



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

Date: Monday, 2 March 2020

Committee:
Southern Planning Committee

Date: Tuesday, 10 March 2020

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:

Tim Ward Committee Officer
Tel: 01743 257713
Email: tim.ward@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive any apologies for absence.

2 Minutes (Pages 1 - 8)

To confirm the minutes of the South Planning Committee meeting held on 11 February 2020

Contact Tim Ward (01743) 257713.

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 6 March 2020.

4 Disclosable Pecuniary Interests

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

5 Proposed Residential Development Land To The South Of Doddington Shropshire. 19/01329/FUL (Pages 9 - 24)

Erection of 2no. detached dwellings

6 Greenfields Pulverbatch Shrewsbury Shropshire SY5 8DF. 19/05158/FUL (Pages 25 - 36)

Erection of two bespoke treehouses for use as holiday let accommodation and associated ancillary works

7 Proposed Residential Development Land East of Bridgnorth Road Highley Shropshire. 20/00193/FUL (Pages 37 - 64)

Erection of 20 (affordable) dwellings with estate road, using existing vehicular access (re-submission)

8 Schedule of Appeals and Appeal Decisions (Pages 65 - 78)

9 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, 7th April 2020 in the Shrewsbury Room, Shirehall.



Committee and Date

Southern Planning Committee

10 March 2020

SOUTHERN PLANNING COMMITTEE

Minutes of the meeting held on 11 February 2020

2.00 - 4.30 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Tim Ward

Email: tim.ward@shropshire.gov.uk Tel: 01743 257713

Present

Councillors David Evans (Chairman), David Turner (Vice-Chair), Simon Harris, Nick Hignett, Richard Huffer, Cecilia Motley, Tony Parsons, Madge Shineton, Robert Tindall, Tina Woodward and Vivienne Parry (Substitute) (substitute for Andy Boddington)

79 Apologies for Absence

An apology for absence was received from Councillor Andy Boddington (Substitute: Councillor Vivienne Parry)

80 Minutes

RESOLVED:

That the Minutes of the meeting of the Southern Planning Committee held on 17 December 2019 be approved as a correct record and signed by the Chairman.

81 Public Question Time

There were no public questions or statements received

82 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 19/04680/OUT, 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 19/04680/OUT, Councillor Robert Tindall declared that he was a member of The Shropshire Hills AONB Partnership. He confirmed that he had taken no part in any discussion relating to this application.

With reference to planning application 19/04680/OUT, 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.

With reference to planning application 18/03355/FUL Councillor David Turner declared that for reasons of perceived bias, he would leave the room and take no part in the consideration of this item.

Councillor Simon Harris asked that it be noted that he was the Chair of STAR Housing.

**83 Longville Arms Longville in the Dale, Much Wenlock, Shropshire, TF13 6DT
18/03355/FUL**

In accordance with his declaration at Minute No. 82, Councillor David Turner left the room during consideration of this item.

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.

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

Councillor Dr C Stephenson, representing Rushbury 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 Cecilia Motley, 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 her statement, the following points were raised:

- The Longville Arms is a valuable community asset which in the past had provided a meeting place for the community.
- The full potential of the site had not been exploited by the current owner.
- No effort had been put into marketing the site

The Consultant Planner drew Members attention to the letter from the Applicant which was included in the late representations. Members confirmed that they read it.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. Members commented that it was important that

community facilities were kept open and expressed concern that no apparent effort had been made to market the property.

RESOLVED:

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

The proposal would result in the permanent loss of a local community facility to the detriment of the social and economic vitality and quality of life of the community in Longville in the Dale.

Whilst it is acknowledged that the applicant made a trading loss in all of the years that it operated the Longville Arms and that this may be indicative of the fact that the Longville Arms, like many rural pubs is not likely to be viably maintained solely on the basis of reliance on the trade of the small locally resident population in and around Longville in the Dale, this does not itself demonstrate that it cannot still operate as a viable business by developing a wider market appeal. There has been no attempt to demonstrate why this would not work.

In addition, no independent valuation has been provided and inadequate and inconsistent information has been submitted to demonstrate that the purchase price of the Longville Arms being requested by the applicant is realistic or justified when it is being argued that the building is beyond economic repair and the business not viable. There is in addition no evidence to indicate that the applicant has sought to test the market through any amendment or reduction in the asking price over the four years that Longville Arms has been on the market.

For this reason, the applicant has failed to demonstrate or justify the claim that there is no evidence of market demand for retaining the Longville Arms in its existing use as a pub or an alternative economic use and therefore that allowing the proposed change of use is justified.

For this reason, the application cannot be considered to have demonstrated that allowing the proposed change in use would maintain and enhance countryside vitality and improve the sustainability of Longville in the Dale as a rural community in accordance with Core Strategy Policy CS5. It also does not justify approval of the application contrary to Core Strategy Policy CS8 and Policy CS15 and paragraphs 83 and 92 of the NPPF which seek to ensure the retention and guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs and are retained for the benefit of the community.

84 Land To The East Of Garridge Close Albrighton Shropshire 19/02785/REM

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

RESOLVED:

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

85 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 and layout.

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, left the table, took no part in the debate and did not vote on this item.

Mr S Drummond, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Members confirmed that they had received and read the late representation from the agent acting for Mullers.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. Members commented that the concerns expressed at the previous meeting had been addressed and the amended layout was much better.

RESOLVED:

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

- Condition 9 being amended to read "Prior to the commencement of any other operations, the proposed vehicular access and visibility splays shall be provided and constructed to base course level and shall be completed to adoptable standard as shown on the application drawings before the development is fully occupied and thereafter maintained. The area in advance of the sight lines shall be kept permanently clear of all obstructions"; and
- A Section 106 Legal Agreement to ensure the dwellings remain affordable dwellings in perpetuity and that Officers be given delegated powers to agree the details of the agreement.

86 Boars Head Hotel Church Street Bishops Castle SY9 5AE 19/03996/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.

Mr G Rippon (Town Clerk), representing Bishops Castle Town 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 Ruth Houghton, 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 her statement, the following points were raised:

- Approval would mean the loss of a valuable community asset with associated loss of employment and loss to the local economy.
- Proven housing need in area but for affordable and social housing
- Request for deferral to enable the local community to apply to register the pub as an asset of community value

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

The Consultant Planner advised Members that the HRA had been updated to take account of changes to Shropshire Council's guidance on development in the River Clun Catchment but that the final conclusions had not changed.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. Comments expressed by Members included:

- The construction of the new property in the car park constituted overdevelopment of the site especially within the curtilage of the listed building
- The use of the wood cladding was out of keeping with the other buildings in the area.
- Closure of community assets should be avoided

RESOLVED:

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

- 1) The applicant has not adequately demonstrated that Boars Head cannot operate as viable business and the proposal would result in the permanent loss of a local community facility to the detriment of the social and economic vitality and quality of

life of the community in Bishops Castle contrary to the aims of Core Strategy Policies CS8 and Policy CS15, and paragraphs 83 and 92 of the National Planning Policy Framework (NPPF). These policies seek to ensure the retention of, and guard against the unnecessary loss of, valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs, and to ensure that they are retained for the benefit of the community.

- 2) The proposal represents overdevelopment of the site giving rise to less than substantial harm to the significance of a designated heritage asset, (the Boars Head, a Grade II Listed Building), as well as being out of character in terms of density and design with the nature of development in the locality and providing inadequate elements of residential amenity/open space to the potential occupiers of the properties. As such the proposal would be contrary to the Core Strategy, Policy CS6 and Policy CS17, the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan, Policy MD2 and Policy MD13 and paragraph 196 of the National Planning Policy Framework. These negative impacts are not outweighed by any public benefits of the proposal

87 Boars Head Hotel Church Street Bishops Castle SY9 5AE 19/03997/LBC

RESOLVED:

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

The proposed conversion works, by reason of the number of residential units that would be created, would be an over-development of the site and the introduction of inconsistent exterior material finishes, through the use of horizontal timber boarding on the curtilage building(s) and fencing, detracting from the special architectural and historic interest of the listed building. There are no public benefits to outweigh the less than substantial harm in this case. The proposal is therefore contrary to Shropshire Core Strategy policies CS6 and CS17, Site Allocations and Management of Development (SAMDev) Plan policies MD2 and MD13, and paragraph 196 of the National Planning Policy Framework.

88 Proposed Dwelling, Bromlow, Minsterley Shropshire 19/04680/OUT

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

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

Members confirmed that they had read the email representation from Cllr Kidd (Ward Councillor)

RESOLVED:

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

89 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 11 February 2020 be noted.

90 Exclusion of Press and Public

RESOLVED:

That under Section 100(A)(A4) of the Local Government Act 1972, the public be excluded during the consideration of the following item of business on the grounds that it might involve the likely disclosure of exempt information as defined in Schedule 12(A) of the Act.

91 Planning Enforcement Quarterly Report

RESOLVED:

That the Planning Enforcement Quarterly Report as at 11 February 2020 be noted.

92 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the South Planning Committee will be held at 2.00pm on Tuesday, 10 March 2020, in the Shrewsbury Room, Shirehall.

Signed (Chairman)

Date:

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Committee and date

South Planning Committee

10 March 2020

Development Management Report

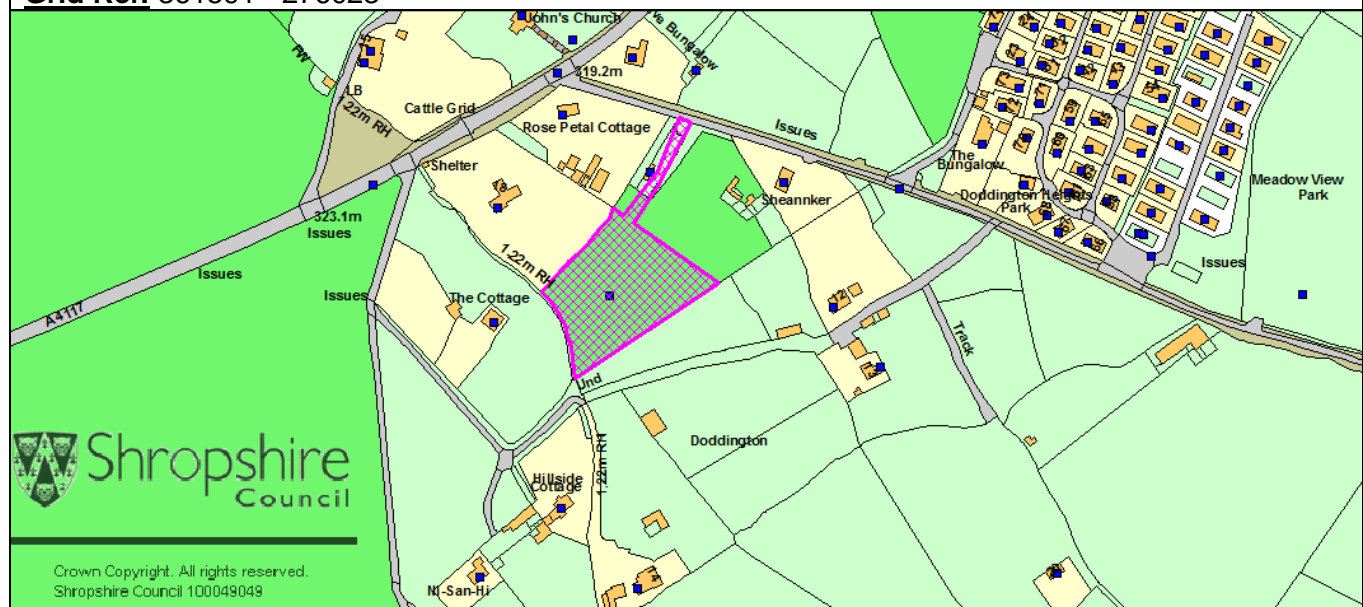
Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 19/01329/FUL	<u>Parish:</u>	Hopton Wafers
<u>Proposal:</u> Erection of 2no. detached dwellings		
<u>Site Address:</u> Proposed Residential Development Land To The South Of Doddington Shropshire		
<u>Applicant:</u> Mr Wade Davies		
<u>Case Officer:</u> Heather Owen	<u>email:</u> planning.southern@shropshire.gov.uk	

Grid Ref: 361591 - 276023



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of two, 3 bedroomed dwellings.
- 1.2 The dwellings proposed are a mirror of one another with each dwelling having a footprint of approximately 58sqm and providing a total floor area over two floors of approximately 112.79sqm. The dwellings are designed to have the appearance of a split level, being dug into the slope of the site and designed with the main living accommodation on the first floor and the bedroom accommodation at ground floor.
- 1.3 The two dwellings would have a contemporary design with a mono-pitched sedum roof. The walls are proposed to be clad at first floor with timber (Cedar) on three sides, with the south east elevation rendered. The ground floor walls are proposed to be of stone construction. The rear of each dwelling would have a glazed balcony with a pedestrian timber bridge proposed to provide access from the parking area to the main entrance of the properties.
- 1.4 Vehicle access to the site is proposed to be via a shared access track which runs through the land to the north of the site before connecting with Earls Ditton Lane via an existing access.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is part of an area of rough pasture land on the south side of the settlement of Doddington. Planning permission was approved at the South planning committee on 30th July 2019 for the erection of 2 dwellings on the northern part of this parcel of land (18/05739/FUL). A post and wire fence currently split's the parcel of land roughly into two halves. Access to this application site is through that parcel of land which joins onto Earls Ditton Lane.
- 2.2 The site is of a sloping nature, with the gradient sloping down from the A4117 towards the mature tree and hedge lined boundary and open fields beyond. To the west beyond a mature boundary hedge No 18 Doddington adjoins the site. A property known as 'The Cottage' adjoins the site to the south west. Towards the south lies a cluster of three dwellings
- 2.3 The site itself is outside of the Shropshire Hills Area of Outstanding Natural Beauty (AONB), the boundary of which wraps around the site runs along the A4117, which is around 70m to the west of the site and a further 152m to the south roughly where the edge of the former field boundaries gives way to open Common land.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council raise objection to the proposals and following discussion with the Chair and Vice Chair of the Southern Planning committee it was concluded that

given the adjoining site was considered by planning committee and the sensitive location of the site the case would benefit from committee determination.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 Hopton Wafers Parish Council: Strongly objects to this planning application

- The dwellings are being proposed in Open Countryside and the location cannot in any way be considered to be part of the village of Doddington.
- This is speculative development of market housing on agricultural land and does not meet the criteria set in our Community Led Plan, SAMDEV statement and the Core Strategy. The community and Parish Council would only support single plot small scale (up to 100m²) housing, to be affordable and thus more available for local people which would encourage the community to survive and families to stay together.
- Council feel the site is totally unsuitable for development being accessed across another field already with contentious planning applications and outstanding concerns. The additional traffic will create even more hazards for those vehicles turning on/off the field into Earls Ditton Lane, the access (which was installed without permission) will worsen the already poor condition of the lane and exacerbate the safety issues at the junction with the A4117. This field is deemed to be contaminated due to being used for waste disposal.
- These dwellings would be very prominent on the hilly landscape, adjacent to an Area of Outstanding Natural Beauty and would be visible for many miles.
- The Council has serious concerns of the proposed over-development in this area which will create additional traffic on an unsuitable lane and the junction with the A4117. Earls Ditton Lane is in a poor state and the junction onto the A4117 has been the site of many accidents over the years due to the steepness of the junction and speed of traffic on the main road. Increased numbers of vehicles will make this matter worse. The Parish Council urge both Planning and Highways Officers to consider the effect of multiple planning applications at this location, not just on an individual basis.
- There is the matter of current planning (17/01544/FUL) on the first field which has been recently permitted. This house may still be built, with site amendments. There is the outstanding application for two additional houses on this field (18/05739/FUL) which again does not meet any criteria of affordable, single plot dwellings and goes against the wishes of the community in the Community Led Plan, SAMDev and the Core Strategy (Community Hubs and Clusters). For example, there are no existing properties in close proximity and 'windfall development adjoining a village is not acceptable'. There are no services or facilities to make the community more sustainable. Whilst these are separate applications, we urge you to consider the cumulative effect raised by the number of speculative planning applications in this area which do not meet the criteria in Shropshire Council's policies.
- In summary this Council strongly objects to this planning application due to the speculative nature of market housing in Open Countryside and it should be

refused.

4.1.2 SUD's: Recommend condition requiring surface water and foul drainage detail. Informatives recommended regarding the design of sustainable water systems.

4.1.3 SC Highways: Final Comments: No objection, recommend condition requiring the formation of the parking, turning area and informatives. Access arrangements associated to planning application 18/05739/FUL are enough to accommodate the increase of properties within the site from two dwellings to four.

SC Highways: Initial Comments: Additional information required:

- The Location and block plan should include within the red line the access between the plots up to the public highway.
- The block plan should include the access geometry, including visibility splays.

4.1.4 Affordable Housing Team: No affordable housing obligations are associated with this proposal.

4.2 Public Comments

4.2.1 The application has been advertised for 21 days via site notice and directly in writing to 5 neighbouring properties.

1 comment received:

- The block plan received on 01st August 2019 is inaccurate version of the access rights to the land. The applicant's access is detailed in the land registry documents.

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5.0 THE MAIN ISSUES

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

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted

development plan unless material considerations indicate otherwise. The development plan for Shropshire is the Council's Adopted Local Development Framework Core Strategy, the associated 'Type and Affordability of Housing' Supplementary Planning Document (SPD) and the adopted Site Allocations and Management of Development (SAMDev) Plan.

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

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

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

6.1.4 Doddington is relatively loose knit settlement made up of dwellings set within generous plots in a scattered, informal pattern accessed either directly off the A4117 or Earls Ditton Lane or connected via shared tracks which in turn links to the wider public highway network. The application site at its western boundary adjoins with an existing dwelling (18 Doddington). There are also dwellings to the south west and south of the site, although it is noted these are slightly separated from the site by grazing land, this is not out of character with the loose pattern of development in Doddington. On balance the site is considered to be part of the loose grouping of properties and would represent an infill plot on the edge of Doddington.

6.1.5 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 Doddington sits there have been 3 completions and 10 sites with planning permission or prior approval (as at 31st March 2018). Since then a further 4 planning permissions have been given, although it should be borne in mind that one of these permissions (18/02739/FUL -on the land adjoining this site) occupies the same plot of land as one of the permissions reference within the five year housing land supply and the nature of the proposals is such that only one of the schemes could be implemented. Depending on which permission is implemented on the adjoining site the current number of dwellings permitted across the cluster is 14/15. For Doddington itself there is permission for 4 or 5 dwellings (depending on whether the adjoining site implements the permission for 2 dwellings or the permission for 1). Of the remaining permissions for Doddington, 1 of the dwellings (an affordable unit) has been completed. The other two cases for outline permissions have yet to be followed up with reserved matters applications.

6.1.6 SAMDev policy at MD3.2 states that the settlement housing guideline is a significant policy consideration and provides further guidance on how decisions should be determined in such circumstances where development would result in the number of completions plus outstanding permissions providing more dwellings than the guideline. The policy requires decisions to have regard to:

- i) *The increase in number of dwellings relative to the guideline; and*
- ii) *The likelihood of delivery of the outstanding permissions; and*
- iii) *The benefits arising from the development; and*
- iv) *The impacts of the development, including the cumulative impacts of a number of developments in a settlement; and*
- v) *The presumption in favour of sustainable development.*

6.1.7 Doddington has been identified as an appropriate location for open market residential development and the Local Planning Authority is satisfied that this designated has been made taking into account the long term sustainability of the settlement and county as a whole. On applying the criteria listed in policy MD3.2, it is acknowledged that the scheme if permitted would add to the number of permissions granted within the cluster as a whole which if all delivered would increase the number of dwellings above the cluster guideline. At present there is no evidence to suggest that each of the outstanding planning permission would not be delivered. It is noted that the number of completions within this cluster since the previous 5 year land supply publication using data from 31st March 2016 has increased by 1 (from 2), and thus there is still a significant under delivery of housing completions for this cluster.

6.1.8 It is judged that the erection of two further dwellings which if all permissions were completed would exceed the housing guideline across the cluster by 3 or 4 dwellings (depending on the circumstances of the adjoining site) would not cause demonstrable harm to the character of the settlement in terms of delivering excessive housing to the settlement which may result in disproportionate car usage or excessive energy consumption in the context of the Community Cluster policy. When the above is weight in the planning balance it is considered it would be difficult to justify refusal of this application on housing numbers.

6.2 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 structures

- 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. Paragraphs 127 and 130 go into further detail with paragraph 130 stating:

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

- 6.3.2 The objectives of the NPPF are reflected within Local development plan framework through Core Strategy policy CS6 and SAMDev Plan Policy MD2, which seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character and expects development to contribute to and respect locally distinctive or valued character and existing amenity value.
- 6.3.3 The general design principles of this scheme are similar to the two dwellings approved on the adjoining site, with the proposed dwellings subject to this application seeking the use of a contemporary design with the visual impression of a 'split level' design. The external wall materials proposed are a combination of render, stone and cedar timber weather boarding. The materials palette within Doddington is wide ranging, from the traditional to the more modern and the presence of the large mobile home park to the north east of the site has to be acknowledged. The materials proposed for these two dwellings are considered to be reflective of the existing dwellings within the settlement picking up on traditional materials such as the stone and adding a contemporary interpretation in the design with the mono-pitched proposed sedum roof, which would soften the appearance of the dwellings.
- 6.3.4 Doddington by being part of a community cluster has been accepted as a sustainable location for open market housing development. The settlement policy for this cluster refers to 'smaller, marked priced houses', however it does not define 'smaller' and there are no specific restrictions in adopted planning policy on the size of open market dwellings providing the plot on which the dwellings would be constructed is of sufficient size. The Parish Council expects small to mean less

than 100sqm as set out in their SAMDev statement. The dwellings proposed here would provide approximately 112sqm of floorspace and in considering the matter it has to be borne in mind that the other open market dwellings permitted across the cluster are all more than 100sqm in size. Given the plot size available here it is judged that the site is capable of taking the dwellings at the size proposed.

6.4 Visual impact and landscaping

- 6.4.1 The site lies outside of the Shropshire Hills AONB, however it is acknowledged that the site is in close proximity to the boundary with the designation, being some 94m to the west and 152m to the south and thus the impact of this development on the setting of the AONB should be taken into account. The site is set at a lower gradient than the A4117 and thus the western boundary with the AONB. Existing development and mature tree and hedge landscaping sits between the site and the boundary on this side and due to the combination of these factors it is unlikely that the proposed dwellings would be visible from this part of the AONB. The site to an extent more visible from views from the common land to the south. However the proposed development would be viewed alongside existing build development rather than an isolated feature and due to the design with the mono-pitched roof keeping the development low level, the scheme is unlikely to appear overly prominent within the wider landscape and as such the impact on the setting of the Shropshire Hills AONB would not be adverse. A landscaping condition is recommended to ensure existing mature vegetation on the site boundaries is conserved and enhanced with new planting in order to further soften the impact of the development and provide long-term sustainable landscape mitigation and biodiversity enhancements.

6.5 Highway Safety

- 6.5.1 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.
- 6.5.2 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.
- 6.5.3 The proposals seek to utilise the existing field entrance which had previously been widened and a gate installed and was subsequently granted retrospective permission under the previous planning application at this site (17/05144/FUL). This is the same access which the adjoining approved site (18/05739/FUL) would also utilise. In considering this application the Councils Highways Team have borne in mind the existing permission and are content that when taking into account the existing prevailing highway conditions, the existing access is capable of accommodating the increase of traffic movements resulting from the number of properties increasing from two to four dwellings. The block plan demonstrates that

there is sufficient parking and turning areas for each plot to prevent the use of the public highway for parking or turning.

- 6.5.4 The Parish Council raise concern regarding the general state of Earls Ditton Lane and more significantly the impact of the intensification of the junction with the A4117 as a result of this permission and other planning permissions granted for dwellings along Earls Ditton Lane. In terms of the general maintenance and state of Earls Ditton Lane, this is a county wide highway authority matter and will be covered by general highway authority spending and are subject to separate discussions in line with the recently published place plan (2019/2020). The intensified use of the A4117 as a result of the proposal and other permissions along this lane has not been raised as a concern by the Councils Highways Authority. In terms of contributions towards improvements to this junction, the National Planning Policy Framework and the Community Infrastructure Levy regulation 122 (as amended by the 2011 and 2019 Regulations) sets out the statutory tests which have to be met for a S106 obligation to be deemed appropriate. These require S106 agreements to be:

- ☐ necessary to make the development acceptable in planning terms;
- ☐ directly related to the development; and
- ☐ fairly and reasonably related in scale and kind to the development.

In this case bearing in mind the above three test it is considered it would not be reasonable to expect a contribution via a S106, given the lack of objection from the Councils Highways Authority, the small scale of housing numbers proposed and that this has not been a requirement of the previous permissions at the adjoining site or the other approved dwellings further south of the site (19/01374/OUT and 18/03934/OUT).

6.6 Residential Amenity

- 6.6.1 Core Strategy Policy CS6 requires all development to safeguard the amenities of neighbouring residents. The neighbouring dwelling which shares a contiguous boundary with the application site is set at a higher ground level than the site of the proposed dwellings and is some 40m from the boundary with the block plan indicating a further 18m from this boundary with the front of the proposed dwellings. There is also a mature landscaped boundary between the sites.
- 6.6.2 The dwelling to the south west of the site ('The Cottage') is arguably closer being some 26m from the boundary with the application site and it is noted that the dwellings would be a further 13m from the application site boundary. At such distances it is considered that the proposal would not result in a loss of light, privacy or being overbearing to a level that would harm the residential enjoyment of the property. This is also the case for the dwellings to the south of the site which are approximately 35m from the site. Should the dwellings with approval on the land to the north of the site be constructed it is considered that due to the separation distances and orientation of the dwellings neither scheme would unduly harm the future amenity of the occupiers of either site.

6.7 Other matters – Landownership – Access rights

- 6.7.1 The current owners of the land adjoin the site and through which the proposed access would run have raised concern that the applicant does not have a right of access over the land. The granting of a planning permission does not outweigh the need to comply with other regulations and does not mean development can be carried out without the approval of the landowner. This is a civil matter which would need to be resolved privately between the parties involved.

7.0 CONCLUSION

- 7.1 The site is situated within the settlement of Doddington which is part of a nominated community cluster, the principal of open market housing development is therefore acceptable on suitable sites in accordance with policies CS4 and MD1. The application site is considered to represent infill forming part of the loose-knit cluster settlement and it is judged that the addition of two further dwellings in this settlement would not cause demonstrable harm to the settlement character in terms of the number of new houses within Doddington itself.
- 7.2 The proposed dwellings seek a contemporary design, however the scale and materials proposed reflect the settlements built pattern and vernacular materials of the area. The dwellings would not represent overdevelopment and could sit within their plots without detracting from the setting of the character and natural beauty of the Shropshire Hills AONB, or resulting in severe harm to highway safety or undue harm to levels of residential amenity. The scheme accords with the principal determining criteria of relevant development plan policy and it is recommended that the application is approved subject to conditions.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

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

CS1 - Strategic Approach

CS4 - Community Hubs and Community Clusters
CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks
CS18 - Sustainable Water Management

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

Settlement Policy: S6 - Cleobury Mortimer

RELEVANT PLANNING HISTORY:

None.

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=POQ1EXTD07V00>

List of Background Papers
Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
Local Member Cllr Gwilym Butler & Cllr Madge Shineton
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

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

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

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

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

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

6. Prior to the first occupation of each dwelling hereby approved the areas shown on the approved plans for parking and turning of vehicles shall be properly laid out, hard surfaced and drained. The areas shall be retained and maintained thereafter for use at all times for those purposes.

Reason: To ensure the provision of adequate parking of vehicles off the highway in the interest of highway safety.

Informatives

1. SURFACE WATER

The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 35% for climate change. Alternatively, we 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.

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

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

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

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

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

Note: where the inclusion of the appropriate allowance would increase the total impermeable area to greater than 100%, 100% should be used as the maximum.

"Curtilage" means area of land around a building or group of buildings which is for the private use of the occupants of the buildings.

FOUL WATER

British Water 'Flows and Loads: 4' should be used to determine the number of persons for the proposed development and the sizing of the package sewage treatment plant and drainage fields should be designed to cater for the correct number of persons and in accordance with the Building Regulations H2. These documents should also be used if other form of treatment on site is proposed.

2. SECTION 184 APPLICATION

No S184 application (construct a means of access over the publicly maintained highway) has ever been submitted for the creation of the access into the above site. A retrospective S184 application needs to be submitted to the Local Highway Authority.

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 a new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

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

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

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

Waste Collection

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

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

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

3. 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

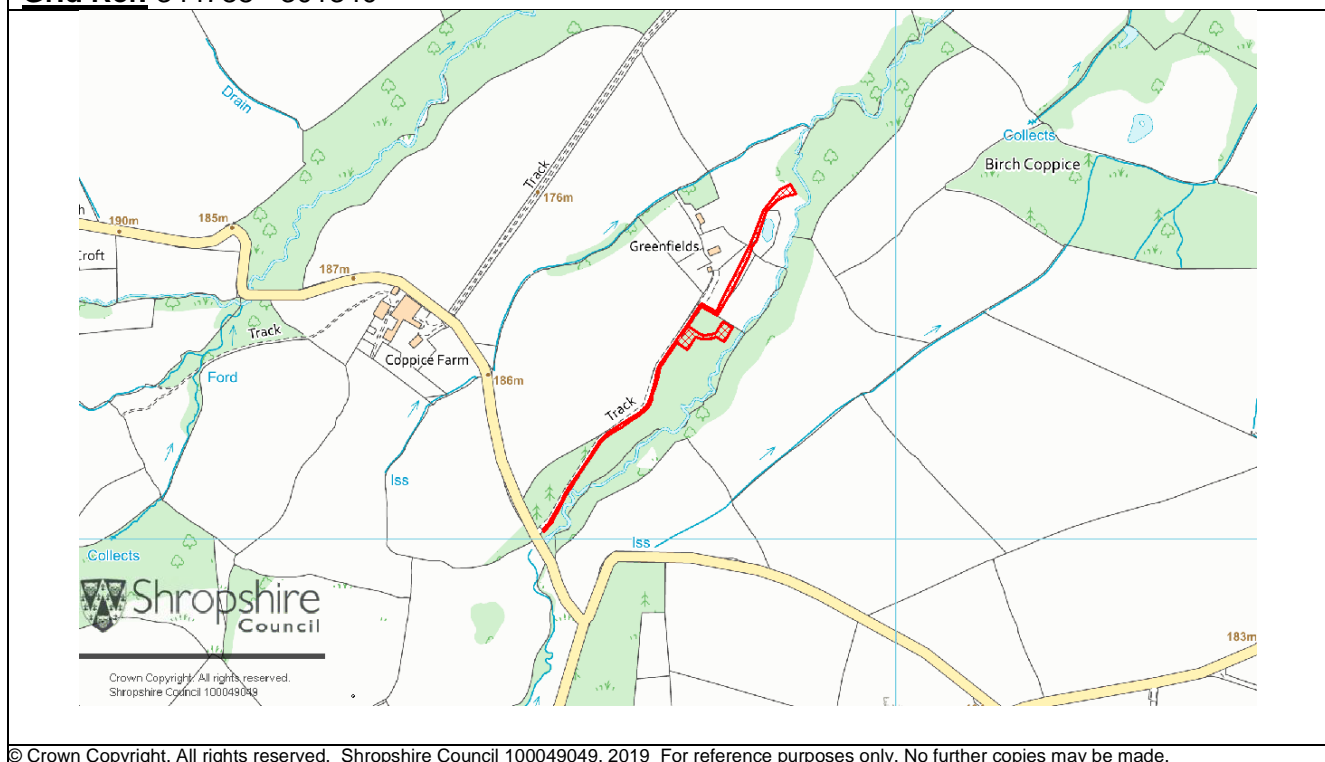
Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 19/05158/FUL	<u>Parish:</u>	Smethcott
<u>Proposal:</u> Erection of two bespoke treehouses for use as holiday let accommodation and associated ancillary works		
<u>Site Address:</u> Greenfields Pulverbatch Shrewsbury Shropshire SY5 8DF		
<u>Applicant:</u> Mr And Mrs Bottomley		
<u>Case Officer:</u> Kelvin Hall	<u>email:</u> planning.northern@shropshire.gov.uk	

Grid Ref: 344788 - 301340



Recommendation:- Refuse:

1. The proposed development would be located within an isolated area which is not readily accessible to local services and facilities without the use of private transport, and in an area where there is a lack of other tourism facilities. In addition it does not form part of an existing tourism enterprise. The proposal lies within an unsustainable location and does not represent a sustainable form of tourism development, and is contrary to Core Strategy policies CS5, CS16, and SAMDev Plan policy MD11.
2. Due to its steep gradient the site entrance is not of an acceptable design for the proposed use as its use by vehicles emerging from the site is likely to result in adverse highway safety conditions. It is therefore contrary to Core Strategy policy CS6 and NPPF paragraph 108.
3. The proposal would provide some benefits to the tourism economy including widening the choice of holiday accommodation, creating a new rural tourism enterprise, and increasing the demand for services and facilities in the wider area. However it is not considered that the benefits of the proposal outweigh the conflict with Development Plan policy and the NPPF.

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for two treehouses and ancillary works for tourism use. The treehouses would be sited within wooded areas forming part of the residential property known as Greenfields. Each treehouse would be built from natural materials, comprising larch, cedar, and oak. They would include two areas: one hexagonal and one rectangular. These would be connected by a covered link, with a covered balcony along the front of the link. One area would include a sitting room and small kitchen; the other would have a bedroom and bathroom. The application states that the tree houses would have variable heights off the ground depending on the local ground. The submitted plans indicate that one of the treehouses (Treehouse 1) would be sited on sloping ground and raised off the ground by between approximately 0.75 metres and 3 metres. The other one (Treehouse 2) would be sited on flat ground and raised up by approximately 2.6 metres. They would be supported off the ground by oak legs. Including the balcony the treehouses would measure 10.6 metres x 7.2 metres, with a height from base to ridge of approximately 4 metres.
- 1.2 External walls would be constructed from overlapping larch boards. Windows would be oak casement with double glazing. Doors would be hardwood and incorporate double glazing. There would be 100mm solid insulation in the floor, walls and ceiling. The roof would be covered with cedar shingles. Access from ground level would be via timber steps. The application states that the proposed development would incorporate a rainwater harvest system, sustainable drainage and solar power for lighting, where possible. External lighting would be low level LED.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located at a property known as Greenfields, which includes a dwelling, associated garden space, an outbuilding and woodland extending to approximately 4.5 hectares. The site lies within the countryside, approximately 2.3km to the south-east of Church Pulverbatch and 2.2km to the north-east of Picklescott. The nearest other property to the site is Coppice Farm which is approximately 310 metres to the west. It is considered

that the site lies within a relatively isolated location with respect to other built development. The treehouses would be located approximately 270 metres from the nearest boundary of the Shropshire Hills AONB, which is to the south-west.

- 2.2 The treehouses would be accessed via the private access track to Greenfields which connects to an unclassified public highway to the south-west. The first part of this track falls away relatively steeply from the highway. One of the treehouses (Treehouse 1) would be located approximately 100 metres to the north-east of the dwelling, at the edge of an alder copse and adjacent to a grassed area. Access to this treehouse would be along the private access track from the public highway for a distance of approximately 340 metres and then across grassland for a distance of approximately 190 metres. The other treehouse (Treehouse 2) would be located within a conifer plantation on land approximately 80 metres to the south of the dwelling. Access to this treehouse would be along a 310 metres long section of the access track, a point at which car parking spaces would be provided, and then by foot through the woodland to a point approximately 30 metres from the track. This treehouse would be within a wooded area and a few metres from a watercourse to the south-east.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The views of the Parish Council are contrary to the Officer recommendation. The Local Member supports that Parish Council's request that the application is considered by Planning Committee if the officer recommendation is for refusal. The Principal Planning Officer in consultation with the Committee Chairman consider that the Parish Council has raised material planning issues and that it is appropriate for the application to be determined by Planning Committee.

4.0 **Community Representations**

4.1 -Consultee Comments

- 4.1.1 **Smethcott Parish Council** Members of the Parish Council carried out a site visit today. They have no objections to this application.

Additional comments from the Chairman of All Stretton, Smethcote & Woolstaston Parish Council:

Last month I carried out a site visit to Greenfields accompanied by Councillors Phillips, Burton & Dale. We were welcomed by Mrs Bottomley and were shown the site of each of the proposed treehouses and plans. We had no objection whatsoever to the proposed development and were excited by the innovative and unique design of the treehouses. Both will be enclosed by mature trees and will not be visible from the road to Pulverbatch. The nearest neighbours are approximately quarter of a mile away but they cannot see Greenfields from their house as Greenfields is set down in a hollow and is surrounded by trees.

We have been given to understand that the application may be refused which we would find very disappointing. We are keen to encourage as many visitors to the area as possible to enhance the local economy and could see that the treehouses would be very attractive to those seeking a tranquil rural retreat. If, as we are led to believe, the Officer decision is to recommend refusal, the Parish Council request that the application is referred to Committee for a decision. This would allow Mr & Mrs Bottomley the opportunity to inform the

Committee's decision and the Parish Council the opportunity to support their application at Committee.

4.1.2 SC Highways Development Control Requests further information.

Following the receipt of further plans and a recent site visit it is considered that further information regarding improvements to the access is required to be submitted, by the applicant:

- The gradient of the access currently makes it difficult for vehicles emerging onto the adjacent public highway. The gradient of the first 6 metres of the access should be levelled out. Details of gradient improvements are required to be submitted by the applicant together with full layout and construction details.

Visibility splays indicated on drawing 0972-002A which require the removal of existing hedges and vegetation are considered acceptable given the nature of the surrounding highways.

4.1.3 SC Drainage Recommends the imposition of a pre-commencement condition to require the submission of a scheme of surface and foul water drainage for approval, in order to ensure satisfactory drainage of the site and to avoid flooding.

4.1.4 SC Ecology Recommends conditions and informatives.

The majority of the application site is characterised by woodland and semi improved grassland. The northern woodland area comprises predominantly semi-mature alder with a sparse ground flora. The southern woodland area comprises a mix of native species with a large number of planted conifers. The semi-improved grassland is subject to intensive grazing.

The trees are generally thought to not be of a suitable size to have features that could be used by roosting bats, though no specific assessment of their features has been carried out. The site provides excellent foraging habitat for bats.

The presence of dormice on the site is thought to be unlikely as the woodland lacks the species composition and structure preferred by this species, though care should be taken during works as their presence cannot be ruled out.

The woodland offers excellent foraging and nesting habitat for birds. Vegetation should not be cleared during the bird breeding season to avoid harming nesting birds. The trees to be planted will enhance the site for birds in the long term, but to compensate for the loss of nesting habitat in the short term, bird boxes should be installed on the site. Works to cut back hedgerows and vegetation to improve visibility should also be carried out outside of the bird breeding season.

A pond within the ownership of the applicants was found to have great crested newts present, though it is thought that the potential for their presence on the site low. However, their presence cannot be ruled out and care should be taken during clearance of the site.

‘The proposed locations of the two treehouse structures and associated parking areas have been chosen on the basis of resulting in the least amount of vegetation clearance. In relation

to the northern treehouse this would utilise an existing clearing with all trees retained. A number of the non-native conifer trees (Norway Spruce) are scheduled for removal to site the southern treehouse.'

The proposed development site is located within a corridor of the Environmental Network. It will seek to enhance the network by planting additional native species of trees such as alder, oak, and hazel.

Any impacts to the woodland are thought to be small-scale and not significant in ecological terms. However, as there is the potential to encounter protected species such as dormouse and great crested newts, an ECoW should be appointed to supervise any ground clearance and vegetation removal works.

Trees to be removed should be assessed for the presence of bat roost features, rather than judging their potential by size as bats have been found to roost in trees with a small diameter.

The site should be checked for the presence of GCN, dormice, active bird's nests, badgers (if the development does not commence within 90 days of issuing of permission) and any other ecological receptors that may be present. Vegetation to be cut back to improve visibility should be checked for the presence of dormice, nesting birds etc. prior to any works being carried out.

Any external lighting to be installed on the site must be kept to a low level to ensure bats and other nocturnal species are able to continue to use the site undisturbed. A lighting plan should be submitted, detailing lighting to be used to ensure trees are not excessively illuminated.

It is recommended that conditions are imposed to require: submission and approval of details of an Ecological Clerk of Works (ECoW) to oversee development; prior approval of any external lighting; provision of bird boxes; completion of landscaping within 12 months; vegetation clearance to avoid bird breeding season unless a survey has confirmed there would be no disturbance.

4.1.5 **SC Trees** No comments received.

4.1.6 **Shropshire Hills AONB Partnership** The Partnership does not have a role to study the detail of all planning applications affecting the AONB. With or without advice from the AONB Partnership, the planning authority has a legal duty to take into account the purposes of the AONB designation in making this decision, and should take account of planning policies which protect the AONB, and the statutory AONB Management Plan. Our standard response here does not indicate either an objection or 'no objection' to the current application. The AONB Partnership in selected cases may make a further detailed response and take a considered position.

4.1.7 **Shropshire Fire and Rescue Service** Advice provided which can be added to the decision notice as informatives.

4.1.8 **Cllr Dan Morris (Local Member)** I would like to back up the comments of the Chairman of the Parish Council and support his and the PC's request for this to be referred to Committee

if the officer decision is to recommend refusal. It is important we support the countryside visitor economy, and this application provides a unique and interesting tourism offer.

4.2. -Public Comments

- 4.2.1 The application has been advertised by site notice. No representations have been received in relation to this publicity.

5.0 THE MAIN ISSUES

- 5.1
- ☐ Principle of development
 - ☐ Design, scale and character; impact character and local amenity of the area
 - ☐ Ecological considerations
 - Highway and access considerations
 - Drainage issues

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. Core Strategy policy CS1 sets out the strategic approach to planning and states that development and investment will be located predominantly in community hubs and clusters. It goes on to say that outside these settlements, development will primarily be for economic diversification and to meet the needs of the local communities for affordable housing. The site does not lie within a community hub or cluster and is some distance from the nearest settlement.

- 6.1.2 Core Strategy policy CS5 states that new development in the countryside will be strictly controlled in accordance with national planning policies. The policy states that development on appropriate sites which maintain and enhance the countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. These may include:

- small scale new economic development diversifying the rural economy, or
- sustainable rural tourism and leisure and recreation proposals which require a countryside location, in accordance with policies CS16 and CS17.

For the former type of development, the policy states that they will be expected to take place primarily in recognisable named settlements or be linked to other existing development and business activity where this is appropriate.

- 6.1.3 Core Strategy policy CS13 (Economic Development, Enterprise and Employment) seeks to diversify the Shropshire economy, support enterprise, and the delivery of sustainable economic growth and prosperous communities. It states that emphasis will be placed on areas such as supporting the development and growth of Shropshire's key business sectors, which includes tourism. In rural areas it provides support for rural enterprise and diversification of the economy, including in relation to green tourism.

- 6.1.4 Core Strategy policy CS16 (Tourism, Culture and Leisure) acknowledges the role tourism plays in the local economy and lists matters which will be relied on in making decisions on planning applications. These include supporting new tourism development which is appropriate to its location, and which enhances and protects the existing tourism offer in Shropshire. Also, it supports development which promotes opportunities for accessing, understanding and engaging with Shropshire's landscape, cultural and historic assets. It states that scheme that are appropriate in terms of their location, scale and nature, which

retain and enhance existing natural features and do not harm Shropshire's tranquil nature will be supported. It adds that emphasis should be on development of high quality visitor accommodation in accessible locations served by a range of services and facilities, and that in rural areas, proposals must be of an appropriate scale and character for their surroundings, be close to or within settlements, or an established and viable tourism enterprise where accommodation is required.

- 6.1.5 SAMDev Plan policy MD11 states that tourism proposals that require a countryside location will be permitted where they complement the character and qualities of the site's immediate surroundings, and also meets the requirements of policies CS5, CS16, MD7b, MD12 and MD13, and relevant local and national guidance. It states that holiday let accommodation that does not conform to the legal definition of a caravan, and is not related to the conversion of existing appropriate rural buildings, will be resisted in the countryside. The SAMDev Plan recognises that that within the countryside there has to be a balance between positive benefits and potential negative impacts of tourism development which can be felt immediately adjoining the site and within the wider area from the use of the site, for example, through increased journeys to the facility (para. 3.100).
- 6.1.6 The National Planning Policy Framework sets out a presumption in favour of sustainable development for decisions on planning applications. It states that planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside (para. 83).
- 6.1.7 It is considered that the treehouses would provide a novel and interesting form of holiday accommodation, and that the development would widen and enhance the existing tourism offer for the county. In this respect it is in line with elements of the above policies. The above policies also require that rural tourism development is sustainable. The treehouses would incorporate sustainable design principles, including the use of renewable materials in their construction, solar power for lighting, and the proposed use of a wood burner for heating. These are all beneficial elements of the proposal in terms of reducing improving their environmental credentials.
- 6.1.8 Nevertheless it is considered that the main issue is in respect of the sustainability of location of the treehouses. It is accepted that tourism development of this kind would benefit from a countryside location and that their isolated location may be an attraction to users in terms of the experience to be had. However it is considered that this isolated location is also a negative aspect of the development in terms of sustainability. It is considered that occupants of the treehouses would be likely to want to use facilities in the local area such as shops, public houses, etc. The nearest settlement which has such services is the village of Picklescott which has a public house. This is approximately 2.7km (1.7 miles by road) from the site. The village of Dorrington, which has a greater range of services and facilities including a restaurant, convenience store, public house, and butchers, is approximately 4.7km (2.9 miles) away. The site does not lie near a bus route and the roads between the site and the nearest settlements are narrow, unlit and unlikely to be attractive for pedestrians to use to reach services and facilities. It is therefore reasonable to conclude that occupiers would be highly reliant on private transport to access services and facilities.
- 6.1.9 In terms of the type of holiday accommodation it is considered that the treehouses would enhance the role of Shropshire as a destination. In addition there would be economic benefits in terms of the creation of a new rural tourism enterprise and additional demand for

services offered in the wider area. However the above policies require that such development is close to or within settlements, and the proposal is in conflict with this. It is Officers acknowledge that the site lies within a peaceful and attractive area, and that there are a number of public rights of way nearby which could be used by the occupants to further appreciate the area. However it is not considered that the site is well located in terms of existing facilities, either for tourist interest or for day to day needs. Car journeys would be required to access these, and it is not considered that a similar treehouse experience could not be provided in a more sustainable location closer to settlements. In addition the proposal does not link to an existing tourism enterprise.

- 6.1.10 For the above reasons it is considered that, overall, the proposal is not an appropriate location for tourist accommodation and therefore conflicts with policies CS5, CS16 and MD11.

6.2 Design, scale and character, impact on character and local amenity of the area

- 6.2.1 Core Strategy policies CS6 and CS17 requires development to protect and conserve the natural, built and historic environment and be appropriate in scale, density, pattern and design taking into account the local context and character. SAMDev Plan policy MD2 requires that development contributes to and respects locally distinctive or valued character and existing amenity value. Core Strategy policy CS6 states that development should safeguard residential and local amenity.

- 6.2.2 The treehouses would be constructed of materials sympathetic to their woodland location, and would be of an appropriate design and scale for their purpose. The structures would be well screened from surrounding areas. The construction of Treehouse 1 would not require any tree removal, and the submitted Tree Report states that this siting would cause minimal disruption to existing trees. Additional native tree planting is proposed adjacent to one of the treehouses to reduce its visibility from the applicant's house. The construction of Treehouse 2 would require the removal of a number of conifers to provide space for the structure. The tree report confirms that no 'high retention value' trees would be impacted, and that additional native deciduous species can be planted adjacent to this treehouse. Due to their appearance and siting it is considered that the treehouses would have limited adverse impact on the visual character or amenity of the area. It is considered that the treehouses would not be in conflict with policies CS6, CS7 or MD2.

6.3 Ecological considerations

- 6.3.1 Core Strategy policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policies MD2 and MD12 require that developments enhance, incorporate or recreate natural assets.

- 6.3.2 The treehouses would be sited within an area with ecological interest, which includes woodland with foraging and nesting habitat for birds and bats and areas which could be used by dormice and great crested newts. The application includes an ecological impact assessment and this concludes that there would be no overriding ecological constraints that would result in any significant adverse effects. The Council's ecologist has advised that impacts on the environmental corridor are likely to be small and not significant in ecological terms. However in order to minimise the potential for harm to protected species the ecologist has recommended that a number of conditions are imposed should planning permission be granted. The planting of additional deciduous trees would provide some

ecological enhancement. It is therefore considered that the proposal would accord with the above policies.

6.4 Highways and access considerations

6.4.1 Core Strategy policy CS6 states that development should be designed to be safe and accessible to all. The NPPF requires that in assessing planning application it should be ensured that safe and suitable access to the site can be achieved for all users (para. 108).

6.4.2 In response to a request from the Council's highways consultant for further information regarding site access issues, the applicant has submitted details of proposals to improve access visibility for vehicles emerging from the track onto the public highway. This proposes the removal of hedgerow and other vegetation from either side of the site entrance to improve the visibility splay, and the planting of a new hedgerow behind the splay. It is considered that this would result in an acceptable level of visibility for emerging vehicles, and if permission were to be granted a condition could be added to require that this splay is kept clear at all times. It is considered that given the scale of the development the likelihood of vehicles meeting at the entrance point is low and in recognition of this its single vehicle width would be acceptable. The parking spaces provided adjacent to the track for Treehouse 2 and adjacent to the house for Treehouse 1 are considered sufficient.

6.4.3 Notwithstanding the above, based upon the comments of the Council's highways consultant it is considered that the existing access is not of an acceptable standard for the use in connection with the tourism development due to its relatively steep gradient. This raises highway safety issues, particularly for vehicles emerging onto the highway, and would be contrary to policy CS6 and para. 108 of the NPPF. It may be possible to provide improvements to the access by reducing its gradient, however as submitted it is considered that the proposed access is inadequate.

6.5 Drainage issues

6.5.1 Core Strategy policy CS18 (Sustainable Water Management) advises that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity. It is proposed that foul water would be directed to a septic tank, and that surface water would drain to an existing watercourse. It is considered that drainage matters, including the use of sustainable drainage means, could be agreed by planning condition if permission were to be granted.

7.0 CONCLUSION

7.1 The proposal for two treehouses for holiday accommodation at Greenfields would widen and enhance the existing tourism offer for the county. In addition it would provide some economic benefits in terms of the creation of a new rural tourism enterprise and from additional demand for services in the wider area. The proposal would utilise renewable materials in its construction, would incorporate other sustainable design features to reduce its environmental impact, and would not have a significant adverse impact on the visual character or ecological value of the area. However Development Plan policy emphasises the need for tourism development to be sustainable. The proposal would be located within an isolated area which is not readily accessible to local services and facilities without the use of private transport, and in an area where there is a lack of other tourism facilities. As such it is not considered that the proposal represents a sustainable form of tourism development as required by the Development Plan. Further it would not form part of an existing tourism enterprise. In addition it is considered that due to its steep gradient the site

entrance is not of an acceptable standard for the proposed use. It is considered that the proposal is contrary to Core Strategy policies CS5, CS6, CS16, SAMDev Plan policy MD11, and NPPF paragraph 108. It is not considered that the benefits of the proposal outweigh this conflict with planning policy and therefore it is recommended that planning permission is refused for the reasons set out above.

8. Risk Assessment and Opportunities Appraisal

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 - written representations, a hearing or inquiry. The decision is 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 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.

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.

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. Financial Implications

There are likely financial implications of 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 dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this application – in so far as they are material to the application. The weight to be given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

Core Strategy and Saved Policies:

CS1 - Strategic Approach

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS13 - Economic Development, Enterprise and Employment

CS16 - Tourism, Culture and Leisure

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

MD11 - Tourism Facilities and Visitor Accommodation

MD12 - Natural Environment

RELEVANT PLANNING HISTORY:

09/00339/FUL Construction of a surface water pond GRANT 8th June 2009

SA/09/0330 Change of use of agricultural land to residential curtilage and erection of a detached double garage with store above accessed by external staircase GRANT 20th May 2009

SA/08/0337/F Erection of a two storey extension incorporating balcony's together with two storey side extension with new dormer window following demolition of existing single storey side extension, and erection of new entrance porch PERCON 7th May 2008

SA/06/1064/F Erection of a two storey rear extension following change of use of agricultural land to domestic PERCON 15th September 2006

SA/79/0612 Alterations and additions to existing dwelling. PERCON 31st July 1979

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=Q1FRGZTDJE500>

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 Dan Morris

Appendices

None.

Development Management Report

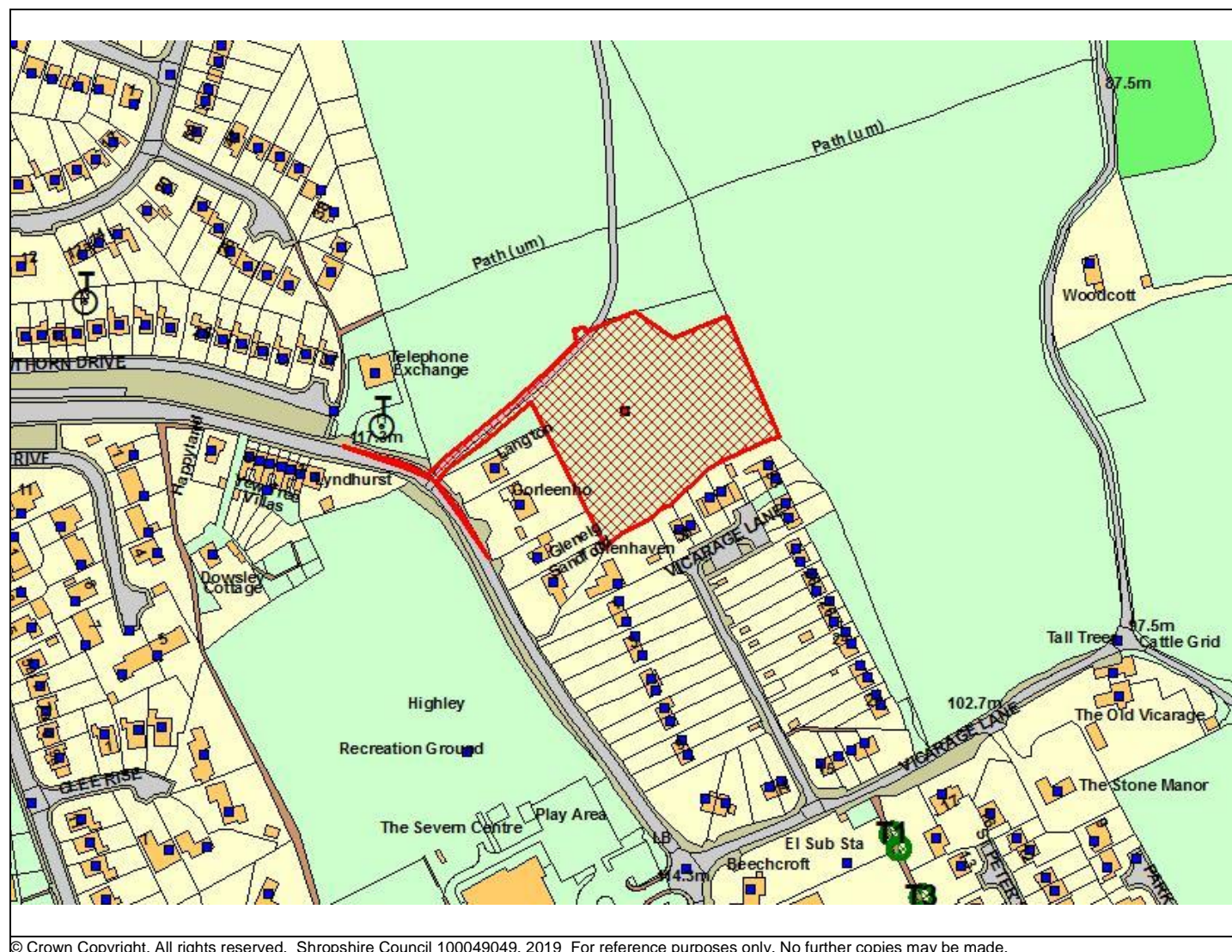
Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 20/00193/FUL	<u>Parish:</u>	Highley
<u>Proposal:</u> Erection of 20 (affordable) dwellings with estate road, using existing vehicular access (re-submission)		
<u>Site Address:</u> Proposed Residential Development Land East of Bridgnorth Road Highley Shropshire		
<u>Applicant:</u> TC Homes		
<u>Case Officer:</u> Richard Fortune	<u>email:</u>	planning.southern@shropshire.gov.uk

Grid Ref: 373923 - 284093



Recommendation:- Grant Permission subject to the completion of a Section 106 Agreement to secure the properties as affordable dwellings and to secure the retention and maintenance of the public open space, and the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL AND HISTORY OF PREVIOUS APPLICATIONS ON THE LAND

1.1 This application is a revised re-submission following the September 2019 refusal of application 19/02791/FUL for the erection of 20 affordable dwellings on this site. The refusal reasons for that application were as follows:

1. The proposal by reason of its appearance, scale, height, massing and density

constitutes overdevelopment of this sensitive site in the Severn Valley. The proposal is likely to appear as an incongruous feature in the landscape setting and is therefore contrary to policy CS3, CS5, CS6 and CS17 of the Shropshire Core Strategy (2011) and policies MD2 and MD12 of the Shropshire Council Sites and Management of Development (SAMDev) plan (2015).

2. The design of the proposal creates a poor environment which fails to provide an appropriate open space provision for future residents and is therefore contrary to Policy CS6 of the Shropshire Core Strategy (2011) and Policy MD2 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (2015).

3. The design of the development presents an aesthetically unpleasing environment with the street scape being dominated by hardstanding in front of dwellings for car parking, minimum spacing between dwellings contributing to a feeling of cramming and small rear gardens providing inadequate private amenity space for future residents. The design of the layout presents an unwelcoming environment which appears as alien on this edge of settlement countryside site, which is contrary policy CS6 of the Shropshire Core Strategy (2013) and Policies MD2 and MD12 of the Shropshire Council Sites and Management of Development (SAMDev) Plan (2015).

4. The development represents an encroachment into the surrounding countryside resulting in a significant detrimental impact on the visual amenities and character/appearance of the Severn Valley, which is contrary to Policy MD1, MD3, MD7a and S9 of the Shropshire Council Site Allocations and Management Development (SAMDev) Plan (2015).

1.2 There have been previous attempts to obtain planning permission for open market residential development on this site prior to the adoption of the Site Allocations and Management of Development (SAMDev) Plan in December 2015. An appeal was dismissed in July 2015 (14/02129/OUT) due to the proposed development not making any contribution towards affordable housing. With respect to landscape impact the decision letter stated: *“Although the eastern edge of the settlement is elevated above the Severn Valley the proposed low form of development (bungalows) would sit comfortably alongside existing built form and would not harm the character or appearance of the Severn Valley. The scale and density of the proposal is appropriate for the site and edge of settlement location.”*

1.3 Another outline application for open market residential development submitted in 2015 (ref 15/03170/OUT) was determined after the adoption of the SAMDev Plan, which confirmed that the site falls outside of the Highley Settlement boundary. That application was refused due to the site falling outside the development boundary for Highley and there being no compelling housing land supply reasons to release the land for an open market housing development. An appeal against that refusal was dismissed in January 2017. The Inspector concluded that the proposal would conflict with adopted Development Plan policies which seek to manage

development in rural areas in a strategic manner and only allowing development outside settlements in limited situations.

- 1.4 The current application is for a 100% affordable housing scheme which seeks to address the refusal reasons given in the decision notice for 19/02791/FUL listed in paragraph 1.1 above.
- 1.5 The proposal would upgrade approximately 90m of the existing access road to adoptable road standard, with a 4.5m carriageway width, separate foot path on the southern side and a 3 metre wide soft verge on the northern side for use as the bridleway. The access road would then turn south into the main body of the site. The site layout in the 2019 application which was refused had a row of 10 dwellings (5 semi-detached pairs) down each side of the road, with little variation in their set-backs from the road, with the rear gardens of all the dwellings on the eastern side backing onto agricultural land and contained no public open space. In comparison, the current proposal would break up the row of dwellings along the western side of the access road by having three pairs of semi-detached two bedroomed dwellings parallel to the road and then two pairs of semi-detached three bedroomed dwellings positioned at 90 degrees to the access road, served by a private drive. Each property would have two off road parking spaces.
- 1.6 On the eastern side of the road, at the northern end, a pair of semi-detached three bedroomed dwellings would be positioned close to the edge of the highway carriageway, each with tandem parking spaces, to form a focal point at the entrance to the development. A gap in the streetscene would then be created by the enclosed rear garden to the next pair of semi-detached two bedroomed dwellings positioned side on to the access road, with their principal front elevations facing south onto the large cul-de-sac turning head. Off the eastern leg of the turning head there would be a short private drive which would serve a pair of semi-detached three bedroomed dwellings on the northern side. These dwellings would also provide surveillance over the large open space area with native tree planting that would be positioned adjacent to the eastern site boundary and take up approximately a quarter of the application site area. To the south of the turning head/private drive combination there would be two pairs of semi-detached dwellings positioned with their principal elevations facing east, overlooking the area of open space. The resulting site layout creates a street scene with greater variations in the separation distances between dwellings, and their orientations to the road, with the proposed built form providing less enclosure, and providing views across the Severn Valley to the east.
- 1.7 The proposed dwellings would be constructed with facing brick to the external walls and Gemini Forticrete roof tiles which have the appearance of small plain tiles. The dual pitched roofs would feature variations in the ridge alignments so that five of the dwellings would have front and rear facing gable details. The dwelling designs would feature chimneys on the ridges of five pairs of properties, monopitch and dual pitched canopy porches, a mix of one, two and three bay casement windows, contrasting brick heads and cills to the window openings on the front elevations. Existing hedges would be retained to the western, southern and eastern site

boundaries, with the latter being a substantial feature adjacent to the public open space.

- 1.8 The application is accompanied by a planning statement; a landscape and visual impact assessment; a phase 1 habitat report; tree report; transport statement and a design and access statement. In the event of planning permission being granted the applicant has submitted confirmation that, on completion, South Shropshire Housing Association. (Connexus Group).

2.0 **SITE LOCATION/DESCRIPTION**

- 2.1 The application site is a parcel of land roughly 0.79 hectares located on the east of B4555 (Bridgnorth Road) on the edge of Highley. The site is currently pasture land accessed off the B4555 via a single width track, which is part tarmacked at the junction with the road, before dissipating into a rough gravelled surface. The land slopes down towards the south and east towards the Severn Valley.
- 2.2 The existing access is also a bridleway and a right of way runs along the boundary with the east of the application site. To the south lies the residential properties of Vicarage Lane, north is further pasture land and to the west the rear gardens of the dwellings fronting Bridgnorth road all bound the site.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 There is a Parish Council objection and this is a complex application which, in the view of the Principal Planning Officer in consultation with the Committee Chairman and Vice Chairman, should be determined by the South Planning Committee.

4.0 **Community Representations**

- Consultee Comments

(The comments received are summarised below, with the full text of responses being viewable on the Council's website. Where consultees have submitted more than one set of comments, the latest comments are listed first in order to show where previous concerns have been overcome).

- 4.1 Highley Parish Council – Object:
None of the original concerns have been addressed. Highley Parish object to these proposals on the grounds of overdevelopment of the site. The original application was for 9 bungalows and was rejected. The new application is for 20 two storey dwellings. The Parish Council are also concerned about access to the site with the increased volume of traffic. The plans submitted make no mention of the public footpath/bridleway. The area is outside the building line and in an area of high landscape value within the Severn Valley.

- 4.2 SC Highways Development Control – No Objection:
Recommend conditions relating to the construction and retention of parking and turning areas; provision and maintenance of visibility splays; road construction and approval of a construction management plan.
- 4.3 SC Ecology – No Objection:
Content with the submitted Ecological Appraisal prepared by Zoe Adlington-Munro (April 2019) and the level of survey work carried out.
Recommend conditions relating to the timing of development and the bird nesting season; approval of any external lighting; approval of landscaping plan; provision of a minimum of eight bat boxes and eight artificial nests.
- 4.4 SC Drainage – No Objection:
Recommend condition that no development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).
- 4.6 SC Waste Management – Comment:
We would prefer to see a vehicle tracking of the vehicle manoeuvring the road to ensure that that the vehicle can access and turn on the estate.
Particular concern is given to any plots which are on private drives, block paving or shared access roads that the vehicles would not access (plots 7-10 and 17, 18 on the plans). Bin collection points would need to be identified and residents advised when they move in/purchase. Residents would also need to be made aware that they would be collection points only and not storage points where bins are left permanently.
- 4.7 SC Parks and Recreation – No Objection:
Happy that the development fulfils the planning criteria for public open space.
- 4.8 SC Conservation - Comment:
Note the absence of an HIA in accordance with paragraph 189 of the NPPF, HEAN12 guidance and policy MD13 of SAMDev. There are also concerns with the design/layout of the proposal including density and how the site integrates itself with regards to the open space. In terms of the NPPF paragraph 196 balance, affordable housing can be afforded some weight in terms of public benefits versus harm, though this needs to be carefully considered and articulated as part of the HIA process.
- 4.9 SC Rights of Way – Comment:
As detailed in the Design & Access Strategy there is a public bridleway running along the created vehicular access into the development and it is evident from the

submitted site plan that the access will be dual purpose with the first part of the access being shared between the proposed dwellings, bridleway and continuing along the existing track to Rhea Hall Caravan Park which Officers consider acceptable.

This bridleway must always remain open and available both during and after development and 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 and the alignment of the right of way must not be altered.

If it is not possible to keep this bridleway open whilst development takes place, then a temporary diversion will need to be put into place and the applicant will need to contact the Mapping & Enforcement Team (fees apply).

4.10 SC Affordable Housing – No Objection:

The Housing Enabling and Development Team support this exception site scheme proposal. The Housing waiting list as of December 2019 indicates a waiting list comprising 67 households for Highley Parish. The proposed exception site will partially address this evidenced need. The scheme would provide 12 Shared Ownership and 8 Affordable Rented dwellings, with a mix of 2 and 3 bed accommodation. Any planning permission should be subject to a S106 Agreement prescribing the Council's local connection criteria.

4.11 West Mercia Constabulary - No Objection:

The applicant should aim to achieve the Secured by Design award status for this development.

4.12 SC Trees – No Objection:

-The proposal would remove trees along the access road but given their relatively young age they could reasonably soon be replaced in the landscape with suitable planting of larger sized nursery tree stock to show a positive net gain in biodiversity.

-A significant amount of compensatory tree planting could be carried out on the open space area, if not elsewhere within the scheme.

-Should seek to achieve a minimum 20% canopy cover across the site, in line with Forestry Commission national research on tree canopy cover in England's towns and cities.

-Recommend conditions requiring development to be carried out in accordance with the submitted Tree Condition Report, Arboricultural Method Statement and Tree Protection Plan and Method Statement; submission and approval of a tree planting scheme and replacement of losses.

-A mechanism would be needed to ensure that any shortfall in tree planting on site is compensated for by a contribution for offsite planting as appropriate.

-Public Comments

Site notice displayed 28.01.20; press notice published 28.01.20. 20 letters sent to adjacent properties.

4.13 3 Objections:

- This application is a repeat of one that was put before council in various formats, initially for bungalows, then houses last year and now a repeat 2019.
- This site has considerable problems including access to the site. The access across the field is via a track which was passed to be a bridal path and was never intended to carry motorised traffic.
- Drains were installed under the field to alleviate the problem with excess water from the Recreation ground opposite and despite this the bottom of the field at the rear of numbers 35 -38 Vicarage Lane often has a build-up of water which floods into their gardens.
- The proposed entrance onto the bridle path is on an extremely dangerous corner where there have been several bad accidents.
- Article 4 Direction imposed on the land in 2002 to prohibit the erection of fences, walls and other means of enclosure, so question how houses on the land can be acceptable now.
- No room to widen footpaths walked daily by school children or sufficiently flare the access on the worst bend in the village; would be dangerous.
- No provision to separate walkers from vehicles on the farm track.
- An approval could lead to more development off this inappropriate and dangerous access as presented in the past.
- Traffic congestion is already a problem in the area.
- Applicants and the Council should enter into dialogue with another party who is prepared to gift some 6 acres of land within 150 yards of the village centre with sufficient capacity for a 50 bed assisted living facility, a new medical centre and approximately 70 affordable homes, which is a solution to housing in Highley for the next 100 years.
- Serious impact on their standard of living.
- Due to the nature and topography of the area, any further development down the prominent ridge of the Severn Valley will detract from the appearance of attractive unspoilt countryside.
- Other infill areas in Highley have planning permission.
- Would have major impact on nature and biodiversity of the River Severn Area.
- Affordable housing built has already taken away valuable green areas from the village.
- Question why more council time and valuable public money is being spent on yet another planning application.
- Local amenities poor and will put further pressure on medical facilities, road improvement requirements, policing, education, waste collection and youth facilities.
- Lighting and noise pollution will be increased.
- Overlooking would affect Human Rights.
- Overshadowing and overbearing impacts.
- Add to pressure on water supply and sewerage arrangements.
- Poor employment opportunities in village.

4.14 Shropshire Council Highley Ward Member – Objects:

- Ignores all earlier objections to this proposal and effectively dismisses previous public comments expressing the community's concerns.
- Nothing has changed since the September 2019 refusal.
- Current proposal deals with the lack of affordable housing reason why the appeal was dismissed in 2015, but this would not be the low form of a nine bungalow development which the Inspector said would sit comfortably alongside the existing built form and would not harm the character or appearance of the Severn Valley.
- Nothing has changed with respect to the Inspector's comments that bungalows on the site could be provided in a manner which would not harm the living conditions of neighbouring occupiers.
- Any decision on this site would have implications for the Planning Policy "preferred site" in the SAMDev Plan which is larger and on adjacent land.
- Alternative sites are available on the north-western edge of the village off the B4555 which would have minimal impact on Highley's infrastructure, could revitalise the northern end of the village, remove on-street parking congestion and reduce traffic on Hazelwells Road.
- The proposed development would be onto one of the most dangerous stretches of road in Highley and affordable housing is likely to have young children of school age.
- Highway Officers comments, in raising no objections to the earlier 9 bungalow scheme, stated that such accommodation would be likely to be occupied by older people who may not make as many journeys as a typical domestic dwelling.
- Question the assertions made by the applicants' Transport Consultants that there would be no highway safety issues with this development proposal. Comparison needs to be made here with the earlier proposed 9 bungalow development.
- Planning Services Manager has previously stated that the view of the Bridgnorth Office is that we would prefer not to see more development on the eastern side of the village, and any allocations should be on land to the south/southwest on the basis of landscape impact.
- From 9 bungalows to 20 two-storey affordable dwellings is a jump too high and too far, an over-development that shows no consideration for either its environmental or social context.
- Nothing to commend this application.
- Facebook posts attached to representation relating to vehicles not keeping to correct side of road, restricted visibility on bend, excessive traffic speeds.

5.0 **THE MAIN ISSUES**

Principle of development
Affordable Housing Need
Siting, scale and design
Visual impact and landscaping
Heritage Impact

Highway Safety
Drainage
Residential Amenity
Biodiversity
Open Space
Impact on Local Services.
Other Matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development and notes that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications. The NPPF specifically aims to 'boost significantly the supply of housing' therefore, the fact (and degree) that a proposed development helps to boost housing supply is a significant material consideration to which considerable weight must be attached. These considerations have to be weighed alongside the provisions of the Development Plan, including those relating to housing supply. Para 77 of the NPPF specifically relates to rural areas and advocates that planning policies and decisions should be responsive to local circumstances and support housing development that reflects local needs. LPA's are encouraged to bring forward rural exemption sites that will provide affordable housing to meet identified local needs.

6.1.2 Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 seek to locate new housing on sites within and adjoining market towns, 'key centres' and other settlements ('Community Hubs and Clusters') as identified in the emerging Site Allocations and Management of Development (SAMDev) plan. Isolated or sporadic development in open countryside is unacceptable without special justification. Highley is identified as a key centre and is seen as the focus for the development of services and facilities for the wider hinterland with balanced housing and employment growth. The application site is outside the village's development boundary as identified in Policy S9 of the SAMDev and thus is classed as a countryside location. Policy CS5 of the Core Strategy strictly controls new development in the countryside, limiting new build dwellings to those required by essential countryside workers and other affordable housing/accommodation to meet a demonstrated need. For a 100% affordable housing scheme there is no in-principle planning policy objection to such a development immediately outside of a defined development boundary provided that the need for such accommodation has been established.

6.2 Affordable Housing Need

6.2.1 The Council's Housing Enabling and Development Team has advised the Housing waiting list as of December 2019 indicates a waiting list comprising 67 households

for Highley Parish. They comment this proposal would partially address this evidenced need and support the proposed housing mix of 2 and 3 bedroomed accommodation, with 12 shared ownership and 8 affordable rent dwellings. It is considered therefore that the need for affordable dwellings has been established in this area. A Section 106 Agreement would be required as part of any grant of planning permission to ensure that the dwellings are affordable and that occupants comply with the Council's local connection criteria.

6.3 **Siting, scale and design**

- 6.3.1 Para 124 of the National Planning Policy Framework seeks to achieve good design as a key aspect of sustainable development through creating better places to live. Para 127 further advocates that developments should function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history, including surrounding built environment and landscape setting, establish and maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places, optimise the potential of the site to accommodate and sustain an appropriate mix of development (including green and other public space), create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for users, ensuring crime and disorder do not detract from the quality of life. Para 130 is unequivocal in stating that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.
- 6.3.2 The Council's adopted Development Plan policies are in line with the above NPPF paragraphs. Core Strategy policy CS6 seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment. SAMDev Plan policy MD2 gives further guidance on seeking to ensure developments contribute positively to local character and amenity.
- 6.3.3 Refusal reason 3 on decision notice 19/02791/FUL referenced the deficiencies in the layout of that development proposal. The revised layout of the current proposal, described in paragraphs 1.5 and 1.6 above has reduced the dominance of hardstandings for car parking in front of dwellings by breaking up the two regimented rows of dwellings along each side of the road of the refused scheme, through the introduction of the private drive and changed orientation of four dwellings on the western side of the road, and the wholly new proposed development layout on the eastern side of the road. The layout of that eastern side dispenses with parking spaces in an identical arrangement to that on the opposite side an positions the dwellings to achieve a more varied layout, whilst still providing an acceptable level of off-road parking. The spacings between the dwellings would be similar to that found with existing properties off Vicarage Lane to the south and the housing off Yew Tree Grove to north west which backs onto open countryside. It is acknowledged that the approximately 2 metre spacing between some pairs of semi-detached dwellings is the same as in the reduced scheme, the revised layout makes this a less dominant feature of the streetscene and one which would not

detract from the amenity of those dwellings. The Council has no set standards for garden sizes, but the revised layout would provide generally larger gardens for the three-bedroomed dwellings in comparison with the refused scheme. There would be a sense of spaciousness on entering the development from the north, that was absent in the refused scheme, due to the larger separation distances and changed orientation of dwellings on the eastern side of the road allowing for views eastward over the Severn Valley between the dwellings and of the large area of public open space which now forms part of the proposal.

6.3.4 The design of the proposed dwellings described in paragraph 1.7 above would be in keeping with the immediate locality. The two storey form of the dwellings matches the form of the majority of dwellings in the locality. Section drawings demonstrate that the scale (height), in combination with proposed alterations to ground levels, would result in the proposed dwellings sitting lower in the landscape than the existing properties to the west and being comparable to the height of 37 and 38 Vicarage Lane to the south. (This is a matter discussed further in section 6.4 of this report below). A condition attached to any planning permission issued would require the proposed finished ground floor level of each plot compared to existing site levels to be approved by the local planning authority.

6.3.5 On balance, it is considered that the revised proposals have addressed satisfactorily refusal reason 3 of application 19/02791/FUL.

6.4 **Visual impact and landscaping**

6.4.1 Paragraph 170 of the NPPF states that decisions should contribute to enhance the natural and local environment by protecting and enhancing valued landscapes, recognising the intrinsic beauty of the countryside, minimising impacts and providing net gains for biodiversity. This is echoed by Shropshire Core Strategy policies CS6 and CS17 and SAMDev Plan policy MD2.

6.4.2 The site forms part of a 'broad location' considered to have medium capacity for housing in the Landscape Sensitivity study (part of the evidence base that informed consideration of sites within the SAMDev Plan preparation) and is considered 'moderate' in the generalised landscape character assessment. The site is much smaller than the broad location in the landscape sensitivity study but clearly the impact on the setting of Highley, recognising the prominent ridge upon which the village stands, and its potential impact on the visual amenity of the area and the Severn Valley needs careful consideration when determining the application.

6.4.3 The site adjoins the current development boundary that runs along the eastern edge of Highley. The proposed layout shows that the built part of the proposal would not project past the existing built development at Vicarage Lane as such it is considered that the scheme would relate well with existing built development and would not encroach significantly into the open countryside.

- 6.4.4 Due to the location of Highley on the ridge the built development at the edge of Highley is visible from public view points in the wider landscape and it is inevitable that the proposed development would, like the adjacent dwellings, be visible.
- 6.4.5 In the previous appeals relating to a proposed open market bungalow development on this site the Planning Inspectors were content that a single storey form of development would sit comfortably alongside the existing built form and would not harm the character or appearance of the Severn Valley. In the consideration of the previous application 19/02791/FUL for affordable dwellings on the site the Officer conclusion, based on on-site observations and the information provided in support of the application, was that a two storey housing development on the land would appear as an incongruous feature in this landscape setting and would have a detrimental impact on the visual amenities and character/appearance of the Severn Valley. Refusal reasons 1 and 4 attached to decision notice 19/02791/FUL relate to these perceived adverse impacts.
- 6.4.6 With the current application the applicants have submitted, in response to those refusal reasons, a Landscape and Visual Impact Assessment (LVIA) prepared by Lingard Farrow Styles, dated October 2019. This assessment has also taken into account landscape designations in to locality including the Severn Valley Country Park, the Highley and Alveley Conservation Areas and the four listed buildings closest to the site on the western flank of the Severn Valley below Highley comprising of Hazelwells, Woodend, The Birches and Rhea Hall Farm House, all of which are listed grade 2. The report is comprehensive and includes drawings of the study area, topography, landscape character (Based on the Shropshire Landscape Typology 2006), access and heritage and ZTV (Zones of theoretical visibility of roof ridges and roof eaves) and Viewpoints. Annotated photographs have also been supplied taken from the 17 viewpoints. The methodology used is in accordance with the Guidelines for Landscape and Visual Assessment, third edition, published by the Landscape Institute. With respect to landscape effects it concludes that the greatest landscape effects would be 'moderate-slight adverse' sustained by the existing vegetation on the site. The impact on the Principal Settled Farmlands Character Type, as defined by the Shropshire Landscape Typology, would be 'slight adverse', with negligible landscape effect on the Wooded River Gorge Character Type and the Timbered Plateau Farmland Character Type.
- 6.4.7 With respect to visual effects the LVIA concludes the greatest visual effects sustained in year 1 would be 'moderate adverse' for the residents of properties off Bridgnorth Road and Vicarage Lane adjacent to the site. This would be due in large part to their existing long distant views to the Severn Valley from particularly upper storey windows that would be affected by the proposed development at close distance. It concludes that there would be 'moderate-slight adverse' landscape effects for residents at the western end of Yew Tree Grove, users of the bridleway between Hazelwells and Bridgnorth Road, and users of the public rights of way around the western edge of Alveley. There would be negligible landscape effects for residents on the western edge of Alveley, users of the Jack Mytton Way, visitors to the Severn Valley Country Park, users of public rights of way around the western edge of Alveley and users of Bridgnorth Road.

6.4.8 The planning application case officer has viewed the site with the benefit of a copy of the LVIA on both sides of the River Severn Valley and concurs with the conclusions of that document. The additional information provided to show how site levels would be altered as part of the development proposal, and the enlargement of the application site to include a large area of public open space which has a substantial hedgerow on its eastern boundary, are details that were not available when the previous application was under consideration. A relatively small number of receptors would experience a moderate adverse effect, but very little weight can be attached to the impact of development on a persons' view as a material planning consideration. On balance, it is considered that refusal reasons 1 and 4 of the decision on application 19/02791/FUL would be very difficult to sustain as reasons for refusing the current, revised application.

6.5 Heritage Impact

6.5.1 Paragraph 189 of the NPPF states that in determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage impacts affected, including any contribution made to their setting. It advises the level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance. The comments made by the Council's current Conservation Officer for the area at 4.8 above are noted. However, the lack of a heritage impact assessment was not a reason for refusing the previous application 19/02791/FUL, or indeed the earlier proposals for residential development on the land. The Planning Inspectors made no reference to a heritage impact assessment being required for development on this site, or as being a reason for dismissing those appeals. It can be queried therefore whether the juxtaposition of listed buildings and conservation areas in the wider locality would be affected by the proposal and thereby trigger paragraph 189 of the NPPF.

6.5.2 The submitted Landscape and Visual Impact Assessment has acknowledged the presence of heritage assets in the locality and has described them and shown their positions within the study area. The existing development at Vicarage Lane obstructs inter-visibility between the site and the nearest listed building to the south east (The Birches) and that from the more distant Rea Hall Farm House, Woodend and Hazelwells the proposed housing would be partly masked by topographical features and would be seen against the back drop of existing substantial housing development in the village. These on-site observations, coupled with the submitted LVIA, in the context of paragraph 193 of the NPPF, are a sufficient basis to conclude that the proposed development would cause negligible harm, with no implications for the conservation of those heritage assets.

6.6 Highway Safety

6.6.1 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. It also seeks to secure safe developments. The NPPF, at paragraph 108, advises in assessing applications for development

should be ensured that:

a) Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location.

b) Safe and suitable access to the site can be achieved for all users;
and

c) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 109 continues by stating that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.6.2 This site is in an accessible location, close to the facilities at the Severn Centre and within walking distance of the village centre and the primary school. Highway safety has not been a ground for refusal of the previous proposals for residential development on this land, or a reason why appeals were dismissed. The most recent application 19/02791/FUL for 20 affordable dwellings with the same access arrangements onto Bridgnorth Road was not refused on highway safety grounds. The Council's Highways Development Control Team comment that the point of access is located on the apex of an outside bend on the classified highway. They observe that the road frontage is predominantly developed and residential in nature as well as being subject to a 30mph speed limit. It is their professional judgement that the proposed development will not generate significant amounts of additional traffic and will have a minimal impact on the local highway network. Conditions relating to the construction and use of the vehicle parking and turning areas, the provision of visibility splays, road construction and a construction method statement would be attached to any planning permission.

6.7 **Drainage**

6.7.1 Core Strategy policy CS18 relates to sustainable water management. The Council's Drainage Consultants have raised no objections to the proposals, with a recommendation that approval of the details of the proposed foul and surface water disposal arrangements be the subject of a planning condition on any approval issued.

6.8 **Residential Amenity**

6.8.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The nearest residential properties to the application site are those along the western site boundary, fronting Bridgnorth Road, and properties at the northern end of the Vicarage Lane cul-de-sac. The proposed dwellings would be a lower level to the existing properties on Bridgnorth Road. Their gardens would be some 8.5 metres deep, but due to the depth of the rear gardens to the dwellings along Bridgnorth Road, the distance between the dwellings themselves would be some 28-30 metres. Plot 7 in the proposed development would have a side elevation close to the shared garden boundary, but the only opening in this elevation would be a secondary ground floor window to the dining area which would be obscure glazed.

The proposed roof design to plot 7 would also slope away from this shared boundary, to reduce the massing of its western elevation. It is considered that the proposed development would not unduly harm the residential amenities of the existing Bridgnorth dwellings due to the separation distances and the elevational treatment plot 7.

6.8.2 The proposed dwellings to the north of the 'Glenhaven' dwelling would have rear gardens some 12 metres deep and would have no significant impact on the amenities of that dwelling. The rear facing north elevation of nos. 37 and 38 Vicarage Lane would have an open outlook across the large garden area to plot 11 and north westwards along the road in the proposed development. The south facing side elevation of the plot 11 dwelling would be some 12 metres from the rear elevation of 36 Vicarage Lane, with its roof slope sloping away from the shared boundary to reduce the mass of the building and with the single ground floor secondary dining area window in that elevation obscured glazed to. This separation distance between a rear elevation and a side elevation corresponds with the minimum usually sought in new housing developments. It is considered that the proposed built form would have no unacceptable overbearing impacts on the existing properties and no.36 would retain views to the north east towards the Severn Valley. The northern outlook from 34 and 35 Vicarage Lane would be across the proposed area of public open space and their amenity would not be unduly harmed by this feature. With the proposed new dwellings being to the north/north west of the dwellings adjacent to the southern site boundary, they would have no significant impact on sunlight/daylight reaching the existing dwellings. It is considered therefore that a refusal on the grounds of the proposed development having an unacceptable adverse impact on the residential amenities of adjacent dwellings could not be sustained in this case.

6.8.3 The juxtaposition of the proposed dwellings within the development itself would ensure that their residential amenities would not be compromised.

6.8.4 It is almost inevitable that building works anywhere cause some disturbance to adjoining residents. This issue is addressed by a recommended condition on the restricting hours of working to 07.30 to 18.00 hours Monday to Friday; 08.00 to 13.00 hours Saturdays and not on Sundays, Public or Bank Holidays, and a condition requiring the approval of a construction method statement to mitigate the temporary impact.

6.9 Biodiversity

6.9.1 Core Strategy policies CS6 and CS17 seeks to ensure developments do not have an adverse impact upon protected species, and accords with the obligations under national legislation. The extended phase one habitat report submitted with the application concludes:

The site and adjacent land were searched for signs of use by great crested newts, bats, badgers and breeding birds. The trees which line the existing farm access do

not provide any roosting habitat for bats, as they are not old enough to contain features such as cracks and crevices which are associated with roosting bats. Breeding birds are also likely to be using the trees and boundary hedgerows for both nesting and foraging. The hedgerows will not be affected by the proposals, however the loss of a small number of the young trees will reduce nesting habitat on the site. This will be mitigated by erecting Schwegler multi-purpose bird boxes on the proposed dwellings and implementing a planting scheme across the site. The planting scheme will aim to enhance the site for breeding birds and increase foraging opportunities on the site. Enhancement for bats species on the site has been recommended in the form of 4 Schwegler type 1F bat boxes. These should be erected on the side of the proposed dwellings, close to the retained hedgerows. No ponds were found within 250m of the proposed development boundary, therefore no further survey work is required for great crested newts. No impact to GCN is predicted. No badger setts were found within 50m of the site boundary and no snuffle holes or latrines were identified within the site boundary. No further survey work or mitigation for the species is required.

- 6.9.2 The Council's Planning Ecologist is content with the above findings and ecological interests can be safeguarded adequately by conditions relating to the timing of development and the bird nesting season; approval of any external lighting; approval of landscaping plan; provision of a minimum of eight bat boxes and eight artificial nests.

6.10 **Open Space**

- 6.10.1 Paragraph 96 of the NPPF makes it clear that access to open space is important for the health and well-being of communities and provision of open space is important in new development. SAMDev Plan policy MD2 advises that the amount of public open space to be provided by a residential development should be calculated on the basis of 30sqm per bedroom. Refusal reason 2 on decision notice 19/02791/FUL for the 20 affordable dwellings scheme it contained stated that it failed to provide appropriate open space for future residents, contrary to Core Strategy policy CS6 and SAMDev Plan policy MD2.
- 6.10.2 The applicants have sought to address this deficiency by including an area of public open space amounting to some 1560 sqm. The proposed development would contain 48 bedrooms and, applying the target for public open space in SAMDev Plan policy MD2, equates to an area of some 1440 sqm. This revised proposal therefore satisfies the requirement of SAMDev Plan policy MD2 and the location of this space in the development would be acceptable, with the space being overlooked by the dwellings to provide a measure of surveillance and security for its users.
- #### 6.11 **Impact on Local Services**
- 6.11.1 Concerns have been raised by objectors in the relation to the capacity of local infrastructure and the ability of services to cope with the additional demand arising from the occupants of a further 20 dwellings. It is the duty of the individual service providers to respond to increased demand in accordance with Government requirements. Many of the services, including the Education and Health Authorities,

are involved at a strategic level in local planning and develop their services in accordance with projected increases in population.

6.12 Other matters

- 6.12.1 Reference has been made in the representations received to an Article 4 Direction withdrawing permitted development rights for gates, walls, fences and other means of enclosure on land which includes the current application site. The Direction was issued on 15th October 2002 and its retention was approved by the Secretary of State in April 2003. The current application site is at the southern end of the area to which the Direction relates, which relates to a total area of some 6.2 Hectares extending northwards to the rear of Yew Tree Grove properties up to the access road serving Hazelwells. The reason why this Direction was imposed was due to an application being made in 2002 to change the use of agricultural land to residential gardens at the rear of 34-96 Yew Tree Grove. That application (ref.02/0419) was refused at the July 2002 Planning Committee Meeting of Bridgnorth District Council on the grounds of the land being outside the development boundary for Highley in the Local Plan that was in force at that time, and because it was considered the proposed use would detract from the visual amenity of an area of special landscape character (Which was a local plan designation in use at that time). Information received by Bridgnorth District Council suggested that the occupiers of the houses were still seeking to purchase the additional land even though planning permission had been refused for the change of use. Even without a change of use, permitted development rights could have been used to subdivide the whole area into individual plots, with a similar visual impact to the use refused and then making it more difficult to resist another application for the change of use refused. The Direction covers a much larger area than that for which the change of use was sought, to avoid it being affected by boundaries being moved. Government advice in Circular 9/95 that was in force at that time stated that Councils may wish to make a direction against minor operations because of concern about the sub-division of agricultural land.
- 6.12.2 The existence of this Direction means that applications for planning permission should be made for the erection of gates, fences, walls and other means of enclosure on the land, regardless of their heights. It does not preclude planning applications being considered on their own merits in the context of current adopted Development Plan policies.
- 6.12.3 The reference in the representations to there being other land adjacent to the village that would be suitable for affordable housing is not a sustainable ground for refusing planning permission. Each application has to be considered on its own merits in the context of adopted Development Plan policies. It should be noted that the current proposal is of a scale that would only partly address the identified current affordable housing need, and other sites for affordable housing would be appraised for their acceptability should planning applications be lodged.
- 6.12.4 The applicants have responded to the comments made by the Shropshire Councillor for the Highley area, making the following comment:
-The site plan has been amended to create more interest in the site and the large

piece of open space added enhances the scheme, will be available for all residents to enjoy with plots overlooking the space.

-An affordable housing exception site by its very nature encroaches into the countryside; this is a corner in-fill and has two boundaries that connect to the village development boundary.

-The Landscape Visual Assessment demonstrates that the proposal would have a negligible impact on receptors in the area, as illustrated by the submitted photos.

-The access onto Bridgnorth Road is existing and used by agricultural vehicles and the farm house and has been confirmed by highway specialists as appropriate for the proposed development.

-The site in question, and the rest of the field North West has been allocated as a 'Long Term Potential SLAA Residential site (HNN016).

-Comments refer to some older refusals and applications that are now five years old. Planning and policies have moved on since then and with greater need for affordable housing in the whole country, including Highley.

- Connexus (formerly South Shropshire Housing Association) have confirmed they will take on the homes for rent and shared ownership as they have stock in the area and see Highley as a good area for affordable housing.

- TC Homes will be happy to enter into a Section 106 agreement confirming these houses are to be affordable in perpetuity.

7.0 **CONCLUSION**

7.1 For a 100% affordable housing scheme there is no in-principle planning policy objection to such a development immediately outside of a defined development boundary provided that the need for such accommodation has been established.

7.2 This proposal would partially address this evidenced need with there being 67 households on the waiting list for the Highley area. The proposed housing mix of 2 and 3 bedroomed accommodation, with 12 shared ownership and 8 affordable rent dwellings is acceptable to meet part of this need.

7.3 The revised design, layout and scale has addressed satisfactorily the deficiencies with respect to the built environment that would be created that were identified in refusal reason 3 of the original scheme contained in application 19/02791/FUL. The design of the proposed dwellings would be in keeping with the locality.

7.4 The additional information provided, in comparison with the original application, includes details to show how site levels would be altered as part of the development proposal, the enlargement of the application site to include a large area of public open space which has a substantial hedgerow on its eastern boundary, and the submission of a Landscape and Visual Impact Assessment. It is considered that this information, coupled with the other revisions made to the site layout has, on balance, addressed satisfactorily refusal reasons 1 and 4 of the original scheme and the proposed development would not be an incongruous feature in the landscape setting, and would have no detrimental impact on the visual amenities and the character/appearance of the Severn Valley. The proposed

development would cause negligible harm, with no implications for the conservation of those assets.

- 7.5 The proposed development would contain adequate on- site parking and the proposed access works would provide the development with a safe and suitable access. The amount of public open space that would be provided would be adequate for the development. Ecological and drainage interests can be safeguarded through planning conditions.
- 7.6 The residential amenities of adjacent properties would not be unduly harmed by the proposals and conditions relating to construction hours and the submission of a construction management plan can mitigate the temporary effects during the construction period. There would be no residential amenity conflicts within the development itself.
- 7.7 The proposal would satisfy the objectives of sustainable development set out in the NPPF. The economic objective of sustainable development would be met by providing employment during the build and the occupants would be likely to make use of local village services. The social objective would be satisfied by the proposal addressing an identified need for affordable housing in the Highley area, and the environmental objective has been addressed by this revised application which overcomes previous concerns about the site layout, open space and impact on the character and appearance of the Severn Valley.
- 7.8 A Section 106 Agreement would be required as part of any grant of planning permission to ensure that the dwellings are affordable and that occupants comply with the Council's local connection criteria, and to secure the retention and maintenance of the public open space.
- 8.0 Risk Assessment and Opportunities Appraisal
- 8.1 Risk Management

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

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

Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:

CS1 - Strategic Approach

CS3 - The Market Towns and Other Key Centres

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD7A - Managing Housing Development in the MD7A - Managing Housing Development in the Countryside

MD12 - Natural Environment

MD13 - Historic Environment

Settlement: S9 – Highley

SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

14/02129/OUT Outline application for residential development to include access, layout and scale – Appeal lodged against non-determination.

15/03170/OUT Outline application (access, layout, scale not reserved) for residential development REFUSE 4th March 2016

19/02791/FUL Erection of 20 (affordable) dwellings with estate road, using existing vehicular access REFUSE 5th September 2019

Appeal

15/02212/NONDET Outline application for residential development to include access, layout and scale DISMIS 13th July 2015

Appeal

16/02490/REF Outline application (access, layout, scale not reserved)for residential development DISMIS 31st January 2017

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=Q47RKDTDK8U00>

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

Extended Phase I Habitat Report

Landscape and Visual Impact Assessment

Tree Report

Transport Statement

Design and Access Statement

Planning Statement
Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
Local Member Cllr Dave Tremellen
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

3. 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.

4. Before above ground works commence details of the proposed finished ground floor levels of the dwellings, relative to existing site levels, shall be submitted to and approved in writing by the local planning authority. The work shall be carried out in accordance with the approved details.

Reason: To safeguard visual and neighbour amenity.

5. The side elevation windows to plots 7 and 11 shall be obscure glazed before the first occupation of those dwellings and shall thereafter be maintained as such.

Reason: To safeguard the amenities of adjacent residential properties.

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

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

7. The development shall be carried out in accordance with the Tree Condition Report, Arboricultural Assessment, Tree Protection Plan and Method Statement (Forester & Arborist Services Ltd, 30-04-2019). The approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

8. The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking, loading, unloading and turning of vehicles has been properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

9. Before the development is brought into use, visibility splays of a depth of 2.4 metres and a length of 48 metres from the centre point of the junction of the access road with the public highway, shall be provided and thereafter be kept clear of all obstructions to visibility over a height of 600mm above the adjacent carriageway level.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

10. Notwithstanding any of the submitted details the development shall not take place until full construction detail of new roads, footways, retaining features, accesses, street lighting, transition features, full block paved surfacing of shared space areas together with details of disposal of surface water to a suitable outfall have been submitted to, and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the buildings occupied.

Reason: To ensure the development is completed to the required standards for future adoption.

11. Prior to the commencement of the development, including any works of demolition, a Construction Method Statement shall have been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

Reason: This detail is required prior to commencement to avoid congestion in the surrounding area and to protect the amenities of the area.

12. The development shall be carried out in accordance with the recommendations of the Ecological Appraisal prepared by Zoe Adlington- Munro (April 2019).

Reason: To safeguard ecological interests.

13. 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, trees, and hedgerows. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. 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.

14. A minimum of eight external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site prior to first use of the development. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats, in accordance with MD12, CS17 and section 175 of the NPPF.

15. A minimum of eight artificial nests, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design), starlings (42mm hole, starling specific), house martins (house martin nesting cups), swallows (swallow nesting cups), and small birds (32mm hole, standard design) shall be erected on the site prior to first use of the development. The boxes shall be sited at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect (under eaves of a building if possible) with a clear flight path, and thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and section 175 of the NPPF.

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

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

17. No construction (and/or demolition) works shall take place outside the hours of 07.30am to 6.00pm Mondays to Fridays; 08.00am to 1.00pm Saturdays, nor at any time on Sundays, Bank and Public holidays.

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

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. This planning permission does not authorise the applicant to:

- o carry out any works within the publicly maintained highway, or
- o authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
- o 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.

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

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs. If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

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

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

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form

of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

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

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

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

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.

4. 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 conversion, renovation and demolition work in buildings should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the buildings for active bird nests should be carried out. If buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

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

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.

7. The bridleway must always remain open and available both during and after development and 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 and the alignment of the right of way must not be altered.

If it is not possible to keep this bridleway open whilst development takes place, then a temporary diversion will need to be put into place and the applicant will need to contact the Mapping & Enforcement Team (fees apply).

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SCHEDULE OF APPEALS AS AT COMMITTEE 10/03/2020

LPA reference	17/04421/FUL
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Mr Mark Wiggin
Proposal	Erection of two detached dwellings with detached open fronted double garages
Location	Land East Of The School House Hopton Cangeford Shropshire
Date of appeal	20.02.2020
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 Bittell
Proposal	Erection of a log cabin holiday let and parking space
Location	Proposed Holiday Let Log Cabin South Of New England Lane Highley
Date of appeal	11.11.2019
Appeal method	Written Representations
Date site visit	18 February 2020
Date of appeal decision	24 February 2020
Costs awarded	
Appeal decision	Dismissed

LPA reference	17/06003/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Alan Hughes
Proposal	Siting of residential caravan
Location	Land Adjoining Disused Railway Line Snailbeach Shropshire
Date of appeal	10.12.2018
Appeal method	Written Representations
Date site visit	22/03/2019
Date of appeal decision	24/02/2020
Costs awarded	
Appeal decision	Dismissed

LPA reference	19/02232/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Anthony Walker
Proposal	Erection of one dwelling following demolition of existing buildings; formation of vehicular access and parking area; change of use of agricultural land to domestic garden land (revised scheme following grant of permission ref: 18/04281/FUL)
Location	The Cottage Nordley Bridgnorth
Date of appeal	11.11.2019
Appeal method	Written representations
Date site visit	09.01.2020
Date of appeal decision	26.02.2020
Costs awarded	
Appeal decision	Dismissed

LPA reference	18/03093/FUL
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Mr R Dalley
Proposal	Conversion of two agricultural buildings into four holiday letting units, change of use of further agricultural building into stables, formation of manege, alterations to existing vehicular access and formation of parking areas
Location	Meadowtown Farm Meadowtown Shrewsbury Shropshire SY5 0DZ
Date of appeal	25.02.2020
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	



Appeal Decision

Site visit made on 18 February 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th February 2020

Appeal Ref: APP/L3245/W/19/3237488

Adjoining Highley Golf Centre, New England Lane, Highley, Bridgnorth, Shropshire, WV16 6ET

- 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 Christopher Bithell against the decision of Shropshire Council.
 - The application Ref 18/04645/FUL, dated 30 September 2018, was refused by notice dated 9 May 2019.
 - The development proposed is erection of log cabin holiday let and parking space.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

3. The appeal site consists of open land on the southern side of New England Lane. It is outside of the development boundary to Highley, which is a short distance to the east, and is therefore in the countryside for planning purposes.
4. Policy CS16 of the Shropshire Core Strategy encourages the development of high quality visitor accommodation in accessible locations. However, it also states that in rural areas, proposals must be of an appropriate scale and character to their surroundings. In addition, Policy MD11 of the Shropshire Site Allocations and Management of Development ('SAMDev') Plan recognises that static caravans, chalets, and log cabins have a greater impact on the countryside than camping and touring caravan sites. It further states that holiday let development in the countryside that does not conform to the legal definition of a caravan, or is not for the conversion of existing buildings, will be resisted. In this regard, it is unclear from the information before me whether the development would meet the legal definition of a caravan. Other policies in both the Council's Core Strategy and SAMDev Plan seek to prevent new development that has a significant adverse effect on landscape character and visual amenity.
5. The development would be in a relatively exposed position, on rising land, that would be visible in longer views to the west. It would also be prominent in views from along New England Lane. From these vantage points the site

currently forms part of an attractive rural landscape that is characterised by rolling hills, open fields, groups of trees, and mature boundary hedges. The development would introduce a relatively large structure and parking area into this landscape, that would be surrounded by open land. In this context, it would appear as a relatively prominent intrusion into open countryside that would be visually out of keeping with its surroundings. In addition, the light and activity associated with the proposal, in close proximity to New England Lane, would be at odds with its tranquil rural character. Whilst the development would be constructed in natural materials, and would involve some additional planting, that would not adequately mitigate its impact in my view.

6. For the above reasons, I conclude that the development would significantly harm the character and appearance of the surrounding area. It would therefore be contrary to Policies CS5, CS6 and CS17 of the Shropshire Core Strategy (2011), and Policies MD2, MD11, and MD12 of the Shropshire SAMDev Plan (2015).

Other Matter

7. It is asserted that the proposal would be attractive to users of Highley Golf Course. However, it is unclear whether there is any formal connection between the appeal proposal and the golf course, and no case has been made that it would help to diversify the operations of this existing business.

Conclusion

8. As set out above, I conclude that the development would significantly harm the character and appearance of the surrounding area. Whilst it would be in a relatively accessible location close to Highley and would provide some modest support to the local economy, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR



Appeal Decision

Site visit made on 22 March 2019

by D Child BA BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2020

Appeal Ref: APP/L3245/W/18/3207878

Land off Shop Lane, Snailbeach, Shrewsbury, Shropshire SY5 0NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Alan Hughes against the decision of Shropshire Council.
 - The application Ref 17/06003/FUL, dated 29 November 2017, was refused by notice dated 13 March 2018.
 - The development proposed is the replacement of an existing touring caravan with a new caravan for occupation as a dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application and the Council's decision were made prior to July 2018. The submissions of both parties therefore refer to the National Planning Policy Framework published in March 2012. However, I have had regard to the revised Framework 2019 (the Framework) in reaching my decision.

Main Issues

3. The main issues are:
 - The effect of the development upon the character and appearance of the countryside, having particular regard to the location of the development and the landscape of the Shropshire Hills Area of Outstanding Natural Beauty (the AONB);
 - Whether the proposal would preserve or enhance the Snailbeach Conservation Area (the CA) and the setting of the Snailbeach Lead Mine Scheduled Ancient Monument (SAM) heritage assets;
 - The effect of the development upon Highway safety, having particular regard to access and delivery arrangements; and
 - The effect of the development upon the adjacent Special Area of Conservation (the SAC) and Site of Special Scientific Interest (the SSSI).

Reasons

Character and appearance

4. The site is located in a rural area, occupying an elevated position at the foot of Stiperstones Ridge within the Shropshire Hills AONB. The proposal is for the siting of a caravan for occupation as a dwelling.

5. Policies CS1, CS4, CS5 and CS11 of the Shropshire Local Development Framework Adopted Core Strategy 2011 (the Core Strategy) seek to protect the countryside and ensure that Shropshire flourishes. Residential development in the rural areas is directed to a list of named 'Community Hubs' and 'Community Clusters'. Outside these areas, development will primarily be for economic diversification and to meet the needs of the local communities for affordable housing.
6. Snailbeach is a component of the Bishop's Castle Area Community Cluster Settlements, as defined under Policy MD1 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan 2015. SAMDev Policy S2.2 (viii) states that within Snailbeach infilling and conversions may be acceptable on suitable sites. Paragraph 4.69 of the associated text to Policy CS4 explains, Development in Community Hubs and Community Clusters will be within the village, or on land that has been specifically allocated for development. To prevent fragmented development, windfall development adjoining a village is not acceptable, unless it is an exception site for affordable housing or other development allowed under Policy CS5.
7. The proposal is not for infilling or affordable housing, or development allowed under Policy CS5. The site is not allocated for housing and the proposal is not for the conversion or change of use of the touring caravan. Because Snailbeach has no defined settlement boundary, it is a matter of planning judgement on a case-by-case basis whether a proposal is located within the village.
8. Snailbeach has a fairly dispersed spatial pattern of development, extending along roads and trackways. Development is loosely concentrated around former lead mining buildings and along Shop Lane, and the appeal site has the characteristics of a domestic garden. Nevertheless, the proposal would be sited beyond the existing built-up area of Snailbeach, at the edge of an extensive area of woodland. The proposed caravan would be located on the opposite side of a railway track bed, which forms a clear boundary marking the edge of residential development below. In my assessment, the site is not therefore located within the village.
9. While I do not have full details, the application states that the proposal would fall within the statutory definition of a caravan, not exceeding 60 feet in length, 20 feet in width and 10 feet in overall height. The existing touring caravan would be removed, and the replacement caravan sited behind residential properties on Shop Lane. However, by its very nature, the existing touring caravan is modest in scale. From the submitted block plan the proposal would have a much larger footprint, and because it would not be a tourer, it would appear more permanent.
10. Although the proposal would be single storey, it would not complement or enhance its surroundings as caravans occupied as permanent dwellings are not an established feature of the area. Because of its elevated position, the proposal would also be visible from the footpath to the southeast and the wider area. The proposal would encroach into the woodland on Stiperstones Ridge and be a visually harmful addition to the landscape. Furthermore, because it is not specific to the proposal, I cannot be certain from the submitted arboricultural report whether the development would harm adjacent mature trees, and thereby reduce their screening effect.

11. The Council has issued a certificate of lawfulness relating to the site, for the 'use of land for private amenity purposes and for stationing of a touring caravan for domestic storage and private amenity purposes only thereon'¹. However, this does not establish a dwelling, or justify the identified harm.
12. I have considered the use of planning conditions to make the proposed scheme acceptable, for example to require the prior approval of the scale, design and colour of the caravan and a tree care plan. However, for occupation as a dwelling the proposed caravan would necessarily require it to be larger than the existing accommodation and therefore such conditions would not overcome the identified harm.
13. For the above reasons, I therefore find that the proposal would be harmful to the character and appearance of the countryside having particular regard to the location of the development and the landscape of the Shropshire Hills Area of Outstanding Natural Beauty. In accordance with Paragraph 172 of the Framework, I attach great weight to conserving and enhancing landscape and scenic beauty in the AONB.
14. Accordingly, the proposal would conflict with Core Strategy Policies CS1, CS4, CS5, CS6, CS11 and CS17, and SAMDev Policies MD1, MD2, MD3, MD7a and S2. Amongst other things, together, these policies set out the spatial approach to accommodating new housing development to meet Shropshire's needs, while ensuring the quality of the environment is protected, including the Shropshire Hills AONB. Because the application of policies in the Framework that protect the AONB also provides a clear reason for refusing the proposal, the presumption in favour of sustainable development does not apply. Although the Council in its decision refers to Core Strategy Policy CS16, I have not been provided with copies and there is nothing to demonstrate its relevance.

Heritage considerations

15. The site is situated within the Snailbeach CA, a short distance from the Snailbeach Lead Mine SAM. The Framework advises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. Paragraph 190 requires that the particular significance of any heritage asset that may be affected by a development proposal (including by development affecting the setting of a heritage asset) is identified and assessed. The Glossary to the Framework defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced.
16. The significance of the CA lies, in part, in the historic evolution of Snailbeach as a leading lead ore producing area. The remnants of the Snailbeach District Railway adjacent to the appeal site provide highly legible links between the above ground remains of the lead mining industry covered by the SAM designation and the CA. The proposal would not harm the setting of any listed building. However, and notwithstanding the findings of the submitted heritage statement, Historic England objects to the proposal, confirming that the significance of the railway infrastructure around the Snailbeach complex is of demonstrably equal significance to the SAM itself.
17. The proposal would be larger in size than the touring caravan and incorporate a parking area for two cars. For the reasons given above, the proposal would

¹ Local Planning Authority Ref: SS/1/08/21315/CE

have a greater degree of permanency and this would be appreciable from along the adjacent track bed.

18. As a result, the proposal would be more conspicuous in the CA and the historic setting of the former railway. It would therefore fail to preserve or enhance the character and appearance of the CA and result in harm to the setting of the SAM. The harm to these heritage assets would be less than substantial. However, I attach considerable importance and weight to this harm, and the public benefits do not outweigh it.
19. Accordingly, the proposal would conflict with Core Strategy Policies CS6 and CS17 and SAMDev Policies MD2 and MD13. Amongst other things, these policies seek to ensure that all development protects, restores, conserves and enhances the natural, built and historic environment. The proposal would also conflict with the heritage protection aims of the Framework.

Highway Safety

20. The proposed access would be located in the place of the existing vehicular entrance to the south-west corner of the site. Adequate parking provision for two vehicles would be provided, with access taken across the existing track which continues north-east to join Shop Lane.
21. I acknowledge the concerns of the Council in relation to additional vehicular movements over the public footpath to the southeast of the site, the width and geometry of the local highway network, and the practicalities of delivering a large prefabricated caravan. I also note the comments of the Shropshire Ramblers Association and interested parties, in relation to an application to have the former route of the railway registered as a Public Right of Way, and that delivery of the caravan would take a route through the SAM.
22. Nevertheless, having regard to the existing lawful use of the site and the scale of the proposal, it is unlikely to result in a significant additional of vehicular movements. I am also conscious that buildings falling within the definition of a caravan can be assembled in a 'kit of parts', thus aiding delivery in restricted situations, and that a suitably worded planning condition could require a scheme for the safe management of delivery arrangements.
23. Furthermore, I am mindful that Paragraph 109 of the Framework states that development should only be prevented or refused on highways grounds, if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
24. For the above reasons I therefore find that the proposal would not harm highway safety, having particular regard to access and delivery arrangements. Accordingly, the proposal would not conflict with the accessibility and highway safety aims of Core Strategy Policies CS6 and CS7. Because the proposal would not result in residual cumulative impacts that would be severe, planning permission should not be refused on highways grounds.

Special Area of Conservation and Site of Special Scientific Interest

25. Planning permission was refused, in part, due to concern over a lack of information. Specifically, on the scheme's arboricultural implications in order to assess the effect upon the adjacent The Stiperstones and The Hollies Site of Special Scientific Interest and Special Area of Conservation, the primary

feature of which are the woodland itself. Furthermore, the submitted Ecological Survey Report followed a Phase 1 Habitat Survey and Protected Species Survey of the site carried out in late 2014, and this would require updating.

26. Following the refusal of earlier proposals for housing on the site, the application seeks to address these concerns, asserting that because no foundations would be involved the development would not affect adjacent trees. However, in the absence of precise details of proposed levels, I cannot be certain that root protection areas would not be affected by the creation of a level platform for the siting of the caravan. Furthermore, for use as a dwelling the proposed caravan would be likely to require foul water drainage services.
27. In the absence of such detail and taking the precautionary approach I cannot therefore be satisfied that the proposal would not have an adverse effect on the special interest of the SSSI or the SAC. It would conflict with Core Strategy Policies CS6 and CS17 and SAMDev Policy MD12 which seek among other things to ensure development protects, restores, conserves and enhances the natural environment and the avoidance of harm to natural assets.

Other Matters

28. There would be some limited social and economic benefits to the proposal, through the addition to the local supply of housing of a caravan for occupation as a dwelling, and from the local expenditure of future occupants. This would help contribute to sustaining local services and facilities and support the economic and social objectives of the Framework. However, for the above reasons, the proposal would be at odds with the overarching environmental objective of the Framework.
29. The proposal would allow the appellant to reside at the appeal site full-time and reduce the need to travel to and from the site to benefit from the lawful use of the land. However, as this benefit is mostly private, I give this matter little weight.
30. The proposal would not harm the living conditions of existing residents and the site would be capable of accommodating the proposal while allowing for a usable amount of outdoor amenity space to serve future occupants. These are neutral factors in the planning balance.
31. My attention has been drawn by photographs in the Heritage Statement to residential development adjacent to the railway on other sites. However, I do not have details of the considerations that led to their approval. In any case, each application must be considered on a case-by-case basis, and I have determined the appeal on its individual planning merits.

Conclusions

32. I have found that the proposal would not harm highway safety, having regard to access and delivery arrangements. However, I have found that it would be harmful to the character and appearance of the countryside, having regard to the location of the development and the Shropshire Hills Area of Outstanding Natural Beauty.
33. I have also found that it would result in less than substantial harm to the character and appearance of the Snailbeach Conservation Area and the setting of the Snailbeach Lead Mine Scheduled Ancient Monument. The public benefits

do not outweigh this harm, and I cannot be certain that the proposal would not harm the Stiperstones and The Hollies Special Area of Conservation and Site of Special Scientific Interest.

34. Material considerations do not outweigh the resulting conflict with the development plan. For these reasons, I therefore conclude that the appeal should be dismissed.

D Child

INSPECTOR



Appeal Decision

Site visit made on 9 January 2020

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2020

Appeal Ref: APP/L3245/W/19/3238872

The Cottage, Nordley, Bridgnorth WV16 4SX

- 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 Anthony Walker against the decision of Shropshire Council.
 - The application Ref 19/02232/FUL, dated 16 May 2019, was refused by notice dated 24 July 2019.
 - The development proposed is the construction of 2no dormer windows, enlarged balcony and the change of use of land to residential curtilage associated with a new dwelling.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is located within an area of countryside in the small hamlet of Nordley. It is accessed via a narrow track from the B4373 which serves a number of dwellings. The site is surrounded by hedges but the land slopes slightly towards the rear of the plot. The site is visible from the access track and from the adjacent public footpath and bridleway.
4. Planning permission has previously been granted¹ for the replacement of an existing house on the site with a new property. At the time of my site visit, the new house had been substantially completed. A new single storey cabin had also been constructed adjacent to the house, which is described in the planning history as a plant room.
5. The appeal proposal seeks amendments to the approved scheme, including the addition of two dormer windows in the rear roof plane, an increase in the size of the balcony at the rear of the property and an extension to the domestic curtilage.
6. The new house is significantly larger than the original dwelling but has been designed to reflect the simple form of the existing rural cottage. However, its brick and tile finish, together with the rear balcony, give the new house a more modern look than the white rendered cottage it will replace.

¹ Planning application ref: 18/04281/FUL

7. The proposed addition of two large rear dormers would contribute to a more fussy and cluttered appearance at the back of the house. I acknowledge that dormer windows are not uncharacteristic of houses in the area and in this case would not result in any loss of privacy or overlooking. However, due to their large size they would appear overly prominent from both the side and rear elevations, causing harm to the character of the house and the area.
8. The dormer windows would provide additional living space by allowing use of the loft space. I note the Council's objective of restricting the size of dwellings in rural areas to prevent increasingly large and unaffordable houses in the countryside. However, the roofspace is already there, so the proposal does not result in a significant increase in the size of the building.
9. I note the appellant's comments that the balcony as constructed is too small, but it provides space to sit and appreciate the rural views. The proposed enlarged balcony, supported by a large wooden frame, would contribute further to a more cluttered appearance at the rear of the house. Although the balcony is a modern feature, the increased area of glazing would be more urban in character and would appear out of place in this rural setting, causing further harm to the character of the house and the area.
10. The original house sat within a modest curtilage which occupied a corner of the plot, with the remainder of the site being used for agricultural purposes. The new house is sited in a more central position, and the original planning permission allowed for an extension of the domestic curtilage. The current proposal seeks to extend the domestic curtilage further, to encompass the whole of the site.
11. I acknowledge that Policy MD7a of the Site Allocations and Management of Development (SAMDev) Plan 2015 is silent on the subject of domestic curtilage. However, the Type and Affordability of Housing Supplementary Planning Document 2012 (SPD) says that proposals for replacement dwellings should meet Policy CS6 of the Core Strategy, which requires that development is appropriate in scale, taking into account the local context and character.
12. The extension of domestic curtilage across the whole site has the potential to significantly alter the character of the area, from a small house with a modest garden and adjacent paddock, to a much larger house and cabin, sited within a substantial garden. The result would be a domestication of this rural area which would not respect the local context or character.
13. The appellant has suggested that permitted development rights could be removed to control outbuildings and extensions and that in this way, the proposed garden area would retain the character of agricultural land. However even if outbuildings were restricted then the space could still be used for a wide range of uses associated with a domestic use. Even without built development and hardstanding, the appearance and character of the land would change, and if the appeal was allowed, such a change in character could not reasonably be prevented.
14. Although some properties nearby appear to have fairly large gardens, others do not, so this is not a particular characteristic of the area. Furthermore, the proposal to enlarge the domestic curtilage would conflict with the Council's objective to retain a balance of house types and tenures in the area and the need to maintain a supply of less expensive properties in the area.

15. I note the appellant's comments that the retained parcel of land is too small for agricultural uses and does not have any private vehicular access other than across the appellant's land. However, the area could be used as a small paddock and a new access could be created from one of the tracks that border the site. Other agricultural land in the area may be in different parcels to the appeal site, but that is not justification to allow the change to domestic curtilage.
16. The area of proposed garden has domestic properties on either side but there is agricultural land to the north and south. Furthermore, the character of the land further along Stocking Lane appears to be houses interspersed with agricultural land or paddocks, which is a similar situation to that which currently exists at the appeal site.
17. I conclude that the proposal to add dormer windows, enlarge the balcony and extend the residential curtilage would cause harm to the character and appearance of the area. It conflicts with guidance in the Type and Affordability of Housing SPD, which requires consideration of the visual impact of replacement dwellings on the surroundings and the need to respect the character of the local area. There is further conflict with paragraph 127 of the National Planning Policy Framework, which requires that development proposals are sympathetic to local character and landscape setting.
18. Core Strategy Policy CS5 sets out the type of development which will be acceptable in the countryside and is of limited relevance to this proposal. I have also found that the proposal to add dormer windows to enable use of the roofspace would not result in the dwelling being materially larger than that already permitted, so the provisions of Policy MD7a are also of limited relevance to the proposal.
19. However, this lack of conflict with policies CS5 and MD7a is not sufficient to outweigh the harm to the character and appearance of the area which I have identified.

Conclusion

20. For the reasons given, I conclude that the appeal is dismissed.

R Morgan

INSPECTOR

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