



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

Date: Monday, 9 December 2019

**Committee:
Southern Planning Committee**

Date: Tuesday, 17 December 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

David Evans (Chairman)
David Turner (Vice-Chair)
Andy Boddington
Simon Harris
Nick Hignett
Richard Huffer
Cecilia Motley
Tony Parsons
Madge Shingleton
Robert Tindall
Tina Woodward

Substitute Members of the Committee

Roger Evans
Nigel Hartin
Christian Lea
Elliott Lynch
Dan Morris
Kevin Pardy
William Parr
Kevin Turley
Claire Wild
Leslie Winwood
Michael Wood

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 - 6)**

To confirm the minutes of the South Planning Committee meeting held on 19 November 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 2.00 pm on Friday 13 December 2019, .

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 **Land East Of The School House Hopton Cangeford Shropshire (17/04421/FUL)** (Pages 7 - 44)

Erection of two detached dwellings with detached open fronted double garages

6 **Proposed Affordable Dwelling Middleton Scriven Bridgnorth Shropshire (19/02168/FUL)** (Pages 45 - 58)

Erection of a single plot affordable dwelling and a detached double garage

7 **Pool Orchard Donkey Lane Ashford Carbonell SY8 4DA (19/04030/FUL)** (Pages 59 - 66)

Removal of existing garage doors and rotten timber; replace with aggregate blocks; installation of windows

8 **Proposed Affordable Dwelling to The South West of Harley Shrewsbury Shropshire (19/04227/FUL)** (Pages 67 - 82)

Erection of Local Needs Dwelling and garage, access and installation of package treatment plant

9 **Schedule of Appeals and Appeal Decisions (Pages 83 - 100)**

10 **Date of the Next Meeting**

To note that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 14 January 2020, in the Shrewsbury Room, Shirehall.



Committee and Date

Southern Planning Committee

17 December 2019

SOUTHERN PLANNING COMMITTEE

Minutes of the meeting held on 19 November 2019

2.00 - 3.31 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Linda Jeavons

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

Present

Councillor David Evans (Chairman)

Councillors David Turner (Vice-Chair), Andy Boddington, Simon Harris, Nick Hignett, Richard Huffer, Cecilia Motley, Tony Parsons and Claire Wild (Substitute) (substitute for Tina Woodward)

59 Apologies for Absence

Apologies for absence were received from Councillors Madge Shingleton, Robert Tindall and Tina Woodward (Substitute: Claire Wild).

60 Minutes

RESOLVED:

That the Minutes of the meeting of the South Planning Committee held on 22 October 2019 be approved as a correct record and signed by the Chairman.

61 Public Question Time

There were no public questions or statements received.

62 Disclosable Pecuniary Interests

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

With reference to planning application 19/02641/REM, Councillor David Evans declared that he supplied poultry to Welbatch Farm and would leave the room during consideration of this item.

With reference to planning application 19/03734/OUT, Councillor Simon Harris explained that in the event of any affordable housing schemes being built on this site and managed by Shropshire Towns and Rural Housing Limited (STaRH), he wished to declare that he was currently the Chairman on the Board of STaRH.

With reference to planning application 19/03983/FUL, Councillor Cecilia Motley declared that she was a member of The Shropshire Hills AONB Partnership and The Shropshire Hills AONB Strategy and Performance Committee. She confirmed that she had taken no part in any discussion relating to this application.

With reference to planning application 19/03983/FUL, Councillor David Turner declared that he was a member of The Shropshire Hills AONB Partnership and The Shropshire Hills AONB Strategy and Performance Committee. He confirmed that he had taken no part in any discussion relating to this application.

63 Proposed Agricultural Workers Dwelling East of Welbatch Farm, Hookagate, Shrewsbury, Shropshire (19/02641/REM)

In accordance with his declaration at Minute No. 62, Councillor David Evans left the room during consideration of this item.

Councillor David Turner took the Chair.

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

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

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

- He expressed support for this application and confirmed that he had also supported the previously approved application;
- The main farmhouse was occupied and would remain occupied by the parents of the applicants. The applicants were now taking over the running of the farm;
- It was important that local people remained in the area;
- The applicants worked with livestock all year round. Due to the nature of the work any protective clothing and footwear gets heavily soiled so access to washing/changing facilities was important;
- The applicant was willing to reposition the garage if deemed necessary;
- This was not secondary accommodation;
- All relevant documentation had been submitted with the original application; and
- Hookagate was a cluster village.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. Members noted the nature of the business and considered that the provision of a utility area, which would enable the applicant to

remove all outer clothing before entering the residential part of the dwelling, was justified.

RESOLVED:

That, contrary to the Officer's recommendation, planning permission be granted, subject to any conditions deemed appropriate by Officers and for the following reasons:

- The applicant had demonstrated that the additional floorspace above 100m², which is the normal maximum size for affordable dwellings, is justified by the needs of the applicants to ensure their wellbeing, the viable operation of their dairy business, compliance with biosecurity and the separation distance between the dwelling site and the main farm complex.

(At this juncture, Councillor David Evans returned to the meeting and took the Chair.)

64 Proposed Development Land At Former Bus Depot, Minsterley, Shrewsbury, Shropshire (19/03734/OUT)

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

Members had undertaken a site visit that morning and had viewed the site and had assessed the impact of a proposal on the surrounding area. He drew Members' attention to further objections received from Minsterley Parish Council.

The Principal Planner referred to the Conditions and drew Members' attention to the following amendments:

Condition No. 1 – The words "access arrangements" to be deleted; and
Condition No. 4 – The word "business" to be added before premises.

Mr D Jones, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

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

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

- Although objecting in the main to this application, there were some issues that had arisen from a previous submission that appear to have been addressed, at least on paper. In particular, the risk that this proposal represents to flooding in this area had been considered and the suggestion that the risk of

flooding to properties in nearby Linden Fields might be reduced was welcomed. Although this would only be proven if and when the site was completed;

- His main concern, which had not been addressed with this current application, was the possible impact that this development may have on the adjacent factory. Paragraph 182 of the National Planning Policy Framework (NPPF) requires that any new development should not result in existing businesses and facilities having unreasonable restrictions placed upon them as a result of development permitted after they had become established. Müller who took over the factory in 2013 was now by far the largest employer in the area. Noise generated from the factory will be detrimental to the residents of the proposed new homes and he was concerned that this would impact on Müller's ability to operate the site both now and in the future. New machinery had been installed during the past few years and the factory operated 24/7. Some of the loading bays are immediately adjacent to the perimeter fence - articulated vehicles reverse up to this loading area and this along with forklift trucks is not always a quiet procedure. He noted that a noise assessment would only be requested at the Reserved Matters stage; however, a noise assessment at this stage may well have indicated that measures such as acoustic fencing would not be adequate;
- The indicative layout was not suitable. As a Brown Field site, this area, adjacent to a major factory complex should be used for light industry purposes;
- The proposed access road was located at the wrong end of the site being at the edge of a curve in the highway. For safety reasons it should be relocated at the top end of the site;
- He requested that the application be refused in its current form. However, if Members were minded to approve this application, he requested that conditions be attached to ensure safe access and egress onto the A488 and inclusion of a footpath along the roadside length to ensure pedestrian safety in this area of the village.

Mr S Drummond, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees. In response to a question from a Member, he explained that the social housing would be provided by Connexus with a mixed tenure of rent and shared ownership.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. Members acknowledged the need for affordable housing but expressed concerns regarding the proposed illustrative layout of the site given the close proximity of the housing shown to the Müller factory. Members also noted in the illustrative layout that vehicles accessing to the proposed business units area would have to drive through the proposed housing area. Concerns were also expressed regarding the proposed access onto the A488.

RESOLVED:

That this application be deferred to a future meeting to enable the applicants to submit further information on the potential impact of noise and traffic movements

associated with the adjacent industrial/commercial premises on the health and wellbeing of the proposed dwellings, given that the illustrative site layout shows a desire to locate dwellings and their gardens immediately adjacent to the boundary with those premises, unlike the illustrative land allocations shown in application 18/03583/OUT and considered by the Planning Appeal Inspector, and to clarify the highway safety design considerations for the proposed access and its location. Further information is also sought on the rationale for the proportions of housing and commercial development shown on the illustrative layout.

65 Hysbatch, Ticklerton, Church Stretton, Shropshire, SY6 7DQ (19/03983/FUL)

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

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

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

- The applicant had expressed a desire and need to move closer to his parents who were now getting older and in need of support;
- The Parish Council supported the application and considered that an exception should be made in this case;
- However, the existing building was somewhat devoid of historic and architectural value. The proposed dwelling would sit on its own and be separate from the main house and although this could have its advantages it negated the issue of the need to be closer to his parents;
- This could be construed as being a separate dwelling and could come back later with a request for a substantial extension;
- She sympathised with the need to move closer to parents but would prefer an affordable dwelling to be built in this countryside location in the AONB.

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

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

RESOLVED:

That, as per the Officer's recommendation, planning permission be refused for the following reasons:

1. The existing building has no historic or architectural value which would justify its retention and reuse as an open-market dwelling. In any event the extent

of the proposed enlargement is such that the scheme would be tantamount to erecting an entirely new dwelling which, in this countryside location outside any settlement designated for residential development, would directly conflict with the Council's housing strategy and would not represent sustainable development in the round. Though there may be some social and economic benefits these would be negligible, no significant weight can be given to the applicant's family circumstances, whilst an absence of more severe landscape, flood risk or other impacts does not offset the fundamental conflict with Policies CS1, CS3, CS4 and CS5 of the Shropshire Local Development Framework Adopted Core Strategy, and Policies MD1, MD3, MD7a and S5 of the Shropshire Council Site Allocations and Management of Development Plan.

66 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 19 November 2019 be noted.

67 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, 17 December 2019 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:

Development Management Report

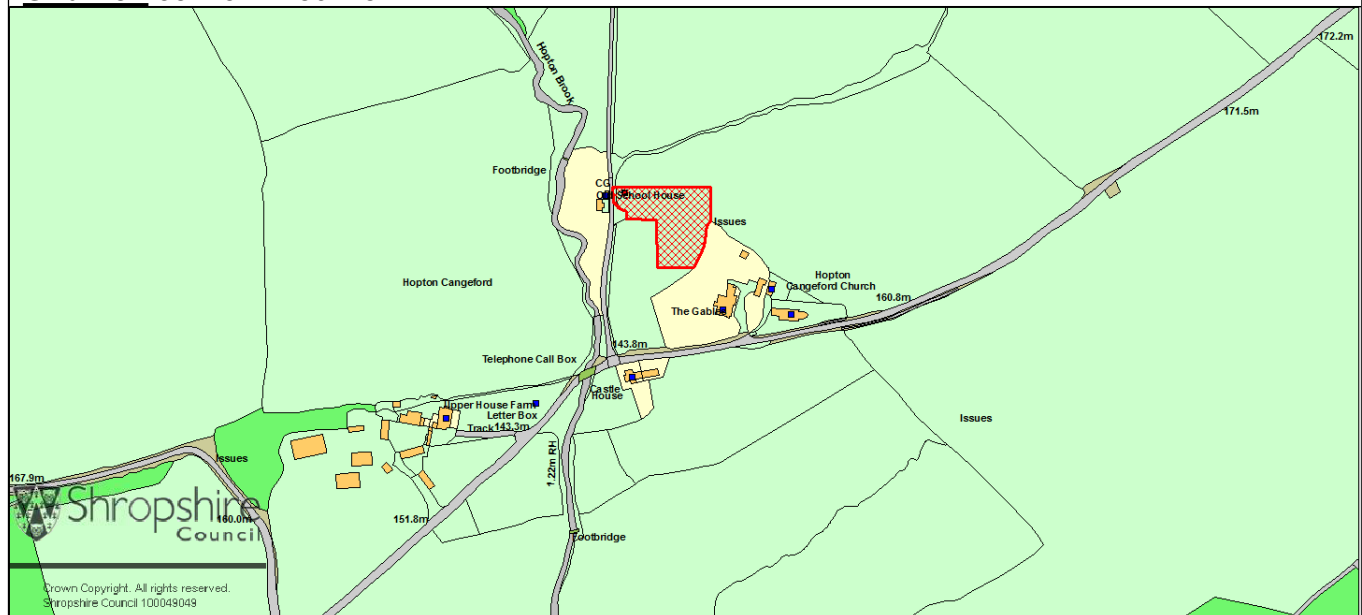
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 17/04421/FUL	Parish:	Hopton Cangeford
Proposal: Erection of two detached dwellings with detached open fronted double garages		
Site Address: Land East Of The School House Hopton Cangeford Shropshire		
Applicant: Mr Wiggin		
Case Officer: Heather Owen	email: planning.southern@shropshire.gov.uk	

Grid Ref: 354734 - 280478



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 3.

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of two detached dwellings and two detached open fronted double garages. The application was previously considered by Members of the South Planning Committee held at a meeting on 28th August 2019.
- 1.2 During the debate Members considered the submitted plans and noted the comments of the speakers. Members particularly noted:
- The positioning of the proposed dwellings on the site and the impact of this on the amenity of neighbouring properties;
 - The lack of sustainable energy sources;
 - The impact of further development on the existing community;
 - The lack of identified housing need in the Hopton Cangeford;
 - The design merits of the development;
 - Positioning of access; and
 - Definition of clusters set out in SAMDev and its flexibility.
- 1.3 Members determined that the application be deferred to enable the applicant and their agent to reconsider the position of the access and relocation of the dwelling on plot 2.
- 1.4 In response to the Members request a revised scheme has been submitted which proposes the following alterations:
- Formation of a new access approximately 15m south of the existing access to serve both plots 1 and 2. The existing access would be partially closed off to prevent vehicle access. Pedestrian access would remain as the existing access also a public right of way which needs to remain open.
 - Re-siting of the proposed dwelling on plot 2 – The revised plans proposed to re-site the dwelling further forward in the plot by approximately 5.5m to increase separation distance between rear elevation of plot 2 and boundary with neighbouring property.
- 1.5 Members will recall at the same committee planning application 18/02529/FUL for three dwellings on land east of Upper House Farm, Hopton Cangeford was also considered and deferred to a future meeting to enable the applicant to review the proposed size of the dwellings and to consider entering into a Section 106 agreement to ensure that the dwellings are only occupied by essential workers on the applicant's estate. Negotiations are ongoing on this matter however there is no planning reason to delay a decision on this application for the land east of the Old School House.
- 1.6 A copy of the report considered by planning committee on 28th August 2019 is attached as Appendix 1 to this report for cross referencing.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 This application site is a relatively flat part of a field accessed off the public road network along a single width track which provides shared access to Lower Wood Farm and a residential property known as Old School House. This latter dwelling is set opposite the application site. Sharing a mature boundary hedge to the south east of the site is an existing residential property shown on plans as The Gables, but this is also known as The Old Rectory. Beyond this property at around 60m lies The Old Church a converted grade II* listed church.
- 2.2 A public right of way runs west-east through the site which is within the Shropshire Hills Area of Outstanding Natural Beauty (AONB). To the south approximately 88m away lies a grade II listed dwelling and grade II listed telephone box.

3.0 Community Representations:

NOTE: The responses set out below relate to the scheme as amended, the original responses received are summarised in the original report to committee which members can view at Appendix 1 of this report.

3.1 Consultee Comments in response to re-consultation on amended scheme

- 3.1.1 Hopton Cangeford Parish Council: Unanimous Objection:
- The driveway location is an improvement for the property opposite. However....
 - Our previous comments remain as the revised plans do not alter/remove any of our previous objections.
 - The proposed properties are too large; not in keeping with the current properties in the hamlet, not affordable for local people, and their scale in relation to listed properties in close proximity.
 - The potential increase of 3x the population would strain infrastructure; the demand on water; where pressure is already low. This concerns local farmers who need water for livestock.
 - Phone and internet that is already in the bottom 5% in UK.
 - Plus the increase in traffic on very small, narrow and poorly repaired lanes. There are no services in the proximity such as schools, shops etc.
 - It is a greenfield site.
 - The potential 5 houses; 2 in Stoke St Milborough Parish, and 3 in Stanton Lacy, is excessive for the very rural location, and currently sparse 5 other dwellings that make the hamlet.
 - The development is inappropriate for local need as the properties will be too large and expensive.
 - The Parish Plan is not being met as we agreed housing should meet local demand. This is too many dwellings in one of the most rural of the 4 clusters in the Parish, when we agreed on 10 more, 11 have already been granted, of which 4 have been built out, 2 have commenced and others are expected to be built. But 5 properties in 1 of 4 clusters would allow a potential agreement of 20. 2 x our agreed level.

3.1.2 SC Highways: The proposed development could be acceptable from a highways and transport perspective – recommend conditions requiring formation of access, parking and turning areas and informatives on the works to a highway.

3.1.3 SC Ecology: No additional comments to make on this application.

Members are referred to the comments of the Ecology Team made 15th August 2018: Recommend conditions requiring an EPS licence before works starts to building 1, repeat previous recommended conditions relating to the provision of bat and bird boxes; details of external lighting and informatives regarding general wildlife protection during construction works.

3.1.4 SC Archaeology: Recommend condition requiring archaeological inspection of the ground works.

3.1.5 SC SUDs: The proposed foul water drainage is acceptable. Recommend condition relating to surface water drainage details, plan and calculations.

3.1.6 SC Rights of Way: Footpath No 9A runs through the development site. From looking at the plans it appears that the footpath will run along the proposed new access into the properties, although not directly affected by the development.

Recommend informative regarding the developers' responsibilities to ensure the right of way remains open and safe for users during construction works.

3.1.7 SC Affordable Housing: No objection.
There are no affordable housing obligations associated with this proposal.

3.1.8 Shropshire Hills AONB: Standing advice regarding need to consider the impact of development on the AONB designated. This standing advice does not indicate either an objection or no objection to the current application.

3.2 Public Comments in response to re-consultation on amended scheme

3.2.1 Letter of Petition sent to the members of the South Planning Committee signed by 15 occupiers of 9 properties with Hopton Cangeford addresses. The main areas of objection are summarised below:

Definition of Infill

- It is irrational that the recommendation identifies the site for two dwelling as being 'infill'
- When members discussed both application there appeared to be considerable unease expressed by members in turn about the character and nature of the development.
- The proposals are not infill as they do not fill a small gap and are not alongside a continuously developed highway.
- They are in open countryside grazed by cattle.
- A proposal to reject the development was not made.
- Suggest a justifiable reason for refusal maybe as follows:
"Whilst it is acknowledged that Hopton Cangeford is identified in the Local Plan

as forming part of a cluster together with Stoke St Milborough, Cleestanton, and Cleedownton within which infill development will be allowed, this site is considered to be detached from the settlement of Hopton Cangeford and as such it is not considered to represent infill but amounts to development in the open countryside. As a result the scheme is considered to be contrary to Core Strategy policies CS1 Strategic Approach, CS4 Community Hubs and Community Clusters, Settlement Management Policies MD1 Scale and Distribution of Development, and in particular S7.2(iii): Stoke St Milborough, Hopton Cangeford, Cleestanton, Cleedownton.”

- It would be preferable to reject the application for the reason above. The applicant then can appeal to the Planning Inspectorate whom can then decide as to whether or not the site constitutes 'infill'.
- The above reason can also be used in connection with 18/02529/FUL.

Housing Numbers

- The policy S7.2(iii) allows for the deliver of 'around 10 additional dwellings in the period to 2026' Still some 7 years from that end date and there are 11 consents give. If permission is granted for the proposals the total will be 16 new dwellings, exceeds 10 by over 50%
- It would be sound planning sense to air of the side of caution and resist these developments bearing in mind the real concern over whether or not the sites are infill and that they breach allocated numbers.
- Approving these sites potentially fetter the Councils favourable consideration of better sites that may come forward within the settlements within the next 7 years and clearly fall within the definition of infill or conversion.

Impact on Settlement

- Doubling the size of a settlement will cause significant impact.
- When members visited the site they will of seen how remote Hopton Cangeford.
- Access to schools, shops and services are all dependant on motor vehicles.
- Whilst Hopton Cangeford maybe included in the cluster it was surely never envisaged that this would result in the settlement being doubled?
- The Officer reports states the opportunity for infill is limited – If that is the case how can there be development of 5 new dwellings in a hamlet of 5 dwellings.
- The sites are open fields in the AONB – the loss of open countryside to facilitate the building would have harmful impact on the openness and natural beauty of this national designation.
- The roads and infrastructure cannot accommodate the additional loadings.
- The development would inexorably change the entire character of the settlement.
- The scale of development is too large for this rural community to absorb without adverse impact.
- Members are asked to revisit the principle of these projects. The Parish Council and local community consider the proposed developments do not sit comfortably within any reasonable definition of infill and is sporadic residential development in the open countryside that should be resisted.

3.2.2 2 objections received:

- Despite the amended plans the objections previously stated remain unchanged – these two dwellings are neither infill nor conversion of derelict buildings but

- new builds in the open countryside and should therefore be rejected.
- Hopton Cangeford has always been a precious and tranquil hamlet with a close stable community embedded within the AONB.
 - The development will increase traffic on roads unsuited for it.
 - The occupiers are unlikely to be local rural workers not needing to commute.
 - The dwelling would likely have more than one car as residents go to work, shop, socialise and take children to school
 - The development is for speculative housing, which would change this unique little hamlet.
 - Should the houses be let through Air B&B there would be more traffic and noise nuisance.
 - Light pollution would be increased through the additional of 5 dwellings and traffic.
 - Bats are evident at dusk.
 - The site is low lying and close to the brook and often floods with standing water slow to drain.
 - The development is greenfield and should not be labelled as 'infill'.
 - It appears Hopton Cangeford may have been incorrectly assigned to Stanton Lacy Parish Council and it is in fact within the Stoke St Milborough Parish Council.
 - Doubling the size of the hamlet with change it irrevocably.
 - Only urgent housing need can justify so much unnecessary building – this need has not been evidenced.

MAIN ISSUES

Principal of development

Access alterations – Highway Safety

Re-siting of dwelling on plot 2 – Residential amenity.

The below appraisal focuses on the issues raised in response to the amended design and should be read by Members in conjunction with the original report presented to committee on 28th August 2019, attached as Appendix 1 of this report which includes assessment of the overall scheme including the scale and design of the dwellings, impact on historic environment, the Shropshire Hills AONB, biodiversity and drainage. It is not considered that the amendments to the scheme alter the previous recommendations on those aspects.

6.0 OFFICER APPRAISAL

6.1 Principal 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 Since the application was presented to planning committee a further letter in the form of petition signed by the occupiers of 9 residential properties with Hopton Cangeford addresses. Key areas of concern raised in the letter is with regard to the principle of the development focusing on the Councils interpretation of infill and the housing numbers for this cluster settlement. Members are referred to the below extracts from the committee report of 28th August 2019:
- 6.1.4 *Hopton Cangeford is identified as a community cluster alongside Stoke St Milborough, Cleestanton and Cleedowntown where settlement policy S7.2(iii) allows for limited infilling and conversions on small scale sites, which will meet local demand for housing to deliver around 10 additional dwellings in the period up to 2026. It is acknowledged that Hopton Cangeford is a small settlement with little in the way of services and facilities of its own. However its inclusion as a component of a Community Cluster under SAMDev Policies MD1 and S7 implies broadly that the location is sustainable, and this carries significant weight. National Planning Policy Framework (NPPF) stating that proposals which accord with an up-to-date local plan should be approved without delay.*
- 6.1.5 *The SAMDev Plan does not define development boundaries around these Cluster settlements and provides no definitive definition of infill, as such the question of whether or not specific schemes constitute infilling is a matter for judgment is required in each case. Whilst Core Strategy Policy CS4 confirms that new housing must be located within the settlements themselves and not on adjoining land or in the countryside in-between.*
- 6.1.6 *As noted above Hopton Cangeford is a small settlement, it has a rather dispersed and irregular development pattern, due to many of the properties being separated by existing fields and spread out either side of the highway. As such there is little opportunity for infill in the traditional sense (i.e. The dictionary defines 'infill' as 'the act of filling or closing gaps'.) It is also noted that the applicants have spent some time considering alternative locations within the settlement for the proposed dwellings, including the lower section of this field closer to the road. These alternative sites were dismissed as inappropriate and less viable options for reasons including poor drainage, access and land level concerns. In terms of whether the application site represents infill, there is existing residential development to the west and south east sides of the site and as such is judged to be one of the few appropriate infill locations for this settlement.*
- 6.1.7 In terms of housing numbers, the previous committee report advises as follows:
- 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*

Hopton Cangeford part of the statement advises that there have been 2 completions and 7 sites are with planning permission.

- 6.1.8 Both the Parish Council and the additional letter of petition highlight that 11 planning permissions have been granted. Officers have checked the records of planning permissions for the cluster since the housing supply statement and can confirm that since 01st April 2018, two additional planning permissions for open markets dwellings have been granted at Stoke St Milborough (18/00317/FUL and 18/0451/FUL), taking the number of planning permissions for this cluster to 11. It should be borne in mind however that none of the planning permissions including the most recent permissions are within Hopton Cangeford.
- 6.1.9 As advised within the previous committee report SAMDev Policy MD3 explains that the settlement housing guidelines are not absolute maxima 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.*
- 6.1.8 The development would contribute to the housing stock within the county as a whole and contribute to maintaining a five-year supply. It would provide some local benefit in terms of construction work and additional residents who in turn will spend money within the wider local area, albeit it is acknowledged that for small scale developments these benefits are small. Hopton Cangeford has been identified as an appropriate location for residential development and the Local Planning Authority is satisfied that this designation has been made taking into account the long term sustainability of the settlement and county as a whole. There have been no planning permissions for new dwellings within Hopton Cangeford itself and thus there is currently no cumulative impact of new housing developments within this settlement. As such it is judged that the erection of these two dwellings would not cause demonstrable harm to the character of the settlement in terms of delivering excessive housing to which may result in disproportionate car usage or excessive energy consumption in the context of the Community Cluster policy.
- 6.2 **Access – Revised location**
- 6.2.1 Impact on Highway Safety - 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.
- 6.2.2 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.

- 6.2.3 The scheme as originally submitted sought to use an existing field access of the existing shared access which leads to Lower Wood Farm. In deferring the application Members requested the position of the access be reconsidered. In response the applicants agent has submitted revised plans which proposes to form a new access approximately 15m to the south of the existing access. A shared drive is proposed to then run at a diagonal direction within the site before splitting to provide access to plot 2 and then plot 1. As with the original proposal no alterations are proposed to the access where it joins with the classified C road which runs through Hopton Cangeford. The Councils Highways Team have considered the amended access point and are content with the amended access design.
- 6.2.4 The revisions proposed do not alter the size or number of dwellings proposed and thus the previous conclusions of the Councils Highways Team remain in that it is judged to be unlikely that the addition of two dwellings will generate a level of traffic which would significantly adversely affect highway safety or local conditions.
- 6.2.5 Members will note that the amended block plan indicates that the existing vehicle access is to be partially blocked off to prevent vehicles using the access. A partial closing is proposed to allow for pedestrian access to remain due to the presence of the public right of way which runs through this current access. A condition is recommended requiring details of the scheme for the partial blocking of this access to be provided and to ensure the access is close to vehicles prior to the first occupation of the dwellings.
- 6.3 **Plot 2 – Revised siting of dwelling – Impact on residential amenity**
- 6.3.1 The amended block plan seeks to re-site the proposed dwelling on plot 2, bringing it forward within the site by approximately 5.5m. This would increase the separation distances between the rear elevation of the proposed dwelling and the boundary the neighbouring property known at the Gables/Old Rectory to around 15m at its closest point, rather than the 9.5m which the original proposals indicated. The separation distance between the proposed dwelling and the existing residential property (corner to corner would be around 43m rather than 36m). This increased distance when considered along with the presence of the mature hedge which defines the boundary between the sites and that this neighbouring property is set at a slightly higher ground level than this application site concludes that the proposed dwelling would not unduly compromise the enjoyment of the occupiers dwelling or private amenity space to warrant recommending refusal of this planning application.

5.0 CONCLUSION

- 5.1 The amendments to the access and re-siting of the dwelling for plot 2 would not result in serve harm to highway safety or be of detriment to the visual amenity or result in undue harm to residential amenity. In terms of the scheme, as a whole, the conclusions remain as previously set out in the 28th August 2019 Committee Report (See Appendix 1).

- 5.2 The application site is situated within the settlement of Hopton Cangeford 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. In this case it is considered that the site would represent infill given the proximity of the site to existing built development.
- 5.3 The scale and design of the two dwellings and garages is reflective of the character of existing built development within Hopton Cangeford and it is concluded that the proposals would not harm the character or natural beauty of this part of the Shropshire Hills AONB.
- 5.4 There are no undue or insurmountable concerns regarding the historic environment, residential amenity, highway safety or drainage. Whilst there is an outside possibility of individual great crested newts being affected, with appropriate mitigation the three tests set out in the EPS matrix are satisfied, and no other significant ecological impacts are anticipated. Overall, therefore, the application is considered to accord 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

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
MD13 Historic Environment

Settlement Policies
S7 Craven Arms

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

RELEVANT PLANNING HISTORY:

None.

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=OW4NK8TDGIC00>

List of Background Papers Design and Access Statement Heritage Impact Statement Foul Drainage Assessment Form and Details Great Crested Newt Survey

Cabinet Member (Portfolio Holder) Councillor Gwilym Butler

Local Member

Cllr Cecilia Motley

Appendices

APPENDIX 1 – Committee Report to South Planning Committee held 28 th August 2019

APPENDIX 2 - European Protected Species Matrix – 3 tests
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APPENDIX 3 - Conditions

APPENDIX 1 - Copy of original report considered at South Planning Committee on 28th August 2019

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 for the erection of two detached dwellings and two detached open fronted double garages.
- 1.2 Both of the properties proposed under this application would provide 4 bedrooms, plot 1 is proposed to provide approximately 147sqm of accommodation over two floors and plot 2 seeks to provide approximately 170sqm, again over two floors. Both dwellings are designed with the majority of first floor accommodation being set within the roof, served by dormers and roof lights. The two properties are proposed to be constructed with a mix of red brick, and timber weather boarding. The front elevation for plot 1 proposes an oak timber framed detailing. This oak frame detailing is also proposed for plot 2, although in this case wrapping around the upper part of the rear and front elevation.
- 1.3 The garages would measure approximately 5.3m in width by approximately 6m in depth and would have a height to ridge of approximately 5.7m.
- 1.4 This planning application has links with another planning application from the Downton Hall Estate, reference 18/02529/FUL, which is also on this South Planning Committee agenda for determination by members.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 This application site is a relatively flat part of a field accessed off the public road network along a single width track which provides shared access to Lower Wood Farm and a residential property known as Old School House. This latter dwelling is set opposite the application site. Sharing a mature boundary hedge to the south east of the site is an existing residential property shown on plans as The Gables, but is also known as The Old Rectory. Beyond this property at around 60m lies The Old Church a converted grade II* listed church.
- 2.2 A public right of way runs west-east through the site which is within the Shropshire Hills Area of Outstanding Natural Beauty (AONB). To the south approximately 88m away lies a grade II listed dwelling and grade II listed telephone box.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This case is presented for committee determination as the Local Ward Member has “called in” this application within 21 days of it being validated. Following discussion of the reasons for call in with the Chair and Vice Chair of Planning Committee it was agreed that the reasons are material planning considerations and the call in request complies with the terms of the scheme of delegation as set out in Part 8 of the Councils Constitution.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 Hopton Cangeford Parish Council: Objects:

- Due to the scale of the properties and their proximity to listed properties.
- It is a greenfield site.
- Two is excessive for the location, and the total of four new properties will have a massive impact on such a small hamlet.
- Inappropriate development for local need as the properties are too large and expensive.
- The Parish Plan is not being met as its too many properties in a very small area.

4.1.2 SC Rights of Way: Footpath No 9A runs through the development site. From looking at the plans it appears that the footpath will run along the proposed new access into the properties, although not directly affected by the development.

Recommend informative regarding the developers responsibilities to ensure the right of way remains open and safe for users during construction works.

4.1.3 SC Highways: No objection, recommend informatives on the works to a highway.

4.1.4 SUDs: The proposed foul water drainage is acceptable. Recommend condition relating to surface water drainage details, plan and calculations.

4.1.5 SC Ecology: 15th August 2018 – Final Comments - following submission of Great Crested Newt Assessment prepared by Teme Ecology (30th July 2018): Recommend conditions requiring an EPS licence before works starts to building 1, repeat previous recommended conditions relating to the provision of bat and bird boxes; details of external lighting and informatives regarding general wildlife protection during construction works.

SC Ecology: 20th November 2017: Great Crested Newt Survey is required – Information have been provide in relation to unmapped ponds in close proximity to the site, once of which contains Great Crested Newts as such further information is required.

SC Ecology: 16th November 2017: Recommend conditions relating to the provision of bat and bird boxes; details of external lighting and informatives relating to general wildlife protection during construction works.

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

- 4.1.7 SC Archaeology: Recommend condition requiring archaeological inspection of the ground works.
- 4.1.8 Shropshire Hills AONB: Standing advice regarding need to be considered the impact of development on the AONB designated. This standing advice does not indicate either an objection or no objection to the current application.
- 4.1.9 Ramblers Association: Observations - As has been commented on by the Rights-of-Way Department the block plan indicates that the access to the 2 houses opposite the Old School House will use the line of footpath 0535/9A/1 and legally the surface of the footpath can only be changed with the permission of the Department. In addition no new restrictions should be put on the line of the footpath without permission, so if there is a fence or boundary to the east of the properties then access through it must be of the least restrictive nature, as should be the access off the track leading to the Old School House and the new properties i.e. no locked or lockable gates or barriers difficult to pass through.
- 4.1.10 SC Conservation: No principle objections to developing of this site. The design of the proposed dwellings for both sites should be very modest in their character and appearance respecting the character and appearance of existing heritage assets as well as the wider rural setting. The use of local vernacular materials should be considered including red brick, timber framing and plain clay tiles.

4.2 Public Comments

- 4.2.1 This application was advertised for 21 days via site notice and press notice and directly in writing to 4 neighbouring properties.

5 objections have been received and are summarised below:

- 4.2.2 Impact on Hopton Cangeford and surroundings
- Development will fundamentally change the character of the hamlet.
 - Overdevelopment of the village.
 - Not a sustainable community - No amenities in Hopton Cangeford, no mobile phone signal and no school.
 - We are in an area of the Government's 5% of the population which will continue to receive poor Broadband and Mobile Phone service provision. Additional dwellings and families demanding modern technology amenities will put greater pressure on very poor networks and will significantly impair existing business need for digital services.
 - Doubling the size of the community is not small scale development.
 - Housing on the Downton Hall Estate is mainly isolated farmhouses and cottages, rather than grouped development.
 - Will ruin one of the last remaining picturesque villages in the area.
 - There are far better, potentially brownfield sites, with better access and communications, that could and should be developed, long before any consideration is given for the greenfield development that these applications propose.

4.2.3 Residential Amenity

- The site entrance is 10m from our sitting room/bedroom windows – would be directly impact from traffic, noise and light pollution and loss of privacy.
- The site causes the maximum disruption to the maximum number of residents.
- The garden of one of the houses on site 1 will come up to the boundary with the garden of The Old Rectory (shown on plan as The Gables) – loss of amenity, privacy and noise disturbance.
- Noise and light pollution from the increase population would be an issue through the loss of peace and tranquillity – the settlement in in a hollow where sound travels.

4.2.4 Design and scale

- Scheme is too large and out of keeping with the area.
- The houses are 4 bed mansions – no locals could afford.

4.2.5 Highway Safety

- Increase in traffic on narrow and dangerous lanes.
- Already have a considerable amount of heavy goods vehicles, both agricultural and the lorries from a nearby scaffolding company. The little bridge over the stream and the narrow lanes were never designed for this and would not cope with the extra traffic.

4.2.6 Drainage and flooding

- The site has a natural spring and is constantly wet.
- The area already floods. The land was the site of the village well. By definition this area is permanently very wet and boggy. Concerns over potential for water course pollution from soakaways/cesspits - let alone the practical difficulty of building and insuring dwellings in such an area.

4.2.7 Biodiversity

- Site is a haven for wildlife.
- There are Great Crested Newts in the area and the buildings would disturb and destroy their habitat.
- Loss of hedgehogs and disturbance to owls.

4.2.8 Other matters

- Water supply to Hopton Cangeford is frequently at low pressure and sometimes interrupted. As farmers we source all of our water from the mains supply, because that is the correct manner in which to do so. Being at higher altitude than the main hamlet, we are the first to experience reduction or withdrawal of supply. This provides us with an animal welfare issue and additional demand of the system from new dwellings could only be satisfied if there were a very good improvement to water supply pressure.
- The Parish Plan is for affordable houses on the open market – the questionnaire stating there is strong support is invalid as no resident receive this questionnaire.
- The former vicarage as shown on old maps, was demolished over 50 years ago and should establish a pre-existing building for development.
- The true strength of feeling against this development is not being expressed

- due to the landlord/tenant relationship and the damage this could cause.
- Heritage is what you keep, not what you lose. The proposed developments are opposed by all the local inhabitants and in some measure the locality belongs in spirit to those that live there. These proposals are without merit or need. They need not just to be scaled back, but to be refused completely. The landowner may say they are meeting a need but this has been shown to be false from the responses of so many objectors.
 - As a planning authority you must weigh up the positives and negatives for planning proposals and hope you will take into account the total local opposition to these plans and the fact it would destroy a real jewel in the Shropshire landscape.
 - The Stoke St Milborough Parish Plan has been incorporated into Shropshire Council's Site Allocations and Management of Development Plan (SAMdev Plan). The Parish Plan was based on a community survey done in 2011/2012 and the SAMdev Plan was adopted in December 2015. These applications have been submitted based on the plan. The settlements of Stoke St Milborough, Hopton Cangeford, Cleestanton and Cleedownton form a community cluster where 'infilling and conversions on small scale sites will meet the local demand for housing to deliver 10 additional dwellings in the period to 2026'. These applications are not infilling or conversions on a small scale and there is no local demand for housing of any description.
- The SAMdev Plan states that 'the door is left open for communities to opt in to become part of a community cluster' as the Council acknowledges that community needs change over time. If this is the case, communities should be able to opt out. The community survey was six years ago with a very low questionnaire return rate of 30% and it is no longer valid in 2017.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Historic Environment
Visual impact and landscaping – Shropshire Hills AONB
Biodiversity
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 Hopton Cangeford is identified as a community cluster alongside Stoke St Milborough, Cleestanton and Cleedowntown where settlement policy S7.2(iii) allows for limited infilling and conversions on small scale sites, which will meet local demand for housing to deliver around 10 additional dwellings in the period up to 2026. It is acknowledged that Hopton Cangeford is a small settlement with little in the way of services and facilities of its own. However its inclusion as a component of a Community Cluster under SAMDev Policies MD1 and S7 implies broadly that the location is sustainable, and this carries significant weight. National Planning Policy Framework (NPPF) stating that proposals which accord with an up-to-date local plan should be approved without delay.
- 6.1.4 The SAMDev Plan does not define development boundaries around these Cluster settlements and provides no definitive definition of infill, as such the question of whether or not specific schemes constitute infilling is a matter for judgment is required in each case. Whilst Core Strategy Policy CS4 confirms that new housing must be located within the settlements themselves and not on adjoining land or in the countryside in-between.
- 6.1.5 As noted above Hopton Cangeford is a small settlement, it has a rather dispersed and irregular development pattern, due to many of the properties being separated by existing fields and spread out either side of the highway. As such there is little opportunity for infill in the traditional sense (i.e. The dictionary defines 'infill' as 'the act of filling or closing gaps'.) It is also noted that the applicants have spent some time considering alternative locations within the settlement for the proposed dwellings, including the lower section of this field closer to the road. These alternative sites were dismissed as inappropriate and less viable options for reasons including poor drainage, access and land level concerns. In terms of whether the application site represents infill, there is existing residential development to the west and south east sides of the site and as such is judged to be one of the few appropriate infill locations for this settlement.
- 6.1.6 In terms of housing numbers, the Council's 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 Hopton Cangeford part of the statement advises that there have been 2 completions and 7 sites are with planning permission. It is acknowledged that should this application and its associated scheme both gain permission the number of houses with permission within the cluster would be over the 10 recommended within the settlement policy. However SAMDev Policy MD3 explains that the settlement housing guidelines are not absolute maxima 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 The development would contribute to the housing stock within the county as a whole and contribute to maintaining a five year supply. It would provide some local benefit in terms of construction work and additional residents who in turn will spend money within the wider local area, albeit it is acknowledge that for small scale developments these benefits are small. Hopton Cangeford has been identified as an appropriate location for 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. There have been no planning permissions for new dwellings within Hopton Cangeford itself and thus there is currently no cumulative impact of new housing developments within this settlement. As such it is judged that the erection of these dwellings would not cause demonstrable harm to the character of the settlement in terms of delivering excessive housing to which may result in disproportionate car usage or excessive energy consumption in the context of the Community Cluster policy.

6.1.8 Third party objectors question the validity of the questionnaire which as carried out to inform the parish plan and SAMDev and query whether the SAMDev is out of date. In terms of the formal inclusion of Hopton Cangeford as part of the cluster settlement within the SAMDev, this inclusion was following formal consultation with the local community and assessment of the local plan by the Planning Inspectorate. In terms of opting out of cluster settlements, a formal mechanism to enable this is via a local plan review which the NPPF requires Local Planning Authorities to carry out in whole or part to respond to flexibly to changing circumstances. The Council is currently carrying of a part review of the local plan, which has included review of the nominated hubs and cluster settlements in consultation with Parish Councils. It is noted that the Consultation document on preferred sites, published November 2018, continues to include Hopton Cangeford as part of the cluster settlement. The alleged manner in which the parish council conducted questionnaires is not a material planning consideration and nor can this planning application be an arena to assess whether or not a settlement should have been included as part of the community cluster or not, the planning application has to be considered on its merits and in accordance with the adopted development plan, which includes the SAMDev plan.

6.2 Affordable Housing Contribution

6.2.1 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.

- 6.3 Siting, scale and design of structure, Visual impact and landscaping – Shropshire Hills AONB
- 6.3.1 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.
- 6.3.2 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. Both these latter policies seek to ensure that all development is appropriate in scale, density, pattern and design, taking into account the local context and character. The relevant SAMDev settlement policy at S7.2(iii) also states with regard to new development that it is expected to be sympathetic to the character and setting of the settlements.
- 6.3.3 Part 15 of the NPPF at paragraph 172 states that great weight on conserving landscape and scenic beauty Areas of Outstanding Natural Beauty. Policies CS17 and MD12 support these national policies seek to protect and enhance the diversity, high quality and local character of Shropshire’s natural, built and historic environment.
- 6.3.4 The two dwellings propose the use of local vernacular materials and detailing such as the timber oak framing and dormers which picks up on features existing on properties with the settlement. It is acknowledged that the two properties are sizable in terms of the floorspace they would provide, however both dwellings would sit within the individual plots comfortably and are reflective of the style of properties already existing within Hopton Cangeford.
- 6.3.5 The two detached garages are of simple form and single storey in character, as such would appear subsidiary additions to the dwellings they would serve.
- 6.3.6 In terms of the wider landscape impact of these dwellings and garages, the site is set back from the public road and the topography and mature landscaping around the site is such that the properties would not be highly visible from wider public view points. It is acknowledged that the dwellings would be visible from the public right of way which runs through the site, however the structures would be viewed as part of existing built development which makes up the village rather than as isolated developments in the countryside. The impact of the proposal on the character and

natural beauty of the Shropshire Hills AONB is as such considered to be neutral.

6.3.6 Objection is raised that the development of both this site and the site to the south (18/02529/FUL) would lead to the overdevelopment of the village and detract from the character of the settlement. It is noted that if both sites are permitted and subsequently built the size of the village would increase by 5 houses, which would effectively double the number of properties. Whilst the settlement policy provides a guideline to the number of new dwellings across the cluster as a whole it does not set a limit to the number of properties which should be built within each settlement named within the cluster. In this case the two application sites are almost at opposing ends of the settlement, which would spread the development out which retains the existing dispersed character of the settlement. Further it is noted the south site subject to application 18/02529/FUL, in particular seeks to introduce a number of smaller units to the settlement, which would assist with the policy aims of rural rebalancing. Overall on balance it is considered that the development of both sites would not significantly alter the character of the settlement in a detrimental manner sufficient to justify refusal of this application.

6.4 Heritage Assets

6.4.1 Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 local planning authorities must pay particular regard to the desirability of preserving the special architectural or historic interest and setting of listed buildings. This is reflected by Part 12 of the NPPF, CS17 and SAMDev Policy MD13, which require great weight to be given to conserving designated heritage assets in particular.

6.4.2 A Heritage Impact Assessment and Heritage Asset Plan has been submitted as part of this planning application in accordance with paragraph 128 of the NPPF and policy MD13 of SAMDev. The Councils Conservation Officer considered this application at the same time as considering the subsequently withdrawn application on the site adjacent to Upper House Farm in the south of the settlement (17/4427/FUL) and the comments made remain valid for this application. It is noted that the Conservation Officer raises no principle objections to the developing of this site. The designated listed buildings are set away from the site and much of the site would be screened by mature landscaping or in the case of the grade II* the topography and presence of existing built development which sits in between. The scheme proposed utilises vernacular materials as recommended by the Conservation Officer including red brick, timber framing and plain clay tiles and conditions can be used to ensure the precise materials and finishes used as appropriate to the area. The dwellings are considered to sit comfortably within their plots and would not harm the setting of the nearby listed buildings and other non-designated heritage assets within the wider area.

6.4.3 The Councils Archaeologist notes that the land lies within the historic settlement of Hopton Cangeford and the estate map of 1860 and Historic editions of the Ordnance Survey maps of the late 19th and early 20th century indicate buildings, possibly a former cottage and outbuildings, on the site of proposed dwelling on plot 2. The building was demolished sometime in the mid to late 20th century. As a consequence, the proposed development site is deemed to have some archaeological potential. In view of the above the Councils Archaeologist

recommends an archaeological inspection of the ground works be made a condition of any planning permission for the proposed development.

6.5 Biodiversity

- 6.5.1 National guidance gives a duty to public bodies (including Local Planning Authorities) to ensure development does not harm protected species or its habitat. The National Planning Policy Framework (NPPF) emphasises that Local Planning Authorities should ensure development contributes to and enhances the natural and local environment including minimising impacts on biodiversity and providing net gains where possible.
- 6.5.2 During the process of this application it was brought to the Councils Ecologists attention that there are a number of unmapped ponds within 250m of the application site. As such additional information was requested relating to Great Crested Newts. An assessment by Teme Ecology dated 30th July 2018 was subsequently submitted to the Council by the applicant's agent.
- 6.5.3 The assessment found the presence of Great Crested Newts within the grounds of the Old Church, with a medium population recorded during the 2018 survey season. As the development is located close to this breeding pond and there is a risk of disturbance, killing/injury of individual great crested newts and potential destruction of the terrestrial habitat within the home range of the population any works for this application site will require an European Protected Species (EPS) Licence from Natural England must be obtained before any works commence.
- 6.5.4 The implications of the development on the sites conservation objectives are considered fully within the EPS Matrix attached to this report at Appendix 1. It is concluded that the development would meet the 'three tests' in that the development is in the public interest, there is no satisfactory alternative and that subject to conditions as recommended by the Councils Ecologist there would be no detriment to the maintenance of the species' populations at a favourable conservation status within their natural range.
- 6.5.5 Other Ecological enhancements can be secured via conditions requiring the implementation of bird and bat boxes and provision of a landscaping scheme which would also help soften the visual impact of the development.
- ## 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 Access for these two plots would utilise the existing field access, off the existing shared access which leads to Lower Wood Farm. No alterations are proposed to the access where it joins with the classified C road which runs through Hopton Cangeford. The Councils Highways Team have reviewed the proposals here and raise no objection to the scheme concluding that it is unlikely that the addition of two dwellings will significantly adversely affect highway safety or local conditions.
- 6.6.4 In assessing this application the Councils Highways Team raise concern as to the design of the turning area proposed, particularly for Plot Two, where it is noted that a vehicle will have to reverse to the corner of the driveway to turn around to leave the site in a forward gear and it is preferable to have a turning area close to where cars are going to be parked. A condition is recommended to establish the final parking and turning area arrangements and to ensure they are laid out in full prior to the first occupation of the dwellings.
- 6.6.5 The Councils Highways Team also suggest that the applicants may want to consider the addition of a passing place along the share track that leads to the application site. However this is a private lightly trafficked access and vehicles would be typically travelling at low speed, it is therefore considered that the installation of such a passing place is not necessary for highway safety and such request would fail to meet the 'tests' within National Planning Practice Guidance on the use of conditions or obligations on planning applications.
- 6.6.6 The comments regarding the length of the driveway, position of letter boxes and walking surfaces are noted, however these are not matters which could compromise highway safety and thus are not factors which could justify refusal of a planning application.
- 6.6.7 Due to the narrow nature of the surrounding highway network it is considered that a Construction Method Statement should be provided to ensure that vehicles associated with the construction works are managed in an appropriate way to prevent congestion within the surrounding area and to protect amenity.
- 6.7 Residential Amenity
- 6.7.1 Policy CS6 requires that development should safeguard residential and local amenity. The closest neighbouring properties to this application site are The Old School House to the west of the site and The Gables (referred to as The Old Rectory by third party objectors) located to the south east of the site. Objection to the proposal in terms of impact on residential amenity and in particular though loss of privacy, and disturbance through noise are raised by both properties.
- 6.7.2 The two dwellings have been orientated in an L shape along the north and east sides of the application site. Plot one would be the closest property to the Old School House and is proposed to sit roughly in line with this existing property. The access track to the farm separates the two properties and the block plan indicates that there would be a distance of approximately 30m from the front elevation of this neighbouring property and the gable end of the dwelling proposed for plot 1. No openings are proposed in this side gable end, as such there would be no direct overlooking from plot 1 into The School House. The block plan also indicates a

degree of landscaping along the boundary between plot 1 which would mitigate potential for overlooking into the side garden of this application site from the occupiers of The Old School House and vice versa. Any degree of overlooking from this part of the site is mutual and it not considered to be sufficient to result in undue harm to the residential amenity of either the occupiers of the existing property or the future occupiers of plot 1. Plot 2 is set further to the south east of this neighbour at a distance of around 54m. At such distances it is not considered that the development of plot 2 would result in the loss of residential amenity to the occupiers of this neighbouring dwelling. The level of disturbance which maybe created by traffic coming to and from these two dwellings is unlikely to be of a significant level that could unduly harm the residential amenity of the occupiers of this property, particularly bearing in mind that the existing track provides access to a farm and utilises an existing field entrance, both of which could be frequented by tractors or other farm vehicles at any time of the day.

- 6.7.3 Plot 2 would share a contiguous boundary with the upper part of the curtilage around the neighbouring property known as The Gables/Old Rectory. The block plan indicates that the proposed dwelling for plot 2 at its closest point would be approximately 9.5m from the boundary with this neighbour. It is noted however that this closest point is with the upper corner of the neighbours overall curtilage, the neighbouring dwelling itself being approximately 36m to the south east of the proposed dwelling. A mature hedge currently defines the boundary between the sites and it is noted that this neighbouring property is set at a slightly higher ground level than this application site. As such it is considered that the application site would not unduly compromise the enjoyment of the occupiers dwelling or private amenity space to a level. The potential impact of noise created by the occupiers of the dwellings going about their daily business is not a material planning consideration sufficient to result in refusal of the application.
- 6.7.4 To mitigate with the temporary impact of the building works themselves a condition is recommended to restrict the hours of working (07.30 to 18.00 hours Monday to Friday; 08.00 to 13.00 hours Saturdays and not on Sundays, Public or Bank Holidays). The implementation of a construction method statement (as required by condition 6) would also help to mitigate potential temporary neighbour amenity impacts during the construction works.
- 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. Objection is raised as to the flood risk on this site. The application site is outside of flood zone 2 or 3 which it is noted takes in part of the lower section of the field and track and is one of the reasons these lower sections of the field were dismissed as alternative locations for the development. The Councils Drainage Consultants have considered the application documents provide and are satisfied with the foul drainage detail which has been provided and are content that the surface water drainage interests can be safeguarded adequately through a pre-commencement planning condition.

6.9 Other matters – Water supply

6.9.1 Third parties have raised comments and concerns as to the capability of local infrastructure and services and whether there is capacity to cope with the additional demand arising from the 2 dwellings. It is the duty of the individual service providers to respond to increased demand in line with Government requirements. Many of the services, are involved at a strategic level in local planning and develop their services in accordance with projected increases in population.

7.0 CONCLUSION

7.1 The application site is situated within the settlement of Hopton Cangeford 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. In this case it is considered that the site would represent infill given the proximity of the site to existing built development.

7.2 The scale and design of the two dwellings and garages are considered to be reflective of the character of existing built development within Hopton Cangeford and it is concluded that the proposals would not harm the character or natural beauty of this part of the Shropshire Hills AONB.

7.3 There are no undue or insurmountable concerns regarding the historic environment, residential amenity, highway safety or drainage. Whilst there is an outside possibility of individual great crested newts being affected, with appropriate mitigation the three tests set out in the EPS matrix are satisfied, and no other significant ecological impacts are anticipated. Overall, therefore, the application is considered to accord with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions to reinforce the critical aspects.

APPENDIX 1 - EUROPEAN PROTECTED SPECIES – Consideration of the three tests

Application name and reference number:

17/04421/FUL
Land East Of The School House
Hopton Cangeford
Shropshire
Erection of two detached dwellings with detached open fronted double garages

Date of consideration of three tests:

15th August 2018

13th August 2019

Consideration of three tests carried out by:

Nicola Stone
Planning Ecologist
01743 252556

Heather Owen
Technical Specialist Planning Officer
01743 258764

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

The scheme involves the erection of two new dwellings in a sustainable policy compliant location. Boosting housing supply in line with local planning policy is a key ambition of the NPPF, and is in the public interest as it would deliver clear social and economic benefits and help to reduce the pressure for development elsewhere.

2 Is there 'no satisfactory alternative'?

The alternative would be to refuse planning permission so that the land remains undeveloped for housing. However this would downplays the role of economic and social progress in helping to achieve sustainable development.

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'?

Great Crested Newts

I have read the above application and the supporting documents including the:

- Great Crested Newt Assessment prepared by Teme Ecology (30th July 2018).

The proposed works for the development at Site 1 will require an EPS licence to

proceed within the law as the development is located close to a breeding pond for great crested newts located within the grounds of the Old Church and there is a risk of disturbance, killing/injury of individual great crested newts and potential destruction of the terrestrial habitat within the home range of the population. A medium population was recorded during the 2018 survey season.

It is recommended that the method statement of the EPS licence outlines the full mitigation strategy to be agreed with Natural England and will include the timings of the works, and how measures to avoid conflicts with great crested newts will be implemented e.g. handsearching, then strimming the site prior to works and turf/soil strip, then implementing a suitable fencing design to prevent great crested newts re-entering the site during the construction phase. Any individuals discovered during the works should be removed from the site and relocated into suitable habitat around the field boundaries. All contractors should be made aware of the potential for great crested newts to be discovered within the site and should be briefed in how to safely move any individuals discovered to a pre-designated safe area away from the works activity.

Once the works are completed a licensed ecologist should be present on site during the removal of the amphibian fencing. A report of the actions taken under the licence should be sent to Natural England following the removal of the fencing. Habitat enhancement is already in place as the design includes new hedge and tree planting. All planting should be restricted to native species of local provenance. The planting scheme should be optimised to provide links through and around the site to offer maximum biodiversity gain.

The proposed activity will not be detrimental to the maintenance of great crested newts at a favourable conservation status within their natural range provided that the conditions detailed in the response from Nicola Stone to Heather Bradley (15th August 2018) are on the decision notice and are appropriately enforced.

1. No works to building 1 shall take place until either:
 - a) a European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained from Natural England and submitted to the Local Planning Authority; or
 - b) a statement from an appropriately qualified and experienced ecologist has been submitted in writing to the Local Planning Authority explaining why a licence is not required and setting out any additional mitigation measures required.

Reason: To ensure the protection of great crested newts, a European Protected Species.

2. No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
 - a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots);
 - b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
 - c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
 - d) Native species used are to be of local provenance (Shropshire or

- surrounding counties);
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
 - f) Implementation timetables.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

Guidance for filling in the EPS form

The three tests detailed below must be satisfied in all cases where a European Protected Species may be affected and where derogation under Article 16 of the EC Habitats Directive 1992 would be required – i.e. an EPS licence to allow an activity which would otherwise be unlawful.

In cases where potential impacts upon a European Protected Species can be dealt with by appropriate precautionary methods of working which would make derogation unnecessary; since no offence is likely to be committed, it is not appropriate to consider the three tests.

Test 1 'overriding public interest' and test 2 'no satisfactory alternative' should be addressed by Shropshire Council planning team. Test 3 'favourable conservation status' should be addressed by Shropshire Council Ecologists with guidance from Natural England.

1 Is the purpose of the development/damaging activity for '*Preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment*'?

NB in order to meet this test, the purpose of preserving public health or public safety must also be shown to constitute a reason of overriding public interest. You would need to demonstrate that action is required to alleviate a clear and imminent danger to members of the general public.

If an unstable structure (e.g. buildings, trees) is involved, either through neglect or outside influences (e.g. severe weather or seismic events), supporting evidence from an appropriately qualified person such as a structural engineer, arboriculturalist or tree surgeon should be sought.

If vandalism or trespass is used as an argument, evidence of reasonable measures to exclude the general public from the site must be presented. Evidence may be provided by the local police or fire services in relation to the number of incidents dealt with.

Only public interests can be balanced against the conservation aims of the EC Habitats Directive (1992), projects that are entirely in the interest of companies or individuals would generally not be considered covered.

2 Is there no satisfactory alternative?

An assessment of alternatives needs to be provided. If there are any viable alternatives which would not have an impact on a European Protected species, they must be used in preference to the one that does. Derogations under the EC Habitats Directive (1992) are the last resort.

Where another alternative exists, any arguments that it is not satisfactory will need to be convincing. An alternative cannot be deemed unsatisfactory because it would cause greater inconvenience or compel a change in behaviour.

This test should identify a) the problem or specific situation that needs to be addressed, b) are there any other solutions, and c) will the alternative solutions resolve the problem or specific question in (a)?

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'?

Assessment of the impact of a specific development will normally have to be at a local level (e.g. site or population) in order to be meaningful in the specific context.

Two things have to be distinguished in this test: a) the actual conservation status of the species at both a biogeographic and a (local) population level; b) what the impact of the proposal would be.

In such cases where the conservation status is different at the different levels assessed, the situation at the local population level should be considered first, although ultimately both should be addressed.

No derogation under the EC Habitats Directive (1992) can be granted if it has a detrimental effect on the conservation status or the attainment of favourable conservation status for a species at all levels. The net result of a derogation should be neutral or positive for a species.

In the case of destruction of a breeding site or resting place it is easier to justify derogation if sufficient compensatory measures offset the impact and if the impact and the effectiveness of compensation measures are closely monitored to ensure that any risk for a species is detected. Compensation measures do not replace or marginalise any of the three tests, all three tests must still be satisfied.

APPENDIX 3

Conditions

STANDARD CONDITION(S)

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall commence (including any site clearance) until either:
 - a) a European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained from Natural England and submitted to the Local Planning Authority; or
 - b) a statement from an appropriately qualified and experienced ecologist has been submitted in writing to the Local Planning Authority explaining why a licence is not required and setting out any additional mitigation measures required.

Reason: To ensure the protection of great crested newts, a European Protected Species.

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

Reason: The site is known to hold archaeological interest.

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

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

6. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - wheel washing facilities
 - measures to control the emission of dust and dirt during construction
 - a scheme for recycling/disposing of waste resulting from construction works
 - a Traffic Management Plan

Reason: This is a pre-commencement condition to avoid congestion in the surrounding area and to protect the amenities of the area.

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

7. Prior to the above ground works commencing samples and/or details of the 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.

8. Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details.

Reason: To safeguard the character of the development and setting of nearby Heritage Assets.

9. Prior to their installation full details of the roof windows shall be submitted to and approved in writing by the Local Planning Authority. The installation of the windows shall be carried out in complete accordance with the approved details.

Reason: To safeguard the character of the development and setting of nearby Heritage Assets.

10. No above ground works shall be commenced 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;
 - d) Native species used are to be of local provenance (Shropshire or surrounding counties);
 - e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
 - f) Implementation timetables.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

11. Prior to first occupation / use of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:
- A minimum of 2 external woodcrete bat boxes or integrated bat brick], suitable for nursery or summer roosting for small crevice dwelling bat species.
 - A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for swifts (swift bricks or boxes) or sparrows (32mm hole, terrace design).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter maintained for the lifetime of the development.

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

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 lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning

condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

13. Before either of the dwellings hereby approved are first occupied the new access, parking and turning areas associated with the dwellings they would serve, shall be constructed in accordance with details of their design and surfacing which have first been approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, to ensure adequate parking and turning area is are provided to avoid congestion on the highway network in the surrounding area and to safeguard the visual amenities and rural character of the area.

14. Prior to the first occupation of the dwellings hereby approved the foul drainage scheme shall be carried out in accordance with the approved drainage scheme.

Reason: To ensure satisfactory drainage of the site.

15. Prior to the first occupation of the dwellings hereby approved the existing access shall be closed off to motor vehicles in accordance with a scheme that shall be first approved in writing by the Local Planning Authority.

Reason: To define the permission in the interests of safeguarding amenity and to ensure the access remains open as a pedestrian route to serve the Public Right of Way.

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

16. Demolition, construction works or deliveries shall not take place outside 7.30am - 6.00pm Monday to Friday, and 8.00am - 1pm Saturdays, with no work taking place on Sundays, Bank or Public holidays.

Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.

Informatives

1. This permission does not entitle the developer to obstruct a public right of way. Development insofar as it affects a public right of way should not be started and the right of way should be kept open unless and until any necessary statutory orders have been made and confirmed. The applicants should ensure that:
 - The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.
 - Building materials, debris, etc must not be stored or deposited on the right of way.
 - There must be no reduction of the width of the right of way.

- The alignment of the right of way must not be altered.
- The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.
- No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

2. Access via public right of way

Access to the site is via a public right of way and the applicant's attention is drawn to the restrictions imposed by Section 34 of the Road Traffic Act 1988 regarding the prohibition of driving motor vehicles elsewhere than on roads. In addition, where public and private rights co-exist, permission should be sought from the landowner in order to obtain lawful authority to drive on the Public Right of Way. For further information, contact the Public Rights of Way Section, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury SY2 6ND.

Vehicular use of public rights of way

The development hereby approved may result in vehicles being driven across or along a Public Right of Way. As a result, notification should be given to the Highway Authority before the permission is implemented. In addition, where public and private rights co-exist, permission should be sought from the landowner in order to obtain lawful authority to drive on the Public Right of Way. For further information, contact the Public Rights of Way Section, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury SY2 6ND.

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.

3. As part of the SuDS, the applicant should consider employing measures such as the following:
 - o Water Butts
 - o Rainwater harvesting system
 - o Permeable surfacing on any new access, driveway, parking/paved area
 - o Attenuation
 - o Greywater recycling system
 - o Green roofs

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

Surface Water Soakaways

Percolation tests and sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 35% for climate change. Alternatively, the Council accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other buildings or infrastructure. Full details, calculations, dimensions and location of the percolation tests and the proposed soakaways should be submitted for approval.

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

Reason: To ensure that soakaways, for the disposal of surface water drainage, are suitable for the development site and to ensure their design is to a robust standard to minimise the risk of surface water flooding.

4. Nesting birds informative

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

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

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

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be

clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest.

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

General site informative for wildlife protection

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

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

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

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

Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.

Landscaping informative

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

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

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

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Development Management Report

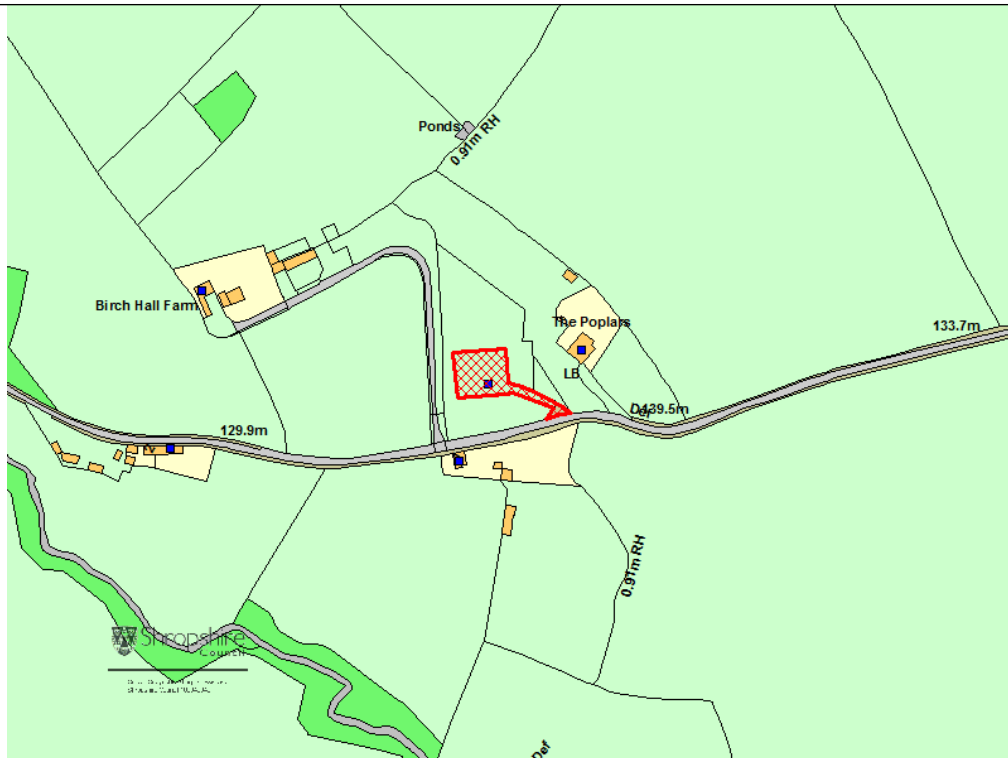
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 19/02168/FUL	Parish: Middleton Scriven
Proposal: Erection of a single plot affordable dwelling and a detached double garage.	
Site Address: Proposed Affordable Dwelling Middleton Scriven Bridgnorth Shropshire	
Applicant: Mr Graham Tranter	
Case Officer: Lynn Parker	email: planning.southern@shropshire.gov.uk

Grid Ref: 368879 - 287310



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Recommendation:- Refuse

Recommended reasons for refusal:

1. It is acknowledged that the proposed development would make a small contribution to the economic objective of sustainable development during the build process and the spend by occupiers on subsequent occupation, and that it would contribute to the social objective by delivering a unit of affordable housing to meet an identified need. However, the site is not part of or adjacent to a recognisable named settlement with only a limited number of scattered dwellings nearby; these are generally separated from one another by agricultural land and because the pattern of development is so sporadic the site is not regarded as being in a sustainable location. The principle of the proposed development is therefore contrary to Policies CS1, CS5 and CS11 of the Shropshire Local Development Framework Core Strategy, Policies MD3 and MD7a of the Shropshire Council Site Allocations and Management of Development Plan, the Council's Supplementary Planning Document on the Type and Affordability of Housing, and the environmental objectives of sustainable development set out in the National Planning Policy Framework.
2. Due to the position of the proposed plot, which is centrally placed within agricultural land with the remaining field surrounding on all sides and a driveway cutting through it, the site does not respond appropriately to the form and layout of the existing adjacent development, nor is it the most effective and sustainable use of the land. The proposed siting of the plot is therefore contrary to Policies CS6 and CS17 of the Shropshire Local Development Framework Core Strategy, and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan.
3. The appearance and character of the proposed dwelling do not adequately reflect or respect locally characteristic architectural design and details and do not sufficiently demonstrate the high-quality design essential for the exceptional nature of a single plot development. In this respect the proposed development is contrary to Policies CS6 and CS17 of the Shropshire Local Development Framework Core Strategy, Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan, the National Planning policy Framework (2019) and the National Design Guide (2019).

REPORT

1.0 THE PROPOSAL

- 1.1 This application is for the erection of a dwelling, detached garage and access driveway under the Council's single plot affordable scheme on agricultural land adjacent to The Poplars at Middleton Scriven. Certificate A has been completed to confirm that the applicant is the owner of the land. The proposed plot covers approximately 1,200m² including the access and driveway, 1000m² (0.1h) otherwise. The proposed dwelling is a rectangular, dual pitched roof, single storey, two bedroom unit which would have a gross internal floorspace of approximately 100m². It would measure approximately 13.6m wide x 7.6m in depth x 3.37m to ridge height, 2.2m to eaves. The dwelling is proposed to be located centrally within

an agricultural field laid to grass measuring approximately 7,200m (0.72h) with a new driveway extending up to it from the existing field gate in the south east corner.

- 1.2 Additionally, a detached, dual pitched roof double garage is proposed adjacent to the east side of the dwelling. It would measure approximately 6.065m wide x 6m in depth x 4.9m to ridge height, 2.2m to eaves and face south. It would be located approximately 54m from the field access to the south east. The vehicular access and hardstanding are indicated to be composed of stone with permeable tarmac for 5m to the carriageway.
- 1.3 The dwelling is proposed with natural finish pine boarding walls, a roof of green shingles, natural protective finish pine windows and doors, and dark grey plastic rainwater goods. The boundary of the plot would be defined by post and rail fencing. Foul sewage is proposed to be disposed of via septic tank and surface water to soakaway.
- 1.4 A written statement from the Clerk to the Parish Councils of Billingsley and Chetton has been submitted in support of this application. This document can be viewed in full online, however is summarised as follows:
- o Mr Tranter has lived in either Middleton Scriven or Chetton all of his life. His parents lived in Middleton Scriven and the family can be traced back to Aston Botterell in 1850.
 - o Until he recently retired, Mr Tranter worked for the Crawford Clarke family and lives in a 'tied' cottage on the farm. Changing circumstances mean he needs to find alternative accommodation.
 - o The ground which he owns is on the outskirts of Middleton Scriven and belonged to his family.
 - o An affordable home on this site would allow him to remain close to neighbours and friends.
 - o The Parish Councils of Chetton and Billingsley and the owner of Birch Hall Farm, Mr Henry Yates, are very supportive of this application and are anxious to retain Mr Tranter in this area where he plays such an active role in many local country pursuits.
- 1.5 This application follows the delegated Refusal of Outline Planning Application Ref: 18/05043/OUT on 9th January 2019. The application was Refused on the grounds that 1) no qualifying information had been submitted, 2) the plot is in open countryside, 3) an Outline Application was not acceptable for this type of proposal, and 4) the plot position was inappropriate. Qualifying information has been achieved during the course of this Full Planning Application. Written advice has additionally been provided under three separate Pre-Application Enquiries in 2015, 2016 and 2018.
- 2.0 SITE LOCATION/DESCRIPTION
- 2.1 The site falls within open countryside to the south west of Bridgnorth and is

accessed via Class C roads from the B4363 in the east. There is an existing field gate into the site at its south east corner. The site is an agricultural field sloping upwards to the north and laid to grass with a mixture of timber fencing and native hedging around its perimeter. There is an adjacent dwelling to the east side at The Poplars which has a south east facing front elevation and there is an evergreen hedge of approximately 2m high between this dwelling and the site. There is also a neighbouring property to the north west at Birch Hall Farm, where the dwelling is approximately 100m from the site and 70m above the road to the south. This farm is accessed via a dedicated track containing a line of mature trees and that extends from the road along the western boundary of the site. There is also a cottage across the road to the south. Otherwise the surrounding land is agricultural.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Middleton Scriven Parish Council – Consultation sent, no comments received. A statement of support has been submitted with the application from Chetton and Billingsley Parish Councils as set out above.

4.1.2 SC Rural Enabler - I can confirm that Mr Tranter has demonstrated strong local connections to Billingsley, Deuxhill, Glazeley and Middleton Scriven Parish Council local administrative area. After considering his housing needs and personal circumstances, I can confirm that the requirements of the Supplementary Planning Document in relation to the 'build your own affordable home scheme' have been satisfied.

4.1.3 SC Drainage – Pre-commencement condition recommended relating to details of foul and surface water drainage.

4.1.4 SC Ecology - Conditions and informatives recommended to ensure the protection of wildlife and to provide ecological enhancements.

4.1.5 SC Highways – Although the access is existing there is an opportunity here to improve its sightlines and angle for the proposed domestic use.

4.2 - Public Comments

4.2.1 Two letters of public representation have been received from adjacent neighbours. The neighbour on the east side raises objection, the neighbour to the south across the road supports the proposal, as follows;

- 4.2.2 Objection: That for the reasons previously lodged at outline planning, objections still stand. It is understood from local sources that if the property is granted permission it will be occupied by a relative of Mr Tranter. The objection lodged in relation to Planning Ref: 18/05043/OUT expressed concern regarding the proposed foul drainage system discharging onto the site, and that any dwelling may not remain an 'affordable' one in the future.
- 4.2.3 Support: We have no objection to Mr Graham Tranter building the proposed dwelling at Middleton Scriven.
- 5.0 THE MAIN ISSUES
- Principle of development
 - Siting, scale and design of structure
- 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. Since the adoption of the Council's Core Strategy, the National Planning Policy Framework (NPPF) has been published and revised in July 2018, and again in February 2019
- 6.1.2 The NPPF in itself constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications. The NPPF sets out the presumption in favour of sustainable development. These considerations have to be weighed alongside the provisions of the development plan.
- 6.1.3 For the purposes of the assessment of this application the development plan presently comprises the adopted Shropshire Council Local Development Framework Core Strategy 2011, the Site Allocations and Management of Development (SAMDev) Plan, and a range of Supplementary Planning Documents.
- 6.1.4 A key objective of both national and local planning policy is to concentrate residential development in locations which promote economic, social and environmental sustainability. Specifically the Council's Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 state that new open market housing will only be permitted on sites within market towns, other 'key centres' and certain named villages ('Community Hubs and Clusters'), as identified in the SAMDev Plan. Isolated or sporadic development in open countryside (i.e. on sites outside the named settlements) is generally regarded as unacceptable unless there are exceptional circumstances.
- 6.1.5 The site is positioned in open countryside outside of any development boundaries designated under existing Planning Policies. LDF Core Strategy Policy CS5 states that new development will be strictly controlled in accordance with National

Planning Policies protecting the countryside. The policy goes on to state that proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. In relation to new housing proposals, Policy CS5 identifies specific types of development which may be acceptable, including dwellings for agricultural, forestry or other essential countryside workers, or other affordable housing/accommodation to meet a local need, or conversion of a building of historic merit. Policy MD7a of the SAMDev Plan reinforces CS5.

- 6.1.6 As noted above under LDF Core Strategy Policy CS5 new development in the countryside is strictly controlled, however, potentially acceptable development does include the erection of new dwellings which provide affordable housing/accommodation to meet a local need in accordance with Policy CS11. In support, SAMDev Policy MD7a states that suitably designed and located exception site dwellings will be positively considered where they meet evidenced local housing needs and other relevant policy requirement.
- 6.1.7 LDF Core Strategy Policy CS11 supports the provision of affordable housing on suitable sites in recognisable named settlements, subject to suitable scale, design, tenure and prioritisation for local people and arrangements to ensure affordability in perpetuity i.e. the completion of a Section 106 Legal Agreement to secure the dwelling as affordable.
- 6.1.8 The build your own affordable home on a single plot exception site scheme is detailed in Chapter 5 of the SPD Type And Affordability Of Housing beginning at paragraph 5.10. Applicants will normally be the prospective occupiers of the proposed single plot affordable dwelling and must qualify for the scheme by demonstrating the following points (summarised) to the satisfaction of the Housing Enabling Officer:
1. That they are in housing need and are unable to identify or afford a suitable alternative home currently available for sale on the open market in the local area or within 5km of the proposed site.
 2. That they have a strong local connection to the area. Applicants are expected to be proactive obtaining formal written confirmation of their 'strong local connection' from the relevant Parish Council.
 3. That their housing need should be met in the local area.
- 6.1.9 The SC Housing Enabling Officer has confirmed that Mr Tranter has demonstrated strong local connections to the administrative areas of Billingsley, Deuxhill, Glazeley and Middleton Scriven Parish Councils. After considering his housing needs and personal circumstances, it is also confirmed that the requirements of the Supplementary Planning Document in relation to the build your own affordable home scheme have been satisfied.
- 6.1.10 The Local Housing Need elements of this application were established as follows from information presented to the SC Housing Enabling Officer by the applicant in

November 2019:

- o Mr Tranter is currently living in tied accommodation related to his previous employment, as this tenure is insecure it is deemed unsuitable for his long-term housing needs.
- o Mr Tranter's local connection has been confirmed through correspondence by Eileen Reynolds Clerk to both Billingsley and Chetton Parish Councils.
- o Mr Tranter is a true local member of the community with family connection which can be traced back to 1850. His family home was the Poplars which is next door to the proposed site. He is an active member of the community involved with many local groups and organisations.
- o The proposed property would enable Mr Tranter to remain close to neighbours and friends who are able to offer support.
- o From information provided Mr Tranter is unable to purchase a suitable property to meet his current and future needs due to the lack of smaller lower value affordable single storey properties available locally.

Therefore Mr Tranter has demonstrated housing need, strong local connections and a need to live in the local area. Moreover, due to issues of affordability and availability he is unable to meet his own housing need within the parish without assistance from this policy.

- 6.1.11 Single plot affordable exception sites are permitted in locations that would not normally obtain Planning Permission for new open market residential development, as they are intended to engender additional community resilience and sustainability. However this does not translate as free rein to always allow single plot affordable dwellings wherever they are proposed. Policy CS11 permits exception sites for local needs affordable housing on suitable sites in and adjoining Shrewsbury, the Market Towns and other Key Centres, Community Hubs, Community Clusters, and sites which are demonstrably part of or adjacent to recognised named settlements of all sizes. Sites that do not lie in a settlement, constituting isolated or sporadic development or which would adversely affect the landscape, local historic or rural character are not considered acceptable.
- 6.1.12 Having assessed the location of the proposed dwelling against the SAMDev Policy MD2, the selected site is not considered to respond appropriately to the form and layout of the area which is the key part of creating sustainable communities. The proposed dwelling would not be in a location where the Council would consider affordable housing appropriate. The Council's policies require such dwellings to be in or adjacent to recognised named settlements, which is not the case here. This was part of the reason for Refusal of the Outline Planning Application Ref: 18/05043/OUT (Reason No.2), and policy has not changed between the two applications, the dwelling currently being proposed on the same site. The application was also advised of this at the Pre-Application Advice stage.
- 6.1.13 Whilst the applicant may fulfil the qualifying criteria, the proposed plot is not in a

sustainable location and therefore not in accordance with adopted planning policy. It is considered that the benefits to the individual of the proposed development are unlikely to outweigh the loss of amenity in this case and the principle of the proposed development is not acceptable.

6.2 Siting, scale and design.

6.2.1 Policy CS6 of the Shropshire Council Local Development Framework Core Strategy states that development should conserve and enhance the built and natural environment and be appropriate in its scale and design taking account of local character and context. It further states that development should safeguard residential and local amenity. Policy MD2 of the SAMDev Plan builds on Policy CS6 providing additional detail on how sustainable design should 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 development; and
- ii. Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion; and
- iii. Protecting, conserving and enhancing the historic context and character of heritage assets, their significance and setting, in accordance with MD13; and
- iv. Enhancing, incorporating or recreating natural assets in accordance with MD12.

6.2.2 Paragraph 5.20 of the SPD Type and Affordability of Housing makes clear, because of the exceptional nature of single plot affordable sites, that high quality design is essential.

6.2.3 In addition, the NPPF stresses the need for quality in the design of the new development. Of particular relevance, paragraph 127 states that new development should be sympathetic to local character including the surrounding built environment and landscape setting, and that it should maintain a strong sense of place. Furthermore, paragraph 79, although concerned with new buildings of exceptional design quality in the countryside, emphasises that even they must significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area. Paragraph 130 advises that permission should be Refused for development of poor design that fails to improve the character and quality of an area. Additionally, there is also the recently published National Design Guide, which has the status of Planning Practice Guidance. This document sets out what are considered to be the ten characteristics of good design. These include: context; identity; built form; the efficient and resilient use of resources. It makes clear (in paragraph 40) that new development should respect and respond positively to the features of the site on which it would be located and the surrounding context, and that it should enhance positive qualities and improve

negative ones, including the existing built environment, layout, form, scale, appearance, details, materials, and the landscape.

- 6.2.4 There are two primary issues in terms of siting and design in this case. The first is that the siting has taken no account of the open and visually sensitive location despite the applicant having been advised to consider an alternative or more sensitive location. As proposed, the dwelling would be positioned centrally within an agricultural field in a location that is isolated and detached from any other nearby development or landscape features, making it as visually prominent as it could be within the site and located so that it does not relate in any way to existing buildings, building group or landscape feature. It would also necessitate a driveway extending approximately 54m through the surrounding field. Furthermore, it would also have an adverse land use consequence by effectively sterilising an unnecessarily large area of the field in which it would be located by not siting the plot to one side or relating it to any of the adjacent field boundaries or the existing field access. The siting within the plot is additionally considered to be very poor, the applicant choosing to disregard the previous advice provided by officers. It is prejudicial to landscape character and quality and also to the effective use of the land as a resource. It cannot therefore be considered to respond appropriately to the form and layout of existing adjacent development or the landscape and does not make effective and sustainable use of the land.
- 6.2.5 The officer report for the previously Refused Outline Planning Application advised that a better location for the plot would be either in the south east corner adjacent to the existing field gate, or the south west corner where it could be accessed from the track at Birch Hall Farm. Both of these alternative locations would have significantly less impact on the usability of the remainder of the agricultural field and would have more respect for the existing pattern of the built and natural environment. The current application does not address, and in fact replicates, the circumstances that gave rise to the reason for Refusal, included in the Outline Planning Application Decision Notice. As the applicant has discounted the advice provided in the officer report attached to the previous Refusal Decision under Planning Ref: 18/05043/OUT, officer recommendation remains that the proposed siting does not address or overcome previous Refusal Reason No. 4. Additionally, as set out in paragraphs 6.1.12 and 6.1.13 above, the site cannot more broadly be considered to be located in a sustainable location.
- 6.2.6 The second issue, which compounds the poor quality of the application in relation to the siting, scale and design, is that the design of the proposed building itself is very poor. It is a standard catalogue design which not only in no way reflects the character and design of the local buildings and the landscape, but is actually quite alien in its design to the local context. As set out above, Core Strategy Policy CS6 and SAMDev Plan Policy MD2 makes clear that building heights and lines, scale, architectural design and details including building materials, form, colour and texture of detailing should respect local character. There is little or nothing in the standard design of the dwelling proposed which does this in this case. The surrounding houses and those more generally around Middleton Scriven and in the wider area are predominantly two storey stone, brick or rendered block construction

with 45 degree roofs and vertically dominant proportions. The proposed dwelling in this case is none of those. It is a standard timber clad bungalow with predominantly horizontal proportions and a wide low pitched roof which simply does not reflect any local design characteristics and is wholly inconsistent with the type and form of building in the immediately adjacent and wider surrounding area.

6.2.7 The combination of the poor and inappropriate design and the location of the plot in the middle of an open field serve to accentuate even further what are quite fundamental shortcomings with this application, and the insensitivity of the siting of the plot and the design of the building. By comparison, it should be noted that the Council receives a number of applications for single plot affordable homes each year, which are acceptable in terms of the site and their design, and indeed some are even standard designs commonly from local companies with an appreciation and understanding of the local design characteristics and features. For this application, this is simply not the case. For the reasons outlined above, the siting and design are considered to be very poor and both these elements of the proposal are not regarded as acceptable, or consistent with Core Strategy Policy CS6, SAMDev Policy MD2, the NPPF, or the National Design Guide.

7.0 CONCLUSION

7.1 The site is not part of or adjacent to a recognisable named settlement with only a limited number of scattered dwellings nearby; these are generally separated from one another by agricultural land and because the pattern of development is so sporadic the site is not regarded as being in a sustainable location. The principle of the proposed development is therefore contrary to Policies CS1, CS5 and CS11 of the Shropshire Local Development Framework Core Strategy, Policies MD3 and MD7a of the Shropshire Council Site Allocations and Management of Development Plan, the Council's Supplementary Planning Document on the Type and Affordability of Housing, and the objectives of the National Planning Policy Framework.

7.2 Due to the position of the proposed plot, which is centrally placed within agricultural land with the remaining field surrounding on all sides and a driveway cutting through it, the site does not respond appropriately to the form and layout of the existing adjacent development, nor is it the most effective and sustainable use of the land. The proposed siting of the plot is therefore contrary to Policy CS6 of the Shropshire Local Development Framework Core Strategy, and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan.

7.3 The appearance and character of the proposed dwelling do not adequately reflect or respect locally characteristic architectural design and details and do not sufficiently demonstrate the high-quality design essential for the exceptional nature of a single plot development. In this respect the proposed development is contrary to Policy CS6 of the Shropshire Local Development Framework Core Strategy, Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan, the National Planning Policy Framework (2019) and the National Design Guide (2019).

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

National Design Guide

LDF Core Strategy Policies:

CS1 Strategic Approach

CS5 Countryside And Green Belt

CS6 Sustainable Design And Development Principles

CS11 Type And Affordability Of Housing

CS17 Environmental Networks

CS18 Sustainable Water Management

Site Allocations & Management Of Development (SAMDev) Plan Policies:

MD1 Scale and Distribution of development

MD2 Sustainable Design

MD3 Delivery Of Housing Development

MD7a Managing Housing Development In The Countryside

Supplementary Planning Documents (SPDs):

Type And Affordability Of Housing

RELEVANT PLANNING HISTORY:

18/05043/OUT - Outline application for the erection of an affordable self-build dwelling (all matters reserved). Refused 9th January 2019

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PRIA11TDM9F00>

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

- Supporting Statement received 14th May 2019.
- Statement from the Parish Council received 14th May 2019.

Cabinet Member (Portfolio Holder)
Councillor Gwilym Butler

Local Member

Cllr Robert Tindall

Appendices
APPENDIX 1 - Informatives

APPENDIX 1**Informatives**

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

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

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

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

Site Allocations & Management Of Development (SAMDev) Plan Policies:
MD1 Scale and Distribution of development
MD2 Sustainable Design
MD3 Delivery Of Housing Development
MD7a Managing Housing Development In The Countryside

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

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

-

Agenda Item 7



Committee and date

South Planning Committee

19 November 2019

Development Management Report

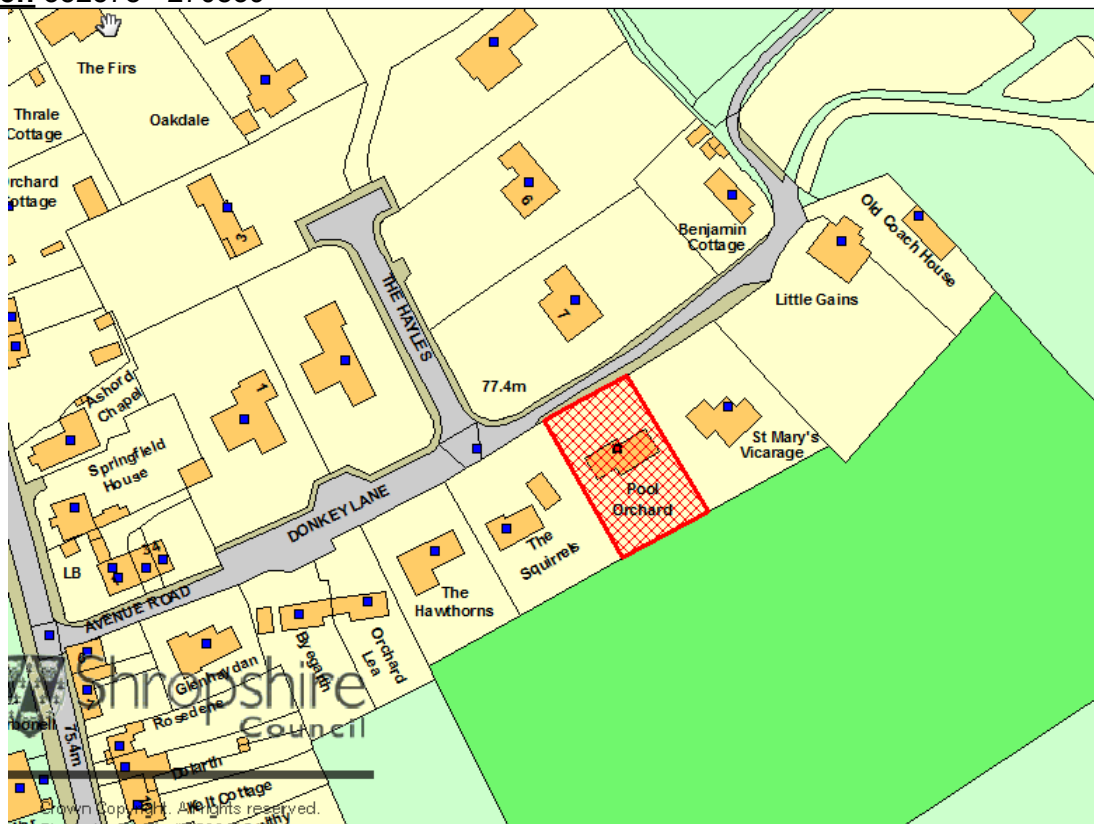
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 19/04030/FUL	Parish: Ashford Carbonell
Proposal: Removal of existing garage doors and rotten timber; replace with aggregate blocks; installation of windows	
Site Address: Pool Orchard Donkey Lane Ashford Carbonell SY8 4DA	
Applicant: Mr Mark Povey	
Case Officer: Elizabeth Griffiths	email: planning.southern@shropshire.gov.uk

Grid Ref: 352578 - 270839



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

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Contact: Tim Rogers (01743) 258773

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks full planning permission to convert an existing garage into a habitable room by removing the existing 2 garages doors and replacing with cream coloured “K” rendered block work and 2 windows to the front elevation only.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located within the Ashford Carbonell Conservation area, sitting on the southern side of Donkey Lane a no through road in the heart of the village, the detached dwelling is of brick construction with a tiled pitched roof, a single storey garage with pitched roof adjoins the western elevation. The application site is bounded to the roadside with a low level wall with fence above.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

- 3.1 The applicant works within the building regulations department of Shropshire Council. This triggers an automatic referral of the application to planning committee under the Council’s Scheme of Delegation for Planning Services.

4.0 Community Representations

- 4.1 Consultee Comments

- 4.1.2 Ashford Carbonell Parish Council – No objection

- 4.1.3 Shropshire Council Historic Environment Officer – No objection

- 4.1.4 Shropshire Council Archaeology – No comments

- 4.2 Public Comments

- 4.2.1 The application has been advertised by notices at the site and in the press. Three surrounding residential properties have been individually notified and representations have been received in response to this publicity.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and residential amenity

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'. Paragraph 11 of the National Planning Policy Framework 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.

6.1.2 Alterations and development to properties are acceptable in principle providing they meet the relevant criteria of Shropshire Core Strategy Policy CS6: Sustainable Design and Development Principles; this policy seeks to ensure any extension and alterations are sympathetic to the size, mass, character and appearance of the original property and surrounding area and should also safeguard residential and local amenity. Policy MD2: Sustainable design of the adopted Site Allocations and Management of Development (SAMDev) Plan additionally seeks to achieve local aspirations for design where possible. Section 12 of the National Planning Policy Framework also requires development to display favourable design attributes which contribute positively to making better for people, and which reinforces local distinctiveness.

6.1.3 As the application site is within a designated Conservation Area the proposal also needs to meet policy CS17 'Environmental Networks' and MD13: Historic Environment of SAMDev which requires that all development protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment and does not adversely affect the visual, ecological, geological or heritage values of these assets, their immediate surroundings. Legally, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

6.2 SITING, SCALE AND DESIGN OF STRUCTURE

6.2.1 The application is to incorporate the existing garage into a habitable room and will not increase the footprint of the property. The garage will have the up-and-over garage doors replaced with cream "K" rendered block work and 2 new Upvc windows that will be in the same style as the current windows of the dwelling, there will be no alterations to the side or rear elevation. Planning consent is not required for the conversion however as the dwelling is within a conservation area formal consent would be required for the use of render to the front elevation.

6.3 VISUAL IMPACT AND RESIDENTIAL AMENITY

6.3.1 There will be no reduction of amenity space and the proposal constitutes as a relatively minor alteration to the dwelling, and although these alterations would be visible from the street scene it is considered that the proposal shall not be of detrimental visual impact. In addition, there are dwellings located to the west within Donkey Lane (Orchard Lea, Byegarth and Glenhaydan) that have large areas of cream rendered to their front elevations which are visible from the street scene. As the application site lies within the conservation area, Shropshire Council's Historic Officer has been consulted and has no objection to the proposal as it would not cause harm to the surrounding conservation area.

6.3.2 Although additional glazing is proposed to the front elevation, this will be to the ground floor only and therefore there is no additional overlooking potential of neighbouring gardens and properties as there are existing boundary materials in place to ensure privacy in any case.

Overall it is considered that the design and scale of the proposal is acceptable and will be in keeping with the character of the existing dwelling and that of the surrounding conservation area. Therefore, the proposal is in accordance with NPPF, policies CS6 and CS17 of the Shropshire Core Strategy and policies MD2 and MD13 SAMDev.

7.0 CONCLUSION

The proposal is judged to be in scale and character with the original dwelling and would have no significant adverse impact on the visual or residential amenities of the surrounding conservation area. The application therefore 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

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

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

Shropshire Core Strategy:
CS06 Sustainable Design and Development Principles
CS17 Environmental Networks

Adopted Shropshire Site Allocations and Management of Development (SAMDev) Plan
MD02 Sustainable Design
MD13 Historic Environment

RELEVANT PLANNING HISTORY:

12/02694/TCA To crown reduce by approx half one Ornamental Cherry and reduce by half to previous pruning one Damson tree within Ashford Carbonell Conservation Area NOOBJC 25th July 2012

SS/1989/140/P/ Erection of an extension to form 'Granny Flat'. PERCON 10th April 1989
SS/1975/293/O/ Erection of two dwellinghouses and formation of vehicular access. PERCON 2nd September 1975

SS/1976/412/R/ Erection of dwellinghouse and formation of vehicular and pedestrian access. PERCON 16th December 1977

SS/1976/412/O/ Erection of two dwellinghouses and formation of vehicular access. (Amendment to 75/293). PERCON 24th September 1976

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)

Cabinet Member (Portfolio Holder)
Councillor Gwilym Butler

Local Member
Cllr Vivienne Parry

Appendices
APPENDIX 1 - Conditions

APPENDIX 1

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).
2. The development shall be carried out strictly in accordance with the approved plans and drawings.
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.
3. The external materials shall match those of the existing building.
Reason: To ensure that the works harmonise with the existing development.

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.
2. 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:
CS06 Sustainable Design and Development Principles
CS17 Environmental Networks

Adopted Shropshire Site Allocations and Management of Development (SAMDev) Plan
MD02 Sustainable Design
MD13 Historic Environment

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Committee and date

South Planning Committee

17 December 2019

Development Management Report

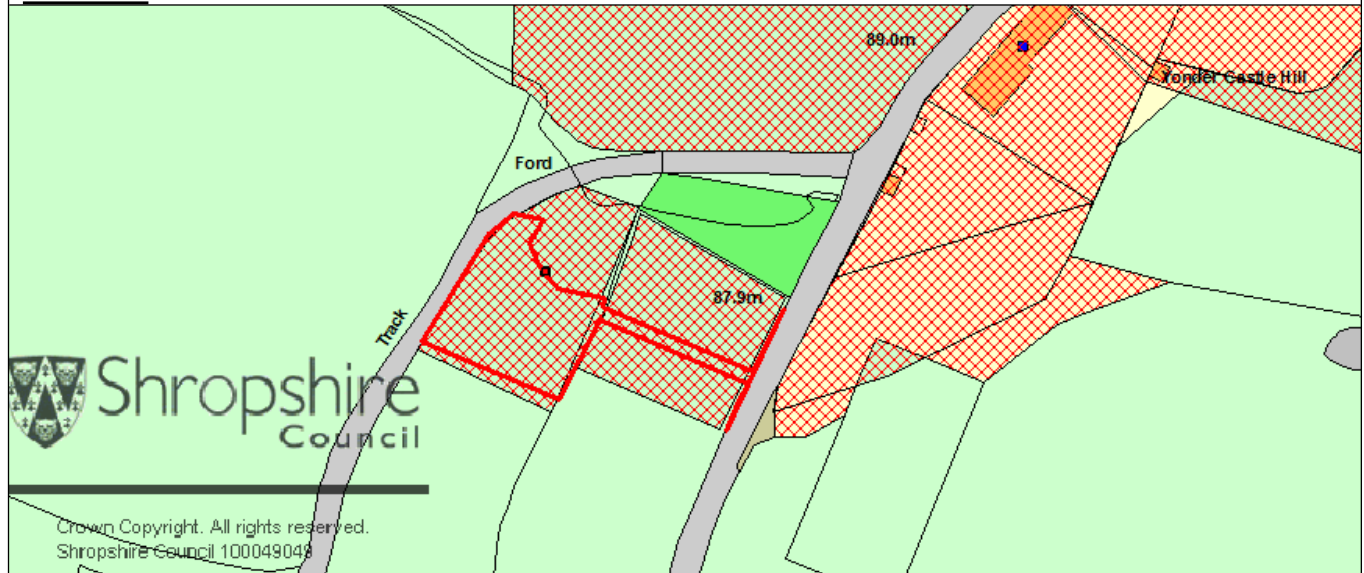
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 19/04227/FUL	Parish:	Harley
Proposal: Erection of Local Needs Dwelling and garage, access and installation of package treatment plant		
Site Address: Proposed Affordable Dwelling to The South West of Harley Shrewsbury Shropshire		
Applicant: Mr Neil Aitchison and Ms Andrea Preston		
Case Officer: Mandy Starr	email: planning.southern@shropshire.gov.uk	

Grid Ref: 359401 - 301123



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Recommendation:- Refuse.

Recommended Reason for refusal:

It is acknowledged that the proposed development would make a small contribution to the economic objective of sustainable development during the build process and the spend by occupiers on subsequent occupation, and that it would contribute to the social objective by delivering a unit of affordable housing to meet an identified need. However, due to the proposed plot position set back some 47m from the highway, which would be accessed via a new driveway, constructed across the agricultural land between the highway and the main body of the plot, it would result in the siting of the dwelling being out of character with the form and layout of existing nearby development, nor is this layout the most effective and sustainable use of the land. The residential amenities of any future occupiers of the dwelling who do not have control of the adjacent farm land and farm buildings are likely to be adversely impacted on by farming operations. The proposed siting of the plot is therefore contrary to Policies CS6 and CS17 of the Shropshire Core Strategy, Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan and would not satisfy the environmental objective of sustainable development set out in the National Planning Policy Framework.

REPORT**1.0 THE PROPOSAL**

- 1.1 The proposal is for the erection of a Local Needs rural exception dwelling and garage, access and installation of package treatment plant on land at Domas Lane. The proposed dwelling would provide a one and half storey structure with small single storey wing to the north and central porch. The eaves of the proposed dwelling would be 4.1m high and the ridge would be 7.6m high. The dwelling would have a traditional cottage appearance with dormer windows to the front and rear and would be built with a stone front wall with brick detailing as quoins and window detailing with a traditional tiled roof. The single storey lower wing would be constructed from blockwork with cladding beneath a matching roof and have eaves of 2.2m and a ridge of 4.6m. The rear and the sides would be constructed of render with similar brick detailing. The house would have a single chimney and a rooflight would be inserted above the bathroom in the roof slope. The accommodation would comprise of a front porch leading to a hallway with a lounge to one side and wood burner. On the other side of the hallway there is an open plan kitchen and dining area and beyond this would be a WC, utility room and back door. At first floor, there would be three bedrooms with ensuite to master bedroom and a family bathroom. The gross internal floor area would comply with the 100 sqm limitation for single plot affordable dwellings.
- 1.2 A detached double garage of some 36sqm would be positioned in the north-west corner of the plot with its west elevation alongside the existing farm track that leads to the cattle building. Floor plans and the elevation treatment of the double garage have now been provided. This shows that the garage would have a traditional

appearance with a pitched roof and two up and over garage doors with windows above. There would also be a pedestrian door to the side. It would be constructed from horizontal timber cladding with a clay tiled roof to match the proposed dwelling.

- 1.3 At the rear of the dwelling, there would be the garden backing onto the farm track. Part of the application site near the frontage also includes the root protection zone of two trees; T 1 and T2. T1 is a mature oak and T2 is a mature ash. Access to the property would be via a new long vehicular driveway created off the existing field gate into the field from the highway, and would run between these trees. Some 40m of road side boundary hedge would be removed in order to achieve the necessary sight lines. This hedge would be replanted further into the field as part of any landscaping scheme. The dwelling would not be sited next to the highway, but instead it would be positioned in a separate field further away and it would back onto an existing agricultural access that leads to a recently erected agricultural building from a separate farm track to the north of the copse.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is in the open countryside off Domas Lane which is an unclassified road that here slightly rises up along the field adjacent to the highway towards Domas Cottage and the fields themselves gently slope from west to east.
- 2.2 The land beyond then drops away to Harley Brook before rising upwards to Rowley Farm at the end of the lane where further on the land rises more steeply to the Wenlock Edge. The application site would be sited about a quarter of the way down this Lane on the west side. The nearest property is Yonder Castle Hill that has its garden and access close to the other side of the road from the application site.
- 2.3 To the north of the field behind the roadside boundary hedge of the site is a small copse that is outside of the applicant's land. Beyond this copse is a field access off Domas Lane that runs behind the copse and then turns south to run along the western side of the applicant's land to an existing agricultural building that is sited to the southwest of the application field.
- 2.4 Harley is a small compact Conservation Area village that bypassed by the main A458 between Cressage and Much Wenlock. The village to the west has several roads that radiate out including Domas Lane to the south which is a dead end. This part of Domas Lane is outside of the Harley Conservation Area and main part of the village and there are no listed buildings in the vicinity and nor is the site within the Shropshire Hills Area of Outstanding Natural Beauty, but the boundary of the AONB is further down the lane at Harley Brook.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council view is contrary to the officer recommendation. The Ward Member has advised that she supports the application and wishes it to go to Committee. The Chair and Vice Chair of the South Planning Committee, in consultation with the Principal Officer, consider that material considerations are raised, particularly with respect to siting, that warrant consideration by the South Planning Committee.

4.0 **Community Representations**

-Consultee Comments

4.1 Harley Parish Council: The Parish Council support the application as applicants have demonstrated the local need, the land benefits from being behind trees and setting it back from the road is good for the amenity of the neighbours as it avoids overlooking. The property would use local stonework and is in keeping with the general pattern of landowners in Harley having property adjacent to their farming activities.

4.2 SC Drainage – Comment:
Recommend condition and informatives

4.3 SC Archaeology - We have no comments to make on this application with respect to archaeological matters

4.4 SC Ecology – No objections subject to conditions requiring the development to be carried out in accordance with the recommendations of the Preliminary Ecological Assessment and to control external lighting, together with informatives relating to active birds nests and procedures to minimise the risks to small animals, including reptiles, amphibians and hedgehogs.

4.5 SC Highways - No objection subject to development being constructed in accordance with approved details, conditions and informatives

4.6 SC Trees - No objection provided that a replacement 40m mixed native hedge is planted to replace the hawthorn hedge to form visibility splay. Recommend conditions. Tree consultant should rule out the presence of ash dieback disease before the siting of the house is confirmed. Proximity of this tree to the proposed dwelling may have an overbearing effect leading to probable pruning or even felling in the long term. Shading will be an issue from the east and south so the front of the property will be shaded most of the day, however the rear garden will receive sun in the afternoons and evenings.

4.7 SC Conservation - No objections on heritage grounds but recommend that access to new dwelling should be gravel and any access gates should be of a simple rural design, materials to be confirmed by way of condition and the joinery should be timber.

4.8 SC Rural Housing Enabler - The applicant satisfies the requirements of Affordable Housing Policy, but concern is raised regarding the proposed siting and length of the driveway.

- Public Comments

4.9 The Site Notice was displayed on 2nd October 2019 and it expired on 23rd October 2019.

Three neighbours were notified and have written in to support the scheme on the following grounds:

- Mr Aitchison lives locally all his life and has worked in the area for his whole working life in and around farming. He is an asset to this village and supports the village functions. He is well aware of the sensitivity of the conservation area and will do nothing to harm the environment
- Aware that the area is very sensitive because of its proximity to the Wenlock Edge and the Harley conservation area, feel that an individual home would enable a young family to continue to live and work in countryside in a rural based business and this would be an acceptable compromise
- Wish to be informed of any new details as this land can be seen from our property.

5.0 THE MAIN ISSUES

Principle of development

Siting, scale, design of structure and visual impact

Residential Amenity

Landscaping

Ecology

Highways

Drainage Matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused, unless other material

considerations indicate otherwise. The adopted development plan for Shropshire is the Local Development Framework (LDF) Core Strategy and the Site Allocations and Management of Development (SAMDev) Plan along with the Type and Affordability of Housing and Build your own affordable home SPD. Significant weight is also to be attributed to the National Planning Policy Framework (NPPF) in the determination of planning applications.

- 6.1.2 A key objective of both national and local planning policy is to concentrate residential development in locations which promote economic, social and environmental sustainability. Specifically the Council's Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 state that new open market housing will only be permitted on sites within market towns, other 'key centres' and certain named villages ('Community Hubs and Clusters'), as identified in the SAMDev Plan. Isolated or sporadic development in open countryside (i.e. on sites outside the named settlements) is generally regarded as unacceptable unless there are exceptional circumstances.
- 6.1.3 The site is positioned in open countryside outside of any development boundaries designated under existing Planning Policies. LDF Core Strategy Policy CS5 states that new development will be strictly controlled in accordance with National Planning Policies protecting the countryside. The policy goes on to state that proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. In relation to new housing proposals, Policy CS5 identifies specific types of development which may be acceptable, including dwellings for agricultural, forestry or other essential countryside workers, or other affordable housing/accommodation to meet a local need, or conversion of a building of historic merit. Policy MD7a of the SAMDev Plan reinforces CS5.
- 6.1.4 As noted above under LDF Core Strategy Policy CS5 new development in the countryside is strictly controlled, however, potentially acceptable development does include the erection of new dwellings which provide affordable housing/accommodation to meet a local need in accordance with Policy CS11. In support, SAMDev Policy MD7a states that suitably designed and located exception site dwellings will be positively considered where they meet evidenced local housing needs and other relevant policy requirement.
- 6.1.5 LDF Core Strategy Policy CS11 supports the provision of affordable housing on suitable sites in recognisable named settlements, subject to suitable scale, design, tenure and prioritisation for local people and arrangements to ensure affordability in perpetuity i.e. the completion of a Section 106 Legal Agreement to secure the dwelling as affordable, before an Approval Decision is issued for any such application.
- 6.1.6 The build your own affordable home on a single plot exception site scheme is detailed in Chapter 5 of the SPD Type And Affordability Of Housing beginning at paragraph 5.10. Applicants will normally be the prospective occupiers of the proposed single plot affordable dwelling and must qualify for the scheme by

demonstrating the following points (summarised) to the satisfaction of the Housing Enabling Officer:

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

6.1.7 The SC Housing Enabling Officer has confirmed that Mr Aitchison and Miss Preston have demonstrated strong local connections. After considering their housing needs and personal circumstances, it is also confirmed that the requirements of the Supplementary Planning Document in relation to the build your own affordable home scheme have been satisfied.

6.1.8 The Local Housing Need elements of this application were established as follows from information presented to the Housing Enabling and Implementation Team in January 2019.

- Mr Aitchison and Miss Preston are currently living in rented accommodation in the adjacent parish of Eaton Constantine, as this tenure is insecure it is deemed unsuitable for the families long-term housing needs.

- We can confirm that Mr Aitchison and Miss Preston have demonstrated strong local connections to Cressage, Harley and Sheinton Parish Council local administrative area, which has also been confirmed by the Parish Council. After considering the couples housing needs and personal circumstances, we can confirm that the requirements of the Supplementary Planning Document in relation to the 'build your own affordable home scheme' have been satisfied.

- Mr Aitchison works in the local area as a self-employed agricultural worker. He works at various local farms and on his own land at Harley. He also supplies hay to customers in the immediate area. He stores his equipment and materials at Harley. Mr Aitchison's mother lives within the parish and relies on the couple for support

- From information provided Mr Aitchison and Miss Preston are unable to purchase a suitable property in the immediate area due to availability and cost, this is due to a lack of lower cost smaller affordable properties available locally.

6.1.9 Single plot affordable exception sites are permitted in locations that would not normally obtain Planning Permission for new open market residential development, as they are intended to engender additional community resilience and sustainability. However this does not translate as free rein to always allow single plot affordable dwellings wherever they are proposed. Policy CS11 permits exception sites for local needs affordable housing on suitable sites in and adjoining

Shrewsbury, the Market Towns and other Key Centres, Community Hubs, Community Clusters, and sites which are demonstrably part of or adjacent to recognised named settlements of all sizes. Sites that do not lie in a settlement, constituting isolated or sporadic development or which would adversely affect the landscape, local historic or rural character are not considered acceptable.

6.1.10 Having assessed the location of the proposed dwelling against the Core Strategy policy CS6, CS17 and SAMDev Policy MD2, the selected site is not considered to respond appropriately to the form and layout of the area which is the key part of creating sustainable communities. The reason for this Officer view is explained in Section 6.2 below. Whilst the applicants may fulfil the qualifying criteria, the proposed plot is not in a location that is in keeping with the character of the locality, or sustainable use of land, and therefore not in accordance with adopted planning policy. It is considered that the benefits to the individual of the proposed development do not outweigh the loss of amenity in this case and the principle of the proposed development is not acceptable.

6.2 **Siting, scale, design of structure and visual impact**

6.2.1 Policy CS6 of the Shropshire Council Local Development Framework Core Strategy states that development should conserve and enhance the built and natural environment and be appropriate in its scale and design taking account of local character and context. It further states that development should safeguard residential and local amenity. Policy MD2 of the SAMDev Plan builds on Policy CS6 providing additional detail on how sustainable design should 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 development; and
- ii. Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion; and
- iii. Protecting, conserving and enhancing the historic context and character of heritage assets, their significance and setting, in accordance with MD13; and
- iv. Enhancing, incorporating or recreating natural assets in accordance with MD12.

6.2.2 Paragraph 5.20 of the SPD Type and Affordability of Housing states that, '*Given the exceptional nature of these developments, high quality design is essential and full, rather than outline planning applications will be required for single plot exception sites*'.

Core Strategy policy CS6 requires developments to be appropriate in scale, density, pattern and design taking account of the local context and character. Core Strategy policy CS17 seeks to ensure that all proposals protect and enhance the

diversity, high quality and local character of Shropshire's natural, built and historic environment. SAMDev Plan policy MD2 requires that for a development to be considered acceptable it must achieve local aspirations for design in terms of visual appearance and how a place functions as set out in local community led plans and it must also contribute to and respect local distinctive or valued character and existing amenity value by a number of specific criteria such as responding to the form and layout of the existing development and the way it functions including building heights, lines, scale etc. It must also reflect local characteristic architectural design and details. There is also a requirement to consider the design of the landscaping which responds to the local character and context of the site such as natural and semi-natural features such as trees, hedges, woodlands and ponds.

- 6.2.3 In terms of the pattern of development the majority of dwellings in Domas lane are sited near to its northern end with those that are sited further south are sited very close or on to the edge of the lane. However, this proposal seeks a different siting in that the dwelling would be sited in a separate field behind the roadside field and be set back some 47m back from the highway. The proposed site is positioned centrally within an existing agricultural field, reached from the existing farm gate along a proposed permeable driveway that would run between two mature trees that are growing on the field boundary to the west and would lead to a driveway within the main plot that would turn north. The result would be an isolated development in a field. It is not considered that this proposed siting responds appropriately to the form and layout of existing adjacent development nor is the most effective and sustainable use of the land. There are alternative locations which would have significantly less impact on the usability of the remainder of the agricultural field and have more respect for the existing pattern of the built and rural environment.
- 6.2.4 In support of the proposed siting, the agent advises that the parcel of land to the east of the application site is subject of a legal covenant that prevents the construction of residential dwellings on the field fronting the highway. This means that notwithstanding any planning view, this would be unable to build a dwelling with a road frontage here. The agent has also noted that the Parish Council appear to be supportive of the scheme and in addition the applicant considers that the proposed location is the best location for their scheme, and one which would not impact on the trees in the immediate locality. In response, Officers comment that it is open to the parties affected by a covenant to seek modifications to its terms. This is a private matter between the parties involved and should not dictate the acceptance of the location of dwelling with the harmful impact upon the character of the area, and the limitations it would impose on the sustainable use of the surrounding land immediately outside the application site.
- 6.2.5 In terms of any potential impact on the Conservation Area, the edge of the conservation area ends about 94m to the north of the proposed road entrance, so it is not considered that the proposal would result in any measurable impact on the character or appearance of the conservation area when considering the requirements of Section of the Planning and (Listed buildings and Conservation Areas) Act 1990 (as revised).

6.2.6 With regard to the design of the proposed dwelling and detached double garage, it is considered that their form, described in paragraphs 1.1 and 1.2 above, would be appropriate in scale and design and would take account of the local context and character, as required by Core Strategy policies CS6, CS17 and SAMDev Plan policy MD2. However, the proposed siting does not respond appropriately to the form and layout of the existing nearby development where dwellings are sited adjacent or close to the highway and so this layout is not considered to be the most effective or sustainable use of the land.

6.3 Residential Amenity

6.3.1 Core Strategy policy CS6 and SAMDev Plan policy MD2 indicate that development should safeguard residential and local amenity.

6.3.2 There are two issues here. Firstly, as to whether a dwelling sited in this location would result in loss of amenity to the neighbouring properties and secondly whether existing farming use around the application site would result in loss of amenity for future users of the proposed affordable dwelling in the event that it is sold by the applicants to a new family in housing need. The nearest dwelling is Yonder Castle Hill which would be 100m away on the north east side of the road. Due to the distances involved and the position of the small copse, it is not considered that there would be any loss of amenity to these neighbours.

6.3.3 With regard to the second issue concerns are raised regarding the proposed siting of this affordable dwelling in relation to the use of access track to the rear, the cattle building beyond and the use of the land either side of the proposed driveway to the dwelling, which remains part of the field. Future users of any affordable dwelling sited here are likely to be affected by the adjoining agricultural use which they will have no control over as the recently constructed agricultural farm building under 15/03301/FUL is for keeping a small number beef cattle and farm machinery storage but would be sited less than 100m away from the barn.

6.3.4 In conclusion, the use of the agricultural building and land for keeping cattle may be acceptable for the applicant who would be used to the impacts of having cattle surrounding the application site, managing the pollution from their waste products and vermin associated with their fodder, but this same agricultural use has the potential to result in unacceptable impacts for any future occupiers of the any rural exception site dwelling sited in this particular location. Although an argument could be made that siting the dwelling closer to the road would not make a material difference in terms of distances between buildings, such a dwelling would be clearly separate from rest of the land and could have a vehicular access that would in sole use of the occupier of the rural exception site dwelling, not a shared with existing agricultural land as is now proposed.

6.4 Landscaping

- 6.4.1 Core Strategy policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's built, natural and historic environment and it does not adversely affect the values and function of these assets. SAMDev Plan policy MD12 seeks to safeguard important woodlands, trees and hedges in new developments. The application site is in the open countryside which in this area is typified by well- established native species hedgerows with occasional single trees as found in the immediate vicinity of this site.
- 6.4.2 The submitted Arboricultural Survey and Assessment establishes that there are two mature trees in front of the application site; an oak and ash. The Oak with a stem diameter of 1350mm is categorised as having an 'A' category which specifies a high-quality tree with an estimated life span of 40+ years and which is visually important and may have historical or conservation values. On the other side of the proposed driveway through the hedgerow is an Ash with a stem diameter of 1025mm. This is a 'B' category tree, and these tend to have a moderate quality with a lifespan of between 20 and 40 years and can be downgraded if in poor health. As is common elsewhere in Shropshire this tree is now showing signs of Ash die-back. The proposal also requires the removal of a 40m section of hawthorn hedge from the roadside boundary in order to achieve the required sight lines for a domestic driveway. However, the proposal does include new hedge planting inside the visibility splays which will use native species. No other trees are to be lost.
- 6.4.3 Turning to the two individual trees, the submitted plans show that the new driveway will encroach slightly upon the root protection area of the canopy of the oak. Furthermore, the construction of the driveway by conventional means would result in damage to the tree roots and soil below caused by compaction. To prevent this a no-dig construction technique would need to be employed along with a 3-D cellular confinement system such as Cell Web to prevent compaction of the soil below it. Additional areas around these trees will also need to be appropriately protected to ensure there is no damage to the roots.
- 6.4.4 From the information in the submitted Tree Assessment it would appear that the Root Protection Areas for both of these trees would be in close proximity to both the new dwelling and new driveway. As both of these trees are over 20m high they will result in shading to the dwelling when the sun in the east and south east especially in full leaf. This would make the garden to the east of the proposed dwelling and driveway prone to shading and dampness. There then could be pressure to have these important trees reduced in terms of the overall crowns or even felling which would result in a material loss of visual amenity that these two trees provide at present.
- 6.4.5 The Council's Tree Officer considers the submitted Old Oak Tree Care Protection Plan has demonstrated that provided that the measures contained within this plan and Method Statement including the use of no-dig 3-D cellular construction techniques, protective fencing and temporary ground protection are strictly adhered to the development can be achieved in accordance with the requirements with BS5837: 2012 Trees in relation to Design, Demolition and Construction

Recommendations for Tree Protection.

6.4.6 As has been indicated above, should permission be granted, then in addition to the requirement to replace the 40m length of hedge along the roadside, new hedging will be required either side of the new driveway as well. Details would need to be set out in a landscaping scheme.

6.5 Ecology

6.5.1 Core Strategy policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and it does not adversely affect the values and function of these assets. SAMDev Plan policy MD12 reiterates the need to safeguard ecological interests in development proposals.

6.5.2 A Preliminary Ecological Appraisal was submitted in September 2019 by Greenscape Environmental Ltd. The land owned by the applicants includes a watercourse that runs along the northern part of the site and is forded by the farm track which is a designated corridor for the Shropshire Environmental Network from there it feeds into the Hughley and Harley Brook which is a Geological SSSI and where otter were recorded in 2000. The habitats for bats is limited to a single tree which has potential roost features but this is to be retained. Beyond the site are two ponds within 250m and the pond to the east scored good with regard to a habitat suitability index. However, the habitats are the existing hedgerows for the application site. No evidence of badgers, water vole or otter were found. It was not considered that Phase 2 surveys for bats and great crested newts were necessary as the features of value can be satisfactorily mitigated and additional surveys are not required. The proposal will see the stream protected with suitable fencing to ensure that stream is protected from construction and contaminants/run-off. The tree and its roots with bat activity would be protected from development and no artificial lights would be attached to the tree, but a bat box is recommended to be erected on the dwelling. The boundary hedging will be removed in a two-stage process to allow for the protection of newts and bird boxes are also required to be attached to the new dwelling. The risk to newts is considered low, but measures will be required to manage this risk, but this will not include the need to provide the three tests under Regulation 55 of the Conservation of Habitats and Species Regulations (2017).

6.5.3 The Council's Planning Ecologist has advised that she is happy with the level of survey work carried out and the recommendations contained in the Preliminary Ecological Appraisal. Any grant of planning permission should be subject to conditions requiring all site clearance, landscaping and biodiversity enhancements to be carried out in accordance with the recommendations contained in the Preliminary Ecological Assessment; and to specify the design and installation requirements of any exterior security or decorative lighting, in order to minimise disturbance to bats.

6.6 Highways

6.6.1 Core Strategy policy CS6 seeks to secure safe developments. The NPPF, at paragraph 109, advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe. The Council's Highways Consultants are content that the proposed access arrangement, improving an existing agricultural access as shown on the submitted site plan, is acceptable for the prevailing highway conditions and proposed development.

6.7 **Drainage Matters**

6.7.1 CS18 Sustainable Water Management requires that developments will need to integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on the water quality and quantity including ground water resources. The agent has stated that in relation to foul sewage a bio-disc package treatment plant will be provided for the dwelling for this 5-person household and that updated percolation tests will be required but nevertheless the soil would be sufficient free-draining to enable this plant to be used effectively. The bio-disc would be sited in the south west corner of the new garden area. The same would apply for the surface water drainage that would lead to a soakaway being constructed to the west of the permeable driveway. Nevertheless, the agent has asked that the detailed drainage design be dealt with by way of a planning condition on any approval. The Council's Drainage Consultants are content with this approach.

7.0 **CONCLUSION**

7.1 The proposed design of the affordable dwelling and garage would not be inappropriate for the locality. There are no highway safety, drainage or ecology grounds that would justify a refusal in this case. However, although the applicants have demonstrated a housing need with strong local connections and a need to live in the area, the proposed siting of the dwelling is not considered to be acceptable in policy terms because it would result in a development that would be sited in an isolated location that would be set back from the road by a long driveway. Therefore, the proposed site is not considered to respond appropriately to the form and layout of existing nearby development in Domas Lane nor is this layout the most effective and sustainable use of the land. The residential amenities of any future occupiers of the dwelling who do not have control of the adjacent farm land and farm buildings are likely to be adversely impacted on by farming operations.

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

National Planning Policy Framework 2019
National Planning Practice Guidance 2019

Shropshire Council Adopted Core Strategy

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

Supplementary Planning Guidance

Type and Affordability of Housing SPD
Build your own Affordable Home SPD

Shropshire Site Allocations and Management of Development (SAMDev) Plan

MD2 Sustainable Development
MD3 Managing Housing Development
MD7A Managing Housing Development in the Countryside.
MD12 Natural Environment

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=PYAQ0ITDI0Z00>

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

Supporting Statement
Design and Access Statement
Preliminary Ecological Survey

Cabinet Member (Portfolio Holder)
Councillor Gwilym Butler

Local Member

Cllr Claire Wild

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.

-

Agenda Item 9

SCHEDULE OF APPEALS AS AT COMMITTEE 17/12/2019

LPA reference	18/03509/FUL
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Kirbycraft Ltd
Proposal	Change of use of land for the siting of 10 glamping tents plus one communal tent, formation of car park and replacement of existing building to provide shower/amenity block (part retrospective) (amended description)
Location	Proposed Camping Site And Amenity Block Adj The Old Vicarage Knowlesands
Date of appeal	16.08.2019
Appeal method	Written representations
Date site visit	8.10.2019
Date of appeal decision	8.11.2019
Costs awarded	
Appeal decision	Allowed

LPA reference	19/02232/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Anthony Walker
Proposal	Erection of a dwelling
Location	The Cottage Nordley Bridgnorth WV16 4SX
Date of appeal	11.11.2019
Appeal method	Written representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	18/04645/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Christopher Bithell
Proposal	Erection of a log cabin holiday let and parking space
Location	Holiday Let Log Cabin South Of New England Lane Highley
Date of appeal	11.11.2019
Appeal method	Written representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

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	Residential development land to the east of Park Lane Shifnal
Date of appeal	26.06.2019
Appeal method	Written representations
Date site visit	03.09.2019
Date of appeal decision	12.11.2019
Costs awarded	
Appeal decision	Allowed

LPA reference	18/00027/FUL
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Mr S Graham
Proposal	Erection of detached garage and formation of turning area
Location	Cartway Cottage Woodbank Abdon Craven Arms Shropshire SY7 9HX
Date of appeal	04.12.19
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	
Appeal against	
Committee or Del. Decision	
Appellant	
Proposal	
Location	
Date of appeal	
Appeal method	
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	
Appeal against	
Committee or Del. Decision	
Appellant	
Proposal	
Location	
Date of appeal	
Appeal method	
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	
Appeal against	
Committee or Del. Decision	
Appellant	
Proposal	
Location	
Date of appeal	
Appeal method	
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	
Appeal against	
Committee or Del. Decision	
Appellant	
Proposal	
Location	
Date of appeal	
Appeal method	
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	
Appeal against	
Committee or Del. Decision	
Appellant	
Proposal	
Location	
Date of appeal	
Appeal method	
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	
Appeal against	
Committee or Del. Decision	
Appellant	
Proposal	
Location	
Date of appeal	
Appeal method	
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	
Appeal against	
Committee or Del. Decision	
Appellant	
Proposal	
Location	
Date of appeal	
Appeal method	
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	
Appeal against	
Committee or Del. Decision	
Appellant	
Proposal	
Location	
Date of appeal	
Appeal method	
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	
Appeal against	
Committee or Del. Decision	
Appellant	
Proposal	
Location	
Date of appeal	
Appeal method	
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	
Appeal against	
Committee or Del. Decision	
Appellant	
Proposal	
Location	
Date of appeal	
Appeal method	
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

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Appeal Decision

Site visit made on 8 October 2019

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th November 2019

Appeal Ref: APP/L3245/W/19/3234109

Land adjacent to The Old Vicarage, Knowle Sands, Bridgnorth, WV16 5JL

- 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 Kirbycraft Ltd against the decision of Shropshire Council.
 - The application Ref 18/03509/FUL, dated 23 July 2018, was refused by notice dated 12 March 2019.
 - The development proposed is change of use of land for the siting of 10 glamping tents plus one communal tent, formation of car park, and replacement of existing shower/amenity block (part retrospective).
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of land for the siting of 10 glamping tents plus one communal tent, formation of car park, and replacement of existing shower/amenity block (part retrospective) at Land adjacent to The Old Vicarage, Knowle Sands, Bridgnorth, WV16 5JL in accordance with the terms of the application, Ref 18/03509/FUL, dated 23 July 2018, and subject to the conditions set out in the attached schedule.

Procedural Matters

2. The description of development given above is taken from the Decision Notice rather than the planning application form. This description reflects changes that were made at application stage, including the removal of the proposed fitness 'boot camp' element of the scheme. The application was determined on this basis and I have taken the same approach.
3. Some works have already been undertaken including the regrading of part of the site to facilitate the introduction of the proposed tents. The development is therefore partly retrospective in nature.

Main Issues

4. The main issues are, firstly, the effect of the development on the character and appearance of the area and, secondly, whether the development would result in unacceptable safety risks and/or nuisance to guests.

Reasons

Character and appearance

5. The appeal site is a relatively narrow strip of land positioned between the B4555 and the River Severn. It is designated as being within the open countryside for planning policy purposes.
6. The site adjoins open land to the north, east, and south west. However, there are a number of existing properties in the vicinity, including several dwellings and a number of static caravans immediately to the south, many of which are on elevated ground. When viewed from nearby footpaths, and from the A442 to the east, the site is seen in the context of this pattern of development along the riverbank. Whilst the tents would be a relatively prominent feature, they would also be small in size and of lightweight construction. In my view, they would not appear out of place given their surroundings. Moreover, additional planting and landscaping could be secured by condition in order to secure an attractive riverbank setting. The proposal also includes a car parking area for up to 10 vehicles. However, this would be relatively small and would be seen against the backdrop of the existing parking area and static caravans to the rear.
7. For the above reasons, I conclude that the development would not significantly harm the character or appearance of the area. It would therefore accord with Policies CS6, CS16, and CS17 of the Shropshire Core Strategy (2011), and Policies MD2 and MD11 of the Shropshire Council Site Allocations and Management of Development Plan (2015). These policies seek to ensure, amongst other things, that new development achieves high quality design and preserves local character. It would also be consistent with the National Planning Policy Framework which seeks to achieve well-designed places.

Safety/nuisance

8. The appeal site is next to the River Severn and the proposed amenity block would be close to the river edge. However, there is an existing amenity block in this location and there is no evidence before me that this has resulted in any safety issues in the past. Moreover, the route from the tents to the amenity block could be appropriately lit during the hours of darkness to ensure the safety of guests, which could be secured by condition. The submission and approval of a Flood Evacuation Management Plan would also minimise any risks associated with flooding of the site. I further note that the proposed accommodation tents would be located in Flood Zone 1.
9. With regard to fumes and noise arising from the B4555, there is no evidence before me that this has harmfully affected existing holiday accommodation along this section of the road. In any case, guests staying at the site would only occupy the tents for relatively short periods of time.
10. For the above reasons, I conclude that the development would not result in unacceptable safety risks or nuisance to guests. It would therefore accord with Policy CS6 of the Shropshire Core Strategy (2011), which requires that new development is safe and provides a good standard of amenity.

Other Matters

11. An Ecological Appraisal¹ has been submitted in support of the development. This states that whilst the site is of little ecological merit for wildlife at present, it falls within a corridor alongside the River Severn which aids the movement and dispersal of many species. The Ecological Appraisal concludes that subject to the implementation of 'reasonable avoidance measures', no significant impacts upon protected species would be likely to arise. Such measures, and other ecological enhancements to the site, could be secured by condition. I further note that the Council's Assistant Biodiversity Officer has not objected to the development on ecological grounds.
12. The development would generate only a modest amount of additional traffic and would be served by a safe and suitable access onto the B4555. I further note that the Highway Authority has not objected to the development on highway safety or network capacity grounds.
13. It is asserted that an existing hedgerow along the site boundary has reduced the width of the pavement to the B4555. However, the Highway Authority is able to require a tree/hedge to be lopped or cut where a danger to roads or footpaths is caused. This power exists outside of the planning regime.
14. A number of interested parties refer to a footpath that runs through the site. However, the submitted plans do not indicate that any footpath would be affected by the proposals.
15. The proposed use is not intrusive in nature, and only 10 glamping tents are proposed. In my view, the proposal would be compatible with its surroundings and would not result in significant noise and disturbance to neighbouring properties.

Conditions

16. The Council suggested a number of conditions, some of which I have edited for clarity and enforceability. A condition that requires the development to accord with the approved plans is necessary in the interest of certainty. A further condition requiring the submission and approval of a lighting plan is necessary in the interest of biodiversity and the safety of guests. Another condition relating to landscaping is necessary in order to preserve the character and appearance of the area. Further conditions relating to bird/bat boxes, and reasonable avoidance measures, are necessary to implement the recommendations of the submitted Ecological Appraisal. Conditions requiring the submission and approval of a Flood Evacuation Management Plan, and relating to the level of the proposed tents, are also necessary in order to ensure that the site is safe from flood risk. I have imposed additional conditions relating to the proposed parking area, entrance gates, and occupancy of the glamping tents. These conditions are necessary in order to ensure that the car park is available for future use, that any entrance gates do not prejudice highway safety, and to prevent the permanent residential occupation of the tents.
17. As the development is partly retrospective, it is unnecessary to include a condition that requires the development to commence within 3 years. A condition that would have prevented the erection of new structures or the

¹ Salopian Consultancy Ltd (September 2018)

raising of ground within the flood plain is also unnecessary as, aside from the replacement amenity block, no such works are proposed. A further condition that would have sought to prevent the severing of the existing dwelling from the proposed holiday accommodation is unnecessary, as it is unclear that on-site supervision is required. A condition that would have required a Habitat Management Plan to have been submitted and approved is disproportionate in this case, given the scale of the proposal and the site's ecological contribution. This condition also implies that a planning obligation be entered into. However, Planning Practice Guidance is clear that a condition which limits the development that can take place until a planning obligation has been entered into is unlikely to be appropriate in the majority of cases and would require "exceptional circumstances"². No such exceptional circumstances have been put forward in this case.

Conclusion

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

Thomas Hatfield

INSPECTOR

² Paragraph: 010 Reference ID: 21a-010-20190723

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: SA26993/01 Rev E; SA26993/02 Rev E; SA26993/03 Rev B.
- 2) Prior to the commencement of the use, details and locations of at least 2 bat boxes and 2 bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The approved boxes shall be erected prior to the site being brought into use and shall thereafter be retained.
- 3) Prior to the commencement of the use, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate how the external lighting will avoid significant impacts on existing ecological networks and proposed bat and bird boxes. The development shall be carried out in accordance with the approved details, which shall thereafter be retained.
- 4) Prior to the commencement of the use, a landscaping plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include planting plans, schedules of plants and species, ecological enhancements, and an implementation timetable. The approved landscaping plan shall be carried out in accordance with the approved implementation timetable. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) Prior to the commencement of the use, an appropriately qualified Ecological Clerk of Works shall provide a report to the Local Planning Authority demonstrating implementation of the 'reasonable avoidance measures', as set out in section 3.5 of the Ecological Appraisal (Salopian Consultancy, September 2018).
- 6) Prior to the commencement of the use, a Flood Evacuation Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include the procedure for evacuation of persons and property (including vehicles), details of staff training, and the method and procedures for timed evacuation.
- 7) The proposed holiday accommodation units (glamping tents) shall be set above 33.16m AOD.
- 8) The car parking area shall be laid out and surfaced prior to the commencement of the use and shall thereafter be retained for that purpose.
- 9) Any entrance gates erected in the private driveway shall be set back by a minimum distance of 5m from the road as measured from the nearside edge of the carriageway and shall be made to open inwards only.
- 10) The holiday accommodation units (glamping tents) stationed on the site shall not be used as permanent residential accommodation.

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Appeal Decision

Site visit made on 3 September 2019

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2019

Appeal Ref: APP/L3245/W/19/3230499

37 Park Lane, Shifnal TF11 9HD

- 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 David White against the decision of Shropshire Council.
 - The application Ref 18/03761/FUL, dated 11 August 2018, was refused by notice dated 9 January 2019.
 - The development proposed is the erection of a four bedroom dwelling with parking off existing access.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a four bedroom dwelling with parking off existing access at 37 Park Lane, Shifnal TF11 9HD in accordance with the terms of the application, Ref 18/03761/FUL, dated 11 August 2018, subject to the schedule of conditions to this decision.

Main Issue

2. The main issue is whether the site can be brought forward for development having regard to its location and designation as safeguarded land.

Reasons

3. Notwithstanding the address provided on the appellant's application form the appeal site as edged red¹ comprises land adjacent to 37 Park Lane and was formerly part of the garden to this property. It now forms a gap between ribbon development along Park Lane, on the southern fringe of Shifnal. The site is largely bound by hedges and includes a number of protected trees along its southern boundary.
4. The site is located outside of the Shifnal development boundary, on land that is excluded from the Green Belt and has been safeguarded for the future development needs of Shifnal in the Shropshire Council Site Allocations and Management of Development Plan 2015 (SAMDev). SAMDev Policy S15 states that this land is safeguarded for development needs beyond the current plan period (to 2026) and that only development that would not prejudice its potential future use to meet Shifnal's longer term development needs will be acceptable. This approach is broadly consistent with the National Planning Policy Framework (the Framework).²

¹ As shown on Location Plan 1/1250 - Drawing No. 37Park01, which includes inset drawing titled 'Tree Location and Protection Plan 1.11.2018'

² Paragraph 139

5. However, part of the safeguarded land to the rear (east) of the site is being developed for a major residential development. In particular, the rear boundary of the site is contiguous with that of a new detached dwelling and its garden. To the north and south the site adjoins established residential properties fronting Park Lane.
6. Consequently, the site forms a small parcel of enclosed land surrounded by residential development. Most notably, despite incorporating a highway frontage, access to the undeveloped safeguarded land to the south-east of the site would be via the adjacent property (37 Park Lane) which is an established dwelling in separate ownership to the site. There are also development constraints associated with the afore mentioned protected trees. These circumstances would be likely to limit the future use of the site to either a residential use or a use that would not materially affect the living conditions of occupiers of the residential properties that adjoin the site and also safeguards the protected trees.
7. Moreover, in this case the specific circumstances of the site and the development to the rear of it have overtaken the adopted SAMDev. Most notably, the site has a restricted functional role in respect of the larger area of safeguarded land to the south-east and therefore is of limited strategic importance.
8. The Council can demonstrate a five-year supply of deliverable housing sites as required by the Framework. Under these circumstances, the decision-taking criteria contained in paragraph 11 of the Framework are not engaged. Nonetheless, the Framework also seeks to boost significantly the supply of housing and the ability to demonstrate a five-year housing land supply should not be seen as a maximum. Irrespective of such a supply being available, the Framework advocates a presumption in favour of sustainable development and the application must be considered in these terms.
9. Although the site is outside the development boundary of Shifnal it is enclosed within the residential built up area of the town. A footway directly outside the site allows access by walking to the centre of the town. Further, on the evidence available to me and my observations, Shifnal offers a wide variety of facilities and services, along with access to public transport with regular rail and bus services to the wider area including Telford, Wolverhampton and Shrewsbury.
10. Drawing on the above factors and its location, the site could be developed without prejudice to the development of the larger area of safeguarded land to the south-east. Also, given the overall sustainability of the site an additional dwelling would add to the local supply of housing consistent with the aims and objectives of the Framework and therefore in this site-specific case would contribute to Shifnal's longer term development needs. For the above reasons, I conclude that the proposal would not conflict with Policy S15 of the SAMDev.

Other Matters

11. Based on my observations and the available evidence, I am satisfied that the scheme for a single dwelling would not lead to any significant adverse impacts on the local transport network in terms of access, parking and highway safety. My conclusions on these matters are supported by the lack of objection from the Council's Highway consultee. Also, on the available evidence it has not

been clearly shown that the proposal alone or cumulatively with other residential development in the area would result in any significant material harm to the town's infrastructure, facilities or services.

12. The proposed amended scheme, in terms of design, layout and retained landscaping would be consistent with the varied character and appearance of residential plots along Park Lane.

Conditions

13. I have considered the conditions put forward by the Council in light of the requirements of the National Planning Practice Guidance and the Framework. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawing as this provides certainty. Conditions requiring details of proposed materials and landscaping are necessary to ensure the satisfactory appearance of the development. However, I have simplified the Council's suggested landscaping requirements to reflect the modest scale of the proposal. I have also imposed a tree protection condition to safeguard retained landscaping including protected trees.
14. A condition requiring a Method of Construction Statement is needed in the interests of the living conditions of neighbours and highway safety. The surfacing of the access is also necessary in the interests of highway safety. The condition to control the hours of construction is imposed to safeguard the living conditions of neighbours. In the interests of the living conditions of future occupants a condition is required in relation to foul and surface water drainage. To safeguard and enhance the ecology of the site I have imposed conditions 5, 9 and 11.
15. Conditions 3,4,5 and 6 which prevent any development approved by the planning permission from commencing until they have been complied with, are considered fundamental to the development hereby approved. It is necessary for them to take the form of 'pre-commencement' conditions in order to have their intended effect. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Conclusion

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

M Aqbal
INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No. 37Park01, which includes inset drawing titled 'Tree Location and Protection Plan 1.11.2018'.
3. The development hereby approved shall not commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP 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. wheel washing facilities v. traffic management. The approved CMP shall be adhered to throughout the construction of the approved development.
4. The development hereby approved shall not commence until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include details of all proposed landscaping, a programme for its implementation and the means to provide for its future maintenance. Thereafter the approved landscaping scheme shall be undertaken and maintained in accordance with the approved details. Any trees or plants which within a period of 3 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
5. Prior to the development hereby approved commencing an Ecological Clerk of Works (ECW) shall be appointed to ensure that the Great Crested Newt Method Statement and other ecological mitigation and enhancement measures are adhered to. The ECW shall provide notification to the local planning authority of any pre-commencement checks and measures.
6. The development hereby approved shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details before the development is first brought into use.
7. Prior to any above ground works commencing details of all external materials to be used in the construction of the dwelling 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.
8. All tree protection measures detailed in the approved Arboricultural Impact Assessment and Arboricultural Method Statement (Forester & Arborist Services Ltd, Single Dwelling Option 23.05.2018) and the approved Tree Location and Protection Plan as shown on Drawing No. 37Park01 shall be fully implemented, before any development-related equipment, materials or machinery are brought onto the site. The approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development and until all equipment, machinery and surplus materials have been removed from the site.

9. All site clearance, development, landscaping and biodiversity enhancements shall be undertaken in accordance with the Preliminary Ecological Assessment prepared by Salopian Consultancy Ltd (28/09/2018).
10. Before the dwelling hereby approved is first occupied, details of the surfacing of the access driveway 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 before first occupation.
11. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the local planning authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes. The submitted scheme shall be designed to take into account the advice on lighting set out in Guidance Note 08/18: Bats and artificial lighting in the UK, prepared by the Bat Conservation Trust and the Institution of Lighting Professionals. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development.
12. No construction work shall commence outside of the following hours:
Monday to Friday 07:30 - 18:00, Saturday 08:00 - 13:00. No works shall take place on Sundays, public and bank holidays.

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