

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

Date: Friday 22 May 2020

Committee: Southern Planning Committee

Date: Tuesday, 2 June 2020

Time: 2.00 pm

Venue: THIS IS A VIRTUAL MEETING

Members of the public will be able to listen to this meeting by clicking on this link: [Click this link to view the meeting](#)

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

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

Members of the Committee

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

Substitute Members of the Committee

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

Your Committee Officer is:

Tim Ward Committee Officer

Tel: 01743 257713

Email: tim.ward@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive any apologies for absence.

2 Minutes (Pages 1 - 4)

To confirm the minutes of the South Planning Committee meeting held on 10 March 2020

Contact Tim Ward (01743) 257713.

3 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is no later than 2.00 pm on Friday 29 May 2020

4 Disclosable Pecuniary Interests

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

5 Old Vicarage Centre The Bull Ring Stottesdon Kidderminster Shropshire DY14 8UH (19/05255/FUL) (Pages 5 - 38)

Change of use from a mixed residential, commercial, training and hostel use (Use Class C2, C3 and D1) to a mixed care home and education use (Use Class C2 / D1) and associated works

6 Schedule of Appeals and Appeal Decisions (Pages 39 - 52)

7 Date of the Next Meeting

To note that the next meeting of the Southern Planning Committee will be held at 2.00 pm on Tuesday, 30 June 2020



Committee and Date

Southern Planning Committee

2 June 2020

SOUTHERN PLANNING COMMITTEE

Minutes of the meeting held on 10 March 2020

2.00 - 4.15 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Tim Ward

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

Present

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

93 Apologies for Absence

Apologies for absence were received from Councillor Cecilia Motley, (Substitute: Cllr Michael Wood)

94 Minutes

RESOLVED:

That the Minutes of the meeting of the South Planning Committee held on 10 February 2020 be approved as a correct record and signed by the Chairman.

95 Public Question Time

There were no public questions

96 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.

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

97 Proposed Residential Development Land To The South Of Doddington Shropshire. 19/01329/FUL

The Technical Specialist Planning Officer introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations.

Councillor Tim Evans, representing Hopton Wafers Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

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

- The proposal was back land development
- Concerns with extra traffic joining the A4117 at the junction with Earls Ditton Lane.
- Concerns regarding the cumulative effect on the area of the permissions already granted
- Need for smaller affordable housing in the area

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. Members felt that it would be beneficial to have a site visit in order to assess the concerns raised.

RESOLVED:

That the decision be deferred to a future meeting in order that Members can carry out a site visit

98 Greenfields Pulverbatch Shrewsbury Shropshire SY5 8DF. 19/05158/FUL

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

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

Councillor A McVittie, representing All Stretton, Smethcott and Woolstaston Parish Council, spoke in support of the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

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

Members confirmed that they had read the additional representations and the email from the Local Member which had been tabled.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. Members commented that the proposed tree houses would provide a unique addition to the tourism offer in the area and that the type of

people that would use the tree houses would not necessarily use their vehicles to access the area.

RESOLVED:

That, contrary to the Officer's recommendation, planning permission be granted, with planning officers having delegated authority to attach appropriate planning conditions, including those necessary to ensure that the tree houses are used for holiday purposes only and that a register of occupants is kept, for the following reason: -

Members felt that the proposal would provide a unique, well designed and isolated development, of appropriate scale, that would enhance the tourist accommodation offer in Shropshire

99 Proposed Residential Development Land East of Bridgnorth Road Highley Shropshire. 20/00193/FUL

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

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

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

- Concerns raised by local resident had still not been addressed.
- Recognised the need for affordable housing but this was the wrong site.
- Serious concerns regarding highway safety.

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

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. Members expressed concerns regarding highway safety, both for vehicles exiting the site and also for pedestrians. In response to a question from the Chairman, the applicant's agent confirmed that his client would be willing to make a contribution towards the costs of works to mitigate highway safety concerns.

RESOLVED:

That, as per the Officer's recommendation, planning permission be granted, subject to the completion of a Section 106 Agreement to secure the properties as affordable dwellings and to secure the retention and maintenance of the public open space, and

the conditions set out in Appendix 1 and an additional condition to ensure the provision of pedestrian crossing facilities on Bridgnorth Road prior to the first occupation of the site

100 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 10 March 2020 be noted.

101 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 7 April 2020 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:

Development Management Report

Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 19/05255/FUL	Parish: Stottesdon
Proposal: Change of use from a mixed residential, commercial, training and hostel use (Use Class C2, C3 and D1) to a mixed care home and education use (Use Class C2 / D1) and associated works	
Site Address: Old Vicarage Centre The Bull Ring Stottesdon Kidderminster Shropshire	
Applicant: Compass Community Ltd	
Case Officer: Emma Bailey	email: planning.southern@shropshire.gov.uk

Grid Ref: 367225 - 282826



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

REPORT

1.0 THE PROPOSAL

- 1.0.1 This application seeks full planning consent to change the use of the building known as The Old Vicarage Centre, Stottesdon from a mixed use residential, commercial, training, and hostel building, to a mixed use children's care home and education facility (Use Class C2 / D1) and associated works.
- 1.0.2 The age range of children that The Old Vicarage would accommodate would be 6-18. 8 children would live on-site, with a further 6 children attending for day schooling, meaning a maximum of 14 children would be on site at any one time.
- 1.0.3 During the day there would typically be 8-12 staff on site. Staffing would comprise of up to 6 care staff, 4 school staff and 3 management (lead teacher, Manager and Deputy Manager). During the night shift this would reduce to 3 staff.
- 1.0.4 Shifts are broken down into three - AM (variable timings), PM (variable timings) and night shift (typically 2200-0800), with shifts timed with an overlap to enable staff adequate time to handover. School staff would work 'usual' school hours during weekday term time (approximately 0800 – 1600).

2.0 SITE LOCATION/DESCRIPTION

- 2.0.1 The Old Vicarage is positioned within the central core of the rural settlement of Stottesdon. It lies within the Stottesdon Conservation Area and is a non-designated heritage asset by virtue of its age and traditional stone built construction. It is a large imposing building set back from the roadside by a sweeping driveway, in generous grounds with large mature trees around the periphery. A number of historic buildings exist in the local area, including St Marys Church, a Grade I listed building.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

- 3.0.1 In light of the level of public interest as a complex application, it has been agreed, in consultation with the committee chairman and vice chairman, that the application should be determined by the South Planning Committee.

4.0 **COMMUNITY REPRESENTATIONS**

Please note that all comments are available to view in full on the Shropshire Council website.

4.1 **Consultee Comments**

4.1.1 Stottesdon Parish Council

Object – 15 March 2020

Councillors unanimously objected to the amendments to this application for the following reasons:

1. Increase in numbers from 6-8, concern expressed that these numbers could keep increasing, subject to planning permission.
2. Increase in traffic movement due to increase in numbers. The site will employ approx. 20 staff who may reside considerable distances from the village and 6 children will probably need transporting considerable distances back and forth 5 days a week. Cars would be required to transport children to other towns in order to entertain them (cinema etc). This will potentially result in a large carbon footprint - a consideration which is becoming more and more relevant with the emerging climate emergency. Our local road infrastructure is generally poorly maintained and not particularly accessible during the winter months. There are no other transport options in the village unfortunately.
3. The NPPF (National Planning Policy Framework) says a planning decision should aim to achieve healthy, inclusive and safe spaces so that crime and disorder and the fear of crime do not undermine the quality of life or community cohesion and the Shropshire Core Strategy CS8 also has a similar requirement.
4. Cllrs are not in a position to judge whether or not there will be an increase in anti-social behaviour or crime etc, but it's apparent from both comments on the portal and during 'parishioner's time' at our meeting that there is a real fear of crime and Cllrs felt that this should be taken into account.

Cllrs are mindful of their previous support of this application but following further information received, especially having attention drawn to two Appeal Notices, Cllrs felt that they could no longer support the application for the above reasons and would ask that this application is determined by the Planning Committee.

Support – 17 December 2019

This application attracted a large number of residents to our meeting and the following points were raised:

Traffic - potential impact on the local infrastructure and access to the property via the Church drive.

Noise from traffic, in particular when staff change shifts.

Noise from the children.

Potential risk of anti-social behaviour.

Councillors listened to all points raised by the residents and as this home is for 'Shropshire' children supports the application.

Additional comments:

The Parish Council is mindful of the concerns raised by residents in their comments on this portal and would ask that these are addressed by the Applicants and Shropshire Council when reaching their decision.

4.1.2 Shropshire Council (Highways)

No Objection – subject to the development hereby approved being constructed in accordance with the approved details.

The proposal will not materially affect the current use of the site in terms of highways and transportation and therefore raises no objection on highways grounds.

4.1.3 Shropshire Council (Conservation)

The proposal affects a non-designated heritage asset (as defined under Annex 2 of the NPPF) that lies within the Stottesdon Conservation Area. The former vicarage was constructed in the 1840s in red brick and slate roof and is a high status building with later extensions. The former rectory is adjacent the Church of St Mary which is grade I listed. In considering the proposal due regard to the following local and national policies and guidance has been taken, when applicable: policies CS6 and CS17 of the Core Strategy and policies MD2 and MD13 of SAMDev, and with national policies and guidance, National Planning Policy Framework (NPPF) revised and published in February 2019 and the relevant Planning Practice Guidance. Sections 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended).

There are no principle objections to the proposed change of use, where it would have no material impact upon the existing external appearance of the existing non-designated heritage asset. The only major proposed change is the re-roofing of the existing conservatory with a steeper pitch, where there are no principle objections in this regard, where there is

opportunity to have something that is more sympathetic to that of the existing non-designated heritage asset, such as a matching slate roof. Further discussion with the new user is welcomed in order to run through any further alterations that may be required in order to protect the significance of the existing non-designated heritage asset.

No objections, subject to a condition with regards to the proposed roofing material.

4.1.4 Shropshire Council (Drainage)

A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the councils website at:

<https://www.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-fordevelopers.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.

4.1.5 Shropshire Council (Archaeology)

No comments to make.

4.1.6 Shropshire Council (Affordable housing)

The Housing Enabling and Development Team have no objections to this proposal.

4.1.7 West Mercia Constabulary

No response received.

4.2 **Public Comments**

Two public consultations have formally taken place during the course of the determination of this application.

A site notice was first positioned nearby to the entrance of the application site 16.12.2019, a press notice was placed in the Shropshire Star newspaper 10.12.2019 and neighbour letters were sent. 57 letters of

objection, 10 letters of support and 2 letters neither supporting nor objecting to the development were received.

Following the receipt of floor plans and clarification on key points, a subsequent site notice was positioned in the same location 02.03.2020 and letters sent to neighbours and those who made initial representations outlining 14 days to make comments. 9 letters of objection (including a letter submitted on behalf of Stottesdon residents), 2 letters of support and one comment neither supporting nor objecting to the development has been received at the time of writing this Report.

The key points raised in both consultations are listed in turn below and discussed later within this Report.

Support

- ❑ Disappointed by comments made by the community
- ❑ The Old Vicarage has been a home to children that were adopted by the family and went to the local schools
- ❑ Families have brought foster children into the community
- ❑ The children there will be brought up in a family/home environment
- ❑ They are being judged because they're in care, which is out of their control
- ❑ Recognise the importance of residential homes and projects like this
- ❑ Community would rather it was not in their neighbourhood
- ❑ Would create jobs and opportunities for local carers and support workers
- ❑ Would be positive to see The Old Vicarage used for an important purpose
- ❑ Have yet to come up with a compelling argument against giving disadvantaged children an opportunity to live full and productive lives
- ❑ An opportunity for these children to witness the warmth and generous nature of a welcoming community may well provide the boost they need to help them through their current hardship and inspire them to give back in the future
- ❑ Change of use is a natural progression to the work that was started by the family long ago
- ❑ The Old Vicarage has for decades offered adventures and activities to children, families and groups including young people with disabilities, behavioural and emotional difficulties
- ❑ I hope our community will embrace and support this venture and it will change lives in the same way that Willowdene Farm has

- ☐ Has been explained by the current owner of The Old Vicarage that it has been on the market as a family residence for 2 years with no offers, so will be sold to a business
- ☐ Told that as a children's home the building will have 6 vulnerable children from Shropshire as residents, as young as 7 years old.
- ☐ Living in such a lovely building in the beautiful countryside would make the children feel more secure
- ☐ The residents would be taken to whichever activities they needed to be by members of staff just like all of the other children within the village are
- ☐ Would create job opportunities
- ☐ A further 6 day children from Shropshire would be taught in-house where their learning needs stop them from attending main-stream education
- ☐ Live next door to a Willowdene site who are convicted adults, they are well occupied and managed. Willowdene attendees could be far more dangerous than a few children living in care.
- ☐ As long as the Old Vicarage is managed to a good standard I suspect there would be no impact whatsoever on Stottesdon village
- ☐ Stottesdon has children with special educational needs in our community already, is not a prison that intends to accommodate serious criminals.
- ☐ Extremely proud to have Willowdene in our midst, Compass has very similar aims
- ☐ Will provide a sustainable future for one of our community's historic buildings
- ☐ The creation of a children's care home is a natural extension for a community that can be proud of its inclusivity up to now
- ☐ Private families are not required to submit planning applications when we wish to move into a neighbourhood or begin/extend our families, so the fact that this diversity already exists within our community is perhaps not fully appreciated
- ☐ Stottesdon has been successfully welcoming diverse families for years
- ☐ Children are placed in care through no fault of their own, many are likely to be victims. The care home will be required to provide a ratio of support for each child that goes above and beyond that which private families would typically be able to provide for their own children. If any risk does exist, the care home is surely better placed to mitigate this than a more traditional family would be if/when one of our own children misbehaves
- ☐ The facilities/activities available to children in the home will be the same as those available to the rest of the children who live and thrive in Stottesdon and other local rural communities
- ☐ Stottesdon provides an opportunity to enjoy a countryside

environment with all the physical and mental health benefits this brings

- ② Additional facilities/activities can be found in Bridgnorth, Kidderminster and Highley, in close proximity and easily driveable on most days of the year like other families do
- ② The support workers will have access to additional resources and activities to keep the children positively engaged
- ② We would hope that, if the worst ever happened to us as parents and our children were left with no family to care for them, there would be a community like Stottesdon ready and waiting to welcome, home and care for them.
- ② The change of use would result in significant reductions and less impact on the village and those that live there in terms of noise, disturbance and traffic, would have no more impact in these areas than a large family if they bought it as a dwelling (7 bedrooms + hostel accommodation)
- ② For the last 30 years the Old Vicarage has welcomed children from main stream schools that also included children in care that had been integrated into these schools. They came for educational experiences ranging from one day to 7-day residential visits within our community. We also accommodated specialist schools like Compass that came with their own team of carers for a week's stay, again to enjoy an educational experience based at The Old Vicarage. Many have commented that these are just short-term examples. Children in care have lived at The Old Vicarage that were taken in and looked after by our family. Their age ranged from of 5-11 years old, from exactly the same backgrounds to those proposed for this new use by Compass. In total 7 children in care were welcomed in to this property and community with the duration of stay ranging from 18 months to 12 years duration. For 8 years there we a minimum of 4 in care at any time. The children grew up in this community, went to school at the local primary school (at that time the school and community welcomed them due to impending school closure and low numbers!), they then went on to Lacon Childe School and some on to 6th form college. All of these children played with children in the community, immersed themselves in the local education, and went on to establish their own families and careers, many in the nearby areas.
- ② The property is currently in a state of disrepair and in need of renovation.
- ② The proposal has the potential to provide much needed life changing interventions to some of the most vulnerable in our society
- ② There are children who live amongst us with behavioural difficulties and could benefit directly from this proposal, making a huge difference to the children and their families
- ② Effective interventions in childhood have the potential to

enable the adult to live the life they were designed for and our community has an exciting opportunity to be part of their journey

- ☐ Minor alterations to the external fabric of the building would be an improvement on the existing
- ☐ Not a change of use, nothing has been proposed over and above the existing use
- ☐ The use of the building as a children’s home can bring considerable benefit to this community, especially if we the community work in collaboration with the new owners. This proposal should be seen as an interesting opportunity rather than a threat.
- ☐ We all have a duty of care to children. Every child deserves care and education according to their needs. If I had a child with complex needs, I would hope for support for my child.

Objection

- ☐ Safety/security concerns for the community
- ☐ Timing of the application
- ☐ Public meetings held with the applicant/parish council
- ☐ The consultation process
- ☐ Location
- ☐ Backgrounds of residents
- ☐ Numbers of proposed residents/numbers of bedrooms do not match
- ☐ Does not accord with the Stottesdon Parish Plan
- ☐ Impact upon insurance premiums/house prices
- ☐ Conflict of interest between the applicant and the vendor
- ☐ Impact on highways network
- ☐ No benefit/need for it to be within the Parish
- ☐ Previous uses of the site
- ☐ Noise disturbance
- ☐ Parish comments are not representative of the community
- ☐ Children's Services budgets and spending
- ☐ Impact on Stottesdon Conservation Area
- ☐ Willowdene Rehabilitation Centre is not comparable
- ☐ Recommend frequent reviews and contingency plans if approved
- ☐ Comments in support are from people who won't be affected
- ☐ Background of the applicant
- ☐ Change of use of the site may have implications for its sale
- ☐ Appeal ref: APP/L3245/A/10/2136810
- ☐ Has the Council undertaken a detailed impact assessment in relation to Section 17 of the Crime and Disorder Act 1998, which

requires all relevant authorities including councils to consider the impact of all functions, such as planning decisions on crime and disorder, failure to give due regard to the impact of a decision on local crime and disorder will be open to judicial review

5.0 THE MAIN ISSUES

- ☐ Principle of development
- ☐ Assessment of proposed physical works
- ☐ Impact of the proposal upon the historic environment
- ☐ Assessment of the site's existing use
- ☐ Highways impacts
- ☐ Letters of representation

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the adopted development plan 'unless material considerations indicate otherwise'. The local development framework of the county of Shropshire principally consists at this time of the Core Strategy (2011) and Site Allocations and Management of Development (SAMDev) Plan (2015), and a range of supplementary planning documents.

6.1.2 Paragraph 11 of the National Planning Policy Framework builds on this wording by encouraging planning to look favourably upon development, unless the harm that would arise from any approval would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

6.1.3 The National Planning Policy Framework (NPPF) has been published by national government and represents guidance for local planning authorities. It is a material consideration to be given weight in the determination of planning applications.

6.1.4 Development that affects the historic environment

6.1.5 The building lies within the Stottesdon Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when deciding whether to grant consent for development which

affects a conservation area, Local Planning Authorities should have special regard to the desirability of preserving the character or appearance of that area.

- 6.1.6 The Old Vicarage is also acknowledged as being a non-designated heritage asset. Part 16 'Conserving and Enhancing the Historic Environment' of the NPPF encourages local planning authorities to take account of:
- ② the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
 - ② the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
 - ② the desirability of new development making a positive contribution to local character and distinctiveness; and
 - ② opportunities to draw on the contribution made by the historic environment to the character of a place.
- 6.1.7 This advice is generally echoed within Policy CS06 of Shropshire Council's Core Strategy, and Policy MD02 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan, which requires great weight to be given to the conservation of designated heritage assets. Paragraph 127 of the NPPF also reinforces that developments should be 'sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'. Taking into account the advice from the Council's Conservation Officer it is considered that this proposal does not cause any harm to the significance of the designated heritage asset, namely the Stottesdon conservation area, nor does it cause any harm to the significance of non-designated heritage asset, namely The Old Vicarage itself. Accordingly, the proposal is acceptable with respect to its impact on the historic environment.
- 6.1.8 Development that affects facilities, services and amenities
- 6.1.9 The NPPF at Part 8 seeks to promote social interaction and creation of healthy and inclusive communities. At Paragraph 94, emphasis is given to ensuring that sufficient choice of school places is available to meet the needs of existing and new communities. It goes on to state 'Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education'.
- 6.1.10 This objective is reflected at local level with Core Strategy policy CS08 'Facilities, Service and Infrastructure Provision', which seeks to encourage facilities, services and amenities that contribute to the quality of life of

residents and visitors. Policy CS11 'Type and Affordability of Housing' seeks to 'meet the diverse housing needs of Shropshire residents now and in the future and to create mixed, balanced and inclusive communities', giving explicit support to 'the provision of housing for vulnerable people and specialist housing provision, including nursing homes, residential and extra care facilities, in appropriate locations and where there is an identified need'.

- 6.1.11 It is acknowledged that the proposed scheme would result in the loss of a children's activity centre, providing employment and choice as a tourism and leisure facility within Shropshire. However this should be balanced with the proposal, which seeks to broaden the choice of education and housing for vulnerable children, promoting inclusivity and community support within Stottesdon and the wider county.
- 6.1.12 Development within Stottesdon
- 6.1.13 Stottesdon is part of the Stottesdon, Chorley and Bagginswood designated Community Cluster, as defined in Policy MD01 'Scale and Distribution of Development' of Shropshire Council's Site Allocations and Management of Development (SAMDev) Plan (2015).
- 6.1.14 Policy CS01 'Strategic Approach' of the Shropshire Council Core Strategy (2011) states that development and investment should be located predominantly in Community Hubs and Clusters and should contribute to social and economic vitality. This is expanded upon within Policy CS04 'Community Hubs and Clusters', which encourages development that re-balances rural communities by providing 'facilities, economic development or housing for local needs, and is of a scale that is appropriate to the settlement'.
- 6.1.15 Stottesdon has its own development boundary, with The Old Vicarage lying almost centrally within the village. In discussing the Community Cluster, Policy S06.2(v) of the SAMDev Plan, entitled 'Cleobury Mortimer' states that 'Stottesdon, as the largest village, should be the primary location for new development'.
- 6.1.16 Critically, the proposal would:
- ② re-use a recognised non-designated heritage asset that lies within the main core of Stottesdon's Conservation Area; securing its long-term use and maintenance
 - ② serve to facilitate care, education and support for vulnerable young persons, bringing employment opportunities and increasing the level of choice for those eligible for a place,
 - ② Add to Stottesdon's role as the primary location for development as part of the Stottesdon, Chorley and Bagginswood

Community Cluster as a designated recognised settlement with its own development boundary.

The development therefore broadly accords with planning policy. However further consideration must be given to the level of harm that the proposal may have to any of the sensitive receptors identified above, and any other material planning consideration.

6.2 Assessment of the proposed physical works

6.2.1 Local planning policies MD02 ‘Sustainable Design’ of the SAMDev Plan and CS06 ‘Sustainable Design and Development Principles’ of the Core Strategy are the key drivers in Shropshire’s local development framework in requiring development to be designed to a high standard. Development is principally considered to be of a good design where it is sustainable, inclusive and accessible in its environment and respects and enhances local distinctiveness.

6.2.2 Part 12 ‘Achieving well-designed places’ of the NPPF emphasises good design as being a core aspect of sustainable development. Amongst other things, Paragraph 127 requires new development to:

- ☐ function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- ☐ be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- ☐ be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

6.2.3 The proposed physical works to the building are set out within a covering letter submitted by the planning agent as being a replacement roof to an existing conservatory to form a reception area, with the remaining works being internal. The building is not listed, therefore assessment of these internal works is not required from a planning perspective. In view of the submitted plans, and following a site visit, officers consider that the proposed external works to the building would be minor in their scale and appropriate for the proposed change of use.

6.2.4 The development is therefore acceptable in this regard.

6.3 Impact of the proposal upon the historic environment

6.3.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when deciding whether to grant consent for development which affects a conservation area, Local Planning Authorities should have special regard to the desirability of preserving the character or appearance of that area.

6.3.2 Further, Part 16 ‘Conserving and enhancing the historic environment’ of the NPPF states that local planning authorities should take account of:

- ☐ the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
- ☐ the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- ☐ the desirability of new development making a positive contribution to local character and distinctiveness; and
- ☐ opportunities to draw on the contribution made by the historic environment to the character of a place.

6.3.3 SAMDev Policy MD13 ‘Historic Environment’ builds upon this by stipulating that Shropshire’s heritage assets should be protected, conserved, sympathetically enhanced and restored where appropriate.

6.3.4 The Old Vicarage is considered to be a non-designated heritage asset (as defined under Annex 2 of the NPPF). The former vicarage was constructed in the 1840s in red brick and slate roof and is a high status building with later extensions. The former rectory is adjacent the Church of St Mary which is Grade I listed.

6.3.5 Shropshire Council’s Conservation team have been consulted as part of this application, who have made the following comments:

6.3.6 There are no principle objections to the proposed change of use, where it would have no material impact upon the existing external appearance of the existing non-designated heritage asset. The only major proposed change is the re-roofing of the existing conservatory with a steeper pitch, where there are no principle objections in this regard, where there is opportunity to have something that is more sympathetic to that of the existing non-designated heritage asset, such as a matching slate roof. Further discussion with the new user is welcomed in order to run through any further alterations that may be required in order to protect the significance of the existing non-designated heritage asset.

No objections, subject to a condition with regards to the proposed roofing material.

6.3.7 The comments made by the Conservation team are accepted. The proposed change of use and associated works is considered to preserve the historic importance and enhance its visual appearance through minor, sympathetic alterations

6.3.8 The proposal is therefore acceptable in this regard.

6.4 **Assessment of the site's existing use**

6.4.1 Planning history at The Old Vicarage is sporadic and does not give a clear and definitive insight into its uses over the past three decades. The planning history that the Council holds is as follows -

- ② **BR/84/0623** Additional use of existing dwelling as bed and breakfast accommodation; alterations to former staff quarters to form hostel comprising two dormitories, sitting/dining room/kitchen and toilets and erection of porch. Permitted 06-02-1985.

Officer comment: At this point the building would appear to be a combination of C1 and C3 uses.

- ② **BR/85/0737** Erection of two storey extension to form enlarged sitting room with recreation room over and staircase. Permitted 06-12-1985.

Officer comment: The address was The Old Vicarage Hostel.

- ② **BR/86/0919** Stationing of portacabin for use as temporary bedroom accommodation. Permitted 03-02-1987, with a condition requiring removal of 'caravan' by 30-06-1989.

Officer comment: Property is described as a hostel at that time – The reference to hostel in Class C1 was deleted at some point after the original 1987 version of the Use Classes Order.

- ② **BR/91/0886** Change of use of one ground floor room to a village shop. Permitted 14-01-1992.

Officer comment: The 1992 Officer Report refers to The Old Vicarage being a hostel. Hostel visitors were 'mainly self-catering'

at that time. The applicant's letter head said "The Old Vicarage Centre" with a footer saying "B.C.U Approved Centre".

- ② **BR/APP/FUL/02/0132** Erection of a single storey extension. Permitted 03-04-2002.

Officer comment: By this time the property was called "The Old Vicarage Activity Centre". The Officer Report says "The Old Vicarage Activity Centre which has residential courses for young people is run from the Old Vicarage Building in the centre of Stottesdon". The proposed extension was to provide en-suite accommodation for teachers who stay at the site.

- ② **BR/APP/FUL/06/0591** Erection of a two storey side extension. Permitted 15.09.2006.

Officer comment: The supporting letter stated it was a 'domestic extension' and that "Mr Eddies-Davies and his family have had to share accommodation with paying guests and would like to have their own private quarters to give him and his family some privacy...Mrs Eddies-Davies has had to cook the family meals in the same kitchen as the staff cook the paying guests meals, which is proving difficult as she has four children to feed...By having two new family bedrooms and a bathroom in the extension this would free up space in the existing house for teachers accompanying school parties."

6.4.2 In support of this application, the current owner of The Old Vicarage has made the following key points in respect of its uses over time:

- ② Two generations of the owner's family, over 30,000 young people and children in care have used the Old Vicarage for the last 30 years
- ② The name of the business has changed over the years from The Old Vicarage Hostel, to the Old Vicarage Adventure Centre through to Live The Adventure.
- ② Live The Adventure is no longer an operational business, the owner's sons now run a business called 'Top Adventures' offering activities on the nearby site known as Ginny Hole alongside the owner's wife's business of 20 years, 'Country Treks'.
- ② As of February 2020 all business activities will be run from Ginny Hole and not from The Old Vicarage, which is the reason it is now for sale.
- ② At present The Old Vicarage can accommodate 50 people for residential visits which can range from 2 to 7 days in length, so in effect can host 150 people a week for 365 days of the year.

- ② In its busiest periods it accommodated over 3000 people a year operating with 25 staff and for 12 years even ran its own 53 seat coach and 3 minibuses, before outsourcing.

- 6.4.3 Evidence of the former uses of the site over time can also be found when conducting desk-based research on the internet.
- 6.4.4 A letter submitted on behalf of Stottesdon residents disagrees with the planning agent's interpretation of what the site can currently be used for, citing in particular reference made to Use Class C2 (Residential Institutions) and Use Class D1 (Non-Residential Institutions) and recommending that the site be classed as 'Sui Generis', that is to not fit into any clear use class. It is considered appropriate to address this matter for the avoidance of any doubt.
- 6.4.5 Generally, it would be reasonable to expect any business that has operated for 30 years to need to evolve in order to facilitate and accommodate changing needs of customers, and to remain viable. From the evidence submitted by the planning agent, the current owner, letters of representation and officer internet research, the use of the site for the short-term boarding of groups of people appears on the balance of probability to have remained the constant. This would seem a reasonable conclusion given the scale and character of the building and that the current owners have historically also lived there. Uses that conflict with the domestic elements of The Old Vicarage would therefore not be in the interests of the full-time occupier.
- 6.4.6 A key change in the operation of the site from the records that the Council holds on file is that of the change of the name of the site to The Old Vicarage Activity Centre, listed as part of application ref: BR/APP/FUL/02/0132 for a single storey extension, some 18 years ago. The Old Vicarage Activity Centre is described as having 'residential courses for young people'. The most recent application submitted (not including that which is being considered now) was permitted in 2006 under planning ref: BR/APP/FUL/06/0591, some 14 years ago, where specific reference is given to 'teachers accompanying school parties'.
- 6.4.7 When taking these applications into account, it would suggest that the site has been used for a mixed range of short-term board uses, including, on the balance of probability, Residential Institution and/or Non-Residential Institution purposes.
- 6.4.8 When assessing the combination of information that has been submitted in letters of representation (for and against), statements made by the owner and planning agent, and its sporadic planning history, it would appear that The Old Vicarage has operated over a select range of Use Classes over a significant period of time in order to meet the demands of its customers.

Perhaps most critically, the Local Planning Authority has no record of enforcement in relation to the use of The Old Vicarage, which would suggest that it has been used for broadly similar purposes that did not give rise to significant levels of harm for the community.

6.4.9 Despite this, this application does not seek a legal determination on the existing uses of this site, which could be established through a Lawful Development Certificate. Rather, it seeks full planning consent to re-use The Old Vicarage as a children's care home and education facility, and planning assessment is being made on this basis. Any grant of permission would for the avoidance of any doubt set parameters in which the site could operate through planning condition and ensure that any breaches of this use can be clearly identified.

6.5 Letters of representation

6.5.1 Two public consultations have formally taken place during the course of the determination of this application.

6.5.2 A site notice was first positioned nearby to the entrance of the application site 16.12.2019, a press notice was placed in the Shropshire Star newspaper 10.12.2019 and neighbour letters were sent. 57 letters of objection, 10 letters of support and 2 letters neither supporting nor objecting to the development were received.

6.5.3 Following the receipt of floor plans and clarification on key points, a subsequent site notice was positioned in the same location 02.03.2020 and letters sent to neighbours and those who made initial representations outlining 14 days to make comments. 9 letters of objection (including a letter submitted on behalf of Stottesdon residents), 2 letters of support and one comment neither supporting nor objecting to the development has been received at the time of writing this Report.

6.5.4 The key points raised in both consultations are discussed in turn below.

6.5.5 Safety/security concerns for the community

Paragraph 91(b) of the NPPF encourages developments that are 'safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion'. Shropshire Council's Local Development Framework similarly supports development that promotes safe environments for communities, with Policy CS06 of the Core Strategy specifically encouraging all development to be designed to be 'adaptable, safe and accessible to all' and to contribute to the health and wellbeing of communities, 'including safeguarding residential and local amenity'. The Local Planning Authority acknowledges that fear of crime is a material planning consideration, however it has been established in case

law that this must be evidentially justified. It has been held by the courts that the fear of crime is only a material consideration where the use, by its very nature, would provide a reasonable basis for concern.

The proposed use would provide residential care for vulnerable children, described by the planning agent as being between the ages of 6 and 18. A maximum of 8 children would live on site at any time, with a further 6 children visiting during the day for schooling. Staffing is described by the planning agent as being tailored to age, need and circumstance, however typically 8-12 staff would be on site at any one time during the day with 3 staff on site overnight.

It should be made clear that information surrounding the background of the applicant and how they operate as an organisation are not something that a planning department would hold and would not in itself be a reason to withhold planning permission. Planning permission runs with the land, and not the individual. If permission was granted therefore, the care home provider who operated from The Old Vicarage at Stottesdon could change at any time and the planning department would not need to be notified, provided that they operated within the limitations of that which the site had planning consent for.

Crucially, there is no evidence that a mixed use children's care home and education facility, which would facilitate the needs of a maximum of 8 children full-time and 6 children part-time by its nature would lead to any increase in crime and disorder within Stottesdon, over and above any other young person living within or visiting from outside of the community. Rather, The Old Vicarage lies within the heart of the local community and provides a unique opportunity to integrate residents into village life and this would be supported by carers. The appropriateness of the site for those who are eligible, such as location and security, would be a matter that would be handled by Shropshire Council's Children's Services and Ofsted, and any other interested party formally involved with the care of children; and it is understood that this is an ongoing, continual process.

Any instances of crime or antisocial behaviour within the community should be reported to the relevant authorities.

6.5.6 Timing of the application

The Council does not have control over when third parties submit planning applications. Applications are dealt with under the same procedure regardless of when in the year they are submitted.

6.5.7 Public meetings held with the applicant/parish council

Any public meeting that has been held with residents in respect of this application has not organised by Shropshire Council. While it is

encouraged by the NPPF, there is no legal requirement for an applicant to engage with the local community prior to the submission or during the determination of an application of this type.

6.5.8 The consultation process

Two public consultations have formally taken place by Shropshire Council during the course of the determination of this application.

A site notice was first positioned nearby to the entrance of the application site 16.12.2019, a press notice was placed in the Shropshire Star newspaper 10.12.2019 and neighbour letters were sent outlining 21 days to make a comment. The Council has therefore met its statutory duty of public consultation in respect of development within a Conservation Area. 57 letters of objection, 10 letters of support and 2 letters neither supporting nor objecting to the development were received.

Following the receipt of floor plans and clarification on key points, a subsequent site notice was positioned in the same location 02.03.2020 and letters sent to neighbours and those who made initial representations outlining 14 days to make comments. 9 letters of objection (including a letter submitted on behalf of Stottesdon residents), 2 letters of support and one comment neither supporting nor objecting to the development has been received at the time of writing this Report.

In relation to comments received from land owners concerned that they were not consulted via letter, the Council does not keep records of land owners. While a statutory requirement in this case, site notices and press notices act as a means of being able to reach more individuals who may have an interest in the proposed development.

Photographic evidence of both site notices in situ have been saved to the planning file.

6.5.9 Location

The rural location of the application site is noted, however it is the choice of the applicant whether they wish to proceed in investing in the site for this purpose.

While comments relating to the rural nature of Stottesdon are acknowledged, Stottesdon has its own development boundary as part of the 'Stottesdon, Chorley and Bagginswood' Community Cluster, defined within Policy MD01 'Scale and Distribution of Development' of the SAMDev Plan, adopted 2015. Policy S6.2(v) 'Cleobury Mortimer' further encourages that 'Stottesdon, as the largest village, should be the primary location for new development'.

Stottesdon at present benefits from a small number of amenities such as a primary school, GP surgery and public house all within easy reach of the local community. While it is appreciated that this is not a comprehensive package of amenities that a more urban environment could provide, as a rural community such amenities are valued and contribute to the character of the settlement and a feeling of community spirit. Officers therefore perceive this proposal as being a stepping stone for residents, enabling them to gradually integrate into daily life and routines as part of a close-knit community that could otherwise be overwhelming in an urban environment.

6.5.10 Backgrounds of residents

Matters relating to the types of children who would be resident/day visitors to the site are likely to vary dependent upon the specialisms of staff, the appropriateness of the site to support those individuals in terms of location and security, the types of children who are in need of care at that time and the type of care that is offered by that operator. The Council's planning department would not be involved in the process of who would reside and/or be schooled on site and in any event such information about the backgrounds of vulnerable children would not be released to the public. The management of the site and its users would be a matter for the operator and monitored by regulatory bodies such as Ofsted.

6.5.11 Numbers of proposed residents/numbers of bedrooms do not match

The management of the site and its users would be a matter for the operator and monitored by regulatory bodies such as Ofsted. Such regulatory bodies work to different legislation than that which guides the determination of a planning application. In this case, the planning agent has provided figures of a maximum of 14 children on site at any time, broken down into 8 full-time residents and 6 attending for schooling during weekdays and in term-time. The application is therefore being considered on this basis, and in the event of an approval planning conditions would be applied to ensure that there are clear parameters from a planning perspective in which the site can operate. It would be the responsibility of the care provider to ensure that all relevant consents are obtained and that they operated in accordance with these consents.

6.5.12 Impact upon insurance premiums/house prices

No evidence has been submitted at this time which evidences beyond all reasonable doubt that this would be the case. However, and in any event, insurance premiums and house prices are not material planning considerations in this case.

6.5.13 Conflict of interest between the applicant and the vendor

Matters relating to the sale of a property are not material in the consideration of this case.

6.5.14 Impact on highways network

The NPPF at Paragraph 109 makes it clear that ‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’.

The Council acknowledged as early as 1984 that the site had mixed uses (at the time it was referred to as a dwellinghouse/hostel), and it is acknowledged by the Council now that, on the balance of probability, The Old Vicarage has fluctuated in a specific number of uses in order to meet customer demand. It is reasonable to assume therefore that the use of the site over the last thirty years, has contributed to the number of road traffic movements into and out of the settlement of Stottesdon over and above what would generally be expected for a domestic dwelling. Within their own submitted comments, the owner states that during its peak, ‘The Old Vicarage accommodated over 3000 people a year, operating with 25 staff and its own 53 seat coach and 3 minibuses’. No comments appear to have been received which otherwise contradict these figures.

Information provided by the planning agent has confirmed that a maximum of 14 children would be on-site at any time, broken down into 8 living on-site, and 6 attending for schooling. A maximum of 12 staff would also be on site, broken down into AM, PM and night shifts. The number of staff on site overnight would reduce to 3. Schooling would coincide with usual school hours during the weekdays, term times only.

In consulting Shropshire Council’s Highways team, no objection to the development is given and the following comments have been made: ‘The proposal will not materially affect the current use of the site in terms of highways and transportation and therefore raises no objection on highways grounds.’

The comments made from the Highways team are accepted. When taking into account the previous uses of the site that, on the balance of probability have occurred on the evidence available, it is considered that the proposed change of use would not give rise to ‘severe’ impacts on the road network, or have an unacceptable impact on road safety over and above the historic uses of the site. The development therefore accords with Paragraph 109.

Matters relating to the condition of the surrounding road network more generally would not fall within the remit of this application and would need to be dealt with separately, outside of the planning process.

6.5.15 No benefit/need for it to be within the Parish

It should be made clear that there is no legal requirement at this time for this type of development to make a contribution to infrastructure or amenities within the parish, or the county more generally. While it would be encouraged, it would be at the discretion of the applicant whether they wish to do this.

In respect of whether there is an identified need for the development, it is the choice of the applicant whether they wish to submit an application and, in this case, it would be expected that they would exercise due diligence before committing to applying for a change of use of the building for this purpose and making physical alterations to it.

The role of the Local Planning Authority is to appraise planning applications against the policies set out in the adopted Development Plan and the National Planning Policy Framework. Planning law requires applications to be determined in accordance with the Development Plan, *unless material considerations indicate otherwise*. The Local Planning Authority must therefore make a reasoned judgement on the suitability of the site for this purpose, taking into account planning policy *and* any other matter that may be material to the case when coming to a recommendation.

As part of the determination process, Shropshire Council's Affordable Housing team were formally consulted and Shropshire Council's Children's Services notified. In responding, Shropshire Council's Affordable Housing team raised no objection to the development, and Shropshire Council's Children's Services have advised that they do not get involved with proposals at the planning stages – rather they provide comments when approached by Ofsted when an application to formally register a site is made. It is pertinent to note that Ofsted registrations occur outside of the remit of planning applications and the planning department would have no involvement with this subsequent process.

When taking into consideration the 'no objection' comments from Shropshire Council's Affordable Housing team, and there being no comments to make by Shropshire Council's Children's Services team when approached, Officers consider that there are no sustainable grounds to recommend refusal of the application on the basis of Need.

6.5.16 Previous uses of the site

This comment is discussed within this Report.

6.5.17 Noise disturbance

Taking into consideration the previous uses of the site which, on the balance of probability, are likely to have occurred for the reasons set out within this Report, and that matters in relation to noise do not appear to

have been raised historically with the Council's Enforcement team when assessing the planning history of the site, Officers do not consider that the proposal would give rise to noise levels that would lead to significant harm to nearby residential occupiers. The Old Vicarage is positioned within generous grounds and with a maximum of 14 children on site during the day reducing to 8 children overnight, this is acceptable for what is a large building capable of accommodating a large family. It is critical to note that children's homes generally seek to provide domestic settings in which occupiers can feel safe and reassured by the familiarity that comes with having a permanent place to live, which is unlikely to conflict with the domestic uses of neighbouring occupiers.

Similarly, the use of the site in term time for the schooling of six additional children is not considered to be significantly different to when it was previous in use as an Activity Centre for school children. Further, given its proximity to Stottesdon C of E Primary School it would be unlikely that the use of this site for schooling purposes in the day time would lead to a level of activity or noise significantly over and above that which already exists within the community.

6.5.18 Parish comments are not representative of the community

This comment is noted. The views of the Parish Council are listed in full earlier in this Report.

6.5.19 Social Services budgets and spending

Matters relating to Shropshire Council's budget and spending on Social Services are not within the remit of what can be considered as material in the determination of this planning application.

6.5.20 Impact on Stottesdon Conservation Area

The impact of the development on the Stottesdon Conservation Area is discussed within this Report and Shropshire Council's Conservation team have been consulted for their specialist advice. Matters relating to any future development that may occur on site and any harm that could arise from this is speculation only at this point. Any development proposed to take place within a Conservation Area that requires the submission of a planning application would be considered on its own merits.

6.5.21 Willowdene Rehabilitation Centre is not comparable

This comment is noted. Each application is considered on its own merits.

6.5.22 Recommend frequent reviews and contingency plans if approved

This comment is noted. Matters relating to the types of children who would be resident/day visitors to the site are likely to vary dependent upon the specialisms of staff, the appropriateness of the site to support those individuals in terms of location and security, the types of children that are

in need of care at that time and the type of care that is offered by that operator. The Council's planning department would not be involved in the process of who would reside and/or be schooled on site and in any event such information about the backgrounds of vulnerable children would not be released to the public. The management of the site and its users would be a matter for the operator and monitored by regulatory bodies such as Ofsted.

6.5.23 Comments in support are from people who won't be affected

This comment is noted. Each application is considered on its own merits.

6.5.24 Background of the applicant

It should be made clear that information surrounding the background of the applicant and how they operate as an organisation are not something that a planning department would hold and would not in itself be a reason to withhold planning permission. Planning permission runs with the land, and not the individual. If permission was granted therefore, the care provider who operated from The Old Vicarage at Stottesdon could change at any time and the planning department would not need to be notified, provided that they operated within the limitations of that which the site had planning consent for.

The management of the site and its users would be a matter for the operator and monitored by regulatory bodies such as Ofsted. The relevant authorities would need to be informed if there were concerns regarding these issues.

6.5.25 Stottesdon Parish Plan does not identify site as a facility for challenging children

While it is noted that a Parish Plan has been published by Stottesdon Parish Council, it is not a document that forms part of the adopted Development Plan. The lack of comment in it on a proposal of this nature would not be a sustainable reason for refusing this application.

6.5.26 Change of use of the building may have implications for its sale

This comment is noted, however matters relating to the sale of the property is not a material planning consideration in this case.

6.5.27 Appeal ref: APP/L3245/A/10/2136810

Reference has been given to an appeal against Shropshire Council in relation to a refusal notice under planning ref: 10/02690/FUL for the change of use of a guest house (Use Class C1) to residential care home for children (Class C2) at Willowfield, All Stretton, Church Stretton. The appeal was dismissed 18 January 2011.

While each application is considered on its own merits, it is considered to be expedient in this case to draw attention to the similarities and differences in this application, which would lead to the Council coming to a different recommendation.

Critically, the officer report, and subsequent appeal notice, pre-dates current national and local development plan policy, this being Shropshire Council's Core Strategy (adopted March 2011), Shropshire Council's Site Allocations and Management of Development (SAMDev) Plan (adopted December 2015), and the National Planning Policy Framework (first adopted March 2012)

The adoption of the Core Strategy in 2011 introduced the concept of a select number of rural settlements becoming Community Hubs and Clusters (CS04). These were agreed in consultation with Parish Councils to act as a key focus for development in rural areas, for the benefit of the longevity of both settlements and their surrounding hinterlands. While comments relating to the rural nature of Stottesdon are therefore acknowledged, great weight should be attributed to Stottesdon having its own development boundary as part of the 'Stottesdon, Chorley and Bagginswood' Community Cluster, defined within Policy MD01 'Scale and Distribution of Development' of the SAMDev Plan. Policy S6.2(v) 'Cleobury Mortimer' further encourages that 'Stottesdon, as the largest village, should be the primary location for new development'. This is a key difference when comparing this application to the decision made in respect of planning ref: 10/02690/FUL, where the case officer in their report refers to HS11 of the Shrewsbury and Atcham Borough Local Plan (now replaced), commenting that the application falls at the first criteria, which requires residential care homes to be 'situated within the Shrewsbury urban area or within a settlement having a development boundary'.

In terms of the location of the site under planning ref: 10/02690/FUL, it is significantly more isolated in its position than The Old Vicarage, being in an area where development is considerably looser knit and where basic amenities could only safely and reasonably be reached by private car. In contrast, Stottesdon is tighter-knit and benefits from a small number of amenities such as a primary school, doctors surgery and public house. While it is appreciated that this is significantly less comprehensive than that which would likely be provided in an urban environment, it is 'more sustainable' than that which was proposed under 10/02690/FUL and would add to the broader offer of Stottesdon as the 'primary location for new development' which local planning policy supports.

In dismissing the appeal made against the decision to refuse planning ref: 10/02690/FUL, the Appeals Inspector agrees that the site lies within an isolated open countryside setting and that the development would lead to an increase in journeys made by the private car, reducing its sustainability. Officers acknowledge that there are similarities here in that there would be

a reliance upon the private car in the event of an approval in this case. However, it would be expected that this increase in car journeys would take place both as Stottesdon continues to fulfil its role as the primary settlement within the Stottesdon, Chorley and Bagginswood Community Cluster; and in order to re-use what is a singular large building that would reasonably attract people from outside of the community – as it has done on the balance of probability for a significant period of time - if it is not to be used as a private domestic residence. Accordingly it is considered that Appeal ref: APP/L3245/A/10/2136810 is not comparable and therefore does not assist in considering this application.

6.5.28 Has the Council undertaken a detailed impact assessment in relation to Section 17 of the Crime and Disorder Act 1998, which requires all relevant authorities including councils to consider the impact of all functions, such as planning decisions on crime and disorder, failure to give due regard to the impact of a decision on local crime and disorder will be open to judicial review

Section 17 of the Crime and Disorder Act 1998 reads as follows:

17.— Duty to consider crime and disorder implications.

(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent [—]1[

(a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and

(b) the misuse of drugs, alcohol and other substances in its area

(c) re-offending in its area.

2

*(2) This section applies to each of the following—
a local authority;*

Shropshire Council is obliged to have regard to the effects of a development upon crime and disorder when considering planning applications.

Paragraph 91(b) of the NPPF encourages developments that are 'safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion'. Shropshire Council's Local Development Framework similarly supports development that promotes safe environments for communities, with Policy CS06 of the Core Strategy specifically encouraging all development to be designed to be 'adaptable, safe and accessible to all' and to contribute to the health and wellbeing of communities, 'including safeguarding residential and local amenity'. The Local Planning Authority acknowledges that fear of crime is

a material planning consideration, however it has been established in case law that this must be evidentially justified as discussed earlier in this report.

In the consideration of this application, the Council has given due regard to the uses of the site that have occurred on the balance of probability over the past thirty years and weighed it in the balance of that which is proposed here, in combination with consultee comments, letters of representation and other considerations material to this case. The proposed use is described by the planning agent as being a residential care and education facility for vulnerable children, aged between 6 and 18. A maximum of 8 children would live on site at any time, with a further 6 children visiting during the weekdays term-time for schooling. Staffing is described by the planning agent as being tailored to age, need and circumstance, however typically 8-12 staff would be on site at any one time during the day with 3 staff on site overnight.

Crucially, there is no evidence that a mixed use children's home and schooling facility that would facilitate the needs of a maximum of 8 children full-time and 6 children part-time would lead to an increase in crime and disorder within Stottesdon, over and above any other young person living within or visiting from outside of the community. Rather, The Old Vicarage lies within the heart of the local community and provides a unique opportunity to integrate residents into village life with support from carers. It is acknowledged that Stottesdon is a close-knit community and the introduction of children unfamiliar with the area may lead to some initial concerns, however it is critical to note that children's homes generally seek to provide domestic settings in which occupiers can feel safe and reassured by the familiarity that comes with having a permanent place to live. The appropriateness of the site for those who are eligible, be that availability of specialist staff, rural location or security would be a matter that would be handled by Shropshire Council's Children's Services and Ofsted, and any other interested party formally involved with the care of children; and it is understood that this is a continual, frequent process. It would be unreasonable to suggest that vulnerable children would only be able to flourish as individuals if they were brought up in an urban environment.

Although there is no restriction on who can operate the site for this mixed-use care home and educational facility, each care provider would be required to register with Ofsted and would have to adhere to regulations separate to what can be considered as part of the planning process. Notwithstanding this, the inclusion of planning conditions in the event of an approval notice being issued would ensure that there are clear boundaries in which The Old Vicarage can operate and give the Local Planning Authority sufficient grounds to enforce should any planning breaches take place.

Any instances of crime or antisocial behaviour within the community should be reported to the relevant authorities.

It is considered that these matters have been adequately addressed in this report in accordance with the s17 duty referred to.

7.0 CONCLUSION

- 7.0.1 Based on the information submitted against the above considerations, the proposal is considered to be acceptable and accords with the principal determining criteria of the relevant development plan policies.
- 7.0.2 When weighing the development in the planning balance, the change of use of The Old Vicarage to a mixed use children's care home and schooling facility would re-use a recognised non-designated heritage asset that lies within the main core of Stottesdon's Conservation Area, securing its long-term use and maintenance; serve to facilitate care, education and support for vulnerable young persons, bringing employment opportunities and increase the level of choice for those eligible for a place; and make a valuable contribution to Stottesdon's role as the primary location for development as part of the Stottesdon, Chorley and Bagginswood Community Cluster as a designated recognised settlement with its own development boundary.
- 7.0.4 Approval is therefore recommended subject to conditions.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- ② As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ② The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its

planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:

CS1 - Strategic Approach
CS4 – Community Hubs and Clusters
CS6 - Sustainable Design and Development Principles
CS8 - Facilities, Services and Infrastructure Provision
CS11 - Type and Affordability of housing
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD1 - Scale and Distribution of Development
MD2 - Sustainable Design
MD12 - Natural Environment
MD13 - Historic Environment
S6 – Cleobury Mortimer Area

SPD on the Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

BR/84/0623 Additional use of a existing dwelling as bed and breakfast accommodation, alterations to form staff quarters to form a hostel comprising two dormitories sitting/dining room/kitchen and toilets and erection of a porch. GRANT 6th February 1985

BR/83/0608 The Stationing of a residential caravan REFUSE 5th January 1984

19/05255/FUL Change of use from a mixed residential, commercial, training and hostel use (Use Class C2, C3 and D1) to a mixed care home and education use (Use Class C2 / D1) and associated works PDE

BR/APP/FUL/06/0591 Erection of a two storey side extension GRANT 15th September 2006

BR/89/0850 SITING OF A RESIDENTIAL CARAVAN REF 3rd October 1989

Appeal

09/01130/UN USE OF LAND FOR RECREATIONAL ACTIVITIES INCLUDING CAMPING AND THE ERECTION OF STABLES ALLOW 25th November 1997

Appeal

09/01412/REF STATIONING OF A MOBILE HOME FOR A TEMPORARY PERIOD AND INSTALLATION OF SEPTIC TANK DISMIS 25th November 1997

11. Additional Information

View details online:

Contact: Tim Rogers (01743) 258773

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

Cabinet Member (Portfolio Holder)
Councillor Gwilym Butler

Local Member

Cllr Gwilym Butler
Cllr Madge Shingleton

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. Before the relevant parts of the work are commenced, details of proposed roofing materials shall be submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: To ensure satisfactory preservation of the Heritage Asset.

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

4. The premises shall be used as a residential children's home for up to eight children and education facility for up to a further six children (making a total of 14) and for no other purpose, including any other purpose in Use Class C2 and D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: In order to restrict the use of the premises in the interest of the amenities of the area.

Informatives

1. PARAGRAPH 38

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

2. RELEVANT PLANNING POLICIES

In determining this planning application the Local Planning Authority took into account the following policies: -

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

Shropshire Council Core Strategy:
CS01 - Strategic Approach
CS04 – Community Hubs and Clusters
CS06 - Sustainable Design and Development Principles
CS08 - Facilities, Services and Infrastructure Provision
CS11 - Type and Affordability of Housing
CS17 - Environmental Networks
CS18 - Sustainable Water Management

Shropshire Council Site Allocations and Management of Development (SAMDev) Plan:

MD01 - Scale and Distribution of Development
MD02 - Sustainable Design
MD12 - Natural Environment
MD13 - Historic Environment
S6 – Cleobury Mortimer Area

Type and Affordability of Housing Supplementary Planning Document (SPD)

3. DRAINAGE INFORMATIVES

A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the councils website at: <https://www.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-fordevelopers.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.

-

SCHEDULE OF APPEALS AS AT COMMITTEE 2 June 2020

LPA reference	16/02395/FUL
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Mr & Mrs D Jones & Mr P Jones
Proposal	Erection of 5 No bungalows and associated infrastructure
Location	Land Off Manor Lane Longden Shrewsbury Shropshire
Date of appeal	17/01/2020
Appeal method	Written representations
Date site visit	10/03/2020
Date of appeal decision	24/04/2020
Costs awarded	
Appeal decision	Dismissed

LPA reference	19/01489/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Sharon Oakley
Proposal	Erection of 3No self build detached dwellings and installation of package treatment plant
Location	Proposed Residential Development Land NE Of Corner Cottages Oreton Cleobury Mortimer Shropshire
Date of appeal	28/04/2020
Appeal method	Written representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	19/01487/FUL
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Mr David Skitt
Proposal	Application under Section 73A of the Town and Country Planning Act 1990 for the erection of toilet block, shower block and change of use to glamping and touring caravan site
Location	Royal Oak Alveley Bridgnorth Shropshire WV15 6LL
Date of appeal	27.01.2020
Appeal method	Written Representations
Date site visit	
Date of appeal decision	30.04.2020
Costs awarded	
Appeal decision	Dismissed

LPA reference	16/03406/OUT
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Hereford Diocesan Board Of Finance
Proposal	Outline application for the erection of up to 12 dwellings to include access (amended description).
Location	Land West Of The Rectory Plealey Lane Longden Shrewsbury Shropshire
Date of appeal	20.11.2019
Appeal method	Written Representations
Date site visit	13.02.20
Date of appeal decision	30.03.20
Costs awarded	
Appeal decision	Dismissed



Appeal Decision

Site visit made on 10 March 2020

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 April 2020

Appeal Ref: APP/L3245/W/19/3243548

Land off Manor Lane, Longden, Shrewsbury SY5 8EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs D Jones against the decision of Shropshire Council.
 - The application Ref 16/02395/FUL, dated 27 May 2016, was refused by notice dated 19 August 2019.
 - The development proposed is erection of 5 No bungalows and associated infrastructure (amended description).
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The original description of development was for seven dwellings. During the lifespan of the application, this was modified to five dwellings and the description of development amended accordingly with the approval of both parties.

Main Issue

3. The main issue is whether the development provides a suitable site for housing with regard to planning policies in relation to the distribution of development.

Reasons

4. Longden is a relatively small village with facilities including a pub, shop and primary school. The appeal site is located off Manor Lane and is part of a larger field. Construction access would be taken from Plealey Lane across an agricultural field although access to properties would be taken from Manor Lane upon completion.
5. Longden is allocated as a Community Cluster Settlement (CCS) in Policy MD1 of the Shropshire Site Allocations and Management of Development Plan (2015) (the SAMDev). Limited residential development is allowed in the CCS via policy CS4 of the Shropshire Core Strategy (2011) (the CS)
6. Policy S16.2(xi) elaborates and states that Longden and other settlements for the CCS and development by infill, building conversion and groups of dwellings may be acceptable on appropriate sites within the CCS.
7. The proposal would extend the built footprint of the village into the agricultural field, into the open countryside. The proposal would not constitute infilling as per Policy S16.2(xi).

8. Policy S16.2(xi) sets a guideline figure through to 2026, of which the greater proportion should be in Longden village. Based on current completions and permissions, the guideline figure would be breached, and the Longden specific target would be met if this proposal were to go forward.
9. SAMDev policy MD3 gives the criteria for schemes that would breach the settlement limit, but that level is not a limit ceiling and Longdon should be the focus of growth in this area as the largest of the settlements.
10. I have also noted paragraph 3.21 of the SAMDev which states that breaching the guideline figure could result in unsustainable development that stretches existing infrastructure and tests the goodwill of the communities involved, which is shown by the level of objection to the proposal.
11. The guideline figure must be considered in the wider context to include the overall development strategy for the borough. The plan allows for a 'rural rebalance' to allow residential development in the rural areas, but this guideline figure has been exceeded above the level expected.
12. There is no doubt that some of the impacts of the proposal could be mitigated by appropriate use of conditions, but ultimately the proposal is an encroachment into open countryside, which Policy CS5 of the CS seeks to protect. In addition, Paragraph 170 of the National Planning Policy Framework (the Framework) states that decisions should recognise the intrinsic character and beauty of the countryside, and I find that the proposal, on the edge of this agricultural field would reduce the character and beauty of the countryside.
13. I have noted the comments of the appellant in relation to the five year housing supply, but the Council can demonstrate this, and the proposal is not consistent with the development plan, and therefore the presumption in favour of sustainable development, as outlined in Paragraph 11 of the Framework, does not apply. The overall benefits of the scheme do not outweigh the harm that I have identified.
14. Therefore, I find that that the appeal proposal would not provide a suitable location for housing having regard to local and national planning policy in respect of the distribution of development and the appropriate protection of the countryside. The proposal is in clear conflict with SAMDev Policies MD3 and S16.2(xi) regarding the scale and distribution of housing development in the area. There is further conflict with CS Policies CS4 and CS6 and Policy MD2 of the SAMDev which sets out, amongst other matters, additional detail on the scale and type of development which will be permitted in Community Clusters. In addition, there is further conflict with Paragraph 170 of the Framework which requires that development proposals recognise the intrinsic character and beauty of the countryside.

Conclusion

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

Paul Cooper

INSPECTOR



Appeal Decision

Site visit made on 23 March 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 April 2020

Appeal Ref: APP/L3245/W/19/3242915

**The Royal Oak, Kidderminster Road, Alveley, Bridgnorth, Shropshire
WV15 6LL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Skitt against the decision of Shropshire Council.
 - The application Ref 19/01487/FUL, dated 19 March 2019, was refused by notice dated 30 July 2019.
 - The application sought planning permission for "retrospective application relating to erection of toilet block, shower block and change of use to glamping and touring caravan site".
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The ablution buildings are in situ but on my visit the site was not in active use. The appellant has reported that the pods were recently removed from the site. However, the proposal is presented as development already undertaken notwithstanding the recent removal of some demountable elements. As such, I shall take this into account in my decision.

Main Issues

3. The main issues are:
 - whether the proposal would affect openness and therefore be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - the effect of the proposed development on the character and appearance of the area; and
 - if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances to justify it.

Reasons

Inappropriate development

4. The appeal site is within the Green Belt. The Development Plan for the district includes the Shropshire Council Adopted Core Strategy (CS) (2011) and the Shropshire Council Site Allocations and Management Development Plan (SAMDev) (2015). Policy CS5 of the CS, states that new development will be strictly controlled in the Green Belt subject to national planning policies. This also states that subject to national Green Belt policies, development which would maintain countryside vitality and character of the area would be permitted where it would improve the sustainability of rural communities. This is especially where such improvement relates to benefits including where it would provide sustainable rural tourism and leisure which require a countryside location.
5. The National Planning Policy Framework (The Framework) explains that the Government attaches great importance to the Green Belt. Inappropriate development is harmful to the openness of the Green Belt and should only be approved if very special circumstances exist. Paragraph 145 establishes that a new building would be inappropriate unless it meets a listed exception. Furthermore, the Framework explains that substantial weight is to be afforded to any harm to the Green Belt. Paragraph 145(b) of the Framework states that facilities for outdoor recreation would not be inappropriate provided that they would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. Furthermore, paragraph 146 states that other forms of development, such as a material change of use and engineering operations, are also not inappropriate. This is also on the provision that they would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.
6. Paragraph 133 of the Framework identifies that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. The openness of the Green Belt has both spatial and visual dimensions. Although some distance from the highway, the proposed buildings and the associated activity of the use would be clearly visible from surrounding land. The site is partly located to the rear of the existing building. However, the appeal site is open and exposed to longer views especially to the rear and south where boundary landscaping only provides a partial screen. It is also clearly visible from the public highway over the car park of the public house.
7. Therefore, although the pods would be demountable, low density and modest in scale, they would occupy a formerly open field. Notwithstanding the proximity of the existing static caravan, the proposed development would populate the open and exposed site with new development. This would visually occupy the space between the rear of the public house and its rear boundary to the detriment of the openness of the field. The visual impact of both the ablution block, pods and associated attendant equipment and activity would fundamentally alter the perception of its openness.

8. The site is set away from the public highway and partially behind the main building, with some field boundary screening. The screening is not complete, providing gaps and views through. It is therefore not a heavily planted screen. Accordingly, although the proposed use would attract vehicles and camping equipment that may be temporary in nature, the combined effect of the buildings and use would have a greater impact on openness than the existing site. However, it would be relatively low-key and partially screened by landscaping and the existing public house. These factors would result in the proposal being of moderate visual harm to the openness of the Green Belt.
9. Paragraph 134 establishes five purposes of including land within the Green Belt. Of those, the Council maintains that the proposal would result in encroachment of development into the countryside. The proposal would extend development towards the rear of the site and occupy land that was largely previously open and undeveloped. The proposal would increase the quantum of development on site and would spread away from the existing main building. Accordingly, the proposal would have a spatial impact on the Green Belt. As a consequence, the proposal would also breach a key purpose of Green Belt policy by encroaching into the rear of the site.
10. As such, the proposal would have a moderately adverse effect on the openness of the Green Belt and would result in encroachment. Consequently, as the proposal would not preserve the openness of the site it would be inappropriate development.

Character and appearance

11. The appeal site is to the rear of a public house, on the edge of the village of Alveley. The site consists of two parcels of land. Purely for convenience I shall refer to the site to the rear of the building as parcel A and the site to the south as parcel B. Parcel A includes a loose gravel access track and a toilet and shower block. The site also includes a static caravan that is used as staff accommodation associated with the public house. A neighbouring dwelling is to the side of parcel A. The shared boundary consists of a fir tree hedge and fence. The boundary between parcel A and B consist of a wooden post and rail fence. Parcel B is a field that is set back slightly from the highway. Parcels A and B largely have field boundaries which are mostly a combination of trees and hedging. Despite the presence of field boundaries, the appeal site is relatively exposed to wider views of the open countryside. Consequently, both Parcels A and B, in their undeveloped form, make a positive contribution to the character and appearance of the surrounding open countryside.
12. The proposal would provide a shower and toilet block and pitches for 7 camping pods on parcel A. The pods would be timber clad and of various styles and shapes. Parcel B is proposed to be used by up to 5 touring caravans. This second parcel connects to the highway via a gateway that links through parcel A to the car park of the public house. The field boundaries provide only partial screening to the site and views of distant fields are therefore visible. This is especially observed to the rear, south and the highway. Consequently, the proposal would not be readily assimilated into the landscape as it would be highly visible. The proposal would consist of buildings, vehicles and activity that would not be discrete or subdued. The ablutions block is clearly visible from the highway. Furthermore, these structures are not visually associated with the main public house as they are set some distance behind it. The proposed use

would result in the appearance of a disparate group of pods, buildings and vans that would not conform with the appearance of the local area. These would therefore appear as disorganised and eclectic features in the landscape. The appearance of built form in combination with the proposed use would therefore erode the rural character of the site. Consequently, the proposal would be substantially harmful to the character and appearance of the area.

13. Accordingly, the proposal would be contrary to policies CS16 and CS17 of the CS. These seek amongst other things for the delivery of high-quality sustainable tourism which would be appropriate in scale and character to its surroundings and for development to protect Shropshire's environmental assets. Furthermore, the proposal would fail to comply with policies MD2, MD11 and MD12 of the SAMDev, which include to require development to respect local character, permit tourism where it would complement the local character and avoid harm to visual amenity. The proposal would also fail to comply with the Framework which seeks rural tourism to respect the local character of the countryside and to recognise its intrinsic character and beauty.

Other Considerations

14. The appellant asserts that very special circumstances exist. He explains that the public house suffers financial difficulties and requires the camping business to support it or it will be likely to close. Furthermore, the appellant also explains that when the camping business was active its customers supported a number of local businesses. This included supporting the two local village pubs, a working men's club and the nearby Mill hotel providing overspill overnight accommodation.
15. The appellant's financial summary¹ indicates an important financial relationship between the public house and the campsite. This illustrates that the profits gained from the campsite off-set the losses created by the public house and this returns a net profit. The Royal Oak employs 14 staff and provides for the catering needs of the nearby social club. Therefore, the introduction of a further funding stream has clear benefits to the ongoing viability of the premises and to the wider community. However, it is not established whether other funding avenues have been explored; whether the scale of development is essential to derive a certain minimum return and therefore whether this is the only option to create a viable business. Also, it has not been explained why the business overheads are substantially different to the other public houses in the village that appear to be trading without the benefit of such a funding stream. Furthermore, no clear legal mechanism has been advanced that would prevent the camp site becoming severed in the future. Accordingly, the financial benefits of the proposal outlined above are only of moderate weight in favour of the proposal.
16. Support has been given by operators of local services suggesting that the proposal would increase visitors to the village and improve their businesses' viability. Support was also given from the local community and users of the proposed camp site citing benefits to the local economy. However, this support appears to be largely anecdotal in suggesting that the camp site has had a positive financial impact on local businesses. Notwithstanding the support, it is not compelling that the proposal would result in substantial or sustained off-site benefits to the wider community. It is also unconvincing that guests of the

¹ The Royal Oak, Management figures, profit/loss for 2017 and 2018

camp site would necessarily venture beyond the services provided by the Royal Oak for further goods or services. It is therefore unpersuasive that the proposal is of a sufficient scale to make a significant or determinative contribution to the economic wellbeing of the wider community. Therefore, this benefit only attributes limited weight in favour of the proposal.

17. Furthermore, the Council's CS conveys support for new tourism opportunities and recognises that visitor accommodation in rural areas can have economic and social benefits. Also, the Council's SamDev seeks to encourage tourism, leisure and recreation development whilst balancing this against potential negative impacts of tourism development on the site and the wider area. However, the economic and social benefits of the proposal defined by the appellant have been found to be of limited to moderate weight in favour of the proposal.
18. Paragraphs 143 and 144 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
19. I have concluded that the appeal scheme would result in moderate harm to the openness of the Green Belt and would represent encroachment. I have thereby concluded that the appeal scheme would be inappropriate development and, by definition, harm the Green Belt. Paragraph 144 of the Framework requires substantial weight to be given to any harm to the Green Belt. I have also concluded that the proposed development would harm the character and appearance of the area, a point of significant further weight.
20. On the other hand, the other considerations I have identified either in isolation or in combination, are of limited to moderate weight in favour of the proposal. As such, the harm to the Green Belt is not clearly outweighed by the other considerations identified and therefore the very special circumstances necessary to justify the development do not exist. Accordingly, the proposal fails to adhere to the local and national Green Belt policies I have already outlined.
21. Consequently, the proposed dwelling would be contrary to policy CS5 of the CS, which seeks to strictly control development in the Green Belt. Furthermore, the proposal would be contrary to policy MD6 of the SAMDev which amongst other things seeks development in the Green Belt to not conflict with its purposes. These policies are also consistent with the objectives of Green Belt policy as defined by the Framework.

Other matters

22. It is unlikely that screening could be planted to adequately or fully screen the site without substantial detriment to the open character of the site. Consequently, the visual harm cannot be mitigated through the imposition of a landscape condition. Also, the appellant has offered a condition to prevent the creation of permanent residential use and thereby retain the transient nature of the proposal. However, such a condition would not address the harm I have identified in regard to the main issue.

23. The parish council supported the application on the basis that strict conditions could be imposed. Although I have not found very special circumstances exist, I also recognise that conditions required by the parish council in relation to movement and noise restrictions would be unlikely to be reasonable and pass the tests of paragraph 55 of the Framework.
24. A recent approval² was given by the Council for the erection of dwellings to the north of the appeal site. This may result in an increase in the quantum of development to the east of the highway in the local area. However, the impact on views of the appeal site and of the proposal would be unlikely to be affected by that development.

Conclusion

25. For the above reasons the appeal is dismissed.

Ben Plenty

INSPECTOR

² Planning Application Reference: 18/01358/FUL



Appeal Decision

Site visit made on 13 February 2020

by **R Morgan MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 March 2020

Appeal Ref: APP/L3245/W/19/3241550

Land west of The Rectory, Plealey Lane, Longden, Shropshire SY5 8ET

- 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 Stephen Challenger of the Hereford Diocesan Board of Finance against the decision of Shropshire Council.
 - The application Ref 16/03406/OUT, dated 29 July 2016, was refused by notice dated 16 August 2019.
 - The development proposed is the erection of up to 12 dwellings to include access.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application is submitted in outline. Matters relating to access form part of the application, with matters relating to layout, scale, appearance and landscaping being reserved for future approval. Other than the access, I have treated the details shown on the proposed site plans as being indicative.
3. I have used the description of development from the Council's decision notice and the appellant's appeal form, rather than that on the application form. This change reflects the amended plans which reduced the number of dwellings proposed from 'up to 14' to 'up to 12'.

Main Issue

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

Reasons

5. Longden is a fairly small village with a limited number of facilities which include a pub, shop, village hall, recreation facilities and a primary school. The appeal site is located on the edge of the village, on land which forms part of the curtilage of The Rectory and also encompasses the adjoining small field. The site fronts onto Plealey Lane, which is predominately residential from the junction with Longden Road as far as The Rectory, then becomes rural in character with agricultural land on either side.
6. Longden 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). SAMDev Policy S16.2(xi) provides further detail and says that Longden, along with a number of other settlements, form a Community Cluster within Longden Parish. The Policy says that development by infilling, conversions of buildings and groups of dwellings may be acceptable on suitable sites within the villages.
7. The proposed development would extend the built form of the village along Plealey Lane beyond its current extent, into the countryside. The proposal does not constitute infilling and the inclusion of the field beyond The Rectory within the site boundary means that the site is not within the village either.
 8. Policy S16.2(xi) establishes a guideline figure of approximately 10-50 additional dwellings within the parish over the period to 2026, of which 25-30 are to be in Longden village with the remainder spread evenly throughout the other Cluster settlements. Taking into account the existing completions and permissions¹, the proposal would result in a total of 73 additional dwellings in the parish as a whole, of which 35 would be in Longden.
 9. SAMDev Policy MD3 sets out criteria for the consideration of schemes which would result in the settlement guideline figure being exceeded. This includes i) the increase in the number of dwellings relative to the guideline; ii) the likelihood of delivery of the outstanding permissions; iii) the benefits arising from the development; iv) the impacts of the development, including the cumulative impacts of a number of developments in a settlement; and v) the presumption in favour of sustainable development.
 10. The element of the Community Cluster guideline figure which applies specifically to Longden has not yet been reached but would be exceeded if the appeal were to be allowed, albeit by a relatively modest amount. It is clear from the policy that the housing figures are a guideline and not a ceiling, and that Longden, being the largest village with the most services in the Cluster, should be the main focus for growth in the area.
 11. However, I also note the contents of paragraph 3.21 of the SAMDev which explains that the guideline reflects detailed consideration by the local planning authority and the community on what level of development is sustainable and appropriate during the plan period, and that going beyond the figure by too great a degree could result in unsustainable development that stretches infrastructure and community goodwill towards breaking point. In this regard I am mindful of the objections to the scheme submitted by the Parish Council and other residents.
 12. I have no specific evidence before me to suggest that any of the committed sites will not come forward for development in the village, and even if a 10% non-implementation rate is applied to the current 9 commitments, the proposal would result in the guideline figure for the village being exceeded.
 13. The guideline figure for Longden needs to be considered in the wider context of the parish and the development strategy for the borough as a whole. The development plan allows for residential development in rural areas as part of a planned 'rural rebalance', but for the Community Cluster as a whole, this guideline has already been exceeded through completions and permissions. If allowed, the appeal proposal would result in the figure being exceeded

¹ as of 31 March 2018

significantly above the anticipated level of development for this rural area. Such over-provision could undermine other elements of the development strategy for the area such as to direct development to areas with greatest access to facilities whilst protecting the countryside.

14. The appellant points out that Longden does not display any evidence of being overwhelmed by development or its character undermined, with modest growth and small infill schemes. However, this shows that the policy approach for the village has been effective and that growth is being assimilated without causing harm. The lack of harm to date does not justify allowing this scheme, which would be sizeable in terms of the scale of the village and would exceed the level of anticipated development for the area.
15. I accept that some of the impacts of the scheme could be addressed through conditions and at the reserved matters stage. However, the scheme would represent an encroachment into the open countryside, which CS Policy CS5 seeks to protect, and this could not be mitigated. Furthermore Paragraph 170 of the National Planning Policy Framework (the 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.
16. A signed Section 106 agreement has been submitted as part of the appeal. This makes provision for affordable housing in accordance with a scheme to be agreed at the reserved matters stage. The provision of 2 affordable units is a benefit of the scheme, but this does not outweigh the harm I have identified.
17. The appellant has referred to other economic and social benefits arising from construction and occupation of the scheme and support for local services. However, given my findings in respect of the amount of development for the settlement, I attach little weight to these benefits. Environmental factors are also highlighted by the appellant, but a high quality of design, landscaping and biodiversity measures would be a requirement of any new development.
18. I note the appellant's comments about past housing delivery rates in the borough, but there is no suggestion that the Council does not have a demonstrable five-year supply of housing sites. I have found that the proposal does not accord with the up to date development plan. The presumption in favour of sustainable development, as set out in paragraph 11 of the Framework, therefore does not apply in this case.
19. 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. The proposal conflicts with CS Policy CS1 and SAMDev Policies MD1, MD3 and S16.2(xi) regarding the scale and distribution of housing development in the area. There is further conflict with CS Policy CS4 which sets out additional detail on the scale and type of development which will be permitted in Community Clusters, and Policy CS5 which restricts development in the countryside. There is further conflict with section 15 of the Framework which requires that development proposals recognise the intrinsic character and beauty of the countryside.
20. The Council has also referred to CS Policy CS3 in its decision notice but this relates to market towns and other key centres and is not applicable to this proposal.

Conclusion

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

R. Morgan

INSPECTOR