



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

Date: Monday, 24 February 2020

Committee:
Northern Planning Committee

Date: Tuesday, 3 March 2020

Time: 2.00 pm

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

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

Claire Porter
Director of Legal and Democratic Services

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
Roger Evans
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 - 6)

To confirm the Minutes of the meeting of the Northern Planning Committee held on 4th February 2020, 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, 28th February 2020 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 Land North of Abbey Farm, Ash, Whitchurch, Shropshire (19/03488/FUL) (Pages 7 - 20)

Erection of a temporary agricultural workers dwelling

6 Land East Of The Dexters, Shrewsbury Road, Market Drayton, Shropshire, TF9 3PR (19/05586/FUL) (Pages 21 - 28)

Erection of a general purpose agricultural building

7 Plas Thomas Farm, Dudleston, Ellesmere, Shropshire (19/03658/FUL) (Pages 29 - 40)

Change of use of former hay barn to one residential unit, demolish existing modern sheds, erect a garage building and associated infrastructure works

8 Appeals and Appeal Decisions (Pages 41 - 58)

9 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, 31st March 2020, in the Shrewsbury Room, Shirehall, Shrewsbury.



Committee and Date

Northern Planning Committee

3rd March 2020

NORTHERN PLANNING COMMITTEE

Minutes of the meeting held on 4 February 2020

In the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

2.00 - 3.20 pm

Responsible Officer: Shelley Davies

Email: shelley.davies@shropshire.gov.uk Tel: 01743 257717

Present

Councillor Paul Wynn (Chairman)

Councillors Roy Aldcroft, Nicholas Bardsley, Gerald Dakin, Pauline Dee, Nat Green, Mark Jones, Pamela Moseley, Keith Roberts, David Vasmer and Joyce Barrow (Substitute) (substitute for Vince Hunt)

75 Apologies for Absence

An apology for absence was received from Councillor Vince Hunt (substitute: Joyce Barrow).

76 Minutes

RESOLVED:

That the Minutes of the meeting of the Northern Planning Committee held on 10th December 2019 be approved as a correct record and signed by the Chairman.

77 Public Question Time

There were no public questions, statements or petitions received.

78 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 Nat Green and Keith Roberts 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.

79 Former Copthorne Barracks, Copthorne Road, Shrewsbury, Shropshire, SY3 8LZ (19/04893/REM)

The Technical Specialist Planning Officer introduced the application for the approval of reserved matters (appearance, layout, scale and landscaping) pursuant to outline planning permission 16/04228/OUT for the erection of 150 no. dwellings; to include a change of house types on plots 65, 72, 74-77, 82, 86, 106, 107, 109, 114-116, 119, 130, 149, 150, 160, 161, 164 and 168 on the part of the site approved under 19/01288/REM (previously approved as an amendment to 18/03637/REM).

In response to a query in relation to parking spaces, the Technical Specialist Planning Officer explained that this aspect of the application had not been amended and each property would have 2 parking spaces.

Having considered the submitted plans Members unanimously expressed their support for the Officers recommendation to approve the application.

RESOLVED:

That planning permission be granted, subject to the conditions as set out in Appendix 1.

80 1 Chronicle House, 6 Castle Foregate, Shrewsbury, SY1 2DJ (19/04587/FUL)

The Technical Specialist Planning Officer introduced the application for the additional A5 use (hot food takeaway) to the ground floor.

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

- There was no off-street parking for the premises and this could potentially lead to customers parking outside which would create traffic problems and increase pollution;
- Potential customers would be encouraged to use the nearby train station car park which was for users of the train station and already very congested;
- He considered that it was a good site for a restaurant but not a takeaway, noting that restaurants and takeaways had a different dynamic; and
- He referred to a previous application for a takeaway in Wood Street and considered that this application should be refused in line with that application.

During the ensuing debate the majority of Members stated that they shared the concerns raised by the local ward Councillor and considered that a takeaway in this location would encourage illegal/inappropriate parking or waiting of vehicles and have a detrimental impact on the local highway network and restrict access for emergency vehicle; it would encourage the use of the already busy train station car park and increase the risk to public safety as customers would be required to cross a busy road. It was therefore agreed that further consultation was required to clarify the concerns raised.

RESOLVED:

That the application be deferred to allow further consultation with the Police, Fire Service, Civil Enforcement and Network Rail.

81 Battlefield Services, Starbucks, Robert Jones Way, Battlefield, Shrewsbury, SY4 3EQ (19/04987/ADV)

The Principal Planning Officer introduced the application to erect and display 1no internally illuminated 8m Totem Pole Sign (to replace 6mtr totem pole sign on site already) (amended description) and confirmed that the Committee had visited the site that morning to assess the impact of the proposed development on the surrounding area.

Members' attention was drawn to the information contained within the Schedule of Additional letters which included a representation from Shropshire Council Highways in relation to the rewording of condition 7 and a public objection with a response from the Applicant and Case Officer.

Having considered the submitted plans and listened to the comments made by all of the speakers, the majority of Members expressed the view that the application be approved as per the Officer's recommendation subject to the re-wording of condition 7 as detailed on Schedule of Additional Letters.

RESOLVED:

That planning permission be granted, subject to the conditions as set out in Appendix 1 and the re-wording of condition 7 as detailed on Schedule of Additional Letters.

82 Land Near Moss Cottage, Brown Heath, Ellesmere, Shropshire (19/03679/FUL)

The Principal Planning Officer introduced the application for the erection of an agricultural storage and livestock building with hardstanding 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.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1), Councillor Brian Williams made a statement and then left the table, took no part in the debate and did not vote on this item. During their statement, the following points were raised:

- He clarified his position in relation to the application as outlined in the Officers' report;
- It was noted that he had originally objected to the application due to the size of the building and the access;
- He withdrew his objection following the submission of a revised application reducing the size of the building and on advice from Officers that an objection regarding the access was not sustainable; and

- On further consideration he was concerned in relation to the potential use of the building and therefore rescinded his agreement for the decision be delegated to Officers and requested that the application be considered by the Northern Planning Committee.

In response to a request from a Member, the Solicitor clarified that the term agricultural referred to the production food and assured Members that the building could not be used in connection with any other use such as forestry.

Having considered the submitted plans and listened to the comments made by all of the speakers, Members unanimously expressed their support for the Officers recommendation to approve the application.

RESOLVED:

That planning permission be granted, subject to the conditions as set out in Appendix 1.

83 Carolines, 1A English Walls, Oswestry, Shropshire, SY11 2PA (19/05193/FUL)

The Principal Planning Officer introduced the application for installation of new shop front and internal alterations 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. The Principal Planning Officer referred to paragraph 6.1.9 of the Officers' report and explained that the correct paragraph of the NPPF was 197 and not paragraph 195 as stated.

During the ensuing debate Members noted their support for the application but considered the proposed design to be out of keeping with the surrounding area and agreed that the application should be deferred for further consultation.

RESOLVED:

That the application be deferred to allow further consultation in relation to the design of the development.

84 Appeals and Appeal Decisions

Members thanked the Officers for their hard work in relation to defending appeals which was reflected in the number of appeals dismissed by the Inspector.

RESOLVED:

That the appeals and appeal decisions for the northern area be noted.

85 Date of the Next Meeting

It was noted that the next meeting of the Northern Planning Committee would be held at 2.00 p.m. on Tuesday, 3rd March 2020 in the Shrewsbury/Oswestry Room, Shirehall, Shrewsbury.

Signed

(Chairman)

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Date:

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Committee and Date
Northern Planning Committee
3rd March 2020

Item
5
Public

Development Management Report

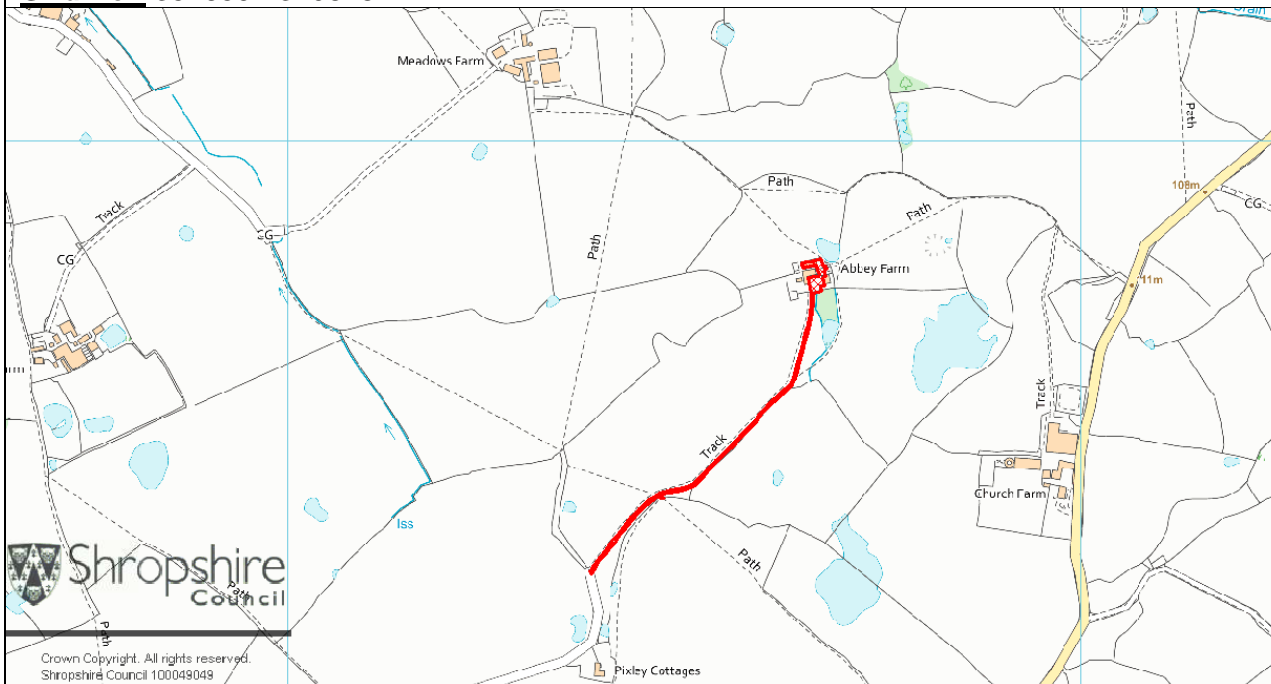
Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 19/03488/FUL	<u>Parish:</u>	Whitchurch Rural
<u>Proposal:</u> Erection of a temporary agricultural workers dwelling		
<u>Site Address:</u> Land North of Abbey Farm Ash Whitchurch Shropshire		
<u>Applicant:</u> Abbey Farm Partnership		
<u>Case Officer:</u> Richard Denison	<u>email:</u> planning.northern@shropshire.gov.uk	

Grid Ref: 357659 - 340848



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Recommendation: Refuse

It has not been sufficiently demonstrated that there is an essential functional need for an agricultural worker to live permanently on the site to enable the proper functioning of Abbey Farm Partnership, whilst the proposed dwelling is of a scale considered excessive in relation to a secondary rural worker dwelling which should have a maximum gross internal floor area of 100 square metres. The proposal therefore fails to comply with policies CS5 and CS6 of the adopted Shropshire Core Strategy; policy MD7a of Site Allocation and Management of Development (SAMDev) Plan; the adopted SPD on the Type and Affordability of Housing and the National Planning Policy Framework.

REPORT**1.0 THE PROPOSAL**

- 1.1 This application relates to the siting of a temporary agricultural workers dwelling for three years in association with a new rural enterprise at Abbey Farm, Ash and will replace an existing redundant cow shed. The proposed dwelling measures 6.8 metres wide by 20 metres long with a shallow ridge height of 3.05 metres providing a gross floor area of 136sqm. The building will provide an open plan kitchen/dining/living room, utility, two bedrooms (one with en-suite bathroom), bathroom, and office and herbarium room. The building will be constructed from a mixture of horizontal timber cladding, vertical panel cladding and slate/metal roof, together with uPVC windows and doors. This will be a secondary agricultural worker dwellings in addition to the existing farm house which is considered the primary agricultural workers dwelling.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Abbey Farm is located approximately 1km to the north of Ash and is accessed along a private farm lane off a rural unclassified road. The farm consists of an 'L' shaped traditional range of farm buildings and farm house with a central yard. A metal clad cow shed is located adjacent to the farm complex to the north. The surrounding agricultural land is in the ownership of the applicant and includes a mixture of hay fields enclosed by boundary hedgerows and mature trees.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council have submitted a view contrary to officers based on material planning reasons which cannot reasonably be overcome by negotiation or the imposition of planning conditions. The Principal Planning Officer in consultation with the committee chairman and the Local Member agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS**4.1 Consultee Comments**

- 4.1.1 **Shropshire Council, Flood and Water Management Team** - No objection subject to the following informative. A sustainable drainage scheme for the disposal of

surface water from the development should be designed and constructed in accordance with the Council's Surface Water Management: Interim Guidance for Developers document. It is available on the council's website at:

<https://www.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-for-developers.pdf>

The provisions of the Planning Practice Guidance, Flood Risk and Coastal Change, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

- 4.1.2 **Shropshire Council, Ecology Team** - No objection is raised subject to safeguarding conditions and informatives.
- 4.1.3 **Shropshire Council, Highways** - The development proposes the erection of temporary agricultural workers dwelling adjoining the farm dwelling, outbuildings and yard at Abbey Farm. The access to the proposed temporary accommodation is gained through the farm, from a private track at the terminus of the rural unclassified no through road. It is considered that the vehicle movements its occupation would be likely to generate would have no material effect on the highway above those already generated by the farm. Consequently, there no sustainable Highway grounds upon which to base an objection to permission being granted.
- 4.1.4 **Shropshire Council, Affordable Housing Officer** - If the dwelling is limited in its time and occupation by a S106 Agreement then no affordable housing contribution will be payable.
- 4.1.5 **Whitchurch Rural Parish Council** - The Parish Council supports this application which will bring employment opportunities to the area and encourages conservation/environmentally friendly working practices.

4.2 **Public Comments**

- 4.2.1 One letter has been received from the Soil Association Land Trust who have provided the following comments:
- The Soil Association Land Trust has been set up to hold land in trust for organic and sustainable farming. People leave legacies of land and they ensure that it is looked after in a climate friendly way, increasing soil health, wildlife and biodiversity. Wherever possible, we provide opportunities for new entrants into farming.
 - Housing provision is a crucial part of new generations being able to farm. The average age of the UK farmer is 60 years and if we wish to attract younger people into farming, providing appropriate nature and scale on-farm accommodation is vital. Where there is genuine need, such as here at Abbey

Farm, to enable a new generation to enter into a farming partnership and take the farm forward into the future, we wholly support such development.

- Our understanding from discussions with the farm partners is that they wish to eventually gift the farm to the Soil Association Land Trust so that it may continue to be farmed into the future, producing healthy food for the local community and caring for wildlife and the environment.
- Our understanding from discussions with the farm partners is that they wish to eventually gift the farm to the Soil Association Land Trust so that it may continue to be farmed into the future, producing healthy food for the local community and caring for wildlife and the environment.
- Plans for the farm include a return to dairying with a zero waste micro dairy, an eco-hen laying enterprise and an integrated educational outreach programme for school children. Together with an ecologically sensitive approach to land and hedgerow management, and plans for protecting wildlife, increasing biodiversity and promoting rare and native breeds, and with skilled and experienced workers, we feel the new plans for Abbey Farm stand a real chance of success.
- Family farms, like Abbey Farm, are a vital part of our rural landscape and heritage and are under threat as more and more are sold and broken up or amalgamated into large intensive units.
- As the Prince's Countryside Fund 2016 report 'Is there a future for the small family farm in the UK' points out, small-scale farms have an important role to play in a food system that is heavily industrialised. More and more, consumers want to know and trust the provenance of their food and small-scale farmers are ideally placed to deliver on this having a generally strong community engagement through direct and local sales and fewer food miles.
- It is also now more widely known that organic farms increase biodiversity, having on average a third more species, including nearly 50% more species of pollinators, 75% more species of plants and over 20% more species of birds. And that organic farming practices increase soil carbon levels and helpful soil micro-organisms, all significant factors that increase soil carbon sequestration, 'carbon capture', helping to mitigate agricultural greenhouse gas emissions. As the recently published RSA report 'Our Future in the Land' urges, transition to agro-ecological farming practices such as organic will be critical to stop ecosystems collapse and to regenerate nature. Abbey Farm is in conversion to organic and will help deliver these benefits directly to the local environment and via the healthy food it will produce.
- It is vital in our view to keep farms farming, particularly family farms, and for them to be farmed in a way which cares for nature and contributes positively to the local environment. The proposal at Abbey Farm does just this as well as integrating educational outreach, helping children to understand where their food comes from and to experience and understand what climate friendly farming means in practice.

- We whole-heartedly support the application which will enable this small-scale family farm to continue into its third generation and contribute positively to the local rural economy and environment.

5.0 THE MAIN ISSUES

- Background
- Policy & Principle of Development
- Functional Appraisal
- Design, Scale and Character
- Impact on Residential Amenity
- Highways
- Drainage
- Ecology

6.0 OFFICER APPRAISAL

6.1 Background

- 6.1.1 Abbey Farm is located approximately 1km north of Ash settlement and covers an area of 35.5 acres. It was purchased in 1946 by the applicant's grandfather and operated as a dairy unit using traditional farm methods, retaining pastures and meadows for the dairy herd to graze, whose grass varieties were what wished to grow rather than ploughing and reseeding with modern monocultures. The farm continued to be run by Peter and Beb Forster (the applicant's parents) until Peter retired and the dairy herd sold. The land was then let out to a neighbour until 2018. Peter and Bebs' daughter (Becky) grew up on the farm and helped milk the cows, although Peter passed away in 2013 and is buried at the farm. Beb continues to live in the farm house. Abbey Farm has been continually worked, with crops of hay and haylage being taken in 2019. A full ecological survey of the flora of the land and a survey of the farm has been undertaken by The Woodland Trust which has resulted in the planting of 0.8ha of woodland, together with ditching works and repaired the old hay barn.
- 6.1.2 Becky studied Zoology at university and has a degree in veterinary science, although has 47 years of helping and working at Abbey Farm. Her partner Michael Bain studied agricultural and has sale training, market and managing experience, as well as practical experience in the care and welfare of sheep. Becky and Michael took over the stewardship of the land in 2018 and have entered a partnership with Beb and have applied the land into organic conversion. Michael and Becky are the founders of the current business enterprise, whilst Beb who owns the land, farm and buildings that function as the business premises, serves as an advisor as well as herd manager. The proposed new business venture will provide locally produced unprocessed organic milk and eggs which will be sustainably delivered within a 5 mile radius of the farm by electric delivery vehicles to customers.
- 6.1.3 A small herd of 15 rare breed Shetland cattle will provide the milk, whilst calves, heifer replacements and male cattle will total 40 animals. A flock of 70 rare breed hens will provide eggs for customers. Eggs in hand woven baskets and unprocessed milk bottled in glass bottles will be delivered direct to the customers via an electric van and powered by solar panels. The farm will be the only raw milk

producer in the UK with an in-house lab for daily culturing of milk samples to ensure the highest safety standards are achieved. The farm will also provide wildlife, herb and wild-food educational opportunities with a program of child and adult education which will cover opportunities to learn about the flora and fauna on the farm, rare breed cattle and milk production and rear breed hens and egg production. The farm will ultimately be left to the Land Trust who will respectively keep it in perpetuity as an example of how an integrated, caring approach to farming is able to succeed.

- 6.1.4 A detailed Business Plan has been submitted with the application which has indicated that there are 3 key interconnected areas of the business as follows:

The "Eco-Dairy" and the "Eco-Egg-Orchard"

- The rare breed animals in our care produce, non-homogenised raw milk sold in glass bottles, butter, various cheeses, Scottish flavoured yogurts and eggs to be proud to eat.

"The Herbarium" herb garden and herb distillery

- Our herbs offer us the opportunity to produce bespoke and traditional herbal products as well as being incorporated in some cases with our "Eco-Dairy" range.
- Through the year we will offer Healing Herbs & Wild Food Gathering classes for those beginning their journey into herbs as well as for experienced medicinal herbalists

The Abbey Farm Environmental Experience

- Schools: Working through Key Stage 1 and 2 of the national curriculum, offer children of all abilities, the unique environment to cover the sciences and the arts via 7 key learning locations on the farm.
- Environmental Groups: Overview visits by invitation only, social groups by invitation only and quarterly lectures by experts on specific habitats, species and seasons

- 6.1.5 No cattle have been purchased at this stage as there is a need to have the temporary dwelling to ensure that the herd is managed appropriately. Becky and Michael are currently living in a rental property in Norton-in-Hales which involves an hour round trip. The agent has indicated that this is unsustainable in terms of time and cost to the business. One of the key elements of the new business is the environmental credentials which won't stack up if petrol vehicles are used (as they are at present) to travel to and from the farm, sometimes several times a day. It is therefore proposed to site a temporary dwelling for three years to allow the new rural enterprise to establish and provide the appropriate levels of husbandry and care for the farm animals and operate the business.

6.2 Policy & Principle of Development

- 6.2.1 The site lies in the countryside as defined in the adopted development plan for the area. The proposal therefore falls to be considered in principle against adopted Core Strategy CS5; adopted Site Allocations and Management of Development

(SAMDev) Plan policy MD7a; the Council's adopted Type and Affordability of Housing Supplementary Planning Document (SPD) and the National Planning Policy Framework (NPPF).

- 6.2.2 Core Strategy Policy CS5 - Under CS5 development proposals in the countryside on appropriate sites relating to dwellings to house essential agricultural workers are considered acceptable in principle subject to satisfying general development control criteria and compliance with national planning policies; Core Strategy policy CS11 and the Council's adopted Supplementary Planning Document (SPD) on the Type and Affordability of Housing. Policy CS5 makes it clear that the onus rests with the applicant to demonstrate the essential need and benefit for the development proposed.
- 6.2.3 SAMDev Plan Policy MD7a - Policy MD7a builds on CS5 and sets out at points 2a and 2c that:
- 'Dwellings to house essential rural workers will be permitted if:-*
- a. There are no other existing suitable and available affordable dwellings or other buildings which could meet the need ... and, ...*
- c. In the case of an additional dwelling to provide further accommodation for a worker who is required to be present at the enterprise for the majority of the time, a functional need is demonstrated, and the dwelling is treated as affordable housing, including size restrictions. ...'*
- 6.2.4 Within the explanation to MD7a it states that the second category of rural workers dwelling, relating to the provision of further accommodation, is essentially a specialist type of affordable exception dwelling and will be treated in a similar way when considering proposals. Should the dwelling no longer be required as an occupational dwelling, it is expected that it will normally become part of the affordable housing stock. This default position is to be secured by a S106 legal agreement, i.e. The use of the dwelling would be restricted by a Section 106 legal agreement to ensure that if it is no longer required by an agricultural worker it will revert to an affordable dwelling, in accordance with the requirements of the adopted SPD.
- 6.2.5 Within the explanation for the policy is also say that: *'The detailed criteria for the assessment and subsequent treatment of exception housing proposals are set out in the adopted Type and Affordability of Housing SPD'.*
- 6.2.6 The Type and Affordability of Housing SPD: In respect of agricultural workers dwellings the Housing SPD states that applications for new rural occupational dwelling *'need careful assessment in order to prevent abuse of the planning system' and decisions need to be 'based on an accurate assessment of the needs of the enterprise'.* Within para. 3.2 the SPD further states: *'Applicants will be required to demonstrate that a dwelling at the business is essential by showing a functional need for the occupier to be present at the business for the majority of the time ("time" being 24 hours a day, 7 days a week). ...'*
- 6.2.7 The SPD also sets out the size restrictions applicable to rural occupational dwellings, specifying aiming for a maximum gross internal floor space of 100 sqm and advising that permitted development rights will normally be taken away - both consistent with the approach to affordable housing exception sites.

- 6.2.8 NPPF - The advice within the NPPF, in paragraph 79 indicates , , i.e.: ‘*Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply: a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*’

6.3 **Functional Appraisal**

- 6.3.1 The Supplementary Planning Document for Type and Affordability of Housing (September 2012) indicates that new agricultural workers dwellings in the countryside should be avoided unless there is an essential need for a rural worker to live permanently at or near their place of work. Policy MD7a of the SAMDev Plan indicates that essential rural workers dwelling would be permitted if there are no other existing suitable and available affordable dwellings or other buildings which could meet the need, including any recently sold or otherwise removed from the ownership of the rural business.

Essential Need

- 6.3.2 A detailed Business Plan has been submitted with the application which has indicated that a daily presence on site will be needed to manage the milking herd which will include feeding, calving, artificial intelligence, managing grazing, filling and moving the water bowser, clearing muck, etc). Whilst managing the laying flock, set up and read culture plates, bottling the milk, wash the bottles, pack the products for delivery, let the free range hens out in the morning and shut them in at night and collect and pack the eggs. Abbey Farm Environment Experiences will also require an onsite presence. It has been indicated that the business will employ 2.2 full time employees (Becky, Michael and Beb) with responsibilities divided as follows:

Cattle (1.1 FTE)

Cattle handling, feeding, bedding, cleaning out, water bowser - filling and moving, calving, hoof trimming, artificial intelligence, milking, drying off, bottle washing, bottling and delivery preparation.

Chickens (0.3 FTE)

Egg collection, egg packing, feeding and letting hens in/out.

Herbarium (0.3 FTE)

Harvesting herbs, distilling herbs, making products and classes.

Abbey Farm Environment Experience (0.2 FTE)

Preparation for school visits, school visits and interest groups.

General (1.3 FTE)

Setting up / reading culture plates, delivery of milk and eggs, paperwork, social media, marketing, general land management and environmental stewardship

- 6.3.3 The existing farm house is located directly adjacent to the farm buildings and within a central position of the holding. This provides the essential day to day functional

needs to operate the proposed enterprise and will allow the occupants to respond to any emergencies that may be required throughout the day and night. The agent has indicated that Beb will continue to reside in the existing farm house and Becky and Michael will reside in the proposed new temporary dwelling. The proposed temporary dwelling will in effect be providing a second agricultural workers dwelling on site.

- 6.3.4 No detailed assessment has been submitted in relation to the essential functional need required for the provision of an additional agricultural workers dwelling. The majority of unsocial hour duties indicated do not require the on-site presence of two dwellings. The proposed stock numbers are low, and it is not envisaged that there will be significant levels of calving, etc which requires effectively two key workers to live on site.
- 6.3.5 Officers are in full support for this new agricultural enterprise which will provide local employment, education benefits and provide a sustainable farm. However, it has not been sufficiently demonstrated that there is an essential functional need for an additional agricultural worker dwelling to be on site to enable the proper functioning of this new agricultural enterprise. The existing farm house would provide the necessary accommodation which would allow the close supervision of animals on site and operation of the business.

Other Available Accommodation

- 6.3.6 Abbey Farm consists of an existing farm house which is currently occupied by Beb who will act in an advisory capacity and is only able to assist with herd management and office paperwork and is physically unable to attend emergencies alone such as calving's. There are existing traditional farm buildings on the holding which could be converted to provide accommodation. Although officers are aware that this is a new business venture and there is no assurances that the business will be successful to invest in a residential conversion scheme at this stage. It is noted that Becky and Michael currently live in Norton-in-Hales and the distance to Abbey Farm is significant and could involve several trips required on a daily basis to attend various instances that may occur on the farm. However, the existing farm is only 3.5km away from the edge of Whitchurch where there is a wide range of affordable housing for rent or purchase which is only a 5 minute driveway away. Accommodation is also available in neighbouring settlements of Ash, Ightfield, Calverhall, Prees Heath and Broughall which would be within a 5 minute drive of the farm.

6.4 Design, Scale and Character

- 6.4.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy 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. This is reiterated in policy MD2 of the SAMDev Plan which indicates the development should contribute and respect the locally distinctive or valued character and existing amenity value.

6.4.2 The proposed temporary dwelling is located directly adjacent to the existing traditional farm buildings within the farm complex. The agent has confirmed that the dwelling will be temporary for a three-year period and will fall within the size, mobility and construction tests for a caravan as follows:

- Size Test - 6.8 metres wide by 20 metres long and less than 3.05 metres high when measured from internal floor to internal ceiling.
- Mobility Test - All caravans must be movable in one whole unit when assembled. It is not necessary for a caravan to be towed, only that it is capable of being moved by road. It is the structure that must possess the necessary qualities, not the means of access to any particular road.
- Construction Test Twin Units - There should be two sections separately constructed. The act of joining the two sections together should be the final act of assembly. No requirement that the process of creating the two separate sections must take place away from the site.

6.4.3 An existing redundant steel-clad cow shed will be removed and is of a similar size to the proposed temporary dwelling. The proposed design and appearance of the dwelling is in principle acceptable and would provide the necessary accommodation to allow the new rural enterprise to establish.

6.4.4 The dwelling will be approximately 6.5 metres away from the existing traditional farm building and accessed through the existing yard. The access will be extended to provide direct vehicular access to the end gable of the dwelling and will provide two car parking spaces and a manoeuvring area. The dwelling will not be visible from the approach driveway or yard as it will be screened by the existing farm buildings, whilst long distance views across the landscape are restricted due to the natural field boundary hedgerows and trees. The site will not extend into the open and will appear relatively inconspicuously within this farm complex. Views of the site from the public highway are restricted due to existing boundary hedgerows and there are no public rights of way which run through the farm yard to the site of the proposed dwelling. The siting of the temporary dwelling is considered acceptable and it will have minimal visual impact on the landscape.

6.4.5 In accordance with the adopted Core Strategy and the Housing SPD a secondary rural worker dwelling, relating to the provision of further accommodation on the holding, is essentially a specialist type of affordable dwelling, and has to be treated in a similar way when considering this proposal. The existing farm house is considered the primary rural worker dwelling, whilst this temporary rural worker dwelling will be the secondary dwelling. Therefore, the dwelling should be restricted to 100 square metres of internal gross floor area as should the dwelling no longer be required as an occupational dwelling it is expected that it will normally become part of the affordable housing stock. The proposed internal gross floor area of the dwelling is 122.85 square metres (6.3m x 19.5m), although the proposed herbarium room, farm office and utility which would be used in connection with the business equates to approximately 23 square metres. Officers consider that the layout and scale of the proposed dwelling is excessive and does not comply with the adopted guidance for rural workers dwellings.

6.5 **Impact on Residential Amenity**

- 6.5.1 Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. The nearest residential property is associated to Church Farm which is approximately 350 metres away to the south east and screened by the existing farm buildings and house and agricultural fields. Meadows Farm is located 380 metres away to the north west and separated by agricultural fields and landscaped boundaries. Whilst 1&2 Pixley Cottages are located over 520 metres to the south on an unclassified road which serves Abbey Farm. Having regard to the distance and intervening landscaping a temporary dwelling located on this site will not result in any impact on neighbours from causing an overbearing impact, loss of light or resulting in overlooking and loss of privacy. The provision of a single dwelling would not result in significant traffic movements which would be detrimental to properties in the surrounding countryside.

6.6 Highways

- 6.6.1 Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy indicates that development should be designed to be safe and accessible to all. Access will be along the existing private farm lane which links onto the rural unclassified no through road. It is considered that the vehicle movements likely to generate would have no material effect on the highway above those already generated by the farm. The additional movement of vehicles from an additional residential unit will have minimal impact on the highway network. The Council Highways Authority have indicated that there is no sustainable Highway grounds upon which to base an objection to permission being granted.

6.7 Drainage

- 6.7.1 Policy CS18 ‘Sustainable Water Management’ of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity. The application indicates that foul drainage will be dealt with via a septic tank and no objection has been raised by the Drainage Engineer subject to the design being in accordance with Building Regulations. The application indicates that surface water will be disposed of via soakaways and the Drainage Engineer has indicated that percolation test and soakaways should be designed in accordance with BRE Digest 365. No concerns have been raised regarding the suitability of the local ground conditions.

6.8 Ecology

- 6.8.1 Policy CS17 ‘Environmental Networks’ of the Shropshire Core Strategy indicates that development will identify, protect, expand and connect Shropshire’s environmental assets to create a multifunctional network and natural and historic resources. This will be achieved by ensuring that all development protects and enhances the diversity, high quality and local character of the natural environmental and does not adversely affect the ecological value of the assets, their immediate surroundings or their connecting corridors. This is reiterated in the National Planning Policy Framework that indicates that the planning system should contribute to and enhance the natural and local environment by protecting and

enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible.

- 6.8.2 The application has been accompanied by a detailed Great Crested Newt Survey and Reasonable Avoidance Measures Statement (RAMS) which has indicated that there are seven ponds within 250 metres of the site. Pond 1 is only located 8 metres away from the proposed cow shed which will be demolished to allow the siting of the temporary dwelling. The survey indicated that this scored a habitat suitability index of 'excellent' and there was a small breeding population of Great Crested Newts. The development will involve the loss of refuges suitable and Great Crested Newt RAMS should be followed to ensure that any newts on the site are protected. A European Protected Species Mitigation licence from Natural England is not required provided the Great Crested Newts RAMS is followed which includes matters of timing of works and site clearance.
- 6.8.3 The Council Ecology Team have raised no objection to the application subject to several safeguarding conditions including landscaping mitigation, provision of ecological clerk of works, bat and bird boxes and provision of lighting plan.

7.0 CONCLUSION

- 7.1 Officers appreciate this proposal refers to a new agricultural enterprise which could provide some local employment, education benefits and aims towards a sustainable farm. However, it has not been sufficiently demonstrated that there is an essential functional need for an additional agricultural worker dwelling to be on site, in order to enable the proper functioning of this new agricultural enterprise, whilst the proposed dwelling is of a scale considered excessive in relation to a secondary rural worker dwelling which should have a maximum gross internal floor area of 100 square metres. The existing farm house would provide the primary rural worker dwelling and necessary accommodation which would allow the close supervision of animals on site should it be required and operation of the business. Officers would not be averse to a modest extension to this property to provide an annex to allow the family to reside as a whole and operate this rural enterprise.
- 7.2 In arriving at this decision, the Council has used its best endeavours to work with the applicants in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework.

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 - written representations, a hearing or inquiry.
- The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural

justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than 6 weeks after the grounds to make the claim first arose 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 give 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 1970.

9.0 FINANCIAL IMPLICATIONS

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

10.0 BACKGROUND

10.1 Relevant Planning Policies

Policies material to the determination of the Application. In determining this application the Local Planning Authority gave consideration to the following policies:-

National Planning Policy Framework:

Shropshire Council Core Strategy (February 2011):

CS5 : Countryside and Green Belt

CS6 : Sustainable Design and Development Principles

CS17 : Environmental Networks

CS18 : Sustainable Water Management

Supplementary Planning Document - Type and Affordability of Housing

Site Allocations and Management Development Plan (December 2016):

MD2 : Sustainable Design

MD7a Managing Housing Development in the Countryside

MD12 : Natural Environment

10.2 Relevant Planning History

There is no relevant planning history.

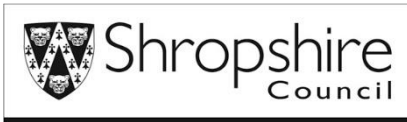
11.0 ADDITIONAL INFORMATION

List of Background Papers - Planning Application reference 19/03488/FUL

Cabinet Member (Portfolio Holder) - Cllr Gwilym Butler

Local Member - Cllr Gerald Dakin

Appendices - None



Committee and Date

Northern Planning Committee

3rd March 2020

Item

6

Public

Development Management Report

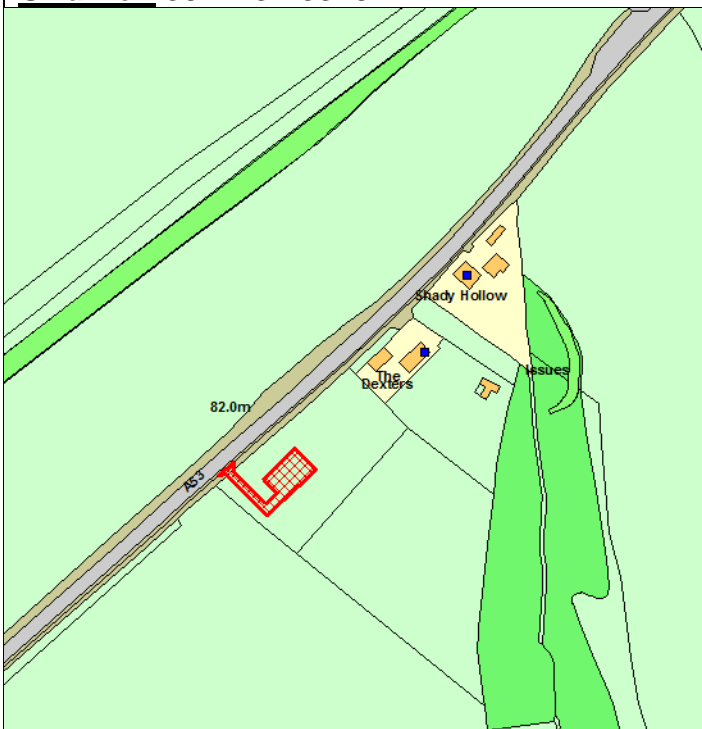
Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 19/05586/FUL	<u>Parish:</u>	Moreton Say
<u>Proposal:</u> Erection of a general purpose agricultural building		
<u>Site Address:</u> Land East Of The Dexters Shrewsbury Road Market Drayton Shropshire TF9 3PR		
<u>Applicant:</u> Mrs D France		
<u>Case Officer:</u> Sue Collins	<u>email:</u> planning.northern@shropshire.gov.uk	

Grid Ref: 364123 - 332621



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a livestock building on a parcel of land adjacent to The Dexters, Shrewsbury Road, Market Drayton.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The holding comprises four acres of which 3 acres is used for agricultural purposes and 1 acre is woodland and is all rented from the owner by the applicant. The site is bounded along the roadside by a mature hedge which is set well back from the highway and the previously approved access has been installed in accordance with the approved plans. The remaining boundaries are identified by post and rail fencing.
- 2.2 To the north east of the site lies The Dexters which is a recently constructed bungalow with the property Shady Hollow located further to the north east. The highway passes to the north west and agricultural land is sited to the south and east.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council submitted a view contrary to officers approval based on material planning reasons. The Chair and Vice-Chair of the planning committee in discussion with the Principal Planning Officer agreed that there were material planning considerations that needed to be discussed at committee.

4.0 COMMUNITY REPRESENTATIONS full details of the responses can be viewed online

4.1 Consultee Comments

4.1.1 Moreton Say Parish Council: Object

Response received 18.02.20

Moreton Say Parish Council continues to object to this planning application as per it's previous comments.

Additionally the Council would reiterate it's concerns about the safety of road users joining or leaving this very busy, and potentially dangerous, main A road at this point of access.

Regarding the sustainability, the Council would highlight that the applicants land is 'three acres of productive agricultural land plus one acre of woodland'.

Response received 20.01.20

- No sustainable agri-business is connected with this application and an area of this size would not be big enough to sustain an agri-business.

- The Council is concerned about the highways issues of access and visibility, in conjunction with traffic speed, and also noise from this very busy road. Over the last 6 months the Council has received complaints from a neighbouring property about these traffic speed and noise issues.

- The planning permission to move the gateway was on the understanding that it would have occasional use.

4.1.2 **Drainage:** No objection

4.2 **Public Comments**

- 4.2.1 No letters of representation have been received.

5.0 **THE MAIN ISSUES**

- Principle of Development
- Design, Scale and Character
- Impact on Residential Amenity

6.0 **OFFICER APPRAISAL**

6.1 **Policy & principle of development**

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

- 6.1.2 As the site is located in open countryside policies CS5, CS6, MD2 and MD7b are relevant and in addition CS13 deals with economic development in rural areas.

- 6.1.3 The agent has provided information to demonstrate that this is a new enterprise which although small, it is not intended to provide full-time employment. It will be operated as a viable business however with animals, bought and sold as on any other agricultural holding but will be operated as a “Hobby Farm” and will not be the main source of income for the applicant. Policy CS13 in particular encourages development which protects the development of enterprises for food production and for agricultural purposes. As such no objection in principle to the proposed development is raised by Officers.

6.2 **Design, Scale and Character**

- 6.2.1 Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy 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. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. The National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. In addition policy MD2 of SAMDev builds on policy CS6 and deals with the issue of sustainable design. As an open countryside location policies CS5 and MD7b are also relevant for consideration.

6.2.2 The holding comprises 4 acres with 3 acres being grassland and 1 acre being woodland. It is proposed to rear a small number of cattle and sheep on the premises approximately 4-8 cattle and 10 sheep. The cattle will be grazed and fed on fodder with sheep also being grazed. The applicant needs secure storage facilities for the equipment required to maintain the holding and any livestock. The storage of equipment on the land will reduce the number of trips to the site with larger pieces of equipment and therefore reduce the usage of the access which is of concern to the Parish Council. The building is also to be used for housing livestock as and when required. Due to the small number of animals to be raised on the holding, there is no need for a larger building.

6.2.3 The proposed building will comprise three bays and measure approximately 15 m x 10 m x 4.7 metres to ridge. A 1.5m cantilever is to be construction over the front elevation. The sides and rear walls are to be concrete blocks to the lower walls with Yorkshire boarding above. The roof is to be clad in Anthracite grey cement fibre sheeting with clear pvc roof lights. The front elevation will have a feeding barriers across one bay, the next will be open and the third is to be secured with galvanised metal sheeting clad doors. The existing access is to be utilised and a surfaced area provided to facilitate the building and allow vehicles to manoeuvre. Planting is to be carried out along the boundary with The Dexters and along the sides of the access. These will enhance the existing boundary hedges and help to maintain the ecology and biodiversity of the area.

6.2.4 Overall from the information provided this is a very modest scheme which has been designed to be minimal and clad in appropriate materials to minimise its visual impact. Its location close to the northern boundary hedge and the access to the site further helps to reduce the impact of the proposal. As such it is considered that the proposal accords with the NPPF and policies CS5, CS6, CS13, CS17, MD2, MD7b and MD12 of the Shropshire LDF.

6.3 **Impact on Residential Amenity**

6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.

6.3.2 There two dwellings located to the north east of the site, The Dexters and Shady Hollow. Both of these properties have outbuildings and the occupier of the Dexters operates a small joinery business.

6.3.3 The proposed building would be situated approximately 46 metres from the boundary with The Dexters where an outbuildings is closest to the boundary with the field. It is proposed to plant a 5m landscape buffer along the section of boundary with The Dexters. This would provide screening from the building and reduce any impact from the usage.

6.3.4 In view of the above it is the opinion of officers that the proposed buildings will have minimal impact on the residential amenities of the area. As such the development is in accordance with policy CS6 of the Shropshire Core Strategy.

6.4 **Other Matters**

- 6.4.1 The Parish Council has raised concerns regarding the means of access off the highway to the building. They have indicated that they only agreed to the access assuming it would be for occasional use and that this is a dangerous section of highway for an access to be in frequent use.
- 6.4.2 The access was previously approved under reference 19/00205/FUL. The access provides appropriate levels of visibility and the gates are set back far enough off the road to allow vehicles to be off the highway while the gates are being opened or closed. This will result in minimal disruption to the free flow of traffic along the highway. When assessing applications for new accesses, account is taken of the intended use of the access and its impact on highway safety and is not reliant on the frequency of use. As such the objection on this point from the Parish Council cannot be justified as a reason for refusal as the access has been previously approved by the Highways Development Control Manager.

7.0 CONCLUSION

- 7.1 The proposed development is appropriate in its design and scale for its intended use for general agricultural purposes for a limited site area and the proposed number of livestock. The improvements to the boundary with The Dexters will ensure that the proposal has minimal impact on residential amenities and at the same time will improve the ecology and biodiversity of the area. As such it is considered by Officers that the proposal is in accordance with the NPPF and policies CS5, CS6, CS13, CS17, MD2, MD7b and MD12 of the Shropshire LDF.

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 - written representations, a hearing or inquiry.
- The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose 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 give 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 1970.

9.0 **FINANCIAL IMPLICATIONS**

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

10. **Background**

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS13 - Economic Development, Enterprise and Employment

Economic Development, Enterprise and Employment

CS17 - Environmental Networks

MD2 - Sustainable Design

MD7B - General Management of Development in the Countryside

MD12 - Natural Environment

RELEVANT PLANNING HISTORY:

14/01217/FUL Erection of a single plot affordable dwelling with detached garage/business workshop and installation of septic tank GRANT 7th January 2015

15/02972/DIS Discharge of conditions 3 (materials), 5 () and 6 (windows and doors) of planning permission reference 14/01217/FUL for the erection of a single plot affordable dwelling with detached garage/business workshop and installation of septic tank DISPAR 15th July 2015
 19/05586/FUL Erection of a general purpose agricultural building PDE
 NS/94/00677/FUL LAND AT SHADY HOLLOW - TERN HILL
 FORMATION OF A NEW VEHICULAR ACCESS TO FIELD CONAPP 25th April 1994

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 Paul Wynn

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. All soft landscape works shall be carried out in accordance with the Design and Access Statement received on the 27th December 2019 . The works shall be carried out in accordance with the timing set out within the Design and Access Statement. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

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

4. The building hereby permitted shall be used for the purposes of agriculture only as defined by section 336 of the Town and Country Planning Act 1990 (as amended).

Reason: To safeguard the amenities of the area



Committee and Date

Northern Planning Committee

3rd March 2020

Item

7

Public

Development Management Report

Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 19/03658/FUL	<u>Parish:</u>	Ellesmere Rural
<u>Proposal:</u> Change of use of former hay barn to one residential unit, demolish existing modern sheds, erect a garage building and associated infrastructure works		
<u>Site Address:</u> Plas Thomas Farm Dudleston Ellesmere Shropshire		
<u>Applicant:</u> Mr R Blackwood		
<u>Case Officer:</u> Melanie Williams	<u>email:</u> planning.northern@shropshire.gov.uk	

Grid Ref: 334820 - 339375



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Recommendation:- Refusal

The principle of conversion to an open market dwelling is considered to be in accordance with policies CS5 of the Core Strategy, MD7a of SAMDev and the adopted SPD. However in this instance the scheme involves extensive new structural work and the addition of features that are not considered to be in keeping with the agricultural character and form of the existing former agricultural building and in particular in relation to the site as a whole. As such the development is considered contrary to Policies CS5, CS6 and CS17 of the Shropshire Core Strategy, Policies MD2, MD7a and MD13 of the SAMDev and the overall aims and objectives of the NPPF.

REPORT**1.0 THE PROPOSAL**

- 1.1 Change of use of former hay barn to one residential unit, demolish existing modern sheds, erect a garage building and associated infrastructure works.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site forms part of a traditional working farmyard located in open countryside alongside an unclassified public highway.
- 2.2 The building in question was earmarked for demolition in a recent planning approval (ref: **16/01689/FUL**) for conversion of the barn opposite.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This application does not meet the criteria for delegated decisions as set out in the Council's adopted 'Scheme of Delegation' given the support from the Parish Council is contrary to the officer's recommendation. The application was considered at the Council's Planning Committee Agenda Setting Meeting and deemed appropriate to be heard by the Planning Committee.

4.0 Community Representations

- Consultee Comments

Shropshire Council Conservation:

Objection

Following our previous comments the amendments and submitted supporting statement are noted.

Whilst the removal of the openings disturbing the ventilation holes to the north east elevation is welcomed, the other issues raised have not been addressed satisfactorily in order to accord with the relevant policies set out in our previous response. The concerns in relation to both proposed the treatment of infilled openings and location of the garage structure therefore remain.

With regard to the garaging, it is noted from the historic map layer that there was no building in this location and the projecting the building further to the south further creates an overly dominant feature of what should be an ancillary building. The

idea/proposed rationale for a courtyard is understood but the proposal is not reflective of the historic farmstead layout in this case in its current layout. We would therefore maintain the recommendation that the structure should be set back within the site further, or at the very least in line with the north east gable of the building where it is noted from the historic map layer there appears to have been a wall in line with the gable.

The comments in respect of the infill sections are noted. Whilst the comments regarding the character of the building are acknowledged in this regard, the heritage impact assessment confirms that the north west elevation would have been solid walling and in this regard the openings on this elevation belie the original character. We would therefore maintain that this should be amended and infilled accordingly to more closely reflect the character of the original building (either brick or cladding). The traditional openings are acknowledged to the south east elevation (noted on the plans as also being north west), though it is considered that the glazing should be simplified further to reduce the extent of division in order to minimise the visual impact, and this would accord with the local examples shown (some of the other examples appear as visually detrimental and disruptive to the simple former agricultural buildings given the extent of division of the glazing shown), where the simple of rhythm of the existing bays should be retained.

The proposed recessed walling to front to include ventilation holes pattern, piers and gating is domestic in character and entirely incongruous to the character and setting of the buildings and should be removed. It is noted that there was historic walling abutting the road here where this should be retained with the access point to the left side of the barn utilised with parking located to the rear. Otherwise it should be left as an open access, where any sound historic bricks should be set aside and used elsewhere on the site such as infill walling to the rear elevation.

In its current form, it is recommended that the proposed scheme is harmful to the character and setting of the former agricultural buildings and we would maintain that this does not accord with the requirements of local policies CS5, MD7a and MD13 in respecting the heritage assets and avoiding harm to their significance and setting, where such harm should be considered within the context of para 197 of the NPPF by the decision taker.

Conditions: None at this time pending further amendments.

Shropshire Council Highways:

No objection subject to the development being constructed in accordance with the approved details and the following conditions and informative notes.

Shropshire Council Ecology:

No objection subject to conditions and informatives

Shropshire Council Drainage:

No objection subject to informatives

Shropshire Council Affordable Housing:

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

- Public Comments

Ellesmere Rural Parish Council:

Support No objections to the scheme were made.

5.0 THE MAIN ISSUES

- Principle of development
- Heritage Status
- Conversion details & consideration
- Visual and amenity impacts

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Core Strategy policy CS6 requires development to be designed to a high quality using sustainable design principles. It seeks to ensure that development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design to its local context. New development is also required to safeguard residential and local amenity.
- 6.1.2 Policy MD2 of the Council's adopted SAMDev Plan similarly requires development to contribute to and respect locally distinctive or valued character and existing amenity value by:
- i. Responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses, streetscape, building heights and lines, scale, density, plot sizes and local patterns of movement; and
 - ii. Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion; and
 - iii. Protecting, conserving and enhancing the historic context and character of heritage assets, their significance and setting, in accordance with MD13;
- 6.1.3 Policy CS17 (Environmental Networks) seeks to ensure that all development 'protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment.
- 6.1.4 SAMDev Policy MD7a deals with applications for the residential conversion of buildings in the countryside to residential use and states that these 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.

- 6.1.5 Policy MD13 seeks to ensure that Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored by: 1. Ensuring that wherever possible, proposals avoid harm or loss of significance to designated or non-designated heritage assets, including their settings.
- 6.1.6 Paragraph 197 of the National Planning Policy Framework (amended 2019) states that 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

6.2 Heritage Status

- 6.2.1 Therefore the starting point for any conversion scheme would be to establish whether the existing building is considered a heritage asset.

6.2.2 Previous Application

- 6.2.3 The previous application which required this building to be demolished as part of the proposal submitted observations as to why this building could no longer be considered a heritage asset due to elevational damage and structural additions as follows:

"The side wall has suffered from extreme movement; at eaves level (500mm out) and also midway up the wall where it has 'bellied' as revealed by a visual inspection and the presence of a wide horizontal crack along the mortar bed running along much of the length of the wall. The brickwork forming part of the ventilation hole has also collapsed due to this movement.

The building has been much modified in the C.20 with the insertion of steel posts, in effect converting it to a steel framed open storage building. The original brick side walls/columns have all been removed and only the substantial roof remains. This is constructed of sawn soft wood timber and judging by it's regularity and late trusses, probably dates to the early part of the C.20.

As such the building has little of its original character surviving."

- 6.2.4 However Shropshire Council Conservation had reservations regarding this and did feel that the building was worthy of retention as it was considered a non-designated heritage asset.

The building proposed to be demolished would appear to be of late C19 construction, and was likely constructed between 1880-1900 as an open sided hay barn of some significant scale. The building does appear to have been altered to some extent (i.e. replacement of brick columns with steel), however the building

does appear to remain largely in its original form, retaining existing walls, roof structure and layout- and therefore does not appear to have been as significantly altered as indicated within the supporting statement. The building is therefore of some architectural and historic interest, and particularly due its scale represents the scale and affluence of agriculture in this part of north Shropshire during the C19 and early C20, and therefore is an important element within the historic rural landscape.

However, it is acknowledged that its scale and specific historic purpose would mean practical conversion and re-use would be challenging. The structural issues identified within the supporting statement, as well as the impact of the building on the residential amenity of the adjacent units are also appreciated.

It is therefore appreciated that the retention of the building may be weighted against these issues in the balance of planning judgement.

- 6.2.5 Therefore overall it was considered by the previous Case Officer that the economic benefits outweighed the loss of this building in order to make a more suitable re-use of the more traditional farm building considered more appropriate for re-use as residential. This building was therefore permitted to be removed as part of this previous approval.

6.2.6 Details of the existing barn

- 6.2.7 This existing barn is a long mostly open sided structure with a slate roof. The building although dating from the late 1800s has obviously undergone some structural changes mostly consisting of the removal of much of the original walls leaving the southeast elevation open sided throughout and $\frac{3}{4}$ of the northwest elevation also open sided. The traditional gable walls remain intact along with part of the north-western wall also being in situ. It is also noted that the roof appears to be structurally in good condition.

- 6.2.8 The agent has commented in the latest supporting statement that conflicting advice has been received in terms of the principle of conversion. As stated previous the starting point in determining whether the principle of conversion is acceptable would be whether the building constitutes a heritage asset. Therefore the previous comments from the Conservation Team (6.2.4), subsequent supporting details submitted by the agent for the latest application and the buildings existing state need to be considered as a whole.

- 6.2.9 From this it could be concluded that part of the building may be considered a heritage asset and worthy of retention without significant structural repair. This being the gable adjacent to the roadside and part of the NW wall; the rest has been significantly altered over time (the exception being the opposite gable 30m away). Therefore it is argued that the principle of conversion is acceptable in terms of its heritage status but only for part of the barn.

6.3 Conversion details and consideration

- 6.3.1 The original proposal was for the conversion of the whole of the barn to residential with a new building to be situated between this and the adjacent conversion provided for garaging. This has since been amended removing the new building and amending the barn conversion to accommodate this garaging at the northern end. The scheme is now to convert part of the barn to residential incorporating the traditional section at the southwest of the barn plus the same length again (i.e. 3 existing bays) and the remainder left as covered void for garage/car parking.
- 6.3.2 The conversion will provide a 2 storey 5 bedroomed dwelling with 3 of the bedrooms at first floor level and 2 to be situated on the ground floor. Also on the ground floor an open plan kitchen and dining area are to be provided and a large lounge space within the central bays. The remainder of the first floor at the southern end has been marked as a study, snug and storage areas.
- 6.3.3 The elevations of the proposal would leave the traditional gables and part existing NW wall largely untouched, retaining the historic features and re-using the existing openings. The rest of the building conversion proposes a number of materials to be used in the open bays; the central 3 bays will be glazed throughout with timber infill panels for the remainder first floor bays and glazing at ground floor on the southern extent.
- 6.3.4 Other proposals at the site would include the demolition of the central modern barns (with the retention of the roadside boundary wall). Plus alterations the access and landscaping.
- 6.3.5 From examination of the proposal drawings it is felt the level of construction plus infilling required is considered to be excessive, the building would require significant alteration and rebuilding to achieve the residential property indicated. It is felt that that in addition to the glazing proposed it introduces new features which would not protect or enhance the local historic context and character of the existing barn complex and their surroundings.
- 6.3.6 The proposed design of the building would be similar in appearance to the existing however, it is suggested that significant work may still be required to convert it due to its current openness. The heritage impact assessment confirms that the north west elevation would have been solid walling and in this regard the openings on this elevation belie the original character. Therefore it is felt that the current infilling does not reflect the character of the original building.
- 6.3.7 As a consequence the character of the building would be substantially changed. Whilst the applicant has attempted to retain some of the features in the new build it is considered that the infill sections within the bays do not show adequate respect to the original building or its surroundings.
- 6.3.8 The proposal does not therefore accord with Local Plan policies, particularly

SAMDEV policy MD7a which states 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.

- 6.3.9 The proposed new development is deemed to be harmful in terms of its siting, scale, design and materials and as such is considered to be contrary to current development plan policies in respect of design and the historic environment. The proposal would conflict with the provisions set out within Core Strategy Policies CS5, CS6 and CS17 and SAMDev Policies MD2, MD7a and MD13.

6.4 Visual and amenity impacts

- 6.4.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.
- 6.4.2 It is not considered that the proposed development would amount to any visual harm, nor require any mitigation landscaping. The proposed development would see the conversion of an existing agricultural building, that whilst introducing significant domestic fenestration and detailing, would not harm the local amenities by way of the building being, in the most part, hidden from public vantage points.
- 6.4.3 However this building was erected directly in front of the original 'threshing barn' range, approximately 16 metres to the west. If this building is retained then it would obscure the original, restored building and would also completely obscure the occupant's outlook. This was one of the reasons the building was to be demolished as part of the previous application.
- 6.4.4 This was highlighted to the agent during the determination stage who stated that the current owner is intending on living in the current conversion and using the adjacent building as annexe accommodation. They are willing to enter into a Legal agreement tying the adjacent building to the new dwelling.
- 6.4.5 In light of this it is felt that the proposal may not have any negative impact on neighbouring properties, as there are no other neighbours that would be affected by the proposal. The nearest is beyond the barn opposite which as mentioned already had permission for residential conversion.

7.0 CONCLUSION

The principle of conversion to an open market dwelling is considered to be in accordance with policies CS5 of the Core Strategy, MD7a of SAMDev and the adopted SPD. However in this instance the scheme involves extensive new structural work and the addition of features that are not considered to be in keeping with the agricultural character and form of the existing former agricultural building and the site as a whole. As such the development is considered contrary to Policies

CS5, CS6 and CS17 of the Shropshire Core Strategy, Policies MD2, MD7a and MD13 of the SAMDev and the overall aims and objectives of the NPPF.

As such the proposal is recommended for REFUSAL.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

MD2 - Sustainable Design

MD7A - Managing Housing Development in the Countryside

MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

15/00263/PMBPA Application for Prior Approval under Part3, Class (MB) of the Town & Country Planning (General Permitted Development) (Amendment & Consequential Provisions) (England) Order 2014 for the change of use from agricultural use to residential use PPPMBZ 15th May 2015

15/03138/PMBPA Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to residential use REN 23rd December 2015

16/01689/FUL Conversion of farm buildings to create 3 dwellings; installation of package treatment plant; formation of vehicular access, parking areas; demolition of outbuildings GRANT 28th June 2016

PREAPP/18/00069 Retention of stables and hay barn, demolition of modern agricultural sheds and the creation of a new improved access to create a single dwelling. Amendments to previously approved application numbered 16/01689/FUL) PREAIP 15th March 2018

18/05583/FUL Change of use of existing former hay barn to form a single residential unit, new access off the highway and associated infrastructure works WDN 24th January 2019

19/00920/DIS Discharge of Condition 4 (Retained and removed buildings), Condition 5 (External joinery) , Condition 6 (EPS), Condition 7 (Boundary and Landscaping) for 16/01689/FUL (as amended) DISAPP 26th March 2019
 19/03658/FUL Change of use of former hay barn to one residential unit, demolish existing modern sheds, erect a garage building and associated infrastructure works PDE

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
Local Member Cllr Steven Davenport
Appendices None

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Committee and Date

Northern Planning Committee

3rd March 2020

Item

8

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 COMMITTEE 3rd March 2020

Appeals Lodged

LPA reference	18/03375/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mr Cory Irvin-Wright
Proposal	Application under Section 73A of the Town and Country Planning Act 1990 for erection of a sixth floor to provide a roof top conservatory with glazed ballustrading (amended description)
Location	Land Adjacent Chronicle House Chester Street Shrewsbury
Date of appeal	30.01.2019
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	18/05969/ENF
Appeal against	
Committee or Del. Decision	
Appellant	Mr Cory Irvine-Wright
Proposal	Alleged breach of Planning Control in relation to erection of a roof top conservatory and installation of glazed balustrading
Location	Residential Development Land Adjacent Chronicle House Chester Street Shrewsbury
Date of appeal	16.11.2018
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

Appeals Determined

LPA reference	19/01332/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr M J Carroll
Proposal	Proposed residential development and formation of new access
Location	Land Adjoining Rose Cottage (formerly Plas Cerrig) Wern, Weston Rhyn
Date of appeal	11.11.2019
Appeal method	Written Reps
Date site visit	9.01.2020
Date of appeal decision	06.02.2020
Costs awarded	
Appeal decision	DISMISSED

LPA reference	18/05651/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Ms L Bateman
Proposal	Erection of equestrian workers dwelling; installation of bio-disc treatment plant (resubmission)
Location	Proposed Equestrian Workers Dwelling South Of Bings Heath Shrewsbury
Date of appeal	05.08.2019
Appeal method	Hearing
Date site visit	16 & 17.12.2019
Date of appeal decision	27.01.2020
Costs awarded	
Appeal decision	DISMISSED

LPA reference	19/03887/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Ms Kay Short
Proposal	Erection of two storey extension to include balcony to western elevation
Location	Violet House Whitehouse Lane Bomere Heath Shrewsbury Shropshire SY4 3PF
Date of appeal	28.10.2019
Appeal method	Householder
Date site visit	21.01.2020
Date of appeal decision	12.02.2020
Costs awarded	
Appeal decision	DISMISSED

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Appeal Decision

Site visit made on 9 January 2020

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 February 2020

Appeal Ref: APP/L3245/W/19/3239013

Land adjoining Rose Cottage (formerly Plas Cerrig), Wern, Oswestry, Shropshire SY10 7LE

- 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 M J Carroll against the decision of Shropshire Council.
 - The application Ref 19/01332/OUT, dated 11 March 2019, was refused by notice dated 30 August 2019.
 - The development proposed is residential development and formation of new access.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application was submitted in outline with all detailed matters reserved for future approval. I have therefore treated the submitted sketch layout and revised sketch for plot 1 as being purely indicative.

Main Issue

3. The main issue is whether the appeal site would provide a suitable location for housing, having regard to planning policy in respect of the distribution of development and the protection of the countryside.

Reasons

4. The appeal site is located in the countryside on the edge of Wern. Wern is a small, linear hamlet comprised of a pub and a number of houses fronting onto either side of Station Road, with a small number of properties along Coalpit Lane.
5. Planning permission has previously been granted for one affordable dwelling on land adjoining Rose Cottage, which fronts onto Station Road and is marked on the indicative site plan as plot 1. The current proposal is for residential development to the rear and side of Rose Cottage. The indicative plan shows four houses, of which one would be sited on plot 1. There is no indication that any of the proposed houses would be affordable.
6. Wern is identified as a 'Community Cluster Settlement' (CCS) in Policy MD1 of the Shropshire Site Allocations and Management of Development Plan 2015 (SAMDev). Some residential development is allowed in CCSs under Policy CS4 of the Shropshire Core Strategy 2011 (CS). Wern has no development boundary but SAMDev Policy S14.2(xi) explains that new housing in Wern

should comprise individual or very small groups of infill housing located immediately adjacent to existing development; have a frontage onto Station Road and be to the south-west of the junction to Upper Hengoed and to the north-east of the access to Wern Farm.

7. The site is located between the two road junctions referred to in Policy S14.2(xi). However, new development is also required to have a frontage onto Station Road but only the dwelling on Plot 1 would do so. In addition, whilst not defined in the adopted Local Plan, infill development is generally regarded as being the filling of a gap in an otherwise built up frontage. The proposed houses would be immediately adjacent to Rose Cottage itself, but to the west and north of the site is agricultural land. To the north east is a narrow lane, beyond which are open fields. The site does not form a gap in a built-up frontage so the proposal does not constitute infill development. The proposed development therefore would not meet the criteria for residential development within Wern.
8. The development of new houses in the field to the rear of Rose Cottage would represent an encroachment into the open countryside and would not reflect the established linear pattern of development in the settlement. Paragraph 170 of the National Planning Policy Framework says that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. The construction of dwellings on the site would erode this natural character. Furthermore, Core Strategy Policy CS5 seeks to protect the countryside, and new housing development is limited to dwellings to house agricultural or other essential countryside workers, and other affordable housing to meet a local need. The proposal would not provide such accommodation and does not meet the requirements of the Policy.
9. I note the appellant's comments about hedgerows and existing buildings providing screening for the development and that the houses could be designed to respect local character. However, the existing topography is not sufficient to completely screen new dwellings on the site and regardless of how the houses would be designed, the loss of open countryside would not be overcome.
10. I also note the appellant's comments that permission for a small number of dwellings on land to the south west of the appeal site did not strictly comply with requirements for infill development. However, the Council has confirmed that permission for these houses was granted under different policy circumstances, prior to the adoption of the SAMDev plan and at a time when it was unable to demonstrate a five-year supply of deliverable sites for housing¹. As such, I give little weight to that example and I have determined this appeal on its own merits.
11. I conclude that the appeal proposal would not provide a suitable location for housing having regard to planning policy in respect of the distribution of development and the protection of the countryside. I have found that the proposal conflicts with Policies CS4 and MD1. It would also conflict with Policies CS5 and MD7a which, amongst other matters, seek to protect the character and appearance of the countryside.

¹ Planning application references 14/03178/OUT and 15/05133/REM

12. The Council's decision notice also refers to Policy CS17 which is concerned with protecting and enhancing environmental networks. However, this policy is not directly relevant to the appeal proposal.

Other Matters

13. In its reason for refusal, the Council has indicated that the proposal would promote rather than reduce the need to travel to services. However, apart from the dispute over whether the proposal meets the criteria for development in Wern, no specific evidence has been submitted by either party in respect of access to services and modes of travel. However, as I am dismissing the appeal due to the conflict with the above policies, there is no point in me pursuing this matter further.

Conclusion

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

R Morgan

INSPECTOR

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Appeal Decision

Hearing Held on 17 December 2019

Site visits made on 16 December 2019 and 17 December 2019

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2020

Appeal Ref: APP/L3245/W/19/3234646

The Gorstings, Bings Heath, Shrewsbury, Shropshire SY4 4DA

- 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 L Bateman against the decision of Shropshire Council.
 - The application Ref 18/05651/FUL, dated 7 December 2018, was refused by notice dated 7 February 2019.
 - The development proposed is described as: 'provision of a lodge (under the Mobile Homes Act) as an Equine Workers Dwelling together with siting of Bio-Disc Sewage Treatment Plant'.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description in the banner heading above is taken from the application form. Notwithstanding its reference to the Mobile Homes Act, the appellant confirmed that permission was sought for the dwelling to be located on the site permanently, rather than for any specified temporary period. The Council confirmed that it had considered and determined the application on that basis. Accordingly, I have considered the appeal on the same basis, as an application for a permanent dwelling. I have based my consideration on the building as shown on the submitted floor plan and elevation drawings, and have treated the accompanying photographs as indicative only.

Main Issue

3. The main issue is whether the proposed equine worker's dwelling is justified by the equine operations at the site, having regard to policies which seek to restrict development in the countryside.

Reasons

Background and relevant policy

4. The dwelling would be located adjacent to existing stables, in a wider area of open land in the countryside just outside the small settlement of Bings Heath.
5. Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy (the Core Strategy), adopted March 2011, states that new development will be strictly controlled in accordance with national planning

policies protecting the countryside. It sets out several circumstances in which development may be permitted where it improves the sustainability of rural communities by bringing local economic and community benefits. Those include dwellings to house essential countryside workers. In such cases, Policy CS5 states that applicants will be required to demonstrate the need and benefit for the development proposed, and that it will be expected to be linked to other existing development and business activity where appropriate.

6. Policy MD7a: Paragraph 2.b. of the Shropshire Council Site Allocations and Management of Development Plan (the SAMDev Plan), adopted December 2015, states that dwellings to house essential rural workers will be permitted if, in the case of a primary dwelling to serve a business without existing permanent residential accommodation, relevant financial and functional tests are met, and it is demonstrated that the business is viable in the long term and that the cost of the dwelling can be funded by the business.
7. The main parties agreed at the hearing that the proposed development would comprise a primary dwelling to serve a site without existing residential accommodation, and that paragraph 2.b of Policy MD7a is therefore relevant. However, the appellant contends that the operations on the site do not comprise a business, and that the requirement therein for financial tests to be met therefore does not apply. I shall return to this matter below.
8. The Council's Type and Affordability of Housing Supplementary Planning Document (the SPD), adopted September 2012, sets out that the system of granting occupational dwellings must be based on an accurate assessment of the needs of the enterprise and that applicants will be required to demonstrate that a dwelling is essential by showing a functional need for the occupier to be present at the business for the majority of the time ("time" being 24 hours a day, 7 days a week as defined in the SPD).
9. Paragraph 79 of the National Planning Policy Framework (the Framework) states that planning decisions should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker to live permanently at or near their place of work. The dwelling would be located in open fields and may be somewhat remote from local shops and services. However, it is close to other dwellings in Bings Heath, including those just beyond the wider site boundary to the north, and is not so physically separate or remote from other development as to be isolated for the purposes of the Framework. The criteria in Paragraph 79 therefore do not apply in this case.

Operations on the site

10. Permission was granted in 2006 for a development described as the erection of a building to provide 5 stables, hay barn, tack room and wash box, and the laying of hardstanding around the building¹. Condition 5 of that permission states 'there shall be no commercial use of the stables, including livery at the site'. At the time of my visit, 4 of the permitted stables were occupied, one stall was in use as a hay store, one as a wash room, and 2 stalls were vacant.
11. At the time of my visit, a second timber building was also present on the site, containing 8 stalls. Of those, 6 were occupied by horses, one was vacant, and one contained seats and drink-making facilities which are used by the appellant

¹ Application ref: 06/1240/F

and volunteers. However, as was confirmed by both main parties at the hearing, that further stables building does not have the benefit of planning permission. Nor has any Lawful Development Certificate been sought or granted to establish its lawfulness or immunity from enforcement action by the Council.

12. The appellant keeps a number of her own horses at the site, and has used some of those horses for breeding in the past. However, her mares are now retired from breeding and she confirmed that, whilst not ruling out such activities again in the future, no breeding is currently taking place at the site.
13. The appellant also provides accommodation and rehabilitation at the site for a number of horses which have been rescued, including overspill accommodation for horses rescued by the RSPCA. At present, the horses on the site also include a retired racehorse and a further rescue horse which are owned by people who live locally and who volunteer at the stables in exchange for keeping their horses there.
14. The care of the appellant's own horses would not comprise commercial activity. Nor would her taking in rescue or retired horses on her own behalf or for the RSPCA constitute a 'commercial use, including livery' as precluded by the condition on the 2006 permission, since she receives no payment from the RSPCA for doing so. The provision of voluntary labour in exchange for keeping horses on the site could be viewed as a form of payment in kind. However, as a matter of fact and degree, having regard to that accommodation as a proportion of the site's overall use, I am not convinced that it represents commercial use or livery. Therefore, I am satisfied that the nature of the operations taking place on site are not outside the scope of what condition 5 of the 2006 permission allows.
15. However, whilst the nature and extent of that existing activity forms the basis of the appellant's justification for a new dwelling on the site, a significant proportion of the stables on the site do not have the benefit of planning permission. Nor has it been demonstrated to me that those further stables are immune from enforcement action. I therefore afford little weight to those unauthorised stables, or to the activities associated with caring for any animals housed therein, in considering whether the financial and functional tests to justify a new dwelling in the countryside are met, in accordance with relevant development plan policies. Rather, in making that consideration, I have considered the nature of the operations on the site only insofar as they could be accommodated and carried out within the scope of the development which received permission in 2006 and the conditions on that permission.
16. As I have found that the site's operations would not constitute commercial activity, there can be no 'business' with which to associate a permanent dwelling on the site. However, the dwelling would nonetheless be associated with existing development insofar as it is permitted on the site, and would provide some benefits as a rural operation providing care and rehabilitation for abandoned or abused horses. Therefore, having regard to Core Strategy Policy CS5, there is still scope for residential accommodation to be provided in association with that use, subject to appropriate functional and financial justification being demonstrated.

Functional need

17. The appellant works a large number of hours at the site during the daytime, in addition to her full-time paid employment elsewhere 6 nights a week. She is supported in running the operation by a number of volunteers, and I understand that either the appellant or a volunteer is regularly present on the site overnight. I heard that rescued or retired horses may have suffered abuse or have complex medical requirements and may thus be more likely to require a greater level of attention, including at times during the night, than horses kept for an owner's own recreational use. In those circumstances, I understand that having an on-site presence may allow closer monitoring of animals and a more rapid response than would be possible from existing dwellings nearby such as those drawn to my attention by the Council, and may also have security benefits.
18. However, whilst I recognise the amount of work involved in the operation as it currently functions, it is based on a level of stables accommodation, and thus a number of horses, more than double that which was permitted in 2006. Accordingly, the weight that I give to that existing operation and its associated labour requirements as justification for the proposed dwelling is very limited.
19. As the 5 permitted stables would allow the keeping of only 5 horses on the site, any operation based on those permitted stables would thus be very limited in scale. Even if all of those 5 stables were to accommodate rescued horses, or if breeding were taking place at the site, from the evidence before me I am not satisfied that such a small-scale operation would necessitate an on-site presence 24 hours a day, 365 days a year. Therefore, from the evidence before me, and on the basis of the very limited number of horses that the permitted development on the site could accommodate, I conclude that there is not a compelling functional need for a dwelling in the countryside, having regard to the terms of relevant development plan policies and the SPD.

Financial test

20. The operation at the site may not function as a 'business' with accounts, profits and losses. However, a dwelling in the countryside in association with that operation would represent an exception to local and national planning policy which seeks to protect the countryside from inappropriate development. Having regard to relevant development plan policies, the operation, and thus the justification for any associated dwelling, must therefore be demonstrably sustainable and likely to continue operating in the longer term.
21. The rescue and rehabilitation operation is funded from the wages from the appellant's paid employment, with further supplementary funding provided by her father. The operation on the site appears to have been established and funded on that basis for a number of years and, with appropriate supporting evidence, it may be possible to demonstrate its financial viability. The appellant gave some indicative sums with regard to her typical income and some of the costs associated with the running of the operation at the hearing. However, I do not have detailed evidence before me in the form of any comprehensive assessment of the available income and the outgoings for the operation to demonstrate that it would be viable in the long term, were I to grant permission for the dwelling.

22. Furthermore, the existing operation is based on a level of stabling accommodation beyond that which has planning permission, and I have nothing substantive before me to indicate how an operation based on the more limited level of permitted stable accommodation might function, including with regard to its funding and financial sustainability.
23. Therefore, on the basis of the evidence before me, it has not been demonstrated that an enterprise based on the permitted stables accommodation would be viable in the long term. Accordingly, and having regard to the requirements of the relevant development plan policies and the SPD as set out above, I conclude that the financial test and therefore the justification for a new dwelling in the countryside is not met.

Conclusion on the main issue

24. A dwelling would no doubt provide the appellant with a greater degree of convenience than the existing arrangement, and could be used by volunteers present at the site during the day and outside of normal working hours. However, for the reasons given, on the basis of the evidence before me and having regard to the limited number of stables permitted on the site, it has not been demonstrated that there is a functional need for a permanent dwelling on the site or that an operation based on that number of stables would be financially sustainable as a justification for the development in the long term.
25. Therefore, I conclude that the proposed permanent equine worker's dwelling is not justified by the equine operations at the site, having regard to policies which seek to restrict development in the countryside, specifically the terms of Core Strategy Policy CS5 and SAMDev Plan Policy MD7a and the SPD as set out above.

Other Matters

26. It is evident from the submissions before me, including letters of support from the RSPCA and the appellant's vets, and from evidence given by interested parties at the hearing, that the appellant is committed to providing a high standard of accommodation and welfare to the horses in her care. The operation would thus represent a significant benefit to animal welfare, as well as community benefits through the engagement of volunteers. Those benefits weigh in favour of the proposal even though, as a non-commercial operation, its benefit to the rural economy would be limited. However, in the absence of a compelling functional or financial case to justify a permanent dwelling on the site, in this case those benefits would not outweigh the conflict with development plan and national policies which seek to protect the countryside.
27. I understand that a caravan has been located on the site for a number of years, and has been used by the appellant for sleeping at the site, and as a welfare facility for volunteers at other times, including overnight. However, that caravan does not have the benefit of planning permission, nor has its lawfulness or immunity from enforcement action been established via the seeking or granting of any Lawful Development Certificate. Consequently, it has not been demonstrated to me that a lawful residential use has been established on the site, and I therefore afford the caravan's presence little weight as a fallback position or justification for establishing a permanent residential dwelling on the site.

28. I have had regard to other concerns raised by interested parties, including in relation to drainage in the local area. However, as I have found the proposal unacceptable for other reasons, I have not needed to consider those matters further in this instance.

Conclusion

29. For the reasons given, and having regard to all other matters raised, the appeal is dismissed.

Jillian Rann
INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Lisa Bateman	Appellant
Trevor Mennell	Planning and Architectural Consultant, Trevor Mennell Planning
Kathie Mennell	Planning Administrator, Trevor Mennell Planning

FOR THE LOCAL PLANNING AUTHORITY:

Philip Mullineux MTCP MRTPI	Principal Planner, Shropshire Council
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INTERESTED PERSONS:

Morgan Bateman
Philip Bateman
Abby Davies
Tracy Evans
Edward Hammond
Caroline Haycock
Derek Thompson
Tracey Thompson

DOCUMENT SUBMITTED AT THE HEARING

1. Appeal decision reference: APP/L3245/A/14/2228146

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Appeal Decision

Site visit made on 21 January 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 12 February 2020

Appeal Ref: APP/L3245/D/19/3240051

Violet House, Whitehouse Lane, Bomere Heath, Shrewsbury, SY4 3PF

- 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 K Short against the decision of Shropshire Council.
 - The application Ref 19/03887/FUL, dated 30 August 2019, was refused by notice dated 10 October 2019.
 - The development proposed is a 'two storey rear extension, two storey side extension with balcony and single storey side extension'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposals are described variously as 'erection of two storey extension to include balcony to western elevation' and 'erection of two storey extension', neither of which I consider capture the full extent of the application. I have therefore amended them in the description above to fully reflect the proposed development.

Main Issue

3. The effect of the proposal on the character and appearance of the host house and surrounding area.

Reasons

4. The appeal site is a three-bedroom detached house in a large plot of land on the edge of Bomere Heath village. It faces school fields and is surrounded on the other three sides by large, modern housing estates. The host house is noticeably older than the surrounding development and displays some thoughtful architectural features, such as curved eaves and corbelled kneelers, and in my opinion contributes positively to local character and appearance. Although largely unaltered from its original state, it has previously been extended with a full-length dormer along one side of the house. It is prominently situated at a high point and at a road junction, although partly screened by fences, high hedges and mature vegetation.
5. The proposed external changes would subsume the original building. I note that the Parish Council has no objections to the design and style of the extension, and I agree with all parties that replacement of the large dormer would be beneficial to the appearance of the house. However, these factors do

not overcome the harm to the host house from the loss of attractive architectural features and overall character, contrary to Policy CS17 of the LDF¹, which requires that development should protect and enhance high quality and local character in the built environment.

6. Given large-scale modern development of the surrounding land, I attribute significant weight to the character that this older, architecturally distinctive house contributes to the area. In not protecting or reflecting architectural features of the original house, I consider the proposals conflict with both policy CS6 of the LDF and Part 3 of Policy MD2 of the SAMDev², which require that local context and character be taken into account when protecting the built environment.
7. The proposal would result in a footprint two and a half times bigger than the host house. The Council have advised the appellant that an extension of no more than 70% is 'a useful guide' to remaining subservient, but there is no policy basis for this, so I can only give it limited weight. Guidance in the 'Type and Affordability of Housing Supplementary Planning Document' (SPD), states that consideration should be given to the visual impact of large buildings and creation of excessively large properties should be avoided. Policies CS6 and MD2 together require development be appropriate in scale, taking in local context. Whilst the scale of the proposals is clearly not sympathetic to the original building, when viewed in the context of the substantial plot size and the large modern houses on two sides of the property, the proposals are not harmfully large. I therefore do not find that the scale of proposals conflicts with the LDF.
8. Nonetheless, the loss of original and attractive features from the host property which make a positive contribution to the character and appearance of the area is contrary to local plan policies which seek to protect local character.

Other Matters

9. I have noted the recent appeal decision³, which was drawn to my attention by the Appellant. The Inspector makes clear that harm to character is lessened because the existing building does not bear much resemblance to its origins, which is not the case here.
10. I recognise that a modernised house should result in a more energy efficient building and that this is an aspiration of the SPD. However, given that this is a single house, the contribution to sustainability would be limited and not sufficient to overcome the harm identified above.

Conclusions

11. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

B Davies

INSPECTOR

¹ Shropshire Local Development Framework: Adopted Core Strategy (2011)

² Shropshire Council Site Allocations and Management of Development Plan (2015)

³ APP/L3245/D/19/3226633 (September 2019)