conserve and enhance the natural environment by protecting and enhancing valued landscapes.

6.6 **Impact on Residential Amenity**

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

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

6.6.3 In support of the application the applicant considers that in time the introduction of planting should help with noise and light pollution over and above that caused by the busy A442.

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

6.6.5 It is also acknowledged that there is a potential for the proposed glamping/touring caravan site to generate noise/smells and light pollution, it is considered that provided the site is managed appropriately then the residential amenity of the area would not be impacted on in a significant way.

6.6.6 As noted above Members of the Planning Committee, also suggested that more

information in relation to the management of the pods, should be provided with any future application. To that end the applicant, during the course of this current application has submitted a copy of the “Campsite Rules” – this may be viewed on the Councils web site. The applicant has also confirmed that the applicant lives permanently at The Royal Oak and together with his staff maintain an “efficient and sociable site.”

6.6.7 It is also noted that the SC Public Protection Team have been consulted on this application and recommend that, should planning permission be forthcoming, a suitable condition be attached to require the submission and approval of a noise management scheme that details what measures shall be employed to control noise from users of the site and that this should be fully implemented at all times. Additionally in the event that planning permission be granted and noise/smells/artificial lighting from the site consequently proved to create an issue then the Councils Public Protection Team could investigate this under nuisance legislation.

6.7 **Ecological Impact**

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

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

6.8 **Highway safety**

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

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

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

the entrance which would cater for visitors and maintenance vehicles.

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

6.8 Other Issues

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

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

6.8.3 The application form states that the foul drainage is to be connected to the main sewer which already serves the Public House and that the surface water would be disposed of via a soakaway system. The site is located outside the SuDS Consultation area and SC drainage raise no objection and recommend an appropriate informative.

7.0 CONCLUSION

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

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

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- ② As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ② The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

Shropshire Core Strategy policies:

CS5 Countryside and Green Belt

CS6 Sustainable Design and Development Principles

CS16 Tourism, Culture and Leisure

CS17 Environmental Networks

CS18 Sustainable Water Management

SAMDev policies:

MD2 Sustainable Design

MD6 Green Belt

MD7b General Development in the Countryside

MD11 Tourism Facilities and Visitor Accommodation

MD12 Natural Environment

RELEVANT PLANNING HISTORY:

18/03476/FUL Application under Section 73A of the Town and Country Planning Act 1990 for the erection of toilet block, shower block and change of use to glamping and touring caravan site REFUSE 19th December 2018

18/04590/FUL Erection of canopy porch and disabled entrance door GRANT 30th November 2018

BR/APP/FUL/05/0154 Erection of a boules piste and two floodlight columns GRANT 12th April 2005

BR/APP/FUL/07/0277 Siting of a residential caravan for a temporary period REFUSE 17th May 2007

BR/APP/FUL/07/0121 Repositioning of outdoor play equipment and adjustment to boules court GRANT 10th April 2007

BR/APP/FUL/06/0600 Erection of a fire escape stair on north elevation GRANT 20th September 2006

BR/APP/FUL/06/0140 Erection of a rear single storey extension GRANT 13th April 2006

BR/87/0218 INSTALLATION OF L.P.G. TANK GRANT 30th April 1987

BR/88/0104 CONSTRUCTION OF BOWLING GREEN REF 5th May 1988

BR/85/0700 ERECTION OF SINGLE STOREY SIDE EXTENSION INCORPORATING EXISTING OUTBUILDING AND ALTERATIONS TO PORCH AND FRONT WINDOW GRANT 10th January 1986

BR/86/0840 CONSTRUCTION OF L.P.G. TANK WDN 1st June 1987

BR/86/0452 USE OF LAND AS BEER GARDEN REF 5th August 1986

BR/93/0732 ERECTION OF SINGLE STOREY EXTENSION AT THE REAR OF THE PUBLIC HOUSE TO FORM FREEZER ROOM GRANT 15th December 1993

BR/98/0356 PROVISION OF OUTDOOR PLAY EQUIPMENT GRANT 9th July 1998

Appeal

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

11. Additional Information

View details online:

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

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Councillor Gwilym Butler

Local Member Cllr Tina Woodward

Informatives

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

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

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

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

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



Committee and date

South Planning Committee

30 July 2019

Development Management Report

SCHEDULE OF APPEALS AND APPEAL DECISIONS AS AT 30 JULY 2019

LPA reference	18/01739/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Darren Riley
Proposal	Erection of 1No dwelling and formation of vehicular and pedestrian access following demolition of existing garage
Location	Proposed Dwelling To The East Of Portmans Way Bridgnorth Shropshire
Date of appeal	03.01.2019
Appeal method	Written representations
Date site visit	4.3.2019
Date of appeal decision	29.05.2019
Costs awarded	
Appeal decision	Dismissed

LPA reference	17/04603/OUT
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Don Patter
Proposal	Outline application (all matters reserved) for the erection of one detached dwelling
Location	Proposed Dwelling Adj. The Lindens Duke Street Broseley Shropshire TF12 5LS
Date of appeal	12/06/2019
Appeal method	Written representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	18/04477/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Simon Angell
Proposal	Erection of a detached dwelling and temporary use of existing outbuilding ("garage/store") as residential accommodation during building construction
Location	Land Adjacent Wayside Ashford Carbonell Shropshire
Date of appeal	08.04.19
Appeal method	Written Representations
Date site visit	
Date of appeal decision	20.06.19
Costs awarded	
Appeal decision	Dismissed

LPA reference	17/05170/FUL
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Connexus
Proposal	Construction of 5 No. Independent Living Affordable residential dwellings
Location	Housing Development Site Sidney Road Ludlow Shropshire SY8 1SQ
Date of appeal	07.02.19
Appeal method	Written Representations
Date site visit	
Date of appeal decision	20.06.19
Costs awarded	
Appeal decision	Allowed

LPA reference	18/03761/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	David White
Proposal	Erection of one dwelling; formation of vehicular access and parking area
Location	Land to East Of Park Lane Shifnal Shropshire
Date of appeal	26.06.2019
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	18/01158/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Damien Bryan
Proposal	Erection of four holiday lets and creation of vehicular access and parking (Re-submission)
Location	Proposed Holiday Let Development South Of The Haye Eardington Bridgnorth Shropshire
Date of appeal	19.02.2019
Appeal method	Written representations
Date site visit	23.04.2019
Date of appeal decision	28.06.2019
Costs awarded	
Appeal decision	Dismissed

LPA reference	19/01482/FUL
Appeal against	Non Determination
Committee or Del. Decision	n/a
Appellant	Dennis Hodgetts
Proposal	Erection of a predominantly glazed garden room with external patio and steps following demolition of conservatory
Location	Cherry Orchard Farmhouse Tuckhill Six Ashes
Date of appeal	4.6.2019
Appeal method	Written representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	



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: 29 May 2019

Appeal Ref: APP/L3245/W/18/3217567

27 Portmans Way Bridgnorth WV16 5AT

- 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 Darren Riley against the decision of Shropshire Council.
 - The application ref 18/01739/FUL, dated 12 April 2018, was refused by notice dated 5 September 2018.
 - The development proposed is the erection of 1 No. dwelling and formation of vehicular and pedestrian access following demolition of existing garage.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - (a) The effect of the proposed development on the character and appearance of the area; and
 - (b) whether the living conditions for future occupiers of the proposed development would be acceptable, particularly as regards privacy.

Procedural matters

3. Since the determination of the planning application, the 2018 version of the National Planning Policy Framework has been replaced with a revised version published in February 2019 (the Framework). My determination of this appeal has taken the 2019 Framework into account.
4. The description of development in the heading above is different to that set out in the original planning application form. Whilst in Part E of the appeal form it is stated that the description of development has not changed, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. However, the wording set out in the appeal form more accurately describes the full extent of the proposal and so I have used this one in my heading above.
5. I have determined this appeal in accordance with the amended plans submitted as part of the planning application process and as considered by the Council.

6. There appears to be an inconsistency in the plans submitted. Whilst a window is shown on the first-floor plan facing No 27 Portmans Way, this is not shown on that proposed side elevation. Instead a first-floor window is shown on the opposite side elevation which is obviously incorrect. Nevertheless, as the window is small and would only provide light to the stairs, I consider that this inconsistency is of a minor nature, taking into account the judgment given in *Bernard Wheatcroft Ltd v Secretary of State for the Environment and Harborough District Council* (1980). I therefore consider that the Council and residents of adjoining properties have not been prejudiced by this inconsistency in the plans and I have considered the appeal accordingly.

Reasons

Character and appearance

7. The appeal site is in a predominantly residential area and consists of land formerly in the curtilage of No 27 Portmans Way. There is a noticeable difference between the style of development in Portmans Way and that in Harley Way which backs onto the appeal site.
8. The overall character of the Portmans Way estate is of houses set back from the road with spacious front gardens. The plots are generally larger than the appeal site and of a uniform rectangular shape, giving an open character and appearance.
9. The appeal site is tightly constrained and triangular in shape. The new dwelling would be at an awkward angle to the houses at 21 – 27 (odd) Portmans Way and would sit much further forward on its plot than any of the neighbouring houses. The development would appear unduly cramped within the plot and would introduce an incongruous element into the street scene, out of character with the neighbouring properties. The box hedging proposed for privacy (see paragraph 11 below) being so close to the bay window in the front elevation, would also be at odds with the open appearance of the surrounding gardens.
10. For these reasons, I conclude that the proposed development would constitute over development and would not be in keeping with the character and appearance of the surrounding area. Accordingly, it would be contrary to Policy CS6 of the Shropshire Council Local Development Framework Adopted Core Strategy (2011) and Policy MD2 of the Shropshire Site Allocations and Management of Development Plan (2015) which both seek to ensure that development is appropriate in scale density, pattern and design in relation to local character. It would also conflict with the National Planning Policy Framework (Framework) which seeks good standards of design.

Living conditions for future occupiers

11. The development would include a slight gap of about 2.5m depth between the back of the footway and the front elevation of the dwelling. However, I am concerned that the close proximity of the property to the footway and the turning head would result in privacy issues for future occupiers. Persons using the footway and turning head would be able to look directly in to the property, particularly through the ground floor front window. Whilst the development proposes a box hedge across the entire frontage of the plot, this together with the limited gap would be insufficient to provide adequate levels of privacy. I am also concerned that the box hedge could block light into the room with the bay window, creating gloomy living conditions.

12. For these reasons I conclude that the living conditions of future occupiers of the dwelling would not be acceptable. The proposal would therefore conflict with CS Policy CS6 which includes seeking development that safeguards residential amenity and the Framework which, amongst other things, seeks a high standard of amenity for future users.

Other matters

13. Whilst the proposal would not adversely affect the living conditions of occupiers of neighbouring properties, this lack of harm has a neutral effect that neither supports nor weighs against the proposal.

14. As part of my site visit I saw the properties in Harley Way referred to by the appellant. The character and appearance of the two developments are quite different. The plots in Harley Way are regular and square to the turning heads and footways. Some have low hedges to a part of their frontages, but these do not create a barrier to light to the windows on the front elevations.

15. I also visited Abbeyfield to look at the new property referred to by the appellant. I agree that it is located on an irregular and constrained site at the end of a turning head, but otherwise the circumstances are different to those proposed for the appeal site. The building is one storey and is not close to neighbouring properties. The relationship between the new property and the neighbouring properties is not comparable to the appeal site. In any event, each case must be determined on its own merits.

Conclusion

16. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jan Hebblethwaite

INSPECTOR

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Appeal Decision

Site visit made on 3 June 2019

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th June 2019

Appeal Ref: APP/L3245/W/19/3224985

**Wayside, 4, Dumbleholes Lane End of To The Weir Junction, Ashford
Carbonell, Shropshire, SY8 4BX**

- 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 Simon Angell against the decision of Shropshire Council.
 - The application Ref 18/04477/FUL, dated 27 September 2018, was refused by notice dated 6 December 2018.
 - The development proposed is the erection of a detached dwelling and temporary use of existing outbuilding as residential accommodation during building construction.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the site is a suitable location for housing, having regard to local and national planning policy.

Reasons

3. Policy CS1 of the Shropshire Council Core Strategy (CS) 2011 sets a target of delivering a minimum of 27,500 dwellings over the plan period of 2006-2026 with 35% of these being within the rural area, provided through a sustainable "rural rebalance" approach. Development in rural areas will be predominantly in Community Hubs and Community Clusters.
4. Policy CS4 of the CS sets out how new housing will be delivered in the rural areas by focusing it in Community Hubs and Community Clusters, which are identified in Policy MD1 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) 2015. Policy MD1 of the SAMDev identifies those settlements that fall within a Community Hub or Community Cluster. Policy CS11 of the CS seeks to ensure that development creates mixed, balanced and inclusive communities.
5. The appeal site is situated between the existing residential properties of Wayside and Thrale Cottage, which form part of the village of Ashford Carbonell. The village contains a number of community facilities including a School, a Church and a village hall. However, it is not identified as a settlement in the development plan where new housing is to be focused.
6. Policy CS5 of the CS allows new development in such locations only where it maintains and enhances countryside vitality and character and improves the

sustainability of rural communities. It also provides a list of particular development that it relates to including dwellings for essential countryside workers and conversion of rural buildings. There is no evidence before me to suggest that the proposal falls within any of the development listed in Policy CS5. However, the list is not exhaustive.

7. Policy CS5 is complemented by Policy MD7a of the SAMDev, which goes on to further state that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Clusters. Therefore, it seems to me that although Policy CS5 of the CS does not explicitly restrict new market housing in the open countryside, Policy MD7a of the SAMDev does, unless specific criteria are met.
8. The proposal is a for an open market, self-build dwelling. The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) imposes certain duties on planning authorities, one of which is to keep a register of all individuals and organisations who are interested in acquiring a self-build/custom-build site. The planning authority must give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding. It goes on to clarify that 'development permission' is "suitable" if it is permission in respect of development that could include self-build and custom housing.
9. Paragraph 61 of the National Planning Policy Framework (the Framework) states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes). However, I do not agree with the appellant's assertion that this means that there should be separate policies within the development plan addressing each of these needs. Self-build dwellings are one of a number of types of development that fall under the general housing policies of both the CS and SAMDev, which could also include, for example, families with children and people who rent their homes. There is no requirement within paragraph 61 that there must be a specific policy addressing each of these needs. It only requires that the needs of these different groups must inform the development plan policies. There is no evidence before me to suggest that the Council did not take into account the needs of these groups when they drafted the development plan policies.
10. The Council's Type and Affordability of Housing Supplementary Planning Document (SPD) 2012 recognises that self-build properties can help to achieve mixed and balanced communities. Neither the CS nor the SAMDev policies explicitly refer to self-build housing. However, the relevant housing supply policies do allow, amongst other things, single plot developments within areas that the Council consider to be suitable locations, ie. settlements identified for growth. There is nothing preventing these single plot developments being for open market, self-build dwellings. Moreover, Policy CS5 of the CS and Policy MD7a of the SAMDev allow residential development outside of these areas, albeit subject to further restrictions. Nevertheless, these policies support self-build dwellings, albeit providing they are secured as affordable dwellings.
11. Therefore, the development plan supports the provision for self-build dwellings, providing they are in suitable locations, as identified in Policies CS4 and CS5 of

the CS and Policies MD1 and MD7a of the SAMDev. Legislation with regard to self-build is not carte blanche for development in otherwise unsuitable locations. Accordingly, the development plan is not silent on the matter of self-build dwellings, either affordable or open market. There is no dispute that the Council can demonstrate a five year supply of deliverable housing land. Therefore, the policies most relevant for determining the application are not out-of-date and as such paragraph 11d) of the Framework is not engaged. The fact that the CS and SAMDev predate the publication of the Framework and the Self-build Act does not render the policies within the documents to be out-of-date.

12. I have had regard to the article referred to me by the appellant regarding an appeal in Lancashire¹. However, the details of the Inspector's decision and the case are very limited. Accordingly, I attribute very limited weight to this matter. The appellant has also referred to 'exemplar appeal decisions' in his evidence. However, the details of these decisions are not before me and therefore I cannot give them any consideration.
13. The Council confirms that they have a register for eligible person under the single plot exception scheme, referred to in Policy CS5 of the CS and Policy MD7a of the SAMDev, and there are currently 150 people on the list. However, it is not clear whether or not this is the same as the statutorily required Self-build register. Furthermore, there is no evidence to indicate that the Council are not meeting their statutory duty in giving suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding. As it is not clear how many people/organisations are on the register and how many serviced plots of land that could meet the demand for self-build and custom housebuilding have been granted planning permission, I cannot be certain that the Council are not carrying out their statutory duty in this regard.
14. I therefore conclude that the proposal is not located in a suitable location and therefore would undermine the Council's housing strategy, as envisaged in Policies CS1, CS4, CS5 and CS11 of the CS and Policies MD1 and MD7A of the SAMDev.

Other Matters

15. The appeal site was granted planning permission for an affordable dwelling in 2012². There is a dispute between the parties as to whether the permission has been implemented. However, based on the observations I made on site, construction works have clearly commenced up to approximately damp-proof course level. Therefore, based on the evidence before me, the planning permission for the approved dwelling has been implemented.
16. Furthermore, whilst I understand the appellant's frustration and allegations that the extant permission was not considered consistently with other development within the vicinity of the site, this has had no bearing on my consideration of the planning merits of the current proposal. I must determine the appeal against the current development plan. Although the Council has previously considered Ashford Carbonell to be a sustainable settlement, this was against the policy context at the time, whereby the relevant housing supply policies were considered to be out-of-date as the Council could not demonstrate a five year

¹ Planning Resource article dated 20 February 2019

² LPA Ref 11/05428/FUL

supply of deliverable housing land. However, as this is no longer the case, the relevant housing supply policies are attributed full weight and therefore, for the reasons set out above, the proposal would conflict with the development plan.

17. The appellant is a longstanding member of the local community and wishes to stay in the area. In addition, the construction of a dwelling would make a positive contribution to the local housing supply. These are social benefits that weigh in favour of the proposal. However, it would result in the loss of an affordable home, notwithstanding the financial contribution to off-site affordable housing provision, which would therefore negate this social benefit.
18. Moreover, the unilateral undertaking (UU) submitted, amongst other things, provides for a financial contribution towards affordable housing provision. Despite there being no requirement for development of this scale to provide such contributions, this would not sufficiently off-set the loss of the potential affordable dwelling that benefits from planning permission.
19. The construction of the dwelling would likely create construction jobs and utilise materials from local merchants. Therefore, there would be some economic benefit.
20. However, due to the limited facilities within the village, the occupants of the dwelling would likely rely on the private car to access many services, facilities and employment opportunities and therefore have a harmful effect on the environmental dimension of sustainable development. I do not consider that the limited social and economic benefits would outweigh this harm. Whilst I accept that the approved affordable dwelling would have the same impact, the fact that it would be an affordable dwelling would add greater weight to the social dimension of sustainable development, outweighing the environmental harm.
21. I have had regard to the appellant's contention that it is not possible for him to attain the necessary finances to complete the approved dwelling. However, this has had no bearing on my consideration of the planning merits of the proposal.
22. The appeal site lies within the Ashford Carbonell Conservation Area (CA). The Council have raised no objection to the proposal in respect of whether it preserves or enhances the character or appearance of the area. Based on the evidence before me and the observations made on site, I find that that it would have a neutral effect on the significance of the CA and therefore would preserve its character and appearance. However, this does not outweigh the harm I have identified above.

Conclusion

23. Whilst the proposal would provide limited socio-economic benefits, I do not consider that this outweighs the overall significant harm it would have by way of undermining the Council's housing strategy.
24. For the reasons given above, the appeal is dismissed.

Alexander Walker

INSPECTOR



Appeal Decision

Site visit made on 3 June 2019

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th June 2019

Appeal Ref: APP/L3245/W/19/3220169

Land off Sidney Road, Ludlow, Shropshire SY8 1SH

- 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 Connexus against the decision of Shropshire Council.
 - The application Ref 17/05170/FUL, dated 12 October 2017, was refused by notice dated 23 October 2018.
 - The development proposed is construction of 5 No. Independent Living Affordable residential dwellings.
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of 5 No. Independent Living Affordable residential dwellings at Land off Sidney Road, Ludlow, Shropshire SY8 1SH in accordance with the terms of the application, Ref 17/05170/FUL, dated 12 October 2017, subject to the conditions set out in the attached schedule.

Procedural Matter

2. An updated revised National Planning Policy Framework (the Framework) was published on 19 February 2019. As this pre-dates the determination of the appeal, in reaching my decision I have had regard to the updated revised Framework. Although the appeal was submitted before it was published, the main parties have had the opportunity to comment on the updated revised Framework.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether future occupiers of the proposed dwellings would have satisfactory living conditions having particular regard to privacy and security;
 - whether the proposed parking and refuse facilities are acceptable having regard to the likely future occupiers of the dwellings.

Reasons

Character and appearance

4. The appeal site comprises a reasonably large area of open space located in a prominent position adjacent to Sheet Road, Sidney Road and Charlton Rise. It is grassed and contains 3 mature trees, including a large Maple tree protected by a Tree Preservation Order (TPO) positioned towards the rear of the site and two other Maple trees also protected by TPOs positioned nearer to Sheet Road. There are a number of other trees nearby, including a large belt of mature trees on the opposite side of Sheet Road. The immediate surrounding area is mainly residential in character comprising semi-detached and short terraces of bungalows, including a row of bungalows located adjacent to the rear of the site, together with two and three storey buildings on Charlton Rise. A railway line runs on the opposite side of Sheet Road.
5. The appeal site and the trees contained within it contribute positively to the character and appearance of the area. A sign in place at the edge of the appeal site restricts its use for ball games. At my visit I saw evidence of an informal path across the site but there was no evidence of any formal recreational use of the land.
6. The proposed erection of a terrace of 5 bungalows on the site would require the removal of the large Maple tree positioned towards the rear of the site and the loss of some of the existing open space. However, the bulk of the development would be located towards the rear of the site, close to existing built development and away from Sheet Road and the design, scale and external materials of the proposed bungalows would be similar to existing bungalows nearby. A large amount of open space would be retained and the forward building line of the proposed buildings would be broadly in line with nearby development on Sidney Road and Charlton Rise.
7. Whilst the loss of the Maple tree would result in some harm to the character and appearance of the area, some compensatory planting is proposed as part of the proposal. Though I note that there are some concerns as to whether it could be provided in the positions shown due to existing easements across the site, the site area is such that I am satisfied that it should be possible for satisfactory compensatory planting to be provided to mitigate for the loss of the Maple tree. Furthermore, I am satisfied that the design and appearance of the proposed bungalows adequately reflects and respects surrounding development and that their siting towards the rear of the site ensures that a sufficient amount of open space would remain so as to ensure that the proposal would not be harmful to the character and quality of the area which is one of the main access routes into Ludlow.
8. Taking the above matters into consideration, I conclude that the proposal would not have an adverse effect on the character and appearance of the area. It therefore accords with policies CS6, CS8 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy March 2011 (CS), policies MD2 and MD12 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan adopted 17 December 2015 (SAMDev) and to

relevant paragraphs of the Framework insofar as they are relevant to the issue of character and appearance. These policies seek, amongst other things, the protection of open spaces, important trees and other environmental assets and development designed to a high quality and which takes account of local context and character.

Living conditions

9. A pedestrian path would be constructed to the front of the proposed bungalows providing access to the refuse collection area and parking spaces. As it would provide a link between Sidney Road and Charlton Rise it is likely that the path would also be used by members of the public. The path would be positioned to the other side of railings enclosing modest front garden areas and would therefore be separated from the front elevations of the bungalows. Furthermore, windows in the front elevations would serve kitchens and shower rooms with the lounge and bedroom windows on the rear elevations overlooking the communal garden area. The position of the path, set away from the front windows, together with the internal layout of the bungalows means that I am satisfied that future occupiers would not be subject to undue amounts of overlooking from the path or that they would be likely to perceive security issues.
10. Taking the above matters into consideration, I conclude that future occupiers of the proposed dwellings would have satisfactory living conditions having particular regard to privacy and security. The proposal therefore accords with policies CS6 and CS8 of the CS, Policy MD2 of the SAMDev and to relevant paragraphs of the Framework. These policies require, amongst other things, development to safeguard residential amenity and contribute to the health and wellbeing of communities.

Parking and Refuse

11. It appears from the evidence that the proposed bungalows have been designed to be occupied by frail and elderly persons with reference also being made to wheelchair users within the Council's committee report. Due to the positioning of the bungalows away from a road frontage, access to the proposed parking area and refuse collection point would involve travelling along the proposed path in front of the bungalows. As the main parties acknowledge, this is not ideal given that future occupiers of the bungalows are likely to have restricted mobility. However, it appears that the occupation of the properties would be managed by the appellant, a registered social landlord and supported by the local independent living scheme. Under these circumstances it seems that future occupiers would have sufficient support mechanisms in place so as to ensure that the position of the parking and refuse facilities would not be unduly problematic.
12. Though some concerns have been raised regarding the overall number of parking spaces proposed, from the evidence it appears that the proposal accords with the Council's parking standards.
13. Consequently, I consider that the proposed parking and refuse facilities are acceptable having regard to the likely future occupiers of the dwellings and that the proposal accords with policies CS6 and CS8 of the CS, Policy MD2 of the SAMDev and relevant paragraphs of the Framework. These policies seek to ensure, amongst other things, that development proposals have regard to

function, safeguard residential amenity and contribute to the health and wellbeing of communities.

Other Matters

14. In reaching my decision I have had regard to a number of other issues raised by interested parties including the Town Council.
15. Firstly, as stated, there is no evidence of any formal use of the appeal site as open space and it is not designated as such. Consequently, although it appears to have been used informally by local residents for some time, there is no objection in principle to its partial loss as proposed, subject to compliance with relevant development plan policies.
16. Although my attention has been drawn to the fact that there may be other sites available for the proposal which are considered to be more suitable, other alternative schemes are not before me and I must determine the proposal on its own merits. For the reasons stated above, I consider the proposal to be acceptable and the fact that previous proposals on the site have been refused planning permission does not mean that subsequent schemes would necessarily be unacceptable.
17. I am satisfied that the proposal would not result in any harm to highway safety and note that the Highway Authority did not object to the proposal. Though the proposed refuse collection area would be near to the junction with Sidney Road, collections would be relatively infrequent and would also take place from other properties on Sidney Road closer to the junction. The proposal is unlikely to generate a significant amount of additional traffic and would not therefore be likely to result in congestion or to materially add to any existing problems. There is no substantive evidence that the proposal would adversely affect access by the emergency services. Whilst the site may have been previously used by the air ambulance service for landing purposes, I have not been provided with any specific evidence regarding the need to retain the site for this purpose and note the proximity of other green spaces near to the site including Gallows Bank.
18. Concerns have been expressed regarding drainage and sewerage across the site with it stated to have flooded in recent years. No objections have been raised to the proposal by the Council's flood and water management team and I note that the Council have suggested conditions regarding drainage and sewerage in the event that permission is granted. Having regard to a lack of substantive evidence regarding these matters, I consider that the imposition of conditions as suggested by the Council would ensure adequate drainage and sewerage management on the site. The fact that a culvert passes beneath the site does not preclude development above it, subject to appropriate measures being put in place to protect the culvert and to allow sufficient access to it.
19. A public footpath and bridleway run across the site and the footpath would be affected by the proposal. The Council's Rights of Way Team have received an application to extinguish the path and this matter is separate to the consideration of this appeal.
20. Concerns have been expressed regarding the impact of the proposal on protected species and wildlife. Ecological Appraisals have been carried out on the site and conclude that no adverse impact on protected species or habitats

of ecological merit are envisaged and the Council's ecologist did not object to the proposal subject to the imposition of a number of conditions. In light of this I am satisfied that the proposal would not have an unacceptable impact on protected species and wildlife.

21. There is no evidence that the proposal would materially increase noise in the area or that future occupiers would be unduly affected by noise and no objections were raised to the proposal by the Council's regulatory services department. The Council is satisfied that the separation distances to existing bungalows to the rear would be sufficient despite a failure to meet the normal standards and I have seen no evidence to lead me to a different conclusion, particularly bearing in mind that the properties are all single storey.
22. In submitting the application, the appellant has stated that they own the site and despite assertions to suggest that they may not own the entire site, in the absence of any contradictory evidence regarding this issue, I am satisfied based on the evidence before me that the appropriate ownership certificates were completed and that the appeal is valid.

Conditions

23. I have had regard to the conditions suggested by the Council.
24. I have imposed a condition specifying the approved plans as this provides certainty. I have also imposed conditions regarding the external materials to be used for the dwellings; the details of all means of enclosure and regarding the submission and implementation of a landscape scheme. These are required in the interests of the character and appearance of the area and in the case of the landscaping conditions, to ensure biodiversity.
25. A tree protection condition and drainage condition have been imposed in order to ensure that any existing trees and landscaping are adequately protected and that adequate drainage facilities are provided. I have also imposed a condition requiring the submission and implementation of a construction management plan, this is in the interests of the living conditions of nearby residents and highway safety. The nature of the requirements of the tree protection, drainage and construction management plan conditions is such that it is necessary for the required details and measures to be submitted and carried out prior to the commencement of any development. The wording of these conditions has been formally agreed by the appellant.
26. I have also imposed a condition requiring the proposed parking spaces to be made available prior to the occupation of the dwellings. This is in order to ensure adequate parking is provided.
27. I have imposed conditions regarding the provision of bat and bird boxes on the site and regarding external lighting. These are required in the interests of biodiversity. Finally, I have imposed a condition restricting the hours of works on the site. This is in order to protect the living conditions of the occupiers of nearby properties.
28. I have not imposed the suggested conditions regarding the ground floor slab level and the removal of permitted development rights as it is not clear from the evidence that these conditions are justified and meet the test of necessity.

Conclusion

29. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed.

Beverley Wilders

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following submitted plans: C-100, C-101B, C-102K, C-205A, C-206D and 2930 17 03 02 E.
- 3) Prior to the commencement of development, details of trees and hedgerows to be retained and measures to protect these from damage during construction shall be submitted to and agreed in writing by the local planning authority. The approved measures for the protection of the trees as identified in the agreed tree protection plan shall be implemented in full prior to the commencement of any development related activities on site, and they shall thereafter be maintained for the duration of the site works. No material variation will be made from the approved tree protection plan without the written agreement of the local planning authority.
- 4) No development shall commence on site until a scheme for the discharge of surface and foul water from the site (including surface water from the access/driveway/parking areas), incorporating sustainable drainage details, has been submitted to and approved in writing by the local planning authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.
- 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:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- 6) No works shall take place above damp proof course level until details of the materials to be used for the external walls, roofs and hard-surfaced areas of the approved development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) No works shall take place above damp proof course level until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the local planning authority.

- Development shall be carried out in accordance with the approved details prior to the development being occupied.
- 8) Notwithstanding what is shown on the approved plans, no works shall take place above damp proof course level until a landscaping plan has been submitted to and approved in writing by the local planning authority. The plan shall include:
- a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots);
 - b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
 - c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate; and
 - d) Implementation timetables.
- 9) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.
- 10) No part of the development hereby approved shall be first occupied until the parking areas shown on the approved plans have been consolidated, surfaced and laid out in accordance with the approved details. These areas shall be maintained and remain available for this use at all times thereafter.
- 11) Prior to first occupation/use of the buildings, details for the provision of bat and bird boxes shall be submitted to and approved in writing by the local planning authority. The following boxes shall be erected:
- A minimum of 1 external 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).
- The boxes shall be sited in accordance with the latest guidance and thereafter retained for the lifetime of the development.
- 12) Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the

development. The submitted scheme shall be designed to consider 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) or subsequent replacement guidance.

- 13) Demolition, construction works or deliveries shall not take place outside 7.30am - 6pm Monday to Friday, and 8am - 1pm on a Saturday, with no work taking place on Sundays or bank or public holidays.

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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: 28 June 2019

Appeal Ref: APP/L3245/W/18/3213900

Haye House, Lower Forge, Eardington, Bridgnorth, Shropshire WV16 5LQ

- 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 Damian Bryan against the decision of Shropshire Council.
 - The application Ref 18/01158/FUL, dated 28 February 2018, was refused by notice dated 28th June 2018.
 - The development proposed is erection of four holiday lets.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: 1) the effect of the proposed development on the setting of a Grade II Listed Building, and 2) whether the proposed development is in a suitable location, with particular regard to safeguarding the character and appearance of the countryside and reducing reliance on the car.

Reasons

The effect on the setting of the listed building

3. The appeal site comprises a redundant tennis court and part of an adjacent field to the south of the rear garden to Haye House, a Grade II Listed Building. This is a substantial detached property, historically designed as a farm house and presently in residential use. The majority of the building is in red brick, featuring wood casement windows and panelled doors with canopies. It also features a stone gable with windows incorporating stone mullion and transoms. The building is finished in a tiled roof, which includes hipped dormers and detailed chimney stacks.
4. Although the area of the tennis court is concealed by existing trees, it has a functional relationship to Haye House by forming part of its grounds, which include landscaped gardens. These grounds which are free of any significant development, along with the adjacent low-lying converted barns, contribute to its spacious setting and complement the stature of Haye House as a farm house in the open countryside. This is particularly noticeable in views from surrounding land to the south and east.
5. Based on the above and the information available to me, the significance of Haye House is largely derived from its form, fabric, architectural features and its associated grounds.

6. Despite careful consideration to its design and a lower ridge height than Haye House, the new building with its generous footprint and two-storey form would be sizeable. Development of this scale in proximity of Haye House has the potential to compete with it visually and detract from its setting.
7. The appellant's case relies on the retained and proposed trees screening the new building and safeguarding the setting of Haye House. However, the Tree Survey and Arboricultural Impact Assessment submitted with the application, recommends that the crowns of most of these trees are reduced by 40% to maintain them and reduce the risk of branch failure. Any new tree planting would take time to establish. Consequently, on the available evidence it has not been clearly shown that the existing and proposed screening would be total and would prevent all views off the new building. Notwithstanding this, the proposal would cause the permanent loss of part of the grounds to the listed building and erode the extent of space about it. This would therefore fail to preserve its setting and cause harm to its significance. I consider this harm to be less than substantial.
8. Paragraph 196 of the National Planning Policy Framework ('the Framework') states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
9. I have no substantive evidence to support the appellant's assertion that income from the holiday-lets would assist in maintaining Haye House. The Council acknowledges that the proposal would contribute to the rural economy and the role of Shropshire as a tourist destination. This would deliver economic and social benefits. Given the modest number of holiday-lets proposed, any associated benefits would be limited.
10. Having special regard to the desirability of preserving the setting of the listed building¹, despite finding the harm to be less than substantial, I still attach significant weight to this. Such harm can be outweighed by public benefits. Having given limited weight to the public benefits identified in this instance, they are not sufficiently forceful to outweigh the less than substantial harm that I have identified.
11. For the above reasons the proposed development would conflict with Policy CS17 of the Shropshire Core Strategy (CS) and Policies MD2 and MD13 of Shropshire Council's Site Allocations and Management of Development (SAMDev), which seek to protect and enhance the historic environment, including the setting of heritage assets.

Location of the development

12. The site is substantially detached from the settlement of Eardington and in the open countryside. The main parties refer to a bus stop which is approximately 400m to the north of the site. However, I have no information on the frequency of the bus service provided. Nonetheless, access to it would be via a Class B road which is unlit and has no pedestrian footway. Therefore, walking along it would be unsafe and unappealing. For similar reasons, cycling along this road would also be an unattractive proposition. In particular, for longer journeys to destinations containing the full range of services and facilities to serve day to day

¹ Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

needs of visitors. The nearby Severn Valley Railway halt is not available for public use.

13. Visitors are also likely to choose the convenience of travelling by private vehicles given the availability of on-site parking. Therefore, the existence of the bus stop would be unlikely to remove the reliance on private vehicles for daily requirements. Consequently, it is reasonable to conclude that visitors would be highly reliant on the use of private cars to access a full range of services, facilities and the majority of tourist attractions and activities identified by the appellant.
14. Along with the erection of a sizeable building, as described above, the proposal includes the creation of a vehicular access off the B4555 to the new car park. This would require a significant section of hedge to be removed. There would also be the physical creation of the access and parking area, along with the parking of vehicles. This extent of development in an area free of any significant structures and in part comprising a field would harm the spacious and verdant quality of the area. Whilst some existing and proposed screen planting would ameliorate the impact of this development, the proposal would still result in substantial urbanisation and subsequent erosion of the countryside.
15. For the above reasons, I conclude that the proposed development would be in an unsuitable location which would harm the character and appearance of the countryside and increase reliance on the car. It would be contrary to the aims of Policies CS16, CS5 and CS6 of the CS and Policy MD11 of the SAMDev which collectively support the provision of high-quality visitor accommodation to create sustainable places which protect the countryside. In particular, where this makes use of existing buildings in accessible locations served by a range of services and facilities. I also find the proposal contrary to the design aims of Policy MD12 of the SAMdev which seeks to secure developments that safeguard the natural environment, along with character and appearance.

Other Matters

16. The Council acknowledges that the barns immediately to the east of Haye House benefit from planning permissions for holiday-let and residential use. From the information available to me these were for the conversion of existing buildings and are therefore not comparable to the appeal scheme. I have also been referred to planning permissions relating to other holiday-let schemes in the area. However, I have insufficient information to draw any meaningful conclusions from these. In any event, each application is determined on its merits, as I have done so in this case, based on the specific circumstances of this appeal.

Conclusion

17. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

M Aqbal
INSPECTOR

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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