

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

Date: Monday, 14 September 2020

Committee:
Southern Planning Committee

Date: Tuesday, 22 September 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: <https://www.shropshire.gov.uk/SouthernPlanningCommittee22September2020/>

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The Council's procedure for holding Virtual Planning Committees can be found by clicking on this link: <https://www.shropshire.gov.uk/planning/applications/planning-committees/>

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 - 6)

To confirm the minutes of the Southern Planning Committee meeting held on 28 July 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 18 September 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 Oaklands Leisure Campsite and Fishery Harton Shropshire SY6 7DL (19/02197/FUL) (Pages 7 - 24)

Application under Section 73A of the Town and Country Planning Act 1990 for the change of use of pastureland/woodland to camping for up to 50 tent pitches 8 glamping units and retrospective permission for shower and toilet block

6 Land At Rocks Green Ludlow Shropshire SY8 2DS (20/00840/REM) (Pages 25 - 56)

Approval of reserved matters (appearance, landscaping, layout, scale) pursuant of 14/05573/OUT (access approved) for the erection of foodstore (Use Class A1) and petrol filling station; all ancillary works

7 Hare Hill Farm Edgton Craven Arms Shropshire SY7 8HN (20/01796/FUL) (Pages 57 - 72)

Temporary siting of static caravan for use as rural occupational dwelling and installation of septic tank (re-submission)

8 Coates Farm Ratlinghope Shrewsbury Shropshire SY5 0SS (20/01966/FUL) (20/01966/FUL) (Pages 73 - 86)

Change of use of agricultural land to allow siting of three glamping pods; installation of septic tank and creation of parking area

9 Proposed Dwelling At Site Of 3 Pentirvin Minsterley Shropshire (20/01997/FUL) (Pages 87 - 100)

Erection of a single storey, traditionally styled carbon neutral dwelling; together with siting of a treatment plant

10 **2 Rectory Court Church Road Clungunford SY7 0PN (20/02691/FUL)** (Pages 101 - 108)

Erection of potting shed

11 **Schedule of Appeals and Appeal Decisions** (Pages 109 - 124)

12 **Date of the Next Meeting**

To note that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday 20 October 2020



Committee and Date

Southern Planning Committee

25 August 2020

SOUTHERN PLANNING COMMITTEE

Minutes of the meeting held on 28 July 2020

2.00 - 5.50 pm

Meeting held virtually via Microsoft Teams

Responsible Officer: Tim Ward

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

Present

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

119 Apologies for Absence

There were no apologies for absence

120 Minutes

RESOLVED:

That the Minutes of the meeting of the Southern Planning Committee held on 30 June 2020 be approved as a correct record and signed by the Chairman.

121 Public Question Time

There were no public questions of statements received

122 Disclosable Pecuniary Interests

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

With reference to planning application 20/01847/FUL, Councillor Cecilia Motley declared that she was a member of The Shropshire Hills AONB Partnership and The Shropshire Hills AONB Strategy and Performance Committee. She confirmed that she had taken no part in any discussion relating to this application.

With reference to planning application 19/00826/FUL, Councillor Cecilia Motley declared that the applicant was known to her and that she would withdraw from the meeting and take no part in the debate and would not vote on the item.

With reference to planning application 20/01847/FUL, Councillor David Turner declared that he was a member of The Shropshire Hills AONB Partnership and The Shropshire Hills AONB Strategy and Performance Committee. He confirmed that he had taken no part in any discussion relating to this application.

With reference to planning application 19/03637/VAR Councillor Madge Shingleton declared a perceived bias due to her relationship with the applicant. She confirmed that she would take no part in the debate and would not vote on the item.

123 Norton Farm Pit, Condover, Shrewsbury, Shropshire, SY5 7AR (19/01261/MAW)

The Principal Planner introduced the application which was an application for a southern extension to the existing sand and gravel quarry, retention of all existing operational facilities and site access and revised restoration of the existing site, and with reference to the drawings and photographs displayed, he drew Members' attention to the location, layout and elevations.

The Principal Planner drew Members attention to the information contained in the list of late representations.

A Member commented that local quarries would play an important part in the development of local infrastructure.

RESOLVED:

That in accordance with the Officers recommendation permission be granted and that authority be delegated to planning officers to make any amendments to the conditions and legal obligations set out in Appendix 1 to the report.

124 Withypool Farm, Cleobury Mortimer, Kidderminster, Shropshire DY14 0DB (19/03637/VAR)

In accordance with the declaration made at minute 122 and the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Madge Shingleton, local Ward Councillor, took no part in the debate and did not vote on this item.

The Principal Planner introduced the application which was an application for a Variation of condition no.8a (max. tonnage of materials imported) pursuant of 15/02626/MAW to allow for an increase in tonnage per annum, and with reference to the drawings and photographs displayed, he drew Members' attention to the location, layout and elevations.

The Principal Planner drew Members attention to the information contained in the list of late representations and to two representations that had been circulated to Members by email.

The Principal Planner advised Members that reference to a legal agreement had been included in the recommendation in error and that the recommendation should be amended to remove this.

In accordance with virtual meeting speaking protocol the following Public Speaker statements were read out:

- Mrs Dorothy McBride, local resident in objection to the proposal
- Cllr John Greaves on behalf of Cleobury Mortimer Town Council in objection to the proposal
- Dr Anthony Yates on behalf of the Applicants

During the ensuing debate Members comments included: -

- They understood the objections around odour but felt that the matter was sufficiently regulated by the Environment Agency licence and by Shropshire Council regulatory services.
- Concern regarding the fact that the slurry buffer tank and the digestate tank were not covered and asked that a condition be imposed to ensure that the tanks were covered to help minimise odour
- Concern regarding noise emitted from the site and asked that adequate noise mitigation measures be put in place.

RESOLVED:

That in accordance with the Officers recommendation permission be granted and authority be delegated to planning officers to make any amendments to the conditions contained in appendix 1 to the report as deemed necessary to include: -

- The roofing of the slurry buffer tank and the digestate tank
- Adequate noise mitigation measures

125 Land Adjacent Linney House, The Linney, Ludlow (19/00826/FUL)

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Andy Boddington, local Ward Councillor, having submitted a statement, took no part in the debate and did not vote on this item.

In accordance with the declaration made at minute 122 Councillor Cecilia Motley took no part in the debate and did not vote on this item.

The Consultant Planner introduced the application for the erection of 8 No Dwellings with Car Shelters, Reprofiling of Ground; Restoration of Stone Boundary Wall and Creation of 2 No Vehicular Access Points and with reference to the drawings and photographs displayed, he drew Members' attention to the location, layout and elevations.

The Consultant Planner advised Members that the application was subject of an appeal to the Planning Inspectorate on grounds of non-determination and had been brought to Committee in order that Members could give an indication on how they would have dealt with the application which would guide the Councils response to the appeal.

The Consultant Planner reminded Members that there was an existing planning permission for 3 houses and that work had commenced to enable this application. He advised Members that a further application for 4 houses had been submitted and would be brought before Committee shortly.

The Consultant Planner drew Members attention to the information contained in the list of late representations and to the updated ecological report which had been circulated to Members by email.

In accordance with virtual meeting speaking protocol the following Public Speaker statements were read out:

- Richard Hurlock, Chairman on behalf of Ludlow Civic Society Committee in support of the application
- Councillor Andy Boddington – Local Member in objection to the application
- Mark Turner on behalf of the Applicants in support of the application

During the ensuing debate Members comments included: -

- Members generally felt that the application was an improvement on that already granted and welcomed the planned renovation of the boundary wall.
- Members expressed concern that a large number of trees would be affected by the proposal.
- A Member suggested that the application should be deferred to enable a site visit as suggested by the applicant. Members were advised that due to timescales imposed by the Planning Inspectorate this would not be advisable.

RESOLVED:

That in accordance with the Officers recommendation the Committee indicate to the Secretary of State that it would have been minded to refuse the application for the reasons set out in the report

126 Proposed Holiday Let At Netley Old Hall Farm Dorrington Shrewsbury Shropshire (20/00802/FUL)

The Principal Planner introduced the application for the erection of 1 No. holiday let lodge and with reference to the drawings and photographs displayed, he drew Members' attention to the location, layout and elevations.

In accordance with virtual meeting speaking protocol the following Public Speaker statements were read out:

- Councillor Dan Morris, the local Ward Councillor, in support of the proposal. (In accordance with the public speaking protocol, Cllr Morris read out his own statement)
- Kelly Homden on behalf of the Applicants in support of the proposal

During the ensuing debate Members comments included: -

- Council must be seen to support rural businesses
- The proposed holiday let lodge would be a useful addition to the existing business.

RESOLVED:

That, contrary to the Officer's recommendation, planning permission be granted, with planning officers having delegated authority to attach appropriate planning conditions for the following reason: -

The proposal would provide for sustainable tourism and would provide economic benefits to an established rural enterprise, adding to existing pool side holiday lodge by allowing larger groups to be accommodated in response to demand.

127 Crimond 85 Ludlow Road Church Stretton SY6 6RA (20/01847/FUL)

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15), the Chairman Councillor David Evans, local Ward Councillor, took no part in the debate and did not vote on this item.

The Vice Chairman Councillor David Turner took the Chair for this item.

The Principal Planner introduced the application for the erection of replacement dwelling and alterations, including erection of detached annex and construction of garden bridge. and with reference to the drawings and photographs displayed, he drew Members' attention to the location, layout and elevations.

The Principal Planner drew Members attention to the information contained in the list of late representations

During the ensuing debate Members comments included: -

- Some Members considered the modern design does not fit in with the design of the surrounding buildings although other Members expressed an opposing view that the design would be appropriate for this location
- Large building on a relatively small plot.
- Effect of the new development has no greater impact on neighbouring woodland than existing building.

RESOLVED:

That in accordance with the Officers recommendation permission be granted subject to the conditions set out in Appendix 1 to the report.

128 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 28 July 2020 be noted.

129 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 25 August 2020

Signed (Chairman)

Date:



<u>Committee and date</u>
Southern Planning Committee
22 September 2020

Development Management Report

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

Summary of Application

<u>Application Number:</u> 19/02197/FUL	<u>Parish:</u>	Eaton Under Heywood
<u>Proposal:</u> Application under Section 73A of the Town and Country Planning Act 1990 for the change of use of pastureland/woodland to camping for up to 50 tent pitches 8 glamping units and retrospective permission for shower and toilet block		
<u>Site Address:</u> Oaklands Leisure Campsite and Fishery Harton Shropshire SY6 7DL		
<u>Applicant:</u> Mr Richard Corfield		
<u>Case Officer:</u> Andrew Sierakowski	<u>email</u> : planning.southern@shropshire.gov.uk	

Grid Ref: 348544 – 289470

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**Recommendation:- Permit, subject to the conditions set out in Appendix 1.
 REPORT**

1.0 THE PROPOSAL

- 1.1 This is a retrospective application under s.73A of the Town and Country Planning Act 1990 for the change of use of pastureland/woodland to camping for up to 50 tent pitches, 8 glamping units and retrospective permission for a shower and toilet block, at Oaklands Leisure Campsite and Fishery, Harton.
- 1.2 The application states that it is for a change of use of an area of land which is currently used under Freedom Camping rules as a camp site for up to 30 tents. The application states that the use has been on-going since March 2018. It further states that the site has become extremely popular with the result that the Applicant has provided facilities including an additional shower and toilet block and sited six of a proposed eight glamping huts around the existing fishing ponds on the site. The application also seeks to increase the number of tent pitches to 50.
- 1.3 It states that Oaklands is already a well-established and popular location for camping and fishing for people wishing to stay in the Shropshire Hills and utilise the tourist attractions of the hills and the surrounding area.
- 1.4 The application further states that a caravan site has operated from Oaklands for more than ten years, and that the area used includes part of the current application site. This was formalised in 2015-2016 with the grant of planning permission for the erection of 5 glamping pods and a timber toilet and shower block with a new pedestrian access, vehicle access and car park under Planning Permission Ref. 15/04136/FUL, for the area situated on the north west side of the current application site.
- 1.5 The application states that the applicant has had the site certified by the Freedom Camping Club (for 30 tents) and obtained a grant in order to restore what are described as a number of fishing ponds on the south east side site. It states that the ponds having been used on a small scale for a number of years for coarse fishing, with one pond previously having been used for short periods, for fly fishing. These it states provide an additional attraction for visitors, through the provision day tickets for fishing and the campsite.
- 1.6 The application describes the camping element as comprising tents scattered within the non-native conifer woodland adjacent to the north east and eastern boundary of the site. There will also be tents pitched on grassland in a separate area from the caravans and overlooking the fishing lake. It is anticipated that the majority of camping will take place over the holiday periods from April to September, but it is expected that there will be a few peak days throughout the year when the camping could reach maximum capacity. Each tent pitch is to be serviced with a fire pit and has additional space for privacy.
- 1.7 The application further states that the site has been carefully chosen to utilise the natural screening that is provided by the boundary woodland, and that the layout has been designed to be of an appropriate scale and to not create any adverse impact on the local landscape and character.

- 1.8 Access to the site will be via the existing access along the line of the former railway, to the main pool/camping/woodland areas. The proposed layout will provide adequate parking space for 2 vehicles per pitch, together with amenity space.
- 1.9 The tent pitches and glamping units will have use of the existing shower block on site which was consented as part of the 2016 planning permission, whilst the current application seeks retrospective consent for an additional shower and toilet block situated adjacent to the woodland.
- 1.10 The existing toilet block drains to a septic tank and drainage system approved as part of the 2016 planning permission. The additional shower and toilet block are connected to a septic tank and soakaway which drains into the woodland area to the east north, away from the pools.
- 1.11 The application is accompanied by a Preliminary Ecological Appraisal and a Flood Risk Assessment, and a Biodiversity Management Plan has been submitted in the course of the determination period, following consultation with the Shropshire Wildlife Trust, further details of which are provided below.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Oaklands Leisure Campsite and Fishery is located approximately 800m north east of Harton, to the south of the line of the former Craven Arms to Much Wenlock railway line, approximately 8.5km (5.2 miles) north east of Craven Arms and 4.1km (or 2.6 miles, south west of Wall under Heywood. There is a small isolated group of three residential properties, of which the most easterly is Oaklands. There is an access track off the Harton to Tickleton road, which serves the three dwellings and the Oaklands Leisure Campsite and Fishery.
- 2.2 The application states that Oaklands Leisure Campsite and Fishery became a Freedom Camping Club certified site in 2017, with certification for up to 30 tents. It is understood that prior to this the site was certified by the Camping and Caravanning Club. Under the Town and Country Planning (General Permitted Development) (England) Order 2015, Part 5, Caravan Sites and Recreational Campsites, Class A – Use of Land as Caravan Site and, the Caravan Sites and Control of Development Act 1960, First Schedule, the stationing of up to five caravans is permitted development where a certificate has been issued by an Exempted Organisation, in this case the Freedom Camping Club. The erection or placing of tents is similarly permitted development Under Class C – Use of Land by Members of Certain Recreational Organisations and the Public Health Act 1936, Section 269, again in this case the Freedom Camping Club. It is not clear from the application what the area of land is that is covered by the Freedom Camping Club Certificate.
- 2.3 The site is located in the Shropshire Hills Area of Outstanding Natural Beauty (AONB) approximately 500m north west of Wenlock Edge.
- 2.4 The north eastern part of the site including the main pond and the area along the eastern boundary of the site lie are shown as being located with Flood Zones 2 and

3 and on the Environment Agency's Flood Map for Planning.(i.e. within the defined areas of medium and high probability of flooding/function flood plan).

- 2.5 The site does not fall within or within 1km of any statutory ecological designations although part of it falls within two Local Wildlife Sites (LWS), the Disused Railway Line, Acton Scot and the Pool North West of New Hall. The north west and north east sides of the site therefore also fall within the Core Area of the Shropshire Environmental Network, whilst the south eastern part of the site including the ponds fall within an Environmental Network Corridor.
- 2.6 New Hall, which is Grade II* Listed Building is located approximately 170 south east of the site.
- 2.7 The previous history at Oaklands Leisure Campsite and Fishery comprises the following applications:
- 15/04136/FUL - Erection of 5 No camping/glamping pods and timber constructed toilet/shower block, car park, formation of vehicular and pedestrian access and installation of sewage treatment plant. Approved 15th February 2016;
 - 16/01562/DIS - Discharge of Conditions 4 (Pod Details) and 5 (Landscaping) attached to Planning Permission 15/04136/FUL. Conditions Part Discharged 13th September 2016; and
 - 18/01316/COU - Change of use of land to form camp site (up to 50 tents) and siting of five seasonal touring caravans. Refused 29th August 2018.
- 2.8 The key relevant points arising from the planning history are that planning permission was first granted in February 2016 (Permission Ref.15/04136/FUL) for five glamping pods and a timber constructed toilet/shower block, car park, the formation of vehicular and pedestrian access and the installation of a sewage treatment plant, in a relatively narrow field of just over 0.5ha adjacent to and extending along the north western boundary of the current application site. This application was approved, and the area of that consent has been included in the current application.
- 2.9 There was then a second substantive application submitted (Application Ref. 18/01316/COU) for the change of use of land to form camp site, for up to 50 tents and the siting of five seasonal touring caravans. This included a much larger area, extending to 2.30ha and included the area of the original 2016 planning permission together with an additional narrow strip of land along the north-west side of the area covered by that permission and a larger open area and area of largely coniferous woodland to the north east, but did not include any of the adjacent ponds or lakes. The refusal of that application related solely to impact on an ecology asset and reads as follows:

"It is acknowledged that the proposal would help diversify the rural economy of Shropshire, however the majority of the proposed development site lies within a Local Wildlife Site (Pool NNW of New Hall) and therefore within a core area of the

county's Environmental Network. The remainder of the site not within the core area lies within an Environmental Network corridor. The proposal would therefore be likely to cause significant harm to this ecological asset contrary to Shropshire Local Development Framework Adopted Core Strategy Policies CS6 and CS17 and Shropshire Site Allocations and Management of Development (SAMDev) Plan Policy MD12 as well as the advice in the 2018 National Planning Policy Framework (in particular advice at paragraph 174). Thus the proposal cannot be assessed to be sustainable development."

- 2.10 Almost all of the area included in the 2018 application forms part of the current application. There is a very small area at the south western end of the site, adjacent to the property known as Oaklands which is excluded.
- 2.11 The current application now, in addition, also includes a substantial area of land to south of the previous application site including the adjacent ponds and an additional area of woodland along the south eastern boundary which follows the meandering line of a tributary of the Eaton Brook.
- 2.12 The Shropshire Council Ecologist did not object to the 2015 application and advised that although part of the site lay within the Disused Railway Line, Acton Scot LWS and adjacent to the Pool NNW of New Hall LWS, that they did not consider that it would have a significant impact on either and they advised that no Core Areas as identified on the Shropshire Environmental Network (SEN) map, notably the deciduous woodland area associated with the dismantled railway track, would be affected by development. The Shropshire Wildlife Trust advised that they had concerns about any widening of the vehicular access, that there should be compensation for the loss of existing trees and scrub, by native species planting so as to maintains a corridor along the route of the old railway, and that there should be no vegetation clearance until a planting specification and locations had been agreed. They offered to provide management suggestions for the area of land along the line of the old railway, but also did not object to the application.
- 2.13 The Shropshire Council Ecologist did object to the subsequent 2018 planning application, because the majority of the application lay within the Pool NNW of New Hall LWS, and within the Core area of the Environmental Network and because the remainder of the site lay within an Environmental Network Corridor. The Shropshire Wildlife Trust objected for the same reason. The application was refused (see 2.9 above) because it was considered that the development of the site would be likely to cause significant harm to the ecological asset and would therefore be contrary to Core Strategy Policies CS6 and CS17, SAMDev Policy MD12 and the paragraph 174 of the National Planning Policy Framework (2018).
- 2.14 It is therefore clear from the planning history that whilst the smaller area initially consented in 2016, which did not include the pond and pools and the area of largely coniferous woodland, was not unacceptable, extension to include the area to the north east and south east of the original application site, was not considered to be acceptable because of its impact on the LWS and the Shropshire Environmental Network.

3.0 REASON FOR COMMITTEE DETERMINATION OF THE APPLICATION

3.1 The Parish Council have objected the application contrary to the officer recommendation, and these contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions and the Planning Services Manager in consultation with the Committee Chairman or Vice Chairman and Local Member agrees that the Parish/Town Council has raised material planning issues and that the application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

Parish Council

4.1 Eaton-Under-Haywood and Hope Bowdler Parish Council, comment that a similar application, Ref. 18/01316/COU was refused by Shropshire Council in August 2018, because the site lies within a Local Wildlife Site (Pool NNW of New Hall) and therefore within a Core Area of the Shropshire Environmental Network or within an Environmental Network Corridor, and would therefore be likely to cause significant harm to this ecological asset contrary to Shropshire Local Development Framework Adopted Core Strategy Policies CS6 and CS17 and Shropshire Site Allocations and Management Development (SAMDev) Plan Policy MD12 as well as the advice in the 2018 National Planning Policy Framework (in particular advice at paragraph 174).

4.2 The Parish Council further comment that they had assumed that the applicant would abide by the Council's decision and that it would only continue to operate as the small scale low impact site for which it had previously been consented.

4.3 They consider that this has not been the case and that the site has continued to be developed and that the current application is a retrospective application for the development that has taken place.

4.4 They comment that on-line listing for the site indicates that there has in fact been extensive commercial use of this site since even before the 2018 planning application, and this indicates that Oaklands Leisure Campsite & Fishery offers:

- An air rifle range
- Fishing pools
- 10 speciality lodgings: Including two shepherd's huts (one of which has a WC and bathroom), camping pods, lodges and a cabin.
- Camping pitches; and
- Facilities for touring caravans, motor homes and camper vans.

4.5 They comment that on-line listings also indicate that that a number of tent pitches have been in use since at least early 2018 and that the Planning Statement submitted with the application states "the site is certified under Freedom Camping for up to 30 tents", but that they have been unable to find any evidence of a Freedom Camping certificate.

- 4.6 The Parish Council therefore strongly objects to all aspects of the current application and that it re-iterates its objections, that were submitted in response to Planning Application Ref. 18/03116/COU.

Public Comments

- 4.7 In addition to the comments from the Parish Council there have been two third party representations, of one of which offers objection and one expresses support.
- 4.8 The representation objecting to the application states that it does so on the basis that the access to camp site would not be down former railway line as stated in the application, and that additional buildings have been erected that are not included in the application.
- 4.9 The representation supporting the application is from the Freedom Camping Club. This states that the site is unique in bringing recreational and educational benefits to many, allowing visitors to connect with nature and develop an understanding and appreciation of nature and the countryside whilst bringing employment opportunities, economic benefits to local businesses and raising the profile of recreational camping and caravanning.

Technical Consultees

- 4.10 Shropshire Council - Rights of Way: State that they have no comments to make on the application.
- 4.11 Shropshire Council - SUDS: Advise that the vulnerable area of the development does not lie within Flood Zones 2 or 3 and will not present an increase to flood risk.
- 4.12 They state that the main concern with the development is with the foul drainage. They advise that full details, including details of the location and sizing of the existing septic tank and the drainage fields should be provided including previously carried out percolation tests, to ensure that it can cater for the additional usage. They further advise that a separate treatment system should be installed for any chemical toilet disposal points on site, because septic tanks and package treatment plants will not be able to treat chemical toilet effluent prior to discharge as they rely on bacterial action for correct treatment whereas the chemicals used in chemical toilet fluid kill friendly bacteria and must not be allowed to contaminate the ground. They advise that chemical toilet waste should be either retained in a suitable receptacle, i.e. a cesspool, or, if available via mains drainage.
- 4.13 They accordingly advise the inclusion of condition reserving the details of the surface and foul drainage.
- 4.14 Shropshire Council – Ecology: Advise that much of the site lies within a Local Wildlife Site (Pool NNW of New Hall) and therefore within a Core Area of the Shropshire's Environmental Network and that the remainder of the site, whilst, not located within the Core Area lies within an Environmental Network Corridor. Whilst they initially

objected to the application, they have following submission of the Biodiversity Management Plan, advised that they consider the proposal to be acceptable, subject to conditions requiring the submission of Habitat Management Plan to supplement the details set out in the submitted Biodiversity Management Plan, the submission for approval of bat and bird box details and their implementation and the submission of lighting details and their implementation.

- 4.15 Shropshire Wildlife Trust: Advise that they visited the site late in 2018 to assess the current ecological value of the Local Wildlife Site and state that they were dismayed by the cabins and toilet facilities that had been installed. They advise that their visit found that the long-term decline of the site had continued to the point where they considered that there was a question as to whether sufficient ecological interest remained to continue the Local Wildlife Site designation.
- 4.16 As a result of the visit they provided recommendations to the applicant on how the remaining ecological interest could be retained and the site improved. They initially advised that these were not included within the current application documents. They advised the following:
- That the grassland between the coniferous woodland and pond was no longer likely to qualify as a Local Wildlife Site but that it could be improved for wildlife by leaving some areas of grass long and cutting these once or twice a year to avoid weed increase and that some native shrub planting could be undertaken to improve diversity and make the site of more interest to campers;
 - That along the disused railway track, vegetation clearance should be kept to a minimum, but that cotoneaster and other non-native planting should be removed from the bank, to leave it to develop naturally; and
 - That the main pond could be planted with native marginal species like Gypsywort and Flag Iris. Docks, thistles Hogweed and nettles should be removed. Native floating species should also be introduced like White Water Lily and Broad-leaved Pondweed. Management of the pool margins should be by cutting in sections and on rotation so that only a portion is cleared at any one time.
- 4.17 They further advised that they did not consider that the prevailing management of site by leaving log piles and scrub or the incorporation of bird and bat boxes would be sufficient to halt the decline of the Local Wildlife Site.
- 4.18 They therefore in response to the current application requested that a Biodiversity Management Plan be agreed that at least includes the all above listed recommendations and that monitoring of their implementation to ensure delivery. This they consider would be in line with NPPF requirements for biodiversity gain to be delivered by the planning system.
- 4.19 They also expressed concerns relating to the drainage of the site. At the time of their visit they advised that it appeared that a construction of an access route below the

disused railway track had resulted in the collapse of a culvert which resulted in a heavy load of sediment in the watercourse and poor water quality. They were also concerned about impact of the foul drainage from the toilet block and any cabins containing toilet facilities.

- 4.20 Notwithstanding the above comments they advised that they consider that the development could be considered to be acceptable and could be supported through the submission, approval and implementation of the Biodiversity Management Plan.
- 4.21 The Applicant has now submitted the requested Biodiversity Management Plan and as a result the Shropshire Wildlife Trust has now advised that it considers the proposal to be acceptable.
- 4.22 Shropshire Hills AONB Partnership: Have returned their standing advice stating that they neither object nor offer 'no objection'. They advise that the Council as the Local Planning Authority has a legal duty to take into account the purposes of the AONB designation in making this decision and should take account of planning policies which protect the AONB, and the statutory AONB Management Plan.
- 4.23 Natural England: States that it has no objection to the application, as the development will not have significant adverse impacts on designated sites. It otherwise refers to its standing advice in relation to landscape, Best and Most Versatile Agricultural Land and soils, protected species, local sites and priority habitats and species, ancient woodland, ancient and veteran trees, environmental enhancement, access and recreation, rights of way, access land, coastal access and national trails and the Biodiversity Duty.
- 4.24 Environment Agency: Advise that they have no comments to offer on the application.
- 4.25 Ramblers Association: Comment that the site, contrary to what is stated in the application, the site is visible from the Eaton-under-Heywood Bridleway 0527/34 which passes down the outside of the site on the western edge and footpath 0527/36 passes through the woodland on the eastern edge and it is concerned that the line of both of these Public Rights-of-Way should not be obstructed at any time and that any materials should not be placed on them.

5.0 THE MAIN ISSUES

- 5.1
- Principle of the Development
 - Impact of the Environmental Network
 - Other Issues

6.0 OFFICER APPRAISAL

6.1 Principle of the Development

- 6.1.1 The application does not raise any significant issues in terms of the principle of the change of use proposed. Under the Council's development strategy set out in the

Core Strategy Policies CS1, CS3, CS4 and CS5 the focus for new development is to be in Shrewsbury and the county's Market Towns and other Key Centres. Policy CS1 makes clear that in the rural areas development and investment will be located predominantly in Community Hubs and Community Clusters but that outside these settlements, development will be permitted to facilitate rural economic diversification.

- 6.1.2 In support of Policy CS1, Policy CS5, which is the main policy applicable in rural areas, states that new development will be strictly controlled in accordance with national planning policies protecting the countryside. Development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to small-scale new economic development and/or involve the retention and appropriate expansion of existing established businesses, unless relocation to a suitable site within a settlement would be more appropriate, and/or relate to sustainable rural tourism and leisure and recreation proposals which require a countryside location, in accordance with Policies CS16 Culture, Tourism and Leisure and CS17 Environmental Networks.
- 6.1.3 Policy CS16 Culture, Tourism and Leisure, supports the development of sustainable tourism, and cultural and leisure development, where this will benefit the local economy, local communities and visitors, and is sensitive to Shropshire's intrinsic natural and built environment qualities. It places particular emphasis on; supporting new and extended tourism development, and cultural and leisure facilities, that are appropriate to their location, and enhance and protect the existing offer within Shropshire; promoting connections between visitors and Shropshire's natural, cultural and historic environment, including through active recreation, access to heritage trails and parkland; and supporting development that promotes opportunities for accessing, understanding and engaging with Shropshire's landscape, cultural and historic assets including the Shropshire Hills AONB and rights-of-way network; supporting schemes aimed at diversifying the rural economy for tourism, cultural and leisure uses that are appropriate in terms of their location, scale and nature, which retain and enhance existing natural features where possible, and do not harm Shropshire's tranquil nature; and, development of visitor accommodation in accessible locations served by a range of services and facilities. It also states that in rural areas, proposals must be of an appropriate scale and character for their surroundings, be close to or within settlements, or an established and viable tourism enterprise where accommodation is required. It does qualify this by stating that development must also meet the requirements of Policy CS17.
- 6.1.4 In support of Policy CS16 SAMDev Policy MD11 Tourism Facilities and Visitor Accommodation, which reiterates the requirements of Policy CS16, supports development proposals which are aimed at diversifying the rural economy for tourism, cultural and leisure uses, although it also makes clear that proposals for new and extended touring caravan and camping sites, it states should have regard to the cumulative impact of visitor accommodation on the natural and historic assets of the area, road network, or over intensification of the site.
- 6.1.5 In addition, paragraph 83 of the National Planning Policy Framework (NPPF), states that decisions on planning applications should enable the sustainable growth and

expansion of all types of business in rural areas, the development and diversification of agricultural and other land-based rural businesses; and, sustainable rural tourism and leisure developments which respect the character of the countryside.

6.1.6 In this case, as an existing camping and caravan site, and one that is already operating at a level where the applicant is seeking to expand the existing provision, it is essentially compliant in principle of supporting new tourism and visitor accommodation related development set out Policies CS5 and CS16, SAMDev Policy MD11 and the NPPF. This is however subject to the additional test of scale, character and nature, which retain and enhance existing natural features and do not cause harm to Shropshire's tranquil nature; and meet the requirements of Policy CS17. This is considered in more detail below.

6.2 Impact on the Environmental Network

6.2.1 The key issue in the determination of this application, is the impact on the Environmental Network, with the particular concern being that expressed by Eaton-Under-Haywood and Hope Bowdler Parish Council, as set out above.

6.2.2 The application also raises the question of what if anything has changed since the 2018 planning application was refused, that would in relation to the current application justify its approval; the reason for refusal of the 2018 planning application being that it was likely to cause significant harm to the Environmental Network and would therefore be contrary to Core Strategy Policies CS6 and CS17 and SAMDev Policy MD12 and paragraph 174 of the NPPF.

6.2.3 Core Strategy Policy CS6: Sustainable Design and Development Principles seeks to ensure that new development protects, restores, conserves and enhances the natural, environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character.

6.2.4 Core Strategy Policy CS17: Environmental Networks requires that new development identifies, protects, enhances, expands and connects Shropshire's environmental assets, creating a multifunctional network of natural and historic resources. This will be achieved by ensuring that all development by protecting and enhancing the diversity, high quality and local character of Shropshire's natural, built and historic environment, and by ensuring that it does not inter alia adversely affect its ecological value its immediate surroundings or any connecting corridors. The policy requires that it should contribute to local distinctiveness, having regard to the quality of Shropshire's environment, including its biodiversity; should not have a significant adverse impact on Shropshire's environmental assets, and does not create barriers or sever links between dependant sites;

6.2.5 In support of Policy CS17, SAMDev Policy MD12: The Natural Environment seeks to ensure the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration, ensuring that proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively, on inter alia locally designated biodiversity and geological sites; priority species; priority habitats,

important woodlands, trees and hedges; and ecological networks, will only be permitted if it can be clearly demonstrated that: there is no satisfactory alternative means of avoiding such impacts through re-design or by re-locating on an alternative site and; the social or economic benefits of the proposal outweigh the harm to the asset.

- 6.2.6 Paragraph 174 of the NPPF, which is retained in the 2019 edition, states that to protect and enhance biodiversity and geodiversity, plans should identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks and the wildlife corridors and stepping stones that connect them and promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. Paragraph 175 makes clear, when determining planning applications, that local planning authorities should if significant harm to biodiversity resulting from a development cannot be avoided or adequately mitigated, or, as a last resort, compensated for, refuse planning permission.
- 6.2.7 As set above the Shropshire Wildlife Trust initially expressed considerable concern about the development and that there had been long-term decline in the condition of the Local Wildlife Site as result of the activities and management of the site and that the on-going management of the site would be insufficient to halt its continuing decline.
- 6.2.8 However, as also detailed above, following the submission of the Biodiversity Management Plan by the applicant, the Shropshire Wildlife Trust has now advised that it considers the proposal to be acceptable, and the Ecology Officer is in agreement with this conclusion. In that respect the application can now be considered to have been sufficiently amended compared with the 2018 planning application which was refused, to justify its approval. In consequence the proposal cannot any longer be considered to be unacceptable and can be considered to be in compliance with the requirements of Core Strategy Policies CS6, CS17, SAMDev Policy MD12 and the NPPF.

6.3 Other Issues

- 6.3.1 Foul Drainage: Although Shropshire Wildlife Trust and the Council's SUDs Officer both initially expressed concern about the potential impact of foul drainage and the need to ensure that adequate foul drainage is provided, neither has actually objected and the SUDS officer has advised that the drainage details can be reserved by condition.
- 6.3.2 Impact on the AONB: There have been no objections to the development on the basis of there being any adverse impact on the Shropshire Hills Area of Outstanding Natural Beauty (AONB). The AONB partnership have not objected the application. The Council must in determining the application comply with the statutory duty under s.85 of the Countryside and Rights of Way Act 2000 and have regard to the purpose of conserving and enhancing the natural beauty of the AONB. In the absence of any objection, there is no basis for considering that the statutory purpose of conserving

and enhancing the natural beauty of the AONB, has not been complied with.

6.3.3 Highways: There has been no consultation with the Highway Authority on this application, but there was no objection to the 2018 planning application.

7.0 CONCLUSION

7.1 That the change of use of pastureland/woodland to camping for up to 50 tent pitches, 8 glamping units and retrospective permission for shower and toilet block, at Oaklands Leisure Campsite and Fishery, Harton, does not give rise to any significant issues in terms of; the principle of the development, impact of the Environmental Network; and other issues and can therefore be considered to be acceptable in relation to relevant development plan policy including; Core Strategy Policies, CS1, CS5, CS6, CS16 and CS17 and SAMDev Policies MD11, MD12 and the NPPF (2019). It can therefore also be considered to be in accordance with the Presumption in Favour of Sustainable Development set out in Paragraph 11 of the NPPF.

7.2 It is therefore recommended that the application be approved, subject to the conditions set out in Appendix 1 below. These conditions, with some amendment and subject to the conditions recommended by the consultees on the current application, are consistent with the conditions previously included in Planning Permission Ref. 15/04136/FUL.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party.

8.1.2 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.

8.1.3 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

- 8.2.1 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.
- 8.2.2 First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.
- 8.2.3 This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

- 8.3.1 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

- 9.1 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

- Shropshire Local Development Framework: Adopted Core Strategy (March 2011)
- Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Adopted Plan (December 2015)
- National Planning Policy Framework (NPPF) (February 2019)

RELEVANT PLANNING HISTORY:

- 15/04136/FUL - Erection of 5 No camping/glamping pods and timber constructed toilet/shower block, car park, formation of vehicular and pedestrian access and installation of sewage treatment plant. Approved 15th February 2016;
- 16/01562/DIS - Discharge of Conditions 4 (Pod Details) and 5 (Landscaping) attached to Planning Permission 15/04136/FUL. Conditions Part Discharged 13th September 2016; and

- 18/01316/COU - Change of use of land to form camp site (up to 50 tents) and siting of five seasonal touring caravans. Refused 29th August 2018.

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
Local Member Cllr Cecilia Motley
Appendices APPENDIX 1 Conditions – See below.

APPENDIX 1

Conditions

STANDARD CONDITIONS

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.

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place until separate schemes for chemical toilet disposal and non-chemical toilet disposal have been submitted to and approved in writing by the Local Planning Authority. The approved schemes shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: To ensure satisfactory disposal of foul effluent and ensure the long-term sustainability and operational function.

4. No development shall commence until precise details (dimensions, materials and external finishes) of the glamping units and shower and toilet block have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in

accordance with the approved details and thereafter maintained.

Reason: To define the consent and safeguard the character and appearance of the Shropshire Hills Area of Outstanding Natural Beauty, in accordance with Policies CS5, CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

6. No development shall take place until a habitat management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
- a) Description and evaluation of the features to be managed;
 - b) Ecological trends and constraints on site that may influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions;
 - f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
 - g) Personnel responsible for implementation of the plan;
 - h) Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;
 - i) Possible remedial/contingency measures triggered by monitoring;
 - j) The financial and legal means through which the plan will be implemented.

The plan shall be carried out as approved.

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

CONDITIONS THAT REQUIRE APPROVAL DURING THE CONSTRUCTION /PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

7. Prior to first occupation/use of the development hereby approved, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority, and installed in accordance with the approved details. The following boxes shall be erected on the site:
- A minimum of 5 external woodcrete bat boxes, suitable for nursery or summer roosting for small crevice dwelling bat species;
 - A minimum of 10 artificial nests, suitable for a range of bird species.

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

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

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

8. Prior to the erection of any external lighting on the site associated with the development hereby approved, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

9. No more than 8 glamping units and 50 tent pitches shall be stationed/provided on the site in addition to the 5 glamping pods approved under Planning Permission 15/04136/FUL.

Reason: To enable the Local Planning Authority to retain planning control over the development in accordance with the Shropshire Local Development Framework: Adopted Core Strategy Policy CS16.

10. The glamping units shall be used for holiday let purposes only. A register shall be maintained of the names of occupiers of the holiday units hereby approved, the period of their occupation together with their main home addresses. This information shall be made available at all reasonable time to the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the development in accordance with the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Adopted Plan Policy MD11.

11. The existing dwelling on the site (known as 'Oaklands') shall provide the required supervision and management of the holiday let enterprise hereby approved and shall not at any time be disposed of separately without the prior written consent of the Local Planning Authority.

Reason: To ensure the provision of adequate on-site supervision of the enterprise in the interests of sustainable tourism development and the protection of residential amenity.

12. The hereby permitted vehicular access shall not be wider than the original railway track bed.

Reason: To safeguard biodiversity.

INFORMATIVES

General

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

Drainage

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

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

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

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

Full details, location and sizing of the existing septic tank and the drainage fields should be provided including previously carried out percolation tests to ensure that it can cater for the new development. Information should be submitted.

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



Committee and date

Southern Planning Committee

22 September 2020

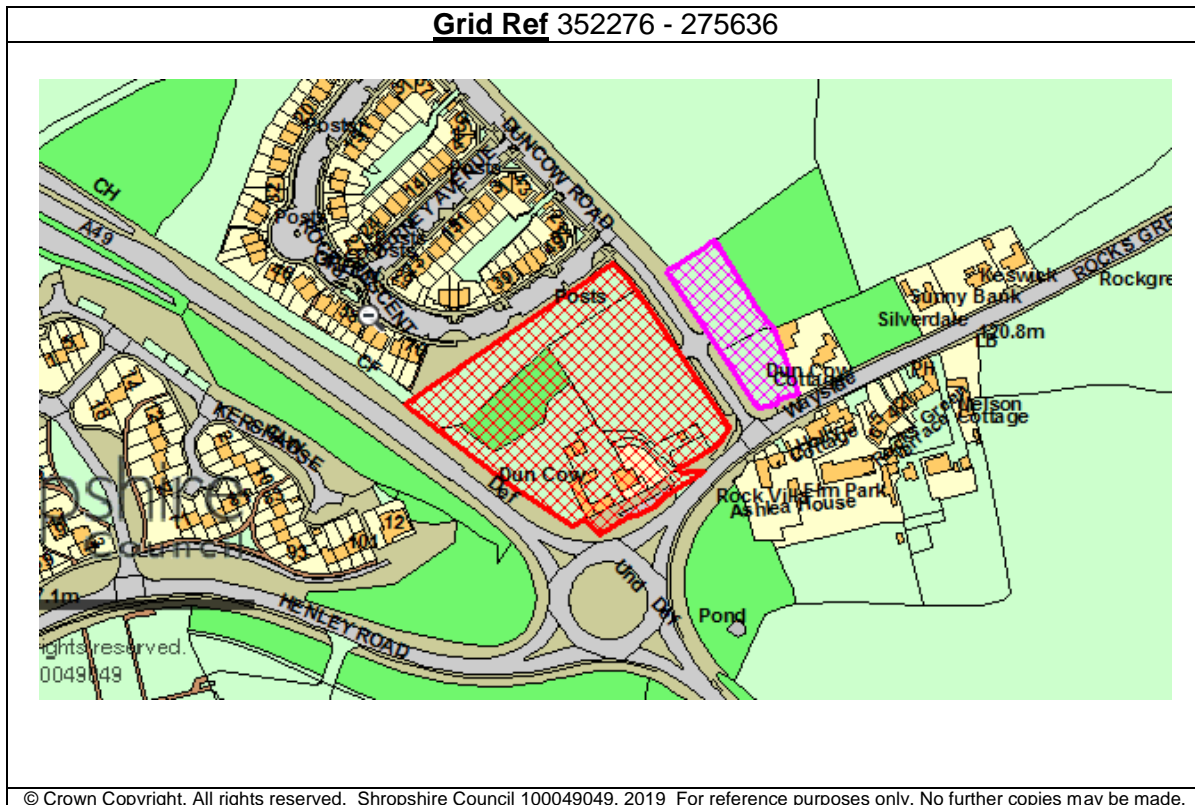
Development Management Report

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

Summary of Application

Application Number: 20/00840/REM	Parish:	Ludford
Proposal: Approval of reserved matters (appearance, landscaping, layout, scale) pursuant of 14/05573/OUT (access approved) for the erection of foodstore (Use Class A1) and petrol filling station; all ancillary works		
Site Address: Land At Rocks Green Ludlow Shropshire SY8 2DS		
Applicant: Blackfriars Property Group Ltd		
Case Officer: Richard Fortune	email : planning.southern@shropshire.gov.uk	

Grid Ref 352276 - 275636



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Recommendation:- Permit, subject to receipt of ecology comments and agreement on appropriate ecological mitigation measures, withdraw of the holding objection by Highways England and the conditions set out in Appendix 1. The delegated authority being given to the Area Planning Manager to adjust/add conditions as necessary following receipt of comments from those consultees.

REPORT

1.0 THE PROPOSAL

- 1.1 At the February 2017 South Planning Committee meeting it was resolved to grant outline planning permission for the erection of a new food store, associated petrol filling station, and associated car parking (to include access) at Dun Cow Farm, Rocks Green, Ludlow, subject to consultation with the Secretary of State (Ref. 14/05573/OUT). The Secretary of State decided not to call in the application and was content for the application to be determined by the local planning authority. The outline planning permission issued is dated 2nd March 2017.
- 1.2 The first three conditions on the outline permission decision notice relate to the time period for submission of matters reserved for later approval and the timescale for implementation. Further conditions on the outline planning permission address matters relating to levels and drainage; safeguarding protected species; construction hours; location of fuel tanks; approval of a construction traffic management plan; road and access construction and junction improvements; footpath and cycleway linkages; archaeological investigation; photographic survey of buildings to be demolished; installation of bat boxes; lighting plan; drainage works/impacts beyond site boundaries; Travel Plan; acoustic fencing; maximum percentage of comparison goods which may be sold and facilities which are not to be provided in the store. These conditions are outlined in more detail below:|

Condition 4 states that concurrently with the first submission of reserved matters details of the means of enclosure of the site; site levels before and after development and of the foul and surface water drainage of the site, in accordance with the standing advice from the Council Drainage Consultant shall be submitted to the local planning authority.

Condition 5 requires the development to be undertaken in accordance with the Protected Species Survey focusing on bats produced by Shropshire Wildlife Consultancy dated July 2014.

Condition 6 sets out the working hours for the demolition and construction phase of the development.

Condition 7 specifies that the fuel tanks associated with the filling station shall be located above ground, to overcome the objection raised by the Environment Agency.

Condition 8 requires the submission and approval of a construction traffic management plan prior to commencement by the Local Planning Authority, in consultation with the Highway Authority for the A49 Trunk Road (Highways England).

Condition 9 requires details of the design and construction of new roads, footways

and accesses within the development, together with details of the disposal of highway surface water to be approved by the Local Planning Authority before any development takes place.

Condition 10 requires that prior to commencement full engineering details of the proposed junction improvements to the junction of the A4117 and Dun Cow Road to be submitted to and approved in writing by the Local Planning Authority (LPA) and for the approved works to be fully implemented before the supermarket and filling station are brought into operation.

Condition 11 states that prior to the commencement of development full engineering details of the proposed foot/cycleway linkages between Ludlow and the development site shall be submitted to and approved by the LPA, and fully implemented before the development is first occupied.

Condition 12 requires the implementation of a programme of archaeological work in accordance with a written scheme of investigation approved by the LPA.

Condition 13 requires a photographic survey of the buildings to be demolished to be carried out in accordance with English Heritage's (Now Historic England) guidance.

Condition 14 requires the installation of bat boxes/bat bricks in accordance with details to be approved.

Condition 15 requires the submission of a detailed lighting plan and for the details to be implemented as approved.

Condition 16 requires the submission of a detailed drainage scheme for approval by the Local Planning Authority, in consultation with the Highway Authority for the A49 Trunk Road, where that would alter the existing drainage of the site or surrounding land, and for the detailed drainage scheme to be implemented as approved.

Condition 17 requires that a Travel Plan shall be submitted to and approved by the LPA before the foodstore first opens and that it be implemented within one month of the first occupation of the development.

Condition 18 requires, prior to any petrol sales or deliveries to either the filling station or food store service yard that the specification for acoustic fencing shall be approved by the LPA to achieve specified noise reductions.

Condition 19 states that no more than 25% of the net sales floor area shall be used for the sales of comparison goods, and lists the categories which constitute such goods, in order to protect the viability of Ludlow Town Centre.

Condition 20 stipulates that the food store shall not contain a post office; a dry cleaners; a travel agents; an optician or a pharmacy, in order to safeguard the vitality and viability of Ludlow town centre.

- 1.3 The current application solely seeks approval for the reserved matters (design and external appearance, layout, scale and landscaping) specified in condition 1 of the outline permission, together with the specific details of means of enclosure, levels and drainage specified by condition 4 above as needing to be provided with the first submission for approval of reserved matters. All the other conditions which require the local planning authority approval of details will be the subject of future discharge of condition application(s).
- 1.4 At the time this reserved matters application was first submitted no occupier of the proposed premises had been identified. During the course of considering these proposals it has been established that Sainsbury's are likely to be the operator. A number of revisions were required to meet their operational requirements, as well as to respond to matters raised by the Planning Case Officer. This has resulted in amended drawings being submitted which have reduced the size of the proposed store from 3,156 sqm gross internal area (GIA) with a net sales area of 1,951 sqm, to 2,924 sqm GIA with a net sales area of 1,641 sqm. The reduced store footprint has allowed for the building to be pulled back from the northern site boundary and for the service yard access to be re-located to the opposite side of the store to the west, which is beneficial in terms of visual amenity both for users of the store and the residential dwellings to the north of the site. In comparison with the store size envisaged at the time of the outline submission, the current proposal is a 17% reduction in gross floor area and a 29% reduction in net floor area.
- 1.5 As originally proposed the store building would have been positioned tight against the north western site boundary with the adjacent housing and would have been close to the south western boundary with the A49, with a service area to the north east of the store building adjacent to Duncow Road. The revised proposal for the smaller store moves it away from the north western site boundary and closer to Duncow Road to the north east. A larger service area would be provided in the western corner of the site, adjacent to the A49, which would be accessed via a road running parallel to the north western site boundary and sloping down in the direction of the A49. The customer parking area for 169 vehicles would wrap round the south western corner of the store building to the south of the service area, with the bulk of the parking area being between the south east facing elevation of the store and the site boundaries with the A49 and A4117 roads. Four electric vehicle charging points would be provided. Access would be from a mini roundabout on Duncow Road which was approved as part of the outline planning permission, and which would also serve the site approved for the filling station.
- 1.6 The agent has advised that the amended store design has focussed on improving sustainability with improved energy efficiency by using natural materials including wood panelling and glazing, increasing daylight to reduce the internal lighting, and reducing the building height by 2.9 metres. The building form has also been altered to include a pitch to the roof to address comments on design.
- 1.7 The proposed south east elevation drawing shows the service yard enclosed by 3m high timber acoustic fencing. Insulated cladding panels with timber facing would be

incorporated into the shop front, defining the points of entry and exit and in areas above which there would be high level curtain wall glazing. Full height glazing would predominate on this elevation, set within dark grey aluminium framing under a deep dark grey metal fascia. Signage would be the subject of a separate advertisement consent application, but the drawing shows for illustrative purposes 'Sainsbury's' lettering position just above the fascia with a smaller signage panel positioned centrally below it and the upper component of the fascia.

- 1.8 The north east elevation to Duncow Road would appear shallower in comparison to the south east elevation, due to rising ground levels, but would continue the same predominantly glazed treatment, with some wood panelling, at its southern end before changing to full height insulated wall panelling coloured squirrel grey. The external plant area adjacent to this elevation would be in the form of a 3m high timber enclosure. There would be steel gates to the service yard, matching the 3m height of the timber acoustic fencing enclosing it. The north west elevation would contain no window or door openings, but would feature an area of high level louvres serving a plant well for cooling equipment incorporated into the roof structure. This elevation would be of full height insulated wall panelling coloured squirrel grey.
- 1.9 The south west elevation facing the A49 would have full height curtain wall glazing and full height timber cladding at its southern end, as a 'wrap around' detail to the shop front, with the remainder of this elevation in the squirrel grey coloured cladding panels. There would be low level windows to staff facilities, with door access from the service yard area within the fenced enclosure. The roof area would contain 28 rooflights.
- 1.10 The boundary treatment to the A49 would be a combination of retaining wall surmounted by the acoustic fence to the service yard area, with the concrete piled retaining wall continuing along the boundary to the roundabout. There would be a concentration of tree planting adjacent to the service yard area and the north western corner of the car park, with tree species including oak, wild cherry, field maple and hornbeam. Hedging (field maple, dog wood, hazel, thorn, holly and privet mix) would supplement the retaining wall and vehicle restraint barrier along this section. This retaining wall detail (At 0.5m height) and bump rail would be continued along the first section of the boundary with the A4117 in the vicinity of the roundabout with the same new hedging, then continuing as a 500mm high timber knee rail up to the junction with Duncow Road. New tree planting along the Rocks Green frontage would comprise three hornbeam trees.
There would be an open grassed area and tree planting (Seven oak trees, three lime and shrub planting) along the boundary with Duncow Road, with 3m high acoustic timber fencing for the bulk of the north western site boundary supplemented with 15 trees which would be a mix of field maple, common whitebeam, mountain ash and hawthorn. There would also be new tree planting within the car park area adjacent to the internal access road and between parking bays: These would be a mix of holm oak, london plane and hornbeam.
- 1.11 The Duncow Road frontage to the filling station area would also feature new native hedging and a mix of oak and lime trees, with two rows of native hedging along the

north eastern boundary.

- 1.12 The proposed layout of the filling station area would include the above ground storage tanks required as part of the outline permission, enclosed by 3m high ventilated screen fencing, to the north of the forecourt pump area. Staff parking would also be provided in this area. A row of three pump islands under a rectangular shaped canopy is proposed, which would be entered from the mini roundabout and exited by a simple junction on Duncow Road closer to the A4117. There would be an unmanned kiosk at the southern end of the filling station canopy. Immediately to the east of the canopy area would be the filling point for the fuel tanks, protected by a blast wall enclosure to the sides and rear of the fill point in an area to be kept clear for tanker deliveries. A location is shown for a totem sign at the junction of Duncow Road with the A4117, which would have to be the subject of a separate advertisement consent application.
- 1.13 Proposed site levels details are provided by the proposed elevation drawings incorporating sections with a vertical scale bar and an existing site survey drawing.
- 1.14 It is anticipated that some 150 jobs would be created by the proposed development.

2.0 **SITE LOCATION/DESCRIPTION**

- 2.1 The site lies to the north of Ludlow on the junction of the A49 and A4117 with access off the A4117 via a new mini roundabout on Dun Cow Road. It is a 1.488 hectare site with 0.15 of that being for the filling station. It is currently occupied by a farm house and outbuildings which are redundant following the construction of the Rocks Green housing estate to the north of the application site.
- 2.2 A tall Leylandii hedge runs along the west and south boundaries of the site whereas the northern boundary, with the adjacent houses, is a post and wire fence. There is also housing to the west on the opposite side of the A49 with open fields to the east on the opposite side of Dun Cow Road.
- 2.3 The majority of Ludlow lies to the west of the A49 with the town centre lying on the opposite side of the railway line from the A49. However the existing Rocks Green housing estate and Ludlow Rural Enterprise employment site sit on the east side of the A49 and the allocated housing site shown in the adopted SAMDev is to the east of the A49 on the opposite side of the A4117 from the application site.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 While there is no trigger in the Council's current adopted scheme of delegation that requires this application to be brought to Committee, in 2017 when outline planning permission was granted for the development the South Planning Committee expressed a wish for the reserved matters application to be brought to Committee. The Planning Services Manager considers that, due to the minutes of this decision, that this reserved matters application should be determined by Committee.

4.0 Community Representations

- Consultee Comments

(Where consultees have submitted more than one set of comments, the latest comments are listed first in order to show whether any earlier concerns have been addressed. The full text of the comments received may be viewed on the Council's website and are summarised below).

4.1 Ludford Parish Council (09.08.2020) - Make comments neither objecting to or supporting the application:

Comment: Ludford Parish Council makes the following comments.

1. Access and provision for bus services. The bus route into the site should provide the nearest possible access point for both drop off and collections. This is of the utmost importance from the point of view of lessening reliance on the use of private transport, assisting families when shopping with young children or elderly family members and elderly or disabled customers.

Figures taken from the 2011 Census indicate that Ludford Parish has a higher rate of residents above 65 years of age, at 23.3%, than the County (20.7%, regionally (16.9%) or nationally (16.3%). Ludford Parish Council considers that location for bus stops should be immediately outside the entrance to the store. It is to be hoped that the developer will liaise with companies servicing this route to provide suitable vehicles and will ensure that the layout of the site will be planned around this necessary requirement.

2. The reduction to the scale of the proposed building and the re-positioning towards the rear of the site are beneficial and sensitive to local residents and are welcomed. Ludford Parish Council recognises the limited opportunities for landscaping whilst retaining a clearly visible presence for the food store. However, it is to be hoped that the proposed landscaping will soften the extent of the development whilst recognising its rural setting. Rocks Green provides one of the three entry points into the town of Ludlow. All three of them are situated within Ludford Parish and the council consider it is vital to strike a balance between an acceptable level of presence for the store and a recognition of the location and its history. The selection of plants should also offer " .. a soft, green visual boundary to the site " throughout all 4 seasons, as far as possible. Ludford Parish Council trusts that the comments regarding this application are considered by The relevant officers at Shropshire Council.

4.1.1 Ludford Parish Council (03.04.2020) - Make comments neither objecting to or supporting the application:

The scale of the buildings and associated infrastructure is too large for this compact site.

How will the houses at the rear of the site be protected from noise and light pollution?

The poor quality of design presents an unimaginative entrance as a gateway to the historic town centre.

Clarification is required regarding which trees are to be felled and how they will be

replaced with appropriate mature planting.

Impoverishing the local environment, instead of enhancing it.

What limitations will be placed on working hours during the construction phase and delivery times for all aspects of the site when complete?

Considers that enhancing facilities for those using public transport, by the provision of a bus shelter, would be an appropriate community benefit.

4.2 Ludlow Town Council (12.08.2020) (Adjacent Parish/Town Council) - Support:
No Objection to amended drawings.

4.2.1 Ludlow Town Council (12.03.2020) - Object:

- The footprint of the Supermarket building has increased by 23%. Ludlow Town Council objected to the initial plans in 2017 as they felt it was already too big initially.

- The development threatens to undermine the strong Tourism based economy of Ludlow. The population of Ludlow has a finite amount of money to spend at the Supermarket and an unnecessarily large out of Town Supermarket poses significant treat to existing successful retail environment in the Town Centre

4.3 SC Highways Development Control (07.09.2020) (Amended Drawings) - No Objection:

It is considered that the proposed development could be acceptable, from a highways and transport perspective, if the following conditions are imposed and subsequently met.

Further details have been submitted as part of the application due to an end user being identified. Amendments to the signing and lining proposed for Duncow Road have been made, which can be seen on drawing number 1085-BP-01=P1, which have not been detailed in the application.

The revisions to the parking layout are acceptable, especially given that the disabled bays are nearer to the entry/exit.

Highways comments made on 19/03/2020 are extant, and so repeated below, along with suggested conditions/informatives:

The application is for the approval of reserved matters (appearance, landscaping, layout and scale) pursuant to 14/05573/OUT, where access was approved.

An indicative layout was provided at outline that raised no highways objection. The layout of the foodstore and car park has been amended from the outline but is still acceptable from a highway's perspective.

Duncow Road has been formally adopted by Shropshire Council and therefore all works need to be constructed in accordance with traffic signs manual and to an adoptable standard.

A Construction Traffic Management Plan and a Travel Plan were conditioned at

outline stage.

Conditions recommended as set out in comments of 23.03.2020 below (4.3.1).
(Officer Comment - The drawing numbers would need adjusting to correspond with the amended drawings).

4.3.1 SC Highways Development Control (26.03.2020) - No Objection:

An indicative layout was provided at outline that raised no highways objection. The layout of the foodstore and car park has been amended from the outline but is still acceptable from a highways perspective.

Duncow Road has been formally adopted by Shropshire Council and therefore all works need to be constructed in accordance with traffic signs manual and to an adoptable standard.

A Construction Traffic Management Plan and a Travel Plan were conditioned at outline stage.

Conditions:

Prior to the development hereby permitted being brought into use, the highway alterations on Duncow Road as shown on drawing number 1085_BP_01 shall be constructed in accordance with full engineering details that shall have first been submitted to and approved in writing by the local planning authority.

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

Prior to the development hereby permitted being open to trading/brought into use the access, car and cycle parking and HGV turning area shown on drawing number 1085_BP_01 has been provided, properly laid out, hard surfaced and drained, and the space shall be maintained thereafter free of any impediment to its designated use for the lifetime of the development.

Reason: To ensure an adequate means of access, the provision of adequate car and cycle parking, to avoid congestion on adjoining roads, and to protect the amenities of the area.

4.4 Highways England (07 and 10.09.2020) – Informally have proposed draft conditions to address matters which have resulted in the holding objection, subject to review by their legal team. At the time of writing this report (11.09.2020) Highways England were not in a position to withdraw their holding objection. Formal comments awaited.

4.4.1 Highways England (07.08.2020) - Holding Objection:

Site Layout Plan

The covering letter dated 20 July 2020 states that the layout of the proposed development has altered from the original layout, to suit the requirements of proposed end user (Sainsbury's). We note that the gross footprint of the store has been reduced to 17% over the outline consent, and as a result, the store is now proposed to be moved away from the western boundary with the A49. This space is now intended to be allocated for customer parking and the service yard. With the proposed alteration to the site layout, the service yard is now closer to a greater number of receptors. As such, we consider that these alterations will affect noise impact. We would require further information from the applicant if this case has

been considered, and if so, the mitigation measure required. Information is also required to understand if the proposed mitigation would affect the SRN interests.

Boundary Treatment

With reference to the layout alterations and the above stated point regarding noise impact, we note that a 3.0m tall acoustic fence is proposed along the north-western boundary of the development site. However, we would require additional information/ justification from the applicant regarding how this mitigation was determined and on what basis it was considered unnecessary to provide an acoustic barrier along the western boundary (adjacent to the A49).

In our previous holding recommendation response issued in March 2020, we recommended the applicant to provide clarity regarding the proposed building layout and design assumptions surrounding the foundations, retaining wall and ground stability in relation to Strategic Road Network (SRN) interests (as per DfT's Circular 02/2013 para. 49).

Whilst the applicant provided additional information in April 2020 regarding the boundary treatment concerns raised by Highways England, further information was necessary to demonstrate that there will be no structural impact on the A49 embankment, either through construction or once built. As such, the applicant was recommended through our email dated 1 May 2020 to provide a dimensioned cross-section showing the following, which would assist an initial discussion and form the basis of an agreed position.

1. Levels and gradient of the embankment
2. Retaining wall and indicative foundation design
3. Extent of vegetation clearance
4. Ground stability and loading assumptions

The applicant has now submitted the cross-section plan (*Drawing no. 1085_BT01 Rev C2*) which aims to address our concerns raised in the previous holding recommendation. Based on review of this, we note that the cross-section plan shows various sections along the western boundary with the A49. The plan shows the proposed installation of a retaining wall along the western and south-western boundary of the development site (details of which are provided on the cross-section plan). It is also noted that the service yard is set back from the highway boundary by approximately 11m. However, the majority of the customer parking area abuts the A49 boundary, with a retained height varying from 1.5m – 2.0m.

along the A49 boundary, so that we can comment on their appropriateness. The applicant should note that some species can be detrimental to highway safety, operation and maintenance.

Drainage

In our holding recommendation response issued in March 2020, the applicant was requested to confirm if the proposed sewer connections have been approved by STW. In the additional information submitted through your Council in April 2020, the applicant has confirmed that the discussion with STW will be conducted post determination of the application. The proposal intends to make use of a timber clad

contiguous pile retaining wall with a timber Vehicle Restraint System (VRS); however, no geotechnical/structural information or VRS calculations have been presented to demonstrate the acceptability of the proposal. It is to be noted that the levels involved will require assessments in accordance with the DMRB requirements (i.e. CD 622 and CG 300), to be undertaken by a suitably qualified Engineer(s). The VRS will require use of a risk assessment tool to identify the appropriate containment level required (please refer DMRB CD 377). However, we do not consider the use of timber VRS to be compliant with DMRB/MCHW. In addition to the above and with reference to the comments associated with the acoustic fence around the service yard, if a fence is found required on the western boundary (on top of the retaining wall), this will need to be identified and accounted for in the assessments.

Landscaping

The tree survey report (Issue 2 – dated October 2013) currently submitted by the applicant is the same version provided in support of the outline application. The covering letter confirms the existing trees along the A49 boundary (Leyland cypresses) will be felled and replaced with (unspecified) native species and wildflower planting.

We recommend the applicant to produce an updated report to reflect the proposed layout and landscaping, and any changes in arboriculture requirements and best practice. In addition to this, we recommend the applicant to identify the native species (pre-development) and that a suitably worded condition could be placed (requiring the developer to obtain agreement with STW to accept the drainage connections to the public sewers). This was acceptable to Highways England in principal and was informed to the applicant through our email response in May 2020.

Regarding our concern related to the proposed outfall to Fishmore Brook and the nature and status of culverted crossings of the A49, please note that discussions are on-going. However, the outstanding drainage related matters as outlined in our previous holding recommendation issued in June 2020 are given below.

Additional information was provided by the applicant in April 2020; however, it was considered to be inadequate in demonstrating the compliance with DfT Circular 02/2013 para. 50 and the principles set out in DMRB CG 501 Chapter 6.

In addition to the above, the applicant's consultant contacted Highways England on 11 May 2020, requesting more clarity/detail be provided relating to our requirement regarding the A49 culvert. In our response (dated 3 June 2020) we have clarified our rationale (given below).

Fishmore Brook watercourse is considered to be an 'Ordinary Watercourse'; however, when such a watercourse passes over land, the landowner has rights and responsibilities for that section of the watercourse. This is referred to in Common Law as Riparian Owner's rights and responsibilities. It follows that, under Common Law, a downstream landowner is only required to accept water in its natural state (*Natural state refers to water that either runs off the land, percolates into ground water or emerges as a spring without interference*). The fact that water from the proposed development is being managed (albeit to mimic green field run-off) suggests that the water is not in its natural state. It appears that Fishmore Brook watercourse crosses the A49 via a culvert. However, we are unable to establish the

nature and status of this culvert, and as such we request the applicant to confirm this.

We suspect that the culvert is a Highways England asset and have assumed that it is integral to the A49 drainage system. However, without further information, we are unable to confirm this. On the above assumptions, Highways England (as landowner) would be responsible for a section of the watercourse that receives the proposed development's water discharge, and, as such, we consider that the proposal to discharge water into Fishmore Brook would be contrary to DfT Circular 02/2013 par. 50 and DMRB CG 501 Chapter 6.

The applicant has provided additional information intending to address the above concerns as raised by Highways England in the form of a response letter dated 8 July 2020 and has now stated in the covering letter that "*the proposed development will not pose any risk of flooding since the proposed drainage will be restricted to greenfield runoff rates, and that the surface water flows to the Fishmore Brook will be managed by STW*". As this is subject to on-going review, we are not currently in a position to provide our comments. We will be providing our comments to the applicant and the Council once the review is completed.

Conclusions

In light of the above, we advise the applicant to provide further information and clarification in relation to our above stated concerns regarding the boundary treatment matters. In summary, we request the applicant to provide the below listed matters.

1. Noise impact assessment which informed the proposed use of acoustic fence along the north-western site boundary
2. DMRB assessment for the proposed retaining wall and VRS (*We suggest that the applicant is recommended to contact us to scope out the assessment requirements*)
3. An updated tree survey report together with the proposed native species along the A49 boundary

Based on the above, it is recommended that these reserved matters should not be approved. The current holding recommendation is dated 19th June 2020, in order to allow the applicant the necessary time to submit the details requested it is recommended that this remains in place.

4.4.2 Highways England (19.06.2020) - Holding objection:

We advise the applicant to provide further information and clarification in relation to our stated concerns regarding the drainage and boundary treatment matters. Based on the above, it is recommended that these reserved matters should not be approved for a further period of up to 3 months from the date of this response, in order to allow the applicant the necessary time to submit the details requested.

4.4.3 Highways England (01.05.2020) -

In our holding recommendation response issued in March 2020, confirmation from the applicant was requested if the proposed sewer connections have been approved by STW. In the below email, the applicant has confirmed that the

discussion with STW will be conducted post determination of the application (pre-development) and that a suitably worded condition could be placed (*requiring the developer to obtain agreement with STW to accept the drainage connections to the public sewers*). In principle, we consider this to be suitable.

With regard to the second point concerning the proposed outfall to Fishmore Brook and the nature and status of culverted crossings of the A49, the response provided by the applicant does not give the assurance required by Highways England i.e. demonstration of compliance with DfT Circular 02/2013 para. 50 and the principles set out in DMRB CG 501 Chapter 6.

We consider that the response regarding the erection of the small retaining wall has not provided the assurance as required by Highways England and therefore, further information is necessary to demonstrate that there will be no structural impact on the A49 embankment, either through construction or once built. We recommend the applicant to provide a dimensioned cross-section showing the following, which would assist initial discussion and form the basis of an agreed position.

1. Levels and gradient of the embankment
2. Retaining wall and indicative foundation design
3. Extent of vegetation clearance
4. Ground stability and loading assumptions

In light of the above, we would require further information from the applicant (as originally requested through our holding recommendation response in March 2020).

- 4.4.4 Highways England (19.03.2020) - Holding Objection:
Confirmation from the applicant is required whether the proposed sewer connections have been permitted by STW and also regarding nature of the A49 crossing accommodating Fishmore Brook.

Require clarification from the applicant regarding the proposed building layout and design assumptions surrounding the foundations, retaining wall and ground stability in relation to Strategic Road Network (SRN) interests (as per DfT's Circular 02/2013 para. 49).

- 4.5 SC Ecology - Comments awaited at time of writing report on submitted mitigation strategy and amended landscaping scheme to address favourable conservation status test.

- 4.5.1 SC Ecology (18.08.2020) - Comment:
A bat roost was recorded in 2018 and works will have to take place under a European Protected Species licence.

The Local Planning Authority is a 'competent authority' and has a statutory duty under Regulation 9(5) of The Conservation of Habitats and Species Regulations 2017. All competent authorities, when 'exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.'

Since a planning decision is going to be made (exercising a competent authority function), Shropshire Council must consider the Habitats Regulations '3 derogation tests' for protected species.

In order to answer the 'favourable conservation status' (FCS) test, further information is required, as set out below.

Section 4.1 of the Preliminary Ecological Appraisal sets out some mitigation measures that will form part of the licence application. Further details are required to allow SC Ecology to consider the FCS test, e.g.:

- Any timing restrictions;
- Details of the replacement roosting opportunities in buildings and trees, including locations;
- A pre-commencement check by the ECW; and
- What to do if bats are found during the demolition.

A lighting scheme should be submitted to ensure that the FCS can be maintained, e.g. by ensuring that areas of bat foraging and commuting (boundary hedgerows and trees and ornamental planting) and the locations of the bat boxes (or other roosting opportunities) are not illuminated.

Once these elements have been submitted, SC Ecology will complete the FCS test then the planning officer will complete the other two tests (overriding public interest and no satisfactory alternative). A record of the consideration of the three tests is legally required.

Landscaping

There is a lack of connectivity along the south-western and south-western boundaries. This is an Environmental Network corridor and needs to be protected. The hedgerows need to be continuous – there are currently gaps – with a native species buffer (wildflower grassland or shrubs) between the hedgerow and hardstanding. There must be no illumination of the hedgerows.

The makes, models and locations of the bat and bird boxes need to be shown on the plan.

- 4.5.2 SC Ecology (28.07.2020) - Comment:
Shropshire Council must consider the Habitat Regulations '3 derogation tests' for protected species (bats in this case).
Further information sought on timing restrictions; replacement roosting opportunities; action to be taken if bats found during demolition; improvements to landscaping scheme; provision of bird boxes.
- 4.5.3 SC Ecology (26.03.2020) - Comment:
Demolition of barn will need to take place under a European Protected Species Licence. Since a planning decision is going to be made (exercising a competent

authority function), Shropshire Council must consider the Habitats Regulations '3 derogation tests' for protected species.

In order to answer the 'favourable conservation status' (FCS) test, further information is required

4.6 SC Trees (10.08.2020) - Comment:

Unable to significantly modify comments 19.03.2020 and maintain concerns that the layout and detail for the provision of compensatory tree planting is such that the likelihood of the new trees becoming significant or valuable features at the site is low without further agreement on measures and costing for ground preparation and ongoing after care.

The introduction of a boundary wall and removal of the majority of tree planting along the south facings of the site mean that it will be highly prominent in the landscape as seen from the A49 at the gateway to Ludlow.

RECOMMENDED CONDITION:

GROUND PREPARATION, TREE PLANTING AND AFTRE CARE

No site works or development (including demolition, ground works/re-profiling and tree felling / vegetation clearance) shall take place until specifications and details for ground preparation tree planting and after care have been approved by the local planning authority., this to include:

- a. Measures for soil protection and improvement, or the introduction of fresh topsoil that provides appropriate volumes of healthy de-compacted topsoil appropriate to the mature needs of the trees being planted. The details of soil amelioration will meet the minimum standard set out in the recommendations in BS3882:2015 specification for topsoil; or provision of new de-compacted topsoil that meets as a minimum the same standard.
- b. Where trees are to be planted in or close to hard standing and roots are to be expected to exist wholly or in part under that hardstanding the details for the inclusion of an appropriate soil cell system to contain and protect the growing medium will be provided.
- c. Details for ground preparation, tree procurement, planting and after care that demonstrate an understanding of the good practice guidance offered in BS 8545:2014 trees from the nursery to independence in the landscape recommendations.
- d. A programme of maintenance and measures for replacing dead damaged diseased or failing trees with funding for regular aftercare for a minimum of 5 years after planting including measures for watering during draught periods.

REASONS: To ensure that the tree planting proposed in the approved landscape plan is capable of achieving the best possible development and health in order to contribute to the character and amenity of the area for the life span of the proposed development.

4.6.1 SC Trees (19.03.2020) - Comment:

Whilst in principle the Tree Team see no specific arboricultural objection to some

form of development at this site, we consider that the proposed layout and landscape do not represent the best possible sustainable design, in that the development fails to effectively protect restore and enhance the natural assets that are key to the character and amenity of the area, as such the tree team are unable to support the proposal as submitted.

Recommend conditions if the application is put forward for approval without modifications relating to tree protection; specification for all new tree planting; details of soft and hard landscape design; and landscape implementation.

- 4.7 SC Regulatory Services (31.07.2020) - Comment:
-Previous comments about above ground tanks still stand.
- Petrol station layout has changed with the manned kiosk being removed and there appears to be more space for customers to drive around the forecourt.
-It seems that fuel is to be pumped off the tanker into the tanks via offset fills so a pressurised system which the industry seems to have moved away from in more recent times.
(Officer Comment: The filling station is also subject to separate licensing regulations in terms of safety of operation).
- 4.7.1 SC Regulatory Services (19.03.2020) - Comment:
Understand that the EA has requested that above ground tanks are installed here, however cannot see what has been proposed to ensure site safety and the safety of the public using the site.
Full comments set out the advantages and disadvantages of both above ground and below ground tank installations, along with similarities.
- 4.8 SC Drainage (04.80.2020) - Comment:
The proposed surface water drainage is acceptable.
- 4.8.1 SC Drainage (21.07.2020) - Comment:
The Proposed Block Plan of the site has been amended. The amended proposed drainage, plan and calculations should be submitted for approval.
- 4.8.2 SC Drainage (09.03.2020) - No Objection:
The proposed surface water drainage is acceptable.
- 4.9 SC Economic Development - No Objection.
- 4.10 Severn Trent Water - Comment:
Require the use of soakaways to be investigated before considering a surface water connection to the public sewer.
(Officer comment -Ground conditions report at the outline stage confirmed that the ground is not suitable for soakaways).
- 4.11 Environment Agency (11.03.2020) - No Objection to the details submitted to address condition 7 of 14/05573/OUT relating to the location of fuel tanks above ground, as specified by that condition, and the details of their position and means of preventing fuel spillages and incidents submitted with this application.

Public Comments

- 4.12 Site notice displayed 05-03-2020; Press notice published 10-03-2020. 243 notification letters sent out. (Includes parties who commented on the outline application).
- 4.12.1 8 Objections prior to receipt of amended drawings::
Adverse impact on town centre.
Proposed petrol station is unnecessary.
If a major supermarket is interested in coming to Ludlow they should acquire the old Budgen site and build a low rise multi-storey car park and add footfall to the town.
Will drive local trades people out of business.
Would exacerbate recent flooding on land in this area and on A49.
No client has come forward; talk of 100-150 quality jobs being created spurious.
Design out of place and a classic example of over-development.
No provision for electric car charging, or cycle parking, or any space where a bus could safely stop.
Inappropriate and unsuitable given the need to reduce dependence on petrol/diesel cars.
Loss of trees and hedges and bat habitat; detailed survey has failed to cover the whole of the development site; if the reserved matters and landscaping plan were to be approved Shropshire Council would be in breach of the Habitats Directive and could be taken to court.
Pedestrian access for those coming from houses across the A4117 not clearly shown; should be provision for a pedestrian way and a crossing so that the houses to the northwest of the roundabout can access the supermarket without crossing three roads.
No provision for archaeological excavation of farmhouse site.
Landscaping area should be much larger with more trees retained.
Should incorporate solar panels and/or a green roof; should be a plan to install 100% electric charging points by 2050.
- 4.12.2 1 Neutral Comment prior to receipt of amended drawings:
Should incorporate measures to conserve and enhance wildlife, including swift boxes/swift bricks.
- 4.12.3 2 Support Comments prior to receipt of amended drawings:
Will be easily accessible from the A49 and will ease traffic congestion and parking issues around the existing supermarkets in Ludlow.
Is a well situated site that does not impose on its rural environment with attractive landscaping and sympathetic design.
Will be in walking distance of their home and lovely to have this facility near them.
- 4.12.4 3 Objections received following receipt of amended drawings:
-Revised plans would appear to show fewer trees and shrubs screening the car park.

- Concerned about the proposed signage and there is no artists impression or indication of size in the application.
- Detrimental impact on businesses in the town centre, particularly food business including the market which is vital for the town character and tourists.
- If a store is required for people who live nearby it could be smaller.
- A fuel station is not required as there are two within a just over a mile and another within 5 miles; diesel and petrol cars are on their way out and the area could be used for green landscaping and a seating area.
- Whole perimeter line of parking should be given over to green landscaping
- Conifers should be surveyed for what wildlife uses them and nest boxes provided.
- If development goes ahead it should be made as "green" as possible.
- Design should be better but an attractive design should not be used as an excuse to remove the tree screen.
- Should not rely on major supermarket chains and should be investing all our energy in supporting local entrepreneurs and building community capacity and resilience for the future.

- 4.12.5 1 Neutral comment received following receipt of amended drawings:
- Concerned that if the promised native replacements are to be viable in the long term - the proposed replacement of existing Leylandii trees and hedges with native species will require prior de-acidification and re-fertilization of the soil to replace the nutrients typically removed by Leylandii, and to restore the soil pH to required alkalinity, as Leylandii are notorious for creating impoverished, dry soil of high acidity in which little else can grow. If compliance is not ensured, the site will be a barren eyesore.
- 4.12.6 1 Letter of support received following receipt of amended drawings:
- This will be a welcome addition to the town, providing much needed jobs and shopping.

5.0 THE MAIN ISSUES

Principle of development
 Appearance, scale and layout
 Landscaping
 Drainage
 Boundary treatments and retaining structures
 Ecology
 Other matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The principle of a food store and filling station on this site, which is split by Duncow Road, has been accepted through the grant of outline permission 14/05573/OUT and cannot be re-visited in the consideration of this reserved matters application.

6.2 Appearance, scale and layout

- 6.2.1 Shropshire Core Strategy Policy CS6 seeks to ensure that development is appropriate in scale, density, pattern and design taking into account the local context and character. It also seeks to achieve safe developments with good accessibility and to include within developments appropriate landscaping and car parking provision. Site Allocations and Management of Development (SAMDev) Plan policy MD2 builds upon the criteria in Policy CS6, advising among matters listed that opportunities for contemporary design solutions will be embraced, which take reference from and reinforce distinctive local characteristics to create a positive sense of place, but avoiding reproducing these characteristics in an incoherent and detrimental style. Section 12 of the National Planning Policy Framework (NPPF) also emphasises the importance of achieving well-designed places.
- 6.2.2 The appearance of the proposed food store, as described in paragraphs 1.6 to 1.9 above would be of a contemporary form combining the use of some traditional materials (timber cladding) which would not be out of keeping with this site context and the residential development to the north of the site in particular. The low-set form of the building, set into the land which rises in a north-easterly direction as shown by the levels on the site section and elevations drawings, would also assist in assimilating the building into the immediate surroundings and not make it unduly prominent from long distance views. The location for the filling station is on higher land and a more exposed location. However the built form proposed for the filling station, comprising of a simple flat roofed canopy open on all sides, small ancillary and low kiosk building and a close board fencing enclosure to conceal the above ground fuel tanks from view, allows for the retention of views out to the surrounding countryside from Duncow Road and would be seen against the back drop of built development when viewed from the north and north east. There would be landscaping (Discussed below) to the boundary with open countryside and it is considered that the appearance of this part of the development would be acceptable.
- 6.2.3 The scale of the proposed development as amended, in terms of floor space, is reduced in comparison with that envisaged at the outline stage and in the original drawings submitted with this reserved matters application. This reduction has been beneficial in terms of integrating the proposed development into the built surroundings and allowing the store building to be positioned away from the north western site boundary with residential development. Shropshire Council has no adopted parking standards, with Core Strategy policy CS6 stating that appropriate car parking provision should be made. The Council's Highways Consultants have raised no concerns about the quantity of on-suite parking proposed or the vehicle circulation space within the site and this is considered to be adequate for the size of store proposed. With respect to the provision of electric charging points to every parking space by 2050 as suggested in correspondence received, this is not a condition of the outline permission granted and could not be secured through a reserved matters approval.
- 6.2.4 With respect to the site layout, the basic configuration with the food store on the northern part of the site and the parking on the southern part, is similar to the illustrative layout provided with the outline application. In the report of the outline

application Officers advised at paragraph 5.2.2 of the final report that they were of the view that a different site layout could be achieved which moves the store and service yard further from the existing dwellings and also retains existing landscaping along the A49. This layout issue has been explored again in assessing the reserved matters proposals. It is now accepted that, having regard to the site topography, shape, access arrangements approved as part of the outline permission and to make the most efficient use of the land available in terms of the amount of parking to be provided and store servicing in a safe manner, that the proposed site layout is appropriate to meet these objectives. It also accords with the NPPF objective at paragraph 122 of supporting development that makes efficient use of land. The combination of the revised site layout and the planning condition on the outline permission relating to acoustic fencing would ensure no undue harm to neighbour amenity as a result of the layout.

6.3 **Landscaping**

6.3.1 Core Strategy policies CS6 and CS17 seek to achieve appropriate landscaping in developments for their visual and ecological value, with SAMDev Plan policies MD2 and MD12 looking to schemes to reinforce the character and context of a site. Policy MD12 advises that in situations where is no satisfactory alternative there may be social or economic benefits to outweigh the harm, to seek mitigation. The proposed landscaping scheme to accommodate the proposed layout of the food store and parking would involve the removal of a row of substantial leylandii trees along the boundary with the A49, together with some trees along the A4117 and a small plantation within the site. There would be a reduction in tree cover adjacent to the road frontages in the proposed scheme that would create a more open site. However the principle of the proposed development has been accepted and there would be significant limitations on the developable area that would result from retaining the existing trees, even with the slightly reduced scale of development in the amended reserved matters submission compared to that envisaged at the outline application stage. Amendments have been to the proposed landscaping in response to comments made by the Council's Trees Team, and the scheme of new planting is outlined at paragraphs 1.10 and 1.11 above. While that team maintains it concerns about the layout and detail of the compensatory tree planting, this does not amount to an objection that would warrant refusal of the proposed reserved matters when weighed against the social and economic benefits accepted with the grant of outline permission. The proposed new planting would arguably be more attractive visually than the leylandii trees in this site context. The Tree Team's recommended condition relating to ground preparation for the tree planting and aftercare would be attached to an approval of reserved matters.

6.4 **Drainage**

6.4.1 The on-site drainage details which condition 4 of the outline planning permission required to be submitted with the first submission of reserved matters are considered acceptable by the Council's Drainage Consultants, following their appraisal of the additional technical details supplied. Highways England have raised concerns about the potential impact of drainage arrangements on the strategic road network (A49) infrastructure and lodged a holding objection for further information to be submitted in response to their queries. It is considered that this is a matter which can be properly addressed through the submission of a

discharge of condition application in respect of condition 16 of the outline planning permission which states:

"A detailed drainage scheme shall be submitted to and agreed in writing by the Local Planning Authority, in consultation with the Highway Authority for the A49 Trunk Road, prior to the commencement of any works that would alter the existing drainage of the site or surrounding land. The detailed drainage scheme shall be implemented as approved.

Reason: To ensure the site does not drain onto the strategic road network and that the proposed method of drainage does not affect the interests of Highways England, in accordance with paragraph 50 of DfT Circular 02/2013."

Following lengthy correspondence between Highways England and the agent, Highways England have advised informally that it may be possible (Subject to confirmation by their own legal team) for their holding objection relating to drainage to be addressed by a condition stating that within 3 months of the date of the permission (reserved matters approval and prior to the commencement of development revised plans for a sustainable drainage design in accordance with paragraph 50 of DfT Circular 02/2013 and DMRB CG 501 (Chapter 6) shall be submitted to and agreed in writing by the Local Planning Authority in consultation with Highways England, and the drainage works be carried out in accordance with the approved details. This condition would be a partial duplication of condition 16 which already forms part of the planning permission but does clarify the specific design criteria to be addressed.

6.5 **Boundary Treatments and Retaining Structures**

6.5.1 The proposed boundary treatments comprising of new planting, fencing and retaining structures have been described in section 1 of this report and are considered visually acceptable for the reasons explained in sections 6.2 and 6.3 above. The Highways England Holding objection has also been on the basis of requiring further information to assess the impact of the proposed landscaping and retaining structures on the strategic highway network. They are now indicated that the proposed landscaping scheme would not prevent to A49 Trunk Road continuing to serve its purpose as part of a national system of routes for through traffic. With respect to retaining structures Highways England has advised that the following conditions may enable this remaining element of their holding objection to be withdrawn, subject to confirmation by their own legal team:

Condition: *Prior to changing the site levels or erecting any retaining structure within 10m of the strategic highway boundary, the developer shall submit details of the proposed retaining wall, including (but not limited to) dimensions, materials, design calculations and a construction method statement. The retaining wall shall be designed in accordance with the BS EN 1997 (Eurocode 7), BS PD 6694-1 (traffic loads on structures) and CIRIA guide 760 (Embedded Retaining Walls) and shall comply with the maintenance standards as required under Annex A (paragraph A1) of DfT Circular 02/2013. The design of any retaining wall structure required shall be submitted to and agreed in writing by the Local Planning Authority in consultation with Highways England. The retaining wall structure shall*

be implemented in accordance with the approved design.

Condition: *Prior to the commencement of construction of the retaining wall, the developer shall undertake a Road Restraints Risk Assessment Process (RRRAP). This is to determine whether a Vehicle Restraint System (VRS) is required on the Strategic Road Network (SRN) side of the retaining wall as well as determining an acceptable form of VRS at the top of the retaining wall within the car park to protect against vehicles falling from the car park towards the SRN. The design of any VRS determined to be required shall be submitted to and agreed in writing by the Local Planning Authority in consultation with Highways England. Any VRS determined to be required shall be implemented in accordance with the approved design.*

Reason for Conditions: *To ensure that the A49 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 and in the interests of road safety.*

The above conditions are currently subject to discussions between Highways England and the agent at the time of writing this report and may be subject to further amendment. It would be possible to attach them, in their final form, to an approval of reserved matters in this case, along with the landscape implementation condition requiring the work to be carried out in accordance with the approved scheme.

6.6 Ecology

6.6.1 Ecological impacts were considered in detail at the time the outline application was under consideration. It was established that there were no ecological reasons for withholding a grant of outline permission 14/05573/OUT and condition 5 on that decision notice requires all development, demolition or site clearance procedures to be carried out in line with the Protected Species Survey Focusing on Bats by Shropshire Wildlife Consultancy dated July 2014. Condition 14 also requires the provision of a minimum of three bat boxes or bat bricks in the development. There is an obligation on all parties in carrying out development to ensure that development proposals do not cause harm to protected species and that, where needed, appropriate mitigation is incorporated in developments. Most ecological data is considered to be up-to-date for a period of two years, after which the ecological impacts of proposals should be reviewed. An updated ecological appraisal and a protected species survey has been submitted with the current reserved matters application. This has identified the presence of a bat roost (A non-maternity summer roost for a single common pipistrelle bat) that was not present in 2014 in the barn which would be demolished. The proposed works would therefore have to take place under a European Protected Species licence.

6.6.2 The Local Planning Authority is a 'competent authority' and has a statutory duty under Regulation 9(5) of The Conservation of Habitats and Species Regulations 2017. All competent authorities, when 'exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.' The Council's Ecology Team requested further information on the proposed mitigation measures set out in the Preliminary Ecological Appraisal and the proposed landscaping scheme. A Bat Mitigation

Statement has now been submitted setting out a timetable for the works, supervision by a licensed bat ecologist and actions to be taken should a bat be encountered. The associated landscape scheme details show the proposed positions for bat boxes and bird boxes. In terms of wider ecology mitigation and enhancement the Statement comments that locally native trees would replace the existing mature Leyland cypress hedges which are of low wildlife value. It comments that the trees will develop into significant habitats and as the base of food chains and there is space for them to develop mature crowns. The native hedging would be planted as double rows where possible to quickly achieve a good density of twigs and foliage as a high-quality habitat. The ground cover planting would reinforce the value of the hedges. The bat boxes, mounted on telegraph poles would be located on the north western and the north western end of the south western boundary, between the service yard and the A49 before any demolition commences. Five sparrow terraces and five swift boxes would also be provided in these locations. Ten log pile refugia would be provided on the proposed meadow at the north western end of the south western boundary, using logs arising from the felling of the Leyland cypresses on site.

6.6.3 With respect to the three European Protected Species tests, the grant of outline planning permission has shown that the Local Planning Authority considers that there is an overriding public interest in terms of the economic benefits and job creation that the development would deliver. The grant of outline permission also demonstrates the acceptance that there is no satisfactory alternative to this site (A sequential site assessment was carried out for the outline planning application). The comments of the Council's Ecology Team on the adequacy of the proposed compensatory works to mitigate for the loss of the single non-maternity bat roost is awaited and it is hoped to receive them in time for the Committee meeting.

6.7 Other Matters

6.7.1 The Parish Council has made comments neither objecting to or supporting the planning application but have made some observations about access and provision for bus services. They comment that they would wish to see a bus service into the site to assist families with young children when shopping, and state that Ludford Parish has a higher rate of residents above 65 years of age than the county, regional and national averages. They hope that the developer will liaise with (bus) companies servicing this route to provide suitable vehicles and to ensure the layout of the site is planned around this requirement.

6.7.2 There are existing bus stops and a pedestrian crossing on the A4117 road immediately adjacent to the application site. There is also the option for bus stops on Duncow Road to the north of the roundabout serving the store car park and filling station, which would keep pedestrians away from the bulk of traffic movements. It is not a requirement of the outline planning permission that a bus service be provided into the site, or that bus laybys be provided as part of the development and is not one which can be introduced at the reserved matters stage. Condition 11 of the outline permission relates to the proposed foot/cycleway linkages between Ludlow and the site, and condition 17 requires the submission and approval of a Travel Plan to promote the use of sustainable modes of transport.

6.7.3 The conditions recommended by the Council's Highways Consultants in respect of highway alterations on Duncow Road would be a duplication of conditions 9 and 10 on outline permission 14/05573/OUT which included access, not reserving it for later approval. The recommended condition in relation to the construction access, car parking and HGV turning area within the site is pertinent in relating to the layout reserved matter details of the proposed development.

7.0 **CONCLUSION**

7.1 The principle of a food store and filling station on this site has been accepted through the grant of outline permission 14/05573/OUT and cannot be re-visited in the consideration of this reserved matters application.

7.2 The appearance of the proposed food store would be of a contemporary form combining the use of some traditional materials (timber cladding) which would not be out of keeping with this site context. The built form proposed for the filling station allows for the retention of views out to the surrounding countryside from Duncow Road and would be seen against the backdrop of built development when viewed from the north and north east. The proposed development would not detract from the visual amenities of the area, or from the setting of any designated heritage asset.

7.3 The quantity of on-suite parking proposed and vehicle circulation arrangements within the site are considered adequate for the size of store proposed. The residential amenities of nearby residential properties would not be unduly harmed by the proposed site layout and appearance of the buildings.

7.4 It is acknowledged that the proposed landscaping scheme would require the removal of the existing trees and the dense row of tall Leyland Cypress trees and would lead to more open views of the site from the A49 road. However the proposed new planting would arguably be more attractive visually than the leylandii trees in this site context, and of potentially greater ecological value as it becomes established.

7.5 The drainage and boundary treatment/retaining structure matters raised by Highways England are likely to be matters which can be addressed satisfactorily through planning conditions, allowing them to withdraw their holding objection. (Were the local planning authority proposing to approve the application and issue the decision without a Highways England objection being removed, the application would have needed to be referred to the Secretary of State. The approval recommendation is therefore subject to the Highways England holding objection being removed).

7.6 With respect to the three European Protected Species (EPS) tests, the grant of outline planning permission has shown that the Local Planning Authority considers that there is an overriding public interest in terms of the economic benefits and job creation that the development would deliver. The grant of outline permission also demonstrates the acceptance that there is no satisfactory alternative to this site (A sequential site assessment was carried out for the outline planning application).

It is hoped to receive the comments of the Council's Ecology Team on the mitigation proposed to address the third EPS test in time for the Committee meeting. Any additional planning conditions deemed necessary to safeguard ecological interests to supplement conditions 5 (Work in accordance with recommendations of protected species survey), 14 (Provision of bat boxes) and 15 (External lighting) of the outline permission would be attached to the approval of reserved matters in these circumstances.

7.7 This reserved matters application is recommended for approval for the reasons set out above.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:

CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD2 - Sustainable Design
MD12 - Natural Environment
MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

14/05573/OUT Outline application for the erection of a new foodstore (Use Class A1), associated petrol filling station, and associated car parking to include access GRANT 2nd March 2017

14/04052/SCR EIA Screening Request for Proposed superstore and Petrol Filling Station EAN 5th November 2014

10/05641/VAR Variation of condition No.8 attached to planning permission reference

1/06/18517/F dated 24th August 2006 to allow for a number of smaller play spaces instead of a single play space GRANT 21st April 2011

13/04457/SCR Screening Opinion for proposed superstore and Petrol Filling Station NPW 7th November 2013

20/03175/AMP Non-material amendment to planning application number 14/05573/OUT. PCO
 SS/1/6874/P/ Use of barns as steak house/restaurant and car parking for 40 cars. PERCON
 25th July 1996
 SS/1/4568/K/ Erection of an open sided agricultural barn. REFUSE 11th May 1994
 SS/1/4702/X/ Erection of an open sided agricultural building. REFUSE 21st July 1994
 SS/1/2521/P/ Change of use from disused farm building to retail sales. REFUSE 21st July 1992
 SS/1/1019/P/ Conversion of barns to a steak house restaurant with car parking for 40 cars.
 PERCON 27th June 1991
 SS/1983/81/P/ Use of land for the sawing, peeling and storage of timber and stakes. REFUSE
 8th April 1983
 SS/1979/574/P/ Formation of an agricultural vehicular access. PERCON 23rd October 1979
 SS/1/01/12418/F Renewal of Planning Permission 1/06874/P dated 25th July, 1996 for change
 of use of barns to steakhouse/restaurant and car parking for 40 cars. PERCON 27th November
 2001
 SS/1/03/14950/F Conversion of agricultural buildings to hotel and restaurant; formation of
 vehicular and pedestrian access; installation of a septic tank PERCON 29th April 2004
 SS/1/06/18794/F Erection of an agricultural tool and equipment store. REFUSE 7th December
 2006

Appeal

SS/1/4702/X/ ERECTION OF AN OPEN SIDED AGRICULTURAL BUILDING. DISMIS 10th
 April 1995

Appeal

SS/1/2521/P/ CHANGE OF USE FROM DISUSED FARM BUILDING TO RETAIL SALES.
 ALLOW 15th March 1993

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Planning Statement Design and Access Statement Ecological Appraisal Bat Survey Tree Survey Bat Mitigation Statement
Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
Local Member Cllr Vivienne Parry
Appendices

APPENDIX 1 - Conditions

APPENDIX 1**Conditions****STANDARD CONDITION(S)**

1. The development shall be carried out in accordance with the amended drawings received by the Local Planning Authority and listed in the Approved Drawings Schedule on this decision notice.

Reason: To define the approval for the avoidance of doubt.

2. No site works or development (including demolition, ground works/re-profiling and tree felling / vegetation clearance) shall take place until specifications and details for ground preparation tree planting and after care have been approved by the local planning authority., this to include:

- a.Measures for soil protection and improvement, or the introduction of fresh top soil that provides appropriate volumes of healthy de-compacted top soil appropriate to the mature needs of the trees being planted. The details of soil amelioration will meet the minimum standard set out in the recommendations in BS3882:2015 specification for topsoil; or provision of new de-compacted topsoil that meets as a minimum the same standard.
- b.Where trees are to be planted in or close to hard standing and roots are to be expected to exist wholly or in part under that hardstanding the details for the inclusion of an appropriate soil cell system to contain and protect the growing medium will be provided.
- c.Details for ground preparation, tree procurement, planting and after care that demonstrate an understanding of the good practice guidance offered in BS 8545:2014 trees from the nursery to independence in the landscape recommendations.
- d.A programme of maintenance and measures for replacing dead damaged diseased or failing trees with funding for regular aftercare for a minimum of 5 years after planting including measures for watering during draught periods.

REASON: To ensure that the tree planting proposed in the approved landscape plan is capable of achieving the best possible development and health in order to contribute to the character and amenity of the area for the life span of the proposed development.

3. Prior to changing the site levels or erecting any retaining structure within 10m of the strategic highway boundary, the developer shall submit details of the proposed retaining wall, including (but not limited to) dimensions, materials, design calculations and a construction method statement. The retaining wall shall be designed in accordance with the BS EN 1997 (Eurocode 7), BS PD 6694-1 (traffic loads on structures) and CIRIA guide 760 (Embedded Retaining Walls) and shall comply with the maintenance standards as required under Annex A (paragraph A1) of DfT Circular 02/2013. The design of any retaining wall structure required

shall be submitted to and agreed in writing by the Local Planning Authority in consultation with Highways England. The retaining wall structure shall be implemented in accordance with the approved design.

Reason: To ensure that the A49 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 and in the interests of road safety.

4. Prior to the commencement of construction of the retaining wall adjacent to the A49, the developer shall undertake a Road Restraints Risk Assessment Process (RRRAP). This is to determine whether a Vehicle Restraint System (VRS) is required on the Strategic Road Network (SRN) side of the retaining wall as well as determining an acceptable form of VRS at the top of the retaining wall within the car park to protect against vehicles falling from the car park towards the SRN. The design of any VRS determined to be required shall be submitted to and agreed in writing by the Local Planning Authority in consultation with Highways England. Any VRS determined to be required shall be implemented in accordance with the approved design.

Reason: To ensure that the A49 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 and in the interests of road safety.

5. Prior to occupation of the development, the Landscape Planting hereby permitted shall be implemented in accordance with the Detailed Landscape Planting Plan (Drawing no. 2170/2020/B/1F). Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs, to ensure that the A49 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 and in the interests of road safety.

6. Within 3 months of the date of this permission and prior to the commencement of the development revised plans for a sustainable Drainage Design in compliance with paragraph 50 of DfT Circular 02/2013 and DMRB CG 501 (Chapter 6) shall be submitted to and agreed in writing with the Local Planning Authority in consultation with Highways England. A sustainable Drainage Design shall be implemented in accordance with the approved design.

Reason: To ensure that the A49 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 and in the interests of road safety.

7. The external facing materials for the buildings and structures and the hard surfacing materials shall be as specified on the approved drawings unless an alternative schedule of materials has been submitted to and approved in writing by the Local Planning Authority prior to their first use in the development. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area.

8. Prior to the development hereby permitted being open to trading/brought into use the access, car and cycle parking and HGV turning area shown on drawing number 1085_LP0309 Rev P7 and shall have been provided, properly laid out, hard surfaced and drained, and the space shall be maintained thereafter free of any impediment to its designated use for the lifetime of the development.

Reason: To ensure the provision of adequate parking, in the interests of public safety, to avoid congestion on adjoining roads, and to protect the amenities of the area.

Informatives

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

2. Section 278 Agreement No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND to progress the agreement. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 278 of the Highways Act 1980 entered into.

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

construct any means of access over the publicly maintained highway (footway or verge) or

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

undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team.

This link provides further details:

<https://www.shropshire.gov.uk/roads-and-highways/road-network-management/application->

forms-and-charges/

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

3. In determining this application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan policies:
CS6 Sustainable Design and Development Principles
CS17 Environmental Networks
CS18 Sustainable Water Management
MD2 Sustainable Design
MD12 Natural Environment
MD13 Historic Environment

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Development Management Report

Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 20/01796/FUL	Parish: Edgton
Proposal: Temporary siting of static caravan for use as rural occupational dwelling and installation of septic tank (re-submission)	
Site Address: Hare Hill Farm Edgton Craven Arms Shropshire SY7 8HN	
Applicant: Mr L O'Brian	
Case Officer: Helen Tipton	email : planning.southern@shropshire.gov.uk

Grid Ref: 338111 - 285694



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Recommendation:- Refuse:

Recommended Reason for refusal

1. Insufficient financial information has been provided to satisfactorily demonstrate the agricultural and horticultural business is viable in the longer term and the livestock enterprise would not be sufficiently stocked in order to meet the functional test to establish an essential need for a temporary or permanent agricultural worker's dwelling.

Consequently there are no exceptional circumstances sufficient to justify new residential development in this open countryside location and the proposal would fail to comply with paragraph 79 of the National Planning Policy Framework and adopted Development Plan policies CS5, MD7a and the adopted Type and Affordability of Housing SPD.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the temporary stationing of a static caravan for use as a rural occupational dwelling in connection with an agricultural business which occupies the site. It is intended for the temporary dwelling to be occupied by the applicants who are employed in the agricultural / horticultural business and the forestry business.
- 1.2 Precise caravan dimensions have not been given although an indication of the type of structure is provided in the submitted details and the applicants have suggested that a larch timber could clad the proposed caravan if considered necessary.
- 1.3 The application proposes to utilise an existing site access, with improved visibility to the entrance and an entrance gate, which would be set back 5 metres from the carriageway edge, whilst the caravan would be sited close to the site entrance.
- 1.4 Also proposed is the installation of a septic tank.
- 1.5 Approval was gained by the applicant in September 2017, (17/03847/FUL refers), for a general purpose agricultural building covering a footprint of approximately 13.9 metres x 6.4 metres. The existing field access was approved for upgrading under this same application, with a permeable track leading from the gateway to the approved agricultural storage building.
- 1.6 A planning application for the temporary siting of a caravan was previously submitted (19/04722/FUL) for the same purpose at the site in October 2019 and was assessed, at that time, by the Council's Agricultural Consultants, although it was established that the financial and functional requirements had not been clearly demonstrated and a request for a more detailed business plan was required. The application was subsequently withdrawn.
- 1.7 The submitted planning statement and other supporting details, including extracts of confidential financial correspondence are summarised, briefly as follows:
- The site relates to an existing horticulture business, (which provides a variety of produce including seasonal fruit and vegetables as well as some protected cropping) and a tree surgery company; a flock of 20 sheep, (1 ram, 12 breeding ewes, 5 ewe lambs and 2 ram lambs) and a flock of 10 chickens for egg production / sales.
 - The size of the holding extends to some 13 acres, (this includes additional rented land of 5.5 acres, although it is unclear whether the additional land is

already rented or whether this is dependent on the applicant's obtaining planning consent for the temporary occupational dwelling). The additional land would allow the sheep flock to increase, overtime to 38, (a separate sheep stocking spreadsheet specifies a total of 62 sheep as at March 2021, with 38 going into 2022). The additional land would free up and increase produce growing space to 0.72 of an acre and increase egg sales and meat production, following the increase of hens to 20. All of which are proposed during the year 2021.

2.0 **SITE LOCATION/DESCRIPTION**

- 2.1 Hare Hill Farm extends to approximately 2.7 hectares of land, which includes two polytunnels, a horticultural cropping area and a general purpose agricultural building, (as approved in September 2017). The applicant has confirmed that further rented land is available to them, although it is unknown where this sits in relation to the site.
- 2.2 The holding lies southeast and adjacent to the classified road, which leads between the B4385 / Lydbury North road and the road junction with Edgton and Basford. The site predominantly consists of fields of grazing land with mature trees and hedgerow defining much of the boundary. It is seated north / northwest and west of two residential dwellings and is accessed from the north western corner of the property.
- 2.3 The site is situated within the Shropshire Hills Area of Outstanding Natural Beauty, (AONB) and is within the water catchment area of the River Clun Special Area of Conservation, (SAC).

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The Town Council have provided views contrary to delegated officers and the Local Member also supports the proposals, having requested, within 21 days of being validated, that the application should be decided by the Planning Regulatory Committee for material planning reasons: This invokes automatic referral for a committee decision under the scheme of delegation.

4.0 **Community Representations**

- 4.1 Consultee Comments
- 4.1.1 Edgton Parish Council - support.

Edgton Parish Council have conducted a survey across the village to see if anyone in Edgton objects to the planning application and received no objections. The applicants are young people seeking to establish a market garden and are well

liked and received in Edgton. They have provided a valuable service in the Covid-19 pandemic, providing a local food supply.

Recent theft at the site makes it important that the young entrepreneur's are able to live on site whilst their business is established.

We would wish to fully support young people establishing a local business in Edgton and they have the full support of the Parish.

4.1.2 Shropshire Council Ecology - comment.

This application has been considered under the Habitats Regulations Assessment process in order to satisfy the Local Authority duty to adhere to The Conservation of Species and Habitats Regulations 2010 (known as the Habitats Regulations). A Habitats Regulations Assessment (HRA) matrix is included within the officer's report and must be discussed and minuted at any committee at which the planning application is presented.

Provided that the works are carried out as proposed, Shropshire Council has not identified any potential effect pathway by which the proposed activity might impact upon the River Clun SAC.

The following informative comments are recommended for inclusion with any approval decision:

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

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

Any vegetation clearance, tree removal and/or scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. No clearance works can take place within 5 metres of an active nest.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid

creating attractive habitats for wildlife.

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

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

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

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

4.1.3 Shropshire Council Affordable Housing - no comment.

4.1.4 Shropshire Council Drainage - comment.

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-for-developers.pdf> .

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

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

4.1.5 Shropshire Hills AONB - comment.

The Shropshire Hills AONB Partnership is a non-statutory consultee and does not have a role to study the detail of all planning applications affecting the AONB. With or without advice from the AONB Partnership, the planning authority has a legal duty to take into account the purposes of the AONB designation in making this decision, and should take account of planning policies which protect the AONB, and the statutory AONB Management Plan.

Our standard response here does not indicate either an objection or no objection to the current application. The AONB Partnership in selected cases may make a further detailed response and take a considered position.

4.1.6 Shropshire Council Highways - comment.

No objection subject to the development being constructed in accordance with the following conditions and informative comments:

The visibility splay in an easterly direction from the site access, shown on the Proposed Block Plan (Drawing No. 73306/19/03 Rev A) shall be set out in accordance with the splay line shown. Any retained hedge or replacement hedge planting should be at least 1 metre behind the visibility splay line. The visibility splay shall be fully implemented in accordance with the approved details prior to the static caravan being occupied and shall thereafter be maintained at all times free from any obstruction.

Reason: To provide a measure of visibility from the access along the highway in the interests of highway safety.

The access apron, parking and turning areas shall be satisfactorily completed and laid out in accordance with the Proposed Block Plan (Drawing No. 73306/19/03 Rev A) prior to the static caravan being occupied. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.

Reason: To ensure the formation and construction of a satisfactory access and parking facilities in the interests of highway safety.

The access apron shall be constructed in accordance with the Shropshire Council's specification currently in force for an access and shall be fully implemented prior to the static caravan being occupied.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification, no access gates or other means of closure shall be erected within 8.0 metres of the highway boundary.

Reason: To provide for the standing of parked vehicles clear of the highway carriageway in the interests of highway safety.

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge) or
- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

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

<https://www.shropshire.gov.uk/roads-and-highways/road-network-management/application-forms-and-charges/>

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

specification for the works together and a list of approved contractors, as required.

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

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

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

<https://shropshire.gov.uk/media/2241/supplementary-planning-guidance-domestic-waste-storage-and-collection.pdf> .

4.2

Public Comments

4.2.1

This application was advertised via notice at the site on 13 May and one neighbouring property was notified by letter.

A total of twenty three representations have been received, including that from Councillor Houghton, all of which are in support of the application. These are summarised as follows:-

- Support of small rural business.
- Organic produce highly valued by the local community, particularly during the current pandemic.
- General support for local food production.
- The village is a mostly an ageing population and younger people living in the community is encouraged. The applicant's would be an asset to the community.
- Will increase employment opportunities in the area.
- Would not be detrimental to the AONB or rural location.
- Would prevent theft and prevent foxes from taking chickens.
- Would reduce applicant's overheads and represent a substantial saving in accommodation costs.
- Reduce traffic on the road network.
- No heavy traffic generated by the business and no other residential amenity impacts.
- Use of a compostable toilet would prevent the requirement for foul drainage.
- Council approach is short sighted. Discrimination against the applicant's age and lack of large investment.
- An agricultural building has already been approved at the site.
- Labour intensity of the business requires on-site accommodation.

- The Tree Surgery Business provides additional income to the smallholding.
- Council benefit in terms of rates / council tax.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and visual impact
Residential amenity
Highway safety
Drainage
Ecology

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Paragraph 79 of the National Planning Policy Framework (NPPF) states that planning decisions should avoid the development of isolated homes in the countryside unless one or more of the listed circumstances apply. In this case the exception being is if there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside. In order for the Local Planning Authority to assess whether or not there is an 'essential need', evidence must be provided to demonstrate a need in order to qualify for an agricultural worker's dwelling.

6.1.2 The NPPF guidance on agricultural workers' dwellings is far less detailed than that in Annex A of the former Planning Policy Statement (PPS) 7, which required clear evidence of a firm intention and ability to develop the enterprise; a functional need and clear evidence that the proposed enterprise has been planned on a sound financial basis. The principle of applying 'functional' and 'financial' tests is well established and is still required in order to satisfy the Council's Core Strategy Policy CS5 and SAMDev Policy MD7a, (with the latter's explanatory text referencing the Annex A criteria explicitly). Applications for new rural workers' dwellings must prove there is an established functional need for an agricultural worker to be present on site for the majority of the time as opposed to it merely being convenient. "The protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a new agricultural dwelling, although it will not by itself be sufficient to justify one. Requirements arising from food processing, as opposed to agriculture, cannot be used to justify an agricultural dwelling.." and "If a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant".

6.1.3 It then goes on to say that "If a new dwelling is essential to support a new farming activity, whether on a newly created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure, which can be easily dismantled, or other temporary accommodation" and the proposals should provide evidence of a firm intention and ability to develop the enterprise concerned; functional need, by satisfying the functional test; clear

evidence that the proposed enterprise has been planned on a sound financial basis and the functional need could not be fulfilled by another existing dwelling on the unit or in the area.

- 6.1.4 The financial test would involve demonstrating that the agricultural unit and the activity concerned would be established for at least three years and profitable for at least one; would be financially sound; have a clear prospect of remaining so and be capable of funding the development, (e.g. a new, permanent dwelling).
- 6.1.5 Core Strategy policy CS5 deals with proposed development in areas defined as countryside and seeks to resist development which is not proposed for specific rural needs or affordable housing. The stated purpose of CS5 is to strictly control new development in the countryside in accordance with national planning policies to protect these areas. Proposals in the countryside, on appropriate sites relating to dwellings to house essential countryside workers are considered acceptable in principle subject to satisfying general development control criteria and compliance with national planning policies; Core Strategy policy CS11 and the Council's adopted Supplementary Planning Document (SPD) on the Type and Affordability of Housing. Policy CS5 makes it clear that the onus rests with the applicant to demonstrate the essential need and benefit for the development proposed.
- 6.1.6 Also, in respect of rural occupational workers dwellings, the Housing Supplementary Planning Document, (SPD) states that applications 'need careful assessment in order to prevent abuse of the planning system' and decisions need to be *'based on an accurate assessment of the needs of the enterprise'*. Within paragraph 3.2 the SPD further states: *'Applicants will be required to demonstrate that a dwelling at the business is essential by showing a functional need for the occupier to be present at the business for the majority of the time, ("time" being 24 hours a day, 7 days a week)..'* Therefore, in order to demonstrate an essential need for a worker to live on site, it would be necessary to consider whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available on site for most of the time. The functional and financial tests in this case would be based mainly on predicted forecasts.
- 6.1.7 In terms of the horticultural side of the business, no information is provided in relation to the use of any supplementary systems installed in the polytunnels, or which are proposed to be installed as part of the development. In the former (2019) application, the Council's consultants advised it may be essential for a rural worker to be on site to ensure that automated operations of heating, watering and ventilation are overseen, although this information has not been provided.
- 6.1.8 Also, it was not considered that the applicant's forestry business and associated equipment could be taken into consideration. The forestry activities would take place in other locations away from the site and so it would not be essential for the tree surgery enterprise to be located here. Nor could the income generated from this business be included in the financial test.
- 6.1.9 It is understood that the agricultural business, (discounting the tree surgery business) has been in operation since 2019 and financial details for the year ending 2020 have now been provided, along with predicted forecasts for the

following two years, which shows a significant increase in sales. More than a 20x increase is predicted in the current financial year and almost a 34x increase is predicted during the following year, (discounting issues arising from the Coronavirus pandemic). However, although a list of expenses are now provided with the current application, it remains unclear how future sales forecasts have been calculated, with no full breakdown being given. As such it cannot be concluded that the proposed scheme would meet the financial test.

- 6.1.10 At the time of the previous 2019 application, the Council's consultants queried the proposed increase to a flock of 60 breeding ewes and the amount of land available to the applicants to allow for the suggested stocking rates. During that time it was stated the holding extended to 2.7 hectares, (approximately 6.67 acres) which included the yard area, polytunnels and cropping area. As aforementioned at paragraph 1.7, the land area now proposed includes an additional 5.5 acres of rented land, although it is unclear if this is currently in use. It is accepted that the rented land is now or will be available to the applicants to provide the necessary grazing and space for the proposed increase in stocking rates, although it is unknown where this additional land is sited in relation to Hare Hill Farm.
- 6.1.11 Notwithstanding this and based on the consultants' previous calculations, in terms of the proposed stocking rates alone, these would not substantially increase from the previous application and there would not be a requirement for a full time worker to reside on site. It has not been established that the horticultural element of the business would require a permanent presence on site and attendance to local markets or other outlets would not count to there being a permanent worker needed on site. As aforementioned, the tree surgery business cannot be taken into consideration since the associated forestry activities would take place off site and there would be no requirement for this business to operate, specifically from the site.
- 6.1.12 For information, the Council's Consultant's make reference to the 'John Nix Farm Management Pocketbook (50th Edition 2020)' and Standard Man Days, (SMD's) when calculating the labour requirement for the site. It suggests 275 SMD's are required in a year, which would equate to at least 2200 man hours per year (275 x 8 hours) or 2475 man hours per year (275 x 9 hours). For breeding ewes, 0.5 SMD's per head is given and for laying/broiler chickens, 0.03 SMD's per head is given with 15% added for management and maintenance. Based on maximum predictions proposed for sheep (62) and chickens (20), the SMD's would calculate to $36.34 \times 8 = 291$ man hours, (or $36.34 \times 9 = 327$ man hours), which would be far less than the 2200 or 2475 man hours required in a year to establish a full time worker on site. As such, the functional test would not be met.

6.2 **Siting, scale and visual impact**

- 6.2.1 The precise dimensions and appearance of the proposed temporary caravan are unknown, although it would be sited close to the site entrance, behind roadside hedgerow recommended for retention / replanting and close to the existing agricultural building. The surrounding topography and lower level of the site would screen the caravan from the wider AONB setting, which would negate the requirement for additional landscaping.

6.3 Residential amenity

- 6.3.1 It is acknowledged there is already an agricultural and forestry business operating from the site and the addition of a temporary caravan would not unduly affect the living conditions of neighbours, particularly when considering the distances afforded by the adjoining agricultural land.

6.4 Highway safety

- 6.4.1 The Council's Highways team accept, in principle the new access layout, although they recommend that the gate is moved further from the road, by 8 metres, rather than the 5 metres currently proposed. They recommend a condition in this regard, along with other conditions to control the layout of the access and visibility splay.

6.5 Drainage

- 6.5.1 Full drainage details, including details of soakaways and a drainage plan for the proposed septic tank, have been provided and the council's Drainage team are satisfied with the proposals. Although a supporting comment mentions that the applicant's would use a compostable toilet, this would not be the case.

6.6 Ecology

- 6.6.1 Shropshire Council Ecology have confirmed there would be no significant impact on the Special Area of Conservation, (SAC) as a result of the planning application and provided the works are carried out as proposed, there would be no objection to the scheme. The full Habitat Regulation Assessment (HRA) Screening Matrix is available to view in the officer's report.

7.0 CONCLUSION

It has not been clearly demonstrated that there is an existing viable commercial agricultural enterprise at this site and it has not been satisfactorily demonstrated that there is a financial and functional need to provide temporary or permanent residential accommodation for an agricultural worker to live at the site 24/7. The tree surgery business cannot be included in either the financial or functional assessment and although there are no overriding issues in terms of siting of a temporary caravan, its visual impact, highways, drainage or ecology, the principle of development would not be met and the proposal fails to comply with paragraph 79 of the National Planning Policy Framework, Local Plan policies CS5, MD7a and the adopted Type and Affordability of Housing SPD.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they

disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:

- CS1 - Strategic Approach
- CS5 - Countryside and Greenbelt
- CS6 - Sustainable Design and Development Principles
- CS11 - Type and Affordability of housing
- CS17 - Environmental Networks
- CS18 - Sustainable Water Management
- MD1 - Scale and Distribution of Development
- MD2 - Sustainable Design
- MD7A - Managing Housing Development in the Countryside
- MD7B - General Management of Development in the Countryside
- MD12 - Natural Environment

SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

17/03847/FUL Erection of general purpose part open fronted agricultural building; formation of access track using existing vehicular access GRANT 22nd September 2017

19/04722/FUL Temporary siting of static caravan for use as rural occupational dwelling and installation of septic tank WDN 16th January 2020

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Planning Statement
Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
Local Member Councillor Ruth Houghton
Appendices APPENDIX 1 - Habitats Regulations Assessment (HRA) Matrix

APPENDIX 1

Habitats Regulations Assessment (HRA) Screening Matrix

1.0 Introduction

The proposal described below has the potential to adversely affect a designated site of international importance for nature conservation. The likelihood and significance of these potential effects must be investigated.

This is a record of the Habitats Regulations Assessment (HRA) of the project at Hare Hill Farm, Edgton, Craven Arms, Shropshire, SY7 8HN (20/01796/FUL), undertaken by Shropshire Council as the Local Planning Authority. This HRA is required by Regulation 61 of the Conservation of Habitats and Species Regulations 2017, in accordance with the EC Habitats Directive (Council Directive 92/43/EEC) before the council, as the ‘competent authority’ under the Regulations, can grant planning permission for the project. In accordance with Government policy, the assessment is also made in relation to sites listed under the 1971 Ramsar convention.

Date of completion for the HRA screening matrix:

11th August 2020

HRA screening matrix completed by:

Sophie Milburn
Assistant Biodiversity Officer
sophie.milburn@shropshire.gov.uk
Tel.: 01743 254765

2.0 HRA Stage 1 – Screening

This stage of the process aims to identify the likely impacts of a project upon an international site, either alone or in combination with other plans and projects, and to consider if the impacts are likely to be significant. Following recent case law (*People Over Wind v Coillte Teoranta C-323/17*), any proposed mitigation measures to avoid or reduce adverse impacts are not taken into account in Stage 1. If such measures are required, then they will be considered in stage 2, Appropriate Assessment.

2.1 Summary Table 1: Details of project

Name of plan or project	20/01796/FUL Hare Hill Farm, Edgton, Craven Arms, Shropshire, SY7 8HN
Name and description of Natura 2000 site	River Clun SAC (14.93ha) supports a significant population of Freshwater Pearl Mussel <i>Margaritifera margaritifera</i> . The River Clun SAC is currently failing its water quality targets particularly relating to ortho-phosphates. The current phosphate target for the river and particularly at the SAC is 0.02mg/l. Shropshire Council is working closely with Natural England and Environment Agency on developments within the Clun catchment. Shropshire Council formally consults Natural England on most planning applications within this area.

Description of the plan or project	Temporary siting of static caravan for use as rural occupational dwelling and installation of septic tank (re-submission)
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	No projects or plans have been identified which could act in-combination with this project to cause likely significant effects on the River Clun SAC.

2.2 Statement

An interim ‘Guidance note for developers on requirements for waste water management for any development in the Clun Catchment’ has been published by Shropshire Council, based on information and discussions with Natural England and the Environment Agency who have subsequently endorsed it. This guidance will be followed by the planning authority when making planning decisions until the Nutrient Management Plan for the Clun Catchment has been finalised by NE and the EA.

Under the Interim Guidance note, this development falls in the category:

2.2 Any development that does not increase the volume or concentration of waste water

Percolation test calculations have been provided and show that the dispersal time is within the acceptable limits and the land is therefore suitable for a drainage field.

The submitted details confirm that a Harlequin 2700L septic tank is to be installed and the drainage field will be a minimum of 18.16m². This will provide sufficient capacity for the number of potential residents of the static caravan.

In view of the above, and providing that the development is carried out according to the details submitted, the proposal will not lead to significantly increased concentrations of nutrients within the River Clun.

It is concluded that there are no pathways between the development and the River Clun SAC which could cause an effect, alone or in-combination with other plans or projects. An appropriate assessment (HRA Stage 2) is therefore not required.

There is no legal barrier under the Habitats Regulations Assessment process to planning permission being granted in this case.

3.0 Guidance on completing the HRA Screening Matrix

The Habitats Regulations Assessment process

Essentially, there are two ‘tests’ incorporated into the procedures of Regulation 61 of the Habitats Regulations, one known as the ‘significance test’ and the other known as the ‘integrity test’. If, taking into account scientific data, we conclude there will be no likely significant effect on the European Site from the development, the ‘integrity test’ need not be considered. However, if significant effects cannot be counted out, then the Integrity Test must be researched. A competent authority (such as a Local Planning Authority) may legally grant a permission only if both tests can be passed.

The first test (the significance test) is addressed by Regulation 61, part 1:

61. (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which –
 (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
 (b) is not directly connected with or necessary to the management of that site,
 must make an appropriate assessment of the implications for that site in view of that site’s conservation objectives.

The second test (the integrity test) is addressed by Regulation 61, part 5:

61. (5) In light of the conclusions of the assessment, and subject to regulation 62 (consideration of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

In this context ‘likely’ means “probably”, or “it well might happen”, not merely that it is a fanciful possibility. ‘Significant’ means not trivial or inconsequential but an effect that is noteworthy – Natural England guidance on The Habitats Regulations Assessment of Local Development Documents (Revised Draft 2009).

Habitats Regulations Assessment Outcomes

A Local Planning Authority can only legally grant planning permission if it is established that the proposed plan or project will not adversely affect the integrity of the European Site.

If it is not possible to establish this beyond reasonable scientific doubt then planning permission cannot legally be granted.

Duty of the Local Planning Authority

It is the duty of the planning case officer, the committee considering the application and the Local Planning Authority as a whole to fully engage with the Habitats Regulations Assessment process, to have regard to the response of Natural England and to determine, beyond reasonable scientific doubt, the outcome of the ‘significance’ test and the ‘integrity’ test before making a planning decision.

Development Management Report

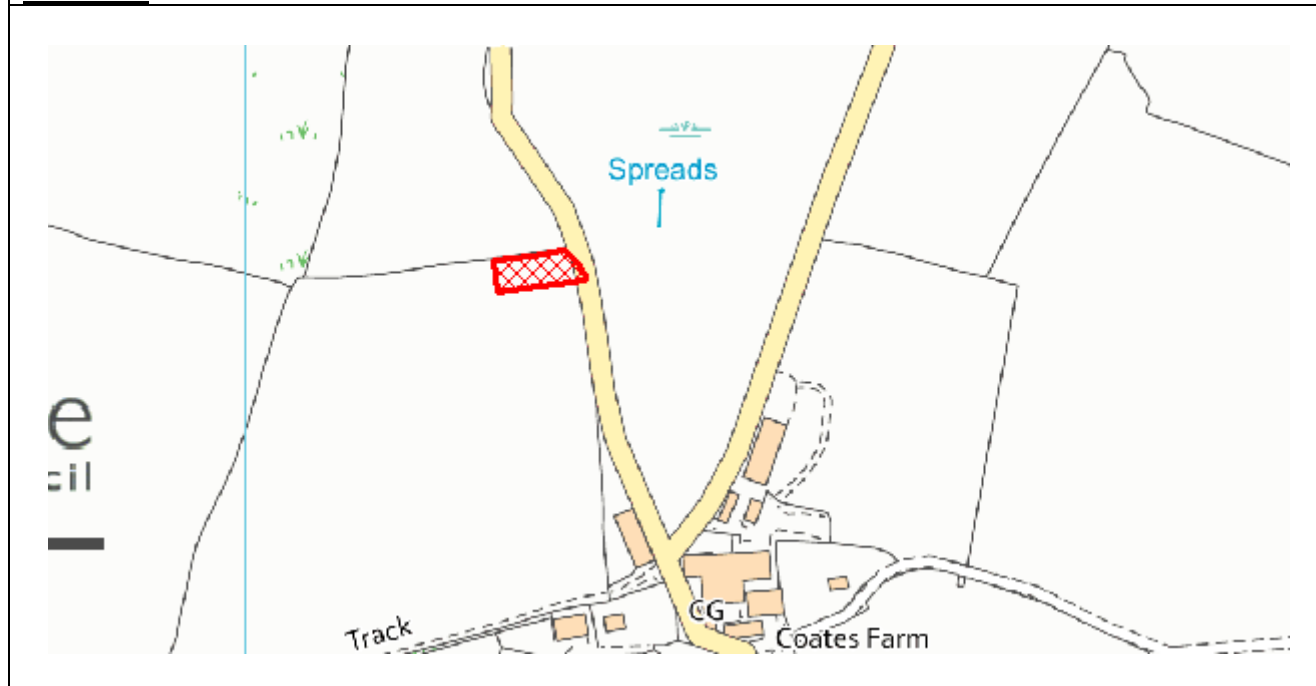
Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 20/01966/FUL	<u>Parish:</u>	Ratlinghope
<u>Proposal:</u> Change of use of agricultural land to allow siting of three glamping pods; installation of septic tank and creation of parking area		
<u>Site Address:</u> Coates Farm Ratlinghope Shrewsbury Shropshire SY5 0SS		
<u>Applicant:</u> Nigel Unwin		
<u>Case Officer:</u> Frank Whitley	<u>email :</u> planning.southern@shropshire.gov.uk	

Grid Ref: 339284 - 295411



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Recommendation:- Refuse:

Recommended Reason for refusal

1. For reasons of location, design, layout, and access works, the development would be a conspicuous feature in the countryside and in an area of the Shropshire Hills AONB which has considerable landscape character. The development would not sufficiently integrate into its

setting in a sympathetic manner. The development is therefore contrary to the guidelines of the NPPF and the requirements of the adopted Development Plan policies CS5, CS6, CS17, MD2.

2. The development is not sufficiently related to a settlement, or an established and viable tourism enterprise where accommodation is required. Visitors are likely to rely on unsustainable means of car travel. The development fails to complement the character and qualities of the site's immediate surroundings and landscape quality, and is therefore considered unsustainable tourism development, contrary to adopted Development Plan policies CS5, CS16, MD11 and MD12. There are no material considerations including economic benefits that outweigh the harm.

REPORT

1.0	THE PROPOSAL
1.1	The application seeks planning permission for the Change of use of agricultural land to allow siting of three glamping pods; installation of septic tank and creation of parking area.
1.2	The application follows pre-application advice for a scheme of five pods. The intention at that stage was to site them against the western boundary of the grass field. The informal advice given was that this would be unacceptable development. With this current application, the pods have been moved next to the road and reduced in number to three, and additional space has been given for landscaping.
1.3	The application is supported by a Planning Statement and Ecology Impact Assessment.
1.4	The pods are each to have a footprint of 6m x 3.95m, with an additional semicircular decking area extending from the front elevation. The pods will each be 3.08m high. Internally, each pod is to feature a bed/lounge area with w.c and shower.
2.0	SITE LOCATION/DESCRIPTION
2.1	The application site is on the western flanks of the Long Mynd in the Shropshire Hills AONB. It is accessed from a minor lane @1km south of the Bridges which then passes through Coates Farm and continues mostly as a rough track to Medicott.
2.2	The immediate setting of Coates Farm is sheep pasture, immediately below higher and open ground of the Longmynd. A public right of way heads uphill from Coates to the east, reaching the "Shooting Box" on the Long Mynd plateau after @2.5km. Overlooking the application site immediately to the west is the ridge of Adstone Hill. Coates Farmhouse is a Grade 2 listed heritage asset.
3.0	REASON FOR COMMITTEE DETERMINATION OF APPLICATION
3.1	The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution. The Parish Council neither objects to or supports the planning application. However the Locally Elected Member has requested within 21 days of being validated, that the application is decided by

	Planning Committee for the given reason that the development will be a positive addition to tourism of the area.
4.0	Community Representations
	Consultee Comments
	Case Officer note: All consultation comments below relate to the scheme as first submitted which was for a small rectangular plot with three side by side pods. It appears partly in response to comments from the Shropshire Hills AONB Partnership (see below) , the site and layout has been amended to the scheme for determination.
4.1	Parish Council- neutral
	Commenter Type: Parish Council Stance: Customer made comments neither objecting to or supporting the Planning Comment: Myndtown Combined Parish Council has received and reviewed the proposal. There is No Objection to the small scale siting of the pods.
4.2	SC Highways- no objection subject to condition and informative
4.3	Ecology- no objection subject to conditions and informatives
4.4	Trees- objection
	<p>From an arboricultural perspective there are no significant trees affected by this application, but the neighbouring hedgerows need to be taken into account both for their existing value as key green infrastructure and for their potential importance as a partial screen to the site if planning consent is granted. It is noted that the Highways Team have requested more information in relation to the access and visibility splays which to the south in particular might result in the loss of a section of important hedgerow.</p> <p>The applicant suggests on their site layout and design statement that new hedgerow would be included as boundary treatment to the south and west of the site which to be supported, however, the loss of a section of established hedgerow for a visibility splay would not be supported without replacement planting along the margins of the new visibility splay.</p> <p>From a landscape and visual amenity perspective, the site lies in a high prominent position in the landscape and as is highlighted in the design and access statement there are a great many heavily used public rights of way from which this site will be highly visible including the Shropshire Way which passes along the East boundary of the site. Therefore if this application were to be considered for planning consent, in keeping with the aspirations of the AONB Management Plan and policies CS6 MD2 MD12 this development would need to be better integrated into the local landscape than would be provided just by the inclusion of a new section of boundary hedgerow, The inclusion of a number of strategically planted trees such as oak and field maple set a back from the site boundary and to be grown on to full maturity would fulfil the expectations set out for development in the AONB Management plan and national and local policies to for new development to play a</p>

	<p>positive role through conserving, restoring, re-creating and connecting natural assets whilst at the same time improving how the development looks and functions within the landscape.</p> <p>If this application is granted planning consent, to ensure that the above considerations are addressed and delivered in full the Tree Service recommend binding landscape design and delivery conditions that include details of planting stock and measures to protect new hedge planting from grazing and any other losses.</p> <p>In considering the proposal particular regard has been given to following local and national planning policies management plans and guidance on good practice with particular emphasis on the following sections of those policies to be of particular relevance to this proposal: NPPF: 170, 171, 172 - SC Core strategy: CS6 (Explanatory paragraph 4.86) & CS17 (Explanatory paragraph 7.7) - SC SAMDev Plan: MD2 2(i), (iv), 5(i), (Explanatory paragraphs 3.6, 3.7, 3.11, 3.) - MD 12: 2, 4, (Explanatory paragraphs 3.106, 3.108, 3.114, 3.116, 3.117, 3.122, 3.125, 3.126, 3.128, 3.129).</p>
4.5	<p>Conservation- no objection subject to conditions and informatives</p>
	<p>The application proposes the change of use of agricultural land to allow the siting of three glamping pods, the installation of a septic tank and creation of a parking area at this site to the north of Coates Farm, Ratlinghope. The site lies approximately 200 metres to the north of the Grade II listed Coates Farmhouse, however due to the scale of the proposed development and the existing agricultural sheds lying directly north of the listed building which provide screening, it is considered that there would be minimal impact upon the setting of the listed building in this instance.</p> <p>The site also lies within the AONB, therefore the proposal has the potential to have wider landscape impacts. Lighting and ancillary facilities have the potential to increase the visual impact of developments such as these. Should the application be approved, external materials and finishes of the structures, hard and soft landscaping, ancillary lighting and boundary treatments are recommended to be conditioned.</p>
4.6	<p>Archaeology- no objection</p>
	<p>We have no comments to make on this application with respect to archaeological matters</p>
4.7	<p>Shropshire Hills AONB Partnership - objection</p>
	<p>The AONB Partnership does not object to the principle of a small scale tourism development on the farm, but we would urge that this is done to a high quality and design standard to be compatible with the special qualities of the AONB. We don't feel that the application currently meets this standard. I am aware that pre-application discussions have focussed on finding the most suitable location with regard to landscape impact. The lie of the land here tends to make most of the options quite visible. It is difficult also to find a suitable location in relation to the farm buildings where the indoor pig rearing creates strong smells. The roadside location applied for is not ideal, but better than the western edge of the same field.</p>

	<p>Many people walk up or down the ridge of Adstone Hill to or from Bridges, and the view down to the site from here should be considered as well as from the road, which is also well used by walkers and cyclists as a route onto the Long Mynd. The location is right in a transition zone where you are coming up out of the narrow lanes towards the more open hill land, and therefore quite sensitive.</p> <p>The space allocated to the pods in the proposed layout is very small and they are therefore close together with minimal space around. We feel there is a correlation between the quality of environment and experience offered to visitors and how well the development would fit into the AONB, and as proposed both are fairly poor. A slightly larger site taken from the pasture field, perhaps a diagonal field corner, with group planting of some native broadleaved trees as well as a hedge would add to the existing trees in the boundaries at that corner of the field, enhancing both the landscape and the experience for visitors, as well as better hiding the pods.</p> <p>Visitors come to the Shropshire Hills for the high quality landscape and many are interested in sustainability. Tourism enterprises based on a farm can gain best advantage of this synergy where the farm is actively engaged in environmental management and enhancement and can integrate this with the tourism enterprise, showing it is part of a consistent ethos. The relatively remote location also means that active support by the business to encourage visitors to sustainable practices (e.g. by assisting with sourcing of local food to improve return to the local economy and reduce need for travel) would be very worthwhile.</p>
4.8	Public Comments
4.8.1	National Trust- no objection
	Although not consulted, the following has been received:
	The National Trust has no objection to this development and in general we support low impact, sustainable tourism initiatives such as this as long as they are appropriate to the landscape which in our opinion this is. The pods are on a well-used walking route from the Longmynd and Ratlinghope and the Bridges pub.
4.8.2	Shropshire Area of The Ramblers- neutral
	Although not consulted, the following has been received
	<p>This is an observation on behalf of the Shropshire Area of the Ramblers</p> <p>Though we were not directly consulted about this Application, as there are no Public Rights-of-Way immediately adjacent to the proposed site, we were indirectly approached by the Applicant for our support for the proposal. Though I have replied directly to him, he has not acknowledged our reply. It is rare for us to give our support to an application, and on this occasion, I explained that we could NOT support this Application without adequate guarantees being given about the location and maintenance of the proposed site. A quick look at GoogleEarth StreetView shows the location to be in 'pristine' upland pastures with only Coates Farm itself really visible. Any other buildings are only perceivable in the far distance. The site is not going to be of any use to local walkers, but is clearly intended for visitors from out of the county. Moreover, the occupants of the proposed units will have to make vehicular trips via difficult and narrow country roads, of which they will have no experience, to access food supplies (from</p>

	<p>settlements which are several miles away) or to visit eating establishments. The only occasions when they will NOT be availing themselves of their vehicles is when they are actually walking in the locality. It is certain that a reasonable quantity of 'rubbish', i.e. food containers and other waste, will be generated by the occupants, and the disposal of this material will need to be properly planned by the Applicant. Though the site location has been chosen with some thought, it would be easy for it to become conspicuous and unsightly, especially from the upper slopes of Adstone Hill. For these reasons we would ask that strict conditions are imposed about the maintenance of the site if Planning Permission is actually to be granted.</p>
4.8.3	<p>Individual representations @30 representations supporting have been received on the following grounds in summary</p>
	<ul style="list-style-type: none"> • Pods do not intrude on natural landscape • Noise and odour from farm will not spoil enjoyment • Additional hedging wildlife habitat • Will benefit other local businesses eg pub at Bridges • Important for farm diversification facing uncertain Brexit future • Lovely area and nice change from B&B • Good base for festivals in Shropshire • More accommodation choice for visitors • Boost the economy without causing environmental damage • Help create local jobs • Amazing scenery and wildlife • Needed for the area and to support family farms • Perfect for local recreation • Helps mental health and well-being • Important for children and people living in towns and cities • Not enough camping areas in area • Discreet enterprise with on-site parking • Economic recovery after Covid pandemic
5.0	<p>THE MAIN ISSUES</p>
	<p>Principle of development Economic Development Scale and design Impact on the character of the countryside and Shropshire Hills AONB</p>
6.0	<p>OFFICER APPRAISAL</p>
6.1	<p>Principle of development</p>
6.1.1	<p>The NPPF at Chapter 6 seeks to build a strong, competitive economy, with particular emphasis at Para 83 on the rural economy, which includes sustainable rural tourism and leisure developments which respect the character of the countryside.</p>
6.1.2	<p>CS5 states in general terms that development will be permitted on appropriate sites where it enhances countryside vitality and improves the sustainability of rural communities.</p>

6.1.3	CS16 and MD11 together seek to deliver sustainable tourism, especially where it enhances the local economy and is sensitive to Shropshire’s natural and built environment qualities. There is the requirement for cross compliance with CS5
6.1.4	Having regard to the Policy requirements, the principle of development is generally established for appropriate tourism development in rural areas. However site specific issues are considered further.
6.2	Economic Development
6.2.1	Given the type of accommodation offered and attractive location, it is accepted the development proposed would be popular for holiday visitors. This would bring additional income to the property owner and some community benefits. These benefits are the basis of a number of representations received. There is existing visitor accommodation at the Bridges, and nearby Youth Hostel. However there would likely still be demand for this unique tourist destination. The Bridges pub is marginally within walking distance (@1km). Other than the pub trade which may benefit, the nearest services are Bishops Castle (@13km), Church Stretton (@8km) and Shrewsbury (29km). Maintenance and cleaning may also provide some local employment. Economic benefits to the rural area satisfy some of the objectives of NPPF, CS16 and MD11. However these benefits require to be balanced with other elements of sustainable tourism development.
6.3	Scale and design
6.3.1	CS6 and MD2 seek to secure sustainable design. MD12 seeks the avoidance of harm to Shropshire’s natural assets and their conservation, enhancement and restoration.
6.3.2	CS5 and CS16 do not rule out new build tourist related development in the countryside but otherwise place a strong emphasis on the conversion/replacement/re-use of suitable buildings. New build development is generally limited to that which is required for community uses, infrastructure, agricultural development and/or essential rural occupational dwellings.
6.3.3	MD11 deals with development which is not related to a “conversion”. It states: <i>Holiday let development that does not conform to the legal definition of a caravan, and is not related to the conversion of existing appropriate rural buildings, will be resisted in the countryside following the approach to open market residential development in the countryside under Policy CS5 and MD.</i>
6.3.4	MD11 therefore also offers some, though not unlimited scope, for caravan type holiday accommodation development in the countryside.
6.3.5	The proposed pods fall within the definition of a caravan in terms of stated dimensions and height. Each pod has a simple form, and is to be constructed from timber with glass openings. The pods may in theory be mobile, but there are no proposals to move them during quieter periods eg during winter months. However together with accompanying infrastructure the development would likely amount to a permanent installation.
6.3.6	The amended layout proposed sets out the pods and landscaping in a more

	irregular pattern, with a larger, curved site boundary taken from the existing field. The access as originally proposed was to be formed directly through the roadside hedge. In response to concerns about loss of hedge, the pods are now to be accessed using two existing field gates. The first field gate would take vehicles from the road into the adjoining field, and the second gate would take vehicles back onto the parking area.
6.3.7	In terms of the site boundary and layout, the pods are now set slightly further apart in a less linear arrangement. The site boundary is curved, which gives it a more natural appearance (rather than rectangular shape previously). This brings some benefit, but the proposed site also takes a greater area from the field which could make the development more conspicuous overall.
6.3.8	In terms of the access, the case officer notes the adjoining grass field into which the first access gate opens is substantially lower (by @1m) than the second access gate. Even with additional reinforced plastic mesh, vehicle access would require considerable ground works between the two gates. Arrangements for vehicles moving into and from the site, together with parking are not considered satisfactory, and would draw attention to the development for passing visitors, and walkers on the ridge to Adstone Hill.
6.3.9	Overall, in terms of siting and design, groundworks and the installation of reinforced plastic mesh on and around the parking area would be an unwelcome feature in the upward approach to Coates Farm, thereby contributing some harm to the development as a whole. Although to an extent the mesh material would be obscured by grass, the material would remain a visibly artificial feature, especially outside of late spring and summer periods.
6.4	Impact on the character of the countryside and Shropshire Hills AONB
6.4.1	The NPPF at Chapter 15 seeks to conserve and enhance the natural environment and of relevance to this application is to recognise the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services. The NPPF also places great weight on conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.
6.4.2	CS17 and MD12 in particular seek the avoidance of harm to Shropshire’s natural assets. MD12 seeks to achieve their conservation (enhancement/restoration) by ensuring that proposals which are likely to have significant adverse effect on, for example the Shropshire Hills AONB, landscape character and local distinctiveness will only be permitted where there is no satisfactory alternative means of avoiding such impacts through re-design or re-locating.
6.4.3	CS16 seeks to diversify the rural economy, but at the same time seeks development appropriate in scale and nature which retains and enhances existing natural features.
6.4.4	CS16 also places emphasis on accommodation in accessible locations served by a range of services and facilities. In rural areas: <ul style="list-style-type: none"> • proposals must be of an appropriate scale for their surroundings • be close to or within settlements, or an established and viable tourism

	<p>enterprise where accommodation is required</p> <ul style="list-style-type: none"> • where possible existing buildings should be re-used.
6.4.5	<p>The application site is within valued countryside sensitive to new development. The site is also within the Shropshire Hills AONB. According to the Shropshire Landscape Typology (SLT), completed by the former Shropshire County Council in 2006, the site is within “Pasture Hills” classification.</p>
6.4.6	<p>Key Characteristics are:</p> <ul style="list-style-type: none"> • Prominent, sloping topography • Hedge fields with mainly ancient origins • Pastoral land use • Dispersed settlement pattern • Medium to large scale landscape with filtered views
6.4.7	<p>The pasture land immediately around Coates Farm is prominent and attractive because it forms an exceptionally narrow landscape feature at this elevation between the “Estate Farmland” type found around Bridges/Ratlinghope and “High Open Moorland” found on the Long Mynd above Coates Farm. Indeed, the SLT specifically mentions the western flanks of the Long Mynd as an example of this landscape type.</p>
6.4.8	<p>In practice what this means is that visitors accessing the Long Mynd from the Bridges are able to enjoy a fairly rapid change in landscape type as they ascend either on the public road to Coates, or via part of the route to Adstone Hill. It is likely both routes are popular, in part because the transition through three landscape types can be experienced in a relatively short distance. The majority of the lane from the Bridges is enclosed by high hedges either side, which then emerges at a cattle grid, @120m short of the application site. From here, the open pasture land of Coates is revealed and visitors immediately enjoy high quality views. Coates Farm and its setting is very much a landmark feature as they ascend or descend to/from the Long Mynd.</p>
6.4.9	<p>According to the AONB Management Plan 2019-2024, the Shropshire Hills area is valued for scenic quality, views and tranquillity. The pasture land around Coates Farm is for the above reason considered particularly sensitive to development where it may disrupt the enjoyment of the Shropshire Hills AONB. These concerns are also reflected in comments from the Trees Officer, Ramblers Association and AONB Partnership, though it is acknowledged the applicant has sought to address them by the submission of the most recent amended plan.</p>
6.4.10	<p>From the public road, visitors would see the parking area immediately alongside, with pods visible to the rear. From higher ground on the route towards Adstone Hill, the pods and enclosure would be overlooked from a distance of @200m, within the views towards the Long Mynd plateau and other hillground of the AONB.</p>
6.4.11	<p>The amended site plan indicates the pods would be set against an existing field boundary and hedge, with a new boundary and hedge (@85m) to be formed on the south boundary. Some tree planting is also proposed.</p>

6.4.12	As described in the Pasture Hills landscape classification, the setting of Coates appears characterised by <i>hedge fields with mainly ancient origins</i> . There is a sporadic scattering of trees around Coates which is considered to add to its natural setting. If supplemented by more ordered planting to screen the development, to an extent this would add to the domestic appearance of the site, which would be counter effective and would not preserve the visual and landscape character of the area.
6.4.13	Overall, it is considered the development fails to: <ul style="list-style-type: none"> • maintain and enhance countryside vitality and character (required by CS5). • protect, restore, conserve and enhance the natural, built and historic environment (required by CS6). • protect and enhance the diversity, high quality and local character of Shropshire’s natural, built and historic environment (required by CS17). • contribute to and respect locally distinctive or valued character and existing amenity value (required by MD2).
6.4.14	The area around Coates Farm is in a relatively remote countryside location valued for its distinctive character in this part of the Shropshire Hills AONB. The development would be a discordant addition and would not integrate into the landscape in a sympathetic manner, thus causing unacceptable harm.
7.0	CONCLUSION
7.1	For reasons of location, design, layout, and access works, the development would be a conspicuous feature in the countryside and in an area of the Shropshire Hills AONB which has considerable landscape character. Although the amended site layout has sought to address earlier concerns, the development would not sufficiently integrate into its setting in a sympathetic manner. The development is therefore contrary to the guidelines of the NPPF and the requirements of the adopted Development Plan policies CS5, CS6, CS17, MD2.
7.2	The development is not sufficiently related to a settlement, or an established and viable tourism enterprise where accommodation is required. Visitors are likely to rely on unsustainable means of car travel. The development fails to complement the character and qualities of the site’s immediate surroundings and landscape quality, and is therefore considered unsustainable tourism development, contrary to adopted Development Plan policies CS5, CS16, MD11 and MD12. There are no material considerations including economic benefits that outweigh the harm.
8.0	Risk Assessment and Opportunities Appraisal
8.1	Risk Management
	There are two principal risks associated with this recommendation as follows: <ul style="list-style-type: none"> • As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

	<ul style="list-style-type: none"> 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. <p>Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.</p>
8.2	Human Rights
	<p>Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
8.3	Equalities
	<p>The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of ‘relevant considerations’ that need to be weighed in Planning Committee members’ minds under section 70(2) of the Town and Country Planning Act 1990.</p>
9.0	Financial Implications
	<p>There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.</p>

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:
 CS5 - Countryside and Greenbelt
 CS6 - Sustainable Design and Development Principles
 CS16 - Tourism, Culture and Leisure
 CS17 - Environmental Networks
 MD2 - Sustainable Design
 MD11 - Tourism Facilities and Visitor Accommodation
 MD12 - Natural Environment
 MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

16/05767/FUL Installation of a telecommunications mast GRANT 16th February 2017
 18/00299/FUL Erection of an agricultural livestock building GRANT 7th June 2018
 18/00302/FUL Erection of extension to agricultural livestock building GRANT 7th June 2018
 20/00593/FUL Extension of an existing agricultural livestock building GRANT 7th May 2020
 20/00595/FUL Extension of an existing agricultural livestock building GRANT 7th May 2020

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Design, Access and Planning Statement
Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
Local Member Cllr Ruth Houghton

Informatives

1. Despite the Council wanting to work with the applicant in a positive and proactive manner as required in the National Planning Policy Framework paragraph 38, the proposed development is contrary to adopted policies as set out in the officer report and referred to in the reasons for refusal, and it has not been possible to reach an agreed solution.

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Development Management Report

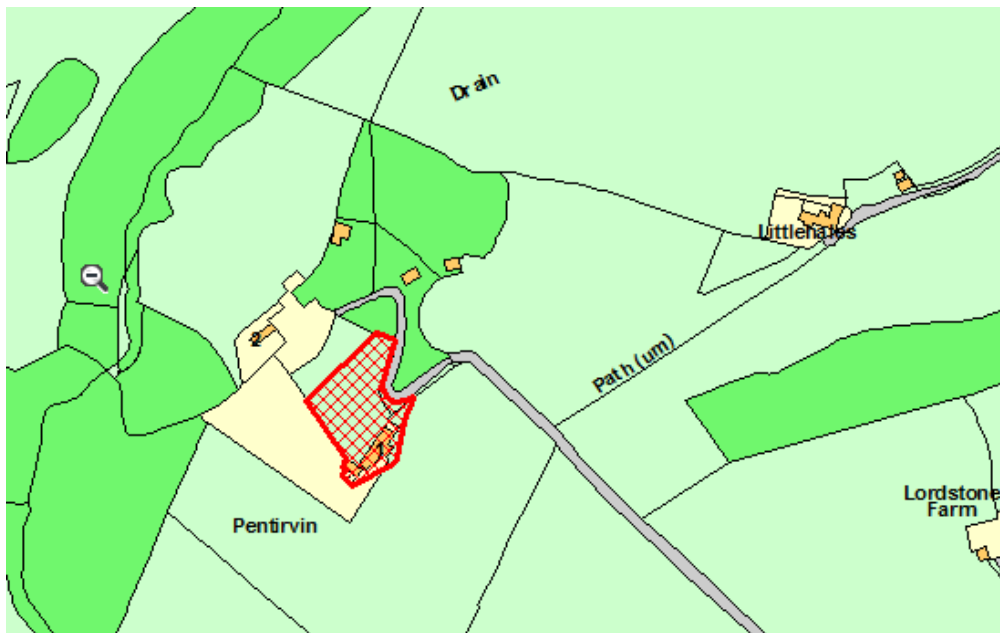
Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 20/01997/FUL	<u>Parish:</u>	Worthen With Shelve
<u>Proposal:</u> Erection of a single storey, traditionally styled carbon neutral dwelling; together with siting of a treatment plant		
<u>Site Address:</u> Proposed Dwelling At Site Of 3 Pentirvin Minsterley Shropshire		
<u>Applicant:</u> Mrs Penelope Ellison		
<u>Case Officer:</u> Frank Whitley	<u>email :</u> planning.southern@shropshire.gov.uk	

Grid Ref: 333080 - 302046



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Recommendation:- Refuse:

Recommended Reason for refusal

1. The application is considered contrary to the Council's strategic settlement strategy, as set out in up to date policies CS1 and MD1 of the adopted Shropshire Core Strategy and Site

Allocations and Management of Development (SAMDev) Plan respectively. The proposal would constitute an isolated open market home in the countryside which would not fall within any of the circumstances listed in paragraph 79 of the National Planning Policy Framework where such development may be acceptable on suitable sites. Despite Pentirvin being a designated Cluster settlement according to CS4 and SAMDev Plan Policy S2.2(vii), the development is neither considered infill within the settlement or a conversion. Instead, the development would be sited in an unsustainable countryside location, contrary to the requirements of CS5 and MD7a. There is no indication that housing guideline numbers of SAMDev Plan S2.2(vii) will not be met in the Plan period, therefore there is no reason to consider the development in terms of the provisions of MD3. There are no material considerations which would justify a departure from the Development Plan in this case.

REPORT

1.0	THE PROPOSAL
1.1	The application seeks planning permission for the erection of a single storey, traditionally styled carbon neutral dwelling; together with siting of a treatment plant
1.2	The dwelling is to be single storey under a dual pitched roof. Internally it is to comprise typical living accommodation and 2 bedrooms. From the utility room there is to be an internal door to the integrated double garage.
1.3	The application is supported by a planning statement, ecology impact appraisal and arboricultural impact assessment.
2.0	SITE LOCATION/DESCRIPTION
2.1	Pentirvin is a small, relatively isolated settlement consisting of a handful of dispersed dwellings, approximately 5.5km SW of Minsterley and 1km from the A488 above the Hope Valley. Most dwellings associated with the settlement are set out along Pentirvin Lane which ends with a steep descent to a cul-de-sac at Stone House Farm.
2.2	The application site is almost at the end of a @400m track which leaves Pentirvin Lane to the NW. The site is known as 3 Pentirvin and comprises the ruins of a derelict dwelling just off a bend in the track which then continues to the existing dwelling of 2 Pentirvin at the end of a final steep descent.
2.3	3 Pentirvin comprises the recognisable remains of parts of a dwelling, these being two free standing gable end walls, wall head chimneys, and the rear wall. A small wing off the rear retains first and ground floor rooms and small loft space above. The dwelling was constructed from stone, rubble infill and some brick. To the side is a small brick outhouse still with surviving roof of slate. The remaining part of the site contains the collapsed remains of a timber barn. The ruins and proposed access route are overshadowed by a number of trees, mainly ash, elder, sycamore, damson and scrub.
2.4	A public footpath passes the site on more level ground @70m to the SE. However because the site is on a steep bank and surrounded by trees, it is well screened

	from outside views.
3.0	REASON FOR COMMITTEE DETERMINATION OF APPLICATION
3.1	The Parish Council have submitted a view contrary to officers. The Principal Planning Officer and Chair of the South Planning Committee have discussed how the application should be determined. With regard to relevant material planning considerations and the views of the Locally Elected Member it has been agreed that the application should be determined by Planning Committee.
4.0	Community Representations
	Consultee Comments
4.1	Worthen with Shelve Parish Council- supports No further reason given
4.2	Ecology- no objection
4.3	Shropshire Hills AONB Partnership- no comment in terms of support or objection: standard response only advising that planning policies and AONB management plan should be considered in making a decision
4.4	Trees- no objection subject to conditions The submitted tree report - Tree Condition Report, Arboricultural Impact Assessment, Arboricultural Method Statement, Tree Protection Plan (Forester and Arborist services Ltd, 24.04.20) identifies 8 individual trees and a single group of trees for removal, in order to implement the development. The trees comprise mainly self-set ash and a sycamore, ranging from 8m to 21m high and from young to mature in age. The group of trees comprises young damson no more than 5m high. The trees have grown up around the boundary and within the remains of the derelict cottage and outbuildings that are to be replaced with the proposed new dwelling. The most significant trees to be removed are T1 (a mature sycamore to the north-eastern end of the site), T4 (a mature, multi-stem ash on the eastern site boundary) and T8 (an early-mature, multi-stem ash on the southern corner of the site). The canopies of these three trees form a coherent group effect along the site boundary, if viewed in an arc ranging from north-east through to south. It will not be possible to plant new trees of any stature along this boundary if the existing trees are removed, because of the proximity of the new dwelling. The length of the south-east elevation will therefore be exposed to view (although it could potentially be partially screened if desired, by planting a new native species hedge along this site boundary). In this context, it should be noted that a public footpath crosses the field immediately south of the site, some 50m or so from the proposed dwelling. Other public footpaths run on the opposite (northern) side of the valley on which the site is located, around Luckley Barn (postcode SY5 0DS). The site might also be visible from vantage points on these footpaths or other locations, when viewed from the

	<p>north. No Visual Impact Assessment appears to have been carried out, to assess the implications of the proposed loss of trees and construction of the new dwelling and its integration into the surrounding landscape. Given the importance of landscape considerations within the AONB, I would recommend that such as an assessment should be considered, prior to determination.</p> <p>The tree report proposes planting three new trees to replace T1, T4 and T8 - a cut leaved grey alder (<i>Alnus incana 'lacinata'</i>), and two small-leaved lime (<i>Tilia cordata</i>) - all half standard in size. (Although the Proposed Block Plan (73802-20-03) shows the trees to be 'standard' size, so the actual size of new trees would need to be clarified as part of an approved landscaping scheme, in the event that planning permission is granted). In the long-term I consider that these new trees would provide suitable compensation for the removal of the three trees highlighted above. However, a number of other trees are also to be removed in association with the development and I would therefore recommend that additional tree and hedgerow planting should be undertaken. Not only to compensate for the loss of existing trees, but also to contribute towards a net gain for biodiversity, as espoused in current national planning policy and guidance (see, for example, NPPF 170[d]). As previously discussed, native hedgerow planting could be carried out along the southern boundary, and, whilst there might be limited scope for additional large canopy tree species within the site, the garden might suit orchard type fruit trees. New tree and hedge planting should use UK grown stock, sourced as locally as possible.</p> <p>On balance, subject to landscape considerations as previously discussed, on behalf of Shropshire Council Tree Team I have no objection in principle on arboricultural grounds to this application. Suitable measures should be taken to protect retained trees during any approved development, as specified in the submitted tree report. A final landscaping scheme and plan should also be agreed with the LPA, building on the currently submitted tree planting proposals. Therefore, if this application is determined without further assessment of the visual implications by a suitably qualified person, I would recommend the following tree protection and planting conditions be attached to any permission granted: (Recommended conditions are set out in consultation comment which can be viewed on the Council's website).</p>
4.5	Affordable Housing- no comment received
4.6	SUDS- no objection informatives only stating preference for use of soakaways for surface water drainage.
4.7	SC Highways- no objection subject to conditions relating to construction of parking and turning areas before the use commences and informatives
4.8	Public Comments
	<p>3 representations supporting have been received in summary:</p> <ul style="list-style-type: none"> • Nicely thought out development • To be built on existing foundations • Designed to fit in with surrounding area • Carbon neutral

	<ul style="list-style-type: none"> • Will not be visible or obtrusive to neighbours or visible from afar • Well thought out development • Will not be a blot on our beautiful landscape within AONB • Well designed eco-friendly property, discreetly located
	<p>A further neutral representation has been received but raising the following concern:</p> <p>This appears to be a well designed and appropriate development. However all the previous objections regarding position within the AONB (the site is visible from Luckley Hill and Long Mountain) would appear to apply to this application also. Furthermore all previous comments regarding the access and increased traffic to Pentirvin from Lordstone Lane would also be relevant to this application. I note that the proposed access track displays a prominent notice stating "Unsuitable for Road vehicles".</p>
5.0	THE MAIN ISSUES
	<p>Principle of development Siting, scale and design Trees Ecology Visual impact and landscaping</p>
6.0	OFFICER APPRAISAL
6.1	Principle of development
6.1.1	Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise.
6.1.2	The NPPF states that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
6.1.3	Paras 77-79 of the NPPF deal with rural housing. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
6.1.4	The NPPF requires Local Authorities to identify and annually review their housing land supply. The most recent assessment undertaken by Shropshire Council covers the period from 2019/20 to 2023/24. The assessment demonstrates that Shropshire Council currently has 6.42 years supply of deliverable housing land against the housing requirement within the adopted Core Strategy. (8 years supply of deliverable housing land against the housing need identified using Government's standard methodology).
6.1.5	The current adopted SAMDev Plan is considered up to date. The Council's Core Strategy (CS) was adopted in 2011 and guides development and growth during the period to 2026.

6.1.6	CS1 sets a target of delivering 27,500 dwellings over the plan period with 35% of these being within the rural area, provided through a sustainable “rural rebalance” approach. Open market residential development in rural areas will be predominantly in Community Hubs and Clusters. CS11 seeks to ensure that development creates mixed, balanced and inclusive communities.
6.1.7	Policy MD1 of the adopted SAMDev Plan deals with the scale and distribution of development in Shropshire. Bishop’s Castle is identified in MD1 as a Market Town and Key Centre, Within its area, several community cluster settlements are identified, where some open market residential development may be permitted as per Core Strategy Policy CS4 (Hubs and Clusters).
6.1.8	MD7a goes further and explains that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters.
6.1.9	Core Strategy CS5 (Countryside and Greenbelt) seeks to control new development protecting the countryside, unless, in the case of new residential development it improves the sustainability of rural communities.
6.1.10	CS4 states that in the rural area, communities will become more sustainable by focusing investment in the rural area into Community Hubs and Community Clusters, and not allowing development outside these settlements unless it meets policy CS5. CS4 also seeks to ensure that all development in Community Hubs and Community Clusters is of a scale and design that is sympathetic to the character of the settlement and its environs, and satisfies policy CS6
6.1.11	Pentirvin falls within a Community Cluster settlement as per SAMDev Plan Policy S2.2 (vii) which states: <i>development by infilling and conversions may be acceptable on suitable sites</i>
6.1.12	The housing guideline for the Cluster is around 15 additional dwellings over the period to 2026. According to the Council’s Five Year Housing Supply Statement (5YHSS) published 6 March 2020, the number of completions in the Cluster is seven, though sites with planning permission may be approximately 21. Data collected is to 31 March 2019 so two recent approvals in Pentirvin (19/05286/OUT and 20/01998/FUL) would have to be added, taking sites with planning permission to approximately 23.
6.1.13	Although the dwelling in this application is supported by the Parish Council, it has previously expressed significant concerns about over-delivery in the Cluster in relation to the housing guideline figure. Under MD3 para(3), sites outside of a settlement development boundary may be considered acceptable where a settlement housing guideline appears unlikely to be met. Plainly, having regard to data for the Cluster, there is no reason to expect the guideline figure not to be met. Accordingly, there is no reason for sites to be identified for development outside of the centre of Pentirvin, to the extent that such a characteristic exists (see 6.1.12 below). The provisions of MD3, and para(3) give no weight in favour of the application.

6.1.14	It is acknowledged that there are limited opportunities for true infill as required by Policy S2.2 (vii) in a small, loosely defined settlement such as Pentirvin. There is however a recognisable group of dwellings at its core, consisting of Chrisdene, 4 and 5 Pentirvin, and the two dwellings at Stone House. Each of these dwellings is considered to have a geographical and perhaps a functional relationship with the other. Planning applications reference 19/05286/OUT and 20/01998/FUL for single dwellings were recently approved within this group.
6.1.15	In contrast, the application site of the former 3 Pentirvin is @230m outside of the group described above and appears to have no geographical relationship with the more central group. There is a public footpath leaving the central group to the NE but is not considered to establish any sort of functional relationship to the extent it would be necessary in any event, in order to bring alignment with the infill requirement of S2.2 (vii).
6.1.16	The application site is accessed from Pentirvin Lane by an unadopted track which contributes to the impression of isolation and remoteness. The site overlooks 2 Pentirvin on a bank which drops into the valley beyond. There are no other neighbouring dwellings within 200m.
6.1.17	In terms of the scope in S2.2 (vii) for conversions it should be confirmed for the avoidance of doubt that the former dwelling associated with 3 Pentirvin is considered abandoned. This means that any residential use the site once enjoyed has been extinguished. That said, the NPPF at Chapter 11 seeks to make effective use of previously developed land. CS6 also seeks to make effective use of land. However in this case, the rural character of the site, now taken over by trees, is considered almost entirely restored. The remnants of a previous dwelling give very limited weight in the planning balance when considering the presumption against new residential development in the countryside.
6.1.18	The principle of new open market development in this location is considered contrary to the NPPF, CS1, CS4, CS5, MD1, MD3, MD7a and S2.2 (vii).
6.2	Siting, scale and design
6.2.1	CS6 and MD2 seek to secure sustainable design.
6.2.2	The proposed dwelling and integrated garage together has a floor area of @165sqm. The double garage has a roof apex slightly lower than the dwelling in order to give it more ancillary appearance, break up the roofline, and reduce the massing overall. Amended drawings have reduced the roof pitch to 37.5 degrees, lowering the ridge height on the main roof by some 370mm. The garage width has also been reduced allowing the ridge to be lowered and breaking up the ridge line.
6.2.3	The dwelling is to be constructed from facing brickwork/reclaimed stone under a tiled roof. Doors and glazing frames are to be UPVC. It is designed to draw on the local vernacular and for a linear single storey barn type building. It is intended to be built to passive house standards and operate on a "off grid" basis. Almost the entire SE Elevation would be covered in photovoltaic/solar panels giving considerable scope for energy conversion.

6.2.4	<p>Despite its size, the dwelling would not be sited in a conspicuous position and would for the most part be set against the backdrop of the steep bank behind. Even with most trees removed, only the highest part of roof slope would likely be visible from the rear. That said, the dwelling would require considerable and disruptive ground works to create a level base on which to accommodate the entire footprint, as illustrated on the block plan by the gabion retaining wall to the rear. In time, and with landscaping measures of sufficient quality, the dwelling would likely integrate into its setting successfully.</p>
6.2.5	<p>Acknowledging the Trees Officer has not objected to the removal of trees (see below) and thus would not amount to a reason for refusal in its own right, it is however considered the combination of groundworks and tree felling required adds some weight to the principle of opposing development in this location.</p>
6.3	<p>Trees</p>
6.3.1	<p>The NPPF, CS17 and MD12 in particular seek the avoidance of harm to Shropshire’s natural assets and their conservation, enhancement and restoration.</p>
6.3.2	<p>An arboricultural impact assessment has been submitted which proposes the removal of the following:</p> <ul style="list-style-type: none"> • Category B2 common sycamore (T1) • Category C2 common lilac • Category B2 group of 3 x damson • Category B2 6 x common ash (including T4,T8) <p>A further ash, elder and hawthorn (all Category B2) will require protection during construction but are not proposed for removal.</p>
6.3.3	<p>The Council's trees officer has considered the application and submitted arboricultural assessment, concluding there is no principle objection to the loss of the trees. However concerns have been raised about the absence of any visual impact assessment in terms of inward public views, particularly from the north. In that regard, glimpses of the dwelling would be possible from a footpath @300m to the north but Luckley Barn and most of the nearby footpath lie behind intervening trees and/or higher ground.</p>
6.4	<p>Ecology</p>
6.4.1	<p>The NPPF, CS17 and MD12 in particular seek the avoidance of harm to Shropshire’s natural assets and their conservation, enhancement and restoration. An ecology impact assessment has been submitted which concludes that with mitigation measures in place for bats and breeding birds there will be no significant residual adverse effect on protected species. With enhancements in place (installing bat and bird boxes and potentially planting boundary hedgerows) there would be an increase in the biodiversity value of the site/site surrounds.</p>
6.4.2	<p>The Council's ecologist has assessed the application and confirmed that conditions can be imposed according to standing advice.</p>

6.4.3	For the above reason, the development is considered to comply with the requirements of the NPPF, CS17 and MD12.
6.5	Visual impact and landscaping
6.5.1	The NPPF places great weight to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty. MD12 also references the special qualities of the Shropshire Hills AONB.
6.5.2	Although concerns have been raised in representations about visual impacts, the site has been visited by the case officer. Impacts to the fabric and character of the AONB are not a significant concern. The dwelling would be visible from limited locations about 300m to the north, and possibly from areas around Luckley Hill. Otherwise, the dwelling is visually well screened for reasons of topography.
6.5.3	The Council's tree officer has not raised a specific objection to the removal of trees as per the submitted arboricultural assessment, subject to the imposition of suitable landscaping and re-planting conditions. Generally, there is no conflict in this regard with the requirements of CS17 and MD12.
7.0	CONCLUSION
7.1	The application is considered contrary to the Council's strategic settlement strategy, as set out in up to date policies CS1 and MD1 of the adopted Shropshire Core Strategy and Site Allocations and Management of Development (SAMDev) Plan respectively. The proposal would constitute an isolated home in the countryside which would not fall within any of the circumstances listed in paragraph 79 of the National Planning Policy Framework where such development may be acceptable on suitable sites. Despite Pentirvin being a designated Cluster settlement according to CS4 and SAMDev Plan Policy S2.2(vii), the development is neither considered infill within the settlement or a conversion. Instead, the development would be sited in an unsustainable countryside location, contrary to the requirements of CS5 and MD7a. There is no indication that housing guideline numbers of SAMDev Plan S2.2(vii) will not be met in the Plan period, therefore there is no reason to consider the development in terms of the provisions of MD3. There are no material considerations which would justify a departure from the Development Plan in this case.
8.0	Risk Assessment and Opportunities Appraisal
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <p>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.</p> <p>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</p>

	<p>justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.</p> <p>Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.</p>
8.2	Human Rights
	<p>Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
8.3	Equalities
	<p>The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of ‘relevant considerations’ that need to be weighed in Planning Committee members’ minds under section 70(2) of the Town and Country Planning Act 1990.</p>
9.0	Financial Implications
	<p>There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.</p>

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:

CS1 - Strategic Approach

CS4 - Community Hubs and Community Clusters

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD3 - Managing Housing Development

MD7A - Managing Housing Development in the Countryside

MD12 - Natural Environment

Settlement: S2 - Bishops Castle

RELEVANT PLANNING HISTORY:

SS/1982/549/P/ Erection of a prefabricated garage for use as a builders workshop and store. PERCON 13th January 1983

SS/1980/22/P/ Use of land for the stationing of a caravan. PERCON 3rd April 1980

SS/1976/434/P/ Use of land for the stationing of a caravan. PERCON 28th October 1976

SS/1976/433/P/ Alterations and additions to existing dwellinghouse. PERCON 22nd October 1976

SS/1/99/10304/F Erection of two conservatories. PERCON 18th November 1999

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Planning Statement Arboricultural Assessment Ecological Impact Assessment
Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
Local Member Cllr Mrs Heather Kidd

Informatives

1. Despite the Council wanting to work with the applicant in a positive and proactive manner as required in the National Planning Policy Framework paragraph 38, the proposed development is contrary to adopted policies as set out in the officer report and referred to in the reasons for refusal, and it has not been possible to reach an agreed solution.

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Development Management Report

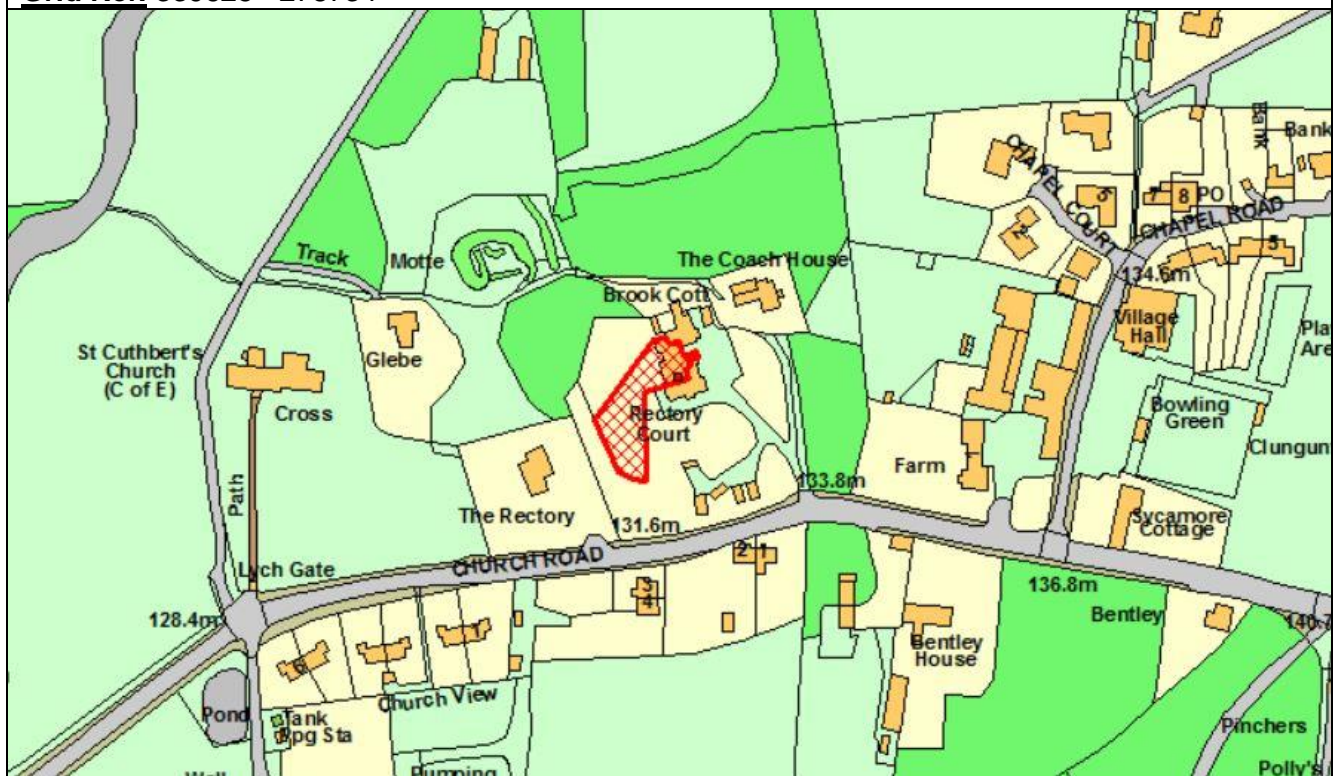
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 20/02691/FUL	Parish:	Clungunford
Proposal: Erection of potting shed		
Site Address: 2 Rectory Court Church Road Clungunford SY7 0PN		
Applicant: Mr Jason Simpson		
Case Officer: Trystan Williams	email : planning.southern@shropshire.gov.uk	

Grid Ref: 339625 - 278734



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Recommendation: Grant permission subject to the conditions set out in Appendix 1

REPORT

1.0 THE PROPOSAL

1.1 This 'householder' application seeks full planning permission to erect a detached outbuilding, specifically a potting shed, within the curtilage of the above dwelling. Measuring 6.096 x 3.020 x 2.4 metres, it would have weatherboarded walls under a pent roof, the latter partially glazed and otherwise covered with corrugated bitumen sheeting. The building would also feature a wood-burning stove with external flue.

2.0 SITE LOCATION/DESCRIPTION

2.1 The property is one of five apartments within a converted red brick Victorian rectory north of the B4367 Church Road in the conservation area of Clungunford village. The house is set back in extensive and well-treed grounds which have been subdivided between the flats, albeit with all five co-owning the freehold, along with some communal areas. The proposed outbuilding would be sited in Flat 2's garden towards the front southwest corner, though separated from the road by a communal belt of trees. This continues along the west boundary with the neighbouring property, which is the current rectory to the Grade II*-listed Church of St. Cuthbert beyond. Further dwellings opposite include a Grade II-listed pair of semi-detached timber-framed cottages.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 In accordance with the Council's adopted 'Scheme of Delegation', the planning committee must determine this application because it is made by and concerns the property of a Council officer who ultimately reports to the Planning Services Manager.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee comments

4.1.0 Clungunford Parish Council – No response.

4.1.1 Shropshire Council Historic Environment (Archaeology) - no objection:
No comments

4.1.2 Shropshire Council Historic Environment (Conservation) - no objection:
The proposed shed's modest scale and form mean it is unlikely to be readily visible, and hence its impact on the wider conservation area should be negligible.

4.1.3 Shropshire Council Ecology - comment:
The site is within the water catchment of the River Clun and upstream of its Special Area of Conservation (SAC). The proposals have therefore been assessed against the Conservation of Habitats and Species Regulations 2017. However, since a development of this nature would not result in any additional foul drainage discharge, there is no pathway by which the SAC might potentially be affected.

4.1.4 Any permission granted should include 'informatives' advising on the statutory protection afforded to nesting birds, and on measures to protect wildlife in general.

4.1.5 Shropshire Council Tree and Woodland Amenity Protection - no objection:
Given the building's siting and scale, its arboricultural implications are marginal,

and insufficient to warrant refusing permission or imposing conditions.

4.2 **Public comments**

4.2.1 None

5.0 **THE MAIN ISSUES**

- Principle of development
- Siting, scale, design and impacts on historic environment
- Impact on residential amenity
- Ecology

6.0 **OFFICER APPRAISAL**

6.1 **Principle of development**

6.1.1 The Council's 'Type and Affordability of Housing' Supplementary Planning Document (SPD) accepts the principle of additions to existing dwellings. It does not specifically reference detached outbuildings, but these pose no fundamental policy conflict provided they are genuinely ancillary domestic in nature. This would include use in connection with the private enjoyment of domestic gardens, whilst in this case the proposed log burner is not considered problematic on the understanding that it would merely provide comfort whilst horticultural tasks are carried out during the winter months. Moreover, the building's scale and construction are not conducive to other uses, and this can be reinforced by condition.

6.2 **Siting, scale, design and impacts on historic environment**

6.2.1 The SPD requires additions to be in scale and character with the original dwelling and its surroundings. Under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council must have particular regard to the desirability of preserving the special architectural or historic interest and setting of listed buildings, and to preserving or enhancing the character and appearance of conservation areas. This is reflected by Part 16 of the National Planning Policy Framework (NPPF), the Council's Core Strategy Policies CS6 and CS17, and Policy MD13 of the its Site Allocations and Management of Development (SAMDev) Plan, which attach great weight to protecting designated heritage assets.

6.2.2 Here, as noted by the consultees, the building's discreet position amongst established and retained tree cover, its small scale and simple, unobtrusive design would avoid it being publicly visible, or otherwise detracting from the conservation area or the settings of the nearby listed buildings. Neither would it be overly prominent in relation to the former rectory itself, or have any archaeological implications.

6.3 **Impact on residential amenity**

6.3.1 The development would also be reasonably well screened from the neighbouring properties, including the other apartments and private garden spaces within Rectory Court. Thus overlooking and overshadowing would not be significant, and neither should emissions from an ordinary domestic log burner prove problematic.

6.4 **Ecology**

6.4.1 The Ecology Team's comments ruling out significant effects on water quality in the River Clun SAC effectively discharge the Council's statutory duty under the

Habitats Regulations. Meanwhile the recommended informatives are sufficient to safeguard protected and priority species in this instance.

7.0 CONCLUSION

7.1 The development is acceptable in principle on the basis of it being restricted to ancillary domestic use. Its small scale, subordinate design and discreet siting would avoid it harming the historic environment or residential amenity, and there are no significant concerns regarding ecology. The application therefore accords with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions to reinforce the critical aspects.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk management

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

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

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

8.2 Human rights

8.2.1 Article 8 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst 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.

8.2.2 Article 1 also requires that the desires of landowners must be balanced against the impact of development upon nationally important features and on residents.

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

8.3 Equalities

8.3.1 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

9.1 There are likely financial implications if the decision and/or imposition of conditions are 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.

10.0 BACKGROUND

Relevant Planning Policies:

Central Government Guidance:

National Planning Policy Framework

Shropshire Local Development Framework:

Core Strategy Policies:

CS6 - Sustainable Design and Development Principles

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

CS18 - Sustainable Water Management

SAMDev Plan Policies:

MD2 - Sustainable Design

MD12 - Natural Environment

MD13 - Historic Environment

Supplementary Planning Documents:

Type and Affordability of Housing

Relevant Planning History:

SS/1979/717/P/ – Conversion into five flats, erection of two private garages, and alterations to existing vehicular access (permitted February 1980)

19/00117/FUL – Erection of extension to dwelling, following demolition of existing conservatory (withdrawn February 2019)

20/00878/FUL – Erection of single-storey extension following demolition of existing conservatory (withdrawn May 2020)

11.0 ADDITIONAL INFORMATION

View details online: <https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

List of Background Papers:

Application documents available on Council website

Cabinet Member (Portfolio Holder): Cllr Gwilym. Butler
Local Member: Cllr Nigel Hartin
Appendices: Appendix 1 – Conditions and Informatives

APPENDIX 1 – CONDITIONS AND INFORMATIVES

STANDARD CONDITIONS

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 in strict accordance with the approved plans and drawings listed below.

Reason: To define the consent and ensure a satisfactory development, in accordance with Policies CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

CONDITIONS RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

3. The external materials and finishes of the development hereby permitted shall be as specified on the planning application form and shown in the submitted photograph entitled 'Impression of external look of potting shed upon completion', i.e.:
 - unstained waney-edged timber weatherboarding; and
 - glazed/'Coroline' (or equivalent) corrugated bitumen roof sheets.
 These shall thereafter be retained for the lifetime of the development.

Reason: To define the consent and ensure that the external appearance of the development is satisfactory, in accordance with Policies CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

4. The development shall only be used for purposes in connection with and ancillary to the enjoyment of the existing dwelling on the site as a single dwelling unit. At no time shall it be occupied as a separate dwelling or used for commercial or business purposes.

Reason: To safeguard the residential amenities of the area, in accordance with Policies CS6 and CS11 of the Shropshire Local Development Framework Adopted Core Strategy.

INFORMATIVES

1. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks or on which fledged chicks are still dependent. If possible all demolition, clearance and/or conversion work associated with the approved scheme should be carried out outside the nesting season, which runs from March to September inclusive. If it is necessary for work to commence during the nesting season a pre-commencement inspection of buildings and vegetation for active nests should be carried out. If vegetation is not obviously clear of nests an experienced ecologist should be called in to carry out the check. Only if no active nests are present should work be allowed to commence.
2. Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected against killing, injury and trade by the Wildlife and Countryside Act 1981 (as amended). Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are also protected from trade, whilst the European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during the course of development works to ensure that these species are not harmed.
 - If piles of rubble, logs, bricks, other loose materials or other potential wildlife refuges would be disturbed, this should be carried out by hand during the active season (March to October) when the weather is warm.
 - Any grass should be kept short prior to and during construction, in to avoid creating wildlife habitats which would then need to be disturbed.
 - All storage of building materials, rubble, bricks and/or soil should be either on pallets or in skips or other suitable containers, in order to avoid use as refuges by wildlife which could then become trapped.
 - Wherever possible any trenches formed as part of the construction work should be excavated and closed during the same day in order to prevent wildlife becoming trapped. If it is necessary to leave a trench open overnight it should be sealed with a close-fitting plywood cover or provided with a means of escape in the form of a shallow-sloping earth ramp, board or plank. Any open pipework should be capped overnight, and all open trenches or pipework should be inspected for trapped animals at the start of each working day.
 - Any reptiles or amphibians discovered should be allowed to disperse naturally. If large numbers are present, advice should be sought from an appropriately qualified and experienced ecologist.
 - Should a hibernating hedgehog be found, it should be covered over with a cardboard box and advice should be sought from either an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (tel. 01584 890 801).
3. 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 in the National Planning Policy Framework Paragraph 38.

SCHEDULE OF APPEALS AS AT COMMITTEE 22 September 2020

LPA reference	18/05388/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	K J Sandells
Proposal	Erection of a free range egg production unit for 16,000 birds including silos and all associated works (re-submission)
Location	Proposed Poultry Unit North Of Cruckmeole Farm Cruckmeole Shrewsbury Shropshire
Date of appeal	22/07/20
Appeal method	Written representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	19/05264/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr M Fenton
Proposal	Erection of detached self-contained annexe ancillary to the existing dwelling
Location	Lingholm Woodhall Drive Hanwood Shrewsbury SY5 8JU
Date of appeal	17/06/20
Appeal method	Written Representations
Date site visit	
Date of appeal decision	10/08/20
Costs awarded	
Appeal decision	Allowed

LPA reference	19/05444/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr R Hunt
Proposal	Outline application (all matters reserved) for the residential development of one dwelling and garage
Location	Proposed Dwelling To The West Of Park Lane Shifnal Shropshire
Date of appeal	10/8/20
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	20/00409/PMBPA
Appeal against	Refused Prior Approval of Permitted Development
Committee or Del. Decision	Delegated
Appellant	H and M Froggat and Sons
Proposal	Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to two residential units
Location	Proposed Barn Conversion At Feather Knowle Farm Ashford Bowdler Shropshire
Date of appeal	10/8/20
Appeal method	Written representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	19/00860/VRA106
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Tristan Ralph
Proposal	Variation of Section 106 for planning application number 13/01696/FUL
Location	The Old Chapel Stretton Westwood Much Wenlock Shropshire TF13 6DF
Date of appeal	19/08/2020
Appeal method	Written representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	19/04826/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegate
Appellant	Mr John Williams
Proposal	Erection of two split level dwellings
Location	Proposed Residential Development Land South Of The Hawthorns Orchard Lane Hanwood Shrewsbury Shropshire
Date of appeal	25.08.2020
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	18/03355/FUL
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Longville Arms Ltd
Proposal	Change of use of former public house to residential (resubmission of 17/01687/FUL)
Location	Longville Arms Longville In The Dale Much Wenlock Shropshire TF13 6DT
Date of appeal	25.08.20
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	19/04464/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr N Spragg
Proposal	Outline application for the erection of 3no. bungalows to include access and layout (resubmission)
Location	Proposed Residential Development Land South Of The Eagle And Serpent Kinlet Shropshire
Date of appeal	09.06.2020
Appeal method	Written Representations
Date site visit	
Date of appeal decision	25.08.20
Costs awarded	
Appeal decision	Dismissed

LPA reference	19/05523/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr N Anthony
Proposal	Erection of part single storey part two storey rear extension
Location	11A Queens Road Bridgnorth WV15 5DG
Date of appeal	15.06.20
Appeal method	Written Representations
Date site visit	
Date of appeal decision	27.08.20
Costs awarded	
Appeal decision	Dismissed

LPA reference	19/03412/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Richard Jones
Proposal	Outline application for the erection of 1No self-build dwelling with ancillary garage and workshop (all matters reserved)(Amended Description)
Location	Proposed Development Land South West Of Pontesford Shrewsbury Shropshire
Date of appeal	02.09.20
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

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Appeal Decision

Site visit made on 31 July 2020

by **S Harley BSc(Hons) MPhil MRTPI ARICS**

an Inspector appointed by the Secretary of State

Decision date: 10th August 2020

Appeal Ref: APP/L3245/W/20/3248282

Lingholm, Woodhall Drive, Hanwood, Shrewsbury SY5 8JU

- 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 M Fenton against the decision of Shropshire Council.
 - The application Ref 19/05264/FUL, dated 28 November 2019, was refused by notice dated 24 February 2020.
 - The development proposed is erection of a detached annex.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached annex at Lingholm, Woodhall Drive, Hanwood, Shrewsbury SY5 8JU in accordance with the terms of the application, Ref 19/05264/FUL, dated 28 November 2019 and the plans submitted with it, subject to the conditions set out in the attached schedule.

Preliminary Matters and Main Issues

2. It is clear from the application form and the evidence that the appellant is not applying for a separate dwelling but for an annex to provide ancillary accommodation for family members.
3. The main issue is whether the proposed accommodation would be an annex or an independent dwelling, and if the latter, whether a new dwelling would be appropriate.

Reasons

4. Lingholm is a detached single storey dwelling set in an extensive curtilage. It is accessed from Woodhall Drive which serves a number of residential properties before continuing to Wood Hall Farm. To the south of Lingholm there is an area of woodland protected by an area Tree Preservation Order and there are a number of other small trees and shrubs in the garden. These would be unaffected.
5. The proposed building would be behind the site of a proposed garage, planning permission Ref 19/05263/FUL, which is behind an existing outbuilding. Enlarging or altering an existing dwelling would be acceptable in principle under the Type and Affordability of Housing Supplementary Planning Document (the SPD) which supports Policy CS11 of the Shropshire Local Development Framework Adopted Core Strategy 2011 (the CS) in seeking to meet diverse housing needs.

6. The proposed building would be single storey with a relatively low ridge line and a much smaller footprint than the main dwelling. It would be some distance beyond the main dwelling (estimated by the Council as some 54m or 58m). I conclude that the annex would be subordinate to the main dwelling in terms of siting and scale. Moreover, it would be well set back from Woodhall Drive and not unduly prominent given the extensive curtilage and the existing vegetation including the tall hedges on the boundaries shared with neighbouring dwellings. It is not uncommon to find outbuildings some distance from the main dwelling and, despite its domestic appearance, I conclude that the proposed building, even taken together with the permitted garage, would not appear as a discordant building or detract from the visual amenity of the area or the character or appearance of the original dwelling.
7. It is a matter of fact and degree as to whether or not the proposed development would be an annex or an independent dwelling. I see no reason in principle why an annex could not be some distance from the main dwelling, although I acknowledge that sharing day to day living arrangements would be somewhat less convenient than if the two buildings were closer together. The proposed building, as shown on the amended plan, would include two small double bedrooms, a kitchen/diner, living room, bathroom and utility, making it capable of independent occupation.
8. It does not necessarily follow that, because the proposed building is capable of being independently occupied, it would not, or could not, be occupied for purposes ancillary to Lingholm, or that it would become a separate planning unit. As a consequence, it is unnecessary for the annex to be in the form of an extension or to be within any particular distance for the additional living accommodation to be ancillary to the main residence.
9. The annex would be within the same curtilage as the main dwelling. The plan indicates that access would be via the existing entrance from Woodhall Drive, which would be shared with the main dwelling, and thence along the existing track which would also serve the permitted garage. The annex is intended for occupation by the appellant and his family during renovations of Lingholm and then by elderly parents and other family members who would share the garden. The evidence indicates there is no intention of sub-dividing the site and that there would be no significant separation in terms of services, utilities, external landscaping, postal address or physical boundaries such as fences or walls. Such subdivision would erode the functional linkage between the use of the annex and the main dwelling.
10. The necessary subdivision of the site to create two separate dwellings and associated curtilages, including a private garden, parking area and access for the occupants of the annex, could result in a contrived layout and appearance. It could also result in awkward living conditions for the occupants of both buildings through noise, disturbance and a lack of privacy. Thus, occupation of the proposed annex by anyone other than a relative or guest of the occupants of the main house would be undesirable. In my view, it could harm the character and appearance of the area and the living conditions of residents. However, a planning condition could be imposed to ensure the annex is only occupied for purposes ancillary to the occupation of the main residence.
11. I acknowledge that the Council considers that such a planning condition could be sufficient to prevent the annex being let or sold separately but considers

there would be a substantial risk of a compliance issue, even if used by family members. However, it is not clear what harm the Council considers would arise from family members using the proposed annex, or why it should be assumed compliance would not occur.

12. In conclusion the annex could be occupied either ancillary to the main house or independent of it. The latter could be harmful for the reason I have given but this could be prevented by way of a planning condition. With such a condition, independent occupation could not lawfully occur and no separate dwelling/planning unit should materialise, thereby retaining the proposed annex as a domestic outbuilding within the curtilage of Lingholm. I therefore find no conflict with Policies CS6 and CS11 of the CS; Policy MD2 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan 2015; the SPD; or the National Planning Policy Framework in terms of meeting diverse housing needs or the effect on the character or appearance of the area.

Other Matters and Conditions

13. As well as the standard condition specifying the time limits for the commencement of development, compliance with the approved plans is necessary to provide certainty. To protect the character and appearance of the area and the living conditions of residents, it is necessary to ensure the occupation of the annex is only for purposes ancillary to the main dwelling and that materials for external surfaces should match those of the existing dwelling. A planning condition requiring approval of surface water drainage details is necessary to minimise the risk of flooding in the area.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, I conclude the appeal should be allowed.

S Harley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: GH-19-024 A.01 Rev 02; GH-19-024 A.03 Rev 02; and GH-19-024 A.04 Rev 02.
- 3) Prior to any above ground works commencing, a specification and colour scheme shall be submitted to and approved in writing by the local planning authority in respect of wall finish and roof materials. The scheme shall be implemented and maintained as approved.
- 4) The annex hereby permitted shall not be used for purposes other than those ancillary to the domestic use of the main dwelling Lingholm. The annex shall not be let, or used for business purposes, or separated as an independent residential unit.
- 5) No development shall take place until a scheme for surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use whichever is the sooner.

End of Schedule



Appeal Decision

Site visit made on 11 August 2020

by R Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2020

Appeal Ref: APP/L3245/W/20/3249243

Eagle and Serpent, B4363 from Kinlet Bank End to B4555 Junction Nortons End, Kinlet, Shropshire DY12 3BE

- 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 N Spragg against the decision of Shropshire Council.
 - The application Ref 19/04464/OUT, dated 7 October 2019, was refused by notice dated 7 February 2020.
 - The development proposed is the erection of 3 no two bedroom bungalow (resubmission of 19/01228/OUT).
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development and site address differ slightly between the application form and decision notice. I have used the description and site address in the banner heading above from the application form which accurately describes the development proposed and its location.
3. The planning application was made in outline with appearance, landscaping and scale reserved. As such, I have regarded all elements of the drawings submitted as indicative apart from the access and layout details.

Main Issue

4. The main issue is the effect of the proposal on the provision of community facilities including the viability of the public house.

Reasons

5. The appeal site forms part of the car park associated with the Eagle and Serpent Public House (PH). The proposal therefore falls to be assessed against, amongst other things, Policy CS8 of the Shropshire Local Development Framework Core Strategy (adopted 2011) (CS). This seeks, amongst other things, to protect and enhance existing facilities, services and amenities that contribute to the quality of life of residents and visitors. Policy CS6 of the CS is also relevant and stipulates, amongst other things, that the loss of existing facilities will be resisted unless provision is made for equivalent or improved provision or it can be clearly demonstrated that the existing facility is not viable over the long term.
6. The PH has a car park to the front and another to the rear. On the opposite side of the road lies the Village Hall, which has a large car park. The Council do

not dispute the appellant's evidence regarding the parking demand for the PH, which in general, I'm told, can be met by the front car park. However, even considering the accessibility of the PH to residents on foot, there is no dispute that when events are held there would be insufficient parking spaces at the PH if the rear car park was not available.

7. It is put to me that in such circumstances the PH would hire the Village Hall and their facilities, which would include the car park. However, whilst this approach would ensure sufficient parking, it would not offer improved provision at the PH as an existing community facility. Instead, the facilities at the PH site would be eroded through the loss of this parking area.
8. I have no substantive evidence regarding the frequency of events or how they affect the viability of the PH. Whilst I recognise the intentions of the current owner to hire the Village Hall for events, this would appear to add additional running costs to the business and I have little information as to how this would work in practice. For example, if there is no availability at the Village Hall, this would undermine the PH's ability to host an event on such a day.
9. The loss of the car parking area would reduce the options to operate the community facility for future owners of the PH. No viability evidence has been provided and there is no cogent evidence before me as to whether the proposed approach would impact the viability of the PH. Moreover, I have no mechanism by which such an arrangement of hosting events at the Village Hall could be controlled, or no mechanism to ensure that the development would benefit the PH as a community facility.
10. I therefore conclude that the loss of the car parking area would result in the erosion of this existing community facility, with no equivalent or improved provision secured and it has not been demonstrated sufficiently that this loss would not undermine the viability of the PH. As such, the proposal would conflict with the requirements of Policy CS6 and CS8 of the CS. The proposal would also be contrary to the National Planning Policy Framework with regards to retention of community facilities as part of a prosperous rural economy, such as PH's in rural areas.

Other Matters

11. The absence of harm identified by the main parties on other matters weigh neither for nor against the proposal. The proposed housing would provide some social and economic benefits. However, given the scale of the development the benefits and weight I afford to them would be small. I have come to this conclusion having regard to the importance that the government places on boosting the supply of housing, building in sustainable locations and making effective use of land.

Conclusion

12. I have taken account of all the other matters raised including the benefits of the proposal. However, none changes the balance of these findings and the harm I have identified to the provision of community facilities including the viability of the PH. The appeal is therefore dismissed.

Robert Walker

INSPECTOR



Appeal Decision

Site visit made on 11 August 2020

by **J Gibson BUEP MPIA**

an Inspector appointed by the Secretary of State

Decision date: 27 August 2020

Appeal Ref: APP/L3245/D/20/3254054
11A Queens Road, Bridgnorth WV15 5DG

- 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 Neil Anthony against the decision of Shropshire Council.
 - The application Ref 19/05523/FUL, dated 18 December 2019, was refused by notice dated 12 May 2020.
 - The development proposed is for a “two storey rear extension”.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of neighbouring occupants at 11 and 15 Queens Road, with respect to outlook, sense of enclosure and light.

Reasons

3. The appeal site is a two storey mid-terrace dwelling with a modestly sized rear garden area located on the eastern side of Queens Road. The surrounding area is suburban in character and appearance with the predominant built form comprising of terrace rows and semi-detached dwellings. Neighbouring property No 11 adjoins the appeal site on its northern boundary while No 15 adjoins the southern boundary of the appeal site.
4. Although described by the appellant as a two storey rear extension, the proposed development would be a partial single storey extension with the ground floor component extending beyond the proposed first floor element. The Council have expressed concerns regarding the combined height and width of the two storey component of the proposal, as it would occupy the predominant width of the appeal site and match the ridge and eaves height of the host dwelling roof. They have specifically described the close proximity of the proposed rear extension to habitable room windows at Nos 11 and 15 as harming the outlook from those rooms due to the overbearing effect introduced by the proposal.
5. I observed during my site visit that No 11 had a small glazed window and a large two bay glass sliding door off a habitable room located near the shared boundary with the appeal site at ground floor level. I similarly observed a three bay window serving a habitable room at the ground floor level of No 15, located close to the shared boundary of the appeal site. While the appellant

has described how the proposed first floor extension has been setback to preserve the degree of outlook experienced from first floor windows at Nos 11 and 15, there is no discussion or consideration of the effect on the ground floor windows and glass sliding door I identified. It is clear, in my view, that the combined two storey height of the proposal and proximity to the shared boundaries would represent a harmful overbearing built form which would unduly effect the outlook experienced from the ground floor windows and sliding door of Nos 11 and 15 in particular.

6. With respect to access to light, the orientation of the terrace row and raised topography of the rear garden areas already limits the degree of light experienced from the rear facing habitable windows throughout the day. The submitted solar studies illustrate that No 11 would be overshadowed by the proposed rear extension, at both ground and first floor levels, earlier in the day than it otherwise would be. Given the limited degree of light experienced from the rear facing habitable windows and glass doors along the terrace row throughout the day, any overshadowing effect would significantly compromise the living conditions within those rooms. Reliance upon the submitted solar studies is further questioned as the windows shown on the neighbouring properties did not match what I observed during my site visit. This suggests there could be a greater level of overshadowing than is otherwise illustrated based on my site visit observations.
7. I note the appellant contends that the proposed ground floor extension has the greatest overshadowing impact on No 11 and as such is acceptable given the comparable extent to that under permitted development rights. However, the proposed first floor extension projects beyond what is accepted under permitted development rights and therefore amounts to a greater degree of harm to No 11 and its access to light than suggested. As such, this does not lessen the harm identified. I also note that No 15 is not affected by any overshadowing from the appeal proposal given its southern location compared to the appeal site.
8. The appellant describes an amended proposed plan which lowers the eaves of the rear extension by 900mm. However, no such amendment has been provided for consideration as part of this appeal. Nevertheless, I am not satisfied that such a change in eaves levels would address the identified harm resulting from the combined height and width of the proposal. The suggested lack of objections, particularly from neighbouring occupants, in line with the Council's reasons for refusal or the procedure in which the Council determined the application are neutral considerations which do not outweigh the harm I have identified.
9. The appellant refers to examples of similar two storey rear extensions on mid-terrace dwellings in the surrounding area. However, no specific details of the properties or the circumstances under which the suggested extensions were permitted have been provided by the appellant for consideration. I note that during my site visit I did not observe any similar extensions in the immediate vicinity of the appeal site. Nevertheless, each case is determined on its merits which I have done with the appeal before me.
10. Accordingly, the proposed development would harm the living conditions of neighbouring occupants at Nos 11 and 15 with respect to outlook and sense of enclosure collectively, and light with regard to No 11 specifically. It conflicts

with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (adopted March 2011). This policy seeks, amongst other things, to ensure development achieves high quality design which is of an appropriate scale to respond to the surrounding local context and safeguards the residential and local amenity of neighbouring occupants.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

J Gibson

INSPECTOR

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