



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

Date: Monday, 15 July 2019

**Committee:**  
**North Planning Committee**

**Date:** Tuesday, 23 July 2019

**Time:** 2.00 pm

**Venue:** Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,  
Shropshire, SY2 6ND

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

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

**Members of the Committee**

Roy Aldcroft  
Nicholas Bardsley  
Gerald Dakin  
Pauline Dee  
Rob Gittins  
Roger Hughes  
Vince Hunt (Vice Chairman)  
Mark Jones  
Paul Milner  
Peggy Mullock  
Paul Wynn (Chairman)

**Substitute Members of the Committee**

Joyce Barrow  
Karen Calder  
Steve Davenport  
Ann Hartley  
Simon Jones  
Matt Lee  
David Minnery  
John Price  
Brian Williams

Your Committee Officer is:

**Emily Marshall** Committee Officer

Tel: 01743 257717

Email: [emily.marshall@shropshire.gov.uk](mailto:emily.marshall@shropshire.gov.uk)

# AGENDA

## 1 Apologies for Absence

To receive apologies for absence.

## 2 Minutes

To confirm the Minutes of the meeting of the North Planning Committee held on 25<sup>th</sup> June 2019, attached, marked 2. MINUTES TO FOLLOW

Contact: Emily Marshall on 01743 257717

## 3 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is Monday, 22<sup>nd</sup> July 2019 at 2.00 p.m.

## 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 Poultry Unit To The North Of Betton, Market Drayton, Shropshire (19/01154/FUL) (Pages 1 - 70)

Erection of a free range egg laying unit and associated feed bins, hardstandings and new highway access (resubmission of 18/04555/FUL).

## 6 Newcott Fish And Chips, Newcott Services, Tern Hill, Market Drayton, Shropshire (19/01877/FUL) (Pages 71 - 78)

Application under Section 73A of the Town and Country Planning Act 1990 for the erection of replacement low rise boundary wall with decorative brick wall and 1.75m brick piers

## 7 Appeals and Appeal Decisions (Pages 79 - 92)

## 8 Exclusion of Public and Press

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

## 9 Planning Enforcement Quarterly Report (Pages 93 - 98)

## 10 Date of the Next Meeting

To note that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday, 20<sup>th</sup> August 2019 in the Shrewsbury Room, Shirehall, Shrewsbury.



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Committee and Date

North Planning Committee

23<sup>rd</sup> July 2019

Item

**5**

Public

## Development Management Report

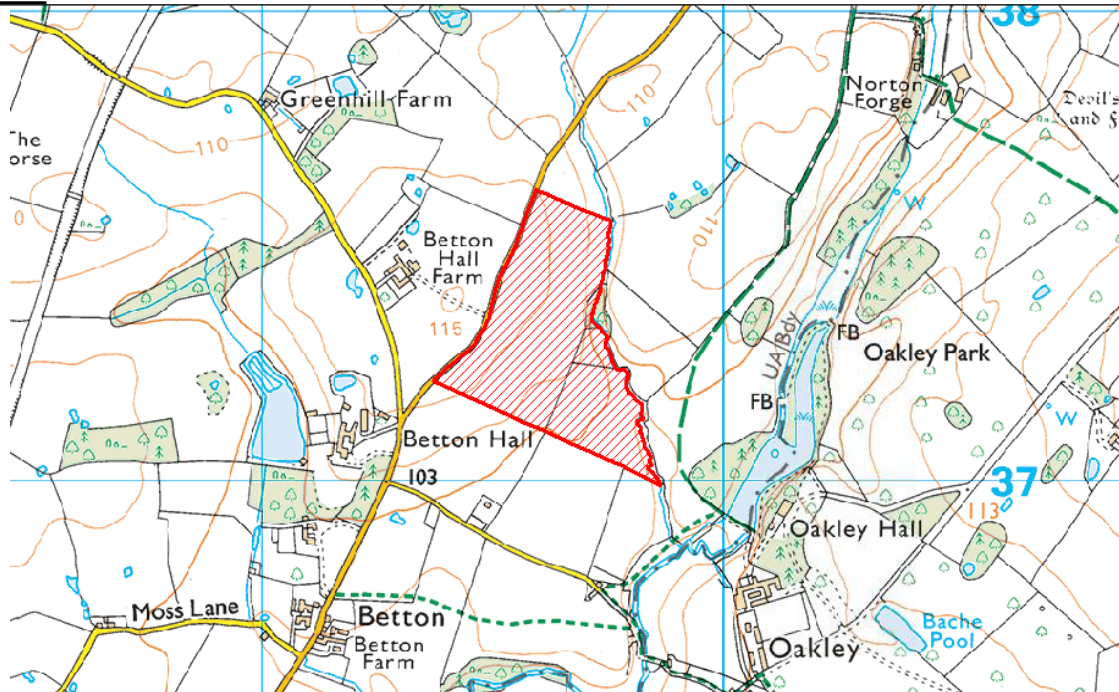
Responsible Officer: Tim Rogers

Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 19/01154/FUL	<b>Parish:</b> Norton In Hales
<b>Proposal:</b> Erection of a free range egg laying unit and associated feed bins, hardstandings and new highway access (resubmission of 18/04555/FUL)	
<b>Site Address:</b> Proposed Poultry Unit To The North Of Betton Market Drayton Shropshire	
<b>Applicant:</b> Merlott Chitty Farms	
<b>Case Officer:</b> Philip Mullineux	<b>email:</b> <a href="mailto:planningdmnw@shropshire.gov.uk">planningdmnw@shropshire.gov.uk</a>

**Grid Ref:** 369644 - 337384



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

## REPORT

**Recommendation: Delegate to the Planning Services Manager for approval subject to the conditions as outlined in appendix one attached to this report and any modifications to these conditions as considered necessary by the Planning Services Manager and the signing of a Section 106 agreement in relation to manure spreading.**

### 1.0 THE PROPOSAL

- 1.1 The application is made in 'full' and proposes erection of a free range egg laying unit and two associated feed bins, hard standings and new highway access on land to the north of Betton, Market Drayton.
- 1.2 The application is accompanied by a set of proposed elevations and floor plans, block plan, site location plan, design and access statement, ammonia report, heritage impact assessment, flood risk assessment, odour report, landscape and visual impact assessment, noise report, transport statement and ecology appraisal/report. During the application processing period an amended landscape and visual impact assessment, and manure management report were received.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The development is proposed in an open countryside location on a parcel of land, which is classed as grade two and three land in accordance with the agricultural land classification, to the north east of Betton House. The development includes the proposed building, together with two feed bins, hard-standings for parking and turning of vehicles and a new highway access.
- 2.2 The application site covers an area of approx. 14 hectares, (includes bird ranging area). The site which is clearly a greenfield site to which no built structures form part of the site is currently a field in agricultural use. It has native hedgerow field boundaries. The site sits to the west of a small native woodland that follows an existing water course.
- 2.3 The proposed building is to be constructed from an internal steel frame and will be clad with a polyester coated composite panel sheeting for the walls and roof in olive green colour. The feed bins will also be coloured olive green. The proposed development includes a new highway access to the adjacent public highway. Access, traffic generation and routing are considered within the transport statement.
- 2.4 Information as part of the Design and Access Statement submitted in support of the application indicates that the proposed development is for the erection of 1 number free range egg laying unit of dimensions 88.5 metres x 30.45 metres, with an eaves height of 3.35 metres and a ridge height of 7.430 metres, together with feed bins,

hard-standing areas and a new highway access. The proposed building will house 32,000 free range laying hens in two 16,000 bird sections.

- 2.5 The building is subdivided into two bird housing sections, together with an area for egg packing and storage at the southern end of the building. The packing area will include an automated egg packer and an egg storage area. Egg conveyors lead from the bird areas into the egg packing area.
- 2.6 The bird housing areas include a multi-tier system, which includes rows of tiered perches, which are situated over manure belts. The bird areas include automated chain feeders and non-drip nipple drinkers. Nest boxes are accessible from the tiered perches. The nest boxes have sloping bases and are situated adjacent to an egg collection conveyor. Following laying, the eggs roll from the nest box onto the conveyor which delivers them to the packing area which is located at the northern end. The bird areas include ventilation in the form of high velocity ridge mounted ventilation fans. The ventilation fans are controlled by a computer system which maintains the optimum temperature within the building. Pop holes are situated in the east and west elevations of the building. These pop holes are automatically operated and open at 8am and close at dusk. The pop holes provide the birds with free access to grassland for ranging during the day.
- 2.7 The use of the development will be for the accommodation of free range laying hens. The birds are purchased at point of lay (16 weeks) and delivered to the site. The birds are accommodated within the free range egg unit for 70 weeks, following which they are sold and replacements purchased. The operational activities required includes the packing of eggs which is undertaken every morning, 7 days per week. The buildings include automated systems for feeding, drinking, lighting and ventilation.
- 2.8 The perch areas within the building are perforated with manure belts located underneath each perch. The manure produced by the hens drops through the perforated perches onto the manure belts. The manure belts are emptied on a twice weekly basis from the building into an agricultural trailer and the manure removed from the site for disposal as an agricultural fertiliser. The export of the manure has been factored into the transport statement and manure management plan.
- 2.9 Odour control on a poultry unit is based on operating to best available techniques. The proposed ventilation system is deemed by the Environment Agency as 'Best Available Techniques' and uses high velocity ridge mounted ventilation fans for the dispersal of odour. The development also proposes manure belts with twice weekly removal of manure from the building. The use of manure belts ensures that there is never any volume of manure within the building to create an odour nuisance.
- 2.10 The proposed development is located approximately 300 metres from the closest neighbour which is located to the west. A detailed Odour Impact Assessment has been provided in support of the application.

- 2.11 A BS4142:2014 Noise Impact Assessment also accompanies the application. This assessment confirms that impacts from plant noise are negligible, and transport noise low.
- 2.12 The cleaning process of the building is undertaken at the end of each 70 week flock cycle. The birds are removed through manual catching and the cleaning process is commenced. The floor of the building is scraped to remove any residual manure, following which the inside of the building is washed with high pressure hoses. The inside of the building is sealed and drained to a dirty water containment system within the building which is required to be compliant with the Storing silage, slurry and agricultural fuel oil ( ) Environment Agency Regulations. The design standards of the dirty water system are required to be submitted to an agreed standard with the Environment Agency prior to construction of the dirty water containment system.
- 2.13 The proposed development operates with a manure belt system for twice weekly removal of manure from the building. The manure will be emptied from the belts into an agricultural trailer. The trailer will be sheeted, and the manure removed from the site each week by a tractor. Other than the small amount in the trailer for 3 – 4 days, there will be no storage or spreading of manure on the site. All manure will be removed from the site by an agricultural contractor for spreading on a nominated farm as an organic fertiliser on arable land and this matter is discussed further in this report.
- 2.14 Any dead birds are collected from the site on a daily basis. Dead birds are stored within a sealed carcass bin and collected by a licensed fallen stock operator.
- 2.15 The unit is required to operate a pest control protocol, with regular baiting for rodents. Flies breed within poultry litter, and the use of manure belts and frequent removal of manure ensures that the unit does not become a breeding ground for flies.
- 2.16 A Screening Opinion carried out in accordance with Environmental Impact Assessment Regulations 2017 dated 10<sup>th</sup> June 2019 has established that the development as proposed does not need an Environmental Statement. The proposal is considered to fall within the remit of schedule 2 development in accordance with Environmental Impact Assessment Regulations 2017 (Schedule 2 :1(c) – Agriculture and aquaculture and intensive livestock installations as area of floor space exceeds 500 square metres). However, when assessed against schedule 3 criteria of the EIA Regulations, the development is not considered to require an Environmental Statement with consideration to the location and local and national designations criteria and information submitted in support of the application in relation to landscape and visual impact, impact on the surrounding historic environment, highway and transportation, ecology and ammonia matters, drainage, residential and amenity issues.
- 2.17 Pre-application advice from the Council to the applicant dated 24<sup>th</sup> May 2018



concluded :

*The development as proposed represents significant development in the open countryside to which careful consideration is required to all the subject issues as identified in this letter.*

*In this instance, careful consideration is required to issues as raised and in particular in relationship to landscape and ecological mitigation, (Landscape and visual impact assessment is strongly recommended to accompany any formal application for the development), as well as impacts on residential amenity and public highway access.*

*Whilst it is acknowledged that the proposed development falls into the category of schedule two development in accordance with Environmental Impact Assessment Regulations 2017, and that a screening opinion has not to-date been carried out, it is not considered that in this instance based on the information as submitted in support of your request for pre-application advice, that an environmental statement will be necessary, however screening criteria as part of a screening opinion will establish if one is necessary or not.*

*The application form in support of this request indicates you would like as part of this pre-application request, a meeting on site. Please contact me with regards to a convenient time to meet on site, whilst also indicating if you wish further consideration during a site meeting to any specific issues discussed in this letter. A meeting on site should result in an indication, with satisfactory consideration to the matters discussed in this letter, whether any formal application is likely to gain Officer support or not.*

- 2.18 This application is a re-submission of a previous similar application withdrawn for development as proposed on site. The previous application reference number 18/04555/FUL was withdrawn by the applicant as he wished to give further consideration to procedure in relation to the landscape and visual impact assessment, (LVIA), submitted in support of the application.

### 3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The Local Member has requested Committee consideration to this application. It is also noted that the Local Parish Council object to the application. The Chair and Vice-Chair in discussion with the Principal Planner (on behalf of the Head of Service), consider it necessary for this application to receive Committee consideration.

### **Community Representations**

- 3.2 **Norton in Hall Parish Council** object to the proposal, their response indicating:

*The Parish Council has noted no material changes between this resubmitted application and the previous, withdrawn, application. As such it is re-submitting its objections as per the previous application:*

*Norton in Hales Parish Council objects to this application as follows:*

*- Detrimental visual impact -*

*The proposal is for an industrial style unit in an area of open countryside. Concerns have been raised that a structure of this size in the open landscape would be contrary to strategic objective 11 of the core strategy as it would not protect the character, quality and diversity of Shropshire's built, natural and historic environment in a way that would respect landscape character, biodiversity, heritage value and local distinctiveness. An industrial poultry unit situated in open countryside, unaffiliated to any farm/other farm buildings is not in keeping with the local landscape/distinctiveness of the area. This also contravenes CS17 for failing to protect the visual value of the area which is open countryside.*

*- Environmental/ecological concerns:*

*Norton in Hales Parish falls within Natural England's Catchment Sensitive Farming Area for the North of Market Drayton, which regulates the River Tern. Serious concerns have been raised about possible contamination of the river due to surface water run off pollutants. A review of this application should be requested from the Environment Agency in this respect despite the unit intended being for under 40,000 birds. The River Authority should also be approached for an opinion. The 32,000 birds will have open access to a proportion of the 35 acre area adjacent to the river.*

*This proposal is contrary to Strategic objective 7 relating to CS17 states that: '7.7 All new development should take account of the features which generate local distinctiveness, both within Shropshire and its surrounds. Evidence from the Landscape Character Assessment, Historic Landscape Characterisation and Urban Characterisation Assessment should be used to ensure proposals contribute towards retaining and enhancing these assets and thereby making a positive contribution to the environment.' Strategic objective 7 seeks to ensure that development proposals are appropriate in their scale and nature with the character and quality of their location. This proposal is not considered to be appropriate in this location, within close proximity of 2 listed buildings and in open countryside, visible for some distance. The proposed unit will be close to the village of Norton in Hales, an horticultural award winning village (Britain in Bloom Best of the Best, Gold Medal winners), known nationally for its distinctiveness in landscape and character. The centre of Norton in Hales is registered as a conservation area.*

*Furthermore, the Parish Council does not consider that the proposal for an industrial poultry unit would contribute or protect the historic landscape character of this location. A wildlife assessment is requested for this area which boasts otters in the Tern and other wildlife species which have been locally documented for decades. To conclude this proposal contravenes CS 17 as it fails to 'protect or enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment, and would adversely affect the visual, ecological,*

*geological, heritage or recreational values and functions of these assets, their immediate surroundings..;*

*- Highways concerns:*

*The accuracy of the traffic survey has been queried. Shropshire Council Highway's Department is aware of many existing road safety concerns through Betton (poor visibility, narrow lanes with few passing places etc). Strict conditions should be imposed regarding distance travelled on minor roads for any vehicle movements associated with a new unit.*

*- Economic development*

*The proposed unit will bring no material economic benefit to the area. The unit will create perhaps one full time job. It will not be creating a wider range of higher skilled better paid employment. CS13 states that 'recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with agricultural and farm diversification, forestry, green tourism and leisure, food and drink processing, and promotion of local food and supply chains. Development proposals must accord with Policy CS5.' This proposal is NOT a farm diversification project but a stand alone enterprise. This proposal contravenes CS13 and is therefore not in accordance with CS5 which states that: 'Subject to the further controls over development that apply to the Green Belt, development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to: - Small-scale new economic development diversifying the rural economy, including farm diversification schemes'. As previously stated this is not a farm diversification scheme nor will it bring any local economic or community benefit. CS5 further states: 'Development 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.' Betton is registered in the Local Plan as rural countryside with no development opportunities. This proposal is not linked to an existing business activity.*

*To summarise, Norton in Hales Parish Council objects to the proposal on the material grounds stated above having serious concerns about the detrimental environmental impact of the scheme, detrimental visual impact, lack of economic benefits to the local community and adverse impact on the local highways.*

**Loggerheads Parish Council** has responded indicating:

*Loggerheads Parish Council objects to this application as it did to the withdrawn 18/04555/FUL: loss of amenity value to the surrounding area and additional HGV transport on unsuitable roads.*

**Consultee Comments:**

**3.3 The Environment Agency** has responded indicating:

*Thank you for referring the above application which was received on the 7 May 2019. We would offer the following comments for your consideration.*

*Environmental Permitting Regulations (EPR): The proposed development will accommodate 32,000 birds which falls below the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations as amended. As such we would normally have no bespoke comment to offer on the application and would not expect to be consulted by your Authority. Notwithstanding the above we have been notified of the presence of a number of protected species, specifically otters, within proximity of the proposed development and would therefore offer the following comment.*

*The Ecological report dated 11th March 2019 indicates that sufficient surveys and assessment has been given to the ecology at the site. Given that the development proposes to establish a 10m buffer strip along the brook, retain mature trees, control lighting, and erect bat and bird boxes, we are satisfied that this development will not harm any protected species or the natural ecology at the site. To ensure that the development achieves biodiversity net gain and to ensure that corridors are retained for wildlife using and moving across, and adjacent to, the site such as otters, bats, badgers, and newts then the following points should be considered.*

*Before the development commences a qualified ecologist will need to conduct further surveys to check whether nesting birds or Badgers occupy the development footprint and if necessary obtain a protected species license from Natural England if there is no alternative to disturbance or closure of a Badger set.*

*A landscape planting plan should be submitted to the local authority for approval to ensure that this development achieves Biodiversity net gain and enhances wildlife corridors across the area in particularly for otters which have found to be present in the vicinity of the site.*

*A 10m wide buffer strip is fenced off along the brook and an alternative source of drinking water is provided for livestock to prevent poaching of the bank and to provide an undisturbed corridor for otters and badgers and to protect the water quality of the brook and River Tern downstream.*

**3.4 Historic England** have responded to the application indicating:

*Thank you for your email on the 9th May 2019 regarding the recent listing of Betton Hall Farm (Grade II) in relation to the above application.*

*We have re-assessed this case based on the new information provided, as Betton Hall Farm was not listed at the time of our assessment. Upon re-assessment, we have found that our stance and involvement with this project remain unchanged, and a letter detailing this is attached. (Copied in below).*

*Thank you for your letter of regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer*

*any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.*

*It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.*

An earlier response indicated:

*Thank you for your letter of 19 March 2019 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.*

*It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.*

3.5 **Natural England** have responded raising no objections. They have indicated:

*Natural England has previously commented on this proposal and made comments to the authority in our letter dated 25 March 2019.*

*The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.*

*The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.*

*Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.*

The earlier response indicated:

*The response indicates: Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.*

3.6 **SC Regulatory Services** have responded to the application indicating:

*Having reviewed the information previous comments still stand.*

*I note the applicant has provided information on manure transportation off site and spreading on fields which currently receive manure for spreading. Having considered this it is advised that the spreading of manure can create some short-lived odour which can impact on the locality within which it is spread. This is deemed to be part of the rural character of an area. As such the impact of spreading is considered to be very low. As it replaces current spreading activities this small impact is considered to have no impact as it replaces a current odour source and does not add to odour created in the area where spreading will occur.*

*The same applies to any dusts that may be perceived to be caused by poultry manure spreading. In addition it should be noted that nuisance dust complaints from manure spreading are not commonly received, indeed I have not received one in the past 9 years of working for the authority. As such nuisance dust is not considered a significant factor requiring attention and if it does occur is expected to have negligible impact. In respect of health impacts for dust the Local Authority Air Quality Management Regime directs the Local Authority to assess sources which have the potential to create levels of fine particulates which may impact on health. This regime has a focus on large poultry installations due to particulates that may be created within the poultry buildings and be spread out of ventilation ducts. This application does not meet the size of installations requiring this consideration and therefore national guidance directs that it is not necessary to assess. As the regime does not specify the need to assess dust from spreading activities it is not necessary to consider fine dusts from this process and no assessment is deemed necessary. In addition spreading happens very infrequently and would not be expected to have a health impact on the population by exceeding any air quality objective. Any dust impact from manure spreading are as a result deemed likely to be negligible.*

Earlier responses indicated:

*Having considered the application I have noted that I did not provide comment on the potential for night time noise from HGVs. Should vehicles want to pass through the village of Norton in Hales at night this could cause concerns for noise from HGVs. I would advise that a condition is discussed with the applicant regarding a restriction of HGV movements at night through the village of Norton in Hales to reduce noise impact from the proposed development. Other than this I have no further comment on this application. Free range egg laying units of this scale are not typically known to generate significant complaint and given the distance to local sensitive receptors I have no concerns over noise or odour being a concern. Please refer to my previous comments in respect of fans to be installed on the unit.*

A previous response indicated:

*Having considered the proposal I have no objections in principal having considered the odour and noise assessments and found them to be generally acceptable in their methodology, assumptions and conclusions. The odour and noise assessments are based on high velocity ridge fans only with no gable end fans present. I would suggest that mechanical ventilation through high velocity ridge*

*fans is conditioned to ensure that the predicted noise and odour concentrations in the locality are as expected in the assessments provided within the supporting information for this application. Other than this I have no further comments to make on this application.*

**3.7 SC Drainage Manager** has responded indicating:

*The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority. All correspondence/feedback must be directed through to Shropshire Council's Development Management Team.*

*The proposed surface water drainage and the dirty water disposal in the FRA is acceptable in principle. The size of the proposed soakaway shown on the Indicative Drainage Layout is 49m x 6.5m x 1.5m deep. A NOTE should be attached next to the soakaway: 'The proposed soakaway shall be 1.50m below the invert level of the incoming pipe.' A Final Drainage Layout should be submitted for approval.*

*Condition:*

*No development shall take place until a Final Drainage Layout has been submitted to and approved in writing by the Local Planning Authority. The proposed soakaway shall be installed 1.50m below the invert level of the incoming pipe. 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*

**3.8 SC Highways Manager** has responded to the application indicating:

*No objection subject to the recommended planning conditions set out below.*

*Observations/Comments*

*This is a resubmission of a previous application that has no changes to any matters relating to the highways. Therefore, the previous submitted highway comments are still relevant. One additional planning condition has been recommended, this relates to the applicant submitting a routeing plan for traffic generated by the development.*

*The Access The proposed access layout and the visibility splays shall be implemented in accordance with the drawing titled Site Layout Plan A1.*

*The Public Roads and Vehicle Trips Generation*

*The site can be accessed by vehicle from the north or south before then allowing further directional changes. Therefore cars, vans and small HGVs could approach*

*the site from different directions.*

*The applicant intends that larger HGVs will turn south out of the new access and continue south until turning on to The Byways road heading for the A53, in reverse of that order when travelling to the development site. The roads are country roads not meeting modern day standards of design or specification. These rural roads do however serve the existing agricultural community businesses with their typical compliment of cars, other large vehicles such as tractors/trailers and other service vehicles such as feed, milk or fuel carrier/tankers.*

*As with the mix of the above types of vehicles it can be expected that any vehicles movements generated by the development will have to pass along the same type of roads to access the principal highway network. In summary, there is an expected maximum of 6 vehicles in and 6 vehicles out as a worst case over a 12-hour day, this equates to one vehicle movement every hour and is not seen as having an adverse impact on the highways.*

*Recommended Planning Conditions:*

*1. Approved Access*

*Design Prior to the development hereby permitted being first brought into use, the access layout and visibility splays shall be implemented in accordance with the drawing titled Site Layout Plan A1.*

*Reason: To ensure a satisfactory means of access to the highway.*

*2. Parking/Turning/Loading*

*Prior to the development hereby permitted being first brought into use, the parking area, the turning area and the vehicle loading area shall be constructed in accordance with the drawing titled Site Layout Plan A1. The approved scheme shall thereafter be kept clear and maintained always for that purpose.*

*Reason: To avoid congestion in the surrounding area.*

*3. Vehicle Routeing*

*No development shall take place until a Traffic Management Plan has been submitted to, and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period and the life of the operational use of the development. The Plan shall provide for:*

- a traffic management and HGV routing plan*

*Reason: To protect the amenity of the area.*

*Informatives:*

*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.*

*1. Discharge of Highway Conditions This highway advice relates to the requirements of fulfilling the planning process only. In no way does the Highway Authority acceptance of these details constitute or infer specific "technical approval" of any changes to the existing public highway or any new infrastructure proposed for adoption by Shropshire Council. Any works undertaken, prior to the appropriate Highway Agreement, Permit or Licence being formally completed, is done so at the developer's own risk, and there is no guarantee that these works will be deemed acceptable and subsequently adopted as highway maintainable at public expense, in the future. Please refer to the following informative notes for details of securing any appropriate highway approval and agreement, as required.*

### 3.9 **Shropshire Wildlife Trust** has responded indicating:

*Shropshire Wildlife Trust feels that this resubmission of 18/04555/FUL fails to address the concerns we originally raised. Shropshire Wildlife Trust therefore objects to this application.*

*Given that background levels of nitrogen deposition are already in excess of the critical thresholds we feel that adding further to these levels will only exacerbate biodiversity loss and cumulatively have a "significant adverse effect".*

*While we do welcome the suggested mitigation /compensation measures:*

- *reduction in fertiliser application over the 14ha ranging area.*
- *1.5ha of woodland planting*
- *a 10m fenced and planted buffer zone for the watercourse*
- *retention of semi-improved grassland*
- *14 standard trees planted*
- *580m of tree planting along the watercourse*

*and accept that they will provide some biodiversity benefit we remain sceptical that this will either outweigh the potential impacts or reduce the levels of nitrogen and ammonia entering the wider environment.*

*There is a predicted increase of 13% of the critical level for the nearest site in Staffordshire. The need to control ammonia emission from livestock units due to negative impacts on both human health and the environment has resulted in a number of technologies to manage, reduce and capture ammonia. It is not clear*

*that any are being applied in this case.*

*Granting permission for a development that will add to the current pressures on biodiversity and exacerbate current losses would be contrary to both local and national planning policy.*

*Relevant Local Policies:*

- *Shropshire SAMDev Policy MD12 “The Natural Environment”*
- *Shropshire Core Strategy Policy CS6: “Sustainable Design and Development Principles”*
- *Shropshire Core Strategy Policy CS17 : “Environmental Networks”*

*These seek to ensure that all development protects and enhances biodiversity and the natural environment while not adversely affecting ecological functions. The need to consider cumulative impacts is specifically mentioned.*

*The NPPF states that:*

- *one of the overarching objectives of the planning system is “to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy”.*
- *planning decisions should contribute to and enhance the natural and local environment by “protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils”.*
- *“minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”*
- *planning decisions should “ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development”.*

*We previously noted that:*

- *reports of otter and badger have been made.*
- *there will be an increase in loss of hedgerow due to visibility splay requirements.*

*Further assessment has found both these species to be present at close proximity and great crested newts to be present in nearby ponds. These findings indicate that while the site itself may have limited ecological value the surrounding area does support a richer ecological interest that will be subject to the greatest levels of ammonia deposition.*

*Should the planning authority be minded to grant permission we would recommend that conditions require:*

- *measures to reduce ammonia emissions and nitrogen deposition*
- *improved measures for biodiversity ‘enhancement’, mitigation and compensation. These could include repositioning woodland planting to allow for better connectivity with existing habitats, enhancing hedgerows, including ground flora, deadwood, etc. in woodland areas*

3.10 **SC Conservation Manager** has responded to the application indicating:

*The application is for a free-range egg laying unit comprising a single olive green coloured shed measuring 88.5m x 30.45m, with an eaves height of 3.35m, with associated access and landscaping. It would be located c.600m west of the Grade II\* listed Oakley Hall (NHLE ref. 1205760), which is set within a parkland landscape that extends to the north and east of the house. It is located c.650m north of the Grade II listed Betton House (NHLE ref. 1177517), and c.750m north of Grade II listed Betton Old Hall (NHLE ref. 1056066) respectively. It is located c. 500m north-east of Betton Hall (HER PRN 14029) and c.210m east of Betton Hall Farm (HER PRN 24846); both of which are considered to represent non-designated heritage assets.*

*The site is not considered to hold archaeological interest.*

**RECOMMENDATION:**

*The following comments are provided as a joint consultation response on behalf of the Historic Environment Team.*

*In their consultation response of 28 March 2019, Historic England has indicated that they do not wish to make any comments on the application.*

*When assessing the amended scheme, due consideration has been given to Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the policies contained in Chapter 16 of the NPPF; Policies CS6, CS17, MD2 and MD13 of the Local Plan, and the guidance contained in the NPPG and Historic England’s Historic Environment Good Practice in Planning Advice Notes 2 (Managing Significance in Decision-Taking in the Historic Environment) and 3 (The Settings of Heritage Assets).*

*A Heritage Impact Assessment by Castlering Archaeology has been submitted with the application. We consider that this satisfies the requirements set out in Paragraph 189 of the NPPF and Policy MD13 of the Local Plan and we confirm that we concur with its findings.*

*With regard to the setting of the Grade II\* listed Oakley Hall, it is noted that any intervisibility between the proposed development site and the house would be*

*blocked by Betton Wood, which lies beyond the pool immediately west of the house, as well as the bankside trees alongside the un-named watercourse and the small plantation to the south and south-east. Together with the fact that the proposed development has never formed part of the parkland landscape associated with the hall, it is therefore considered that there would be no effects upon the setting and thereby the significance of the listed building in this respect. In our opinion the panoramic views within the Landscape and Visual Impact Assessment (Ref. IPA21945lvia; Revision G-April 2019) indicate that any wider residual effects, in terms of the egg laying unit being visible in any wider views that can be gained of the hall from the south, would be mitigated by the proposed landscaping scheme.*

*Similarly, it is considered that there would minimal intervisibility between the proposed development and the Grade II listed Betton House and Betton Old Hall, together with the non-designated Betton Hall and Betton Hall Farm, due to the intervening tree cover. Any residual effects would likewise be mitigated by the proposed landscaping scheme. Consequently, it is considered that there will be no impact on the settings and thereby the significance of these buildings.*

*As a consequence of the above considerations, we raise no objections to the proposed development, subject to the following conditions being included on any planning permission: -*

*Suggested Conditions:*

*Standard Condition DD2 – Landscape implementation.*

*Reason: To ensure that any residual impacts on the settings of designated and non-designated heritage assets are minimised.*

**Additional comments as a result of objections received from the action group BAN indicate:**

- 4. Following submission of our previous advice of 17 April 2019, objectors to the development proposal have submitted representations which we have been asked to review. We have therefore considered the submission on behalf of the Betton and Norton in Hales Action Group and Mr J Rowley. The following comments should be read in conjunction with our previous advice.*
  
- 5. In their submission on behalf of the Betton and Norton in Hales Action Group, Pegasus Planning Group have sought to claim, at paragraphs 1.18 – 1.20, that the Historic Environment Team’s advice on the current application is not consistent with that provided on the previous application (ref. 18/04555/FUL). In response, we would firstly point out that the team manager provided a joint response on behalf of the Team as a whole because the Conservation Officer who dealt with the previous application has unfortunately been on sick leave since early April. The team manager has over 18 years experience of providing advice on county’s historic environment, including on matters relating to historic landscape character and the impact of development on the settings of heritage assets, including listed and un-listed buildings, and as an expert witness at inquiry. In advising*

- on this case he has fully reviewed details of the proposed development and is fully aware of all of the advice provided on the previous application.*
6. *With regard to the Conservation Officer's advice of the 13 November 2018 on the previous planning application, the harm that was considered to arise to the significance of the Grade II\* listed Oakley Hall as a consequence of the partial co-visibility between the proposed development and house was caveated by the following sentence. "It is noted that...[Shropshire Council's] landscape consultant has also requested further and revised viewpoints, which should assist in clarifying the significance of this effect from a landscape perspective.". Likewise, the advice concluded with the recommendation "...further assessment is necessary...". This advice is, therefore, essentially a holding response which recommends that further assessment work was necessary in order for a final conclusion could be reached on this point.*
  7. *The LVIA submitted with the current application includes an additional viewpoint, Vp7 that was included to address the Conservation Officer's previous concerns regarding co-visibility from Oakley Lane. Consequently, this matter has now been re-considered as part of our overall assessment of the proposed development, as will be demonstrated below.*
  8. *It is understood that the proposed development comprises a single egg laying building, together with associated infrastructure and landscaping. Whilst of modern construction and materials, it is considered that when visible and seen from the surrounding area it will be perceived as an agricultural building. Likewise, whilst the current field does not contain any built structures, it would remain in agricultural use as a consequence of the development, as opposed to changing to residential or other land uses. As such, the proposed development essentially comprises the addition of an agricultural building to an existing agricultural landscape, with additional tree planting to mitigate any visual impacts over time*
  9. *With regard to the impact the proposed development would have on the historic environment, it is our understanding that the proposed development site had an agricultural character throughout the post-medieval period and that it has no identified historic connection with Oakley Hall.*
  10. *In their submission, Pegasus Planning Group reproduce a plan at Plate 4 which we understand derives from the recent sales particulars for the Hall. This indicates that the land immediately east of the proposed development site is within the same landholding. As a consequence, it is stated that: -*
  11. *"The grounds of house are the area in which the hall is best experienced and understood, and the grounds have views to the site. This area clearly has a parkland character, with stands of trees and scattered trees."*
  12. *We would counter that the area of land between the proposed development site and Betton Wood has never comprised part of the historic designed landscape of Oakley Park, this being suited on the eastern bank of*

- the River Tern. Map regression indicates that the field pattern in the area to the east of the proposed development site was reorganized in the period between the Tithe Map for Norton in Hales of 1822 and the publication of the first edition of the Ordnance Survey 1:10,560 map in 1889-92. We would contend that the stands of trees referred to by Pegasus Planning Group are characteristic of estateland (as distinct to parkland) plantings, whilst scattered field trees occur widely in the surrounding fields.*
13. *Likewise, the principle elevation of Oakley Hall faces east into Oakley Park. Views from the more private western elevation are curtailed by Betton Wood, lending a more intimate feel to the views across the pool below the house, and within which the proposed development is not directly visible.*
14. *In terms of co-visibility, and it is acknowledged that parts of the proposed development site and the Hall are visible in some of the views that can be gained from various locations along Oakley Lane. However, these comprised glimpsed views, either of part of the roof and chimneys of the Hall or, from some locations during winter (e.g. Pegasus Planning Group submission Plate 2), distant views of the house that are heavily filtered through intervening tree cover. Likewise, views of the proposed development would be at least partially masked by the topography, and the visibility further reduced over time by the proposed landscape planting. We do not therefore consider that the proposed development would particularly obtrusive or incongruous in these views, and would not therefore affect the setting from ones ability to experience and appreciate the significance of the Hall in any significant way.*
15. *Likewise, we note from paragraph 1.1 and Plate 1 of their submission that Pegasus Planning Group have identified a location c.80m north of Hall where the proposed development site is co-visible with the house. However, we understand from Plate 1 that the proposed development would only be partially visible and that views of it would again be filtered by intervening tree cover. In our opinion the proposed development would therefore be perceived as a distant and only partially visible agricultural building set within the agricultural landscape beyond the park. In this respect, we again conclude that the proposed development will not detract from the ability to experience and appreciate the significance of the listed Hall at this location.*
16. *It is for these reasons that we consider, as indicated in our previous advice, that the proposed development will not cause harm to the significance of the Grade II\* listed Oakley Hall.*
17. *Finally, and in relation to Betton Hall Farm, it is understood that since we last commented on the application both the farmhouse and the associated agricultural buildings have been listed (Grade II - NHLE ref. 1463579). We understand that the principle elevation of the farmhouse faces south-west, away from the yard and away from the proposed development site. The Shropshire Historic Farmstead Characterisation Project categorised the farmstead as of Regular Courtyard type (HER PRN 24846), with an L-range and detached buildings organised around a fold-yard. This*

*arrangement is typical of the estate farms from the ‘High Farming’ period of the mid-19th century, and as such forms a key component of the significance of this group of listed buildings.*

18. *In their submission Pegasus Planning Group, state that “Whilst the main structure of the proposed development may not be visible from the farmhouse, it will be clearly visible from, and adjacent to, the listed farm buildings “. They provide Plate 7 to illustrate this point, which shows a view towards the proposed development site which is heavily filtered by intervening trees and the hedges on either side of road to Norton in Hales. We understand that this was taken from the south-eastern side of the group of farm buildings and from outside the fold-yard. We consider that, if it was visible in this view, the proposed egg laying building would again be perceived as an agricultural building set at some distance from the farmstead itself and situated within an agricultural landscape. In this respect, we also note that there is already a modern portal framed agricultural building located immediately north of the listed farm buildings. Given these points, we do not agree with Pegasus Planning Group’s conclusion that the proposed development would result in “...an obtrusive change to the setting of the asset, perceived from both the complex, and approaches to it.”. Consequently, we remain of the opinion that the proposed development will not cause harm to the significance of the listed buildings as a result of the affect upon their settings.*

3.11 **SC Planning Ecology** have responded indicating:

*I have read the above application and the supporting documents including, but not restricted to, the:*

- *Written Formal Response from Shropshire Badger Group 15th April 2019*
- *Betton and Norton Action Group – Ecology Objection Report April 2019*
- *Letter from Betton & Norton Action Group (25th April 2019)*
- *Betton and Norton Action Group - Ecology Objection April 2019, Appendix 1 Data Records from the Staffordshire Ecological Records*
- *A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Free Range Egg Laying Chicken House at land at Betton, near Market Drayton in Shropshire prepared by Steve Smith (24th October 2018)*
- *Preliminary Ecological Appraisal prepared by Craig Emms MSc MCIEEM (April 2019)*
- *Natural England comments dated 25th March 2019*

*Recommendation:*

*Shropshire Council’s Planning Ecologist has conducted a site visit on the 30th April 2019. Shropshire Council has full access to the Shropshire Ecological Data Network information, and comments below are provided in light of species and habitats recorded within the wider environment.*

*The ecological information that has been submitted by the applicant in support of this proposal is sufficient. SC Ecology is able to conclude that the proposed free range egg laying unit will not impact the integrity of designated sites within 5km of the installation, and will not impact on the favourable conservation status of protected species.*

*Concerns have been raised via the Public Planning Portal regarding protected species and need for additional survey information. To insist on additional survey work would be unreasonable and against The Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System (16th August 2015). The Circular makes it clear in paragraph 99 that the developer should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development.*

*SC Ecology is satisfied that providing works are conducted as proposed, protected species will not be negatively affected by the development.*

*The recommended conditions and informatives are at the bottom of this memo. The additional woodland planting, re-planting of highway hedgerow, 10m ecological buffer to the watercourse, and bird/bat/barn owl boxes will enhance the current site for biodiversity in line with MD12 and NPPF.*

*Natural England has formally responded, dated 25th March, stating No Objection.*

#### *Bats*

*The wooded watercourse has potential bat roosting features. This area will be undamaged and remain in situ during the project. Mature Trees will be retained on site and lighting will be controlled to ensure that flight corridors for bats are not affected by this application. A section of hedge is to be removed and replanted to create a visibility splay. I am satisfied that as the hedgerow is already severed to the north (see photo below taken on the 30th April 2019) this proposal will not negatively affect bat corridors.*

*To enhance the site for bats areas of additional tree planting will be provided, an ecological buffer to the watercourse will be created and retained, and bat boxes will be installed. Conditions and informatives have been recommended at the bottom of this memo.*

#### *Badgers*

*The results of the badger survey indicate that two seasonal subsidiary badger setts and an outlying sett have been recently occupied on the applicant's land (please refer to Preliminary Ecological Appraisal prepared by Craig Emms MSc MCIEEM April 2019). One of the subsidiary setts is within 30m of the development footprint. A licence to close this sett will be required from Natural England. Prior to commencement of development updated badger survey work will be undertaken. The proposal will create and retain a 10m ecological buffer to the watercourse which will allow for continued use by badgers for foraging and commuting. Conditions and informatives have been recommended at the bottom of this memo.*



### *Otter*

*It is illegal to:*

- *capture, kill, disturb or injure otters (on purpose or by not taking enough care)*
- *damage or destroy a breeding or resting place (deliberately or by not taking enough care)*
- *obstruct access to their resting or sheltering places (deliberately or by not taking enough care)*
- *possess, sell, control or transport live or dead otters, or parts of otters*

*The proposal will not result in any of the following:*

- *habitat loss or degradation in or near water bodies*
- *habitats being cut off and becoming fragmented*
- *holts and resting places being removed*
- *disturbance to resting and feeding places*
- *disturbing their usual routes, e.g. road bridge or culvert works forcing otters to use roads or bridges that might mean it's more likely that otters will be killed or injured on the road*
- *changes to water quality which could also affect food sources*

*Otters have been recorded within 150m from this proposal.*

*An otter survey has been undertaken by the applicant's ecologist and: 'no otters or field signs of otters were observed on the site and the results of the otter survey indicate that the narrow, shallow brook on the eastern boundary of the site is unsuitable for foraging or breeding otters. However, as a precautionary measure it is recommended that a fenced 10m wide buffer zone be established along the course of the brook on the site to protect the brook from disturbance'.*

*SC Ecology has been on site and can agree with the conclusion made by the applicant's ecologist. The additional buffer to the stream boundary will be enhanced and protected, lighting will be controlled, and no places of rest shelter, or commuting routes will be destroyed. No otters will be killed/injured as a result of this development.*

*SC Ecology has fully considered the objection letters which have been submitted against this planning application. SC Ecology can conclude that this proposal will not impact the favourable conservation status of otters. No further information is required to support this application.*

### *Water Quality*

*SC Drainage has been consulted on this application - The proposed surface water drainage and the dirty water disposal in the FRA is acceptable in principle. The proposed laying unit is extremely unlikely to result in pollution of the watercourse, all dirty water is held in a dirty water holding tank and will be transported offsite. In order to further ensure that this proposal will not impact water quality the applicant*

*is adding an additional buffer to the length of the watercourse of 10m. The photo in the ecological report shows the watercourse used as a drinking station for livestock. The proposal will create an important ecological buffer in this area, enhancing and restoring the environmental network as required under CS17 and NPPF. SC Ecology is satisfied that no additional information is required to support this proposal.*

#### *Dormice*

*A survey for dormice is not required to support this proposal. A section of hedgerow will be removed and replanted to create a visibility splay. The existing hedgerow is severed to the north of this site. No additional information is required.*

#### *Water voles*

*No works are planned within 5m of the watercourse. No impact on Water voles will occur, no further survey work for this species is required.*

#### *Reptiles*

*There is a lack of suitable reptile habitat on site. A survey for reptiles is not required to support this application but as a precaution a method statement will be followed to ensure the potential for killing/injuring reptiles is further reduced.*

#### *Nesting Birds*

*The additional planting on site, retention of semi improved grassland, and addition of nesting bird boxes will enhance the site for nesting birds.*

#### *Barn Owl*

*The planning application will not impact barn owl. However, to enhance the site the applicant could install a barn owl box.*

#### *Great Crested Newt*

*There are no ponds within 100m of the boundary to this development, and there are no ponds within 230m of proposed hedgerow removal. The risk of impacting great crested newts is extremely low. A precautionary method statement for hedge removal and works on site will be conditioned within the Construction Environmental Management Plan.*

#### *Summary:*

<i>Pond number</i>	<i>Distance from site boundary (m)</i>
1	247
2	228
3	275
4	200
5	157
6	116
7	275
8	>100

**Environment Agency & Natural England**

The EA will not respond to planning applications which are below the EA permitting threshold. Natural England has responded to this planning proposal and has stated No Objection.

**Air pollution**

The proposal is for 32,000 free range birds. The background ammonia concentration (annual mean) in the area around the site of the proposed poultry unit and the wildlife sites is 4.26 g-NH3/m3. The background nitrogen deposition rate to woodland is 52.22 kg-N/ha/y and to short vegetation is 30.38 kg-N/ha/y (apis).

Sensitive habitat has a critical load of 10 kg-N/ha/y, and critical level of 1 g-NH3/m3 i.e. designated sites would already be 426% of a sensitive sites critical level, and 303% of a sensitive sites critical load. The addition of ammonia and nitrogen deposition from this planning application will not impact the integrity of designated sites or priority habitat within 5km of this proposal.

In order to mitigate for the addition of ammonia and nitrogen the applicant is planting trees on site. This will be a condition on a planning decision notice.

**Designated sites:**

There are 2 Staffordshire Local Wildlife Sites, 2 Shropshire local wildlife sites, and 2 Candidate LWS within 2km of this proposal. There is 1 nationally designated site, and no internationally designated sites within 5km.

**Summary of AS Modelling & Data Ltd report:**

Habitat Type	Receptor Number (AS Modelling & Data Ltd)	Habitat
Name	NGR of closest point	NGR of closest point
Predicted Ammonia (ug/m3)	Predicted Deposition (N) - kg/ha/yr	CLe
Ammonia Clo N Deposition	PC as % of CLe Ammonia	PC as %
of CLo N Deposition	Background N Deposition from APIS (kg/N/ha/yr)	
e.g. LWS/SSSI		
	Easting	Northing
	µg/m3	kg N/ha/year
		%
		%
LWS	1	Staffordshire LWS
Oakley Hall Pool		370250
	0.132	1.03
	10	13.2
	29.26	
LWS	2	Staffordshire LWS
Fields by River Tern: Drayton Spinney		369479
	0.021	0.17
	10	2.1
	29.26	

LWS	3	Shropshire LWS Fields by River Tern	369262
	336058	0.017	0.13 1
	10	1.7	1.3
	29.26		
LWS	4	Shropshire LWS Fields by River Tern	369423
	335651	0.011	0.09 1
	10	1.1	0.9
	29.26		
LWS	5	Shropshire LWS Claypits Meadow Betton	368556
	336068	0.014	0.11 1
	10	1.4	1.1
	26.26		
LWS	6	Candidate Shropshire LWS	368177
	336410	0.012	0.06 1
	10	1.2	0.6 -
LWS	7	Candidate Shropshire LWS	368031
	336288	0.010	0.08 1
	10	1	0.8 -
SSSI	8	Burnt Wood SSSI	372994
	335219	0.017	- 1
	-	1.7	-
	45.2		
SSSI	9	Burnt Wood SSSI	373474
	335327	0.015	- 1
	-	1.5	-
	45.2		
SSSI	10	Burnt Wood SSSI	373399
	334753	0.014	- 1
	-	1.4	-
	45.2		
SSSI	11	Burnt Wood SSSI	373827
	335095	0.013	- 1
	-	1.3	-
	45.2		
SSSI	12	Burnt Wood SSSI	373893
	335393	0.014	- 1
	-	1.4	-
	45.2		

Note: There are 2 Staffordshire LWS within 2km of the proposal. Newcastle Borough Council have been formally consulted on this application. The process contribution from the proposal to Staffordshire Oakley Hall Pool LWS has been modelled as 13.2% of the Cle, and 10.3% of the Clo (receptor 1 in the ammonia modelling report), and to Staffordshire LWS Fields by River Tern: Drayton Spinney 2.1% of the Cle and 1.7% Clo (receptor 2 in the ammonia modelling report). This is based on the precautionary 1µg/m<sup>3</sup> and 10 kg N/ha/year. The background deposition is over 29 kg N/ha/year (apis.gov.uk).

Referring to the England Commissioned Report NECR210 (March 2016), table 21, as the background level of nitrogen deposition is already over 20kg N then the

*increment of 1.03kg/N/ha/yr and 0.17 kg/N/ha/yr is unlikely to have a significant adverse effect, directly, indirectly or cumulatively, on the Staffordshire LWS. There will be no loss in site integrity. Providing the enhancement measures below are conditioned and adhered to, no further assessment on designated sites is required to support this proposal.*

#### *Shropshire Local Wildlife Sites*

*In-combination + Background for Shropshire Natural Assets (SC Ecology has not identified any plan or project which should be included within an in-combination assessment).*

*SC Ecology has not identified applications or EA permits which should be assessed in-combination with the current proposal (for information, an in-combination assessment takes into account any plan or project which would add additional ammonia/nitrogen deposition which has been built since the last update of background air pollution levels on APIS).*

*Referring to the England Commissioned Report NECR210 (March 2016), table 21, as the background level of nitrogen deposition is already over 25-30kg N then the increment of 0.17kg/N/ha/yr (and under) to Shropshire Designated sites is unlikely to have a significant adverse effect, directly, indirectly or cumulatively, on any the Natural Assets within 5km of the proposal. There will be no loss in site integrity. Providing the mitigation & enhancement measures below are conditioned and adhered to, no further assessment on designated sites is required to support this proposal.*

#### *Nationally Designated Sites*

*In-combination + Background for Nationally Designated Site Burnt Wood SSSI (SC Ecology has not identified any plan or project which should be included within an in-combination assessment).*

*Referring to the England Commissioned Report NECR210 (March 2016), table 21, as the background level of nitrogen deposition is already over 45kg N then the increment of 0.132kg/N/ha/yr to Burnt Wood SSSI is unlikely to have a significant adverse effect, directly, indirectly or cumulatively, on any the Natural Assets within 5km of the proposal. There will be no loss in site integrity. Providing the mitigation & enhancement measures below are conditioned and adhered to, no further assessment on designated sites is required to support this proposal.*

#### *Summary of Ecological Report:*

*Providing the recommendations noted within the Ecological Report are fully implemented, there are no obvious ecological counter indications to the proposed project at this stage. The recommended ecological protection and enhancements, including reasonable avoidance measures for great crested newts, the obtaining of a badger sett closure licence, the establishment of a fenced 10m wide buffer zone along the course of Betton Brook, the planting of two new areas of native woodland, the placement of hedgehog nesting boxes and the erection of bird*

*nesting boxes and bat roosting boxes will provide assurance that there is no net loss to biodiversity and no unacceptable adverse impact on ecosystem services.*

*SC Ecology agrees with the conclusion of the ecological consultant.*

*Please include the conditions and informatives below on a planning decision notice:*

1. *No more than 32,000 birds shall be kept on the site at any one time.*

*Reason: To ensure that the restriction on the maximum number of birds to be kept at the site at any one time can be satisfactorily enforced, in order to prevent adverse impact on Natural Assets from ammonia emissions consistent with the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Policy MD12 and the policies of the National Planning Policy Framework.*

2. *No development shall take place within 50m of Betton Brook until either:*

a) *a Licence with respect to badgers has been obtained from Natural England and submitted to the Local Planning Authority; or*

b) *a statement from an appropriately qualified and experienced ecologist has been submitted in writing to the Local Planning Authority explaining why a licence is not required and setting out any additional mitigation measures required for prior approval. These measures will be implemented as approved.*

*Reason: To ensure the protection of badgers, under the Protection of Badgers Act 1992.*

3. *No development shall take place (including ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:*

a) *Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. 1.5 hectare woodland planting, 14 standard trees in the poultry ranging area, hedgerow planting, 580m of protection and planting to the watercourse, 8 bird, 8 bat, 8 hedgehog boxes, 1.5m fenced buffer to existing hedgerows);*

b) *Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);*

c) *Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;*

d) *Native species used are to be of local provenance (Shropshire or surrounding counties);*

e) *Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;*

f) *Implementation timetables.*

*All hard and soft landscape works, and ecological enhancements, shall be carried out in accordance with the approved plan; the works shall be carried out during the first available planting season. Any trees or plants that, within a period of five years after planting, are removed, die or become 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. Ecological enhancements should be maintained for the lifetime of the development.*

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

4. *Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority.*

*The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. watercourse, mature trees, hedgerows, bat and bird boxes. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.*

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

5. *Prior to first use of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority.*

*A minimum of 8 external woodcrete bat box, suitable for nursery or summer roosting for small crevice dwelling bat species, 8 woodcrete bird boxes, and 1 barn owl box shall be erected on the site. 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 maintained for the lifetime of the development.*

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

6. *No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:*

a) *An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented and where ecological enhancements will be installed or implemented;*

b) *Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction (i.e. protection of the brook during construction, method statement for the removal of hedgerow to include an Ecological Clerk of Work for the protection of great crested newts and nesting birds);*

c) *Requirements and proposals for any site lighting required during the construction phase;*

d) *A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);*

e) *The times during construction when an ecological clerk of works needs*

to be present on site to oversee works;

f) Identification of Persons responsible for:

i) Compliance with legal consents relating to nature conservation;

ii) Compliance with planning conditions relating to nature conservation;

iii) Installation of physical protection measures during construction;

iv) Implementation of sensitive working practices during construction;

v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and

vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.

g) Pollution prevention measures.

All construction activities shall be implemented strictly in accordance with the approved plan, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

7. Prior to commencement of development (or each phase of development with prior agreement of the Local Planning Authority) an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall be appointed to ensure that the Ecological Mitigation and Enhancement Strategy submitted in support of this application (Preliminary Ecological Appraisal prepared by Craig Emms MSc MCIEEM April 2019 and drawing number IPA21945-11B November 2018), and measures approved under condition 6 Construction Environmental Management Plan are adhered to. The ECW shall provide brief notification to the Local Planning Authority of any pre-commencement checks and measures in place.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

8. Prior to first use of the building, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the Ecological Mitigation and Enhancement measures approved in support of this application (Preliminary Ecological Appraisal prepared by Craig Emms MSc MCIEEM April 2019 and drawing number IPA21945-11B November 2018). This shall include photographs of installed features such as ecological buffer to the watercourse, bat and bird boxes, area for tree planting.

Reason: To demonstrate compliance with the approved planning application in line with MD12, CS17 and section 175 of the NPPF.

#### *Informative*

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

All clearance, conversion and demolition work in association with the approved



*scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive*

*Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an 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.*

*Informative*

*Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended).*

*If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.*

*Informative*

*Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992.*

*No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992).*

*All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.*

*Informative*

*Hazel Dormice are a European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).*

*If a Dormouse should be discovered on site at any point during the development then work must halt and a Dormouse Licensed Ecological Consultant or Natural England should be contacted for advice.*

### **3.12 Shropshire Fire and Rescue Service** have responded indicating:

*As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" which can be found using the following link: <https://www.shropshirefire.gov.uk/safety-at-work/planning-applications>*

*Specific consideration should be given to the following:*

### *Enclosed Agricultural Buildings over 280m<sup>2</sup>*

#### *Access for Emergency Fire Service Vehicles*

*It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of the building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter. 'THE BUILDING REGULATIONS, 2000 (2006 EDITION) FIRE SAFETY APPROVED DOCUMENT B5.' provides details of typical fire service appliance specifications.*

#### *Water Supplies for Fire fighting – Building Size*

*It is important to note that the current Building Regulations require an adequate water supply for firefighting. If the building has a compartment of 280m<sup>2</sup> or more in area and there is no existing fire hydrant within 100 metres, a reasonable water supply must be available. Failure to comply with this requirement may prevent the applicant from obtaining a final certificate.*

#### 3.13 **Ministry of Defence** have responded indicating:

*Thank you for consulting the Ministry of Defence (MOD) on the above proposed development which was received by this office on 06/06/2019.*

*The proposed application for the erection of a free range egg laying unit and associated infrastructure on land at North Betton, occupies the statutory birdstrike safeguarding consultation zone surrounding Tern Hill airfield.*

*On reviewing the application documents provided the applicant meets the environment agency licensing requirements, I can confirm that the MOD has no safeguarding objections to this proposal. (The proposed development does not meet the thresholds for the requirement for an Environment Agency Environmental Permit).*

#### 3.14 **SC Landscape Consultant** has responded to the application indicating:

*This is a review of the landscape and visual effects associated with a resubmitted planning application for the construction of a poultry house and associated facilities on land north of Betton, Market Drayton.*

*ESP Ltd have carried out reviews of earlier versions of the LVIA submitted with the previous application and also previously advised on an objection report submitted by the Betton and Norton Action Group. In this review we consider a further report commissioned by the Betton and Norton Action Group, the content of a letter of*

*objection submitted by a neighbour to the application site, and a series of photomontages commissioned by the Betton and Norton Action Group.*

*Our review concludes that the one outstanding recommendation from our previous reviews of the LVIA has been fully addressed and that the findings of the LVIA may now be relied on.*

*We have concerns about the locations used for the photomontages submitted by the Betton and Norton Action Group, and would caution their use in determining this planning application.*

*ESP Ltd was commissioned by Shropshire Council in May 2019 to carry out a review of a revised landscape and visual impact assessment<sup>1</sup> (LVIA) prepared in support of a full planning application for the construction of a poultry house and associated facilities on land north of Betton, Market Drayton.*

*This planning application is a resubmission of application reference 18/04555/FUL which was withdrawn in December 2018. Following negotiations with the Council, the application has been resubmitted as a very similar scheme with additional supporting information provided with regard to landscape and visual impacts, ecological impacts, and photo montages.*

*Shropshire Council required technical support on the landscape and visual implications of the proposed scheme. The intention was not to replicate or undertake an additional LVIA at this stage.*

*ESP Ltd had carried out a number of reviews of the LVIA submitted in support of application 18/04555/FUL and subsequent revisions of it during 2018. In addition, on behalf of the Council, we provided additional advice to the applicant between the withdrawal of application 18/04555/FUL and the submission of application 19/01154/FUL, however at the latter date a number of our recommendations were not satisfactorily addressed.*

*Most recently, we carried out a review in May 2019 of Revision H of the LVIA, which had been submitted in support of application 19/01154/FUL. Current response is in consideration of Revision I).*

*The scope of this review, in accordance with the request from the Council, is to advise whether the recommendations made in our previous reviews have been addressed, and whether the LVIA may be considered to be reliable. Furthermore, a rebuttal and critique of the LVIA commissioned by the Betton and Norton Action Group, a detailed objection document from a local resident, and series of photomontages prepared by the Pegasus Group on behalf of the Betton and Norton Action Group have been submitted as representations to the planning application, and the Council has requested that these be considered in this review.*

*Methodology*

*The revised LVIA submitted by the applicant was reviewed in detail, both the written text and the illustrative material provided in support – maps, plans, viewpoint photographs and diagrams. No site visit was undertaken as part of this review.*

*The size and location of the proposed building and associated infrastructure does not appear to have changed from the previous planning application.*

*Landscape and Visual Impact Assessment – recommendations made in previous ESP reviews*

*The one outstanding recommendation from our previous advice to the Council and the applicant, and the response to this in the revised LVIA is assessed below*

- The LVIA be amended to include plan information showing the Landscape Character Types in the study area, and the assessment of effects on landscape character be extended to include all those likely to experience effects, including the Principal Settled Farmland LCT.*

*This recommendation arose from our concern that the assessment of landscape effects in Revision H of the LVIA appeared to have been carried out without full regard to the range of Landscape Character Types within the study area, and was therefore incomplete.*

*The LVIA now includes a plan (Figure no. 6) showing the application site in the context of local LCTs. It now recognises that the site falls within both the Timbered Pastures LCT and the Principal Settled Farmlands LCT, rather than entirely in the Timbered Pastures LCT as was stated in previous revisions. The current LVIA contains an assessment of the landscape character of the;*

- Timbered Pastures LCT*
- Settled Pastoral Farmlands LCT*
- Principal Settled Farmlands LCT*
- Staffordshire Sandstone Estatelands LCT ; and*
- the local character of the site and its immediate surroundings*

*For each receptor an assessment is made of quality, value, susceptibility, overall sensitivity, magnitude of change and overall level of effect for construction and operational stages and once all mitigation is in place, leading to an assessment of residual overall effect on landscape character.*

*With the exception of the omission referred to in Section 5.4 above, the assessments on landscape character have, in the main, been carried out appropriately and proportionately in accordance with the methodology set out in the LVIA. In particular, the rarity of the Timbered Pastures LCT at County level is noted, resulting in the value of this LCT being assessed as High. However, the assessments made appear a little short of detail in places; for example, the assessment of landscape value makes no reference to measures of heritage,*

*culture, recreational value or the perceptual aspects of wildness and tranquillity which are recommended in GLVIA3.*

*Notwithstanding the above shortage of detail, the assessments made for effects on landscape character of the Timbered Pastures and Settled Pastoral Farmlands LCT do not appear inappropriate. The LVIA concludes that the residual effects on the landscape character are minor (adverse) for the Timbered Pastures LCT; minor/negligible (adverse) for the Settled Pastoral Farmlands LCT and minor (adverse) for the Principal Settled Farmlands LCT. It concludes that, on the basis of visibility with the proposal site, and the extent of the Sandstone Estate lands LCT, no detailed assessment of landscape effects on this LCT is necessary.*

*The LVIA makes a similar assessment of the predicted effects on the landscape character of the site and its immediate environs and concludes that the overall residual effect will be minor. Again, the assessments would appear to be appropriately made with regard to the methodology in the LVIA, if a little light on detail.*

*In particular we would refer to the assessment of magnitude of effect on the landscape character of the site, particularly in the light of the significant local representations made in respect of this application. The predicted magnitude of landscape effect for construction and operation stages is assessed as medium, and that for when mitigation is in place and effective is small.*

*The methodology in the LVIA defines a medium magnitude of landscape change as; Partial loss of or alteration to one or more key elements, features, characteristics of the baseline or introduction of elements that may be prominent but may not be considered to be substantially uncharacteristic when set within the attributes of the receiving landscape. Would be out of scale with the landscape, and at odds with the local pattern and landform. Will leave an adverse impact on a landscape of recognised quality.*

*The methodology in the LVIA defines a small magnitude of landscape change as; Minor loss or alteration to one or more key elements, features, characteristics of the baseline or introduction of elements that may be prominent but may not be uncharacteristic when set within the attributes of the receiving landscape. May not quite fit into the landform and scale of the landscape. Affect an area of recognised landscape character*

*Given these definitions, the assessment of effect on the landscape character of the site and its environs would appear to be appropriate.*

#### *Rebuttal and Critique of LVIA*

*The Betton and Norton Action Group commissioned a review by the Pegasus Group of an earlier version of the LVIA (revision C), and we made some comments*

*on this document in our November 2018 review. This Pegasus Group review considered the LVIA to be flawed and not compliant with the GLVIA 3rd Edition and other industry accepted guidance with regard to landscape character and visual assessment. We were in agreement with this conclusion, particularly so given the general failure of the revised LVIA to adequately address the recommendations in our earlier October 2018 review. Whereas we agreed with the conclusion that the Pegasus Group report made, in places we reached that conclusion on different grounds.*

*The Betton and Norton Action Group has commissioned a further review by the Pegasus Group of the LVIA submitted with application 19/01154/FUL, however it is not clear whether this relates to revision F or G. The Pegasus Group review notes a number of departures from the accepted best practice set out in GLVIA3 and shares our concerns in respect of quality, transparency and robustness of the methodology used and the application of that methodology; consideration of a range of landscape receptors; and the use of photomontages. It raises additional concerns over the height of the built form used to generate the ZTV (6 metres compared to the 7.43 stated in the description of the development). We would however disagree that the proposed belts of woodland planting and single trees proposed as part of the landscape mitigation are uncharacteristic, as the study area can be seen to contain these features in the form of riparian woodland belts, the naturally regenerated course of the former railway line to the north west, a number of shelterbelts, copses and field trees.*

*The Pegasus Group report shares our view that the number of viewpoints selected for the assessment of visual effects is appropriate, but questions the locations, which we have considered to be appropriate. It also raises concerns over the narration used in the assessment of visual effects, however, it may be that these comments have been made in relation to revision F, given that the assessment of visual effects in revisions G, H and I include considerably more information on the role of mitigation over time for each viewpoint.*

*Representation from JJG Rowley - neighbour*

*A letter of representation dated the 14 April 2019 has been received by the Council which sets out objections to the planning application based on a range of matters, including landscape and visual matters.*

*The objections raised in this letter on landscape and visual matters are extensive and detailed, and we have sought to focus on the key points raised, given the reviews of the LVIA undertaken to date by ourselves and the Pegasus Group.*

*Section 1 - Introduction*

*The objector notes how the nomenclature and, in places, layout, of the LVIA has changed since the original 2018 revision, and suggests that this is a means of the*

*applicant seeking to avoid assessing likely significant effects as defined by the Environmental Impact Regulations. These changes have, however, taken place as the LVIA has evolved following the feedback contained in the reviews carried out by ourselves and the Pegasus Group.*

### *Section 2 - Zone of Theoretical Visibility*

*The objector raises the same concern that the ZTV is based on a 6 metre height built form rather than the 7.43 metres stated in the development description. Whereas this discrepancy along with other errors in the LVIA may lead to a lack of confidence, the LVIA does note that the ZTV needs to be verified with field study; this has been done as part of the assessment of visual effects and has led to the identification of an appropriate number and selection of viewpoints.*

### *Section 3 - Landscape character & Section 4 - Landscape effects*

*The objector shares the concerns that we and the Pegasus Group have raised in respect of the shortcomings in the assessment of landscape effects, however we believe that these have been addressed in Revision I of the LVIA.*

### *Section 5 - Visual effects*

*Contrary to the advice we have provided in a number of reviews, and that provided by the Pegasus Group, the objector believes that the selection of viewpoints and visual receptors is inappropriate. The objector believes that the primary visual receptor with the lowest susceptibility may have been selected for the prediction of effects, however we identified in an earlier review in section 5.6 of the LVIA that the assessor appears to have taken a cautious approach and assessed using the receptor with the highest susceptibility. We agree however with the objector's comments on the questionable use of photomontages in the LVIA.*

*The objector has carried out their own assessment of visual effects, however, we believe that they have consistently overstated the magnitude of change and therefore overall level of effect. It would also appear that the objector has not had sight of revision G or H of the LVIA which includes additional detail on the role of the proposed mitigation planting in reducing visual effects over time.*

### *Landscape mitigation*

*Both the Pegasus Group review and the representation from JJG Rowley refer to the landscape proposals currently submitted with the application as showing significantly less plant numbers than in earlier revisions.*

*In our November 2019 review of the LVIA we noted an inconsistency on drawing IPA21945-11 which stated on the plant schedule that the forestry planting would take place at 1 plant per square metre, and on the planting matrix inset drawing,*

*that forestry plants would be set out at 2 metre centres. This was subsequently amended by the applicant so that all references on drawing IPA21945-11 now read planting at 2 metre centres, which we consider to be appropriate, and this would account for the reduction in numbers.*

### *Photomontages*

*Objectors to the application have commissioned a series of photomontages which indicate the appearance of the proposals when viewed from 5 locations in the vicinity of the application site. From the technical information shown on the photomontages the photographs appear to have been produced in compliance with best practice guidance published by the Landscape Institute*

*The photomontages show the current view and that predicted for Years 1 and 5 after completion, with mitigation in place. However, they are not accompanied by any assessment of predicted effects, and only 2 of the viewpoints (A and E) are at fully publicly accessible locations in accordance with the best practice set out in GLVIA3. Viewpoint B is stated to be at Oakley Parkland, which does not appear to have public access, and should therefore be discounted for LVIA purposes, although it may have merit in assessing impacts on heritage assets which is outside of the scope of this review. Viewpoints C and D are stated to be from a permissive footpath, which is noted in the BAN Action Group to be a local circular walk, but no details are provided on the nature of this access, and it has to be assumed that a right of access for the public could be terminated at any time by the owner or occupier, and therefore any consideration of visual effects from these locations should be treated with caution.*

*No photomontages have been taken in locations where assessment of visual effects has been carried out in the LVIA and therefore they are of very limited value in challenging the findings of that study.*

### *Conclusions and recommendations*

*The current revision of the LVIA (Rev I) has made considerable progress in addressing the final outstanding recommendation from our earlier reviews, and we believe that all outstanding recommendations have been complied with.*

*We have carried out a review of the Pegasus Group Rebuttal and Critique of the LVIA and the representation letter from JJG Rowley, and agree with the content of these in a number of areas. We believe however that revision I of the LVIA has addressed the shortcomings identified.*

*We have reviewed the photomontages submitted by the Pegasus Group on behalf on the BAN Action Group and consider that, due to their locations, any consideration in the determination of the planning application should be carried out with caution and appropriate caveats.*



*We therefore recommend that the findings of the LVIA may now be relied on in determining this planning application.*

The Landscape Consultant has also provided further responses to comments/objections received since publication of the above response and in particular a letter of objection from Mr J Rowley dated the 28th June and has indicated that these further representations raise no significant issues of concerns and that the above-mentioned response can be relied upon on the basis of landscape and visual impact issues in relation to this application. (Revision I is the latest edition of the applicant's LVIA and this was available on the Council's website and consulted upon by the Council).

### **Public Comments**

Two hundred and forty two letters of objections have been received from members of the public at the time of writing this report which includes extensive objections from Betton and Norton Action Group. (Set up to oppose the application), The Betton and Norton Wildlife Group, Nancegollan Action Group and Shropshire Badger Group.

Key planning issues raised can be summarised as follows:

- Detrimental impact of the proposal on the surrounding countryside and setting of Norton-in-Hales village.
- No need for the proposed development as free range egg market is presently oversupplied.
- Odour and noise concerns as a result of the proposal.
- Concerns with regards intensive farming and animal welfare.
- Highway and transportation concerns.
- The proposal will not lead to any economic benefits to the local area.
- Lack of Community consultation in respect of the proposed development.
- Concerns in relation to surrounding biodiversity and in particular with regards to loss of native roadside hedgerow and impacts on otters.
- Economic benefits are outweighed by environmental harm.
- Detrimental impact on nearby listed building and its setting.
- Proposal is not an extension to or diversification of an existing farming business
- Negative impact on nearby public footpaths and bridleways.
- Tree planting as proposed will affect character of landscape and is not considered acceptable mitigation. .
- Detrimental impact on the uses of the surrounding area and its facilities.

- Conclusions reached in information in support of the application cannot be relied upon.
- Insufficient mitigation in relation to badger setts which are acknowledged to be within the surrounding vicinity of the application site.
- Lack of consultation with local community prior to submission of the formal planning application.
- Concerns with regards to Environmental Screening procedures in relation to this application.
- Concerns about the Nitrate Vulnerable Zone and drinking water safeguards zone and the maximum amount of nitrogen deposited on the ground
- Concerns with regards to impacts of manure spreading on farmland and amenity impacts.
- Potential health impacts include exposure to infectious diseases, respiratory symptoms and lung function impairment.
- Concerns and objections in relation to not following recognised guidelines and the methodology used by the applicants in preparation of their LVIA.

Two letters of objection and complaint have been received from a member of the public with regards to the Council's conclusions with regards to the application not requiring an Environmental Statement. This matter is referred to in paragraphs 2.16 and 6.1.1 of this report.

The Action Group, (BAN), have also submitted in support of their objections appraisals carried out by professionals in their specific field these include:

**A report on impacts on Heritage assets** which summarises that in short, the information submitted is at best not detailed enough to determine whether the proposals will have a harmful effect on Heritage Assets. The proposals are therefore likely to be contrary to Strategic Objective 11 of the Core Strategy, Policy CS 17 which requires that:

- all development protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment; and
- does not adversely affect the visual, ecological, geological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors; and to the NPPF which seeks to protect, conserve and enhance Heritage Assets.

**A report on ecological matters** which concludes that the review demonstrates that the PEA has not included a comprehensive assessment of the likely effects of the proposed development on statutory and non-statutory ecological designations. In particular, the PEA has failed to recognise that the application site lies within an Impact Risk Zone pertaining to Burnt Wood SSSI, in respect of poultry units with a proposed floorspace greater than 500m<sup>2</sup>. Accordingly, Natural England should be consulted and its views taken into account before the planning application is

determined.

The PEA has failed to assess potential surface water or groundwater effects on the adjacent Bretton Brook and downstream Local Wildlife Sites and other ecological receptors (e.g. lowland fen), which could be significant given the number of birds that will be ranging within the adjacent land. In addition, potential air quality effects on the Staffordshire LWS have not been fully considered and Staffordshire Council will need to be consulted for its views prior to determination of the application.

Detailed survey work has not been carried out in relation to a number of protected species, particularly in relation to bats, Dormice, Otter and reptiles, such that sufficient information is not available to allow all material considerations to be taken into account, as required under national policy (ODPM Circular 06/2005).

In the absence of an adequate ecological assessment and associated mitigation strategy, the proposed development may result in harm to Priority Habitats, including hedgerows, the adjacent brook, associated downstream LWS and ecological receptors, and protected species (e.g. Otter), contrary to Core Strategy Policy CS17 and Policy CS18, and SAMDev Plan Policy MD12.

(Officer's comments – Natural England raises no objections and survey work as referred to has been carried out in relation to the proposal and all relevant consultees notified with regards to the proposal).

A further update report on ecology matters has been received which raises concerns that in the opinion of BAN that the ecological assessment by SC Planning Ecology is weak and insufficient and in particular in relation to badger setts and bats.

**A critique in consideration of the applicants Landscape and Visual Impact Assessment and amenity value** which indicates in conclusion that the landscape consultant grossly underrepresented the scale of effects in their analysis. The submitted LVIA does not analyse the susceptibility of the receiving landscape and does not take into account seasonal changes to the views when discussing visual effects. The methodology applied in the LVIA also appears to be flawed skewing the assessment. By placing the proposed development in the wrong LCA, and therefore assuming incorrect characteristics of the local landscape, the landscape consultants rendered their own assessment invalid. Pegasus considers the submitted LVIA flawed and not compliant with the GLVIA 3rd Edition and other industry accepted guidance with regard to landscape character and visual assessment.

On receipt of further information in support of the application a further letter of objection was received in relation to the applicants LVIA. This concludes that the applicants conclusion that the residential overall impact on the landscape is minor is an extraordinary conclusion and undermines the credibility of the report.

An **Historic impact assessment** which concludes that the Heritage Statement submitted with both applications does not take account of non-publicly accessible views, co-visibility and seasonality, and did not consider the current extent of the landholding associated with Oakley Hall. The proposed development would cause harm to the heritage significance of Oakley Hall, through co-visibility and visibility from the current grounds of the asset which borrow views out to the wider countryside, and that the assessment is in line with the opinion of the Council's Conservation Officer, E Mee, whose views were contradicted without explanation in the later response from the Archaeology Service.

Also submitted in support of their objections are **photomontages of the application site and surrounding landscape with consideration to the development as proposed as well as additional supporting information as a result of re-consultation on the application.**

The BAN Action Group opposed to the development have submitted a rebuttal and critique of the applicants LVIA submitted in support of the application. The report summary indicates:

Having reviewed the recently submitted LVIA (submitted as part of the planning application 19/01154/FUL) Pegasus is still of the opinion that the assessment is flawed and misrepresents the actual scale of effects. The LVIA has not properly assessed the character of the site itself and has not commented on the published landscape character assessments in the context of the site and site findings. It also failed to assess landscape character effects or to provide any justification for the inadequate and limited conclusions.

The assessment of visual effects is equally substandard and fails to acknowledge the magnitude of change and scale of effects post completion, when the visual amenity is likely to be mostly affected. The LVIA as a whole relies on the proposed mitigation measures suggesting that these would be acceptable and appropriate to the existing landscape context. The assessor has not recognised that such planting in itself would be harmful to the landscape character.

With regard to the argument of comparison between the proposed large-scale sheds and other agricultural developments in the local landscape, this is unsubstantiated and incorrect.

Overall, Pegasus would reject the assessment and its findings as sub-standard and misleading with the scale of landscape character effects and visual effects skewed and misrepresented.

BAN have also submitted further Pegasus comments on the Council's review of the applicants LVIA indicating:

Response to ESP Ltd. LVIA review for Shropshire Council

Betton Action Group cannot be expected to take the onerous task of preparing

photomontages from viewpoints selected by the applicant and have chosen the viewpoints suitable to support their case. The photomontage locations are considered suitable and proportionate to their case and reason for objection and have been prepared with regards to the current Landscape Institute methodology. Where not publicly accessible they provide a verified evidence on the harm to the landscape character brought about by the proposed large-scale barn. Views from heritage assets or private properties should be taken into account as endorsed by Historic England but also the assertion that private views do remain relevant where publicly available views are constrained.

To the best of our knowledge the permissive footpath remains open to the local community, and forms part of their cultural and recreational asset something that shouldn't be easily dismissed. It is disappointing that the Council's landscape advisor seems to ignore the sensitivity of this receptor and dismisses its value. Similarly, to any other type of PRoWs, effects should be assessed in the anticipation that such recreational asset will continue to provide access to the open countryside.

With regards to the proposed planting we continue to be of the opinion that belts of trees are not characteristic of the area on the higher ground. We accept that such planting can be found along watercourses but is alien to the elevated and exposed parts of the landscape. The proposed isolated sparse trees dotted around pastoral fields are not typical or characteristic of the local landscape. Such planting would be at odds with the character of the local landscape and would dilute the character and perception of historic parkland planting.

With regards to landscape character effects the applicant failed to acknowledge the effects upon the local landscape. It is logical that this would be much higher than that assessed for the landscape character area identified by Shropshire Council in their published landscape character assessment.

A further objection has been received from Betton & Norton in Hales Action Group concerning nitrogen deposition.

- 3.15 **Shropshire Branch of the Campaign to Protect Rural England** have responded to the application indicating that the landscape consultant grossly underrepresented the scale of effects in their analysis. The submitted LVIA does not analyse the susceptibility of the receiving landscape and does not take into account seasonal changes to the views when discussing visual effects. The methodology applied in the LVIA also appears to be flawed skewing the assessment. By placing the proposed development in the wrong LCA, and therefore assuming incorrect characteristics of the local landscape, the landscape consultants rendered their own assessment invalid. Pegasus considers the submitted LVIA flawed and not compliant with the GLVIA 3rd Edition and other industry accepted guidance with regard to landscape character and visual assessment.

**CPRE Shropshire** wishes to re-state its objection to the above application, which is merely a re-submission, with minor amendments, of the previously withdrawn

application 18/04555/FUL. We attach our original objection letter dated 3rd November 2018, the comments in which are still relevant to this application.

In addition to our previous comments under the heading Character and Appearance the development would also affect the setting of Oakley Hall (Grade II\*) and its surrounding parkland which has been under Countryside Stewardship schemes for some 20 years.

Also, 180 metres of possibly ancient hedgerow is planned to be removed for access splays. Loss of hedgerows in the name of commerce is always regrettable. We understand that the hedge has recently been surveyed and been found to contain enough woody species for the hedge to be protected under The Hedgerow Regulations 1997 as an important hedge (paragraph 4(b) and criteria 7 in part II of Schedule I).

The area of the application appears to be classified by The Shropshire Landscape Typology of September 2006 as 'Timbered Pastures'. There is only a limited amount of this in Shropshire and it is found solely in the north-east of the county around Woore and surrounding area. It therefore merits special attention and protection as being distinctive in character. For this reason also, the proposed block planting to minimise views of the development is out of keeping with the character of this landscape type.

We continue to conclude that the proposed development:

- i) will have an unacceptable adverse environmental impact,
- ii) will not contribute to and respect locally distinctive or valued character and existing amenity value, and
- iii) will not on balance bring economic benefits that outweigh these adverse effects.

The previous application response indicated:

CPRE Shropshire wishes to object to the above application on the following grounds:

Character and Appearance:

Core Strategy Policy CS5 is concerned with the countryside and the Green Belt. The appeal site is located within the countryside but not within the Green Belt. This policy explains that new development in these areas will be strictly controlled. However, subject to further controls which apply in the Green Belt, proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. In respect of large-scale, new agricultural development, the policy requires it to be demonstrated that the proposal would have no unacceptable adverse environmental impacts.

Core Strategy Policy CS6 requires development proposals to respect and enhance local distinctiveness and protect, restore, conserve and enhance the natural, built and historic environment. The scale, density, pattern and design of development should take account of local context and character, and regard should be had to national and local design guidance, landscape character assessments and ecological strategies where appropriate. SAMDev Plan Policy MD2 supports this policy and requires new development to contribute to and respect locally distinctive

or valued character and existing amenity value. In respect of agricultural development, amongst other matters, SAMDev Plan Policy MD7b requires new development to have an acceptable impact on environmental quality and existing residential amenity. It also states that development should be in connection with a viable agricultural enterprise, is well designed and located and where possible sited so that it is functionally and physically closely related to existing farm buildings. Core Strategy Policy CS8 identifies the protection and enhancement of facilities, services and amenities that contribute to the quality of life of residents and visitors as being an important element in the development of sustainable places in the county. Core Strategy Policy CS17 has similar objectives to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment. The National Planning Policy Framework (the Framework) establishes a presumption in favour of sustainable development. Its core planning principles include the account that should be taken of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and the securing of high quality design. Paragraph 180 of the new Framework states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; and (b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason. In respect of the landscape and visual impact assessment the proposed development is situated on a greenfield site and in our opinion it would significantly change the landscape character. More needs to be done to mitigate the development, for example to reduce its height by excavating the land. We do not agree with the landscape and visual impact assessment that it would have a minor i.e. not significant effect. Oakley Hall can be seen from the site and therefore will have a view over the proposed development. The development is reliant on screening to mitigate the effect of the impact of the development. We are of the opinion that this will not be the case.

#### Other matters:

We are concerned that the proposed development is adjacent to the watercourse of Betton Brook and that however well the site is run, there will be run off into the stream. Also we are concerned about unpleasant smell and dust affecting the village of Norton-in-Hales.

#### Conclusion:

In conclusion the proposed development will have an unacceptable adverse environmental impact and will not contribute to and respect locally distinctive or valued character and existing amenity value.

3.16 **Staffordshire Branch of the Campaign to Protect Rural England have**

responded to the application on two separate occasions indicating:

The site is currently an open greenfield site, used for low visual impact rural activity (grazing cattle) and has some prominence over the surrounding area due to topography. The proposals include for the erection of a substantial (albeit low rise) bulky structure, with substantial ancillary facilities, which will result in the intensification of farming activity. We note the findings of the landscape and visual assessment. However, due to the bulky nature of the proposed development and the prominent location of this greenfield site within the landscape, we view this to be a significant, detrimental alteration to the character of the existing landscape and local countryside. We acknowledge that the NPPF supports sustainable development and rural enterprise, but it is not clear from the application whether alternative scale proposals have been considered and how significantly these would differ in terms of economic benefit.

In addition the 180m of old, possibly ancient, hedgerow proposed to be removed for access splays would have a significant impact, not only on landscape, on the biodiversity of the area as Staffordshire Wildlife Trust and Mammal Group have identified at least 7 woody species of high importance. The hedge may well be protected under the Hedgerows Regulation (1997) particularly as a longer than 20m section is proposed to be removed, conditions should be checked at <https://www.gov.uk/guidance/countryside-hedgerows-regulation-and-management#check-if-a-hedgerow-is-protected>.

The area is classified as ‘timbered pastures’, rare in the county, found solely in the North-east of the county, therefore requiring special protection.

We note the visual impact assessment has identified moderate impacts from several views surrounding the site and request the mitigations proposed should form the basis of minimum conditions, with any further enhancements that could be made, being fully considered. These should also be integrated with the proposed environmental enhancements that have also been outlined.

Visual impacts encompass block planting, not in-keeping with the surrounding landscape in addition to impacts upon the setting of Oakley Hall (Grade II listed) and its surrounding parkland which has been under Countryside Stewardship schemes for 20 years.

We fully support the proposed conditions set out by the Shropshire Council, Planning Ecologist, especially in relation to limiting the total number of chickens that can be held on site. We also consider it necessary that Staffordshire County Council be consulted and potentially other relevant consultees, such as the Staffordshire Wildlife Trust, given the proximity of LWS in Staffordshire.

We note the detailed objections and concerns raised by the Parish Council and many local residents, relating to odour, noise and ammonia impacts, as these could significantly reduce the enjoyment of the local countryside by local residents.

We therefore continue to have a holding objection to the proposals, until more information is provided on how the proposals accord with sustainable development, given the impact on the character of the countryside and that all other parties relevant to the application have been fully consulted.



One letter of support has been received from the NFU – West Midlands NFU Branch, The letter indicates that the application will assist the local economy economically and sustainably assist agricultural development.

An updated petition signed by 24,294 signatories objecting to the proposal has also been received and this indicates: (Digital Campaigns Officer - People for the Ethical Treatment of Animals).

- Ammonia from the chickens' waste would be emitted from the farm into the surrounding area, which would likely have a negative impact on air quality and potentially have a detrimental effect on human health, wildlife, and the environment. At some local wildlife sites, the concentration of ammonia exceeds standard thresholds.
- Operations on the farm would likely produce strong odours – including from the chickens' waste and litter – which could disturb local residents and have a negative impact on their quality of life.
- The farm would cause an increase in traffic in the area, including several HGV movements to and from the site every week.
- Large amounts of manure would be produced on the farm and transported off site for spreading. There would be a risk that this material could leak or run off and contaminate surrounding land and rich wildlife habitats, such as the River Tern, which feeds into the River Severn. The area is home to hedgehogs, otters, bats, kingfishers, reptiles, amphibians, and an abundance of other wildlife.
- The erection of additional buildings on the site would likely have a detrimental effect on the character of the landscape, especially as there are listed properties, ancient woodlands, heritage assets, bridleways, and footpaths nearby.
- Finally, intensive farms such as this one cause animals immense suffering. If construction goes ahead, 32,000 sensitive, intelligent chickens at a time will spend their short lives crammed inside a barren shed with severely limited access to the outside world, and they'll be denied the opportunity to do anything that comes naturally to them, such as foraging, roosting, or moving freely. Many will lose their feathers from the stress of extreme confinement, and ammonia from the build-up of waste could cause a variety of health issues, including respiratory problems and conjunctivitis. When they're just over a year old, they'll likely be packed onto a lorry and sent to the abattoir, where they'll be suffocated with carbon dioxide or stunned in an electric water bath before their throats are slit.

A further letter raises concerns that no Environmental Statement accompanies the application.

A petition has also been received signed by 511 signatories which objects to the proposed development on a wide range of issues similar to issues as raised in other letters of objections received from members of the public.

- 3.17 **The Shropshire Barn Owl Group** objects to the proposed poultry farm unit planning application to the north of Betton, Market Drayton on the basis that the site supports barn owl hunting habitat and the development of the site is likely to be detrimental to that habitat and barn owls.

## 5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale and landscape impact
- Impact on the historic environment
- Ecology
- Residential amenity
- Public highway and transportation

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

#### **Environmental Impact Assessment**

- 6.1.1 As indicated in paragraph 2.15 of this report the Council in its screening opinion dated 10<sup>th</sup> June 2019 established that an Environmental statement is not required in support of this application. It is noted that the applicant in support of the application has submitted significant information as outlined in paragraph 1.2 of this report and this includes reference to a landscape and visual impact assessment, historic assessment, transport statement, flood risk assessment, noise impact report, odour report, manure management plan and ecology report. As such with consideration to the scale of the proposal, it is considered that adequate information has been submitted in support of the application upon which basis to make a recommendation.

### 6.2 Planning policy and principle of development

- 6.2.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in

preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements (Para 2- NPPF).

6.2.2 The NPPF advises that the purpose of the planning system is to contribute to achieving sustainable development (para. 7) and establishes a presumption in favour of sustainable development (para. 11) indicating that there are three overarching objectives to achieving this: economic; social; and environmental. The NPPF states that significant weight should be given to the need to support economic growth and productivity (para. 80). In respect of development in rural areas, it states that planning decisions should enable the sustainable growth and expansion of all types of business; and the development and diversification of agricultural and other land-based rural businesses (para. 83).

6.2.3 Core Strategy Policy CS5 states that new development in the countryside will be strictly controlled and that proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specified proposals including: agricultural related development. It states that proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts. Whilst the Core Strategy aims to provide general support for the land based sector, it states that larger scale agricultural related development including poultry units, can have significant impacts and will not be appropriate in all rural locations (para. 4.74). Policy CS13 seeks the delivery of sustainable economic growth and prosperous communities. In rural areas it says that particular emphasis will be placed on recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with industry such as agriculture.

6.2.4 The above policies indicate that there is strong national and local policy support for development of agricultural businesses which can provide employment to support the rural economy. In principle whilst it is acknowledged Policy CS5 strictly controls new development in the countryside, it is considered that the provision of the egg laying unit as proposed can be given planning consideration in support, as the policy does allow for agricultural development in the countryside all be it that this proposal is for agricultural development that does not form part of an existing agricultural business. Policies recognise that poultry units can have significant impacts, and seek to protect local amenity and environmental assets. These matters are discussed below.

### 6.3 **Siting, scale and landscape and visual impact.**

6.3.1 Core Strategy Policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. It states that development will be designed to a high quality using sustainable design principles. Policy CS17 also 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 policy MD2 requires that development contributes to and respects locally distinctive or valued character and existing amenity value. SAMDev Plan policy MD7b states that applications for agricultural development should be of a size/scale which is consistent with its required agricultural purpose, and where possible sited so that it is functionally and physically closely related to existing farm buildings. Policy MD12 of the SAMDev puts emphasis on the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration.

- 6.3.2 The application proposes one egg laying unit with two associated feed bins, hardstanding area and highway access for the housing of up to 32,000 egg laying hens on agricultural land in open countryside. The site consists of grade 2 and 3 farm land to which it is acknowledged that development as proposed will have a significant localised visual impact.
- 6.3.3 Whilst it is acknowledged that intensive poultry units can have a significant impact on the landscape character as well as a visual impact, consideration also has to be given to the economic benefits. In this instance they will not be significant as the proposal is for a new business in the countryside and not diversification of an existing rural business. However the proposal will entail production of local food and enable a person to set up a business in the agricultural sector.
- 6.3.4 The application proposes a new egg laying unit on a green field site. The proposed development is for the erection of 1 number free range egg laying unit of dimensions 88.5 metres x 30.45 metres, with an eaves height of 3.35 metres and a ridge height of 7.430 metres, together with two feed bins, hard-standing areas and a new highway access. The proposed building will house 32,000 free range laying hens in two 16,000 bird sections.
- 6.3.5 The applicant has submitted a landscape and visual impact assessment, (revised during the application processing), in support of the application and this concludes that the site does not fall within any areas of landscape designation. It acknowledges that there are listed buildings located within the vicinity and within the nearby settlements of Oakley and Betton. There are Scheduled Monuments, including the church within Norton in Hales and The Devil's Ring and Finger. It confirms that the area's landscape character is comprised of the Timbered Pastures landscape character type, the Settled Pastoral Farmlands landscape character type, the Principal Settled Farmlands landscape character type, the Staffordshire Sandstone Estate lands landscape character type and the local character of the site and its immediate surroundings. Conclusions indicating that the landscape value is assessed as high and although the landscape is undesignated it contains primarily valued landscape components.
- 6.3.6 It also indicates that the landscape's susceptibility to change has been assessed as medium. Sensitivity to change is concluded as medium. Overall it does not consider that development as proposed with mitigation will have any significant adverse impacts on the landscape. It also concludes that cumulative impacts are not a

concern owing to no other similar type developments within the immediate surrounding vicinity. (Applicants LVIA Rev I – May 2019).

- 6.3.7 The BAN objectors group set up to oppose the application have also submitted a LVIA rebuttal and critique prepared on their behalf and this indicates that in their opinion that the assessment is flawed and misrepresents the actual scale of effects. They consider the LVIA as a whole relies on the proposed mitigation measures suggesting that these would be acceptable and appropriate to the existing landscape context. The assessor has not recognised that such planting in itself would be harmful to the landscape character. With regard to the argument of comparison between the proposed large-scale sheds and other agricultural developments in the local landscape, this is unsubstantiated and incorrect. Overall, they reject the assessment and its findings as sub-standard and misleading with the scale of landscape character effects and visual effects skewed and misrepresented.
- 6.3.8 A further critique on behalf of BAN to the revised LVIA from the applicants indicates in conclusion that the LVIA claims the residual overall impact on the landscape is minor. BAN's critique considers this is an extraordinary conclusion and undermines the credibility of the report. The photo montages submitted by BAN demonstrate this. Block tree screening is not characteristic of the landscape, will be too thin to conceal the development and does not anyway cover all viewpoints.
- 6.3.9 The Council's Landscape Consultant has reviewed both the applicant's landscape and visual impact information in support of the application and that received from the BAN group, as well as consideration to numerous letters of objections to the application. This concludes that the conclusions of the applicants revised LVIA can be relied on in consideration of determination of the application under consideration.
- 6.3.10 The Council's Landscape Consultant has also given consideration to the further critique received from BAN and Mr. Rowley and this indicates no further issues of concern or reasons to change the advice as set out in the last review (LVIA Revision I) that the LVIA is acceptable. The Pegasus response on behalf of BAN to the Council's Landscape Consultants response in relation to photomontages and viewpoints, permissive footpaths and planting scheme as proposed by the applicant has also been considered.
- 6.3.11 The application proposes extensive development in scale, in the form of an intensive egg laying unit of steel frame construction with steel cladding. It is considered this will have an impact on the landscape, however impacts will be localised to the surrounding area and it is considered that the existing landscape with its surrounding native trees and hedgerows with additional mitigation as proposed by the applicant, in the form of tree belt planting with consideration to the surrounding land topography, will mitigate the development into the surrounding landscape to an acceptable level. The objectors' consultant comments that tree mitigation as proposed is considered not typical of the surrounding landscape in that it will appear to be out of place, however if native species are used, it is

considered that this will blend into the surrounding landscape and that this form of planting is typical of the overall rural landscape and character. (pockets of native plantings). There is also the added benefit of other biodiversity enhancements in relation to provision of habitat. Photomontages as submitted in support of critiques have also been given considered by Officers in relation to both the landscape and historic impact. Impacts in relation to the landscape as a whole have been considered, and this includes impacts in relation to public rights of way as well as permissive footpaths with the wider landscape surrounding the application site and effects on the landscape character.

- 6.3.12 On balance in relation to mass, scale and landscape and visual impact with mitigation as proposed by the applicant, impacts are considered acceptable. Officers share the views as indicated by the Council's Landscape Consultant in that the development as proposed, (including the access road from the adjoining public highway and loss of existing hedgerow and replacement to improve visibility splays), can be integrated into the surrounding landscape, as it is one of 'a rural agricultural landscape' though it is accepted construction development on site will have a localised impact, however this impact can be mitigated by the planting of further native species in order to help integrate the proposed 'agricultural development' into the surrounding rural landscape. Therefore if members are minded to support the application it is recommended that conditions with regard to further landscaping and maintenance as well as external colour of development on site are attached to any approval notice subsequently issued. Also of material consideration is the economic viability of the proposal and the contribution towards local food production. Whilst it is acknowledged that the land on which the development is proposed is of high quality agricultural classification, its loss to grass production in the overall planning assessment is considered not to be of a high significance. As such the proposed development considered in accordance with Policies CS6 and CS17 of the Shropshire Core Strategy and Policies MD2 and MD12 of the SAMDev and the NPPF on these matters.

## 6.4 Historic Impact

- 6.4.1 Paragraph 129 of the NPPF indicates that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, (including by development affecting the setting of a heritage asset), taking account of the available evidence and any necessary expertise. The proposal has to be considered against Shropshire Council policies CS6 CS17 and MD13 and with national policies and guidance including Section 12 of the National Planning Policy Framework (NPPF) and Good Practice advice notes 1, (Local Plan Making), 2, (Managing Significance in Decision-Taking in the Historic Environment) and 3 (Setting and Views) Special regard has to be given to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses as required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.4.2 Policies CS6 and CS17 of the Shropshire Core Strategy emphasis the need to protect and enhance Shropshire's historic assets. Policy MD13 of the SAMDev emphasising the requirement wherever possible that proposals should avoid harm

or loss of significance to designated or non-designated heritage assets and this includes consideration to their settings.

6.4.3 The site is located in open countryside and within 2 km of the site there are several historic buildings of interest. These include most notably Brand Hall, Oakley Hall, Tunstall Hall and in Norton-in-Hales village, to the north of the site and the area known as Betton there are further grade II listed buildings as well as within the area of Betton, Betton House and Betton Old Hall). Of these, the grade II\* listed Oakley Hall is one of the nearest at approx. 300m of the bird ranging area. During the processing of this application Betton Hall Farm and its buildings were listed as Grade II by Historic England. There are also other buildings of historic interest classed as non-designated heritage assets

6.4.4 A heritage impact assessment has been submitted as part of the application which confirms that the application site whilst forming part of an agricultural landscape, lies within an area of historic interest, particularly relating to the medieval to post-medieval period. Of particular interest is the grade II\* listed Oakley Hall which is located to the east of the application site just within Saffordshire. The assessment concludes that the proposed development will result in no direct visual impact on Oakley Hall and its associated Listed Buildings and Farmstead. In respect of Oakley Hall Parkland, it is concluded that there will be no indirect impact in terms of intervisibility and designed views. The impact in terms of public landscape views would be minimal and could be lessened by a programme of planting. Furthermore, the development would not lessen the significance or setting of any of the Oakley sites.

6.4.5 In the applicant's historic assessment it is considered that there will be no significant impacts on other heritage assets within the surrounding vicinity and this includes reference to the Grade II Listed Betton House. In consideration of the existing topography and man-made landscape to the east and southeast of the site, it was concluded that the proposed development will have no significant visual or other impacts on this site, or other non-designated heritage assets within the surrounding area to the application site.

6.4.6 Overall, the applicant's assessment concludes that the proposed development would not cause any direct physical impact on known heritage and non designated heritage assets, the proposed development would not cause any indirect impact on statutory protected sites, in terms of visual, setting and significance, the proposed development would not have any adverse impact on the public perception of statutory protected sites, allowing for planting on the west side of the proposed shed, the development would not have any adverse impact on the public perception of Oakley Parkland or features within the Parkland as recorded by the Historic Gardens Register, allowing for planting on the south side of the proposed development, there will be minimal to no visual impact on views from nearby minor heritage assets, the proposed development will not impact on the significance or setting of any other heritage assets within the 1km search area.

6.4.7 An historic impact assessment of the surrounding area and historic assessment

note in relation to the Grade II\* Oakley Hall have been submitted by BAN and these conclude that the applicant's assessments did not take account of non-publicly accessible views, co-visibility and seasonality, and did not consider the current extent of the landholding associated with Oakley Hall. It considers that the proposed development would cause harm to the heritage significance of Oakley Hall, through co-visibility and visibility from the current grounds of the asset which borrow views out to the wider countryside. It also makes reference to Betton Hall Farmhouse and outbuildings which as indicated above were listed as Grade II during the processing of this application indicating that development as proposed is likely to cause harm to the aesthetic value of this asset.

6.4.8 It is noted that in response to the application Historic England indicate no objections to the proposed development and this includes reference to the recent listing of Betton Hall Farm and its agricultural outbuildings.

6.4.9 SC Conservation Manager has stated that with regard to the setting of the Grade II\* listed Oakley Hall, it is noted that any inter-visibility between the proposed development site and the house would be blocked by Betton Wood, which lies beyond the pool immediately west of the house, as well as the bankside trees alongside the un-named watercourse and the small plantation to the south and south-east. Together with the fact that the proposed development has never formed part of the parkland landscape associated with the hall, it is therefore considered that there would be no effects upon the setting and thereby the significance of the listed building in this respect. In the Conservation officer's opinion the panoramic views within the Landscape and Visual Impact Assessment (Ref. IPA21945lvia; Revision G-April 2019) indicate that any wider residual effects, in terms of the egg laying unit being visible in any wider views that can be gained of the hall from the south, would be mitigated by the proposed landscaping scheme.

Similarly, it is considered that there would minimal inter-visibility between the proposed development and the Grade II listed Betton House and Betton Old Hall, together with the non-designated Betton Hall and Betton Hall Farm, due to the intervening tree cover. Any residual effects would likewise be mitigated by the proposed landscaping scheme. Consequently, it is considered that there will be no impact on the settings and thereby the significance of these buildings.

6.4.10 An update response on this application from the Council's Conservation Manager in respect of the historic environment as a whole which includes reference to archaeology interests also raises no objections and this is with consideration to the fact that Betton Hall Farmhouse and its agricultural outbuildings are now considered grade II listed. It is also considered that the response adequately comments on Council officer consistency, a concern raised in the objection on behalf of BAN and Mr. Rowley.

6.4.11 In relation to impacts on the historic environment, it is considered that the proposed development is acceptable, and that there will be no significant harm to the historic environment and this also includes consideration to the Norton in Hales Conservation Area, and its setting, (the latter to which it is considered there will be no harm, as such S72 of Planning (LBCA) Act 1990 does not apply). With a condition attached to any approval notice issued with regards to landscape



mitigation and enhancement, (so as to enhance the surrounding landscape as well as provide biodiversity mitigation and enhancement), the development as proposed is considered to be in accordance with Policies CS6, CS17, MD2 and MD13 of the Local Plan, and the NPPF. Due consideration has also been given to Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the guidance contained in the NPPG and Historic England's Historic Environment Good Practice in Planning Advice Notes 2 (Managing Significance in Decision-Taking in the Historic Environment) and 3 (The Settings of Heritage Assets).

## 6.5 Ecology

- 6.5.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats. Therefore the application has been considered by the Council's Ecologist and Natural England.
- 6.5.2 The application is accompanied by an Ecological assessment and its conclusions which indicate that providing the recommendations are fully implemented, there are no obvious ecological counter indications to the proposed project at this stage. The recommended ecological protection and enhancements, including reasonable avoidance measures for great crested newts, the obtaining of a badger sett closure licence, the establishment of a fenced 10m wide buffer zone along the course of Betton Brook, the planting of two new areas of native woodland, the placement of hedgehog nesting boxes and the erection of bird nesting boxes and bat roosting boxes will provide assurance that there is no net loss to biodiversity and no unacceptable adverse impact on ecosystem services, are considered satisfactory.
- 6.5.3 The Action Group 'BAN' (opposed to the application), have also submitted ecology objections via a report and further submissions and these conclude the applicant's ecology appraisal report makes a number of sweeping conclusions about the fauna and flora of the area surrounding the site based on desk work and a one day site visit. They submit that these conclusions are clearly flawed. They state that this application clearly lacks a proper review of the impact this development will have on the surrounding area as per NPPF 2018 Section 174 requires. The BAN objections state that the applicant's appraisal has not included a comprehensive assessment of the likely effects of the proposed development on statutory and non-statutory ecological designations and that Natural England should be consulted and its views taken into account before the planning application is determined. Concerns are also raised that they have failed to assess potential surface water or groundwater effects on the adjacent Bretton Brook and downstream Local Wildlife Sites and other ecological receptors (e.g. lowland fen), which could be significant given the number of birds that will be ranging within the adjacent land. In addition, potential air quality effects on the Staffordshire LWS have not been fully considered and Staffordshire Council will need to be consulted for its views prior to determination of the application. Detailed survey work has not been carried out in relation to a number of protected species, particularly in relation to bats, badgers, dormice, otters and reptiles, such that sufficient information is not available to allow all material considerations to be taken into account, as required under national

policy (ODPM Circular 06/2005).

6.5.4 In response to concerns as raised by BAN, both Natural England and the neighbouring planning authority were consulted on the application and neither have responded objecting to the proposed development. SC Planning Ecologist has responded indicating no objections, having taken ecological objections /concerns received in relation to the application into consideration recommending informatives and conditions be attached to any approval notice issued as set out in their formal response to the application. (Paragraph 4.12 above). The Council's Ecology response concludes that the proposed free range egg laying unit will not impact upon the integrity of designated sites within 5km of the installation, and will not impact on the favourable conservation status of protected species. In relation to concerns raised from objectors regarding protected species and need for additional survey information, the response further states, that to insist on additional survey work would be unreasonable and against the Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System (16th August 2015). The Circular makes it clear in paragraph 99 that the developer should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. SC Ecology is satisfied that providing works are conducted as proposed, protected species will not be negatively affected by the development. This also includes consideration to loss of hedgerow in order to provide the required visibility spalis and mitigation in respect of the loss of hedgerow. Concerns raised with regards to nitrate and watercourse pollution have also been considered. The applicant has indicated a chicken ranging buffer to the water course above and beyond what is considered reasonable. European Union Council Directive 1999/74/EC states that from 1st January 2012, free range systems must provide a minimum of - 1 hectare of outdoor range for every 2,500 hens equivalent to 4m<sup>2</sup> per hen. This development is fully compliant with EU Council Directive 1999/74/EC.

6.5.5 Objections/comments on ecological and biodiversity issues in relation to the application have also been taken into consideration as raised by Shropshire Wildlife Trust, Shropshire Barn Owl Group, members of the public, Shropshire Badger Group and both the Shropshire and Staffordshire branches of the Campaign to Protect Rural England. With consideration to the responses received from the Environment Agency, Natural England and the Council's Planning Ecology, on balance the application in relation to ecological and biodiversity issues is considered acceptable with conditions and informative attached to any approval notice issued as recommended by SC Planning Ecology and therefore in accordance with Policies CS6 and CS17 of the Shropshire Core Strategy, the Council's SAMDev Policy MD12 and the NPPF.

## 6.6 Residential amenity.

6.6.1 The proposed development indicates the total number of birds on site as 32,000. This is below the threshold (40,000) for regulation of poultry farming under the Environmental Permitting, (EP), (England and Wales) Regulations (EPR) 2010 and

as such the site will not be subject to a permit issued and monitored by the Environment Agency. The usual legislation in relationship to these matters as applied by the Council's Public Protection is of course still relevant.

6.6.2 The nearest dwelling to the site outside of the applicant's control is approx. 360 metres away and the applicant has included as part of the application an odour impact assessment which indicates that odour exposures at all dwellings outside of the applicants control will be below the Environment Agency's benchmark for moderately offensive odours, which is a maximum annual 98th percentile hourly mean concentration of 3.0 ouE/m<sup>3</sup>. At all residences considered the predicted maximum annual 98<sup>th</sup> percentile hourly mean concentrations are below 1.0 ouE/m<sup>3</sup>.

6.6.3 The applicant has also submitted a noise assessment which has considered background noise in relationship to vehicle movements, and extractor fan noise on the chicken unit and this assessment concludes that there will be no adverse noise impacts in relationship to residential amenity issues to any dwellings outside of the applicant's control. The Council's Regulatory Services Manager has raised concerns with regards to HGV night-time movements through the village of Norton –in-Hales located to the north of the site. Officers consider that the natural highway access to the site will be from the southern side of the application site from the direction of Market Drayton. Secondly this application is for an 'egg laying unit' and as such there will be very little in the way of night time HGV movements and in any case as discussed elsewhere in this report if members are minded to support the application, it is recommended that a condition is attached to any approval notice restricting feed deliveries to day time hours. As such it is considered unreasonable to further restrict on this matter. It is also noted that objections on noise issues have been received from members of the public and from BAN, the latter of whom also raise concerns with regards to noise created from HGV movements. Officers consider noise issues acceptable and share the conclusions reached in the applicants' noise assessment. As such the proposal is considered acceptable on noise and dust issues with a condition attached to any approval notice issued with regards to hours of deliveries of feed to the site which will be stored in silos on site and its transportation on site from HGV to silo can be a noisy task. This condition is recommended owing to background noise in this location being very low, also such a condition would also ensure HGV night time movements are kept to a minimum. (Will only occur at on site bird change over which only occurs approx. once every 14 months).

## 6.7 **Manure management, disposal and storage.**

6.7.1 The proposed buildings are based on a manure belt system which are situated beneath the perches. The manure drops directly onto the manure belts and is removed from the building. The manure belts deposit the manure onto an agricultural elevator which is emptied into an agricultural trailer. The trailer will then be sheeted and the manure removed from the site. The applicant has a manure management report and update and these indicate that manure generated on site will be disposed of via a contractual arrangement with Sandy Walker, Ercall Park, High Ercall, Shropshire, TF6 6AU to take all of the manure arising from the

proposed development. The manure will be used as a sustainable fertilizer on the farm at Ercall Park which is an 800 acre arable unit producing wheat, barley, oilseed rape and potatoes. For the past 20 years The business at Ercall Park has imported 1,600 tonnes of laying hen manure per annum from other sources, for spreading on the farm as a sustainable fertilizer to support the arable enterprise. The agreement with Rupert Chitty is essentially changing part of the source of the poultry manure supply to the farm at Ercall Park. The development at Betton will generate around 624 tonnes per annum, and the farm's supply from other sources will reduce by the same amount. The baseline situation for Ercall Park is such that hen manure currently stored and spread on this farm annually, and therefore the potential impacts of the proposed change in source of part of the manure maintains the status quo with no additional volume of manures imported or spread and no change to the current baseline.

- 6.7.2 Manure is considered a valuable organic and sustainable fertilizer and its spreading on arable land is considered acceptable, as it provides nutrients to grow crops and also adds organic matter to the soil to improve soil structure. This is on the understanding that it has no adverse environmental effects and this includes residential amenity and general amenity impacts. It is considered that this matter has been satisfactorily addressed by the applicant and that this can be adequately managed by conditions attached to any approval notice issued, (manure removal off site), and in relation to its spreading on land outside of the application site and applicant's control via a Section 106 agreement to which it is understood both the applicant and representatives of the business concerned receiving the manure have agreed to in principle. The Section 106 agreement will limit manure spreading and its management to the designated farm only.
- 6.7.3 The storage and spreading of farmyard manure is also controlled through the Nitrate Pollution Prevention Regulations 2015. These regulations dictate where manure can be stored, where it can be spread and the timing of spreading during the year. Compliance with the regulations is monitored by DEFRA under cross compliance legislation with fines in place for non-compliance.
- 6.7.4 Whilst the extensive letters of objections received from members of the public as well as a petition and Local Parish Council objections in relation to amenity issues are noted, along with the odour report prepared on behalf of 'BAN' it is noted that the Council's Public Protection Manager and the Environment Agency raise no issues of concern on amenity matters and this includes consideration to potential fly problems to which Officers consider information in support of the application on amenity issues to be acceptable, with consideration to the processing and disposal of manure as discussed above. This also includes reference to concerns as raised by members of the public with regards to nitrate vulnerable zones and nitrogen deposited on the ground by the chickens, (free range area). A further update on this matter will be presented to Committee.
- 6.7.5 It is recommended that a condition is attached to any approval notice if members are mindful to approve the application, in order to ensure all manure removed off the intensive poultry site is done so in sealed and covered trailers. Also a condition with regards to feed deliveries, so as to ensure no night time deliveries as

transferring feed from a HGV into a feed silo on site can be a noisy operation and it is acknowledged that background noises in this area are relatively low. It must also be noted that the Council's Public Protection section has statutory powers to deal with any proven amenity issues as a result of the development, considered a statutory nuisance.

6.7.6 On balance the proposal is considered acceptable in relationship to surrounding residential amenity issues. As such the proposal is considered to be in accordance with relevant policies of the Shropshire Core Strategy, the Council's SAMDev and the National Planning Policy Framework on issues in relationship to residential amenity and public protection.

## 6.8 Public highway and transportation issues.

6.8.1 Policy CS6 of the Core Strategy requires development to be inclusive and accessible. Paragraph 109 in the NPPF indicates that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Paragraph 111 of the NPPF indicates all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport assessment so that the likely impacts of the proposal can be assessed.

6.8.2 The applicant has submitted a transport statement and this concludes that the safety performance of the road network was reviewed using collision records and this was found to be acceptable. A review of the proposed development traffic revealed that the highest traffic flow would occur at the start and end of the flock cycle during bird delivery and removal when 12 movements (6 in / 6 out) are proposed during the day, including staff trips. During the normal operation of unit, traffic generation is limited to a feed delivery every week, a load of manure being removed per week; a carcass collection every week, 2 egg collections per week, 2 staff travelling to the site every day, 5 Farm Assurance Inspector visits per annum and 4 veterinary visits per annum. It is proposed that all commercial/HGV traffic would travel to the site from the A53 to the south via Maer Lane and Byways. Having considered the activity associated with the proposed development, it is apparent that the total on any given day/hour falls within the range of day to day variation observed on the local road network and is directly comparable with the daily and seasonal variations that can and do occur as a result of normal agricultural activities in the area. As a result, the development would not result in unusual conditions being encountered on the local road network. In circumstances where a proposed access to the site which accords with desirable standards can be provided to a road network that has demonstrably accommodated similar vehicle types safely for a period of 5 years, and where the very modest development traffic volumes associated with the proposed development fall within what would be expected to occur as part of normal day to day and hour to hour variations on the local roads as a result of typical seasonal variations in a rural area, the proposal would not result in an unacceptable impact on highway safety or a severe residual cumulative impact on the road network.

- 6.8.3 Objections from members of the public on highway and transportation matters have been received and this includes a letter from R.L.G. Lucan, Chartered Surveyor and a letter of objection on highway and transportation matters from Betton and Norton-in-Hales Action Group. Both letters, (as well as others received), raise concerns with regards to local highway conditions and the ability of the existing highway infrastructure to accommodate further vehicles as a result of the proposed development.
- 6.8.4 The application site is located approximately 4km to the northeast of Market Drayton and around 500 metres to the north of Oakley Lane, in the third field above this route. The site is proposed to be served by a new access located 635 metres to the north of the Oakley Lane junction, with visibility splays extending 90 metres in either direction, these are to be provided from a 2.4 metre set-back from the road edge along the access centreline.
- 6.8.5 Information forming part of the applicants' transport statement indicates that *the development would operate on a flock cycle basis. Each flock cycle runs over a period of 70 weeks. At the start of the flock cycle 4 No. articulated HGVs would deliver birds to the unit, resulting in 8 HGV movements, with similar vehicles being used at the end of the cycle to remove the birds. The bird deliveries and collections are normally undertaken during darkness hours, which is of benefit to the birds' wellbeing. During the flock cycle there would be 1 No. feed delivery per week using an articulated HGV resulting in 2 movements on the road network. There would be 2 separate egg collections per week on different resulting in 4 HGV movements overall, but only 2 movements on any single day (1 in / 1 out). There would be 1 tractor and trailer visiting the site per week to remove manure (2 movements) and 1 collection of carcasses per week in a box van (2 movements).* The applicant's transport assessment has also surveyed existing traffic movements along the public highway access road leading to the site and this information is considered acceptable.
- 6.8.6 SC Highways Manager has indicated no objections subject to consideration to suggested conditions with regards to the proposed access layout and the visibility splays being implemented in accordance with the drawing titled Site Layout Plan A1. No objections to vehicles accessing the site from either a north or south direction, noting that the applicant intends that larger HGVs will turn south out of the new access and continue south until turning on to The Byways road heading for the A53, in reverse of that order when travelling to the development site. The response indicating that any vehicles movements generated by the development will have to pass along the same type of roads to access the principal highway network. In summary, there is an expected maximum of 6 vehicles in and 6 vehicles out as a worst case over a 12-hour day, this equates to one vehicle movement every hour and is not seen as having an adverse impact on the highway network.

It is noted that the Local Parish Council and several letters of objections from members of the public raise concerns with regards to public highway safety and access to the site and the current condition of the public highway that serves the

site. (Class III highway), and whilst a HGV routeing plan forms one of the recommended conditions should members be mindful to support the application, access from the north is not considered to be a significant concern that would warrant no access from this direction in relation to HGV movements, as overall HGV movements in relation to the development are considered low. (The northern approach would be through the village of Norton-in-Hales, and therefore past more denser residential development and through an historic village). As such on balance transportation issues are considered acceptable by the SC Highways Manager with conditions attached to any approval notice issued with consideration to access layout, visibility splays and HGV routeing plan and therefore overall considered by Officers to be in accordance with relevant local plan policies and the NPPF on highway and transportation matters.

## 6.9 Drainage

6.9.1 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development. It is noted that the application site is in flood zone 1 in accordance with the EA flood risk data maps.(lowest risk), The application is accompanied by a flood risk assessment and its comments and conclusions are noted and have been considered as part of the consideration to this application.

6.9.2 In this case no objections have been raised by the Environment Agency or the Council's Drainage Manager as it is noted that a sustainable drainage system can be installed on site. Reference to this via the attachment of a condition in relationship to a final drainage layout plan can be included on any planning permission if granted.

6.9.3 In view of the above it is considered that an appropriate drainage system can be installed to meet the requirements of the NPPF and Policy CS18 of the Shropshire Core Strategy.

## 6.10 Other matters.

6.10.1 It is acknowledged that many letters of comment/objections have been received from members of the public, as well as objections from two local parish council's, the key issues of which have been discussed above, as well as other issues as raised by members of the public. In relation to such matters as impacts on existing utilities, supply and demand issues within the egg industry, intensive farming and animal welfare issues, many of these issues are not considered direct material planning issues of concern in relation to this application, as it would be expected that other relevant legislation should ensure satisfactory operation on site such as in relation to animal welfare and utilities etc. Concerns about loss of value to surrounding dwellings is not considered a material planning consideration, residential amenity issues having been discussed earlier in this report. Egg industry demand will be subject to supply and demand. (Indications are that the market is not oversupplied on this matter, the NFU have indicated support for the application). Whilst it is acknowledged that this application is not part of the

diversification of an existing farm business, it is enabling a person to get into the agricultural industry in relation to a business that overall is considered sustainable. The application is not subject to EIA Regulations and the amount of land uptake in relation to the development as a whole is not considered substantial and issues in relationship to amenity and landscape and visual impact have been discussed earlier in this report.

## 7.0 CONCLUSIONS

7.1 The proposal is for an egg laying unit, a link room, two feed silos, new access road and supporting infrastructure on a greenfield site for the housing of up to 32,000 egg laying birds in total on site.

7.2 It is acknowledged that the development is significant in scale and does have a limited impact on the local landscape, however with consideration to the surrounding landscape character, topography and field layout, with further landscape mitigation the proposed development can be successfully integrated into the surrounding landscape. As such impacts on visual and biodiversity issues considered acceptable.

7.3 Consideration has also been given to impacts on the historic environment and landscape which includes the setting of designated and non-designated heritage assets, to which it is considered development on balance is acceptable. There will be no impact on the Norton in Hales Conservation Area or on its setting. Therefore with consideration to the location, size and scale and cumulative impacts, with further landscape mitigation it is considered that there will not be an adverse impact. With consideration to overall economic benefits and production of local food with further landscape mitigation in the form of native plantings and consideration to the external colour of the development, on balance the development in the open countryside location acceptable in principle.

7.4 It is noted none of the statutory consultees and Council consultees raise any objections to this application.

7.5 Public highway access and transportation issues have also been carefully considered and with consideration to the response received from the SC Highways Manager, with conditions attached to any approval notice as recommended by the Highways Manager, on highway and transportation matters it is considered that development as proposed is acceptable

7.6 Whilst objections from Shropshire Wildlife Trust and both Shropshire and Staffordshire's branches of the Campaign to Protect Rural England on biodiversity issues and such things as ammonia and nitrogen deposition are noted. SC Ecology, Natural England and the Environment Agency do not object.

7.7 It is also acknowledged that many letters of objections as well as a petition have been received from members of the public who raise a wide range of concerns in



relation to this application, as well as two Parish Councils who have also objected on various issues. These comments have been taken into consideration during the weighing up of the planning balance of this application in relation to relevant local and national planning policies.

7.8 Whilst the significant amount of documentation received on behalf of the action group BAN are noted and have been considered, the findings and conclusions as indicated in the information submitted in support of the application are on balance considered acceptable.

7.9 As such the proposed development overall is considered acceptable and in accordance with relevant policies as set out in the Shropshire Core Strategy, the SAMDev, the National Planning Policy Framework and other relevant planning guidance and legislation which includes the provisions of the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The recommendation is therefore one of delegated approval to the Planning Services Manager, subject to the conditions as outlined in appendix one attached to this report, and any modifications to these conditions as considered necessary by the Planning Services Manager, and the signing of a Section 106 agreement in relation to manure spreading.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

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

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

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

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

## 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS13 - Economic Development, Enterprise and Employment

Economic Development, Enterprise and Employment

CS17 - Environmental Networks  
 CS18 - Sustainable Water Management  
 MD1 - Scale and Distribution of Development  
 MD2 - Sustainable Design  
 MD7B - General Management of Development in the Countryside  
 MD12 - Natural Environment  
 MD13 - Historic Environment  
 National Planning Policy Framework

**RELEVANT PLANNING HISTORY:**

18/04555/FUL Erection of a free range egg laying unit and associated feed bins, hardstandings and new highway access. WDN 14th December 2018

19/01154/FUL Erection of a free range egg laying unit and associated feed bins, hardstandings and new highway access (resubmission of 18/04555/FUL) PDE

11. Additional Information

[View details online:](#)

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 Roy Aldcroft
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 Final Drainage Layout has been submitted to and approved in writing by the Local Planning Authority. The proposed soakaway shall be installed 1.50m below the invert level of the incoming pipe. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner and maintained for the lifetime of the development).

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

4. No development shall take place (including ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. 1.5 hectare woodland planting, 14 standard trees in the poultry ranging area, hedgerow planting, 580m of protection and planting to the watercourse, 8 bird, 8 bat, 8 hedgehog boxes, 1.5m fenced buffer to existing hedgerows);
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- d) Native species used are to be of local provenance (Shropshire or surrounding counties);
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- f) Implementation timetables.

All hard and soft landscape works, and ecological enhancements, shall be carried out in accordance with the approved plan; the works shall be carried out during the first planting season after commencement of development on site. Any trees or plants that, within a period of five years after planting, are removed, die or become 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. Ecological enhancements should be maintained for the lifetime of the development. Works shall be carried out as approved.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs in consideration of ecological, landscape and historic setting enhancement.

5. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
- a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented and where ecological enhancements will be installed or implemented;
  - b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction (i.e. protection of the brook during construction, method statement for the removal of hedgerow to include an Ecological Clerk of Work for the protection of great crested newts and nesting birds);
  - c) Requirements and proposals for any site lighting required during the construction phase;
  - d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
  - e) The times during construction when an ecological clerk of works needs to be present on site to oversee works;
  - f) Identification of Persons responsible for:
    - i) Compliance with legal consents relating to nature conservation;
    - ii) Compliance with planning conditions relating to nature conservation;
    - iii) Installation of physical protection measures during construction;
    - iv) Implementation of sensitive working practices during construction;
    - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
    - vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.
  - g) Pollution prevention measures.
- All construction activities shall be implemented strictly in accordance with the approved plan, and works will be carried out as approved.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

6. Prior to commencement of development an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall be appointed who shall ensure that the Ecological Mitigation and Enhancement Strategy submitted in support of this application (Preliminary Ecological Appraisal prepared by Craig Emms MSc MCIEEM April 2019 and drawing number IPA21945-11B November 2018), and measures approved under condition 5 Construction Environmental Management Plan are adhered to. The ECW shall provide brief notification to the Local Planning Authority of any pre-commencement checks and measures in place.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

7. No development shall take place until a Traffic Management Plan has been submitted to, and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period and the life of the operational use of the development. The Plan shall provide for: a traffic management and HGV routing plan for HGV Vehicles.

Reason: To protect the amenity of the area

8. No development shall take place within 50m of Betton Brook until either:
- a) a Licence with respect to badgers has been obtained from Natural England and submitted to the Local Planning Authority; or
  - b) a statement from an appropriately qualified and experienced ecologist has been submitted in writing to the Local Planning Authority explaining why a licence is not required and setting out any additional mitigation measures required for prior approval. These measures will be implemented as approved.

Reason: To ensure the protection of badgers, under the Protection of Badgers Act 1992.

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

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

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

10. Prior to first use of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. A minimum of 8 external woodcrete bat box, suitable for nursery or summer roosting for small crevice dwelling bat species, 8 woodcrete bird boxes, and 1 barn owl box shall be erected on the site. 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 maintained for the lifetime of the development.

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

11. Prior to first use of the building, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the Ecological Mitigation and Enhancement measures approved in support of this application (Preliminary Ecological Appraisal prepared by Craig Emms MSc MCIEEM April 2019 and drawing number IPA21945-11B November 2018). This shall include photographs of installed features such as ecological buffer to the watercourse, bat and bird boxes, area for tree planting.

Reason: To demonstrate compliance with the approved planning application in line with MD12, CS17 and section 175 of the NPPF.

12. Prior to the development hereby permitted being first brought into use, the access layout and visibility splays shall be implemented in accordance with the drawing titled Site Layout Plan A1.

Reason: To ensure a satisfactory means of access to the highway.

13. Prior to the development hereby permitted being first brought into use, the parking area, the turning area and the vehicle loading area shall be constructed in accordance with the drawing titled Site Layout Plan A1. The approved scheme shall thereafter be kept clear and maintained always for that purpose.

Reason: To avoid congestion in the surrounding area.

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

14. No more than 32,000 birds shall be kept on the site at any one time.

Reason: To ensure that the restriction on the maximum number of birds to be kept at the site at any one time can be satisfactorily enforced, in order to prevent adverse impact on Natural Assets from ammonia emissions consistent with the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Policy MD12 and the policies of the National Planning Policy Framework.

15. Notwithstanding the approved plans all building development on site, (including all the feed silo's), are to be all externally in accordance with colour code BS12B29, (Olive green).

Reason: In consideration of the visual impact and to mitigate the development into the surrounding landscape.

16. No feed deliveries to the site shall take place outside the hours of 0700 hours to 2100 hours.

Reason: to protect the amenity of the area and the health and wellbeing of nearby residents.

17. All manure removed off site will be done so in sealed and covered trailers.

Reason: In order to protect the amenity of the surrounding area.

#### Informatives

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

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an 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.

2. Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended).

If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.

3. Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992.

No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992).

All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.

4. Hazel Dormice are a European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

If a Dormouse should be discovered on site at any point during the development then work must halt and a Dormouse Licensed Ecological Consultant or Natural England should be contacted for advice.

5. Works on, within or abutting the public highway  
This planning permission does not authorise the applicant to:  
o construct any means of access over the publicly maintained highway (footway or verge) or  
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. 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. 1. Discharge of Highway Conditions This highway advice relates to the requirements of fulfilling the planning process only. In no way does the Highway Authority acceptance of these details constitute or infer specific "technical approval" of



any changes to the existing public highway or any new infrastructure proposed for adoption by Shropshire Council. Any works undertaken, prior to the appropriate Highway Agreement, Permit or Licence being formally completed, is done so at the developer's own risk, and there is no guarantee that these works will be deemed acceptable and subsequently adopted as highway maintainable at public expense, in the future. Please refer to the following informative notes for details of securing any appropriate highway approval and agreement, as required.

6. The applicant/developer is reminded that a Section 106 agreement forms part of this planning approval in relation to manure management and spreading.

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Committee and Date  
 North Planning Committee  
 23<sup>rd</sup> July 2019

Item  
**6**  
 Public

## Development Management Report

Responsible Officer: Tim Rogers  
 Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 19/01877/FUL	<b>Parish:</b>	Stoke Upon Tern
<b>Proposal:</b> Application under Section 73A of the Town and Country Planning Act 1990 for the erection of replacement low rise boundary wall with decorative brick wall and 1.75m brick piers		
<b>Site Address:</b> Newcott Fish And Chips Newcott Services Tern Hill Market Drayton Shropshire		
<b>Applicant:</b> Mr Baljinder Singh		
<b>Case Officer:</b> Toby Cowell	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 365319 - 330629

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

## **REPORT**

### **1.0 THE PROPOSAL**

1.1 Retrospective planning permission is sought for the erection of a decorative brick boundary wall incorporating 1.75m high piers interspaced by approximately 3.36m, an 800mm intermediate wall and wrought ironwork above. The wall replaced a previously existing brick boundary wall of a lower height.

### **2.0 SITE LOCATION/DESCRIPTION**

2.1 The application site, Newcott Fish and Chips, comprises a restaurant and takeaway premises located on the southern side of the A41 within close proximity to Stoke Heath, approximately 0.6 miles to the south-east. The site in question comprises the main commercial premises surrounded by an expansive degree of parking and additional hardstanding, with a dwelling house occupied by the premises' owners and associated curtilage in the southern portion of the site. The boundary wall which is the subject of the application extends along the site's northern boundary adjacent to the A41 and associated pavement.

2.2 Two neighbouring residential properties adjoin the site to the immediate east, with open fields bounding the site to the north, west and south. The site is located outside of a defined development boundary, and therefore comprises open countryside.

### **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 This application does not meet the criteria for delegated decisions as set out in the Council's adopted 'Scheme of Delegation' given the conflict between the Parish Council's objection and the officer recommendation. It has been determined that the application be considered by planning committee following consultation with the chairman and vice-chairman of committee.

### **4.0 Community Representations**

#### **4.1 - Consultee Comments**

##### **4.1.1 Stoke upon Tern Parish Council**

Objection - Notwithstanding the retrospective nature of this Application the Parish Council wish to object on the grounds that the new walls, decorative fencing and lighting are out of keeping with the rural location. In particular the extensive new lighting on the piers is a distraction and safety hazard when travelling along the A41 at night and make it difficult to discern traffic entering and leaving the site.

#### 4.1.2 **SUDS**

The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority.

We have no comment from the drainage and flood risk perspective, regarding the erection of replacement low rise boundary wall with decorative brick wall and 1.75m brick piers.

#### 4.1.3 **SC Highways**

The proposal seeks retrospective approval for the replacement of the boundary wall with a new wall topped with railings. No Objection – subject to the development hereby approved being constructed in accordance with drawing number NC-VS-500.

### 4.2 - **Public Comments**

- 4.2.1 This application was advertised via notice at the site. Additionally, the residents of 4 neighbouring properties was individually notified by way of publication. At the time of writing this report, no letters of representation have been received as a result of the publicity.

## 5.0 **THE MAIN ISSUES**

- 5.1 **Principle of development**  
**Character and appearance**  
**Highways**

## 6.0 **OFFICER APPRAISAL**

### 6.1 **Principle of development**

- 6.1.1 The application site is situated outside of a defined development boundary and therefore forms part of the open countryside from a planning policy perspective. Core Strategy Policy CS5 states that any new development in the open countryside will be strictly controlled, and development proposals are expected to be appropriate for a countryside location. The impact of the development upon the character of the locality is discussed in the subsequent section of this report.

### 6.2 **Character and appearance**

- 6.2.1 Policy CS6 of the Core Strategy requires development to be designed to a high quality using sustainable design principles, which should be responsive to the local character and context of existing development and its wider surroundings. Likewise, SAMDev Policy MD2 requires development to respond positively to local design aspirations, and be reflective of locally characteristic architectural design and details.

6.2.2 The retrospective front boundary wall is noted as being relatively ornate and replaced a far simpler and lower boundary wall adjacent to the highway. Concerns have been raised by the Parish Council insofar as the development is out of keeping with the rural location. Notwithstanding this however, the site is located along a busy main road and forms part of a highly urbanised site including a substantial degree of hardstanding. In this context, it is not considered that the boundary wall and piers visually detracts from the overall character of the site and, with a total length of 43m, does not result in significantly adverse impact upon the character and appearance of the wider rural landscape. As a consequence, such development is considered to be on balance acceptable from a visual impact perspective and, in the context of this particular location, constitutes an appropriate form of development.

### 6.3 Highways

6.3.1 Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy indicates that proposals likely to generate significant levels of traffic should be located in accessible locations where there are opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. This policy also indicates that development should be designed to be safe and accessible to all.

6.3.2 The Highways Authority have appraised this retrospective application for the erection of the boundary wall and raised no objection in relation to highway safety.

### 7.0 CONCLUSION

The retrospective erection of a brick boundary is considered to be acceptable in principle, without adversely impacting the visual amenities of the locality to a substantive degree, the amenities of neighbouring residential properties or resulting in a detrimental impact upon the safety and convenience of the highway network.

Officers therefore recommend that the application be approved, subject to the single condition as set out in Appendix 1.

### 8.0 Risk Assessment and Opportunities Appraisal

#### 8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can

be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

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

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

## **8.2 Human Rights**

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

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

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

## **8.3 Equalities**

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

## **9.0 Financial Implications**

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

as they are material to the application. The weight given to this issue is a matter for the decision maker.

## 10. Background

### Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

MD2 - Sustainable Design

MD7B - General Management of Development in the Countryside

### RELEVANT PLANNING HISTORY:

NS/07/02403/ENQ Enquiry regarding possible uses of the site REC

NS/08/01599/ENQ Current class order of property and proposed use of property as a storage depot REC

NS/89/00196/FUL Erection of petrol sales office and shop at Halfway House Cafe, Tern Hill  
GRANT 10th April 1989

PREAPP/09/00677 Proposed redevelopment of site to eight letting rooms, three self contained flats and parking area following demolition of existing petrol station REC

NS/90/00827/ADV Display of internal illuminated free standing price/logo stand. REFUSE 14th November 1990

NS/85/00634/ADV Display of external illuminated double sided pole mounted advertisement.  
GRADV 7th November 1990

NS/84/00487/OUT Extension and alterations to fire damaged cafe to include a two storey managers dwelling and 1st floor truckers overnight accommodation with proposed phasing of development of halway house. GRANT 1st November 1984

NS/84/00487/DET Extension and alterations to fire damaged cafe to include a two storey managers dwelling and 1st floor truckers overnight accommodation. GRDET 7th June 1985

NS/83/00030/FUL Erection of dwelling with private garage. REFUSE 22nd March 1983

NS/79/00298/FUL Proposed erection of a dwelling with private garage. GRANT 31st May 1979

NS/78/00777/FUL Alterations and re-building of existing living accommodation to form a dwelling. GRANT 2nd February 1979

NS/90/00507/FUL Erection of extension and fire escape. GRANT 11th June 1990

NS/89/00054/FUL Installation of new fuel storage tanks, erection of new canopy and replacement of existing fuel pumps. GRANT 8th March 1989

PREAPP/10/00027 Site history / details REC

PREAPP/10/00204 Proposed installation of an extractor fan REC

PREAPP/10/02965 Proposed rear ground floor extension NOOBJC 24th November 2010

15/03412/FUL Erection of a new convenience store with associated drainage and site works  
GRANT 1st December 2015



16/00533/FUL Erection of a single storey extension to restaurant/shop to include new toilets following demolition of single storey toilets GRANT 23rd March 2016

17/03165/FUL Application under Section 73A of the Town and Country Planning Act 1990 for the re-building of restaurant stores with extension to create additional kitchen area and stores GRANT 6th September 2017

PREAPP/19/00086 Proposed change of use of part of commercial premises to residential PREAIP 28th March 2019

NS/74/00220/OUT Erection of dwelling on land at Halfway cafe REFUSE 3rd September 1974

NS/77/00052/FUL Use of land as parking area for motor vehicles GRANT 10th May 1977

19/01877/FUL Application under Section 73A of the Town and Country Planning Act 1990 for the erection of replacement low rise boundary wall with decorative brick wall and 1.75m brick piers PDE

NS/98/00688/FUL HALFWAY HOUSE SERVICES CHESTER ROAD TERN HILL MARKET DRAYTON SHROPSHIRE  
ERECTION OF A TWO STOREY EXTENSION AND PORCH TO FRONT ELEVATION AND GROUND FLOOR EXTENSION TO SIDE ELEVATION PER 8th September 1998

NS/98/00689/FUL HALFWAY HOUSE SERVICES CHESTER ROAD TERN HILL MARKET DRAYTON SHROPSHIRE  
VARIATION OF CONDITION 06 ATTACHED TO P.P. N/84/487/SU/117 DATED 1.11.84 TO INCREASE THE NUMBER OF BED SPACES FROM 6 TO 8 (RETROSPECTIVE) PER 8th September 1998

#### 11. Additional Information

[View details online:](#)

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 Karen Calder
Appendices APPENDIX 1 - Conditions

## **APPENDIX 1**

### **Conditions**

#### **STANDARD CONDITION(S)**

1. The development shall be retained strictly in accordance with the approved plans and drawings

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

#### **CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

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

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

### **Informatives**

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

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<u>Committee and Date</u>
North Planning Committee
23 <sup>rd</sup> July 2019

<u>Item</u>
<b>7</b>
Public

## Development Management Report

Responsible Officer: Tim Rogers  
 Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### SCHEDULE OF APPEALS AS AT: 23<sup>rd</sup> July 2019

#### Appeals Lodged

<b>LPA reference</b>	19/02738/REF (18/04703/FUL)
<b>Appeal against</b>	Refusal of planning permission
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Messrs Albutt and Lawson-Johnstoin C/O Balfours
<b>Proposal</b>	Erection of two dwellings, associated garaging, alternations to the private access road and associated works
<b>Location</b>	Land To The South Of Hindford Whittington Shropshire
<b>Date of appeal</b>	01.07.19
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	19/00571/FUL – 19/02741/REF
<b>Appeal against</b>	Refusal of Planning Permission
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Ms H Richards – C/O Bleazard and Galletta
<b>Proposal</b>	Erection of a detached domestic garage/store (resubmission)
<b>Location</b>	Proposed Garage At Tilley Green Wem
<b>Date of appeal</b>	04.07.19
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	18/05530/OUT – 19/02742/REF
<b>Appeal against</b>	Refusal of planning permission
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Ms A Brown – Mrs Emma Wood
<b>Proposal</b>	Outline application for the erection of a rural enterprise dwelling to support the equestrian business and erection of dutch barn to include access
<b>Location</b>	Land North East Of Moston Grange Moston Stanton Upon Hine Heath
<b>Date of appeal</b>	09.07.19
<b>Appeal method</b>	Hearing
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

### Appeals determined

<b>LPA reference</b>	19/02694/REF and 19/02693/REF
<b>Appeal against</b>	Refusal of planning permission
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr J Scott
<b>Proposal</b>	Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to residential use
<b>Location</b>	Barns Adjacent Northwood House Farm Fauls Whitchurch Shropshire
<b>Date of appeal</b>	17.01.19
<b>Appeal method</b>	Hearing
<b>Date site visit</b>	
<b>Date of appeal decision</b>	04.07.19
<b>Costs awarded</b>	No
<b>Appeal decision</b>	<b>DISMISSED</b>

<b>LPA reference</b>	19/02728/REF
<b>Appeal against</b>	Refusal of Planning Permission
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr and Mrs Wilson- C/O Apropos Ltd
<b>Proposal</b>	Erection of a single storey lean-to extension
<b>Location</b>	The Coach House Alkington Hall Barns Alkington
<b>Date of appeal</b>	23.04.19
<b>Appeal method</b>	Written Representation
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>Dismissed</b>

<b>LPA reference</b>	19/02729/REF
<b>Appeal against</b>	Refusal of Planning Permission
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr and Mrs Wilson – C/O Apropos Ltd
<b>Proposal</b>	Alterations in connection with erection of a single storey lean-to extension to rear affecting a Grade II.* Listed Building
<b>Location</b>	The Coach House Alkington Hall Barns Alkington
<b>Date of appeal</b>	23.04.19
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>Dismissed</b>

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## Appeal Decisions

Hearing held on 23 May 2019

Site visit made on 23 May 2019

**by K Ford MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 July 2019

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### **Appeal A Ref: APP/L3245/W/18/3213885**

#### **The Sheep Shed, Northwood Home Farm, Fauls, Whitchurch, Shropshire SY13 2BA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015).
  - The appeal is made by Mr Jason Scott against the decision of Shropshire Council.
  - The application Ref 18/00259/PMBPA, dated 15 January 2018, was refused by notice dated 13 April 2018.
  - The development proposed is application for prior approval under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to residential use.
- 

### **Appeal B Ref: APP/L3245/W/18/3213889**

#### **The Piggery Barn, Northwood Home Farm, Fauls, Whitchurch, Shropshire SY13 2BA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015).
  - The appeal is made by Mr Jason Scott against the decision of Shropshire Council.
  - The application Ref 18/00258/PMBPA, dated 15 January 2018, was refused by notice dated 13 April 2018.
  - The development proposed is application for prior approval under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to residential use.
- 

### **Decision**

1. Appeal A is dismissed.
2. Appeal B is dismissed.

### **Application for Costs**

3. An application for costs has been made by Mr Jason Scott against Shropshire Council. This application is the subject of a separate Decision.

### **Preliminary Matters**

4. Both cases relate to buildings located on the same farm and as such I have considered them in the same Decision letter.

5. For both cases the description of development contained in the application forms read 'agriculture'. I have therefore used the wording in the descriptions of development used in the Council's Decision Notices for both cases.
6. In the Decision Notice for the building that is the subject of Appeal A there was incorrect references to the storage of cars. The appellant has also identified errors in the Officer's report and this has not been disputed by the Council. I have taken this into account in the determination of the case.
7. The Council determined on the 13 April 2018 that the changes proposed in both applications would require planning permission. The notification of the decisions was made after the expiry of the 56 day period for the determination of the prior approval applications. However, the judgement in Patrick Keenan v Woking Borough Council and the Secretary of State for Communities and Local Government [2017] EWCA Civ 438 has confirmed that if a development would not be permitted development then permission cannot be deemed to have been granted under the Order as a consequence of the failure to issue a prior approval determination.

### **Background**

8. The applications for prior approval were made under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) and would involve the change of use of the agricultural buildings to 2 single dwellings. Class Q of the GPDO states that development consisting of Q(a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling under Class C3 (dwellings) of the Schedule of the Use Classes Order; and Q(b) building operations reasonably necessary to convert the building is permitted development.
9. Paragraph Q.2(1) of the GPDO states that development permitted under Class Q is subject to the condition that before beginning the development, an application must be made to the Local Planning Authority for a determination of whether the prior approval will be required in relation to an identified criteria that includes transport and highways impacts and the design or external appearance of the building. Paragraph W(3) of the GPDO states that an application for prior approval may be refused where it does not comply with any conditions or limitations applicable to Class Q or where there is insufficient information to establish such compliance.

### **Main Issues**

10. The main issues in respect of both Appeal A and B are whether:
  - the buildings have been used solely for an agricultural use as part of an established agricultural unit on 20 March 2013, or whether the buildings have been in such use when last in use, or have been in such use for at least 10 years if brought into use after the specified date.
  - the proposals would be permitted development under Schedule 2, Part 3, Class Q of the GPDO with particular regard to whether the requirements of Paragraphs Q.1(a) and Q.1(b) would be met.



## Reasons

### *Sole Agricultural Use*

11. Paragraph X of Schedule 2, Part 3 of the GPDO states that an 'agricultural building' means a building (excluding a dwellinghouse) used for agriculture and which is so used for the purpose of a trade or business. Q.1(a) of the GPDO says development is not permitted if 'the site was not used solely for an agricultural use as part of an established agricultural unit (i) on 20 March 2013 or (ii) in the case of a building which was in use before that date but not in use on that date, when it was last in use'. The onus of proof is on the appellant and the correct test that should be applied is 'on the balance of probability'.
12. The appeal sites form part of Northwood House Farm and consist of 2 buildings referred to as the Sheep Shed, which is closest to the highway, and the larger Piggery Barn building which is set further back into the site. The buildings form part of a cluster of buildings set around a yard with the farmhouse to the south. The sites are surrounded by mainly open fields and a wooded area to the south and west. There are a number of dwellings on the opposite side of the road in an otherwise rural setting.
13. There is no dispute between the parties that the buildings were designed for agricultural purposes when originally built. The appellant says agricultural activities ceased around 2001 when legislative changes associated with foot and mouth made the pig fattening business that operated from the farm unviable. This is not disputed by the Council.
14. Since this time the appellant says both buildings remained empty except for occasional uses which the appellant considers to be de minimis. In the Sheep Shed this included housing sheep and wood. There is disagreement between the parties regarding the amount of space within the building that the wood occupied but agreement that it was used for domestic purposes as firewood. In the Piggery Barn, along with domestic items, cars were stored for a period of around 3 years which is not an insignificant amount of time.
15. The statutory declarations made by the parties carry substantial weight due to their legal standing and the penalties available against those making a false declaration. However, they do contain conflicting information. At the Hearing the appellant clarified that the cars stored in the Piggery Barn were as a favour to a friend and that the money paid for the storage of the cars following their subsequent sale was as an apology for the length of time they were stored there.
16. I acknowledge the appellant's point that there has been no formal change of use of the buildings. However, whilst the appellant disputes the Council's assertion that the use within the buildings is a domestic ancillary one, the storage of cars and other domestic items in the buildings, including wood, are not uses that could be regarded as ordinarily and reasonably incidental to agriculture. This is irrespective of whether or not the buildings have been altered or could return to an agricultural use in the future. The appellant has stated that in considering a previous application the Council said that the Sheep Shed was in agricultural use and have not explained their change in stance. Be that as it may, I have limited details of previous applications on the site and in any event, my concern is primarily focused on the cases before me.

17. Taking all the information before me into account, in my judgement, on the balance of probabilities the buildings were not last used solely for an agricultural use, as required by the terms of Class Q of the GPDO. I therefore conclude that the proposed change of use of the buildings does not constitute permitted development under the terms of the GPDO.

*Requirements of Paragraphs Q.1(a) and Q.1(b)*

18. Q(b) of the GPDO identifies that the building operations reasonably necessary to convert the buildings to a dwellinghouse would be permitted development with paragraph Q.1(i) providing further detail as to what such building operations would be. These include the installation or replacement of windows, doors, roofs or exterior walls, or water or drainage, electricity, gas or other services, to the extent necessary for the buildings to function as a dwellinghouse.
19. Planning Practice Guidance advises that the permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. It also states that it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use.
20. In the case of *Hibbitt*, referred to by the appellant, it was held that the building must be capable of conversion to residential use without operations that would amount either to the complete or substantial re-building of the pre-existing structure or, in effect the creation of a new building. It is therefore a matter of fact and degree and requires an element of judgement, having regard in each case to both the type and extent of the works proposed.
21. As identified in the appellant's structural report, the Piggery Barn is a steel framed building with a roof constructed of corrugated sheeting. The external walls are a mix of low blockwork and open timber cladding and profiled sheet cladding. Partially attached to the neighbouring building, the Sheep Shed is a steel frame building comprising a mix of low block walls and open timber cladding with corrugated roof sheeting. The front elevation is largely open.
22. Whilst substantial works could constitute building operations permitted within Class Q, they nevertheless are required to fall within the scope of a conversion. The proposed works for both buildings notably include the insertion of openings into the block work to create windows, replacement timber cladding on the walls and new roof coverings. Although the steel frames of the buildings may be in tact, the information before me excludes any structural calculations to demonstrate that the existing steel frames of the buildings are capable of supporting the loading resulting from the proposed works. I also note that the structural report says that the contents of the document only represent initial observations and that comments were based on only what was visible at the time of the inspection.
23. The appellant says similar conversions have been undertaken on other buildings in the area. However, I have insufficient information in which to draw a meaningful comparison with the cases before me. In any event, each case is determined on its own merits.
24. Given the extent of the work proposed in both Appeals A and B there is insufficient information before me to establish whether the buildings are

capable of functioning as dwellings without extensive works being undertaken. Consequently, without substantive evidence, I cannot find the work proposed in both Appeals A and B would not go beyond the building operations reasonably necessary to convert the buildings to residential use and I must therefore find that those works are not permitted development under the provisions of Class Q. and the proposals are developments which require an express grant of planning permission.

### **Conclusions**

25. Given my conclusions that the change of use of the building would not be permitted development under Schedule 2, Part 3, Class Q of the GPDO the fact that the Council issued its determination after the 56 day period had expired is of no consequence. For the reasons identified, I conclude that both Appeal A and B should be dismissed.

*K Ford*

INSPECTOR

**APPEARANCES**

FOR THE APPELLANT:

Mr J Scott	Appellant
Mrs J Scott	Wife of Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr O Thomas	Shropshire Council
Mr P Mullineux	Shropshire Council

THIRD PARTIES

Mr B Hargreaves	Neighbour
Mr D Phillips	Neighbour

**DOCUMENTS SUBMITTED AT THE HEARING**

Statutory Declaration by David Bertram Phillips, dated 20 February 2019  
Appeal Decision APP/H1840/W/17/3173481



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## Appeal Decisions

Site visit made on 11 June 2019

**by Elaine Benson BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 July 2019**

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### **Appeal A Ref: APP/L3245/W/19/3224410**

#### **The Coach House, Alkington Hall, Alkington, Whitchurch SY13 3NG**

- 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 and Mrs Wilson against the decision of Shropshire Council.
  - The application Ref 18/05487/FUL, dated 20 November 2018, was refused by notice dated 23 January 2019.
  - The development proposed is described as *bespoke single storey lean-to to be constructed to the south (rear) of the existing dwelling*.
- 

### **Appeal B Ref: APP/L3245/Y/19/3224412**

#### **The Coach House, Alkington Hall, Alkington, Whitchurch SY13 3NG**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr and Mrs Wilson against the decision of Shropshire Council.
  - The application Ref 05488/LBC dated 20 November 2018, was refused by notice dated 23 January 2019.
  - The works proposed are described as *bespoke single storey lean-to to be constructed to the south (rear) of the existing dwelling*.
- 

## **Decision**

1. The appeals are dismissed.

## **Main Issues**

2. Whether the proposal would preserve the special architectural or historic interest of this Grade II listed building and its setting, and whether the works would harm the significance of the designated heritage asset.

## **Reasons**

3. The appeal property, the Coach House, is one of a number of curtilage listed barn conversions associated with the Grade II\* listed Alkington Hall. The Hall is a former house, then farmhouse which dates from 1592, with mid-to-late 19<sup>th</sup> century alterations and additions. The Coach House stands within a range of former farm buildings arranged around a courtyard to the south of Alkington Hall with a separate access. The farmstead comprises several, mostly brick built, mid-19<sup>th</sup> century buildings. The Coach House is a partly re-built but significantly older timber framed range probably dating from the 17<sup>th</sup> century.
4. The Coach House has 2 distinct elements. The older part of the building contains timber embedded in its red brickwork. It has a steeply pitched roof

and a segmented brick archway at the rear over a recessed double door set. The elevation also contains honeycomb brickwork with gaps filled by bricks of a different colour. The more recent element of the building comprises brickwork and has a shallower roof pitch. I consider that the features described above are part of the significance of the listed buildings and the groups. There is a single-storey extension on the later, eastern end of the Coach House.

5. The proposed extension would be a simply designed mono-pitched glass box in a slender aluminium framing, with a brick elevation adjacent to the adjoining barn conversion, The Mill House. The extension would enclose the archway, retaining it as an internal doorway. The structure would not encroach into the embedded timber framework and would finish beneath the eaves line.
6. It is clear that the extension and its materials would be of high quality. However, the proposal would result in the loss of the simple, regular agricultural form of the barn. I am not convinced that there is any historical or architectural justification for achieving symmetry with the existing extension or otherwise balancing the rear elevation as the appellants suggest. Although the extension would be glazed, in my judgement the framing would still limit views of the existing doorway and its decorative brick surround and details and would reduce their prominence. The proposed works would therefore partly obscure and confuse the original appearance of the barn. Views of the historic features would be further restricted by furniture etc within the extension and the potential use of blinds or other methods of shading. The proposed extension would therefore unacceptably change the character of the barn range. When considered alongside the existing extension, this harm would be compounded.
7. In terms of the relationship of the Coach House with Alkington Hall, the proposed extension would not be visible on the main approach to the Hall and would not be on the elevation of the courtyard that faces it. The 2 buildings would be separated by the Hall's stable block and the other barns within the Coach House complex. The Coach House would not therefore be within the visual context of the grade II\* listed building. Notwithstanding this conclusion, the proposed extension would erode the agricultural form and context of the Coach House. This change to significance would harm the wider setting of the Hall in respect of its historic status as a farmhouse and complex of rural outbuildings. It would adversely affect how the buildings are experienced as a group, including the barn conversions grouped around the courtyard.
8. Using the language of the National Planning Policy Framework (the Framework), the harm to the significance of the heritage assets and their settings would amount to less than substantial harm. The extension would provide additional living space for the appellants; however, this would be a private benefit. No public benefits have been identified and I conclude that the justification for the proposal does not outweigh the harm to significance.

#### *Other matters*

9. The appellants refer to an application for roof-located solar panels on the old stable buildings which received listed building consent. As they acknowledge, this was a development of a very different nature to the current appeal proposal. The appeal scheme raises different considerations and has been determined on its own merits in accordance with the relevant policies and guidance. Similarly, any future applications or appeals for extensions to barn conversions would be determined on their own merits.

*Conclusion*

10. I have given great weight to the conservation of the designated heritage assets. Insufficient clear and convincing justification has been provided for the harm, or the loss of significance, that would be caused by the proposed extension. I conclude that the appeal proposal would therefore conflict with Policies CS5, CS6 and CS17 of the Shropshire Core Strategy and MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development Plan. Among other things and of relevance to this appeal, these policies require new developments to be sustainable, to protect the historic environment and to be designed to a high quality, whilst respecting local context and character. The policies are consistent with the aims of the Framework.
11. Accordingly, for the reasons I have set out the appeals should be dismissed.

*Elaine Benson*

INSPECTOR

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# Agenda Item 9

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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