



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

Date: Monday, 4 November 2019

Committee:
Northern Planning Committee

Date: Tuesday, 12 November 2019
Time: 2.00 pm
Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

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

Claire Porter
Director of Legal and Democratic Services

Members of the Committee

Roy Aldcroft
Nicholas Bardsley
Gerald Dakin
Pauline Dee
Nat Green
Vince Hunt (Vice Chairman)
Mark Jones
Pamela Moseley
Keith Roberts
Paul Wynn (Chairman)
David Vasmer

Substitute Members of the Committee

Joyce Barrow
Ted Clarke
Julian Dean
Steve Davenport
Hannah Fraser
Rob Gittins
Roger Hughes
Chris Mellings
Paul Milner
Peggy Mullock
Alexander Phillips

Your Committee Officer is:

Emily Marshall Committee Officer

Tel: 01743 257717

Email: emily.marshall@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive apologies for absence.

2 Minutes (Pages 1 - 10)

To confirm the Minutes of the meeting of the former Central Planning Committee held on 29th August 2019 and the Northern Planning Committee held on 15th October 2019 (To Follow), attached, marked 2.

Contact: Shelley Davies on 01743 257718.

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 Friday, 8th November 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 Whiston Farm, Cardeston, Ford, Shrewsbury, Shropshire (19/04096/FUL) (Pages 11 - 20)

Change of use of land from agriculture to outdoor storage of caravans and containers to include laying of hardstanding area and associated landscaping

6 Barn South Of Ivy Farm Cottage, Broughall, Whitchurch, Shropshire (19/03143/FUL) (Pages 21 - 38)

Conversion of traditional agricultural dutch barn to 1No dwelling and associated amenity space

7 38 Ellesmere Road, Shrewsbury, SY1 2PR (19/04218/FUL) (Pages 39 - 50)

Erection of a single storey side and rear extension and rear dormer window to facilitate an additional room in the extended roof space to provide a total of 7 rentable rooms in association with change of use from residential to sui-generis use (large house in multiple occupation) and provision of extended dropped kerb to provide vehicular access and parking for 2 cars

8 Appeals and Appeal Decisions (Pages 51 - 88)

9 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.

10 Planning Enforcement Quarterly Report (Pages 89 - 94)

11 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 10th December 2019 in the Shrewsbury Room, Shirehall, Shrewsbury.

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Committee and Date

Northern Planning Committee

12th November 2019

CENTRAL PLANNING COMMITTEE

Minutes of the meeting held on 29 August 2019

2.00 - 3.58 pm in the Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Shelley Davies

Email: shelley.davies@shropshire.gov.uk Tel: 01743 257718

Present

Councillor Ted Clarke (Chairman)

Councillors Nat Green (Vice Chairman), Julian Dean, Nick Hignett, Tony Parsons, Roger Evans (substitute for David Vasmer) and Kevin Pardy (substitute for Pamela Moseley)

27 Apologies for absence

Apologies for absence were received from Councillors Alex Phillips, Pam Moseley (Substitute: Kevin Pardy), Keith Roberts and David Vasmer (Substitute: Roger Evans).

28 Minutes

RESOLVED:

That the Minutes of the meeting of the Central Planning Committee held on 4th July be approved as a correct record and signed by the Chairman.

29 Public Question Time

There were no public questions or petitions received.

30 Disclosable Pecuniary Interests

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

With reference to planning applications to be considered at this meeting, Councillors Julian Dean, Nat Green and Kevin Pardy stated that they were members of the Shrewsbury Town Council Planning Committee. They indicated that their views on any proposals when considered by the Town Council had been based on the information presented at that time and they would now be considering all proposals afresh with an open mind and the information as it stood at this time.

The Chairman agreed to alter the order of the agenda and noted the following revised order in which the Planning Applications would be considered:

- 19/03076/VAR - Holiday Lets at Black Lion House, Church Pulverbatch, Shrewsbury
- 19/01866/OUT - Bayston Hill Youth Club, Lythwood Road, Bayston Hill, Shrewsbury
- 19/01873/OUT - Former Oakland County Primary School, Glebe Road, Bayston Hill, Shrewsbury
- 19/01859/OUT - Mary Webb Library, Lythwood Road, Bayston Hill, Shrewsbury
- 19/01865/FUL – Proposed Vicarage SW of Christ Church, Glebe Road, Bayston Hill, Shrewsbury
- 19/02898/FUL - Land to the rear of Wenlock Road, Shrewsbury

31 Holiday Lets at Black Lion House, Church Pulverbatch, Shrewsbury - 19/03076/VAR

The Area Planning Manager introduced the application to vary Condition No. 2 attached to planning permission 11/05008/FUL dated 18th January 2012 to regularise the internal construction and configuration and to reflect changes to the applicants' business plan and confirmed that the Committee had undertaken a site visit to assess the impact of the proposed development on neighbouring properties and the surrounding area that morning.

Having considered the submitted plans for the proposal, Members unanimously expressed their support for the Officer's recommendation.

RESOLVED:

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

At this point Cllr Nat Green joined the meeting.

32 Bayston Hill Youth Club, Lythwood Road, Bayston Hill, Shrewsbury - 19/01866/OUT

Councillor Ted Clarke as local ward Councillor vacated the Chair and Councillor Nat Green as Vice-Chairman presided as Chairman for this item.

Councillor Tony Parsons as local ward Councillor left the table during consideration of this item, took no part in the debate and did not vote on this item.

The Planning and Enforcement Officer gave an overall presentation in regard to the following four Planning Applications which he explained were interlinked and had been jointly submitted by Shropshire Council and the Diocese of Lichfield:

- 19/01866/OUT - Bayston Hill Youth Club, Lythwood Road, Bayston Hill, Shrewsbury
- 19/01873/OUT - Former Oakland County Primary School, Glebe Road, Bayston Hill, Shrewsbury
- 19/01859/OUT - Mary Webb Library, Lythwood Road, Bayston Hill, Shrewsbury
- 19/01865/FUL – Proposed Vicarage SW of Christ Church, Glebe Road, Bayston Hill, Shrewsbury

The Planning and Enforcement Officer introduced the outline application (access for consideration) for the erection of Scout and Guide headquarters building; including demolition of existing building and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

Members' attention was drawn to the to the Schedule of Additional Letters which included a representation from the Case Officer to clarify the reason the application required consideration by the Central Planning Committee and to state that Shropshire Council was neither the landowner nor the applicant.

Councillor Teresa Lewis, on behalf of Bayston Hill Parish Council spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1), Councillor Ted Clarke addressed the Committee as the local ward Councillor to state that he was in full support of the application and then left the table, took no part in the debate and did not vote on this item.

In response to a query from a Member whether it would be possible to include pedestrian and cycle access from the site to into the town, the Area Planning Manager stated that at the reserved matters stage the applicant could be asked if they were willing to provide this access but unless it was seen to be necessary by Highways, Officers could not insist that the access be provided by the developer.

Having considered the submitted plans and listened to the comments made by the speakers Members unanimously expressed the view that the application be approved as per the Officer's recommendation.

RESOLVED:

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

33 Former Oakland County Primary School, Glebe Road, Bayston Hill, Shrewsbury - 19/01873/OUT

Councillor Ted Clarke as local ward Councillor vacated the Chair and Councillor Nat Green as Vice-Chairman presided as Chairman for this item.

Councillor Tony Parsons as local ward Councillor left the table during consideration of this item, took no part in the debate and did not vote on this item.

Before consideration of item 19/01866/OUT – Bayston Hill Youth Club, Lythwood Road, Bayston Hill, Shrewsbury, the Planning and Enforcement Officer had given an overall presentation in regard to the following four Planning Applications which he explained were interlinked and had been jointly submitted by Shropshire Council and the Diocese of Lichfield:

- 19/01866/OUT - Bayston Hill Youth Club, Lythwood Road, Bayston Hill, Shrewsbury
- 19/01873/OUT - Former Oakland County Primary School, Glebe Road, Bayston Hill, Shrewsbury
- 19/01859/OUT - Mary Webb Library, Lythwood Road, Bayston Hill, Shrewsbury
- 19/01865/FUL – Proposed Vicarage SW of Christ Church, Glebe Road, Bayston Hill, Shrewsbury

The Planning and Enforcement Officer introduced the hybrid (full and outline) application for residential development (outline) and the erection of community building with car parking (full) and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

Members' attention was drawn to the to the Schedule of Additional Letters which included a representation from the Case Officer in relation to the submission of a Flood Risk Assessment by WSP and comments in response provided by the Council's SUDS team and the following amendment to the recommendation:

Grant permission subject to the conditions set out in Appendix 1 and the completion of a Memorandum of Understanding to secure S106 on the transfer of the land.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1), Councillor Ted Clarke addressed the Committee as the local ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement, a number of points were raised including the following:

- A Working Group had been working on the closure of the School for the last 10 years, with the Diocese of Lichfield included in the proposals around 5 – 6 years ago;
- The proposals had been subject to numerous consultations and the village broadly accepted the development of the site; and
- There was a need for single storey accommodation in Bayston Hill.

The Solicitor explained that Shropshire Council as part landowner could not agree a S106 with themselves and therefore a memorandum of understanding was required to ensure that a S106 was secured on the transfer of land. It was added by the Solicitor in response to comments from a Member that an informative could be added to the decision notice and included in the memorandum of understanding to request that the developer liaises with the Parish Council regarding the future plans for the site.

Having considered the submitted plans and listened to the comments made by the local ward Councillor, the majority of Members expressed the view that the application be approved as per the Officer's recommendation subject to an informative being added to the decision notice and included in the memorandum of understanding in relation to the Committee's request that the developer liaises with the Parish Council regarding the future plans for the site and requested that the Reserved Matters Application be considered by the relevant Planning Committee.

RESOLVED:

That planning permission be granted as per the Officer's recommendation subject to:

- The conditions set out in Appendix 1;
- The securing of affordable housing and public open space by a s106 agreement with the Diocese of Lichfield and the completion of a memorandum of understanding to secure a s106 on the transfer of the Council owned land;
- An informative being added to the decision notice and included in the memorandum of understanding in relation to the Committee's request that the developer liaises with the Parish Council regarding the future detailed plans for the site including the level of affordable housing; and
- The Reserved Matters Application to be considered by the relevant Planning Committee.

34 Mary Webb Library, Lythwood Road, Bayston Hill, Shrewsbury - 19/01859/OUT

Councillor Ted Clarke as local ward Councillor vacated the Chair and Councillor Nat Green as Vice-Chairman presided as Chairman for this item.

Councillor Tony Parsons as local ward Councillor left the table during consideration of this item, took no part in the debate and did not vote on this item.

Before consideration of item 19/01866/OUT – Bayston Hill Youth Club, Lythwood Road, Bayston Hill, Shrewsbury, the Planning and Enforcement Officer had given an

overall presentation in regard to the following four Planning Applications which he explained were interlinked and had been jointly submitted by Shropshire Council and the Diocese of Lichfield:

- 19/01866/OUT - Bayston Hill Youth Club, Lythwood Road, Bayston Hill, Shrewsbury
- 19/01873/OUT - Former Oakland County Primary School, Glebe Road, Bayston Hill, Shrewsbury
- 19/01859/OUT - Mary Webb Library, Lythwood Road, Bayston Hill, Shrewsbury
- 19/01865/FUL – Proposed Vicarage SW of Christ Church, Glebe Road, Bayston Hill, Shrewsbury

The Planning and Enforcement Officer introduced the outline application (all matters reserved) for residential development including demolition of existing library building and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

Members' attention was drawn to the to the Schedule of Additional Letters which included a representation from the Case Officer noting that the level of housing proposed would not meet the threshold for affordable housing and open space provision and such provision related to planning application 19/01873/OUT - Former Oakland County Primary School, Glebe Road, Bayston Hill, Shrewsbury.

Barry Shepherd, local resident spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Teresa Lewis, on behalf of Bayston Hill Parish Council spoke in relation to the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In response to the speakers, the Planning and Enforcement Officer explained that drainage issues would be improved by the proposal and he advised Members that if they were minded to approve the application an additional condition was recommended to ensure that tree protection measures as detailed in an Arboricultural Impact Assessment were submitted at the first Reserved Matters stage.

The Area Planning Manager, in response to concerns from Members explained that the need for single storey dwellings could be considered at the reserved matters stage but stressed that Officers could not insist that the developer provided single storey dwellings on this site.

Having considered the submitted plans and listened to the comments made by the speakers Members unanimously expressed the view that the application be approved as per the Officer's recommendation subject to an additional condition to ensure that tree protection measures as detailed in an Arboricultural Impact Assessment were submitted at the first Reserved Matters stage and that the

Chairman writes to the Leader of Shropshire Council to request that the Shropshire Housing Company develops the land in line with the local aspirations for this site.

RESOLVED:

That planning permission be granted as per the Officer's recommendation subject to:

- The conditions set out in Appendix 1;
- An additional condition to ensure that tree protection measures as detailed in an Arboricultural Impact Assessment are submitted at the first Reserved Matters stage; and
- That the Chairman writes to the Leader of Shropshire Council to request that the Shropshire Housing Company develops the land in line with the local aspirations for this site.

35 Proposed Vicarage SW Of Christ Church, Glebe Road, Bayston Hill, Shrewsbury - 19/01865/FUL

Councillor Ted Clarke as local ward Councillor vacated the Chair and Councillor Nat Green as Vice-Chairman presided as Chairman for this item.

Councillor Tony Parsons as local ward Councillor left the table during consideration of this item, took no part in the debate and did not vote on this item.

Before consideration of item 19/01866/OUT – Bayston Hill Youth Club, Lythwood Road, Bayston Hill, Shrewsbury, the Planning and Enforcement Officer had given an overall presentation in regard to the following four Planning Applications which he explained were interlinked and had been jointly submitted by Shropshire Council and the Diocese of Lichfield:

- 19/01866/OUT - Bayston Hill Youth Club, Lythwood Road, Bayston Hill, Shrewsbury
- 19/01873/OUT - Former Oakland County Primary School, Glebe Road, Bayston Hill, Shrewsbury
- 19/01859/OUT - Mary Webb Library, Lythwood Road, Bayston Hill, Shrewsbury
- 19/01865/FUL – Proposed Vicarage SW of Christ Church, Glebe Road, Bayston Hill, Shrewsbury

The Planning and Enforcement Officer introduced the application for the erection of one residential dwelling with integral community facilities; to include removal of trees and other tree works and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

Members' attention was drawn to the to the Schedule of Additional Letters which included a representation from the Case Officer to clarify that the application had been brought to committee for determination due to Shropshire Council being partial

landowner (not applicant) and due to the complex nature of the four applications being inextricably linked in planning terms.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1), Councillor Ted Clarke addressed the Committee as the local ward Councillor to question the need for a vicarage and the encroachment on the existing parking area and then left the table, took no part in the debate and did not vote on this item.

In response to the local ward Councillor, the Planning and Enforcement Officer explained that the application would result in a loss of parking but additional parking would be provided in one of the linked applications which would offset this loss.

Having considered the submitted plans and listened to the comments made by the speaker Members unanimously expressed their support for the application as per the Officer's recommendation.

RESOLVED:

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

36 Land To The Rear Of 239 Wenlock Road, Shrewsbury - 19/02898/FUL

Councillor Ted Clarke as local ward Councillor vacated the Chair and Councillor Nat Green as Vice-Chairman presided as Chairman for this item.

Councillor Tony Parsons as local ward Councillor left the table during consideration of this item, took no part in the debate and did not vote on this item.

The Technical Specialist Planning Officer introduced the application for the erection of 1 dwelling and formation of vehicle access and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

Members' attention was drawn to the to the Schedule of Additional Letters which included a representation in objection to the application from a neighbour. The Technical Specialist Planning Officer advised Members that if they were minded to approve the application an additional condition to remove Permitted Development rights in relation to extensions and roof alterations should be added to any permission granted.

Janet Harper, local resident spoke in objection to the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1), Councillor Ted Clarke addressed the Committee as the local ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement, a number of points were raised including the following:

- He agreed with the comments made by the previous speaker in objection to the application;
- He referred to the planning history of the site as detailed in the Officer’s report; and
- Noted he was concerned that approval of the application, following a number of unsuccessful appeals it would give the wrong message to developers.

In response to questions from Members, the Technical Specialist Planning Officer confirmed that the proposal provided adequate parking and overlooking was not possible with the windows proposed. She added that the development had been designed to overcome the issues raised by previous appeal decisions.

Having considered the submitted plans and listened to the comments made by the speakers the majority of Members expressed their support for the application as per the Officer’s recommendation.

RESOLVED:

That planning permission be granted as per the Officer’s recommendation subject to:

- The conditions set out in Appendix 1; and
- An additional condition to remove Permitted Development rights in relation to extensions and roof alterations.

37 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the Central area as at 29th August 2019 be noted.

Signed (Chairman)

Date:

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Committee and Date

North Planning Committee

12th November 2019

Item

5

Public

Development Management Report

Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 19/04096/FUL	Parish:	Alberbury With Cardeston
Proposal: Change of use of land from agriculture to outdoor storage of caravans and containers to include laying of hardstanding area and associated landscaping		
Site Address: Whiston Farm Cardeston Ford Shrewsbury Shropshire		
Applicant: Mr And Mrs N Challenor		
Case Officer: Cathryn Robinson	email:	planning.northern@shropshire.gov.uk

Grid Ref: 340520 - 312420



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

Recommended Reasons for refusal

1. The proposal requires the felling of visually mitigative trees associated with former consent 18/03367/FUL. Increasing the caravan storage - and associated visual impact of hardstanding and caravan - by 50% alongside felling the aforementioned trees it is considered will have a significant detrimental visual and landscape impact on the surrounding countryside which cannot be adequately mitigated by means of additional planting. It is also considered that the development on this site has a significant detrimental visual impact when viewed from the A458 public highway and surrounding public footpaths. As such the proposal is considered contrary to Policies CS5, CS6, and CS17 of the Shropshire Core Strategy, Policies MD2, MD7b and MD12 of the SAMDev and the overall aims and objectives of the NPPF in relationship to sustainable development.
2. There is insufficient information in regards to ecology, where the site is a semi-natural broadleaved woodland and no Ecological Impact Assessment has been provided. Accordingly it is not possible to conclude that the proposal will not cause an offence under The Conservation of Habitats and Species Regulations 2017.
3. There is insufficient information in regards to highways and traffic, where no transport and highways statement nor access details have been submitted. Highways England are not able to test for compliance with the requirements for access from the A458 as laid out in DMRB CD 123, nor ascertain whether the proposal could materially affect the continued safe operation of the SRN, contrary to DfT Circular 02/2013 para. 10 policy. Accordingly it is not possible to conclude that the proposal will not have an adverse impact on highway safety. Such development would be in conflict with Core Strategy Policy CS7 and SAMDev policy MD8.

REPORT

1.0	THE PROPOSAL
1.1	This application seeks permission for the change of use of agricultural land to secure a compound area for storage of caravans and container storage, including landscaping measures. The proposal is looking to extend an existing caravan storage area approved by permission 18/03367/FUL.
2.0	SITE LOCATION/DESCRIPTION
2.1	Whiston Farm extends to 6 acres (2.4ha), and is situated in an elevated location at the end of a private drive off the A458 Shrewsbury to Welshpool Road approximately 8 miles from Shrewsbury and 14 miles from Welshpool. The property is no longer a working active farm but is surrounded by farmland in the control of another nearby farm. For policy purposes the application site is within open countryside.

3.0	REASON FOR COMMITTEE DETERMINATION OF APPLICATION
3.1	The Parish Council have provided views contrary to the Officers recommendation. This application has been discussed with the Local Member whom concurs with the support of the Parish Council, and as such has requested a committee determination of the scheme. The application was further discussed by the Chair and Vice Chair of planning committee, whom also determined that a committee determination was appropriate.
4.0	Community Representations
4.1	- Consultee Comments
4.1.1	Alberbury with Cardeston Parish Council The Parish Council supports this application and feel that the applicant has done extensive works to shield the site. There is also a view that the photographs of the site seen by the Council are out of date by several years and do not reflect current plant growth etc as viewed by our councillors locally
4.1.2	SUDs No objection; see decision notice, where informatives are recommended.
4.1.3	SC Rights of Way No comments to make on the application.
4.1.4	WSP on behalf of Highways The A458 to the west of Shrewsbury is under the control of Highways England and their consultation should be sought in this matter.
4.1.5	SC Ecology <u>15.10.19</u> Additional information is required relating to protected species and habitats. In the absence of this additional information (detailed below) I recommend refusal since it is not possible to conclude that the proposal will not cause an offence under The Conservation of Habitats and Species Regulations 2017.
4.1.6	Highways England <u>28.10.19</u> Highways England recommend that planning permission not be granted for a specified period. The site has consented use for the storage of caravans and self-service storage containers. Notwithstanding that, the Design and Access Statement suggests the access to the site from the SRN is appropriate for the continuing use of the site along with the proposed change of use, in the absence of a transport statement or similar document quantifying the existing vehicle movements including those proposed, we are unable to test for compliance with the requirements for access from the A458 as laid out in DMRB CD 123. Therefore, as the proposed development is likely to result in a daily increase in vehicle flow/change in vehicle type using the existing access layout with the SRN, which has sub-standard design elements, this is regarded a material intensification that could materially affect the continued safe operation of the SRN, contrary to DfT Circular 02/2013 para. 10 policy.

	<p>If the developer argues that the design solution that complies with the standards laid out in DMRB CD 123 is not feasible or not required, Highways England would suggest that a Departure from Standard will be required in accordance with DMRB GG 101 procedures. As explained in Highways England’s planning guidance document titled ‘Planning for the Future: A Guide to Working with Highways England on Planning Matters para. 114’, a scheme promoter should not assume a Departure from Standard will be granted but seek an agreement in principle (AiP) from Highways England prior to the determination of the planning application.</p> <p>In light of the above, Highways England recommends that planning permission not be granted for a period of up to three months from the date of this notice, to allow the applicant time to provide additional information.</p>
4.2	- Public Comments
4.2.1	<p>This application was advertised via notice at the site. At the time of writing this report, two representations had been received objecting to the proposal. The main points are surmised as follows –</p> <ul style="list-style-type: none"> • The existing landscaping for the adjacent site is not being properly implemented, neither are the caravan covers stipulated • Comparable sites listed with the supporting statement are not considered relevant nor useful comparisons • The application would destroy an established woodland including Scots Pine and Oak • Loss of the mature woodland this proposal entails is contrary to policy CS17, and also fails to meet the environmental concerns of policies MD11 and MD12 • The screening proposed would not hide the caravans
5.0	THE MAIN ISSUES
	<p>Principle of development Siting, scale and visual impact Highways and Access</p>
6.0	OFFICER APPRAISAL
6.1	Principle of development
6.1.1	<p>The NPPF requires Local Planning Authorities to encourage economic development in rural areas through the support of sustainable growth and expansion of existing businesses together with support for sustainable tourism and leisure development that benefit businesses, communities and visitors. It should be ensured that these are appropriate in terms of location and that they respect the character of the countryside.</p>
6.1.2	<p>Shropshire Core Strategy Policy CS13 supports rural enterprise provided schemes accord with CS5 which seeks to retain and permit appropriate expansion of existing established business in the countryside (unless relocation to a suitable site within a settlement would be more appropriate) provided they maintain and enhance countryside vitality and character.</p>
6.1.3	<p>It is also necessary to ensure that the additional facilities proposed would comply with policy CS17 and ensure “developments identify, protect, enhance, expand and</p>

	connect Shropshire’s environmental assets, to create a multifunctional network of natural and historic resources”
6.1.4	Shropshire Core Strategy Policy CS5: Countryside and Green Belt states that new development will be strictly controlled in accordance with national planning policies protecting the countryside and 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. 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.
6.1.5	MD7b - General Management of Development in the Countryside states that planning applications for agricultural development will be permitted where it can be demonstrated that the development is: <ul style="list-style-type: none"> a. of a size/ scale and type which is consistent with its required agricultural purpose and the nature of the agricultural enterprise or business that it is intended to serve; b. Well designed and located in line with CS6 and MD2 and where possible, sited so that it is functionally and physically closely related to existing farm buildings; and, c. There will be no unacceptable impacts on environmental quality and existing residential amenity.
6.1.6	MD7b also states that in order to promote a sustainable approach to development, proposals which minimise the impacts of new development, appropriately conserve the existing historic and landscape resource, and/or provide environmental amelioration are encouraged. This will include the appropriate re-use of existing suitable buildings and previously developed land.
6.1.7	Shropshire’s high quality natural and built environment is one of its greatest assets. Protecting and enhancing the material, natural and historic resources which make Shropshire special is central to the role of the Local Development Framework.
6.1.8	CS13 : Economic Development, Enterprise and Employment states that Shropshire Council, working with its partners, will plan positively to develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities. In doing so, particular emphasis will be placed on: <ul style="list-style-type: none"> • Promoting Shropshire as a business investment location and a place for a range of business types to start up, invest and grow, recognising the economic benefits of Shropshire’s environment and quality of life as unique selling points which need to be valued, conserved and enhanced; • In rural areas, 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.
6.1.9	CS16 supports the delivery of high quality, sustainable tourism, and cultural and leisure development, which enhances the vital role that these sectors play for the local economy, benefits local communities and visitors, and is sensitive to Shropshire’s intrinsic natural and built environment qualities.
6.1.10	Policy MD11 supports delivery of Core Strategy Policy CS16 which sets out a

	positive approach to tourism, leisure and recreation development that balances the benefits to the economy with the need to protect the qualities of Shropshire in line with the aims of the National Planning Policy Framework (NPPF). All proposals in the countryside must also meet relevant considerations within Policies CS5, CS16 and MD7b. MD11 also seeks to limit the effects of new and extended sites in areas where cumulatively the impacts would outweigh any potential economic benefits.
6.1.11	Officers consider that the proposal does not comply with the above policy and specifically for the following reasons:
6.1.12	Policy CS13 supports rural enterprise provided schemes accord with CS5 which seeks to retain and permit appropriate expansion of existing established business in the countryside (unless relocation to a suitable site within a settlement would be more appropriate) provided they maintain and enhance countryside vitality and character. This application is seeking to extend – by 50% - the storage area permitted by application 18/03367/FUL. The 2018 application was accompanied by a Landscape Appraisal, which establishes the baseline information regarding the landscaping character of the site etc. What transpired was the importance of the existing woodland to the west of that site i.e. the land subject to this application in terms of screening and reflection of local landscape character. Where the development site would – by default – involve eradicating this area of woodland recognised as important to local character, the appropriateness of the development must be called into question. Particularly when the expansion of the business by 50% would also have implications, by virtue of vehicular movements etc, on the local countryside vitality.
6.1.13	CS17 states that development will identify, protect, enhance, expand and connect Shropshire’s environmental assets, to create a multifunctional network of natural and historic resources. Shropshire’s high quality natural and built environment is one of its greatest assets. As stated in section 6.1.7 above, protecting and enhancing the material, natural and historic resources which make Shropshire special is central to the role of the Local Development Framework.
6.1.14	In addition SAMDev Policy MD12: The Natural Environment builds on Policy CS17 providing development which appropriately conserves, enhances, connects, restores or recreates natural assets. Policy MD12 also sets out in detail the level of protection offered to Shropshire’s natural assets which include: biodiversity and geological features; trees, woodlands and hedges in both rural and urban settings; the ways in which the above combine and connect to create locally distinctive and valued landscapes, including the Shropshire Hills Area of Outstanding Natural Beauty and the contribution all of the above make to visual amenity.
6.1.15	Per 6.1.12 the existing woodland that currently makes up the development site has been recognised as valuable in terms of landscape character. Indeed, amongst the suggested mitigation measures within the appraisal report for application 18/03367/FUL was “strengthening the screening provided by the woodland to the west, using native evergreen species to improve screening in the winter months”. This application seeks to increase the visual impact, in conjunction with felling the trees that helped the original storage to be viewed acceptably in landscape terms. On this basis, the proposal is not considered to meet the criteria of policies CS17 and MD12. The cumulative impacts of loss of existing landscaping alongside increased caravan storage at this site rather represent environmental harm.
6.2	Siting, scale and visual impact

6.2.1	<p>Though separated from the rear of the main farmstead, the site is adjacent to an existing caravan storage area which does provide visual precedent for the works. Officers acknowledge that the applicant has provided landscaping proposals and appraisals to try and avert the visual impact of the development, but it is officers opinion that although native species are proposed and some which will eventually be of a size that may potentially provide screening to some degree of parts of the site, which would afford some screening during spring and summer months, would not provide adequate screening during what is assumed is the main time of year for the storage of caravans during the autumn and winter months. This issue is exacerbated, per 6.1.12, where the existing trees – which require felling to make way for this development - have been recognised of landscape value, particularly where the topography of the site sees it clearly visible from the nearby A458, layby and rights of way that pass near to the site.</p>
6.2.2	<p>Previous permission 18/03367/FUL attracted a condition to help ward against adverse visual impacts, which required all caravans stored within the application site shall be permanently covered in dark green tarpaulin (or similar material) for each storage period. Its wording is as follows –</p> <p><i>All caravans stored within the application site shall be permanently covered in dark green tarpaulin (or similar material) for each storage period.</i></p> <p><i>Reason - In the interests of visual amenity, in particular whilst the proposed planting matures.</i></p> <p>The site is clearly visible from the A458 trunk road, thus requiring visual mitigation measures. At the time of writing this report, the site had been viewed – on several occasions – from the A458, and the caravans in question noted to be uncovered. Whilst the incompliance of this condition is not a reason in its own right to refuse this application, its implications do weigh against the current proposal. The failure of this condition to achieve its intended function also raises ambiguity as to whether this condition would meet the NPPF 6 tests; an inability to replicate this condition further exacerbates the aforementioned visual concerns surrounding the application in question.</p>
6.2.3	<p>The proposal is considered will have a significant detrimental visual and landscape impact which cannot be adequately mitigated by the LA submitted. It is also considered that development on this site has a significant detrimental visual impact when viewed from the surrounding landscape which includes the nearby A458 public highway and surrounding public footpaths.</p>
6.2.4	<p>The proposal is considered not to be in accordance with the overall aims and objections of the NPPF in relationship to sustainable development and policies CS5, CS6, CS13, CS16 and CS17 of the Shropshire Core Strategy and MD2, MD7b, MD11 and MD12 of SAMDev.</p>
6.3	Highways and Access
6.3.1	<p>The nature of use at this site sees vehicular movements, of larger vehicles, entering and leaving the site to drop off and collect the caravans and/or storage containers. By increasing the storage provisions at this site, the proposal by its fundamental nature is increasing the vehicular movements; where the storage increase is proposed to be 50% of the existing, this vehicular increase is considered material.</p>

6.3.2	Where the development site gains access via the A458 trunk road, Highways England have been consulted for comment on the potential impacts of the proposal on the strategic road network (SRN). In the absence of information regarding the existing vehicular movements to and from the site, it is not possible to test for compliance with the requirements for access from the A458 as laid out in DMRB CD 123. Where this proposal intensifies those movements, the continued safe operation of the SRN is further questioned. These material impacts are contrary to DfT Circular 02/2013 para. 10 policy.
6.3.3	It's noted that the design and access statement confirms that customers are required to attend the site via appointment. Though primarily for security reasons, this does impact and somewhat regulate the flow of traffic; this function is noted, However no information has been provided regarding illustrating the effect of this current system in management traffic flow, nor further detailing the implications of the increased storage provision – and associated vehicular movements – on this system. In the absence of such information, it is not possible to make an informed assessment on highway safety.
7.0	CONCLUSION
7.1	Although the development will help to sustain and expand an existing rural business, to which the development as proposed does not have planning permission, the proposal it is considered would be detrimental to the character and appearance of the locality and the wider countryside setting, in relationship to both landscape and visual impact.
7.2	Of particular concern is the location of the outdoors storage which is on a site divorced from the former farmstead, to which it is considered does not assist as a backdrop or a screen or mitigate the development into the local landscape, on a site surrounded by agricultural land onto which there is significant views into the site, and to which there is insufficient screening both currently and as proposed in order to mitigate the development into the surrounding landscape. Where the proposal results in the loss of mature woodland which has previously been noted of mitigation impact, the visual impact – and associated harm – of this proposal is unacceptable.
7.3	Therefore the proposal is considered not to be in accordance with the overall aims and objectives of the NPPF in relationship to sustainable development and policies CS5, CS6, CS13 and CS17 of the Shropshire Core Strategy and MD2, MD7b and MD12 of SAMDev. Officers recommend that planning permission is refused for the reasons as discussed above.
8.0	Risk Assessment and Opportunities Appraisal
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> ☐ 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

	<p>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.</p> <p>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.</p>
8.2	Human Rights
	<p>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.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
8.3	Equalities
	<p>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.</p>
9.0	Financial Implications
	<p>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.</p>

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and SAMDev Policies:
CS5 - Countryside and Greenbelt
CS13 - Economic Development, Enterprise and Employment
Economic Development, Enterprise and Employment
CS16 - Tourism, Culture and Leisure
CS17 - Environmental Networks
MD7B - General Management of Development in the Countryside
MD11 - Tourism Facilities and Visitor Accommodation
MD12 - Natural Environment

RELEVANT PLANNING HISTORY:

15/01270/FUL Change of use of agricultural land to outdoor caravan storage facility WDN 1st July 2015

15/04600/FUL Change of use of land to provide an outdoor caravan storage facility WDN 11th January 2016

16/05816/COU Application under Section 73a of the Town and Country Planning Act 1995 for the change of use of agricultural land to secured compound area for storage of caravans and container storage REFUSE 27th April 2017

17/01638/FUL Application under Section 73a of the Town and Country Planning Act for the change of use of agricultural buildings to secure buildings for storage of caravans and other non-agricultural items GRANT 8th June 2017

18/03367/FUL Application under Section 73A of the Town and Country Planning Act 1990 for the change of use from agricultural land and construction of hardstanding to create secure compound for outdoor (covered) storage of caravans and storage containers (retrospective), including incorporation of landscaping measures GRANT 14th December 2018

19/04096/FUL Change of use of land from agriculture to outdoor storage of caravans and containers to include laying of hardstanding area and associated landscaping PDE

SA/84/0924 Installation of 1/2 tonne (1,000 litre capacity) LPG vessel for domestic heating purposes. PERCON 31st October 1984

SA/87/1134 Change of use of existing calf rearing unit to a workshop. PERCON 17th December 1987

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)
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Cabinet Member (Portfolio Holder) Councillor Gwilym Butler

Local Member Cllr Ed Potter

Appendices None



Committee and Date
 North Planning Committee
 12th November 2019

Item
6
 Public

Development Management Report

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

Summary of Application

Application Number: 19/03143/FUL	Parish:	Whitchurch Rural
Proposal: Conversion of traditional agricultural dutch barn to 1No dwelling and associated amenity space		
Site Address: Barn South Of Ivy Farm Cottage Broughall Whitchurch Shropshire		
Applicant: Mr Mathew Dunn		
Case Officer: Jane Preece	email: planning.northern@shropshire.gov.uk	

Grid Ref: 358423 - 341835

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Recommendation:- Refuse for the reasons as set out below.

- It is considered by the Local Planning Authority that the application building as it presently exists is not of sufficient or significant heritage or landscape importance to be recognised as a local (non-designated) heritage asset to justify conversion to residential use in principle in this countryside location. The original building has been unsympathetically modified in the recent past, with alterations that are considered to appear as contrived and domestic and, as such detrimental to the simple character of the original structure. Further, in the absence of any substantive evidence to demonstrate otherwise, it is considered that the proposals are above and beyond the realm of conversion normally allowed under adopted policy and also do not meet the higher sustainable design criteria for open market conversions in the countryside. Policy MD7a requires market residential conversions to entail minimal alteration or rebuilding to the original building, whilst there is a further policy need for open market conversions in the countryside to meet the higher standards of sustainable design set out in Core Strategy Policy CS6 and in MD2. It is considered that substantial additions and alterations to the original dutch barn (ie roof and frame structure) are required to utilise the building for a dwelling. This includes reference to previous unsympathetic alterations carried out, which are also acknowledged in the submission as not meeting current design standards. Accordingly, it is considered that the proposals fail to comply with adopted Core Strategy policies CS5, CS6 and CS17; Site Allocations and Management of Development (SAMDev) Plan policies MD2 and MD7a; the Council's adopted SPD on the Type and Affordability of Housing and the National Planning Policy Framework 2019.
- In the absence of a Great Crested Newt Survey (as recommended in the submitted Extended Phase 1 Habitat Survey (Cheshire Ecology, March 2018)) and a bat method statement in relation to the removal of ivy from the building, it is considered that the proposal is unacceptable in that inadequate ecological information has been submitted with the application to allow the impact of the development on statutorily protected species to be fully assessed. In the absence of a Great Crested Newt Survey and a bat method statement it is not possible to conclude that the proposal will not cause unacceptable harm to protected species. Accordingly, the proposal is considered contrary to policies CS6 and CS17 of the adopted Shropshire Core Strategy 2011; policy MD12 of Site Allocations and Management of Development (SAMDev) Plan 2015 and the National Planning Policy Framework 2019.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the '*Conversion of traditional agricultural dutch barn to 1No dwelling and associated amenity space*' in relation to an existing dutch barn to the south of Ivy Farm Cottage, Broughall.
- 1.2 A traditional dutch barn is essentially a skeleton structure with posts/stanchions supporting a roof. The application dutch barn has previously been altered and adapted, particularly in 1999 with the infilling of the iron framework with rendered blockwork, timber cladding and fenestration, together with the provision of a first floor internal of partitioning. The proposal is to convert the already modified building to provide a 3 bed market residential dwelling. The three bedrooms (one with en-suite) and a separate bathroom will be provided on the first floor. The ground floor space will utilised to provide an open plan kitchen/diner and a large lounge.
- 1.3 The proposed scheme will utilise previously installed fenestration openings, with an additional double casement window at first floor level within the west elevation and the introduction of a large area full height glazing (from ground through to first level) within the southern elevation.
- 1.4 Access to the development is intended to utilise the existing access serving the property of Ivy Farm Cottage. This existing access is located immediately to the north of the dutch barn. Vehicles will enter at this point and then turn 90 degrees, to traverse between both the application building and Ivy Farm Cottage, before turning a further 90 degrees to the designated parking spaces - located to the immediate south of the building on area of hardstanding. Opposite the hardstanding an area of lawn is to be provided, square in shape and to be planted on it's northern boundary with a new hedge.
- 1.5 As regards drainage, it is proposed to connect to an existing septic tank system for foul drainage disposal. The septic tank is shown as located within the indicated lawn area of the site. Surface water is to be disposed of to soakaways. It is indicated that there will be no surface water increase as result of the development, given that the proposals are for the conversion of an existing building and will utilise existing hard standing areas.
- 1.6 The application is supported by the following:
- Existing and proposed plans
 - A completed CIL Form 0 and associated photographs
 - A design and access supporting statement
 - An ecology survey
 - A heritage impact assessment
 - A structural survey

2.0 **SITE LOCATION/DESCRIPTION**

- 2.1 The application building is located in the area of Broughall which lies to the east of Whitchurch in the parish of Whitchurch Rural. This area is defined in the development plan as an area of countryside.
- 2.2 The application building is a 19th century dutch barn, which has been previously altered with the infilling of the open sections, the provision of fenestration and the creation of a first floor (confirmed to have taken place in the spring of 1999). A photograph of the application building, as it currently exists, is provided within the submitted supporting information as below:



- 2.3 The building stands in close proximity to Ivy Farm Cottage and its associated annex (located to the immediate west/north west and north respectively). To the east the dutch barn is bounded by the highway.
- 2.4 Ivy Farm Cottage and the annex are within the ownership of the applicant. Historically, both the cottage and the annex were associated with and formed part of Ivy Farm, which lies to the immediate north. However, Ivy Farm and Ivy Farm Cottage are now in separate ownership.
- 2.5 Whilst named as a cottage, originally Ivy Farm Cottage was a farm building. Planning permission was granted to refurbish the building to provide two-bedroomed holiday accommodation in November 2000. Planning permission authorising the use of the holiday accommodation for full residential use was granted in 2018.
- ## 3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**
- 3.1 The officer recommendation is one of refusal. The Parish Councils comments are of support, although the Parish Council have not given any material or any other reasons for their support. Nonetheless, the Principal Planning Officer in consultation with the Chair/Vice Chair of the relevant committee are of the view that consideration by the

Planning Committee is warranted in this instance for the following reason(s):

'Acknowledged that barn is not a typical traditional type barn in design or appearance, however in consideration of previous structures of similar nature and class Q legislation Committee consideration in this instance considered reasonable'

4.0 **Community Representations**

4.1 **Consultee Comments**

4.1.1 **SUDS** – Informative notes regarding sustainable drainage for the disposal of surface water from the development.

4.1.2 **SC Affordable Homes** – If the works to convert the out building/barn to a residential dwelling is significant then no affordable housing contribution will be payable in this instance.

4.1.3 **SC Highways – Recommendations: No Objection** – Subject to the development being constructed in accordance with the approved details and the following condition and informative notes.

Condition – Parking and turning

Observations/Comments: The application proposes to convert an agricultural Dutch barn to 1 No. dwelling and associated amenity space. The site is located on a rural class III road to the south of the A525. The current application was the subject of an earlier application under reference 18/04529/PMBPA. No highway concerns were raised in respect of the existing access arrangement.

Informative notes: Works on, within or abutting the public highway; Mud on highway; No drainage to discharge to highway.

4.1.4 **SC Conservation** - The proposed scheme relates to a 19th century dutch barn to Ivy Farm, an historic farmstead included on the Historic Farmsteads Characterisation Project, 2008 – 2010. A heritage assessment has been included as part of the submitted application, concluding that the main structure, roof and south gable end are original, and that the structure would be considered as a non-designated heritage asset given its age and intactness.

SAMDev policy MD7a states that 'the conversion of buildings to open market use will only be acceptable where the building is of a design and form which is of merit for its heritage/ landscape value, minimal alteration or rebuilding is required to achieve the development and the conversion scheme would respect the significance of the heritage asset, its setting and the local landscape character'. In addition to this policy CS5 also states that conversions will only be acceptable where respect for the heritage asset is achieved, with the Type and Affordability of Housing SPD requiring that buildings subject to conversion should be of substantial and permanent construction such that extensive rebuilding is not required.

Whilst we would concur with the heritage assessment in its conclusion that the remaining dutch barn structure would be of some merit in heritage terms, this only relates to the roof structure and carcass where substantial additions and alterations are required to utilise such a building for a dwelling. The existing alterations appear as contrived and domestic within this context, and detrimental to the simple character of the original structure. In terms of the principle of development it is queried whether the extent of works required for its use as a residence is over and above that normally allowed under policy MD7a as set out above i.e. minimal alteration and rebuilding. Furthermore the submitted structural survey is relatively inconclusive from the perspective of meeting building regulations and the extent of works required in terms of its foundations etc. The proposal does not therefore appear to accord with the applicable policies set out above in respect of conversions both in terms of the extent of works required to facilitate the conversion and the extent of the building considered to be of merit in heritage terms.

- 4.1.5 **SC Ecology** – The Extended Phase 1 Habitat Survey (Cheshire Ecology, March 2018) recommends a GCN survey. Please re-consult Ecology once this has been submitted.

In addition, a bat method statement should be provided in relation to removal of ivy from the building.

4.2 **Public Comments**

- 4.2.1 **Whitchurch Rural Parish Council** – The Parish Council supports this application for the conversion of an agricultural building.
- 4.2.2 **Public representations** – None received.

NB: The full content of all consultee and public comments are available to view on the Council's planning portal pages for the application.

5.0 **THE MAIN ISSUES**

- Policy and principle of development
- Impact on ecology/biodiversity

6.0 **OFFICER APPRAISAL**

6.1 **Background**

- 6.1.1 The site has an extensive planning history, as set out in the 'Relevant Planning History' section below in this report.
- 6.1.2 Of particular relevance is the fact that this application for full planning permission follows

on from the refusal of two previous prior notification applications under Class Q of the General Permitted Development Order, ie:

- 6.1.3 **18/03012/PMBPA** - Notification for Prior Approval under Schedule 2, Part 3 Class Q of the Town & Country Planning (General Permitted Development) Order 2015 for the conversion of agricultural building to one dwellinghouse - REFUSED 30th August 2018. The application was refused for the follow reason(s):
- 6.1.4 It is considered that the proposal does not fall within the scope of 'Permitted Development' as set out in the Schedule, 2 Part 3, Class Q (a); Q.1 (a); Q.1 (f) and Q.1 (i) of the Town and Country Planning (General Permitted Development) Order 2015 in that:
- (a) the curtilage of the application site as outlined in red on the submitted plans equates to an area larger than the footprint of the building itself and as such fails to accord with the Q. (a) and the definition of 'curtilage' provided within paragraph X of Part 3;
 - (b) insufficient information has been submitted with the application to demonstrate that the building was used solely for an agriculture use and was so used for the purposes of a trade or business and as part of an established agricultural unit, as defined in paragraph X of Part 3, on or prior to 20th March, 2013. Therefore, the Local Planning Authority is not in a position to conclude compliance with the limitations of the Order under Q.1 (a);
 - (c) the building appears to have been altered during its lifetime but it is not clear when the alterations occurred and under what planning legislative provisions. In this regard the Local Planning Authority therefore has insufficient information before it for consideration to assess whether Q.1 (f) is satisfied or not.
 - (d) no detailed structural information accompanies the application and the extent of the building operations proposed as part of the conversion scheme are considered to be beyond the extent of that considered reasonably necessary for the building to function as a dwellinghouse. Therefore, the proposal fails to comply with Q.1 (i).
- Given the conclusions that the application proposals are not deemed to be 'permitted development' under Part 3, Class Q. (a) of The Town and Country Planning (General Permitted Development) Order) 2015 (as amended) and further that insufficient information has been submitted to enable the authority to establish whether the proposal complies with Q.1 (a); Q.1(f) and Q.1 (i) then the proposals cannot be addressed under the prior approval provisions set out in Q.2 of the Order. The proposal requires planning permission.
- 6.1.5 **18/04529/PMBPA** Notification for Prior Approval under Schedule 2, Part 3 Class Q of the Town & Country Planning (General Permitted Development) Order 2015 for the conversion of agricultural building to one dwellinghouse REFUSE 27th November 2018. This second prior notification application was refused for the following reason(s):
- 6.1.6 It is considered that the proposal does not fall within the scope of 'Permitted Development' as set out in the Schedule, 2 Part 3, Class Q (a); Q.1 (a) and Q.1 (i)

of the Town and Country Planning (General Permitted Development) Order 2015 in that:

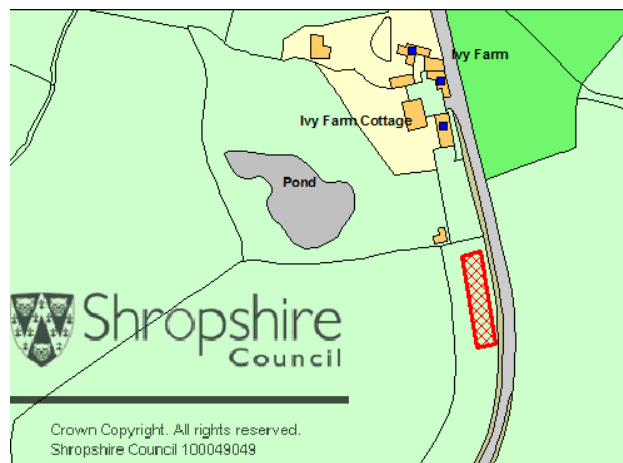
(a) insufficient information has been submitted with the application to demonstrate that the building was used solely for an agriculture use and was so used for the purposes of a trade or business and as part of an established agricultural unit, as defined in paragraph X of Part 3, on or prior to 20th March, 2013. Therefore, the Local Planning Authority is not in a position to conclude compliance with the limitations of the Order under Q.1 (a);

(b) new structural works will be required outside the scope of the legislation and the extent of the building operations proposed as part of the conversion scheme are considered to be beyond the extent of that considered reasonably necessary for the building to function as a dwellinghouse. Therefore, the proposal fails to comply with Q.1 (i).

Given the conclusions that the application proposals are not deemed to be 'permitted development' under Part 3, Class Q. (a) of The Town and Country Planning (General Permitted Development) Order) 2015 (as amended), for the reasons discussed above then the proposals cannot be addressed under the prior approval provisions set out in Q.2 of the Order. The proposal requires planning permission.

6.1.7 The current application now seeks full planning permission for an updated version of the same conversion scheme refused under 18/04529/PMBPA. Within the supporting Design and Access Statement it is contended that with this application being for full planning permission '*... the previous reasons for non-compliance with the GPDO are either not relevant or have been addressed ...*' However, on the matter of structure and the extent of works involved for conversion officers do not agree with this contention. No detail as to the full scope and extent of the works required to achieve the residential conversion has been added to the proposed plans and elevations nor to supplement the Structural Report in connection with this application for full planning permission. To this end, the extent of the actual works required to achieve the conversion to residential use are not fully detailed or clear. This is a concern raised by the Council's Conservation Officer discussed further elsewhere within this report.

6.1.8 Within the submitted Design and Access Statement it is further stated that the application building is '*... largely redundant for agricultural purposes.*' The building is used for '*storage and occasional lambing*'. Internal photographs showing the storage etc have been submitted for CIL purposes and are also included within the submitted HSI report. Nonetheless, a concurrent planning application is presently before the Council for consideration by the Dunn family, seeking planning permission (reference 19/02523/FUL) for the 'Erection a general purpose agricultural building' on land to the south of Ivy Farm Cottage - a proposed 5 bay building in the position shown on the map below. Access provision was absent from that submission but have now been provided. Access to the newly proposed agricultural building is to be via the same access as for this conversion proposal and serving Ivy Farm Cottage, with an elongated access route south between the proposed conversion and existing cottage.



6.2 Policy and principle of development

- 6.2.1 The application seeks approval for the conversion of a modified dutch barn located in the open countryside to form an open market residential unit. As such the proposal falls to be considered in principle against local and national policy set out in Core Strategy CS5; SAMDev Plan policy MD7a; the Councils' Supplementary Planning Document (SPD) on the Type and Affordability of Housing and the National Planning Policy Framework (NPPF).
- 6.2.2 Policy CS5 strictly controls development within the open countryside. In respect of the re-use of rural buildings the policy gives priority to the conversion of rural buildings for economic/employment uses (including live-work proposals and tourism), affordable and agricultural workers housing and community uses appropriate to a countryside location. In respect of open market residential conversion the policy states: *'Open market residential conversions will only be considered where respect for the heritage asset (as also required by Policy CS17) and high standards of sustainability are achieved ...'*
- 6.2.3 Further to Core Strategy Policy CS5, SAMDev Plan policy MD7a reiterates that development will be strictly controlled outside of the main market towns, key centres and community hubs/clusters. The policy specifies that: *'... In the case of market residential conversions, requiring planning permission, the conversion of buildings to open market use will only be acceptable where the building is of a design and form which is of merit for its heritage/ landscape value, minimal alteration or rebuilding is required to achieve the development and the conversion scheme would respect the significance of the heritage asset, its setting and the local landscape character. ...'*
- 6.2.4 At paragraph 3.56 of the explanation attached to policy MD7a it further states that: *'...In addition to the requirements in MD13, to comply with Policy CS5, applications for conversions to open market residential uses should provide evidence of: the buildings' merits, the scheme's contribution to local character, distinctiveness and sustainability improvements. Where appropriate, development should meet the higher standards of sustainable design set out in Core Strategy Policy CS6 and in MD2.'*
- 6.2.5 With regard to the conversion of existing buildings in the countryside into open market dwellings, both policy CS5, MD7a and the Housing SPD make it clear that such proposals will only be allowed where the existing building is considered a "heritage asset" and where respect for the heritage asset is achieved and further where minimal alteration or rebuilding is required. The Housing SPD goes on to define a "heritage asset" as follows:

- 6.2.6 *“Heritage assets” normally:*
- *pre-date 1950;*
 - *comprise traditional materials and building methods;*
 - *are of permanent and substantial construction;*
 - *are of local significance and add value to the landscape.* ‘
- 6.2.7 At a national level, paragraph 79 of the NPPF states that: *‘Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply: ...*
b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; ...’
- 6.2.8 The definition of a heritage asset is also given in Annex 2 of the NPPF, quoted as follows:
- 6.2.9 ***‘Heritage asset:*** *A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).’*
- 6.2.10 On the basis of the local and national policy stance set out above it is evident that the main factor in establishing the principle of residential conversion in this case revolves around assessing the heritage value of the application building and the extent of works involved in achieving residential conversion.
- 6.2.11 Policy MD13 is further concerned with heritage assets. In accordance with Policies CS6 and CS17, policy MD13 seeks to ensure that *‘ ... heritage assets will be protected, conserved, sympathetically enhanced and restored by: ... avoid[ing] harm or loss of significance to designated or non-designated heritage assets, including their settings ... ‘*

Heritage/landscape value

- 6.2.12 The application is accompanied by a Heritage Impact Assessment, undertaken by Richard K Morriss. The Assessment confirms the application to be a late century iron-framed Dutch barn. The structure is assumed, but not evidenced with provenance, to be the product of the former local WH Smith foundry. The main iron frame, roof trusses and corrugated roof sheeting are stated to be original and intact but it is acknowledged that three of the walls are of late 20th century construction. Nonetheless, the Assessment draws the opinion that: *‘given its date and its assumed provenance as a product of the nearby W H Smith foundry in Whitchurch, it should be considered as a non-designated heritage asset.’*
- 6.2.13 Officers have considered the Assessment. As noted in the Conservation consultation comments given in section 4.1.4 whilst the original carcass may pre-date 1950 the building has been modified from its original form with the infilling of walls etc in the late 20th century (in 1999). Therefore, the dutch barn that exists on site today and that has been put forward for conversion as it stands includes substantial modern alterations and additions that, to quote the Council’s Conservation Officer, appear as *‘contrived and domestic’* and *‘detrimental to the simple character of the original structure’*. On balance,

therefore the building as it stands in its current form is not considered to be a heritage asset worthy of conversion to open market residential use as required by policy. Nor is it considered to be of sufficient landscape value.

- 6.2.14 The Planning Practice Guidance of the NPPF cautions that: *‘A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage interest for their significance to be a material consideration in the planning process.’*

Conversion works

- 6.2.15 The extent of works required to achieve the conversion to residential use was raised as an issue during the consideration of the previous prior notification applications that were refused. However, no supplementary and detailed information accompanies this full application for planning permission to inform the full scope of works that would be associated with the conversion proposals; either in the form of detailed plans or additional structural information.
- 6.2.16 To expand, the application is accompanied by proposed plans and elevations and a structural survey. The submitted plans are basic, depicting elevations and layout only, whilst the structural survey is not considered to be that detailed. The stated purpose of the survey is as being to *‘... assess the general structural condition in relation to proposed conversion to residential accommodation.’* Although the survey concludes that: *‘The barn is considered to be in generally sound condition and suitable for the proposed conversion without the need for large scale renewal or rebuilding’* officers consider there is no detailed evidence within the survey content to inform how that conclusion was arrived at. The foundations were not inspected and the Survey acknowledges that the proposed floor construction is unknown and may necessitate the deepening of the existing foundations. Further the Survey acknowledges that *‘The age, construction and nature of the building, is such that it inevitably contains elements which do not comply with current design standards. ...’* and that *‘... additional structure will be required within the southern elevation to accommodate the proposed [large glazed] opening.’* Other than that, there is no detail as to the full extent and recommendations for the building work required to achieve the residential conversion. Officers would highlight at this conjecture not only the policy requirement for *‘minimal alteration or rebuilding’*, but further the unsympathetic nature of the 20th alterations/additions to the original structure that currently exist (as commented on by the Conservation Officer) and the further policy need for open market conversions in the countryside to meet the higher standards of sustainable design set out in Core Strategy Policy CS6 and in MD2.
- 6.2.17 **Summary** - In light of all the above, officers do not consider that the proposal satisfies policy in principle in relation to conversions in the countryside. In short, the application building is not considered to be of sufficient heritage or landscape value to comply with adopted local plan policy CS5 and MD7a in principle. Furthermore, there is concern over the extent of rebuilding work that would be required to achieve residential conversion and the lack of adequate supporting structural and scope of conversion work information clearly detailing the full extent of the required works. These views are supported by the consultation comments received from the Council’s Conservation Officer, as set out in section 4.1.4 above.

6.2.18 Overall, it is considered that the sustainable credentials of the application proposals are lacking and not sufficient to tip the planning balance in favour of approval in this case.

6.2.19 It is suggested that the best alternative use for the building other than agriculture and paying due regard to the close proximity of the building to the host dwelling of Ivy Farm Cottage and its detached residential annex, would be for ancillary domestic use linked to the host dwelling (such as private residential garaging and incidental domestic storage, but not including use as living accommodation).

6.3 **Impact on ecology/biodiversity**

6.3.1 Core Strategy Policies CS6 and CS1, together with SAMDev policy MD12 and the NPPF state that all development should protect the natural environment whilst enhancing environmental assets.

6.3.2 The application is supported by an Extended Phase 1 Habitat Survey by Cheshire Ecology Ltd (dated 5th March 2018). Given the existence of ponds in the locality, one of which has a very high HSI value for Great Crested Newts (GCN) and the other of which has not yet been assessed, then Cheshire Ecology recommends a GCN survey should be carried out. Furthermore, as the eastern and northern sides of the barn have quite a lot of ivy cover, Cheshire Ecology could not exclude the possibility that bats may use the ivy for cover. In the circumstances, the Council's Ecologist has commented that both a GCN Survey and a bat method statement in relation to removal of ivy from the building should be provided for consideration prior to the determination of this application.

6.3.3 No GCN Survey or bat method statement has been provided. As such there are unresolved ecology issues. In the absence of adequate ecology information as referred to in paragraph 6.3.2 above, then the full impact of the proposal is unable to be fully assessed and the Council unable to conclude there will be no unacceptable impact on protected species. Therefore, the application is contrary to CS17, MD12 and the NPPF.

7.0 **CONCLUSION**

7.1 It is considered by officers that the proposal is unacceptable and not adopted planning policy compliant. Refusal is therefore recommended, for the reason(s) set out below:

1. It is considered by the Local Planning Authority that the application building as it presently exists is not of sufficient or significant heritage or landscape importance to be recognised as a local (non-designated) heritage asset to justify conversion to residential use in principle in this countryside location. The original building has been unsympathetically modified in the recent past, with alterations that are considered to appear as contrived and domestic and, as such detrimental to the simple character of the original structure. Further, in the absence of any substantive evidence to demonstrate otherwise, it is considered that the proposals are above and beyond the realm of conversion normally allowed under adopted policy and also do not meet the higher sustainable design criteria for open market conversions in the countryside. Policy MD7a requires market residential conversions to entail minimal alteration or rebuilding to the original building, whilst there is a further policy need for open market conversions in the countryside to meet the higher standards of sustainable design set out in Core Strategy Policy CS6 and in MD2. It is considered that substantial additions and alterations to the original dutch barn (ie roof and frame structure) are required to utilise the building for a dwelling. This includes reference to previous unsympathetic alterations carried out, which are also acknowledged in the

submission as not meeting current design standards. Accordingly, it is considered that the proposals fail to comply with adopted Core Strategy policies CS5, CS6 and CS17; Site Allocations and Management of Development (SAMDev) Plan policies MD2 and MD7a; the Council's adopted SPD on the Type and Affordability of Housing and the National Planning Policy Framework 2019.

2. In the absence of a Great Crested Newt Survey (as recommended in the submitted Extended Phase 1 Habitat Survey (Cheshire Ecology, March 2018)) and a bat method statement in relation to the removal of ivy from the building, it is considered that the proposal is unacceptable in that inadequate ecological information has been submitted with the application to allow the impact of the development on statutorily protected species to be fully assessed. In the absence of a Great Crested Newt Survey and a bat method statement it is not possible to conclude that the proposal will not cause unacceptable harm to protected species. Accordingly, the proposal is considered contrary to policies CS6 and CS17 of the adopted Shropshire Core Strategy 2011; policy MD12 of Site Allocations and Management of Development (SAMDev) Plan 2015 and the National Planning Policy Framework 2019.

- 7.2 In considering the application due regard has been given to the following planning policies as relevant: Shropshire Core Strategy CS5, CS6, CS17 and CS18; Site Allocations and Management of Development (SAMDev) Plan policies MD2, MD7a, MD12, MD13 and S18; the Council's SPD on the Type and Affordability of Housing and the National Planning Policy Framework published February 2019.

- 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

Local Development Plan and Nation policies:

CS1 - Strategic Approach

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS9 - Infrastructure Contributions

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

MD7A - Managing Housing Development in the Countryside

MD12 - Natural Environment

MD13 - Historic Environment

Settlement: S18 - Whitchurch

SPD Type and Affordability of Housing

National Planning Policy Framework

RELEVANT PLANNING HISTORY:

NS/87/00072/FUL Conversion of redundant agricultural buildings into holiday accommodation including installation of a septic tank GRANT 13th January 1987

NS/99/10043/FUL Refurbishment of building to include retention of single storey lounge/kitchen/utility/bathroom extension to provide two-bedroomed holiday accommodation' Permission GRANTED 20th November 2000

NS/99/10044/FUL Conversion of holiday accommodation to form residential annex and replace flat with pitched roof west elevation, erection of two storey extension to south elevation of main house, provision of 4 car parking spaces and temporary siting of mobile home. Permission PER 25th August 1999

10/01827/FUL Erection of an agricultural storage building/workshop and formation of new vehicular access REFUSE 13th September 2010

13/02638/COU Change of use from holiday accommodation to affordable dwelling NPW 14th August 2013

14/00086/FUL Conversion of holiday let to residential dwelling with annex and outbuildings GRANT 24th August 2018

17/05627/CPE Application for lawful development certificate in respect of continued use of Ivy Farm Cottage as an unfettered dwelling without compliance with condition 10 of planning permission NS/99/10043/FUL limiting the use to that of holiday accommodation only REFUSE 10th August 2018

18/03012/PMBPA Notification for Prior Approval under Schedule 2, Part 3 Class Q of the Town & Country Planning (General Permitted Development) Order 2015 for the conversion of agricultural building to one dwellinghouse REFUSE 30th August 2018

18/04529/PMBPA Notification for Prior Approval under Schedule 2, Part 3 Class Q of the Town & Country Planning (General Permitted Development) Order 2015 for the conversion of agricultural building to one dwellinghouse REFUSE 27th November 2018

19/02523/FUL Erection of a general purpose agricultural building PENDING CONSIDERATION

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 Gerald Dakin
Appendices None



it has not been demonstrated that this will not require new structural elements

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<u>Committee and Date</u>
North Planning Committee
12 th November 2019

<u>Item</u>
7
Public

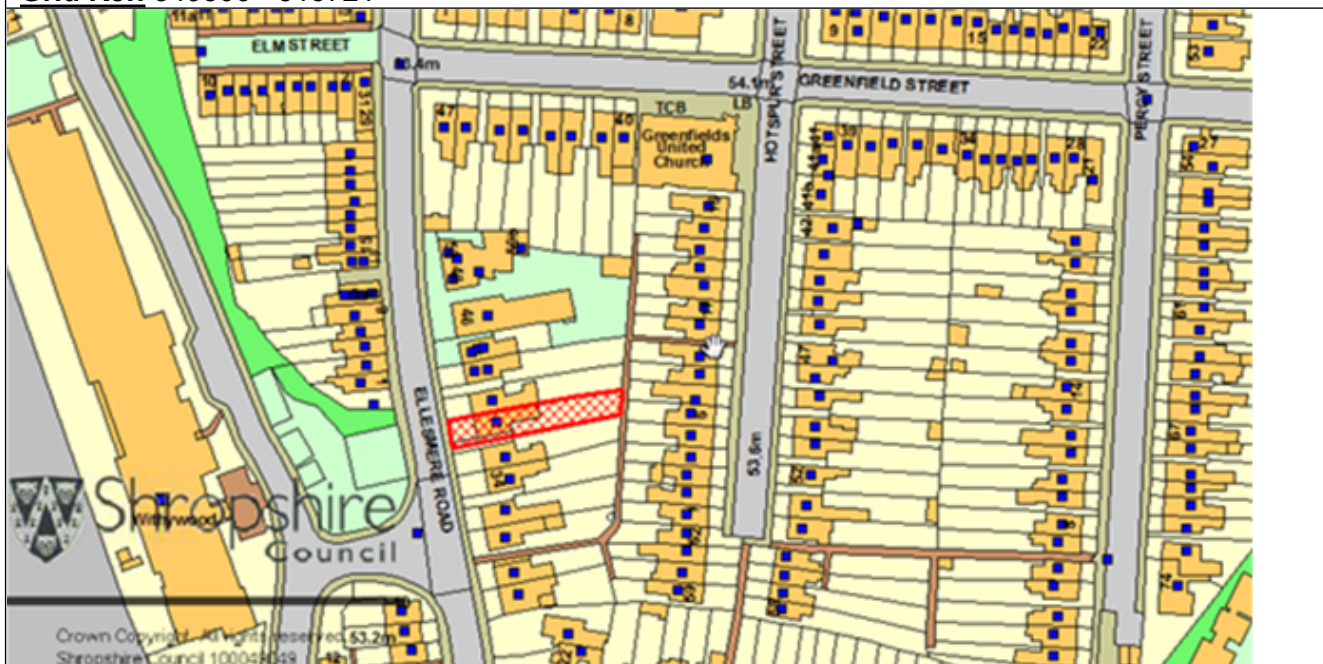
Development Management Report

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

Summary of Application

Application Number: 19/04218/FUL	Parish:	Shrewsbury Town Council
Proposal: Erection of a single storey side and rear extension and rear dormer window to facilitate an additional room in the extended roof space to provide a total of 7 rentable rooms in association with change of use from residential to sui-generis use (large house in multiple occupation) and provision of extended dropped kerb to provide vehicular access and parking for 2 cars		
Site Address: 38 Ellesmere Road Shrewsbury SY1 2PR		
Applicant: Effective Property Solutions		
Case Officer: Jane Raymond	email:	planning.northern@shropshire.gov.uk

Grid Ref: 349306 - 313721



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

REPORT

1.0 THE PROPOSAL

- 1.1 The proposed development is for the erection of a single storey side and rear extension and rear dormer window to facilitate additional room in the extended roof space to provide a total of 7 rentable rooms in association with change of use to a large house in multiple occupation (sui-generis use).
- 1.2 The proposal also includes the provision of an extended dropped kerb to provide vehicular access and parking for up to two cars.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application relates to 38 Ellesmere Road which is a semi-detached late Victorian house situated to the north of Shrewsbury Town Centre.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Local Member objects to the application and has requested it to be referred to the Northern Planning Committee within 21 days of electronic notification of the application and agreed by the Principal Planning Officer in consultation with the committee chairman and vice chairman to be based on material planning reasons.

4.0 Community Representations

4.1 - Consultee Comments

- 4.1.1 **SC Highways:** Ellesmere Road has very little on street parking and adjacent to the property restrictions prevent parking at any time on both sides of Ellesmere Road. The neighbouring residential area of Greenfields features a lack of residential off-highway parking and demand for parking is higher than provision. Whilst the existing family home could generate demand for a number of spaces, and the application includes the potential creation of 2 parking spaces, the proposal for 7 individual letting rooms could potentially create an even higher demand for parking. Whilst this is not ideal from a highways and transport perspective, an objection on highways grounds would not be sustainable. No details have yet been submitted regarding the proposed parking area, however upon approval of these permission will need to be obtained and detail of this can be found in the relevant informative below.

4.2 - Public Comments

- 4.2.1 **Shrewsbury Town Council:** Raises no objections to this application.
- 4.2.2 **Local Member:** This application is not without merit. I understand that the Victorian frontage and windows are to be kept as is (save for a new dormer window to the loft, which I hope would have sympathetic 'heritage' materials). This will maintain the appearance of the building among a distinctive row of Victorian buildings,

keeping an attractive street scene. Nevertheless the current application is higher density than the flats and houses found in the immediate area and legally is a different type of application. The two parking spaces in particular are insufficient for seven units in an area which already has severe parking issues. Though ideally I would want to see this property remain as a single dwelling I accept that is not sustainable in planning terms, given that some houses in the area have been converted into flats. Therefore if a single dwelling is not possible then a lower density development (or development into 2/3 flats) would help alleviate my concerns and concerns I have heard from residents on density, over development and parking.

This accommodation appears to be non-commissioned exempt accommodation. As such, under Section 13 of Housing Benefit Regulations, it has to be demonstrated that there is need for this type of accommodation and that the need is not met elsewhere.

Therefore, any planning report and decision on this application needs to have responses from both housing benefits officers and housing officers to consider if the test under Section 13 is met in terms of:

- Demand for this type of accommodation
- If it is not already supplied elsewhere (in particular under initiatives such as the Council's own housing company)
- If housing officers consider if this is appropriate accommodation to place people who may have vulnerabilities.

4.2.3 **14 Letters of objection summarised as follows:**

One can only image the type of person this sort of set-up is going to attract.

This type of property may attract people with vulnerabilities and would question if this is the right type of tenant in an area with young children and elderly residents in close proximity.

HMO are famous for anti-social behaviour and with up to 7 residents living in a medium sized house I worry this will be a problematic issue on a regular basis.

Anti-social behaviour is already a big problem with Marijuana constantly being smoked from the flats further towards the shop.

A higher concentration of HMO's has been associated with both increased noise complaints and increased levels of crime.

This area is already a high traffic area, only adding 2 parking spaces is clearly not sufficient for a 7 bedroom multiple occupancy house.

Insufficient off-street parking spaces in an area where there is no capacity for additional on-street parking.

It is hard to park in the day never mind at night when everyone is at home.

There are plans to make parking restrictions in the area and if these go ahead there will be even less parking space available than there is now.

Increased traffic and congestion and impact on air quality and potential noise disturbance.

The proximity to town, the Greenfields primary school and Witheywood Retirement home all mean that there are a lot of pedestrians in the area and by adding more cars to an already busy area the potential for accidents would be increased.

There are already two existing HMOs in close proximity to this property (one registered and one currently unregistered). Neither of these has sufficient off-road parking facilities to match their occupancies.

There is already a HMO at number 28 and 4 flats close to the local shop.

Within this vicinity of the Victorian properties the mix of family, flats and HMO's is adequate.

Over development of a medium sized family home.

Converting this beautiful house in to flats is not what the area needs as there are plans to build flats further up Ellesmere road.

This area does not require a HMO and would ask for evidence otherwise.

A single family home or flats would be more appropriate and is more suitable and sustainable to the surrounding area.

Potential destruction of a Victorian house, the frontage will not conform to the other house on the row.

This property is a rare grand Victorian property which requires huge improvements including the front facade which needs full restoration.

Is concerned that the developers will not restore the original Victorian features of the house including the original stained glass windows and timber bay windows with Minton tile decoration.

We would ask that if permission is given that a condition is added to retain these original features.

The proposed extension would encroach significantly into the rear open space.

The extension to the rear of the property would significantly reduce natural light into the neighbouring property and a full report on light loss should be submitted.

The homes immediately around this HMO will have their value impacted on.

The proposal should be modified to increase the parking spaces or reduce the number of independently rented rooms.

It seems unlikely that there are enough fire exits for 7 people.

Does not consider that the site notice was erected on 2nd October and requests that residents have longer than 23rd October to comment.

- 4.2.4 **One letter of support:** All the people objecting to this probably own their own homes and probably some own more than one.

There is currently a shortage of housing like this that is of high quality.

I unfortunately have to live in these "dreadful" HMOs as some would like to call them.

I take note of the following public comment "*one can only imagine the type of person this sort of set up is going to attract*" How patronising, I work and I always have done.

I am on a low income and will probably never be able to afford to purchase a property unlike the majority of people objecting to this application, I don't own a car and again can't afford to run a car, but what I can say is I have lived in many HMO properties over the last ten years and they have all been of high standard and the rooms let to working people, many of which are in the same circumstances as me

I am all for high quality affordable HMO units which are fully licensed by the council, at least the applicant is doing this and applying for the property to be properly registered as a HMO.

I note all these comments of objection have been whipped up in support of a post on Greenfields community page on Facebook, I wonder how many of these people actually live in close proximity to this proposed HMO and will they actually be affected by it.

5.0 THE MAIN ISSUES

Principle of development
 Parking/Highway impact
 Impact on character and appearance
 Impact on residential amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Core Strategy Policy CS2 and SAMDev policy MD1 identifies Shrewsbury as the primary focus for housing development for Shropshire and the provision of housing within the urban area of Shrewsbury accords with SAMDev Policy S16.

- 6.1.2 The existing house is situated within the Greenfields area to the North of Shrewsbury Town Centre which is an established residential area. The site is located within close proximity to a range of services and facilities and within easy

walking or cycling distance of Shrewsbury town centre with a wide range of retail and leisure facilities and employment opportunities and easy access to public transport including the bus and train station. It is therefore considered to be a sustainable location for the provision of HMO accommodation.

- 6.1.3 The need for this type of accommodation and also the impact on the balance of accommodation in the locality has been questioned. The local member also considers that the accommodation will be '*non-commissioned exempt accommodation*' and that '*under Section 13 of Housing Benefit Regulations, it has to be demonstrated that there is need for this type of accommodation and that the need is not met elsewhere*'.
- 6.1.4 '*Exempt accommodation*' is a term used under Housing Benefit legislation to describe accommodation where the rules that normally limit the amount of rent covered by a benefit award do not apply. Regulation 13 of the Housing Benefit Regulations 2006 provides for the restriction of benefit for occupiers of "exempt" accommodation. The amount of housing benefit can be restricted following an assessment of whether the rent payable for the accommodation in question is unreasonably high by comparison with that payable for suitable alternative accommodation elsewhere. The Housing Benefits regulations are not considered relevant to the determination of this application for planning permission for a dwelling to be used as a 7 person HMO. A review of alternative accommodation available in the area would be considered as part of any application by a future occupier for housing benefit.
- 6.1.5 The proposal will provide affordable one bedroom accommodation close to Shrewsbury town centre which accords with CS11 that states the following:
- 'To meet the diverse housing needs of Shropshire residents now and in the future and to create mixed, balanced and inclusive communities, an integrated and balanced approach will be taken with regard to existing and new housing, including type, size, tenure and affordability. This will be achieved by:*
- Seeking housing developments which help to balance the size, type and tenure of the local housing stock'*
- 6.1.6 The conversion of this single dwelling to a HMO will provide accommodation of a different size, type and tenure to that predominantly available in the area and help contribute to the provision of a more balanced and inclusive community. The proposed HMO is not for a particular type of tenant (as indicated by some objectors to the proposal) and whether future tenants are in employment and/or on housing benefit is not considered relevant to the determination of the application. There is therefore no requirement to consult housing benefits officers regarding this application. It is also not considered necessary for the need for the proposed development to be justified or demonstrated. If there is no demand for the proposed accommodation the rooms would not be let.
- 6.1.7 Having checked with the Housing team and Regulatory Services it has been confirmed that there is only one licenced HMO nearby at no 28 Ellesmere Road but there are no other licenced HMO's in the local area. It is considered that the provision of a HMO for up to 7 would not significantly impact on the mix and type of housing available in the locality.

- 6.1.8 Regulatory Services have also confirmed that a HMO occupied by five or more people sharing facilities (e.g. kitchen and/or bathroom) must be licensed. They have also confirmed that when considering a licence application they do not need to consult the public and that provided the rooms are safe and suitable and the applicant passes the fit and proper person test a licence has to be granted.
- 6.1.9 In addition to requiring a licence planning permission is only also required in this instance because this proposal is for seven. The use of a dwelling as a HMO for up to six is permitted development and would not require planning permission. It is considered that the provision of one additional room to allow up to seven residents is not significantly different to that allowed under permitted development. However to ensure that the rooms do not become double occupancy and the use over intensified a condition can be imposed to ensure a maximum of seven residents.
- 6.2 Parking/Highway impact**
- 6.2.1 CS6 and MD2 require that adequate car parking is provided to ensure that development does not result in unacceptable adverse impacts such as cars overflowing onto surrounding roads and negatively impacting on the local road network. Highways have commented that the proposal could potentially create a higher demand for parking than the existing family home might generate and whilst this is not ideal from a highways and transport perspective, an objection on highways grounds would not be sustainable.
- 6.2.2 The proposal is more likely to attract residents that don't own a car rather than car owners, and the provision of a HMO for seven with only two parking spaces is considered acceptable in this close to town centre location. The use of the property as a HMO for up to six and with no off-street parking provision is in any case permitted development.
- 6.2.3 Whether the house remains as a single dwelling or is occupied by six or seven unrelated individuals would not significantly impact on highway or pedestrian safety or the availability of on-street parking in the locality. It is considered that the proposed development including the provision of two parking spaces would not significantly impact on the amount of traffic or result in increased congestion or air pollution in the area.
- 6.3 Impact on character and appearance**
- 6.3.1 SAMDev Policy MD2 (Sustainable Design) and Core Strategy Policy CS6 (Sustainable Design and Development Principles) requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. MD13 and CS17 seek to ensure that development protects and enhances the local character of the built and historic environment.
- 6.3.2 The proposed extensions include a single storey side and rear extension and the insertion of a dormer window to the rear and a roof light to the front. The dormer window and roof light are both permitted development and do not require planning permission. It is considered that the proposed replacement single storey extension

to the rear and side extension to the existing would have no adverse impact on the character and appearance of the building. The dwelling is currently vacant and in need of repair and renovation, and the proposed conversion to a HMO and associated external and internal alterations would secure its future maintenance.

6.3.3 The house is not listed and is not in a conservation area or subject to an article 4 direction. Any repairs and alterations to the front of the house do not need planning permission and therefore it would not be reasonable to impose conditions stipulating what materials can be used in making any improvements to the front including changing the windows.

6.4 **Impact on residential amenity**

6.4.1 Policy CS6 and MD2 seek to ensure that development contributes to the health and wellbeing of communities, including safeguarding residential and local amenity. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that development '*creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users*'.

6.3.1 A HMO rented out and occupied by unrelated individuals but sharing facilities has the potential to be occupied in a different manner to a single residential dwelling, and potentially result in more comings and goings compared to its occupation by a family unit. However the use by six unrelated persons is permitted development and as this proposal is only for one more it is not considered that the proposed change of use would significantly impact on residential amenity compared to its existing use as a dwelling or its lawful use as a HMO for up to six individuals.

6.3.2 As confirmed by Regulatory Services a HMO needs a licence to operate which specifies the number of tenants and ensures that the property is inspected and regulated. A licence can be revoked if the property is not properly managed and/or does not comply with the relevant fire and health and safety regulations.

6.3.3 With regards to the impact of the proposed single storey rear and side extension this replaces an existing extension and does not extend any further to the rear than the existing. The replacement rear extension does not need planning permission and it is only the part of the extension to the side of the existing that actually requires planning permission. It is considered that the proposed single storey flat roof extension would not have any significant adverse impact in terms of loss of light, a loss of privacy or appearing overbearing or obtrusive.

7.0 **CONCLUSION**

7.1 It is considered that the proposed change of use is acceptable in principle and will help contribute to the provision of a balance in the type, size, tenure and affordability of accommodation in a sustainable location near to Shrewsbury town centre and therefore accords with Core Strategy Policy CS2, CS11 and SAMDev policy MD1 and S16. It is considered that the proposed change of use and the extensions to the house would not adversely impact on the character and appearance of the building or the locality and would not have an adverse impact on residential amenity. The number of tenants is regulated by the licence that is

required in addition to planning permission but it is recommended that a planning condition is imposed to restrict occupancy to seven. It is considered that the demand for parking spaces would not be significantly different compared to its use as a single dwelling or a HMO for six and that it is not necessary to provide additional parking spaces due to the location within walking distance of the town centre and access to public transport. The proposal is therefore also considered to accord with MD2 and CS6.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee

members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance: National Planning Policy Framework

Core Strategy and Site Allocations and Management of Development (SAMDev) Plan: CS2, CS6, CS11, MD1, MD2 and S16.

Relevant Planning History:

19/04219/CPL Application for a Certificate of Lawful Development for the proposed erection of a single storey rear extension and a dormer window to the rear in association with change of use from C3 (dwelling) to C4 (small house in multiple occupation for a total of 6 single occupancy rentable rooms permitted under Class L, Part 3 of Schedule 2 of the GPDO)
LAWFUL 23rd October 2019

11. Additional Information

List of Background Papers:

19/04218/FUL - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PY8VD6TDI0A00>

Cabinet Member (Portfolio Holder): Councillor Gwilym Butler

Local Member: Cllr Alex Phillips

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

3. The external materials shall be as indicated on the approved plans and the submitted application form or in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

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

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

4. The development hereby permitted shall not be brought into use until a dropped kerb access has been provided. The space shall be maintained thereafter free of any impediment to its designated use.

Reason: To provide a safe access to the development in the interests of highway safety.

5. The development hereby permitted shall not be brought into use until details for the parking of vehicles have been submitted to and approved by the Local Planning Authority. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

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

6. The HMO hereby approved shall not be occupied by more than 7 residents.

Reason: To ensure that the use is not over intensified to the detriment of neighbouring properties.

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<u>Committee and Date</u>
North Planning Committee
12 th November 2019

<u>Item</u>
Public

Development Management Report

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

SCHEDULE OF APPEALS AS AT 12TH NOVEMBER 2019

Appeals Lodged

LPA reference	18/05578/FUL
Appeal against	Refusal of Planning Permission
Committee or Del. Decision	Delegated
Appellant	Mr David Davies
Proposal	Erection of four semi detached dwellings with off street parking following demolition of the former public house
Location	The Red Castle PH Ellesmere Road Harmer Hill Shrewsbury
Date of appeal	18.09.19
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	19/00833/FUL
Appeal against	Refusal of Planning Permission
Committee or Del. Decision	Delegated
Appellant	Mr Masters C/O The Planning Group Ltd
Proposal	Erection of one detached two storey dwelling together with formation of new vehicular access and alterations to the current access (revised scheme)
Location	Proposed Dwelling To The South Of Brickyard Farm Poynton Road Shawbury Shropshire
Date of appeal	19.09.19
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	19/02262/FUL
Appeal against	Refusal of Planning Permission
Committee or Del. Decision	Delegated
Appellant	Mr R J and Mr D Davies
Proposal	Erection of a one and a half storey dormer bungalow with off street parking
Location	Land South Of The Red Castle PH Ellesmere Road Harmer Hill Shropshire
Date of appeal	18.09.19
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	19/02252/FUL
Appeal against	Refusal of Planing Permission
Committee or Del. Decision	Delegated
Appellant	Ricsan Homes Ltd – C/O Nigel Thorns Planning Consultancy
Proposal	Removal of Footpath in front of Plots 1 to 6 from Development (previously approved as 2m wide under applications 14/03484/OUT and 18/01586/REM) and provision of grass verge strip to site frontage
Location	Proposed Residential Development South Of Ash Hall Ash Magna Whitchurch Shropshire
Date of appeal	20.09.19
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	16/05143/FUL
Appeal against	Non Determination
Committee or Del. Decision	No Decision
Appellant	Mr and Mrs Hand – C/O Christine Williams
Proposal	Application under Section 73a of the Town and Country Planning Act for the retrospective installation of 14 x 5.5m high lighting poles and 6 x 4.5m high lighting poles (modification to 13/04270/FUL) and to include for the amendment to the positioning and dimensions of the manege as built
Location	Jayroc Stables Shawbury Heath Shawbury
Date of appeal	23.09.19
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	18/04965/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Committee Decision
Appellant	Westerleigh Group Ltd
Proposal	Erection of a new crematorium with associated access, car parking and landscaping
Location	Proposed Crematorium North Of Nesscliffe Shrewsbury Shropshire
Date of appeal	05.09.2019
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	19/02572/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Committee Decision
Appellant	Furrows Holdings
Proposal	Erection of 2 no semi-detached dwellings
Location	Prospect House Belle Vue Road Shrewsbury Shropshire SY3 7NR
Date of appeal	09.10.2019
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	19/00884/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mrs Kate Williams
Proposal	Removal and replacement of roof to include increase in building height to allow for loft conversion
Location	Hafod Las, Trefonen Road Oswestry Shropshire, SY11 2TW
Date of appeal	23.10.2019
Appeal method	Fast Track Householder
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

Appeals Determined

LPA reference	19/02736/REF
Appeal against	Refusal of Planing Permission
Committee or Del. Decision	Committee
Appellant	Mr P Davies – C/O Peter Richards
Proposal	Application under Section 73A of the Town & Country Planning Act 1990 for the extension and resurfacing of an agricultural field access track.
Location	Land East Of Erdington Close Shawbury
Date of appeal	12.06.19
Appeal method	Written Representation
Date site visit	29.07.19
Date of appeal decision	11.09.19
Costs awarded	
Appeal decision	ALLOWED

LPA reference	18/04703/FUL
Appeal against	Refusal
Committee or Del. Decision	11.10.2018
Appellant	Messrs Albutt and Lswson-Johnstoin
Proposal	Erection of two dwellings, associated garaging, alterations to private access road and associated works
Location	Land To The South Of Hindford, Whittington Shropshire
Date of appeal	01.07.2019
Appeal method	Written Reps
Date site visit	27 August 2019
Date of appeal decision	11 October 2019
Costs awarded	
Appeal decision	DISMISSED

LPA reference	18/05730/PMBPA
Appeal against	Non-Determination
Committee or Del. Decision	
Appellant	Mrs Barbara Mayer
Proposal	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 use to residential use
Location	Barn south of Hill Top, Welshampton
Date of appeal	26.07.2019
Appeal method	Written Reps
Date site visit	
Date of appeal decision	11 October 2019
Costs awarded	
Appeal decision	ALLOWED AND PRIOR APPROVAL DEEMED TO BE GRANTED

LPA reference	19/02200/AGR
Appeal against	Planning Permission Required
Committee or Del. Decision	Delegated
Appellant	Mr E Jackson
Proposal	Agricultural building to be used as storage
Location	Lane Farm, St. Martins, Oswestry
Date of appeal	15 August 2019
Appeal method	Written Reps
Date site visit	
Date of appeal decision	14 October 2019
Costs awarded	
Appeal decision	WITHDRAWN

LPA reference	18/05844/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr E Jackson
Proposal	Erection of a residential dwelling and associated works
Location	Lane Farm, St. Martins, Oswestry
Date of appeal	22.08.2019
Appeal method	Written Reps
Date site visit	24.09.2019
Date of appeal decision	22.10.2019
Costs awarded	
Appeal decision	DISMISSED

LPA reference	16/04559/OUT
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Committee Decision
Appellant	Caterpillar Defence
Proposal	Outline application (access for consideration) for residential development (up to 140 dwellings) including demolition of building 1; formation of access roads and associated highways, engineering and accommodation works (REVISED SCHEME)
Location	Caterpillar Defence Perkins Engines Lancaster Road Shrewsbury Shropshire SY1 3NX
Date of appeal	18.01.2019
Appeal method	Written Representations
Date site visit	03.09.2019
Date of appeal decision	17.10.2019
Costs awarded	
Appeal decision	ALLOWED

LPA reference	19/01382/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs T Rogers
Proposal	Erection of single storey extension attached to existing dwelling by a glazed link
Location	The Chapel Pool Head Wem SY4 5UH
Date of appeal	10.09.2019
Appeal method	Written Reps
Date site visit	8 th October 2019
Date of appeal decision	25 th October 2019
Costs awarded	
Appeal decision	DISMISSED

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Appeal Decision

Site visit made on 20 August 2019

by **S D Castle BSC(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 September 2019

Appeal Ref: APP/L3245/W/19/3231457

Land at Tilley Green, Wem, Shropshire, Shropshire

- 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 Ms H Richards against the decision of Shropshire Council.
 - The application Ref 19/00571/FUL, dated 4 February 2019, was refused by notice dated 8 March 2019.
 - The development proposed is erection of a detached domestic garage and store.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have amended the description of the proposed development in my decision to remove reference to the planning history of the site as it does not describe an act of development.

Main Issue

3. The main issue is whether the appeal proposal would constitute an acceptable form of development with particular regard to the provisions of local and national policy in respect of the location of development.

Reasons

4. The appeal site is located within a small cluster of dwellings that form part of Tilley Green, a small settlement to the south of the town of Wem. The site previously formed part of the garden associated with 6 Tilley Green Cottages. The remaining garden of No 6 is located to the east of the site, the garden of 4 Tilley Green Cottages to the South and Tilley Green Cottage to the West. Agricultural land is located to the north of the site and the small cluster of nearby dwellings are set within open countryside. A gated vehicular access to the site is located between the gardens of Tilley Green Cottage and No 4.
5. The appellant states that the purpose of the building is for domestic storage purposes only, primarily for storing vehicles and gardening equipment. Following the subdivision of the site from No 6, it no longer forms part of a defined planning unit including a dwelling. As such, the domestic storage proposed could relate to a home, or homes, that would not necessarily have a close geographic link to the site.
6. There is an existing timber shed located on the appeal site that provides storage space of a scale that could accommodate most equipment typically

required for garden maintenance. The appellant asserts that the proposed building would encourage journeys to the site by sustainable means as more equipment linked to the maintenance of the site could be stored at the site. Based on the evidence before me, I am not convinced that the proposed building is commensurate in scale with the storage of items required for the maintenance of the site, or that the building is necessary to address any particular security concerns in the area. As such, it is reasonable to anticipate that the building proposed will result in an increase in trips to the site to access the additional domestic storage space provided.

7. Whilst the Council does not appear to object to the principle of storage linked to the maintaining of the appeal site, it raises concerns that the proposed building would increase vehicles to and from the site in a remote location. On my site visit, I noted that there is a bus stop located on the B5476 to the west of the site. The route to this bus stop is, however, narrow, winding, lacking in footpaths and unlit. These circumstances would not encourage access to the site by pedestrians or public transport. I am mindful that the National Planning Policy Framework (the Framework) states that, opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Nevertheless, the site is located in a small cluster of dwellings surrounded by open countryside and there would be a lack of sustainable transport choices to access the domestic storage space within the building proposed.
8. Having regard to the lack of sustainable transport choices, the proposal would conflict with policies CS6 of the Shropshire Core Strategy (2011) and policy MD2 of the Shropshire Site Allocations and Management of Development Plan (2015). These policies seek, amongst other things, the creation of sustainable places that are inclusive, accessible and which mitigate and adapt to climate change, responding appropriately to local patterns of movement. The proposal would also conflict with the Framework which indicates that development proposals should consider transport issues at the earliest stage so that opportunities to promote walking, cycling and public transport use are identified and pursued.

Other Matters

9. Concern is raised by the Council and interested parties regarding the effect on living conditions, in terms of noise and disturbance, of the use of the site for the repair and maintenance of vehicles. The appellant states that the site has temporarily been used for the storage of motor vehicles but that such use has now ceased. I can only assess the appeal based on the proposal before me and that is for the erection of a domestic garage and store. The proposed building would be located adjacent to another domestic garage building of similar scale. As such, I do not consider the proposed building incompatible with surrounding uses. The proposal would not result in unacceptable harm, in terms of its impact on living conditions, by virtue of noise or disturbance.
10. The appellant's statement provides details of the appellant's intentions regarding the use of the proposed building and outlines potential travel options from the appellant's home to the site. Given the development will be permanent and the circumstances of the users of the site will change over time, the particular circumstances of the appellant carry limited weight and are not sufficient to outweigh the harm that I have identified.

Conclusion

11. For the reasons given above, the appeal is dismissed.

S D Castle

INSPECTOR

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Appeal Decision

Site visit made on 27 August 2019

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th October 2019

Appeal Ref: APP/L3245/W/19/3230960

Junction East of Hindford Bridge to Junction Gannow Hill, Hindford, Whittington, Shropshire SY11 4NL

- 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 Messrs Albutt and Lawson-Johnstoin against the decision of Shropshire Council.
 - The application Ref 18/04703/FUL, dated 11 October 2018, was refused by notice dated 19 December 2018.
 - The development proposed is the erection of two dwellings, associated garaging, alterations to private access road and associated works.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal site is located on land south of Nos 10 and 12 Hindford, I consider this to be a more accurate description of its location, which reflects the submitted plans and details provided by the appellants.

Main Issues

3. The main issues are whether the appeal site is a suitable location for the proposed development, with particular reference to development plan policies concerns with housing in the open countryside; and the effect of the development on highway safety with regard to vehicle access.

Reasons

Locational Suitability

4. The appeal site is located to the southeast of the village of Hindford. The village consists of a relatively close-knit rural settlement, clustered around the junction of two narrow country roads. As well as properties fronting onto these roads there is a private access road serving 9, 11 and 12 Hindford, which forms the south eastern edge of the village.
5. Policies CS4 and CS5 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 (the Core Strategy) and Policies S14.2, MD1, MD3 and MD7 of the Shropshire Council Site Allocations and Management of Development Plan 2015 (the SAMDev) direct new development to areas within existing settlements including community cluster settlements so as to prevent inappropriate forms of development in the countryside, to ensure sustainable

- forms of development which maintain and enhance countryside vitality, to minimise trip generation, and to ensure that the character of the countryside is protected.
6. Hindford forms part of the Park Hall, Hindford, Babbinswood and Lower Frankton community cluster settlement. The evidence indicates that Hindford does not have a settlement boundary identified in the SAMDev or wider development plan. I have, therefore, made an assessment of whether or not the site falls within the settlement for the purposes of the relevant development plan policies.
 7. There are properties to the north (9, 11, 12 Hindford) and to the east (Grange Cottage) of the appeal site, however to the west, south and southwest of the site is open agricultural land. The private access road to the north serving Nos 9, 11 and 12 and the residential properties to the east provide clear physical features which delineate the settlement to the north, northeast and east, from the open countryside to the west, south and southwest. These features form the boundary of the settlement, which the appeal site falls beyond. Given the site falls outside of the settlement, it does not infill a gap, and the development would result in the encroachment of built form beyond the settlement boundary into the open countryside. Accordingly, this would conflict with Policy S14.2 (ix) of the SAMDev Plan.
 8. In making the above assessment I have taken into account the existing tall hedgerow which bounds the site, screening and separating it from the fields to the south/southwest. However, this mature boundary treatment is not unique to the site, as much of the countryside surrounding Hindford has similar tall hedgerows forming field boundaries which form part of the character of the countryside. Therefore, this does not form the settlement boundary.
 9. I have also considered the 1839 map provided by the appellants, which appears to annotate the site as a croft. The ordinary meaning of a croft is as a small farm worked by the occupier or his or her family. This infers a historic agricultural use of the land, which would not necessarily support the case of the appellants. However, irrespective of this I do not consider this to be a determinative factor, and it does not alter my findings above based on the physical characteristics of the site.
 10. Policy CS5 of the Core Strategy indicates that new development in the countryside will be strictly controlled in accordance with national planning policies protecting the countryside, and new build housing is limited to those needed to house essential rural workers, affordable housing to meet a local need which will be expected to take place in recognisable settlements or be linked to other existing development and business activity. From the evidence provided I have no reason to believe that the proposed houses would be of the types listed in Policy CS5. Accordingly, as the appeal proposal would be located in the open countryside it would conflict with Policy CS5 of the Core Strategy. This policy is broadly consistent with the requirement to recognise the intrinsic character and beauty of the countryside and the advice at paragraph 79 of the National Planning Policy Framework (the Framework).
 11. I recognise that the proposed dwellings would contribute to housing need in the area, and I understand that Policy S14.2 (ix) identifies the Hindford, Park Hall, Babbinswood and Lower Frankton Community Cluster, as having a projected future housing growth of 50 dwellings up to 2026. The evidence indicates that

planning permissions in recent years appear to have significantly exceeded this figure. However, given I have concluded that the appeal site falls outside of the settlement of Hindford does this does affect my findings.

12. I have considered the Council's submission in relation to them having a 6.78 year supply of deliverable housing land against the requirement in the Local Plan, and an 8.78 year supply against the Government standard methodology. Therefore, based on the evidence provided there would appear to be no justified need for the proposed housing which might override development plan policies.
13. I have considered local residents', the Civic Society's, and the Council's concerns in relation to limited travel opportunities, and the appellants' evidence in relation to the existing local bus service. From the evidence provided facilities in Hindford are limited to a public house, with additional limited services located in Whittington. The road between Hindford and Whittington is narrow, winding, with no footways and limited lighting, and the existing bus service is limited. These circumstances are likely to deter occupants from walking, cycling, using public transport such that and they would most likely to be reliant upon the private car to access services these and those in the larger towns of Oswestry and Shrewsbury. This would not assist in mitigating the effects of climate change and encouraging the health benefits of walking and cycling.
14. I also note the appellants' submission that Policy S14.2 states that public transport could be addressed by seeking improvements to rural transport links for these villages. However, no details of what this might consist of, or any mechanism of how it would be secured have been provided. Therefore, this does not alter my findings above.
15. For the foregoing reasons, therefore, the appeal site would not be a suitable location for the development proposed and its development for that purpose would be contrary to Policies CS1, CS4 and CS5 of the Core Strategy and Policies S14.2, MD1, MD3 and MD7 of the SAMDev, which are consistent with the Framework in respect of rural housing.

Highways

16. The access serving the appeal site is a private road shared by 3 existing dwellings, the proposed development would bring the total number to 5 dwellings off a shared private access road. The Council had raised concerns in relation to there being insufficient information to demonstrate that the proposed access would have suitable visibility splays and that it would be safe.
17. I have taken account of the concerns raised by local residents relating to additional vehicles, access for service vehicles, parking on the access, visibility, safety and the potential conflict between vehicles, pedestrians and cyclists. The appellants have provided a drawing no. 1846/07D showing widening of the existing private access road and improvements to the visibility. Based on the evidence before me I am satisfied that the improvements would satisfactorily address these concerns, providing suitable visibility for all road users ensuring that there would be no significant highway safety issues caused by the development. These improvements could potentially be secured by planning condition to ensure they are implemented and retained.

18. Since the appeal was made the Local Highway Authority has been provided additional information in the form of drawing no. 1846/07D which has been provided by the appellants, and the Highway Authority has confirmed it has no objections based on the submitted drawing.
19. On this basis, the proposed development would not have a significant impact on highway safety, such that it would accord with Policy CS6 of the Core Strategy and MD2 of the SAMDev and paragraph 109 of the Framework, which collectively seek to ensure new development can be safely accessed by pedestrians, cyclists and road users.

Other Matters

20. The appellants submit that the Council have used a different approach to infill in this case compared to other sites within the area and has referred to various other applications determined by the Council. They also suggested inconsistencies in how the Council have previously attributed weight to development plan policies and extent planning permission on other sites. However, I have not been provided with the full details of each case. In any event, I am required to reach conclusions based on the individual circumstances of this appeal.
21. I have considered the submission in relation to previous comment of the Parish Council. Nonetheless, given I have concluded that the site falls within open countryside this does not alter my findings on the main issues above or the appeal at large.
22. Although I have taken account of the representations received in relation to drainage/flooding, sewerage, loss of hedges, these are matters that do not affect my findings on the main issue. I have also considered the comments received in relation to affordable housing, however, given my conclusion above this does not alter my findings on the main issue.

Conclusion

23. Notwithstanding my finding in respect to highway safety, the development would harmfully undermine development plan policies for the location of housing. There are no other considerations before me, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

R Cooper

INSPECTOR



Appeal Decision

Site visit made on 17 September 2019

by Beverley Wilders BA (Hons) PgDurb MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th October 2019

Appeal Ref: APP/L3245/W/19/3232168

Barn South of Hill Top, Welshampton, Shropshire SY12 0NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on a prior approval application required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mrs Barbara Mayer against Shropshire Council.
 - The application Ref 18/05730/PMBPA is dated 6 December 2018.
 - The development proposed is described as prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for Change of Use from Agricultural to Residential Use.
-

Decision

1. The appeal is allowed and prior approval is deemed to be granted.

Procedural Matters

2. Class Q of Part 3 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (GPDO) permits the change of use of a building from use as an agricultural building to use as a dwelling together with building operations reasonably necessary to convert the building to a dwelling. Paragraph Q.1 of the GPDO sets out circumstances when development is not permitted and paragraph Q.2 lists a number of conditions including that before beginning the development an application must be made to the local planning authority for a determination as to whether prior approval will be required relating to a number of matters.
3. Although the Council acknowledges that it failed to make a determination on the application within the prescribed period, it nevertheless considers that the proposed development is not permitted development due to concerns regarding the alterations proposed to the building. The appellant contests this position stating that the works proposed are reasonably necessary to convert the building to a dwelling. However, although there is a dispute between the parties regarding whether the proposal is permitted development, as this appeal relates to the Council's failure to make a determination on the prior approval application, whether or not the proposal is permitted development is not a matter for me to consider when determining this appeal which solely relates to the prior approval process.

Main Issue

4. Having regard to the relevant requirements of Class Q and paragraph W of the GPDO, the main issue is whether prior approval is deemed to be granted.

Reasons

5. Part 11, paragraph W of the GPDO states that development must not begin before the occurrence of one of the listed events, one of which is the expiry of 56 days from the date of receipt of the application by the local planning authority without it notifying the applicant as to whether prior approval is given or refused.
6. As stated, the Council acknowledges that it failed to notify the appellant as to whether prior approval was given or refused within 56 days of it receiving the application and that such failure means that it is not now able to require prior approval for the matters listed in paragraph Q.2(1).
7. Under the circumstances and having regard to Part 11, paragraph W of the GPDO, the Council's acknowledged failure to determine the application means that prior approval is deemed to be granted. However, notwithstanding this and as stated above, the development could only lawfully proceed if it is in accordance with the submitted plans and is in fact permitted development having regard to the relevant conditions and limitations imposed on the planning permission granted by the GPDO. The nature of the appeal means that this is not a matter to be considered by me in the determination of this appeal.

Conclusion

8. For the above reasons and having regard to all matters raised, I conclude that the failure of the Council to make a determination on the application within the prescribed period means that prior approval is deemed to be granted.

Beverley Wilders

INSPECTOR



Appeal Decision

Site visit made on 24 September 2019

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2019

Appeal Ref: APP/L3245/W/19/3230141

Land to the south west of Lane Farm, St Martins, Oswestry, Shropshire SY11 3HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr E J Jackson against the decision of Shropshire Council.
 - The application Ref 18/05844/OUT, dated 5 December 2018, was refused by notice dated 8 March 2019.
 - The development proposed is erection of a residential dwelling and all associated works (outline with all matters reserved).
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with all matters reserved. I have therefore dealt with the appeal on this basis.
3. The appellant states within his appeal form that the site is within the Green Belt. However, the Council advise that the site is not within the Green Belt and, in the absence of evidence to the contrary, I have dealt with the appeal on this basis.
4. The appellant has requested that the appeal is dealt with by way of a hearing. However, the Council has confirmed it is happy for the appeal to proceed by way of written representations and, following my assessment of the evidence I am satisfied that I have sufficient information on which to make a decision.
5. Notwithstanding the description of the address provided on the application form, I have taken the address from the Council's decision notice as this better describes the location of the appeal site. I have used the postcode provided by the appellant on the application form.

Main Issue

6. The main issue is whether the appeal site would constitute infill development in the settlement of Street Dinas and would therefore be an appropriate location for the proposed development having regard to local and national policy.

Reasons

7. The appeal site is located within a triangle of land which is bound by the B5069 to the south east and Flannog Lane to the west. The site comprises part of a

- larger field which is bound by mature hedgerows, adjacent to Lane Farm, Street Dinas.
8. The appellant asserts that the site is not isolated and has drawn my attention to *Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited* [2017] EWHC 2743 (Admin). Given the proximity of other dwellings the appeal site would not be isolated and the restrictions set out in Paragraph 79 of the Framework do not therefore apply.
 9. Policy CS4 of the Shropshire Local Development Framework: Adopted Core Strategy (Core Strategy)(2011) sets out the approach to development in the rural area, and states that communities will become more sustainable by focusing private and public investment in the rural area into Community Hubs and Community Clusters, and not allowing development outside these settlements unless it meets policy CS5.
 10. Policy CS5 of the Core Strategy seeks to control development in the countryside. MD7a of the Shropshire Council Site Allocations and Management of Development (SAMDev)(2015) Plan has similar aims and states that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Clusters.
 11. Policy S8.2(iii) of the Shropshire Council Site Allocations and Management of Development (SAMDev)(2015) Plan sets out that the settlements of Dudleston and Street Dinas are a Community Cluster where development by limited infilling and conversions may be acceptable on suitable sites, with a housing guideline of around 10 additional dwellings over the period to 2026. The appellant has drawn my attention to the Local Plan Review on the Preferred Scale and Distribution of Development Consultation. However, this document is draft and is therefore subject to change. I therefore afford it negligible weight in my consideration of the appeal scheme.
 12. The Council assert that, whilst Street Dinas does not have a defined settlement boundary, the site does not lie within the settlement. However, the Officer Report describes the site as in the area of Street Dinas. Street Dinas is a dispersed rural settlement with the majority of residential dwellings focused to the south east side of the B5069. Although farmsteads and their farmhouses require large amounts of undeveloped land, I do not agree that this means they are not capable of comprising part of a settlement. Lane Farm and its associated buildings feel part of the settlement of Street Dinas, as does the appeal site. As such, for the purposes of applying Policies CS4 of the Core Strategy and S8.2(iii) of the SAMDev Plan, I consider that the appeal site is within the Community Cluster of Street Dinas. As such, there would be no conflict with Policies CS4 or CS5 of the Core Strategy or Policy MD7a of the SAMDev Plan in this regard.
 13. Notwithstanding the above, development within Street Dinas is only supported by Policy S8.2(iii) where it would comprise limited infilling or a conversion. The Council advise that there is no definition of infill contained within the Core Strategy or SAMDev Plan. The appellant has provided me with a definition of infill, which is '*usually small scale housing development (normally 1-5 dwellings) on sites within the main built area of a settlement*'. The Council has also provided me with a definition contained with its Consultation of Preferred Scale and Distribution of Development document '*an infill site consists of land*

with built development on at least two sides which is also clearly within the built form of a settlement. It should not however result in a cramped form of development'. However, the document is yet to be adopted and I therefore afford it very limited weight.

14. The Council has drawn my attention to an appeal decision where the Inspector considered this matter, APP/L3245/W/17/3189136 where it was held that it was reasonable to apply the ordinary meaning to the word infill, which is to block up a space or hole. Since the definition provided by the Council is contained within a consultation document which is subject to change, I also consider it reasonable to use the ordinary meaning of the word. Although the land is bound on one side by Lane Farm, it is bound by the B5069 on one side, and open countryside on the other sides. Accordingly, I do not consider the appeal site comprises infill. As such, the appeal scheme would conflict with Policy S8.2(iii) of the SAMDev.
15. Paragraph 78 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. I saw a general lack of local facilities or services at Street Dinas and consider it likely that future occupants would therefore seek to meet some of their day-to-day needs at St Martins which is located over 1 mile by road from the appeal site.
16. The appellant asserts that a regular bus service runs from St Martin's. However, future occupants of the dwelling would be obliged to walk along a section of Overton Road which is derestricted, and which has no footpaths or street lighting. I therefore consider it highly unlikely that they would choose to walk to St Martins but would instead be reliant on private car. As a consequence, future occupants would be more likely to travel further afield to access a wider range of facilities and services.
17. Whilst the number of daily movements which would be generated by the appeal scheme would be modest, future occupants would have a limited choice of transport mode, contrary to the objectives of the Framework, and the overall aim of the Core Strategy to reduce the need to travel. This is a significant factor weighing against the scheme.
18. The Council is able to demonstrate a 5 year supply of housing and, as such, the social benefits of one additional home would be very limited and would not outweigh the harm identified above, or the conflict with the development plan. For all the above reasons, I therefore conclude that the appeal site is not a suitable location for a new dwelling. It would fail to enhance or maintain the vitality of Street Dinas or St Martins and would conflict with Policy S8.2(iii) of the SAMDev Plan.

Other Matters

19. Although the proposal is in outline, I accept that it would be possible to design a dwelling which would be in keeping with the surrounding pattern of development. There would also be sufficient space within the site to provide adequate levels of parking and amenity space. Furthermore, it would be possible to design the dwelling to minimise emissions. However, these matters would not weigh in support of the appeal scheme.

20. I acknowledge that the local Member has expressed support for the scheme. However, this would not overcome the harm I have identified above.

Conclusion

21. For the reasons given above, and having regard to all matters raised, I conclude that the proposal would conflict with the development plan. There are no other material considerations that outweigh that conflict. I therefore conclude that the appeal should be dismissed.

M Savage

INSPECTOR



The Planning Inspectorate

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Mr Richard Corbett
Roger Parry and Partners LLP
The Estates Office
20 Salop Road
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Shropshire
SY11 2NU

Your Ref:
Our Ref: APP/L3245/W/19/3233870

14 October 2019

Dear Mr Corbett,

Town and Country Planning Act 1990
Appeal by Mr E Jackson
Site Address: Lane Farm, St. Martins, Oswestry, SY11 3HD

Thank you for your letter withdrawing the above appeal(s).

I confirm no further action will be taken.

Any event arrangements made for the appeal(s) will be cancelled.

A copy of this letter has been sent to the local planning authority.

Yours sincerely,

Anton Godfrey
Anton Godfrey

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - www.planningportal.gov.uk/planning/appeals/online/search

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Appeal Decision

Site visit made on 3 September 2019

by Helen B Hockenhull BA (Hons) B.PI MRTPI

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

Decision date: 17th October 2019

Appeal Ref: APP/L3245/W/19/3220769

Caterpillar Shrewsbury Ltd, Lancaster Road, Shrewsbury, SY1 3NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Steven Brown, Caterpillar Shrewsbury Limited against the decision of Shropshire Council.
 - The application Ref 16/04559/OUT, dated 4 October 2016, was refused by notice dated 1 November 2018.
 - The development proposed is the demolition of existing building (Building 1) and construction of residential development comprising up to 150 dwellings, access roads, public open space and associated highways, engineering and accommodation works.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing building (Building1) and construction of residential development comprising up to 140 dwellings, access roads, public open space and associated highways, engineering and accommodation works at Caterpillar Shrewsbury Limited, Lancaster Road, Shrewsbury, SY1 3NX in accordance with the terms of the application, Ref 16/04559/OUT, dated 4 October 2016, subject to the conditions in the attached schedule.

Procedural Matters

2. The description of development I have used in the banner heading above is taken for the original planning application form. During the consideration of the proposal by the Council, the scheme was revised to up to 140 dwellings. I have considered the appeal on this basis and referenced the revised scheme in my decision.
3. The appeal proposal is in outline with all matters reserved for later approval except for access. The submitted site layout plan and landscape proposals are for indicative purposes only and I have considered them accordingly
4. A signed and dated agreement pursuant to section 106 of the Town and Country Planning Act 1990 was submitted after my site visit. This provides obligations regarding affordable housing and open space management and financial contributions towards off site public open space and travel plan monitoring.

Main Issues

5. The main issues in this case are:

- the effect of the proposed development on the supply of employment land in the borough;
- the effect of the proposal on highway safety in particular congestion on the surrounding road network;
- whether the development makes appropriate provision for public open space.

Reasons

Employment Land

6. Outline planning permission is being sought for a residential development on around 4.3 hectares of land forming part of the Caterpillar Shrewsbury site. The development of this land, located in the Lancaster Road Employment Area, would lead to a loss of employment land.
7. Policy MD4 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) 2015 seeks to manage and deliver proposals for economic development. Proposals for alternative uses are required to demonstrate that there are no other suitable sites, the development would provide significant employment opportunities or other sustainability benefits for the community and that development would not adversely affect the range and choice of employment sites. Policy MD9 aims to protect employment areas and complements Policy MD4. In addition, where alternative uses which would lead to the loss of employment land are proposed, it requires evidence of marketing over a sustainable period to demonstrate the land is no longer commercially viable.
8. The appellant has outlined that following an appraisal of the company's operations, the proposed development would enable reinvestment in the existing site, upgrading the equipment and buildings to modern standards of energy efficiency. The appeal proposal would involve the demolition of Building 1 on the site, with Buildings 2 and 3 retained to meet current and future business needs. The scheme would provide cost savings and enable improvement works and an extension to Building 3, for which planning permission was granted in August 2018.
9. With regard to the criteria in Policies MD4 and MD9, I accept that there are no alternative sites in the appellant's ownership which could provide the long-term investment needed to benefit the future of the company. The proposed development would secure the existing jobs at the site and with the expansion of Building 3 there would be the potential for further jobs. The purpose of Policy MD9 is not only to protect the amount of employment land but also to assist strategic and local employers to secure their operational base and meet their business development needs for growth and expansion. The appeal scheme would achieve this objective.
10. The surplus land the subject of this appeal, instead of being developed for housing, could be released for further employment uses. The site is in an accessible location, close to residential development and community uses and is served by public transport. It would be likely that buffer areas would be required to limit the impact of any new employment uses bearing in mind the location of the site on the southern edge of the employment area next to

existing dwellings. This would reduce the developable area and the sites contribution to providing further employment uses.

11. The Shropshire Core Strategy aims to deliver around 290 hectares of employment land between 2006-2026. The 2016/17 Annual Monitoring Report suggests there is a supply of 368 hectares of employment land. Therefore, the loss of around 4.3 hectares, which may not all be developable, would not undermine the overall employment land requirements in the borough.
12. A formal marketing exercise as required by Policy MD 9 has not been undertaken for the site. I am advised by the appellant that a valuation exercise was undertaken which demonstrated that a residential use of the surplus land would generate the greatest return. I do not doubt that this is the case, however it does not test the market as required by the policy to see if there is any demand for employment uses on the site.
13. In summary, the appeal scheme would result in the loss of employment land and in principle fail to comply with the criteria in SAMDev Policies MD4 and MD9.

Highway safety

14. The highway network in the vicinity of the appeal site suffers from congestion at peak times. I observed at my site visit, vehicles queuing from the traffic light-controlled junction of Mount Pleasant Road and the A5191 Ditherington Road.
15. The site is proposed to be accessed from two points; a new dedicated access onto Lancaster Road and through the existing access to the site from Mount Pleasant Road. The existing employment site access from Lancaster Road would remain. The two proposed routes would not be connected for vehicular traffic to prevent rat running. Two accesses onto different roads would also assist to distribute traffic on the surrounding road network. The site is served by public transport and is located within an area with an established network of footpaths and cycle routes.
16. The transport evidence submitted with the appeal, indicates that the development would generate 89 vehicle movements in the am peak hour (0800-0900) and 82 in the pm peak hour (1700-1800). Based on an assessment of the trips generated from 150 dwellings, the number of homes proposed in the original scheme, it is concluded that this would result in one extra vehicle every 2 minutes in the morning peak hour going through the Mount Pleasant Road /Ditherington Road junction and one extra vehicle every 5-6 minutes in the afternoon peak hour. Therefore, the effect on queuing on Mount Pleasant Road would be minimal.
17. The Transport Assessment also considers the likely traffic impact of further employment development on the site against the impact of residential development. A residential scheme whilst generating an increase in cars would not result in an increase in heavy good vehicles on the highway. Furthermore, a residential use would mean that the flow of traffic at peaks times would be in the opposite direction, with traffic travelling away from the site in the morning and returning in the evening. The development of an additional employment use on the site could potentially double the amount of employment traffic to and from the site. I note that the Highway Authority concludes that a

residential use would be preferable in overall traffic terms and raise no objection to the scheme.

18. The development proposes the widening of the southern footway and hence carriageway narrowing under the railway bridge on Mount Pleasant Road. This would be of benefit to pedestrian's safety but would have the effect of reducing the road to single lane width under the bridge. This would marginally increase the length of queues back from the junction but not the number of vehicles within the queue.
19. It is acknowledged by all parties that there is an existing issue of congestion at peak time on the local highway network. Any further development on the appeal site would therefore have some impact. The National Planning Policy Framework (the Framework) in paragraph 109, states 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 impact on the road network would be severe. Bearing in mind the nature of residential traffic flows compared to employment flows, as well as the minimal increase in queuing at the Mount Pleasant Road /Ditherington Road junction, I consider that based on the evidence before me, the proposal would not result in a severe residual cumulative impact.
20. Whilst the Council's reason for refusal does not refer to transport policies, the appeal scheme would comply with Policy CS6 of the Shropshire Core Strategy and section 9 of the Framework which aim to maintain highway safety and promote sustainable means of travel.

Provision of open space

21. The Council's reason for refusal makes reference to a shortfall in public open space on the site contrary to Policy MD2 of the SAMDev.
22. The appeal scheme is in outline and the matters of layout and landscaping are reserved for later approval. The submitted layout plan is indicative. The provision of public open space is therefore not a matter before me in this appeal.
23. It is likely that the scheme submitted at reserved matters stage could meet the policy requirement. In any event the appellant has submitted a section 106 agreement which makes provision for the payment of a commuted sum towards the upgrading of nearby open space.

Planning Balance

24. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that I determine the appeal in accordance with the development plan unless material considerations indicate otherwise. I have found that the appeal scheme would fail to comply with SAMDev Policies MD4 and MD9 as it would result in the loss of employment land. Therefore, as the appeal scheme would conflict with the development plan, I must give consideration to other material considerations in this case.
25. The proposal would act as an enabling development, delivering economic benefits including securing the future operation of the company at this location. It would safeguard skilled jobs and support the local supply chain. Furthermore, bearing in mind the current supply of employment land in the

borough, it would not lead to a deficiency in the provision of employment land undermining the requirement set out in the Core Strategy.

26. The proposal for 140 dwellings would contribute to the supply of housing in the borough and the provision of 14 affordable homes on the site would assist to address local housing need.
27. Turning to environmental matters, the scheme involves the removal of a number of trees on the site most of which are of moderate quality. Whilst the matter of landscaping forms a reserved matter, I am satisfied that an appropriate scheme could be provided retaining curtilage trees and providing mitigation planting. The scheme would also provide the opportunity for biodiversity enhancement.
28. I have concluded that the scheme would not cause harm to highway safety and the residual cumulative impacts on the highway network would not be severe.
29. Taken together, I consider that the factors I have outlined above which weigh in favour of the scheme, provide the material considerations to grant planning permission other than in accordance with the development plan.

Planning Obligation

30. The appellant has submitted an executed planning obligation pursuant to section 106 of the Town and Country Planning Act 1990. In order to ensure that the appeal scheme serves as an enabling development for the appellant's further investment proposals on the wider site, the obligation requires the submission of a delivery scheme which includes triggers for the occupation of the proposed dwellings linked to the implementation of the refurbishment and expansion works on the adjacent Caterpillar site.
31. The requirement for the provision of 10% affordable housing in the scheme is necessary to accord with Core Strategy Policies CS9 and CS11.
32. The obligation provides for a financial contribution towards off site public open space. This is required to comply with SAMDev Policy MD2 to ensure that adequate open space would be provided in the vicinity of the site for future occupiers. It is also necessary that the management of on-site open space is ensured through an agreed scheme.
33. The payment of a travel plan monitoring contribution is necessary to deliver sustainable transport objectives in line with Core Strategy Policies CS6 and CS7. A fee for the monitoring of the section 106 is also required to ensure to obligations are implemented.
34. The above obligations are necessary to make the development acceptable in planning terms, are directly related to the development and fairly and reasonably related in scale and kind to the development. Therefore, they meet the tests within Regulation 122 of the CIL Regulations and paragraph 56 of the Framework. I have taken these obligations into account in my decision.

Conditions

35. I have considered the conditions put forward by the Council in light of the requirements of the Framework and national Planning Practice Guidance. I have revised the wording where necessary in the interests of clarity and to better reflect the guidance. The appellant agreed in writing to those which I

have imposed which require compliance prior to the commencement of the development.

36. In addition to the standard timeframe condition I impose a condition specifying the approved plans for the avoidance of doubt. In order to safeguard and protect biodiversity, conditions are necessary to require the submission of a construction environmental management plan (condition 5), the submission of details of reptile avoidance measures (condition 7), lighting plan (condition 8), the provision of bat boxes (condition 9) at reserved matters stage, and a site inspection to check for the presence or absence of badgers (condition 16) prior to the occupation of the dwellings.
37. In the interests of maintaining the character and appearance of the area and to promote biodiversity, condition 6 requires the first reserved matters submission to include a landscaping plan. Condition 14 is required to ensure that the site is properly drained in accordance with sustainable urban drainage principles.
38. I impose conditions requiring the submission of a construction method statement (condition 10) and sound attenuation (condition 13) to protect the living conditions of nearby residents. Furthermore, to protect the amenity of future residents' and to reduce the risk of pollution to groundwater and ecological systems, condition 11 requires site investigations to establish the extent of contamination on the site and the preparation of a remediation strategy if necessary.
39. In the interests of highway safety and the promotion of sustainable travel, condition 12 requires the preparation of a Travel Plan. Condition 15 requires the provision of appropriate visibility splays at the junctions of Mount Pleasant Road and Lancaster Road and condition 16 requires the construction of the agreed footpath improvement works prior to the first occupation of the dwellings.

Conclusion

40. For the reasons given above and having had regard to all other matters raised, I conclude that the appeal should succeed.

Helen Hockenhull

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Planning Boundary Plan Outline Scheme – Drawing No. 14253/P003 Rev A, Proposed Site Plan 14253/P004 Rev F, Land Use Plan 14253/P012, Existing Building Plans Building 1 - Drawing Ref 14253/P021, Existing Building Elevations Building 1 - Drawing No. 14253/P031, Existing Building Elevations Building 1 - Drawing No 14252/P032, Proposed Footway widening - Drawing no. 17021-05-3 dated May 2017, Proposed Pedestrian Crossing Drawing No 17021-05-2.
- 5) The first submission of reserved matters shall include a Construction Environmental Management Plan. The submitted 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 (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots) will be installed or implemented;
 - b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
 - 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.

- 6) The first submission of reserved matters shall include a landscaping plan. The submitted plan shall include but not be limited to:
- a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog friendly gravel boards and amphibian-friendly gully pots);
 - b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
 - c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
 - d) Native species used are to be of local provenance (Shropshire or surrounding counties);
 - e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works (most notably Tree 42A as shown on the arboricultural assessment accompanying the outline planning application);
 - f) Implementation timetables.

The landscaping shall be carried out as approved by the plan.

7. The first submission of reserved matters shall include the submission of a herptile reasonable avoidance measures method statement. All works shall then be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
8. The first submission of reserved matters shall include a lighting plan. The plan shall:
- a) identify those areas/features on site that are particularly sensitive for badgers and bats, where lighting is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example for foraging; and
 - b) show how and where external lighting shall be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out on the plan, and thereafter retained for the lifetime of the development. Under no circumstances should any other external lighting be installed

without prior consent from the local planning authority. 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)*.

9. The first submission of reserved matters shall include details for the provision of bat and bird boxes. The following boxes shall be erected:
- a) A minimum of 30 artificial nests, of either integrated brick design or external box design, suitable for a range of bird species;
 - b) A minimum of 15 external bat boxes or integrated bat bricks suitable for nursery or summer roosting for small crevice dwelling bat species.

The boxes shall be sited in accordance with the latest guidance and thereafter retained for the lifetime of the development.

10. Prior to the commencement of the development, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.
11. Contaminated land
- a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The Report is to be submitted to and approved in writing by the local planning authority.
 - b) In the event of the Site Investigation Report finding the site to be contaminated, a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the local planning authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
 - c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.
 - d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the local planning authority.
 - e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the local planning authority that demonstrates the

- contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.
12. Prior to the commencement of the development a Travel Plan demonstrating measures to promote greater use of sustainable transport measures shall be developed and submitted to and approved in writing by the local planning authority. The Travel Plan shall be implemented in accordance with the approved details.
 13. No development shall take place until a detailed scheme of sound attenuation has been submitted to and approved in writing by the local planning authority. The scheme shall show measures to be undertaken to protect the living conditions of future residents living in proximity of the Shrewsbury to Crewe railway line and the rest of the Caterpillar site on Lancaster Road. The development shall be implemented in accordance with the approved scheme and the scheme of sound attenuation measures shall be retained thereafter.
 14. No development shall proceed until full drainage details, plans and calculations of the surface water drainage proposals consistent with sustainable urban drainage principles have been submitted to and approved in writing by the local planning authority. The details shall include a maintenance regime for any sustainable drainage system on the site including who will manage it for the lifetime of its operation. The development shall thereafter be undertaken and maintained in accordance with the details approved.
 15. Notwithstanding the fact that access has been approved, no development shall take place until details of visibility splays between the development and the junctions with Mount Pleasant Road and Lancaster Road have been submitted to and approved in writing by the local planning authority. No part of the development shall be occupied until that junction has been constructed in accordance with the approved details. The junctions and visibility splays shall thereafter be retained free of obstruction.
 16. Prior to the occupation of any residential unit the agreed off-site footpath improvement works, shown on drawing no. 17021-05-3 dated May 2017, shall be constructed and brought into use in line with a scheme for adoption that shall be agreed in writing with the local planning authority.
 17. Within 90 days prior to the commencement of development, a badger inspection shall be undertaken by an experienced ecologist and the outcome reported in writing to the local planning authority. If new evidence of badgers is recorded during the pre-commencement survey then the ecologist shall provide an update to the Badger Method Statement (Middlemarch Environmental, September 2016). All development, demolition, site clearance, landscaping and biodiversity enhancements shall occur strictly in accordance with the Badger Method Statement (Middlemarch Environmental, September 2016) or any update as approved. Works shall be overseen and undertaken, where appropriate, by a licensed, suitably qualified and experienced ecologist.



Appeal Decision

Site visit made on 8 October 2019

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th October 2019

Appeal Ref: APP/L3245/D/19/3233793

The Chapel, Pool Head, Wem, Shrewsbury SY4 5UH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs T Rogers against the decision of Shropshire Council.
 - The application Ref 19/01382/FUL, dated 25 March 2019, was refused by notice dated 11 July 2019.
 - The development proposed is described as: 'Erection of a single storey extension, attached to existing dwelling by a glazed link, together with re-sited vehicular access'.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. For clarity and precision, I have taken the address of the appeal site from the appeal form as it is more succinct than the address given on the application form.

Main Issue

3. The main issue is the effect of the proposed development on the significance, of the host building, a non-designated heritage asset, and the character and appearance of the appeal site and surrounding area.

Reasons

4. The host dwelling is the former Primitive Methodist Chapel with a date of erection listed as 1864 on a date stone. Although, in the appellant's Heritage Impact Assessment¹ (the HIA), it states that a Primitive Methodist Chapel and school were either in existence or proposed as early as 1861. It is common ground between both main parties that the building is a non-designated heritage asset.
5. The proposed development is to extend the host building off the existing lean-to element on the side elevation facing the existing driveway, with a single storey extension comprising living room, bedroom with en-suite, lobby and boiler room. The extension would be connected to the host building through a glazed link, where the existing lean to roof would be replaced with a dual pitched roof, which would marginally increase its ridge height. The proposal would also involve the re-location of the access.

¹ Heritage Impact Assessment undertaken by Richard K Morriss & Associates dated March 2019

6. The National Planning Policy Framework (the Framework) in paragraph 197 indicates that the effect on the significance of a non-designated heritage asset should be taken into account in determining a planning application. A balanced judgement would be required having regard to the scale of a harm or loss and the significance of the heritage asset. I consider that the significance of the host building derives from the character and modest appearance of the building and its historic association as a former chapel, in its rural location.
7. I note that the extension will not extend above the height of the main section of the host dwelling that currently provides the accommodation for the appellant. Additionally, I note that the glazed link would create a visual break between the existing and proposed structures. However, I find that the proposal represents a notable amount of development when compared to the original property.
8. I note the comments in the HIA that the proposal could be read as an echo of an attached Sunday school, but confirms that such a facility was never built on the appeal site. Additionally, I acknowledge the comments surrounding the changes to the site through the residential conversion and that the appearance of the host building has also been altered. However, I find the existing alterations to the host building are subtle, resulting in a residential conversion where the former use is still very much apparent in its design.
9. The appeal scheme, in comparison, by virtue of its design, location and footprint, would result in an addition that would dominate the original building, fundamentally altering its shape and would unbalance its form. The resulting significant adverse effect on the character and appearance of the host property would be readily visible from surrounding roads, due to the visually prominent nature of the site.
10. The appellant has referenced 2no. appeal decisions² for residential extensions in the Council area. However, relatively little detail has been provided regarding the particular planning backgrounds to these schemes and I do not know what evidence was before the Inspectors at the time of their decisions. Additionally, with regard to the more recent decision, the scheme did not involve a non-designated heritage asset. Consequently, I cannot be sure that these are entirely representative of the circumstances in the appeal before me. In any event all appeals are judged on their own individual merits. Accordingly, that is how I have assessed this appeal scheme.
11. For the reasons given above, I therefore conclude that the proposed development would harm the significance of the host building as a heritage asset, and the character and appearance of the appeal site and surrounding area. This conflicts with the design, heritage, character and appearance aims of Policy CS6 of the Shropshire Local Development Framework, Adopted Core Strategy 2011 (CS); Policies MD2 and MD13 of the Council's Site Allocations and Management of Development Plan 2015 (SAMDev), the guidance contained within the Council's Type and Affordability of Housing Supplementary Planning Document 2012, and the Framework.
12. CS Policies CS5 and CS17, and SAMDev Policy MD7a have been referred by the Council in its decision notice. However, these policies appear to relate to Countryside/Green Belt, Environmental Networks and Managing Housing

² APP/L3245/D/18/3206777 and APP/L3245/D/19/3226633

Development in the Countryside, respectively. Therefore, I find these policies are not directly applicable to the case before me.

Other Matters

13. I have also had regard to various other matters raised by the appellant, including his need to develop a family home with a living room away from the road junction, and no objections from third parties including Wem Rural Parish Council, but on the evidence before me these are not reasons to grant permission in the face of the harm identified. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.
14. In addition, the Local Highway Authority raise no objections to the proposal. However, a lack of harm associated with highways is a neutral factor that weighs neither for nor against the development. The appellant has also expressed concerns about the way that the Council handled the application, but this does not affect the planning merits of the case.

Conclusion

15. For the reasons given above, I therefore conclude that the appeal should be dismissed.

W Johnson

INSPECTOR

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By virtue of paragraph(s) 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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