

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

Date: Monday, 8 February 2021

Committee:
Southern Planning Committee

Date: Tuesday, 16 February 2021
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: www.shropshire.gov.uk/SouthernPlanningCommittee16February2021

Please note that this meeting will be made available through Microsoft Teams Live Events - your device will need to meet the minimum specification as detailed on the Microsoft website at this link: [Device Specification](#)

- You will need to download MS Teams (free) and click on the link to listen to the meeting if you are using a PC
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- Use the link at 2.00 pm on the day of the meeting and click on 'Join as Guest'
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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 South Planning Committee meeting held on 19 January 2021

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, 12 February 2021

4 Disclosable Pecuniary Interests

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

5 Proposed Residential Development Land South East of Springbank Farm Shrewsbury Road Church Stretton Shropshire (18/01258/OUT) (Pages 7 - 28)

Outline application for the erection of 5No dwellings, to include means of access (re-submission)

6 Proposed Residential Development Land To The East Of Stoneleigh Close Acton Burnell Shropshire (20/01757/OUT) (Pages 29 - 44)

Outline application for a residential development to include matters of access and layout (amended description)

7 Acton Arms Hotel Morville Bridgnorth Shropshire WV16 4RJ (20/03647/OUT) (Pages 45 - 68)

Outline application for residential development of 3 no. detached dwellings to include access, layout and scale (Amended description 25.01.2021.)

8 Ginny Hole Prescott Cleobury Mortimer Kidderminster Shropshire (20/04714/FUL) (Pages 69 - 88)

Erection of a rural workers dwelling

9 Schedule of Appeals and Appeal Decisions (Pages 89 - 100)

10 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, 16 March 2021.



Committee and Date

Southern Planning Committee

16 February 2021

SOUTHERN PLANNING COMMITTEE

Minutes of the meeting held on 19 January 2021

Virtual meeting held via Microsoft Teams Live

2.00 - 4.25 pm

Responsible Officer: Tim Ward

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

Present

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

161 Apologies for Absence

There were no apologies for absence

162 Minutes

RESOLVED:

That the Minutes of the meeting of the South Planning Committee held on 17 November 2020 be approved as a correct record and signed by the Chairman.

163 Public Question Time

There were no public questions

164 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.

In relation to application 20/04021/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 not taken part in any discussion about the application.

In relation to application 20/04021/FUL, Councillor Robert Tindall declared that he was a member of The Shropshire Hills AONB Partnership, he confirmed that he had not taken part in any discussion about the application.

In relation to application 20/04021/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 not taken part in any discussion about the application

165 Former Council Offices Westgate Bridgnorth Shropshire (20/02056/FUL)

The Principal Planner introduced the application, which was an application for the demolition of existing buildings; erection of mixed residential scheme of 30 dwellings; highway works; landscaping scheme to include felling of trees; and all associated works 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 schedule of late representations.

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

- Bridgnorth Town Council in opposition to the proposal
- Councillors Elliot Lynch & Les Winwood, Local Members in support of the proposal
- Ian Gilbert (Agent) on behalf of Housing Plus Group in support of the proposal

During the ensuing debate Members comments included

- Councillors welcomed the additional open space but felt that the proposed layout was not cohesive as the properties facing Ludlow road appeared separate from the remainder of the site.
- Councillors had continuing concerns regarding the vehicles accessing and egressing from the properties facing Ludlow Road and felt that these would be exacerbated by the proposals for tandem parking for these properties

RESOLVED:

That contrary to Officers recommendation planning permission be refused for the following reasons

- 1) As a result of the linear form of the development proposed it does not present a single cohesive site layout due the lack of connection between the element fronting Ludlow Road and the green space along the Wenlock Road and the remainder of the site, with the result it does not make best use of the full potential offered by this key focal point site in the Bridgnorth townscape. The resulting layout does not satisfactorily take into account the local context and character, contrary to Core Strategy policy CS6 and Site Allocations and Management of Development (SAMDev) Plan policy MD2.2, and would not function well and add to the overall quality of the area as required by paragraph 127 of the National Planning Policy Framework.
- 2) The proposed site layout in relation to the vehicular access arrangements for the development fronting Ludlow Road with tandem driveway parking,

notwithstanding the proposed use of reinforced grass areas adjacent to the drives facilitating vehicle movements within the plots, would be likely to result in vehicles reversing on and off the highway and the temporary parking of vehicles on the highway, in close vicinity to a bend and road junction where there is restricted visibility and vehicles tend to move at high speed due to the highway alignment when vehicles are swapped around, creating an unacceptable impact on highway safety. Consequently the proposed development would be contrary to Core Strategy policy CS6 which seeks to secure safe developments and paragraph 108 b) of the National Planning Policy Framework in not providing safe and suitable accesses to the site for all users.

166 13 St Marys Lane Much Wenlock TF13 6HD (20/03576/COU)

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

The Principal Planner introduced the application, which was an application under Section 73A of the Town and Country Planning Act 1990 for the change of use from use as hotel bedrooms in connection with the Raven Hotel to six commercial units, 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:

- Philip Green – local resident in opposition to the application
- Much Wenlock Town Council in opposition to the application
- Councillor David Turner – Local Member (In accordance with the public speaking protocol Councillor Evans read his statement)
- Suzanne Campbell (Applicant) in support of the application.

During the ensuing debate Members comments included

- Members expressed some concerns regarding the types of businesses that would occupy the units but felt that this would be controlled by the proposed conditions and that any changes outside the uses stated would require further permission to be sought.

RESOLVED:

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

167 Rosedene Horderley Craven Arms Shropshire SY7 8HR (20/04021/FUL)

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

Councillor David Turner (Vice Chairman) took the chair for this item.

The Consultant Planner introduced the application, which was an application for the change of use of agricultural land to site for 5 camping pods, roadway with parking area and septic tank installation 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:

- Councillors David Evans and Lee Chapman – Local Members

During the ensuing debate Members comments included

- Members commented that whilst they wished to support rural businesses but that this application did not meet the criteria for such an application and would have an adverse effect on the AONB

RESOLVED:

That in accordance with Officers recommendation planning permission be refused for the following reasons.

1. The development site would have limited economic benefits and would not relate to a recognisable named settlement, with visitors likely to rely on unsustainable means of car travel. The proposed development would not relate to an existing tourism enterprise and would not involve the diversification of an established rural business and so the development would be contrary to Core Strategy policies CS5 and CS16.
2. The development would be a conspicuous feature in this countryside location and would detrimentally affect the essentially open character of the Shropshire Hills Area of Outstanding Natural Beauty. The development is therefore contrary to the aims of the National Planning Policy Framework and to the requirements of Core Strategy policies CS5, CS6 and CS17.

168 Sunninghill Summerhouse Lane Longden Shrewsbury SY5 8HA (20/04317/FUL)

The Consultant Planner introduced the application, which was an application for the erection of a single storey rear extension (following demolition of existing) and two-storey side extensions to include double garage (revised description).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 before the Committee as the applicant was an officer of Shropshire Council

Members attention was drawn to the information contained in the schedule of late representations, and to late representations from Councillor Roger Evans, Local Member and from Longden Parish Council.

Members felt that the application was acceptable.

RESOLVED:

That in accordance with Officers recommendation planning permission be granted subject to no further objections being received that raise new material planning considerations during the consultation period (Expires 19/01/2021) and subject to the conditions set out in Appendix 1.

169 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 19 January 2021 be noted.

170 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, 16 February 2021.

Signed (Chairman)

Date:

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<u>Committee and date</u>
Southern Planning Committee
16 February 2021

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> 18/01258/OUT	<u>Parish:</u> Church Stretton	
<u>Proposal:</u> Outline application for the erection of 5 No dwellings, to include means of access (re-submission)		
<u>Site Address:</u> Proposed Residential Development Land South East of Springbank Farm Shrewsbury Road Church Stretton Shropshire		
<u>Applicant:</u> Mr & Mrs JN & SA West		
<u>Case Officer:</u> Andrew Sierakowski	<u>email:</u> planning.southern@shropshire.gov.uk	
<u>Grid Ref:</u> 345946 – 294347		
<p style="font-size: small; margin-top: 5px;">Copyright. All rights reserved. Shropshire Council 100049049. 2019 For reference purposes only. No further copies may be made.</p>		

Recommendation:- Refuse for the reasons set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This is a resubmission of an outline application for the erection of five (previously six) dwellinghouses, including the means of access on land to the south east of Springbank Farm, Shrewsbury Road, Church Stretton. All matters are reserved apart from the access. The application includes an indicative layout. The application was submitted in March 2018 but has been held in abeyance at the request of the applicant since then, pending publication in July 2020 of the Shropshire Pre-Submission Draft Local Plan 2016-2038. The applicant has now requested that the application be determined.
- 1.2 The application proposes the redevelopment of a campsite, that is no longer in use, for up to five dwellinghouses.
- 1.3 Although an outline application, it states that, in relation to appearance, layout, scale, amount and landscaping, that the development will be intended to respond to and reflect the local vernacular by comprising dwellings up to two storeys in height to echo the existing surrounding development, using a palette of materials that will complement the existing nearby built development, and will potentially utilise passive solar heating and solar PV panels.
- 1.4 The site is bounded by mature tree planting on the southern boundary including a number of conifers. It is proposed to remove all of the conifers on the site but retain the other mature deciduous trees as part of the development.
- 1.5 Access would be provided via the existing access to Springbank Farm off the Shrewsbury Road and 10 car parking spaces would be provided.
- 1.6 Due to shallow groundwater at the site, the drainage of surface water to soakaways is not feasible. Instead, a new system of surface water and foul drains would be installed, with the surface water discharging, via a new shallow attenuation pond, to a pond located to the north east of the main part of the application site. Foul drainage would be to the public sewer that runs along the Shrewsbury Road to the west of the site, although this will require the construction of a pumping station as part of development and installation of a new connection between the site and the Shrewsbury Road.
- 1.7 The following assessments were either submitted with the application or have been submitted during the course of the determination period; a Phase 1 Habitat Survey; a Method Statement to Avoid Damage to Great Crested Newts; A Flood Risk and Drainage Assessment; a Tree Condition Report, Arboricultural Impact Assessment (AIA) Arboricultural Method Statement and Tree Protection Plan; a Heritage Impact Assessment (HIA) and a Technical Note on drainage. The drainage proposals have been amended in the course of the application.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site extends to 0.55ha, with the main part of the site located approximately 800m north-east of Church Stretton town centre, between the Shrewsbury Road to the west and the Shrewsbury to Hereford railway line and A49 to the east. Church Stretton School lies immediately to the west of the main part of the site.
- 2.2 With the adoption of Shropshire's Site Allocations and Management of Development Plan (SAMDev) in 2015, the site is now situated between a housing land allocation for up to 50 dwellings to the west and an employment land allocation to the east. In addition, residential development has been relatively recently completed at Lawley Close approximately 130m to the south of the main part of the application site. The application states that as a result of recent development, the appeal of the former campsite's location, as a relatively quiet and secluded location in open countryside, has been significantly compromised.
- 2.3 The application describes Church Stretton is an historic market town that is notable for the quality of its built environment, benefitting from a number of listed buildings and a significant Conservation Area. It acknowledges that it is therefore sensitive to the impacts of additional built development. However, it states that development on the site will be well screened by existing and proposed built development, landscaping and the surrounding landform.
- 2.4 The site lies on the valley floor to the north of Church Stretton, and although part of the area falls within the Flood Zone 2 on the Environment Agency's Flood Map most of the site falls outside this, with only part of the access immediately adjacent on to the Shrewsbury Road and a small area of the main part of the site are located with Flood Zone 2.
- 2.5 The Conservation Area extends out from the town centre and along the Shrewsbury Road to the north, with the boundary of the Conservation located 380m west of the main part of the site. There is an unlisted single storey brick-built dwelling immediately adjacent to the north side of the application site, Meadow Bank, which is believed to be a converted agricultural building, dating from c.1880 which is listed on the Historic Environment Record as a non-designated heritage asset.
- 2.6 The site is located with the Shropshire Hills Area of Outstanding Natural Beauty (AONB) and as such is located on land that forms part of the Shropshire Environmental Network (SEN), lies 620m east of the Long Mynd Site of Special Scientific Interest (SSSI) and 60m north west of the Coppice Leasowes, Church Stretton Local Nature Reserve (LNR).
- 2.7 Church Stretton is included as one of the Market Towns and key Centres in Core Strategy Policy CS3 and SAMDev Policy MD1 and Schedule MD1.1 and under Policy S5 and S5.1 is identified as providing a focus for development in South Shropshire with a housing guideline of about 370 dwellings. New housing

development is to be delivered through the allocation of two greenfield sites together with windfall development within the town's development boundary as shown on the Policies Map. The site falls outside the development boundary, being located approximately 100m east and 190m north of it. One of the two allocated housing sites is the School Playing Fields site (Site Ref. CSTRO18) located approximately 110m west of the main part of the application site and adjacent to the access (included in the current application) on to the B5477 Shrewsbury Road. This extends to approximately 2.2ha and has been allocated for up to 50 dwellings. In addition, there is an allocated employment site, ELR078 (Springbank Farm) located to the immediate north east of the application site, which has been allocated for B1 use.

2.8 There have been several previous planning applications relating to the site, including the following:

- SS/1981/552/P/ for the use of land as a caravan site for 12 static holiday caravans - Refused 15/01/1982;
- SS/1/98/ 009369/CE for the use of land as a Touring Caravan site - Approved 08/03/2000;
- SS/1/99/009910/F for the Conversion of a building to form a service block for the caravan park - Withdrawn 26/04/1999
- 17/01212/OUT which was outline application for the erection of 6 no. dwellings to include means of access - Withdrawn 09/06/2017.

2.9 In addition, there was a Pre-Application Enquiry Ref. PREAPP/14/00454 which related to the development of nine dwellinghouses on the site, which was submitted in August 2014. The response to this advised that the site would be in the open countryside and as such that any application for open market housing would be contrary to policy. The response did however advise that if the SAMDev was adopted and included the then proposed allocations for new housing and employment, that this may, given the proximity of the site to Church Stretton, provide the basis for justifying a departure from policy. The application submitted in 2017 followed from the response to the Pre-Application Enquiry in 2014.

2.10 With work on the Shropshire Local Plan Review on-going, the potential to develop the site has also been raised in the context of the review. The site was not included as a preferred site allocation for new housing in the Shropshire Local Plan Review Consultation on Preferred Sites (undertaken between 29 November 2018 and the 31 January 2019), and it is not now proposed to extend the development of Church Stretton to include the site as part of the Local Plan Review. The Shropshire Pre-Submission Draft Local Plan 2016 to 2038 was published for consultation in July 2020 with the consultation running from 3rd August 2020 to 30 September 2020. This has proposed the deletion of existing allocated housing site, CSTRO18, although as yet little weight can be attached to the deletion. This is understood to have followed from a decision by the Church Stretton School which owns the site, to no longer continue with its development for housing, effectively rendering the allocation unviable. The Pre-Submission Draft Local Plan does not propose any

extension to the development boundary to north of Church Stretton to include Springbank Farm or any of the surrounding land and in fact with the proposed deletion of allocated housing site, CSTRO18 it also now proposed to pull back the northern limit of the development boundary to exclude the existing allocation.

- 2.11 It should be noted that there was a planning application, Ref. 15/01276/FUL which included the land to the south of the current application site and the allocated housing site CSTRO18, that was withdrawn in January 2020. This was for the erection of 47 dwellings and included the relocation of the sport fields on the allocated site to the area to immediate south of the current application to compensate for the loss. If approved and developed it would have resulted in the extension of the built-up area of Church Stretton to include the allocated housing site, (which is located within the development boundary), but would also have seen the land to the immediate south of the current application site retained as open playing fields. With the withdrawal of the application, it understood that there is now little or no likelihood of the allocated site being developed and why the deletion of the allocation is now proposed in the Local Plan Review.
- 2.12 Despite the location of the application site outside the development boundary, the withdrawal of the planning application on the nearby allocated site and the proposed deletion of the allocated site, the application nevertheless argues the location of the site is sustainable given its close proximity to Church Stretton.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

- 3.1 The proposed development does not accord with development plan policy. Craven Arms Town Council has however not objected to the application, but because the officer recommendation is contrary to the view of the Town Council, and these contrary views cannot reasonably be overcome by negotiation or the imposition of conditions. The Principle Planning Officer in consultation with the Committee Chairman and Vice Chairman and the Local member, consider that it raises material issues and that it should therefore be referred to the Committee for determination.

4.0 COMMUNITY REPRESENTATIONS

Parish Council

- 4.1 Church Stretton Town Council: Comment have not objected to the application but have made a number of points as follows:
- That a tree survey should be undertaken (the report of which has subsequently been submitted), as there are some specimen trees, which could be incorporated into a site-landscaping scheme. They are concerned that the trees to the north of the site should be retained as should those on the eastern boundary, as they would form a screen against the railway line. They consider that the conifers to the south should be removed but that the mature trees abutting the boundary fence should be retained. They also

comment that the hedgerow to the south should be retained and filled out with additional hedge planting;

- That noise levels may need to be assessed to determine whether acoustic glass would be needed in any future housing;
- That the character and amenity value of the area should be retained and that a Heritage Impact Assessment should be submitted (which has also subsequently been submitted);
- That details of the foul sewage were initially unknown (but have subsequently been submitted) and they ask if the development is proposing to connect to the existing drainage system;
- That a Great Crested Newt Method Statement, incorporating Risk Avoidance Measures will be required as Great Crested Newts are known to breed in nearby ponds; and
- That part of the access road passes over land, that is in different ownership.

Public Comments

4.2 In addition to the comments from Church Stretton Town Council there have been three third party representations, two of which are stated as being neutral, with one of these being from the Church Stretton Civic Society and, one that offers objection. The two neutral comments make the following points:

- That any developer building in the fields behind Church Stretton School needs to be aware that the developments may alter the balance of water drainage for existing properties in the area and that at times of heavy rainfall water seeps down towards the properties known as Meadow Bank and Meadow View and that the ground stands in shallow water until it has had the opportunity to drain through the heavy clay soil. This is particularly so in the garden behind and to the west of Meadow Bank. These properties have never flooded up to now but an increase in hardstanding ground cover associated with the development may have a deleterious effect;
- That the site is adjacent to the SAMDev allocated sites for employment and housing so that its development would be appropriate infilling that would provide windfall housing between existing developments. However, there has also been a substantial delay in getting the school playing field housing application (now withdrawn) to the approval stage mainly because of the difficulty in reconciling the development with the protection of the borehole water supplies for the adjacent water bottling plant;
- That there are doubts about the demand for artisan, or any other employment units, and therefore the commercial viability of the employment site. If the Council were to decide to delete the housing and employment sites from the list of allocated sites then the approval now of the application would mean that approval had been given to an application within the AONB on land classified as open countryside where development is regarded as exceptional;
- That would therefore be prudent to delay any decision on the application until the it is determined whether future of development on the allocated

sites will go ahead; and

- That it may be appropriate for the Council to include the application site with other options for allocated housing sites which will be the subject of formal consultations as part of the Local Plan Review.

4.3 The objecting representation makes the following points:

- That traffic using the access road will be a nuisance to the houses across the main road and a danger to the children coming/going to the school;
- That any disturbance to the trees and the surrounding grounds will be detrimental to the wildlife in the area; and
- That approval of the application will not be of any benefit to Church Stretton and will cause a harm and nuisance.

Technical Comments

4.4 Shropshire Council - Affordable Housing: Advise that an affordable housing contribution will be required. or if the development exceeds 1000 sq. metres that on-site provision of affordable housing will be required and that the grant of planning would need to be subject to a s.106 Agreement.

4.4 Shropshire Council - Highways: Advise that they have no objection subject to the development being carried out in accordance with the approved details and the inclusion of standard informatives relating to mud on the highway, no drainage discharging to the highway, works on, within or abutting the public highway.

4.5 Shropshire Council - SUDS: Comment that part of the site lies within Flood Zone 2. They therefore advise that the Flood Risk (and Drainage) Assessment (FRA) submitted with the application needs to demonstrate that the area of the application site to be developed lies outside of Flood Zone 2 plus climate change.

4.6 They initially commented that the Flood Risk and Drainage Assessment states that the surface water drainage from the proposed development is to be disposed of via soakaways, but that no details of infiltration rates and sizing of the proposed soakaways have been supplied.

4.7 Following submission of the amended drainage details which now proposes surface water drainage to a pond located to the north east of the main part of the application site via a new attenuation pond, and foul drainage to the public sewer on the Shrewsbury Road, the SUDS Officer has advised that in principle the drainage strategy is acceptable subject to it being demonstrated that the existing drainage system remains in working condition and that the existing pond has a positive outfall to a watercourse. A further response is awaited from the applicant at the time of writing this report but a further update will be provided to the Committee before the application is determined.

- 4.8 Shropshire Council - Trees: Comment that the site contains a large number of mature trees of mixed species including a mature line of cypress trees along the southern boundary and that in aggregate these trees provide a significant feature in the landscape and a link with other blocks of woodland, hedgerows and wet/rough pasture making it an integral part of a local wildlife corridor linking green infrastructure across the valley bottom.
- 4.9 They further comment that the development would require the removal of approximately 60 trees significantly eroding the depth, durability and benefits of the existing screening. They advise that the remaining trees along the southern boundary comprise grey alder and ash, many of which have poor form and condition and would not be compatible in the long term with the development of the site as proposed, and they consider that further losses would be likely to accrue following the occupation of the development due to proximity and shade issues and concerns regarding safety.
- 4.10 They also comment, contrary to what is stated in the applicant's Planning Statement, that the remaining alders (where retained) would not provide a significant or long-lived screen to the new development and that the loss of the trees on the eastern boundary would open the whole development up to views in from the A49 and from public open space in the AONB from Helmeth Hill and Caer Carodoc.
- 4.11 They further comment, whilst the Design and Access Statement submitted with the application suggests that new native planting would enhance the ecological value of the site and further assist in integrating the development into its landscape setting, that the layout as proposed is such that realistic compensation and improvements for what had been lost, would not be possible.
- 4.12 Consequently, given the likely impacts to trees and green infrastructure the Tree Officer comments that the development of the site as proposed would not be sustainable or meet the requirements set out in local and national policies on natural environment assets and the AONB. They consider that it would erode local green infrastructure and tree cover without the scope to provide adequate restoration or enhancement both from a tree and landscape perspective and in terms of ecological value of the site. They therefore advise that the development would not meet with the requirements set out in the NPPF or Core Strategy Policies CS6 and CS17 or SAMDev Policies MD2 and MD12.
- 4.13 Shropshire Council - Ecology: Initially advised, because of the presence of three Great Crested Newt breeding ponds within 100m of the site and a Great Crested Newt record at Spring Bank Farm itself, that the Reasonable Avoidance Measures Method Statement (RAMMS) is appropriate. However, they have also advised that site lies within the Shropshire Environmental Network and, as such should demonstrate how the development will 'promote the preservation, restoration and re-creation of priority habitats and ecological networks' as required by Core Strategy Policy CS17 and Paragraph 117 of the National Planning Policy Framework. Accordingly, they advise that details of landscaping provision and how

biological and ecological mitigation is to be provided on the site, especially in light of the level of tree losses proposed, as detailed in the comments of the Tree Officer.

- 4.14 Shropshire Council - Conservation: Advise that the proposal, although outside the Church Stretton Conservation Area, which is 380m to west, will have some impact on it and that it will affect a non-designated heritage asset immediate adjacent to the north side of the site, Meadow Bank. They also comment that the site is located within the AONB. They advise from a heritage perspective, that the main consideration is the design of the development. They advise that site does not form part of the built-up area of the Church Stretton and that in visual and landscape terms it relates to the adjacent rural setting, albeit that this is close to Church Stretton. For this reason, they advise that it should avoid having an overly domestic/suburban character and appearance, and they suggest instead that it should appropriately be more agricultural in character, utilising a layout and design similar to barn style buildings to ensure that it does not look like an incongruous 'add-on', thereby providing a degree of integration into the rural landscape and character of the area.
- 4.15 They advise that the proposal should utilise high quality design, informed by the local vernacular, including high quality materials to mitigate potential impact on the setting of adjacent non-designated heritage asset and the Conservation Area. They comment that although the Planning Statement mentions the use of appropriate materials, further detail outlining possible materials should be provided as part of the overall proposed design rationale. They initially advised that a Heritage Impact Assessment work should be undertaken (as the application was initially submitted without the assessment) to gauge the overall impact of the proposal, including that of the proposed roofscapes. This was subsequently submitted, and whilst they do not fully agree with all of its conclusions, particularly in relation to the impact on the setting of Meadow Bank, they do not offer objection to the conclusions of the assessment.
- 4.16 However, they advise that they still concerned with the proposed layout of the site which they consider, even with the reduced number of houses, to be overly suburban, in a rural location in the AONB. They have reiterated their comments that the overall form should reflect that of the existing barns and be linear, consisting of one to one and half storeys buildings and possibly semi-detached units to accentuate the linear form with the end (easternmost) plot consisting of an 'L' shape with two units, to reference adjacent building. They advise that the units could be separated by open bays for parking, ancillary storage.
- 4.17 Shropshire Council Archaeology: Advise that they have no comments to make on the application with regard to archaeological matters.
- 4.18 Shropshire Hills AONB Partnership: The Shropshire Hills AONB Partnership have provided their standing advice that the planning authority has a legal duty to take into account the purposes of the AONB designation in determining the application and should take account of planning policies which protect the AONB, and the

statutory AONB Management Plan and they state that their response does not indicate either an objection or 'no objection' to the current application.

5.0 THE MAIN ISSUES

- **Principle of the Development;**
- **Impact on Trees and Landscape;**
- **Impacts on Ecology;**
- **Flood Risk and Drainage;**
- **Heritage; and**
- **Other Issues**

6.0 OFFICER APPRAISAL

6.1 Principle of the Development

6.1.1 The key issue in relation to the principle of the development is that the site is located close to, but outside, the development boundary for Church Stretton, and that approval of the application would be a departure from the Development Plan. As a site outside the development boundary the application raises the issue of whether or not there is justification under SAMDev Policy MD3 paragraph 3, for granting consent for the scheme, as a windfall site, taking into consideration the current settlement housing guideline figure for Church Stretton and whether this is being met.

6.1.2 In terms of the development strategy, Core Strategy Policy CS1 sets out the overall Strategic Approach to development in Shropshire, with development concentrated in Shrewsbury and County's Market Towns and Other Key Centres. Church Stretton is identified in Core Strategy Policy CS3 and the SAMDev Policy MD1 and Schedule MD1.1 as one of the Market Towns and Key Centres, and SAMDev Policy S5 identifies it as provide a focus for development in south Shropshire, with a housing guideline of about 370 dwellings in the period between 2006 and 2026 and it states that new housing development will be delivered through the allocation of greenfield sites together with windfall development which reflects opportunities within the town's development boundary as shown on the Policies Map. The allocated housing sites are set out in Schedule S5.1a and identified on the Policies Map. The development boundary is shown on the Adopted Policies Map 2015 – Church Stretton Area Place Plan (Inset 1). This shows the development boundary largely extending along the edge of the built-up area of the north side of Church Stretton approximately 200m south of the site, except where the built area has extended north of the development boundary at Lawley Close and where it extends around the allocated housing site, CSTRO18 approximately 110m west of the site.

6.1.3 As such the site falls within the area of land to be treated as countryside under Core Strategy Policy CS5 and SAMDev Policy MD7a.

6.1.4 Neither Core Strategy Policy CS5 nor SAMDev Policy MD7a envisage the

development of new open market housing in the countryside and both make clear that new development will be strictly controlled in accordance with national planning policies protecting the countryside. Furthermore, paragraph 172 of the NPPF makes make that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty and that they should be attributed the highest status of protection in relation to these issues.

6.1.5 However, Paragraph 3 of SAMDev Policy MD3 sets out that there are circumstances in which planning permission may exceptionally be approved for sites outside settlement development boundaries.

6.1.6 Paragraph 3 states that where a settlement housing guideline appears unlikely to be met, additional sites outside settlement development boundaries that accord with the settlement policy may be acceptable subject to the considerations set out in Paragraph 2. The considerations set out in paragraph 2 include:

1. The increase in number of dwellings relative to the guideline; and
2. The likelihood of delivery of the outstanding permissions; and
3. The benefits arising from the development; and
4. The impacts of the development, including the cumulative impacts of a number of developments in a settlement; and
5. The presumption in favour of sustainable development.

6.1.7 The starting premise of paragraph 3 is that it applies only in instances where a settlement housing guideline appears unlikely to be met. Therefore, the question is whether the current settlement housing guideline for Church Stretton has or has not been met or is unlikely to be met?

6.1.8 The latest figures are set out in the Council's Five-Year Housing Land Supply Statement published in March 2020. This indicates that as of the 31st March 2019, there had been 213 completions and Planning Permissions or Prior Approvals for 62 additional dwellings, providing a total of 275 completed sites or dwellings with Planning Permission. There are also allocations without planning permission that provide an additional 37 dwellings. Therefore, when set against the Housing Guideline figure of 370, there is currently a shortfall of 58, although with the plan period still having five years to run, this suggests that existing permissions are running about the correct level. However, account also needs to be taken of the fact that it now appears that allocated housing site, CSTRO18, is unlikely to come forward for development, which essentially is the additional 37 houses on an allocated site that do not have planning permission. If this is taken into account then the number of completions and Planning Permissions or Prior Approvals drops back to 275, which whilst still not especially low does suggest that additional provision through windfall sites, to offset the loss of the allocated housing site, CSTRO18 can be justified. In that respect the first two tests set out in Paragraph 3 of Policy MD3 it can be argued are satisfied. Also in favour of the development, in terms of the benefits arising from it, is that although outside the development boundary, the site is within walking distance of Church Stretton Town centre, and in that respect at least the location can be considered to be sustainable.

- 6.1.9 In term of the counter arguments, the site is located some distance outside the development boundary for Church Stretton, i.e. approximately 200m to the north of the it, and is clearly does not from part of the built up area of the town. The applicant has sought to argue that the site is gradually being surrounded by new development, and if the development of allocated housing site had proceeded there would be some element of truth in this, but with this now longer proceeding and the allocation no likely to be discontinued, the weight that can be attached to this is significantly diminished.
- 6.1.10 Also relevant is that whilst, with the loss of the allocation as a viable site, does result in a not insignificant potential loss in relation to the housing guideline figure, the provision of five dwellings in isolation will not make up for this, and the site is not large enough to be considered to represent viable level of alternative provision or perhaps more to the point a level provision that makes a significant contribution to any resulting shortfall to which sufficient weight can be attached, for a site that is so significantly outside the development boundary of Church Stretton.
- 6.1.11 Furthermore, whilst acknowledging that only very limited weight can be attached to the emerging Local Plan, at this stage, it can nevertheless be taken into consideration, that it is proposing the deletion of the allocated housing site CSTRO18 and that it does not envisage any extension of the built-up area of the town within the AONB development to the north of the development boundary on the north side of Church Stretton. This indicates that the direction of travel of the Local Plan Review, that approval of this application would directly contradict. The Local Plan Review is at too early a stage for prematurity to argued as a substantive ground for refusal in its own right, but it is the case that at least some weight can be attached to the emerging circumstances surrounding the application site and the emerging policy context, and in particular that the existing housing allocation CSTRO18 is now known to be unviable and essentially no longer available for development.
- 6.1.12 Paragraphs 47-50 of the NPPF set out the advice in relation to the weight to be attached to emerging development plans in the determination of planning applications and when prematurity may or may not be argued as a reason for refusal.
- 6.1.13 Paragraph 48 advises that Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (with the more advanced its preparation being, the greater the weight that may be given it) and the extent to which there are unresolved objections to relevant policies (with the less significant the unresolved objections, the greater the weight that may be given to them).
- 6.1.14 However, paragraphs 49 and 50 of the NPPF also make clear that arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission

would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area. They further make clear that the refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination.

- 6.1.15 In light of the above advice, an argument on grounds of prematurity would be unlikely to be considered justified as the draft plan has yet to be submitted for examination. Nevertheless, it is not inappropriate to attribute some weight to the emerging plan in continuing to maintain the development boundary so to prevent any further northward development of the built-up area of Church Stretton, in line with the existing adopted development plan. On the basis of existing adopted development plan policy approval of the application for a site outside the development boundary would be clearly contrary to the Core Strategy Policies CS3 and CS5 and SAMDev Policy S5 and in particular S5.1. Whilst some of the considerations of Policy MD3 can be considered to apply insofar as there is potentially a shortfall in housing provision in relation to the housing guideline figure set out in SAMDev Policy S5, the application cannot be considered to make so significant contribution to addressing this to merit approval for so significant a breach of planning policy in terms of allowing development, not just outside the development boundary, but in a location that is detached from the rest of the built up area of the Church Stretton. It is in an area where policy seeks to protect the open countryside to the north of the town and in the AONB. As such the proposal cannot be considered to sustainable development and in that respect does not justify approval in terms of the considerations set out in SAMDev Policy MD3.
- 6.1.16 One additional point that should be noted, is that there are a two existing sheds on the site on the area of the proposed Plots 1, 2 and 3, that application describes as farm buildings. Insofar as this is the case, the development would make some use of previously developed land and this possibly adds some weight in its favour, although the NPPF makes clear that land that is or was last occupied by agricultural or forestry buildings is not to be treated as brownfield land, and even if it is, paragraph 118 makes clear that substantial weight should only be attributed to the value of using suitable brownfield land for new housing within settlements. As such, little or no weight can be attributed to the development of the site, at least partly, as previously developed land.
- 6.1.17 Finally, it should additionally be noted that the NPPF sets out policies for rural housing in Paragraphs 77 to 79. These make clear, in paragraph 77 that, in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs and, in paragraph 78 that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. As a site on the edge of Church Stretton, the issue of the sustainability of rural village communities is not a relevant consideration. Paragraph 79 then states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of a number of specified circumstances apply, but none in this

case are applicable or are being argued by the applicant. There is therefore no case in terms of national planning policy outweighing, Development Plan policy as a material planning consideration.

6.2 Impact on Trees and Landscape

6.2.1 As detailed above the Tree Officer has provided a fairly stark assessment of the impact on the trees on the site, with the loss of approximately 60 trees and they advise that even the retention of the remaining trees, particularly along the southern boundary would not be compatible in the long term with the development of the site as proposed, with the result that further losses would be likely to accrue following the occupation of the development due to proximity and shade issues and concerns regarding safety.

6.2.2 They further advise that the number of houses and the layout as proposed is such that realistic compensation and improvements for what had been lost would not be possible. As such the scheme is simply not workable in terms of the impact on tree, landscape and habitat. The applicant has been invited to address these comments. They have submitted an amended indicative layout plan which shows only five houses but have otherwise only resubmitted the original arboricultural report and tree protection plan. There is no indication that even with the revised layout that would be any substantial change to the proposals in relation to the loss of trees on the site or any significant additional mitigation for their loss.

6.2.3 As such the development cannot be considered to be compliant with Core Strategy Policies CS6 and CS17 or SAMDev Policies MD2 and MD12 or the NPPF Chapter 15 and in particular Paragraphs 170 and 172 which are concerned with protecting and enhancing valued landscapes, and stress that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.

6.3 Impacts on Ecology

6.3.1 As detailed above the site falls within the county Environmental Network and Ecology Officer, confirming the comments of the Tree Officer, has advised that inadequate information has been submitted by the applicant to demonstrate how the development proposed on the site will provide sufficient migration and enhancement for the loss of habitat as a result of the level tree felling proposed to meet the requirements of Core Strategy Policy CS17 and Paragraph 117 of the National Planning Policy Framework. This matter has also been referred back to the applicant and greater detail requested and whilst the applicant has responded they have declined to provide the information requested. On this basis the application can only be considered to have an unacceptable impact on the Environmental Network arising from the loss of habitat with adequate compensation to with requirements of Core Strategy Policy CS17 and Paragraph 117 of the National Planning Policy Framework.

6.4 Flood Risk and Drainage

- 6.4.1 In relation to flood risk the key issue, as detailed above is that part of the site is within Flood Zone 2. As a result, the SUDS Officer has advised that details of the proposed drainage need to be submitted. The applicant has responded to this request and as detailed above has submitted the Technical Note on drainage, which, as set out above, proposes surface water drainage to a pond located to the north east of the main part of the application site via a new attenuation pond, and foul drainage to the public sewer on the Shrewsbury Road. In principle the SUDS officer has advised that the drainage strategy is acceptable but that prior to determination of the application, it should be proven that the existing drainage system remains in working condition and that the existing pond has an outfall to a watercourse. A further response is awaited from the applicant at the time of writing this report, and a further update will be provided to the Committee before the application is determined.
- 6.4.2 It should be noted that part of the new drainage system is located outside the red-line boundary of the application site. This being the case, a separate application would be required for this before it could be constructed.
- 6.4.3 Subject to confirmation that existing drainage system remains in working condition and that the pond has an outfall to a watercourse, the application can be considered to be compliant with Core Strategy Policies CS6 and CS18, SAMDev Policy MD2 or the NPPF Chapter 14 which seek to manage the long terms risk of climate change including flood risk.

6.5 Heritage

- 6.5.1 As detailed above the main issue in relation to heritage concerns the impact on the setting of the adjacent non-designated heritage asset at Meadow Bank and also the Church Stretton Conservation Area, and that this could be appropriately addressed by a design that is appropriate to the rural setting of the site. The Conservation Officer has not gone as far expressly advising of harm to the significance of the Church Stretton Conservation Area, but to the extent an alternative layout and design approach to that shown on the indicative layout plan would be appropriate any harm cannot be assessed as being any more than less than significant harm.
- 6.5.2 Again, this advice has been referred back to the Applicant to consider. An amended layout has been put forward, but this is in response to the amended drainage proposals, rather than a design response, and does not address or respond to the comments of the Conservation Officer or make any apparent amendments to the design of the proposed dwellings.
- 6.5.3 In itself this is not sufficient to justify refusal as a substantive reason in its own right, with paragraph 196 of the NPPF advising that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In relation to a non-designated heritage asset paragraph 197 of the NPPF advises that the effect of an application on the significance of a non-designated heritage

asset should be taken into account in determining the application and that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 6.5.4 The application is however only an outline application, so that the layout plan is no more indicative. The details of the design and appearance of the development, would therefore, if the application is approved, be reserved, and there would still be opportunity to ensure the submission of an appropriate design and layout. On this basis it cannot be considered at this stage, that the design presents a sufficiently substantive reason to warrant refusal of the application as being contrary to the design and heritage related policies in the development plan, which include Core Strategy Policies CS6 and SAMDev Policies MD2 and MD13 or paragraphs 196 and 197 of the NPPF.

6.6 Other Considerations

- 6.6.1 Affordable Housing: In relation to affordable housing it should be noted that an affordable housing contribution would be required. On site provision is unlikely to be required for five (previously six) dwellings unless all five houses proposed are particularly large (i.e. they average more than 166sqm), so a contribution would be appropriate and a s.106 agreement would be required to secure the contribution based on a prevailing target rate of 20%. The applicant has confirmed that they would be agreeable to this. The application can in this respect be considered to be compliant with Core Strategy Policy CS11 and the Type and Affordability of Housing Supplementary Planning Document (2012).
- 6.6.2 Highways: There is no significant highways issues raised by the application.

7.0 CONCLUSION

- 7.1 On the basis of adopted development plan policy approval of the application would be contrary to the Core Strategy Policies CS3 and CS5 and SAMDev Policy S5 and in particular S5.1 in being located outside the development boundary. Whilst some of the considerations of Policy MD3 can be considered to apply insofar as there is potentially a shortfall in housing provision in relation to the housing guideline figure for Church Stretton set out in SAMDev Policy S5, the application cannot be considered to make so significant a contribution to addressing this to merit approval for, so significant a breach of planning policy in terms of allowing development not just outside the development boundary, but in a location that is detached from the rest of the built up area of the Church Stretton, and in an area where policy seeks to protect the open countryside to the north of the town and in the AONB. As such the proposal cannot be considered to sustainable development and in that respect does not justify approval in terms of the considerations set out in SAMDev Policy MD3 and in the light of the great weight to be given to conserving and enhancing landscape and scenic beauty of the ANOB in accordance with paragraph 172 of the NPPF.

- 7.2 The development will result in the loss of approximately 60 trees but the number of houses and the layout proposed is such that realistic compensation and improvements for what would be lost would not be possible. As such the scheme is simply not workable in terms of the impact on trees, the landscape including the AONB, and habitat. As such the development cannot be considered to be compliant with Core Strategy Policies CS6 and CS17 or SAMDev Policies MD2 and MD12 or the NPPF Chapter 15 and in particular Paragraphs 170 and 172.
- 7.3 The site falls within the county Environmental Network but inadequate information has been submitted by the applicant to demonstrate how they will provide sufficient migration and enhancement for the loss of habitat as a result of the level tree felling proposed to meet the requirements of Core Strategy Policy CS17 and Paragraph 117 of the National Planning Policy Framework. On this basis the application can only be considered to have an unacceptable impact on the Environmental Network arising from the loss of habitat with adequate compensation to with requirements of Core Strategy Policy CS17 and Paragraph 117 of the National Planning Policy Framework.
- 7.4 The application cannot be considered to be compliant with Core Strategy Policies CS6 and CS17 insofar these requires development to be designed to a high quality which protects, restores, conserves and enhances the historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character which the proposal does not do. Whilst the provision of five additional dwellings in the context of the shortfall in housing number against the SAMDev housing guideline figure, can be attributed some weight (together with the related affordable housing contribution required) as a benefit, this is so substantially outweighed by the other considerations, that the overall balance weighs against the proposal that taking into account the other considerations, such that the adverse impact on the setting of the Church Stretton Conservation Area as a designated heritage asset and Meadow Bank as a non-designated heritage asset, no matter how minor, only adds the weight to be attached to that negative balance. As such the proposals would also be contrary to SAMDev Policy MD13 when considered in the relation to the requirements of paragraphs 196 and 197 of the NPPF.

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.

- 8.1.2 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

- 8.2.2 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

Development Plan Policy

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

National Planning Policy Framework (NPPF) (February 2019)

Relevant Planning History:

Planning Applications

- SS/1981/552/P/ for the use of land as a caravan site for 12 static holiday caravans. Refused 15/01/1982;
- SS/1/98/ 009369/CE for the use of land as a Touring Caravan site. Approved 08/03/2000;
- SS/1/99/009910/F for the Conversion of a building to form a service block for the caravan park. Withdrawn 26/04/1999;
- 17/01212/OUT Outline application for the erection of 6 no. dwellings to include means of access. Withdrawn 9th June 2017.

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 Application Supporting Statement (Including Design and Access) in relation to the Proposed Redevelopment of an Existing Campsite to Provide up to 6 Dwellings At Springbank Farm, Shrewsbury Road, Church Stretton for Mr J N & Mrs S A West, Berrys, (undated)
- Location Plan, Ref. SA23612/0, February 2017
- Indicative Site Plan, Ref. SA23612/03 Rev A, December 2016
- Tree Condition Report, Arboricultural Impact Assessment, Arboricultural Method Statement Tree Protection Plan, Land SE of Springbank Farm Church Stretton, Forester & Arborist Services Ltd, 8th January 2019
- Tree Location and Protection Plan, (based on Proposed Site Plan Ref. SA23612/02 Rev A, December 2016), Berrys, 2nd February 2019
- Phase One Habitat Survey, Land at Church Stretton, Arbor Vitae Environment Ltd, February 2017
- Springbank Farm, Church Stretton Method Statement to Avoid Damage to Great Crested Newts, Arbor Vitae Environment Ltd, March 2018
- Heritage Impact Assessment in relation to the Proposed Redevelopment of an Existing Campsite to Provide up to 6 Dwellings At Springbank Farm, Shrewsbury Road, Church Stretton for Mr J West, Berrys, January 2019
- Completed Surface Water Management Statement (Appendix D - Surface Water Management: Interim Guidance for Developers (undated)

- Flood Risk and Drainage Assessment. Proposed Redevelopment of an Existing Campsite to Provide up to 6 Dwellings at Springbank Farm, Shrewsbury Road, Church Stretton, Shropshire. SY11 4AD. Planning Ref:18/01258/OUT, Woodsyde Developments Ltd, January 2019
- Completed Affordable Housing Contribution Proforma (undated)
- Completed Community Infrastructure Levy (CIL), Form 0, 14th March 2018

Cabinet Member (Portfolio Holder)
 Councillor Gwilym Butler

Local Member
 Cllr. Lee Chapman
 Cllr David Evans

Appendices

APPENDIX 1

REASONS FOR REFUSAL

1. On the basis of adopted development plan policy approval of the application would be contrary to the Core Strategy Policies CS3 and CS5 and SAMDev Policy S5 and in particular S5.1 in being located outside the development boundary. Whilst some of the considerations of Policy MD3 can be considered to apply insofar as there is potentially a shortfall in housing provision in relation to the housing guideline figure for Church Stretton set out in SAMDev Policy S5 the application cannot be considered to make so significant a contribution to addressing this to merit approval for, so significant a breach of planning policy in terms of allowing development not just outside the development boundary but in a location that is detached from the rest of the built up area of the Church Stretton, in an area where policy seeks to protect the open countryside to the north of the town and in the AONB. As such the proposal cannot be considered to sustainable development and in that respect does not justify approval in terms of the considerations set out in SAMDev Policy MD3 and in the light of the great weight to be given to conserving and enhancing landscape and scenic beauty of the ANOB in accordance with paragraph 172 of the NPPF.
2. The development will result in the loss of approximately 60 trees but the number of houses and the layout proposed is such that realistic compensation and improvements for what would be lost would not be possible. As such the scheme is simply not workable in terms of the impact on trees, the landscape including the AONB, and habitat. As such the development cannot be considered to be compliant with Core Strategy Policies CS6 and CS17 or SAMDev Policies MD2 and MD12 or the NPPF Chapter 15 and in particular Paragraphs 170 and 172.
3. The site falls within the county Environmental Network but inadequate information has been submitted by the applicant to demonstrate how they will provide sufficient migration and enhancement for the loss of habitat as a result of the level tree felling proposed to meet the requirements of Core Strategy Policy CS17 and Paragraph 117 of the National Planning Policy Framework. On this basis the application can only be considered to have an unacceptable impact on the Environmental Network arising from the loss of habitat

with adequate compensation to with requirements of Core Strategy Policy CS17 and Paragraph 117 of the National Planning Policy Framework.

INFORMATIVES

General

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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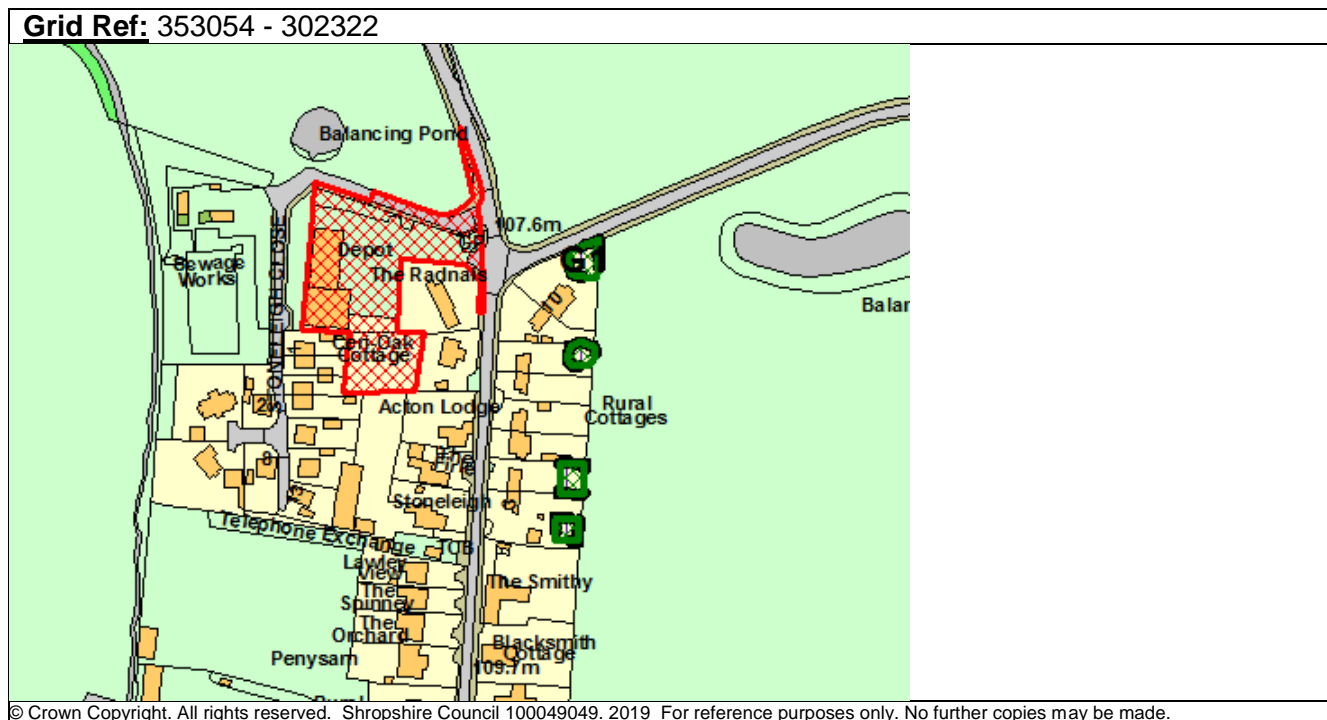
<u>Committee and date</u>
Southern Planning Committee
16 February 2021

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> 20/01757/OUT	<u>Parish:</u>	Acton Burnell
<u>Proposal:</u> Outline application for a residential development to include matters of access and layout (amended description)		
<u>Site Address:</u> Proposed Residential Development Land To The East Of Stoneleigh Close Acton Burnell Shropshire		
<u>Applicant:</u> Bulkrite		
<u>Case Officer:</u> Frank Whitley	<u>email :</u> planning.southern@shropshire.gov.uk	



Recommendation:- Refuse

Recommended Reason for refusal

1. The application site is in a countryside location where in principle there is a presumption against new build open market residential development according to the Council's settlement strategy, as set out in the adopted Shropshire Core Strategy and Site Allocations and Management of Development (SAMDev) Plan. In this case the Albert Davies Yard is deemed Previously Developed Land according to the definition as set out in the National Planning Policy Framework (NPPF) and it is acknowledged that there would be community benefits arising from the cessation of commercial activity at the yard which would weigh in favour of residential development as a departure from the Development Plan if the proposed development was confined to that area of land only. However, the application site extends significantly beyond that area onto garden land in this settlement which is subject to countryside Development Plan policies where the presumption against such development still applies. Overall, the proposed development is therefore contrary to Adopted Development Plan policies, CS1, CS4, CS5, MD1, MD3, MD7a and paragraphs 77- 79 of the NPPF.

REPORT

1.0	THE PROPOSAL
1.1	The application seeks planning permission in outline for a residential development to include matters of access and layout (amended description).
1.2	Remaining matters of scale, appearance and landscaping are reserved for later consideration.
1.3	The development layout is for 10 dwellings to include accommodation as follows: Plots 1,2,9: 4 bedroom detached Plots 3-6: 3 bedroom semi-detached Plots 7&8: 2 bedroom bungalows Plot 10: 3 bedroom detached
1.4	All feature detached garages apart from Plot 10.
1.5	The application site includes a small area of open space and play area.
1.6	Two units would become affordable, by way of a Section 106 agreement.
2.0	SITE LOCATION/DESCRIPTION
2.1	The proposed residential development would replace the existing workshops and depot on the north side of Acton Burnell, known locally as the Albert Davies Yard (hereafter described as the "Yard"). The Yard comprises two adjacent buildings against the western boundary. One is a brick building under an arched corrugated roof, with sliding or roller shutter doors. The other is a more modern and slightly larger shed of portal frame construction. Externally, the entire area is hard surfaced aside from a small grassed parcel measuring approx 7x16m against the

	south boundary of the Yard
2.2	The application site is within the northern boundary of Acton Burnell Conservation Area.
2.3	The Yard is bounded immediately to the north and west by Stoneleigh Close which serves a sewage works and a new residential development of 11 dwellings immediately to the southwest of the application site.
2.4	The Yard lies behind The Radnalls which fronts the highway and is owned by the applicant. Also owned by the applicant is the adjacent dwelling Ceri Oak Cottage which has a large and partly wooded garden to its rear. The application site comprises the Yard, but also an adjoining section of garden land belonging to Ceri Oak Cottage.
2.5	The existing access to the Yard is between The Radnalls and the Stoneleigh Close/ highway junction. The existing access would provide domestic access for Plot 1 only. A branch off the first part of Stoneleigh Close would provide access to Plots 2-10.
	<i>Background</i>
2.6	Residential development to the southwest of the Yard was originally approved in 2014 (reference 14/00648/OUT) at a time when Shropshire Council could not demonstrate a five year supply of housing land (5YHLS). The site was, and still remains in a countryside location according to the Core Strategy (adopted 2011). Acton Burnell is not a Hub or Cluster settlement according to CS4. However in 2014 the proposed development was nevertheless deemed sustainable under National Planning Policy Framework (NPPF) guidance and approved accordingly.
2.7	Following the grant of outline permission, a scheme comprising 9 dwellings was approved at the reserved matters stage in 2016. Later, a full application was submitted (17/00236/FUL) which proposed a revised layout to the approved scheme and the addition of another 2 dwellings within the same boundary as before. The 11 dwelling scheme was approved in August 2017 and is now completed and occupied.
2.8	Members may also wish to note a further planning application (ref 20/01936/FUL) for a single dwelling (still to be determined), on the narrow strip of land between Stoneleigh Close and the main Yard workshop building. A previous application for two dwellings on this land was refused planning permission in 2018, mainly on account of amenity issues relating to the sewage works on one side and the workshop building on the other. The application for a single dwelling is likely to be decided following a decision on the proposal to re-develop the Yard.
2.9	The Yard is currently occupied by a local company named Bulkrite, specialising in the design and manufacture of commercial vehicle bodies. Bulkrite currently operate from a premises near Dorrington which is well served by the A49 trunk

	road and away from residential dwellings. The Yard and its workshop building for the time being appears to be used for vehicle storage only. Nevertheless, the Yard has a lawful commercial use, without any planning restrictions on hours of operation, noise, number or size of vehicles, and the types of commercial use.
3.0	REASON FOR COMMITTEE DETERMINATION OF APPLICATION
3.1	The Parish Council have submitted a view contrary to officers and the Ward Member has requested Committee determination if the recommendation is for approval. The Principal Officer, in consultation with the Chair and Vice-Chair of the South Planning Committee, consider that the material planning considerations raised in this case warrant the application being determined by Committee.
4.0	Community Representations
	Consultee Comments
	Where consultees have submitted more than one set of comments the latest is listed first below, in order to show whether anyb earlier concerns have been overcome.
4.1	Acton Burnell Parish Council (22.07.2020) – Support:
	The Parish Council removes its original objection since amended plans have now been submitted. The Parish Council supports the outline application as the development is primarily sited on previously developed land and will not affect the open countryside status. Support of detailed plans will be dependent on the site plan following that presented in Berrys drawing no. SA36473_PL03 Rev. E and provision of at least (and preferably more than) the minimum of 2 required affordable housing units, in accordance with the Community Led Plan.
4.1.1	Acton Burnell Parish Council (03.06.2020) – Object: -Query if there is a risk of losing 'Open Countryside' status -Although broadly approving of certain aspects of the planning application, the PC is of the opinion that the construction of House Nos 7, 8, 9 & 10 indicated on the Concept Site Plan would not form part of an otherwise 'brownfield site', having until relatively recently formed part of the garden of Ceri Oak, and would therefore be contrary to the PC's 'Open Countryside' status, as well as being potentially detrimental in terms of ecology and the invasion of the privacy and quality of life of adjacent properties.
4.2	SC Conservation- no objection
	We had previously provided comments related to the residential development along Stoneleigh Close which I would refer you to for any relevant background. The current application site is also fully inside the northerly boundary of the Acton Burnell Conservation Area where additionally the site has frontage to the main highway running through the settlement at the main northerly gateway entrance to

	<p>the Conservation Area.</p> <p>We would again advise that legislatively Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is applicable to this proposal in considering its impact on the character and appearance of the Conservation Area and in terms of whether the proposed scheme would preserve or enhance the character and appearance of the Conservation Area.</p> <p>Additionally due regard is required to the following local policies and guidance: SC Core Strategy policies CS5 (Countryside and Greenbelt), CS6 (Sustainable Design and Development) and CS17 (Environmental Networks), SC SAMDEV policies MD2 (Sustainable Design), MD7(a) (Managing Development in the Countryside), MD13 (The Historic Environment), and with national policies and guidance including the National Planning Policy Framework (NPPF) and relevant Historic England guidance including GPA3 The Setting of Heritage Assets. Additionally as this site is located within and at the entrance to the Conservation Area there should be sufficient information provided to satisfactorily address the HE guidance found in Statements of Heritage Significance: Analysing Significance in Heritage Assets (HE Advice Note 12) in order to address the requirements of NPPF paragraph 189 and local policy requirements.</p> <p>Should the residential development of these lands be considered planning policy compliant, plot size and scale of housing should reflect and not be greater than the established development nearby. Particularly with any potential dwelling fronting the main highway the scale, design, external materials and finishes will need to be sensitive to the surrounding buildings and area where it will need to be demonstrated that an enhancement to the Conservation Area and the street scene will result.</p> <p>Should this outline application for access only be approved, we would ask that our Team is consulted at the reserved matters stage in order to agree further details of the scheme to ensure that the development visually harmonises with the existing building forms in the area and to ensure the requirements of Section 72 are being met.</p>
4.3	SC Archaeology- no objection
	No comments to make
4.4	SC Highways- no objection subject to conditions and informatives
	<p>The application is an outline application with access included; all other matters reserved. The application site is a commercial yard located in the village of Acton Burnell. The proposal will be served by two access points – 11 of the dwellings to be accessed via Stoneleigh Close and the twelfth (plot 1) to be accessed where the existing access to the depot is located. 11 dwellings accessed via the existing private drive is acceptable; the road is of sufficient width, and the junction with the adopted highway is suitable to serve the development. The visibility proposed is acceptable and it is assumed that the highways dedication will be completed via a S106 agreement. The reserved matters application will need to have consideration for where refuse will</p>

	<p>be stored for household waste collections. Whilst it is acknowledged that the Concept Site Plan is indicative, it is noted that plots 7,8,9,10 may be awkward to access by foot should all parking spaces be occupied.</p>
4.5	<p>SC Affordable Housing - no objection subject to an affordable housing contribution</p>
	<p>If this site is deemed suitable for residential development, the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a full application or a Reserved Matters application. The current prevailing target rate for affordable housing in this area is currently 20% . The size, type and tenure of the affordable home will need to be agreed with the Housing Enabling Team before any further application is submitted.</p>
4.6	<p>SC Drainage- no objection subject to condition and informative</p>
4.7	<p>SC Regulatory Services- no objection subject to condition</p> <p>In answer to question 6 'Existing Use' on the application form, the applicant has confirmed in answer to all 3 questions that contamination is an issue and therefore an appropriate assessment should have been submitted in order for the application to be validated.</p> <p>Regardless of this Regulatory Services has identified the proposed development site as potentially contaminated land and therefore if planning approval was granted, the following must be included as conditions:</p> <p>a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11. The Report is to be submitted to and approved in writing by the Local Planning Authority.</p> <p>b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.</p> <p>c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.</p> <p>d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk</p>

	<p>assessment must be undertaken in accordance with requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.</p> <p>e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land. Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors. Information on how to comply with conditions and what is expected of developers can be found in the Shropshire Councils Contaminated Land Strategy 2013 in Appendix 5. The following link takes you to this document: http://shropshire.gov.uk/committeeservices/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf</p>
4.8	<p>Ecology- no objection: Standing advice only recommended in relation to precautions to be taken during building works.</p>
4.9	<p>Public Comments</p>
	<p>5 Objections have been received, the full texts of which in may be viewed on the file. In summary the grounds of objection are:</p> <ul style="list-style-type: none"> • Impact on privacy to neighbours • access is by single track private road, causing obstructions- should be an alternative entrance • harm to Conservation Area, nearby listed building and countryside status • application site includes garden of neighbouring property, not part of haulage depot • too many dwellings for size of site • insufficient parking • insufficient open space/play area for families and children, green belt • removal of orchard and loss of wildlife • storm water disposal • few local services and limited bus service • development already underway for barn conversions in village • dwellings would likely be bought be Concorde College
5.0	<p>THE MAIN ISSUES</p>
	<p>Principle of development Previously Developed Land</p>

	<p>Loss of Employment Land Layout Historic Environment Access Affordable Housing</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	The NPPF at Chapter 5 seeks to deliver a sufficient supply of homes. Para 77-79 deal with rural housing in particular. 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	Shropshire Council published a five year housing land supply statement (5YHLSS) on 16 March 2020, based upon data to 31 March 2019. The statement concludes that the Council currently has 6.42 years supply of deliverable housing land. By the Governments standard assessment methodology, there is currently 8 years supply of deliverable housing land. Accordingly, as per section 38(6) of the Planning and Compulsory Purchase Act 2004, the application must be considered against the Local Development Plan, which is considered up to date. Policies of the adopted Core Strategy and adopted SAMDev Plan policies are therefore given full weight in determining this application.
6.1.5	CS1 (Strategic Approach) 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 (CS4). CS11 seeks to ensure that development creates mixed, balanced and inclusive communities.
6.1.6	The application site is within a countryside location as defined by the adopted Core Strategy CS1 and CS5 (Countryside and Greenbelt). CS5 generally limits new residential development to a small number of stated exceptions (for example historic building conversions and essential housing for local needs purposes).
6.1.7	MD1 of the adopted SAMDev Plan states in part, sustainable development will be supported in Shrewsbury, the Market Towns and Key Centres, and the Community Hubs and Community Cluster settlements identified in Schedule MD1.1. Acton Burnell is not a Community Hub or Cluster settlement which could otherwise permit

	some, appropriate new residential development in the countryside. For the purposes of the Core Strategy and SAMDev Plans, the application site lies in a countryside location where new open market residential development would not be supported in principle. MD7a states new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters. However, the recommendation takes into account further main issues below.
6.2	Previously Developed Land (PDL)
6.2.1	Chapter 11 of the National Planning Policy Framework (NPPF) seeks to make effective use of land, and states that policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
6.2.2	According to the NPPF, previously developed land (also known as "brownfield") is defined as: <i>Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.</i> The definition continues by stating that it excludes land in built-up areas such as residential gardens.
6.2.3	The NPPF states that decisions should give substantial weight to the value of using brownfield land within settlements for homes and other identified needs.
6.2.4	The Core Strategy defines brownfield land as: <i>Land, or specific sites, that have been previously used for buildings or infrastructure.</i>
6.2.5	The SAMDev Plan explains at Para 3.18 (Delivery of Housing) that a key component of the housing land supply are sites allocated in the Plan specifically for that purpose. However 'Windfall' development on other sites is also important, which includes brownfield land within settlements and in the countryside.
6.2.6	There is no policy in the Development Plan in favour of previously developed land (PDL) which expressly overrides the presumption against new residential development in the countryside. Instead, every application must be taken on its own merits giving appropriate weight to material considerations in the planning balance.
6.2.7	The Yard forms @78% of the application site area and constitutes 'brownfield' land. The remainder is land within the residential curtilage of a dwelling (Ceri Oak Cottage) and the whole site is deemed according to the Development Plan as countryside. The development is contrary to Core Strategy Policy CS5 and the presumption against new build residential development in the countryside. While

	significant weight can be given to the principle of re-developing the brownfield (PDL) land in this case if it is considered that it's continuing use for business purposes is inappropriate and/or an alternative business use unlikely, that principle does not apply to the remainder of the application site. The harm arising as a consequence is discussed in Section 6.5 (Historic Environment) below.
6.2.8	The agent was asked to delete the garden land to Ceri-Oak Cottage from the application site, but has declined to do so. No justification or explanation has been provided why significant encroachment into the countryside may be essential to deliver development. There is no known reason why development and resulting community benefits from cessation of the commercial use could not be achieved on the land within the Yard only, albeit on a proportionately smaller scale than currently.
6.3	Loss of Employment Land
6.3.1	MD9 seeks to protect employment areas. The application site is not included on the SAMDev Plan Policies Map. Instead, the application site is in a relatively isolated countryside location. For that reason the site is likely to fall at the lower end of the Hierarchy of Existing Employment Areas according to Table MD9.1 where as a mixed commercial site, it would provide an affordable business location and accessible local employment. The level of protection by way of MD9 should be proportionate to the significance of the site. The proposal has been discussed with the Economic Development Officer who has not described the site as significant in employment terms and has not raised an objection to its loss.
6.3.2	Supporting details claim the application site has operated under an unrestricted commercial use for over 50 years. There is no evidence to dispute this information. Plainly the use has become established without any associated means of limiting potential noise and disturbance through the planning regime. The risk of harm to local amenity is given some weight in favour of residential development and securing an alternative more compatible use in the context of Acton Burnell.
6.4	Layout
6.4.1	CS6 seeks to secure sustainable design. Further, MD2 in seeks to ensure development contributes to and respects locally distinctive or valued character and existing amenity value by (in part) responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses, streetscape, building heights and lines, scale, density, plot sizes and local patterns of movement.
6.4.2	The planning application is made in outline, but seeks approval of layout as per the submitted amended block plan at this stage. The development would be limited to a maximum of 10 dwellings. Eight dwellings are proposed within the Yard area and two to the rear of Ceri Oak Cottage. Overall, some weight is given to the proposal to provide small, lower cost dwellings which is a housing mix supported by the Parish Council. Even so, matters of scale are reserved for later consideration so there is limited certainty of the size and height of each dwelling. At this stage, two

	<p>bungalows on Plots 7 and 8 to the rear of Ceri Oak are proposed and are supported by the Parish Council on account of apparent local need for this design. Being single storey, they would also have less impact upon the amenity of the occupiers of No.1 Stoneleigh Close (to the west) and Ceri Oak Cottage.</p>
6.4.3	<p>A small area of open space is proposed in the centre of the development. The area of open space is less than required by MD2 (according to criteria of at least 30sqm per person), but generally is deemed sufficient for the proposal in the countryside location. The application also proposes a play area though is not specifically required by MD2.</p>
6.4.4	<p>The proposed site layout would not result in any significant adverse impacts in terms of safeguarding the residential amenities of the proposed dwellings and those of existing immediately adjacent dwellings, subject to the new dwellings submitted at the reserved matters stage in the event of outline permission being granted being of an appropriate scale and appearance. The proposed layout would Provide adequate on plot parking and access for service vehicles.</p>
6.4.5	<p>The Parish Council has expressed support for the development and for the layout proposed. However it has to be pointed out that the benefits of smaller, lower cost open market housing could equally well be secured within the boundary of the Yard only, albeit from fewer dwellings on a proportionately smaller site. Such benefits could be achieved without alteration to the access arrangements currently proposed.</p>
6.5	<p>Historic Environment</p>
6.5.1	<p>Chapter 12 of the NPPF seeks to secure well designed places. Further, Chapter 15 seeks to conserve and enhance the historic environment.</p>
6.5.2	<p>CS17 and MD13 in particular seek to ensure Shropshire’s heritage assets will be protected, conserved, sympathetically enhanced.</p>
6.5.3	<p>The application site is situated in the northwest corner of the Acton Burnell Conservation Area. Acton Lodge, immediately to the south of Ceri Oak Cottage is a listed dwelling.</p>
6.5.4	<p>Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is applicable in considering its impact on the character and appearance of the Conservation Area and in terms of whether the proposed scheme would preserve or enhance the character and appearance of the Conservation Area.</p>
6.5.5	<p>The Conservation Officer has explained the application site is within, and at the entrance of the Conservation Area. The proposed development if approved would create a residential development of 21 dwellings (with development approved under 17/00236/FUL) in the north western part of the Conservation Area. Here, there is an absence of notable areas of open space. The retention of the large garden of Ceri Oak Cottage would mitigate against the pattern of new development</p>

	in the vicinity.
6.5.6	Further, there are several relatively young trees, adding to (amongst others), important trees subject to a Tree Preservation Order on the east side of the highway leading through Acton Burnell. The trees in the garden of Ceri Oak contribute to the verdant setting and rural character of the Conservation Area and its historic buildings. As they mature, enhancements are likely to be greater. For these reasons it is considered the development of the garden of Ceri Oak Cottage should be resisted.
6.5.7	The absence of an objection from the Conservation Officer at the outline stage does not in this case outweigh the principle that development should be limited to Previously Developed Depot Land, and not encroach further into the Conservation Area without justification. However it is acknowledged there is currently insufficient harm to identify conflict with the conservation policies set out in the NPPF, CS17, MD13 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
6.6	Access
6.6.1	CS6 seeks to ensure development is safe and accessible. No objections have been received from Council Highways (subject to conditions and informatives)
6.6.2	The layout as proposed would limit use of the existing Yard access to Plot 1. Stoneleigh Close, which currently bounds the Yard to the north would serve remaining properties. It is acknowledged that visibility to the south from the existing Stoneleigh Close/highway junction is limited, on account of a wall, signpost and vegetation extending into the highway verge. The development, if implemented would resolve this concern by removal of this feature. The new Plot 1 boundary would be set further back from the highway.
6.7	Affordable Housing
6.7.1	The development would be required to contribute towards affordable housing in accordance with CS11. The prevailing rate is currently 20% according to the requirements of the SPD Type and Affordability of Housing. The application has expressed a commitment to providing 2 affordable units in accordance with the SPD. Since the application provides a commitment to the minimum policy requirement, affordable housing provision is a neutral consideration in terms of the planning balance.
7.0	CONCLUSION
7.1	The application site is in a countryside location where in principle there is a presumption against new open market residential development according to the Council's settlement strategy as set out in the adopted Core Strategy and SAMDev Plans. In this case the Albert Davies Yard is deemed Previously Developed Land according to the definition as set out in the NPPF, and it is acknowledged that there would be community benefits arising from the cessation of commercial activity at the yard which would provide sufficient weight in favour of development as a

	<p>departure from the Development Plan <u>if</u> the proposed development was confined to that area of land only. However, the application site extends significantly beyond that area onto garden land in this settlement which is subject to countryside Development Plan policies where the presumption against such development still applies. Overall the proposed development is therefore contrary to the NPPF, CS1, CS4, CS5, MD1, MD3, MD7a. The application is therefore recommended for refusal.</p>
8.0	Risk Assessment and Opportunities Appraisal
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> • As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry. • The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication 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</p>

	recommendation.
8.3	Equalities
	The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.
9.0	Financial Implications
	There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:

CS1 Strategic Approach

CS4 Community Hubs and Clusters

CS5 Countryside and Green Belt

CS6 Sustainable Design and Development Principles

CS11 Type and Affordability of Housing

CS17 Environmental Networks

MD1 Scale and Distribution of Development

MD2 Sustainable Design

MD3 Delivery of Housing Development

MD7a Managing Housing Development in the Countryside

MD9 Protecting Employment Areas

MD12 Natural Environment

MD13 Historic Environment

SPD on the Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

SA/78/1327 Erection of an extension to existing garage and workshop to provide additional body repair and body building facilities. PERCON 13th February 1979

SA/93/0207 Erection of a two storey extension to provide first floor shower room and enlarged lounge and porch at ground floor and a single storey extension to garage. PERCON 21st April 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)
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Design and Access Statement

Ecology Survey

Property Report

Cabinet Member (Portfolio Holder)

Councillor Gwilym Butler

Local Member

Cllr Dan Morris

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.

-



<u>Committee and date</u>
Southern Planning Committee
16 February 2021

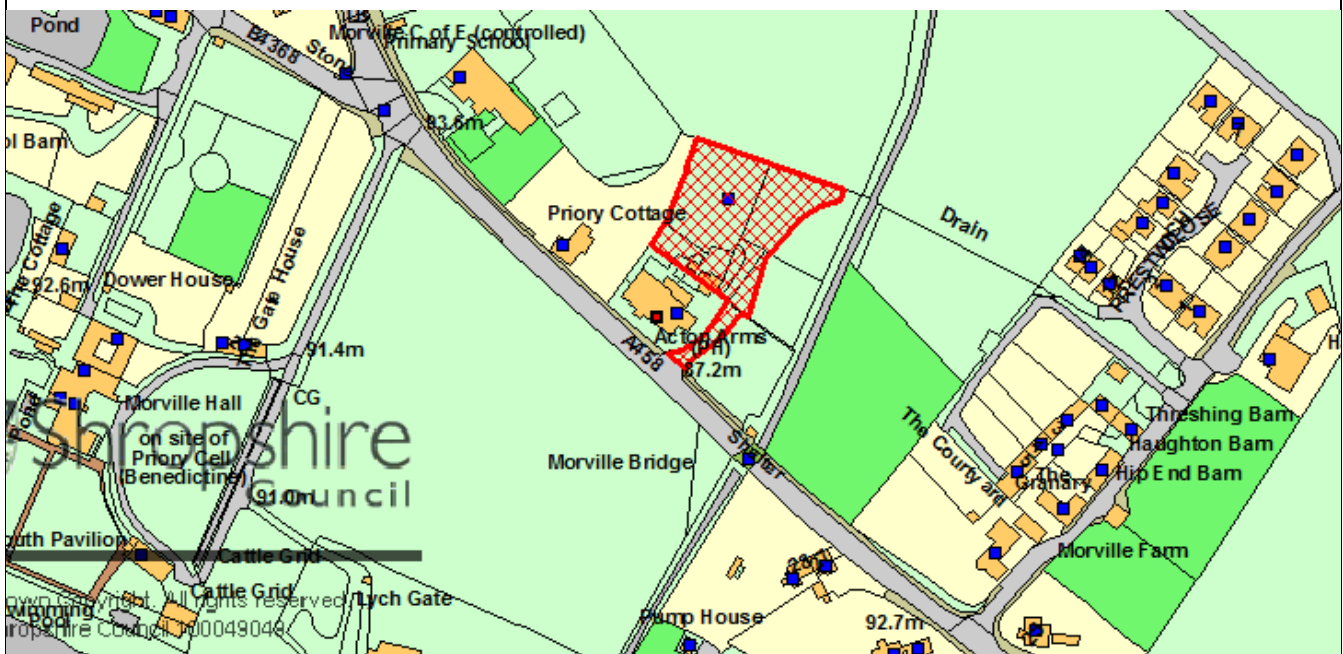
Development Management Report

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

Summary of Application

<u>Application Number:</u> 20/03647/OUT	<u>Parish:</u>	Morville
<u>Proposal:</u> Outline application for residential development of 3 no. detached dwellings to include access, layout and scale (Amended description 25.01.2021.)		
<u>Site Address:</u> Acton Arms Hotel Morville Bridgnorth Shropshire WV16 4RJ		
<u>Applicant:</u> James Collins		
<u>Case Officer:</u> Sara Jones	<u>email :</u> planning.southern@shropshire.gov.uk	

Grid Ref: 367050 - 294022



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Recommendation:- Refuse

1. Although it is recognised that the proposal would contribute to the social objective by adding to the supply of housing in the village, potentially increasing the likelihood of the PH re-opening and there would be some limited economic benefit through the construction process, this development would result in the number of commitments and completions further exceeding the housing guideline (15 dwellings) set out in SAMDev policy S3.2 (iii) the by an additional 3 dwellings which is significant, in the light of the existing number of dwellings completed and commitments made (28 dwellings). This over-provision, that the scheme would add to, would undermine other elements of the development strategy for the area such as to direct development to areas with greatest access to facilities and as such, would not represent a suitable site for housing, with regard to the Council's housing strategy and would fail to accord with Policy CS4 of the CS and Policies MD1, MD3 and Policy S3.2 (iii) of the SAMDev regarding the scale and distribution of housing development in the area.

REPORT

1.0 THE PROPOSAL

- 1.1 Initially this application proposed the development of six dwellings on this site however during the course of the application the scheme has been amended to propose three dwellings. The application seeks approval for the scale of the development together with the access and layout. Details of the appearance and landscaping are reserved for future consideration.
- 1.2 The initial scheme has been amended to take into account new technical information regarding the potential for the site to flood. The revised layout shows that the development is no longer in Flood Zones 2 or 3. The scheme has also subsequently been amended to delete the plot initially proposed immediately to the rear of the Acton Arms PH.
- 1.3 In support of the application the applicant has made the following points:
- the scheme would provide a small development of high quality new housing within the area of an existing sustainable settlement with good local amenities and connections.
 - the scheme aims to create a new, small neighbourhood with a distinct sense of place that reinforces local character and contributes positively to the existing community.
 - the scheme would use the well-defined boundaries to 'contain' the development and existing hedgerows to soften the character of the scheme.
 - the scheme would retain existing site features that have natural amenity and ecological benefits, such as the mature trees.
 - the scheme utilises the existing access point of the A458.
 - the scheme proposes to use a shared surface drive to create an attractive environment with a more communal feel, not dominated by vehicles

1.4 The applicant points out that the Acton Arms PH has been closed for nearly 2 years and is the only pub in the village. As part of this proposal it is intended to use funds from the sale of the land to the rear of the pub to finance the repairs and work necessary to re-open to Acton Arms. This scheme will involve the creation of 3 letting rooms to enable the tenants of the pub to have an additional source of income which will help ensure long term viability of the business. Additionally money is proposed to be provided to ensure the rent can be set at a suitably reduced level in order to allow the new tenants to develop and grow the trade at the pub and that without the development of the land to the rear of the pub it is difficult to see how the long term future of the pub can be secured.

1.5 It is noted that full planning permission was previously granted on 10th April 2017 (application No. 15/00304/FUL) for the erection of 6 dwellings (4 detached houses and two semi-detached houses) on this site, subject to a Legal Agreement to ensure an affordable housing contribution of £10k subject to an overage clause and open book appraisal on completion. At that time it was considered that whilst the level of development went beyond that envisaged in the SAMDev Plan, in the light of the policy provisions as a whole, and considering the specific circumstances of the application proposal in relation to the criteria in MD3(2) i-v, and considering the balance between full and outline approvals at the time in the cluster the detailed proposal was acceptable in this location and represented sustainable development.

2.0 **SITE LOCATION/DESCRIPTION**

2.1 The application site extends to approximately 1970 square metres and, is located to the rear of the Acton Arms PH and the north of the A458. Adjacent to the PH is the existing car park and to the rear of the PH there is a pub garden, beyond which is an informal grassed area containing a number of trees. The northern boundary of the site is delineated by a post and wire fence and a hedgerow beyond which is a field. The eastern boundary has been drawn in during the course of the application to exclude part of the original application site and the amended scheme sees an irregular eastern site boundary. There are various trees beyond this boundary and a river course. The residential curtilage of Priory Cottage is located to the west of the site a grade II Listed building.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The Local Member has requested the application is considered by the Planning Regulatory Committee in the event of an approval recommendation. While the recommendation is for refusal the Principal Officer, in consultation with The Chair and Vice Chair of the South Planning Committee, consider the material planning considerations in this case, including the site history, warrants this application being determined by Committee.

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4.0 **Community Representations**

- Consultee Comments

- 4.1 **Morville Parish Council** - (18.12.2020.)
Comment:- Whilst they wish to see the Acton Arms restored as a thriving village public-house they are concerned that it depends on a small housing development at the rear in order to finance it. They also note that are no semi-detached or affordable homes included in the plan. Councillors however, are mindful of Morville Parish Council's designation in the SAMDev document– i.e. 'Countryside' - no market dwellings to be built in the parish and Councillors trust that the decision will be upheld.
- 4.2 **SC Conservation** - (30.11.2020.)
The proposed revised block plan/layout is noted where there are no principle objections with regards to the amended layout which would result in the development being tucked in further towards the rear of the Acton Arms Inn which should have a lesser impact especially when viewed from the principal frontage/highway.
- 4.3
As previously commented, an HIA should be submitted in accordance with paragraphs 189-190 of the NPPF, Historic England guidance GPA3 & HEAN12 and policy MD13 of SAMDev especially by Reserved Matters stage in order to inform the proposed layout and design of the proposal. The submitted Geophysical Survey is noted which should also inform the HIA both in terms of potential archaeology and setting.
- 4.4 **SC Conservation** - (6.10.2020.) No objection subject to the submission of an HIA, where it is expected that the site may be subject to further archaeological investigation (subject to further advice from SC Archaeology).
- 4.5
The proposal follows on from previously approved scheme 15/00304/FUL that was granted, where it is noted that the existing public house has been vacant for two years. It is also noted that the proposed layout broadly accords with that previously approved where there are no principle objections in that regard, albeit the proposed density of the site shall be more than that of the existing locality. SC Conservation previously requested a Heritage Impact Assessment (HIA) in accordance with paragraphs 189-190 of the NPPF, Historic England guidance HEAN12 and policy MD13. The submitted Design and Access Statement references the listed cottage adjacent in terms of possible reference in the use of materials etc but there is no further information that acknowledges the relevant heritage assets and potential impact from a setting perspective and how the existing setting should inform the scheme overall. Also the HIA should mention how the proposal should aid the retention of the existing non-designated heritage asset and its long-term viability and continuing its historic use (where the use as a public house may be considered as a public benefit, along with any proposed affordable housing) and how this balances in terms of other concerns such as greater density as part of addressing the paragraph 196 balance. This must be provided especially at Reserved Matters stage as and when further information is provided in terms of the proposed elevations and use of facing materials etc. It is noted that SC Conservation previously accepted amended drawings on the proposed design, so it is expected

that the forthcoming Reserved Matters application would be consistent with what was previously approved as per the proposed layout.

- 4.6 **SC Archaeology** - Recommend condition.
The results of a geophysical survey (TigerGeo, April 2016, ACT161) of the proposed development site were submitted with a previous planning application for this site and identified a number of anomalies of potential archaeological interest, including a buried surface or debris that might be the remains of a former structure and possible associated ditches. These features have been interpreted as a possible outbuilding with associated drainage. The survey did not identify any anomalies that would indicate substantial wall footings that could be associated with priory buildings.
- 4.7 In the light of the above, and in relation to Paragraph 199 of the NPPF and Policy MD13 of the SAMDev component of the Shropshire Local Plan, it is advised that a phased programme of archaeological work be made a condition of any planning permission for the proposed development. Phase 1 of this programme of archaeological work should comprise a field evaluation in the form of trial trenching of the proposed development site prior to construction commencing, with further archaeological mitigation thereafter if deemed necessary.
- 4.8 **SC Trees** (03.12.2020.)
I note that the number of units proposed in this amended application has been reduced to four, with the result that the site is smaller, allowing the retention of a number of trees in the vicinity of the stream to the east of the site that were previously due to be removed. I support this reduction in number of dwellings from an arboricultural perspective.
- 4.9 The main arboricultural impact of the amended development will be the loss of a mature ash tree from the centre of the site. However, as described in my previous consultation response (2nd October 2020), this ash tree is infected with a fungus which limits its safe remaining life expectancy. I therefore consider it reasonable to remove this tree to facilitate the development, subject to suitable new planting as part of an approved landscape scheme.
- 4.10 The conditions recommended in my previous consultation response remain valid for this amended scheme
- 4.11 **SC Trees** - (22.10.2020.)
Although this is an outline application, I note that access, layout and scale are included and as such this application is essentially the same as a recently expired full permission for a similar development on the site (ref: 15-00304-FUL).
- 4.12 The proposed development will result in the loss of a number of trees from the centre of the site, the most visually prominent of which are a multi-stemmed horse chestnut (T3), a mature ash (T23) and an early-mature lime (T12), as identified in the updated Tree Protection Method Statement (BJ Unwin Forestry Ltd, 11th October 2020). The horse chestnut is structurally compromised by an abundance of tight unions with

included bark on key primary and secondary stems. As the tree grows in size and weight, these unions will inevitably fail and I consider that this tree, although healthy and vigorous, has a limited remaining safe life expectancy. Removal of this tree will increase views further into the site, particularly of mature silver birch trees (T5 and 6), early mature lime (T10) and early-mature copper beech (T16) on the eastern boundary, all of which are due to be retained.

4.13 Ash tree T23 is a mature tree in a central position, but unfortunately it has a large cavity with Inonotus decay at the break of crown on the main stem. At the time of my site visit this tree was exhibiting signs of dieback across all those parts of the canopy arising from the affected primary branch. Inonotus is an aggressive pathogen which causes progressive canopy dieback and branch or stem failure. As with horse chestnut T3, I consider this ash tree to have a limited safe remaining life expectancy.

4.14 I consider other trees to be removed to have lesser arboricultural or amenity value and I would not object to their removal, irrespective of any development. Therefore, I have no objection on arboricultural grounds to the current application, subject to suitable precautions being taken to prevent damage to retained trees and hedges during any approved development and a high quality landscaping scheme, including tree planting as appropriate to compensate for the loss of existing trees and to enhance the development for the future.

4.15 Should permission for this outline application be granted, I would recommend attaching the following conditions, to be dealt with as reserved matters:

- The plans and particulars submitted in support of a reserved matters application shall include to the written satisfaction of the LPA an Arboricultural Impact Assessment, an Arboricultural Method Statement and a Tree Protection Plan prepared in accordance with British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction Recommendations. Thereafter the development shall be carried out strictly in accordance with the recommendations of these approved plans and reports.

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

- The plans and particulars submitted in support of a reserved matters application shall include to the written satisfaction of the LPA a tree planting scheme, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape Recommendations, or its current version, to the written satisfaction of the LPA. The approved scheme shall include:
 - a) details of the trees and shrubs to be planted in association with the development, including species, locations or density and planting pattern, type of planting stock, size at planting, means of protection and support, planting period and date of completion, and measures for post-planting maintenance and replacement of losses;
 - b) details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in a) above.

The development shall subsequently be undertaken in accordance with the approved tree planting scheme.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance

of the development and its integration into the surrounding area.

4.16 **SC Drainage** - (02.12.2020)

1. The revised layout shows that the development is no longer in Flood Zones 2 or 3.

2. The Flood Risk Assessment is acceptable. The future drainage design must take into consideration our comments and informatives dated 8th October 2020.

4.17 **SC Drainage** - (08.10.2020)

1. As the development site is in Flood Zone 3, a Flood Risk Assessment (FRA) should be produced where the developer should:

Complete a FRA using Shropshire Councils Strategic Flood Risk Assessment (SFRA) documents for guidance. The SFRA's are available on the Shropshire Council website. The criteria for a FRA are set out in National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework. Reference should also be made to the Environment Agency West Area (Midlands) Flood Risk Assessment Guidance notes.

A FRA should include, as a minimum:

Assessment of the Fluvial flooding (from watercourses)

Surface water flooding (from overland flows originating from both inside and outside the development site)

Groundwater flooding

Flooding from artificial drainage systems (from a public sewerage system, for example)

Flooding due to infrastructure failure (from a blocked culvert, for example)

Flood compensation storage, finished floor levels and evacuation plan should be detailed.

Proposed surface water drainage strategy

2. The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1% AEP storm event plus 35% climate change.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

A trial hole should be dug to ensure that there is a minimum distance of 1 m from the base of the soakaway to the seasonally high groundwater table.

Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval.

If soakaways are not feasible, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 100% AEP rainfall event and the 1% AEP rainfall event must not exceed the peak greenfield runoff rate for the same event.

The runoff volume from the development to any highway drain, sewer or surface water body in the 1% AEP, 6 hour rainfall event should never exceed the greenfield runoff volume for the same event.

3. Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas.

The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:

Residential Dwellings per hectare == Change allowance % of impermeable area

Less than 25 == 10

30 == 8

35 == 6

45 == 4

More than 50 == 2

Flats & apartments == 0

Note: where the inclusion of the appropriate allowance would increase the total impermeable area to greater than 100%, 100% should be used as the maximum. Curtilage means area of land around a building or group of buildings which is for the private use of the occupants of the buildings.

4. Shropshire Councils Surface Water Management: Interim Guidance for Developers, paragraphs 7.10 to 7.12 requires that exceedance flows for events up to and including the 1% AEP plus CC should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site.

A flood routing plan should be provided to show the exceedance flow path above the 1% AEP storm event plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site.

5. If non permeable surfacing is used on the new access, driveway and parking area or the new access/ driveway slope towards the highway, the applicant should submit for approval a surface water drainage system to intercept water prior to flowing on to the public highway.

6. The site is identified as being at risk of groundwater flooding. The applicant should

provide details of how groundwater will be managed. The seasonal high water table level should be determined if the use of infiltration techniques are being proposed.

7. The application states that the foul drainage will be connected to the mains system. Connection agreement with the water company should be submitted for confirmation.

4.18 **SC Affordable Housing** - (21.10.2020.)

The development would need to contribute to the provision of affordable housing for it to be policy compliant. Viability evidence in respect to the previous planning permission is now considered to be outdated. If viability issues remain with regard to the current proposal; whereby the ability of the scheme to contribute to affordable housing is challenged, then an up to date viability appraisal will be required. Any submitted viability assessment will need to be subject to an independent appraisal on behalf of the Council, at the applicants expense.

4.19 **SC Ecology** - (04.01.2021.) I have read the above application and the following supporting document - The Preliminary Ecological Appraisal by Abor Vitae (2020). Recommend conditions and informatives.

4.20 **SC Ecology** - (01.10.2020.)

A planning application on this site must be accompanied by an Ecological Impact Assessment of the land in and surrounding the proposed development and a discussion of any potential impacts resulting from the development.

4.21 An Ecological Impact Assessment should consist of:
An Extended Phase 1 habitat survey, habitat map and target notes on any significant biodiversity or geological features.

A desk study of historical species records and local, regional or national wildlife designated sites.

Supplementary detailed surveys (phase 2 habitat surveys, protected or priority species or geological features as appropriate to the site).

Evaluation of the importance of biodiversity or geological features present at a local, regional, national, international level.

Analysis of the direct and indirect impacts of the development (during construction, working area, additional infrastructure and post construction).

Proposed avoidance, mitigation or compensation measures, including method statements where appropriate.

Legal implications such as the need for European Protected Species Mitigation Licences or other licences (e.g. badgers).

Proposed biodiversity or geodiversity enhancement measures.

4.22 The Ecological Impact Assessment should be carried out by a suitably qualified and experienced ecologist with the relevant protected species licenses. The Ecological Impact Assessment should be submitted to the Local Planning Authority prior to a planning decision being made.

4.23 **SC Highways** - (06.11.2020.)

No objection, recommend conditions and informatives :-

1) Visibility Splays

Before the development is brought into use, visibility splays of a depth of 2.4 metres and a length of 43 metres from the centre point of the junction of the access road with the public highway shall be provided and thereafter be kept clear of all obstructions to visibility over a height of 600mm above the adjacent carriageway level.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

2) Parking, loading, unloading and turning

The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking, loading, unloading and turning of vehicles has been properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

3) Drainage Scheme (Informative)

Details of a drainage arrangement scheme to ensure that surface water from development does not discharge onto the public highway, will need to be provided at the reserved matters stage. 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.

4) Works on, within or abutting the public highway (Informative)

This planning permission does not authorise the applicant to:

- carry out any works within the publicly maintained highway, or
- construct any means of access over the publicly maintained highway (footway or verge) 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.

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.

4.24 - **Public Comments**

Advertised – 29.09.2020 & 17.11.2020. Site notice displayed 31.10.2020.
Six letters sent 30.09.2020 & eight letters sent 13.11.2020.

One representation received which may be summarised as follows: -

The National Trust notes that this application is an outline version of a detailed proposal approved in 2017 and now expired. The previous proposals were the subject of negotiation involving Historic England and the council's conservation officer because of the sites location within the conservation area and the potential for development to affect the setting of the grade I listed St Gregory's Church.

The church is closely associated with Morville Hall, a grade I listed Elizabethan House remodelled in the 18th century. Morville Hall and 50 hectares of associated land including the land surrounding the church and opposite the Acton Arms was given to the National Trust by Miss A P Bythell in 1965. The National Trust considers that any development on this site needs to be of the highest quality, appropriate to the character and appearance of the conservation area and the setting of the church and Hall.

5.0 THE MAIN ISSUES

Principle of development
Historic Environment
Highways Ecology Drainage
Residential Amenity

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. The National Planning Policy Framework (NPPF) also advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF is a material consideration that constitutes guidance for local planning authorities as a material consideration to be given weight in determining applications.
- 6.1.2 A key objective of both national and local planning policies is to concentrate new residential development in 'sustainable' locations which are easily accessible and which offer a range of services and community facilities.
- 6.1.3 Policy CS1 of the Shropshire Council Core Strategy (CS) 2011 sets a target of delivering a minimum of 27,500 dwellings over the plan period of 2006-2026 with 35% of these being within the rural area, provided through a sustainable "rural rebalance" approach. Development in rural areas will be predominantly in Community Hubs and Community Clusters.
- 6.1.4 Policy CS4 of the CS sets out how new housing will be delivered in the rural areas by focusing it in Community Hubs and Community Clusters, which are identified in

Policy MD1 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) 2015. Policy MD1 of the SAMDev identifies those settlements that fall within a Community Hub or Community Cluster. Policy CS11 of the CS seeks to ensure that development creates mixed, balanced and inclusive communities.

- 6.1.5 Core Strategy policy CS5 and also SAMDev policy MD7a strictly controls development in the countryside whilst providing a number of exceptions for new dwellings.
- 6.1.6 Under the current adopted SAMDev Plan the settlement of Morville forms part of a Community Cluster with Acton Round, Aston Eyre, Monkhopton, and Upton Cressett as set out in SAMDev Schedule MD1.1: Settlement Policy Framework. The specific policy requirements for development in the Community Cluster are set out in Policy S3.2 (iii). The delivery of housing development in general is set out in Policy MD3.
- 6.1.7 The policy S3.2 (iii) states that the settlements of Acton Round, Aston Eyre, Monkhopton, Morville and Upton Cressett are a Community Cluster in Morville Parish where development by infilling, conversions and small groups of dwellings may be acceptable on suitable sites, with a housing guideline of around 15 additional dwellings over the period to 2026. New housing will be delivered through appropriate small scale infill and windfall development within or immediately adjoining these villages.
- 6.1.8 The housing guideline for the Community Cluster is for around 15 new dwellings (from 2011) up to 2026. As of 31 March 2019 there were 16 completions (since 2011) and 18 dwellings with outstanding planning permission (Five Year Land Supply Statement – Published March 2020). The supporting text refers to the housing numbers as guidelines and having regard, amongst other things, to the aspirations of those communities as well as matters such as past rates of development and site suitability.
- 6.1.9 With respect to these figures it is noted that the previous consent (now expired) for 6 dwellings at this site (15/00304/FUL) was included in the 18 dwellings with outstanding planning permission. Taking this into account there are 12 dwellings with outstanding planning permission. Although it is recognised that the settlement policy guidelines are not maximum figures (encapsulated by the inclusion of ‘around’ in the Policy wording) the proposal would clearly take the level of completed and committed development beyond the guideline figure.

6.1.10

Date	Permission No. /Type	No. dwellings	Location
27.08.2015	14/02894/OUT	14	Haughton Lane, Morville.
15.12.2015	14/02921/OUT	Up to 9	Manor Farm, Monkhopton.

10.04.2017	15/00304/FUL	6	Acton Arms, Morville. - now expired.
25.05.2017	17/00827/REM	14	Haughton Lane, Morville. - development now completed.
18.03.2019	18/05511/REM	9	Manor Farm, Monkhopton.

The remaining consents included in the figure refer to dwellings created as a consequence of the conversion of existing buildings.

- 6.1.11 Policy MD3(2) is clear that the settlement housing guideline is a significant policy consideration. MD3(2) recognises that where proposals within settlements would take the overall level of development (committed and completed) above the guideline the policy tests set out under Policy MD3(2) i-v are the relevant considerations in conjunction with the principles established in MD3(1). In this case, the site is considered to be within the settlement of Morville (negating the need for consideration of MD3(3)).
- 6.1.12 The policy tests set out under Policy MD3(2) i-v are that regard will be had to the following:
- i. The increase in number of dwellings relative to the guideline; and
 - ii. The likelihood of delivery of the outstanding permissions; and
 - iii. The benefits arising from the development; and
 - iv. The impacts of the development, including the cumulative impacts of a number of developments in a settlement; and
 - v. The presumption in favour of sustainable development.
- 6.1.13 Given the fact that Morville is, at the time of writing this report identified as part of a Community Cluster, it is accepted that Morville is a sustainable settlement. Although there is no hierarchy of settlements within the Cluster, where proposals trigger an assessment under MD3(2) due to the guideline being exceeded, these wider considerations form part of the assessment of the suitability of the proposal against the policy provisions. It is recognised that Morville is the largest settlement within the Cluster and one which offers opportunity for sustainable development due to its central location on the A458 and the facilities therein (school, village hall and PH, albeit currently closed).
- 6.1.14 The ability of the settlement to accommodate the proposed development is central to consideration of whether the development represents sustainable development. However, it is also considered relevant to look at the wider impacts (both positive and negative) of the proposal as part of the overall planning balance. On this note it

is accepted the site is well confined within the existing curtilage of the Public House and does not encroach into the wider countryside beyond. Furthermore, Officers are unaware of any local infrastructure issues resulting from this modest level of development and consider that the development may facilitate enhancement of some local services and facilities in line with the objectives of Core Strategy policy CS4. Indeed, as noted above the applicant has stated that he intends to use the residential development proposed to finance the refurbishment of the Acton Arms PH with a view to it reopening.

- 6.1.15 It is noted that the previously approved full planning permission for development on this site has now expired, and significantly the development of 14 dwellings in Haughton Lane (which was only approved in outline when the expired permission was approved) has now been delivered. Additionally, the Reserved Matters for the Outline planning permission for a further 9 dwellings in Monkhopton has also been approved and at the time of writing this report remains capable of implementation. This is it considered significantly changes the planning balance in this case.
- 6.1.16 Paragraph 3.21 of the SAMDev supporting Policy MD3 confirms that the guideline figures reflect detailed consideration by the local planning authority and the community on what level of development is sustainable and appropriate during the plan period. Moreover, while not a maximum figure, going beyond it by too great a degree could result in unsustainable development that stretches infrastructure and community goodwill towards breaking point. As part of the on-going partial Local Plan Review The Parish Council has requested that the Community Cluster of which Morville forms part, is deleted returning the settlement to countryside for planning policy purposes. This request, has been accepted by the Council and forms part of the amended plan which is currently out to consultation. It is noted however that the NPPF states that the weight given to relevant policies in emerging plans should be according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the plan with the Framework. Whilst reference has been made to a Local Plan review it is at an early stage, consequently, it carries little weight in the determination of this application. It does however signal the communities reluctance to accept any additional dwellings and a breaking point of their "goodwill".
- 6.1.17 If approved this development would result in the number of commitments and completions further exceeding the housing guidelines by an additional 3 dwellings which in the light of the existing number of dwellings completed and commitments made (28 dwellings) this exceedance would be significant. The over-provision, that the scheme would add to, would undermine other elements of the development strategy for the area such as to direct development to areas with greatest access to facilities.
- 6.1.18 It is acknowledged that the proposal would contribute to the housing stock in the area and the NPPF seeks to significantly boost the supply of housing. There may also be benefits associated with spending and on job creation during the construction period and from future occupants of the dwellings with regards to the local facilities and services.

6.1.19 Indeed the applicant has stated that he intends to use funds from the sale of the land to the rear of the pub to finance the repairs and work necessary to re-open to Acton Arms. Furthermore that he would reduce the rent to enable the tenant an opportunity to grow the business. The applicant has however been unable to put forwards a mechanism which would ensure that linkage and accordingly very limited weight can be attached to that potential benefit in the overall planning balance.

6.1.20 On balance it is considered that the proposal would not be a suitable site for housing, with regard to the Council's housing strategy and would fail to accord with Policy CS4 of the CS and Policies MD1, MD3 and Policy S3.2 (iii) of the SAMDev regarding the scale and distribution of housing development in the area.

6.2 **Historic Environment**

6.2.1 As with the previously approved detailed scheme, the current outline scheme includes the construction of a new vehicular access off the A458 positioned close to the existing car park access. This access would provide access to the proposed re-planned public house and the new dwellings. The access road would lead to a turning head around which the proposed dwellings would be positioned.

6.2.2 The National Planning Policy Framework (NPPF) Paragraph 189 "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

6.2.3 It is noted that a thorough HIA was submitted at the time of the previous full detailed application where it was established that the development proposal is located close to Morville Hall Garden (HER PRN 07538), the Grade I Listed Morville Hall (National Ref: 254759), the Grade I listed Church of St Gregory (National Ref: 254758) and the Medieval cross in St Gregory's Churchyard which is a scheduled monument (National Ref: 1015292). The site of Morville Priory, a college of secular priests of late Saxon to medieval date (HER PRN 00603) is now thought to lie between Morville Hall and the Acton Arms with the possibility of collegiate buildings being located north of the A458 which itself is possibly located along the line of a former Roman road (HER PRN 04076). Remains from the deserted medieval village of Membrefeld may also be located in this area. Evidence for prehistoric occupation in the immediate area has been collected from various dispersed find spots.

6.2.4 The previously submitted Heritage Assessment identified the potential for priory buildings on the site of the proposed development. If present, any such remains could potentially be of demonstrable equivalent significance to designated heritage

assets (Para 139, NPPF). In view of the above, a geophysical survey of the development site was undertaken and the results submitted to the Local Planning Authority. This identified a number of anomalies of potential archaeological interest, including a buried surface or debris that might be the remains of a former structure and possible associated ditches. These features have been interpreted as a possible outbuilding with associated drainage. The survey however did not identify any anomalies that would indicate substantial wall footings that could be associated with priory buildings. In view of the above, and in accordance with the National Planning Policy Framework (NPPF) Section 141 (which states that local planning authorities should make information about the significance of the historic environment gathered as part of development management publicly accessible), SC Archaeology Team recommends that a programme of archaeological work be made a condition of any planning permission. This would comprise a field evaluation in the form of a targeted trial trenching exercise, followed by further mitigation as appropriate.

- 6.2.5 The applicant for this current application seeks to rely largely on the outcome of the HIA submitted with the previous application which concluded that the application would have a minor effect upon listed buildings which following the implementation of planting mitigation measures would be neutral and that the development would have a minor effect on the Conservation Area. However a proportionate HIA has been submitted during the course of this application.
- 6.2.6 With regards to this it is noted that the SC Conservation Officer is content that the amended layout would result in the development being tucked in further towards the rear of the Acton Arms PH and considers that the scheme should have a lesser impact than that previously approved, especially when viewed from the principal frontage/highway.
- 6.2.7 Furthermore there are a number of trees on the site/close to the site and the retention of trees within the site is considered key to ensuring the development sits well within its context and would help to minimise the impact upon the Conservation Area. With respect to this it is noted that the amended scheme has allowed the retention of a number of trees in the vicinity of the stream to the east of the site that were previously due to be removed. Further consideration is given to the impact of the development on the existing trees is given below.
- 6.2.8 Whilst it is accepted that the appearance of the development would be reserved for future consideration, it is considered that the layout is acceptable and dwellings could be designed as evidenced by the previous approval to ensure that the development would preserve or enhance the character of the conservation area and preserve the setting of listed buildings, namely the Grade II listed 29 & 30 Morville and the wider setting of the Grade I listed Church of St Gregory and scheduled medieval cross. Therefore it is considered that the amended proposals would be acceptable in terms of policies CS6 and CS17 of the Shropshire Core Strategy and to accord with sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

6.3 **Trees**

- 6.3.1 Policy MD12 deals with the Natural Environment which in connection with other associated policies seeks through applying guidance, the conservation, enhancement and restoration of the county's natural assets.
- 6.3.2 The SC Tree Officer identifies that the main arboricultural impact of the amended development would be the loss of a mature ash tree from the centre of the site. However, this ash tree is infected with a fungus which limits its safe remaining life expectancy and it is therefore considered reasonable to remove this tree to facilitate the development, subject to suitable new planting as part of an approved landscape scheme. Accordingly the SC Tree Officer recommends appropriate conditions to require further details to be submitted at the time of the submission of the Reserved Matters application to safeguard the amenities of the local area and to protect the natural features that contribute towards this and to ensure that satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.
- 6.4 **Highways**
- 6.4.1 Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic to be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced. It seeks to achieve safe development and where the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated.
- 6.4.2 The NPPF, at section 9, seeks to promote sustainable transport. At paragraph 108 – 109 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and that:
- “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”
- 6.4.3 Vehicular access to the site is proposed to be provided from the redesigned access on the A458. Visibility splays of 2.4 x 43m were shown to be achieved in the previously approved scheme which conforms with the required stopping sight distance for vehicles travelling at 30mph.
- 6.4.4 It is noted that at the time of the previous application SC Highways confirmed that the access onto the A458 is well established with good sightlines in both directions. Furthermore they noted that the inclusion of an informal crossing point from the car park area to the pub would assist patrons and residents alike. The provision of such a crossing point has not been included in this outline application but could be made a condition should outline planning permission be granted.
- 6.4.5 It was established previously that the existing car park which serves the Acton Arms PH can accommodate some 37 cars. The scheme, as previously indicates no loss of pub car parking spaces. It was also established that service vehicles could enter and exit the site in forward gear utilising the vehicular entrance and manoeuvring using

the internal road network. With respect to the service/delivery vehicles for the Public House this situation would be no more onerous than the existing situation which involves the use of the existing public house car park.

- 6.4.6 The SC Highways Team has been consulted on the current proposal where they raise no objection subject to appropriate conditions to ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

6.5 **Drainage**

- 6.5.1 The Mor Brook lies some 220 metres to the south west of the site with one of its tributaries running to the south east of the site. A FRA has informed the revised scheme submitted in connection within this application. The whole of the amended application site now lies within Flood Zone 1 which has a low risk of flooding and outside any identified Critical Drainage Area. It is also noted that there is good opportunity within this site to implement SuDS mitigations measures such as permeable paving, rainwater harvesting and soakaways. As such it is considered that the site can be developed without risk of flooding for the occupants or increasing the risk of flooding elsewhere.

- 6.5.2 The submitted FRA recommends that as the development will increase the site impermeable area and, as such, it may have an adverse impact on surface water run-off rates, appropriate mitigation measures are proposed which could be conditioned, together with an appropriate Sustainable Drainage Scheme.

- 6.5.2 The SC Drainage Team has been consulted on this aspect of the proposals and raises no objection and recommends conditions and informatives.

6.6 **Residential Amenity**

- 6.6.1 Policy CS6 seeks to ensure that residential amenity is protected. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that development 'creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'. Furthermore the Councils Supplementary Planning Document – Type and Affordability of Housing, makes it clear that in assessing planning applications for residential developments the Council will take account of the internal and external space provided, with a view to ensuring reasonable living space requirements for the occupants, as well as protecting the living conditions of neighbours who might be affected. Developments that provide unacceptably cramped accommodation will be resisted.

- 6.6.2 Whilst the application is in Outline form with details of the appearance of the dwellings reserved, details of the layout and the scale of the development have been submitted for consideration. With respect to this Officers raised concerns about the juxtaposition of the proposed dwelling immediately to the north of the curtilage area retained for the Acton Arms PH. This plot would be significantly closer to the PH and its garden area than the dwelling houses approved previously. Whilst it is noted that

there is an existing dwelling to the west of the PH this property occupies a significantly larger plot than proposed in this scheme.

6.6.3 The potential for noise and disturbance emanating from the existing PH is still considered significant with respect to this proposed plot, from the general disturbance from staff undertaking their duties. Additionally the NPPF states at para.182 that decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as public houses) and that existing businesses/facilities should not have unreasonable restrictions placed on them as a result of the development permitted after they were established.

6.6.4 In response to the officers concerns the applicant has amended the scheme further to delete this plot and has stated that there would be no 'beer' garden to the rear of the PH and that this is a private space and the back entrance to the kitchen. The PH beer garden would be located as currently where the beer garden and old children 's play area is, to the north of the PH car park.

6.6.5 The nearest existing dwelling is Priory Cottage the garden of which adjoins the northwest boundary of the site and the Acton Arms PH. In respect of this it is noted that the development would be set towards the northern boundary of the site and to the northeast of Priory Cottage and that the proposed dwellings would be largely side onto the residential curtilage of the Priory Cottage. It is considered however that, whilst the proposed development would be visible from Priory Cottage, given the distance separation and the size of the residential curtilage of Priory Cottage the proposed dwellings could be designed so as not unduly harm the existing amenities enjoyed by the occupiers of this property.

6.7 **Affordable Housing/Developer Contributions**

6.7.1 The scheme will be liable for CIL. Turning to the issue of Affordable Housing. The site lies in a Designated Protected Area where the affordable housing threshold is applied to developments comprising 5 dwellings or fewer. As the number of dwellings has been reduced to 4 no affordable housing contribution would be required.

7.0 **CONCLUSION**

7.1 Although it is recognised that the proposal would contribute to the social objective by adding to the supply of housing in the village, potentially increasing the likelihood of the PH re-opening and there would be some limited economic benefit through the construction process, this development would result in the number of commitments and completions further exceeding the housing guideline (15 dwellings) set out in SAMDev policy S3.2 (iii) the by an additional 3 dwellings which is significant, in the light of the existing number of dwellings completed and commitments made (28 dwellings). This over-provision, that the scheme would add to, would undermine other elements of the development strategy for the area such as to direct development to areas with greatest access to facilities and as such, would not represent a suitable site for housing, with regard to the Council's housing strategy and would fail to accord with Policy CS4 of the CS and Policies MD1, MD3 and

Policy S3.2 (iii) of the SAMDev regarding the scale and distribution of housing development in the area.

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
National Planning Practice Guidance

Core Strategy and SAMDev Policies:

CS4 - Community Hubs and Community Clusters

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

MD3 - Managing Housing Development

MD7A - Managing Housing Development in the MD7A - Managing Housing Development in the Countryside

MD12 - Natural Environment

MD13 - Historic Environment

Settlement: S3 - Bridgnorth

Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

RELEVANT PLANNING HISTORY:

PREAPP/14/00307 Proposed development of 6 new detached dwellings PREAMD 1st July 2014

15/00304/FUL Erection of four detached houses and two semi-detached houses, access, parking and landscaping GRANT 10th April 2017

BR/APP/FUL/07/0967 ERECTION OF EXTERNAL DRINKING SHELTER REFUSE 10th January 2008

BR/APP/FUL/01/0907 Retention of floodlights on the front elevation GRANT 6th February 2002

BR/APP/FUL/07/0398 ERECTION OF A SHELTER TO PROVIDE EXTERNAL DRINKING/DINING AREA AT THE FRONT AND REPLACEMENT ENTRANCE LOBBY AT THE SIDE REFUSE 5th July 2007

BR/97/0117 ERECTION OF SINGLE STOREY REAR EXTENSION GRANT 1st April 1997

BR/96/0558 ERECTION OF A SINGLE STOREY REAR EXTENSION AND CONSTRUCTION OF PITCHED ROOF OVER EXISTING FLAT ROOF EXTENSION GRANT 10th October 1996

BR/85/0090 Retention of former paddock as beer garden, including barbecue, climbing frame, slide, swings and 8 four metre high lighting poles GRANT 2nd July 1985

Appeal

BR/APP/FUL/01/0907 Development Appeal W 22nd November 2002

11. Additional Information

View details online:

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

List of Background Papers:

Design and Access Statement

Heritage Impact Assessment

Geophysical Survey Report

Flood Risk Assessment

Ecology Report

Tree Survey

Tree Protection Method Statement

Affordable Housing & Transport Statement

Cabinet Member (Portfolio Holder)

Councillor Gwilym Butler

Local Member

Cllr Robert Tindall

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.

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

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

Shropshire Core Strategy polices:

CS4 Community Hubs and Community Clusters

CS5 Countryside and Green Belt

CS6 Sustainable Design and Development Principles

CS17 Environmental Networks

CS18 Sustainable Water Management

SAMDev policies:

MD2 Sustainable Design

MD3 Delivery of Housing Development

MD7a Managing Housing Development in the Countryside

MD12 Natural Environment

MD13 Historic Environment

S3.2 (iii) Acton Round, Aston Eyre, Monkhopton, Morville and Upton Cressett Community Cluster

Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

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Committee and date

Southern Planning Committee

16 February 2021

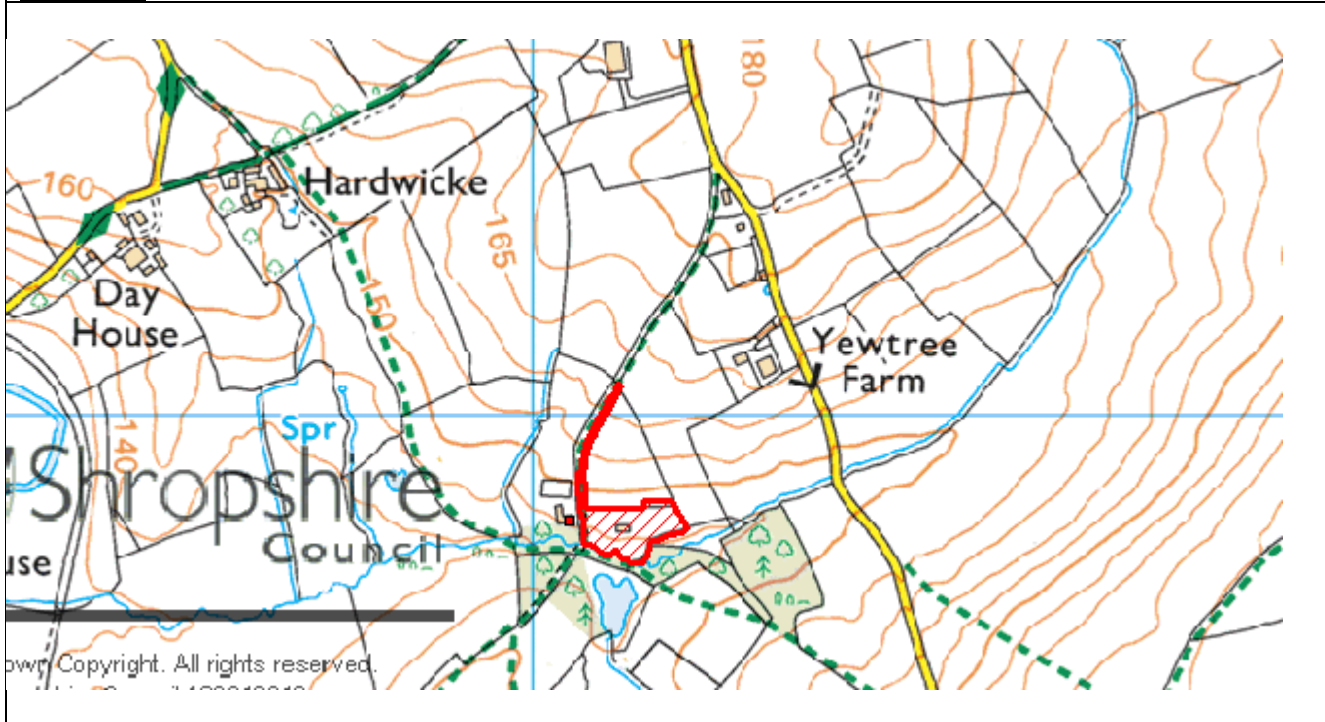
Development Management Report

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

Summary of Application

Application Number: 20/04714/FUL	Parish:	Stottesdon
Proposal: Erection of a rural workers dwelling		
Site Address: Ginny Hole Prescott Cleobury Mortimer Kidderminster Shropshire		
Applicant: Mr and Mrs Anthony Eddies-Davies		
Case Officer: Sara Jones	email : planning.southern@shropshire.gov.uk	

Grid Ref: 367049 - 281864



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Recommendation:- Refuse.

The outdoor activity centre enterprise at this site includes the keeping of horses. It has not been demonstrated that there is a functional need to provide permanent residential accommodation at the site 24/7 in order to provide animal welfare, manage the business and provide security. Therefore, the proposed erection of a new dwelling in the countryside is not justified. Accordingly, the proposed development conflicts with paragraph 79 of the National Planning Policy Framework and adopted Policy CS5 of the Core Strategy and Policy MD7a of the SAMDev Plan, Type and Affordability of Housing SPD.

REPORT

1.0 THE PROPOSAL

1.1 This application is a resubmission of planning application 20/01862/FUL which was refused on the 08.09.2020 on the following grounds:

The outdoor activity centre enterprise at this site includes the keeping of horses. It has not been demonstrated that there is a functional need to provide permanent residential accommodation at the site 24/7 in order to provide animal welfare and for the management of the business. Therefore, the proposed erection of a new rural occupational dwelling is not justified. Accordingly, the proposed development conflicts with paragraph 79 of the National Planning Policy Framework and adopted Policy CS5 of the Core Strategy and Policy MD7a of the SAMDev Plan, Type and Affordability of Housing SPD.

1.2 As previously this current application seeks permission for a rural worker's chalet, to be used in connection with the existing outdoor activity centre enterprise at Ginny Hole. Additional information has been submitted to support the application and as previously stated the applicants are intending to occupy of the property for the foreseeable future.

1.3 The additional supporting information includes

A testimonial from the organiser of Wantage Riding for Disabled.

A testimonial from the Head Teacher at Kinlet School stating that the activity centre is an asset to the local area and how the family business contributes to the wider community.

A letter in support from the Proprietor of the Fighting Cocks PH stating that as the new glamping pod guests, along with other customers and Country Treks staff, will be using the pub for meals/drinks it is important that there is adequate overnight supervision for their return to Ginny Hole. And that as the survival of village pubs is always under treat, a thriving local business is valuable to the community.

Testimonials from customers supporting the plans for improvements to the Country Treks experience and how accommodation on site is essential for the successful

running and supervision of groups of visitors staying overnight/camps and for the supervision of the horses.

A letter from Stanton Ralph Chartered Accounts confirming that the applicants run 3 profitable and buoyant businesses from the Ginny Hole and that there has been in excess of £100,000 invested in the Ginny Hole and the businesses over the last 18 months, to improve the infrastructure to benefit all 3 businesses and the public who use their services. They confirm that this has been done without borrowing and understand that, following the sale of the Old Vicarage there are funds available to build the property without borrowing. (Additional financial information submitted - accounts year ending March 2020 for each business).

1.4 Furthermore the applicants have made the following points:

Despite the heavy restrictions of COVID-19, the businesses have all fought on, retaining as many staff as possible. The development plan for 2021 is to install the accommodation pods and open the cafe so the 3 businesses can continue to grow. This will continue to provide a significant economic bonus to the local area as whole, with direct and indirect employment and to the local services.

With COVID-19, the national economy is in a dire situation, with unemployment very likely to be have a disastrous consequence in 2021. The government are keen to support rural businesses and it is up to all of us to keep the economy running. All three business are receiving interest in 2021 courses. There are 120 un-accompanied children already booked in Pony Club camps and our plan is to run 12 months a year offering short breaks / training courses / family weekends. By supporting our application there will be economic security for all our employees. Ginny Hole already is and its future plans look to expand the site as a tourist hub.

We believe that this application has clearly demonstrated and provided evidence for the immediate and urgent need of 24 hour site accommodation, to oversee 3 businesses - the equipment, animals and guests. We cannot sleep in an office. The proposal is for a modest cabin to oversee the growth and expansion of these existing 3 strong business. Please bear in mind a refusal will jeopardise the economic security of many lives.

1.5 The applicant's family business has operated an outdoor pursuits enterprise at The Old Vicarage and Ginny Hole for over 30 years. Since 1968 it was operated from The Old Vicarage in Stottesdon, where the applicant's parents lived. The Old Vicarage site, was used as a family home as well as administration/classrooms and residential use for guests. Planning permission was granted under application 19/05255/FUL for the change of use of the Old Vicarage in May 2020 from a mixed residential, commercial, training and hostel use (Use Class C2, C3 and D1) to a mixed care home and education use (Use Class C2 / D1) and associated works. The Old Vicarage has been recently sold and the business consolidated to the Ginny Hole Site.

<https://search.savills.com/property-detail/gbwmrstes180054>

- 1.6 It is understood that the business has evolved and includes an adventure consultancy arm providing training for emergency teams and expedition/safety advice, as well as packages to schools, corporate, hen/stag groups and families. They also run Country Treks which started 25 years ago as a trekking centre and small riding school serving the village and surrounding areas and providing horse riding for visitors and schools to The Old Vicarage.

<https://www.horsetreks.co.uk/>

- 1.7 Planning permission was granted (19/00815/FUL) for two timber cabins for office, reception, training and accommodation use, a parking area, a septic tank system, six accommodation pods and associated decking areas, and retrospective approval for the extension of an open pole barn, in connection with an existing outdoor activity centre.
- 1.8 There is an extensive planning history on this site which includes planning application 96/0777 which referred to the temporary stationing of a mobile home for staff to supervise the centres activities. This application was refused as it was considered that the applicant had not demonstrated that there was sufficient need for a mobile home on the site and its position would make it visually prominent in the landscape (contrary to the prevailing local plan policy at the time). The applicants contended that the groups using the facilities required supervision, particularly at night and that this could not be met by housing staff in a tent. This was taken to appeal and the Inspector upheld the decision, on the grounds that the tented accommodation would be in use from May through to September only and for the remaining part of the year its use would be minimal and there was no reason why a previously approved caravan (used as an office and storage in connection with the Activity Centre) could not be used for the supervisory requirements. Furthermore, that there was no evidence to support the claim that without the mobile home the use of the land for recreational/educational purposes could not take place.

2.0 **SITE LOCATION/DESCRIPTION**

- 2.1 The Ginny Hole Trekking Centre is located in the countryside within relatively close proximity to the village of Stottesdon. The Centre lies within a hollow centred on a small stream which leads to the river Rea. The stream is in a small uncultivated woodland area with pasture land rising up away from the woodland.
- 2.2 Ginny Hole is accessed down an unmade, single width track around 500 metres in length. This access slopes downward towards the site and is bounded in part by trees and hedgerow. The site as a whole is mostly hidden in the landscape by the topography of the land and a dense tree belt to the south.
- 2.3 The access to the enterprise spurs off a rural lane that links Stottesdon to the surrounding rural areas of Prescott and Bagginswood. A small number of dwellings exist closest to the junction that serves the enterprise. While

these dwellings do not appear to share this access, their boundaries back on to it.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council have no objection to the proposed scheme and the Local Members have requested the application is considered by the Planning Regulatory Committee. Following discussion with the Chair and Vice Chair of the South Planning Committee, it was decided that the material planning considerations in this case require consideration by Committee.

4.0 Community Representations

- Consultee Comments

Stottesdon Parish Council – The application is fully supported by Cllrs as accommodation on site would add to the security of the site and the welfare of the animals.

Additional supporting statement received 17.01.2021

Site security:

- *When the activities were run from The Old Vicarage most of the equipment was stored at The Old Vicarage and transported to Ginny Hole when required.*
- *The Old Vicarage was the 'base' for booking in for events etc and was also where groups were housed in dormitories. This has now changed and all the business now operates from Ginny Hole.*
- *Groups such as the Greenfell Firemen, Search and Rescue, Police and Ambulance have all been trained at The Old Vicarage then moved on to the Ginny Hole for practical training.*
- *Over the years there have been numerous incidents on the site where Police have been involved i.e. criminal damage etc and last year the new advertising signs were stolen.*
- *The site is more vulnerable with no one living on site.*

Economy:

- *This is a rural outdoor business which supports the local economy. People attending Ginny Hole often dine/drink at The Fighting Cocks – another local family run business which provides local employment and needs community support.*
- *Local businesses are struggling in the current economic climate and need all the support they can get to bounce back when Covid restrictions are lifted.*

Animal welfare:

- *With 'on-site' staff 24/7 any problems with the livestock can be dealt with immediately.*

Rural crime:

- *At present there is an increase in animals being stolen locally i.e. dogs, horses, ponies.*
- *Police response times to our rural area is not good – quite often by the time an offence is reported/logged the offenders have long gone before the Police arrive. With the Police stretched to the limits they just cannot get to our rural communities quickly enough and this is a concern.*

We feel that in order for this rural business to remain viable and safe a rural workers dwelling is essential and would ask that you take in to account the above points when making your decision on this planning application.

We would also add that the Eddies-Davies family have lived in Stottesdon for over 50 years.

SC Ecology - No objection, recommend conditions/informatives.

SC Highways – The current application appears to be resubmission of the earlier proposal under reference 20/01862/FUL. The proposed dwelling is within the grounds of the established trekking centre and from the highways perspective there are no objections to the proposal.

No objection – subject to the development being constructed in accordance with the approved details. Recommend informatives.

SC Trees – 15.12.2020

I have reviewed the plans submitted in association with this application and from analysis of aerial GIS photography it appears that the proposed development could be implemented without loss of existing trees on the site. I therefore have no objection in principle to this application on arboricultural grounds, although I would defer to the expert opinions of the Council's Ecology and Drainage teams regarding the suitability of the sewage treatment plant, given the proposed discharge to the stream to the south of the site.

I note the site is accessed to the north via a track in others ownership. Aerial photography shows this track to be lined with numerous mature trees. Any plans to upgrade the surface or drainage infrastructure associated with this track could cause significant damage to the roots of these mature trees. Equally, damage could also be caused by overly heavy pruning of large limbs overhanging the track, in order to facilitate access for delivery and construction vehicles, machinery and equipment.

I would therefore suggest that an inspection should be carried out along the track to determine whether any access facilitation tree works are needed and, if so, the type and extent of such works. All approved tree work should be specified and carried out by a competent arborist, in accordance with BS3998:2010. If resurfacing or drainage works are planned for the access track, then these should be designed and implemented under a task specific arboricultural method statement, so as to avoid damaging or harming any significant trees along the

track.

Ideally, the proposed foul or surface drainage runs should be planned to avoid passing through the root protection area (RPA - as defined in BS5837:2102) of any retained tree. However, if any drainage infrastructure is required within the RPA, then this should again be subject to a task specific arboricultural method statement, so as to avoid damaging or harming the tree(s) in case.

I would be grateful if my questions regarding any necessary facilitation tree pruning, planed resurfacing or drainage works along the access track, and infringement into the RPA of any retained tree for drainage infrastructure (or any other works) could be answered prior to determination. I would be happy to recommend suitable tree protection conditions to be applied in the event of planning permission being granted, depending on the answers to these questions.

In any event, I would also recommend attaching suitable landscaping conditions to any permission granted, to secure a scheme of tree, shrub and / or hedge planting as appropriate to enhance the propose development and its integration into the surrounding landscape. A suitable planting scheme would also contribute towards a net gain for biodiversity, as espoused in current national planning policy and guidance.

SC Affordable Housing – There are no affordable housing obligations associated with this proposal.

SC Drainage – Recommend informative.

SC Rights of Way - No comments to make on this application.

- Public Comments

Site notice displayed. Five letters sent.

One representation received objecting to the application on grounds which may be summarised as follows:

Application has is identical to that previously refused - 20/10862/FUL.

Cannot see any substantive reasons to have anyone living on the land, nothing has changed apart from having more buildings and vehicles gaining access to the land, following previous approvals.

The supporting statements are in fact only commenting on the facilities they have used and as such are irrelevant to this application.

Have been disturbed by people noise and lights from vehicle in early hours and at night using the access track, when noise travels further. Object to the increased usage of the access track 24/7. The main road leading in to and out of Stottesdon has increased and, combined with the additional usage to the site at times, the triangular area between the access track and the highway is like being on a busy

Island.

Possibly someone staying at the site.

Reiterate comments made previously :-

Applicants have recently sold their property in Stottesdon, consider that they should be able to find an alternative property in the area. There are existing properties with 3 bedrooms for sale or rent in the area.

No evidence submitted to demonstrate that existing alternative accommodation is unaffordable.

Question whether the proposals meet policy MD7a.

The proposed building will require more services and additional access.

Concern that the existing access track has traffic similar to that on the adjacent public highway and that the usage exceeds that previously envisaged.

Over development of the site.

Continuous noise and disturbance from the use of the access drive from visitors. Should permission be granted the noise will extend into the night, at a time when noise travels further.

The access track is a public right of way, a fact which appears to get overlooked in such applications.

5.0 THE MAIN ISSUES

Principle of development
Visual impact and landscaping
Access/Highway Safety
Residential Amenity
Ecology/Natural Environment
Drainage
Rights of Way

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Development plan policies CS5 and MD7a cover housing development in the open countryside. CS5 outlines that new development in the countryside will be strictly controlled and that development proposals will only be permitted on appropriate sites which maintain and enhance countryside vitality and character where they improve the sustainability of rural communities by bringing local economic and community benefits and particularly where (amongst other types of proposals) they

relate to dwellings to house agricultural, forestry or other essential countryside workers. CS5 requires applicants to demonstrate the need and benefit for the development proposed which is expected to take place primarily in recognisable named settlements or be linked to other existing development and business activity where this is appropriate.

6.1.2 MD7a expands on CS5 and states the following:

2. Dwellings to house essential rural workers will be permitted if:

a. there are no other existing suitable and available affordable dwellings or other buildings which could meet the need, including any recently sold or otherwise removed from the ownership of the rural business; and,

b. in the case of a primary dwelling to serve a business without existing permanent residential accommodation, relevant financial and functional tests are met, and it is demonstrated that the business is viable in the long term and that the cost of the dwelling can be funded by the business.

The supporting text outlines that for a new primary dwelling the relevant financial and functional tests are required to assess the need for a rural workers' dwelling at or close to the business and the viability of that business.

6.1.3 The Type and Affordability of Housing Supplementary Planning Document (SPD) is also relevant and provides a comprehensive approach, which is well tested through the former Annex A of PPS7, setting out clear guidelines. The SPD supports the granting of occupational dwellings, on the provision that careful assessment has been afforded to prevent abuse of the planning system. It states that this assessment must be fair and based solely on an accurate assessment of the individual needs of the enterprise. Applicants will be required to demonstrate that a dwelling at the enterprise is essential by a showing a functional need for the occupier to be present on site for the majority of the time ("time" being 24 hours a day, 7 days a week).

6.1.4 National planning guidance is contained within Para 79 of the NPPF. It states that;

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
 - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
 - c) the development would re-use redundant or disused buildings and enhance its immediate setting;
 - d) the development would involve the subdivision of an existing residential dwelling;
- or

e) the design is of exceptional quality, in that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

- 6.1.5 As noted above the business has operated from this site for over 30 years without anyone living at the site and has until recently been managed from the Old Vicarage in Stottesdon (some 0.75 km to the northwest). The applicants state that there are no suitable and available affordable dwellings nearby however at the time of writing this report there were five properties (2, 3 & 4 bedroomed) for sale in Stottesdon.
<https://www.rightmove.co.uk/property-for-sale/Stottesdon.html>
- 6.1.6 During the Officers site visit (in connection with application 20/01862/FUL) the applicants explained that their former business went into administration which left them with no choice but to sell the Old Vicarage and has left them with limited finances to purchase a property in Stottesdon and that the available houses to rent did not allow dogs, so they were not suitable for their needs. A search of Companies House would appear to corroborate that "Live The Adventure" formerly "The Old Vicarage Adventure Centre Ltd" was dissolved following liquidation in October 2019.
- 6.1.7 In support of the current application the applicants have submitted a letter from Stanton Ralph Chartered Accounts (dated 02.11.2020) confirming that the applicants run 3 profitable and buoyant businesses from the Ginny Hole and that there has been in excess of £100,000 invested in the Ginny Hole and the businesses over the last 18 months, to improve the infrastructure to benefit all 3 businesses and the public who use their services. They confirm that this has been done without borrowing and understand that, following the sale of the Old Vicarage there are funds available to build the property without borrowing. (Additional financial information submitted - accounts year ending March 2020 for each business).
- 6.1.8 The previously submitted accounts for Country Treks (year end 2017 & 2018) together with the additional accounts (for year end 2020) appear to show a small net loss for the period 01.08.2016 to 31.03.2017, a modest profit for the year ended 31.03.2018, and then a significant decline in profits year ending 31.03.2020. The accounts for the year end 2020, now submitted for Top Adventure and Adventure Consultancy (which provides training, expeditions and day activity programmes all over the world), appear to show a fairly constant reasonable profit for Top Adventures, but overall it appears that it is the Adventure Consultancy Business which makes the significant profits. However this element of the operations now administered at the Ginny Hole site, is considered not wholly dependant on this location.
- 6.1.9 With respect to this the applicant acknowledges that a percentage of Adventure Consultancy work (consultation) can be undertaken anywhere but contends that

nearly 70% of its calendar business is running professional training courses, but it is evident by looking at web site calendar that these do not necessarily take place at the Ginny Hole i.e. June - Outdoor Risk Management - Adventure Consultancy - a 2 day course Aberystwyth Marina and the Cumbrian mountain region. The applicant states that :

To be one of the few Rescue 3 Europe accredited independent training centres, requires a signed provider agreement between the certifying body (Rescue 3 Europe) and the training provider (Adventure Consultancy) confirming that the operational base has facilities that include (not limited to) administration facilities, classroom facilities, changing facilities, suitable equipment storage and drying facilities, to run the majority of its internationally accredited training programs.

- 6.1.10 Furthermore that *The amount of equipment used to facilitate the wide range of technical rescue training it supplies to Fire, Ambulance, Military, Home office and Police, would easily fill a 20ft shipping container - this is not viable to move around the country regularly for courses.*
- 6.1.11 Additionally the applicant points out that *for the last 15 years we have run technical training from Stottesdon, where participants have travelled from all over the UK (Shetland isles Fire/Rescue to Essex Police) and this has provided residential revenue to the area as well supporting local pubs, shops & restaurants. As you can imagine there is also now a very high value of specialist equipment for these courses now stored at Ginny Hole that was previously kept at The Old Vicarage.*
- 6.1.12 Furthermore the supporting information previously submitted stated that *The business has recently gained grant funding to expand the business further.*
- 6.1.13 In support of the application the applicants state that a dwelling is now required on site to provide animal welfare, manage the business and provide on-site security.
- 6.1.14 In terms of animal welfare, The Animal Welfare Act 2006 and the Welfare Guidelines Compendium for Horses, Ponies and Donkeys which is produced by the National Equine Welfare Council and revised in 2009, have been considered. The Animal Welfare Act 2006 makes owners and keepers responsible for ensuring that the welfare needs of their animals are met. These include the need:
- For a suitable environment (place to live)
 - For a suitable diet
 - To exhibit normal behaviour patterns
 - To be housed with, or apart from, other animals (if applicable)
 - To protect from pain, injury, suffering and disease.
- The Act contains a Duty of Care to Animals – this means that anyone responsible for an animal must take reasonable steps to make sure the animal’s needs are met.
- 6.1.15 In reviewing the Welfare Guidelines Compendium for Horses, Ponies and Donkeys, the document in the section on care it states:

“How much time will need to be dedicated looking after the horse. This will not only cover the basic daily essentials of ‘turning out’, feeding, grooming and mucking out at least twice daily, but also the travelling time to the stables twice daily. Additional time will need to be allocated for non-daily tasks such as stable and pasture maintenance, visits by veterinary surgeon and farrier as well as time for riding, driving and competing”.

6.1.16 Having read the requirements of both these documents there is no statutory requirement for the owners/keepers to live on the site. It is understood that 24 horses are kept on site and four staff are employed to look after the horses and no breeding takes place. While some of the horses may escape from the fields or be ill, these would be rare events and no evidence has been provided to demonstrate that this is the justification for what is essentially a new dwelling in the open countryside. Security of the site and surveillance matters could be overcome by the installation of CCTV which can easily be viewed on a mobile phones/monitors.

6.1.17 In support of the application the applicants contend that horse injuries are not irregular and rare events and that it is highly recommended by the British Horse Society, insurers, and council licence department, that there is overnight on-site staff, to provide a prompt response to any injury. To support this they have provided an account of the injuries to horses which have occurred September to mid October. This account states that:

Whispa - Cut leg while out in field. Swelling and puss. Done overnight. Found on early AM visit 6am treated and washed. Avoided vet visit. Meds and correct care and the cut is now healing.

Gwen - a trapped in rug. Found on 6am walk out and resulting injury could have been catastrophic if left unattended.

Quaver - Severe cuts and lacerations to leg. Dealt with promptly as applicant on site to stem the extensive bleeding.

Cob - cut heal

Willow - substantial swelling on hock.

The applicants are living temporarily in a touring caravan on the site and have therefore been responsive promptly on discovering of problem or injury. The majority of injuries were dealt with the applicant.

6.1.18 Additionally the applicants have submitted a letter from their Vets Practice (letter dated Oct 2019) which confirms that the applicant has up to 35 horses on the site and that on site accommodation would allow better monitoring of horses overnight, allowing for better care and husbandry, and that from a veterinary perspective the sooner any problems are picked up, diagnosed and treated the better the outcome for the horse. Furthermore they confirm that rural crime is on the increase and state that having living accommodation on site would reduce the risk including horse

theft. This argument is also corroborated by an article in the British Horse Society Magazine (Sept. 2020) submitted by the applicant which states that rural crime is difficult to combat, and suggests that things to consider would be whether "*the staff or the proprietor live on site*", together with security cameras, good lighting and additional alarm systems. Other tips include freeze marking as well as micro chipping horses, secure perimeter fencing and permanently marking and photographing valuable equipment such as easily moveable items.

- 6.1.19 As noted above policy MD7a 2(a) requires there to be *no other existing suitable and available affordable dwellings or other buildings which could meet the need, including any recently sold or otherwise removed from the ownership of the rural business*, and in this case previously the dwelling from which the site was managed has recently been sold.
- 6.1.20 In support of the previous application the applicants confirm that due to the economic situation in the recent year's of the facility has changed and the reduction of school or corporate events with residential accommodation has diminished and therefore the extensive accommodation was of limited use and requiring resource and maintenance. But the day courses still remain successful. It was therefore considered to be more efficient to run and manage the business from the Ginny Hole site.
- 6.1.21 It is noted however that planning permission has recently been obtained for office accommodation at the site from which the businesses can be managed.
- 6.1.22 Furthermore the applicants contend that now the previously approved visitor accommodation is on site, it is imperative to have overnight staff to ensure the health and safety of the public and that without staff supervision there would be a huge potential for mischievous adventure, high jinks and "*danger from adults and children alike*". In addition the applicants contend that Insurance cover for livestock and for overnight accommodation staying of the public requires an on-site member of staff. To support that contention the applicants have submitted a letter from the Proprietor of the Fighting Cocks PH stating that as the it is important that there is adequate overnight supervision for customers return to Ginny Hole; testimonials from customers how accommodation on site is essential for the successful running and supervision of groups of visitors staying overnight/camp; and a statement from an organiser of Wantage Riding for the Disabled - Abington who states that

With many centres it is often the case that the owners leave the site in the evening, however to me it is of great importance, due to the fact in certain cases these children have very complex conditions, that there is someone on site who knows the local area in case of any emergency. It shows how much the family and staff care about their visitors and enormously reassuring to know they are there.

However such accommodation is usually self-managed, but should night time security be required this could be provided by staff working overnight on a rota basis utilising the recently approved office accommodation or indeed utilising a camping pod or course accommodation cabin approved under planning permission

18/00815/FUL.

6.1.23 Overall it is considered that, whilst the management of the outdoor pursuits enterprise and the caring for horses may be made more convenient and financially more profitable for the applicants to live on site, 24 hours a day 7 days a week, it is not essential that they do.

6.2 Visual impact and landscaping

6.2.1 Policy CS6 aims to protect the natural environment taking into account local context and character, and policy CS17 seeks to ensure that all development does not adversely affect Shropshire’s visual assets and landscape.

6.2.2 The proposed chalet is modest in scale, being a simple single storey timber structure positioned a slightly rising ground which would overlook the previously approved camping pod area and timber cabins. In landscape impact terms the building would appear in the context of the existing development and would not appear unduly prominent in the wider landscape. An appropriate low-key landscaping scheme would assist in assimilating the buildings into the landscape.

6.3 Access/Highway Safety

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

6.3.2 Access to the site is via the existing access track, the top section of which is not owned by the applicant. Speeds of vehicles using this track are low by virtue of limited visibility and its condition. Furthermore, the traffic generated by the applicants living on site is likely to be off set, to some extent, by the fact that they would not have to travel to and from the site to manage activities. Overall it is considered that the traffic generated by the proposed dwelling is unlikely to lead to severe impacts on the highway network and likewise the impact the amenity of the area is not considered to be significant in that respect.

6.4 Residential Amenity

6.4.1 Policy CS6 seeks to safeguard residential amenity. The nearest dwellings are located on rising land some considerable distance away (230-390m away) to the north, northeast. Concern has been expressed regarding the potential for the proposed dwelling and the use of the existing access track to generate noise and disturbance into the night when noise travels further. It is considered however that the noise and disturbance generated by a single dwelling is unlikely to be so significant in the case to justify refusal of the application. the separation distance and topography of the land mean that the proposed dwelling would not result in significant and unacceptably harmful loss of residential amenity.

6.5 Ecology/Natural Environment

6.5.1 Core Strategy and SAMDev policies CS6, CS17 and MD12 seek to safeguard ecological interests and to conserve, restore, re-create and connect natural assets.

6.5.2 There are considered to be no significant arboricultural or ecological implications resulting from this development. The applicants Agent has confirmed that The chalet module comes in two pieces and can transported adequately down the track without damage to the chalet or trees, that the track surface is to remain as existing (for 30 years), but where and when necessary pot holes will be in filled and that there is no intention to install any drainage/trenches along the track. Indeed, the drainage layout for the accommodation pods has been approved under planning permission 19/00815/FUL. It is understood that the engineer has confirmed that the drainage from the chalet can be safely dispersed through that system as shown on drawing 1031.18 Rev D. However, as discussed above landscaping in the form of additional tree planting along the north and eastern boundaries would assist in assimilating the development into the landscape, particularly when viewed from the public footpath along the drive and from the Stottesdon Road to the east. In addition ecological enhancements could be secured through the imposition of appropriate conditions, should planning permission be granted.

6.6 Drainage

6.6.1 Policy CS18 concerns suitable water management. In this regard, the Council's Drainage Consultants have no objection in this respect.

6.7. Rights of Way

6.7.1 There are a number of public rights of way which dissect the existing activity centre. The proposed development would not directly affect the line of the public rights of way and in respect of the amenity value of the public rights of way, the development would be viewed in the connect of the existing activity centre. Furthermore, as discussed above, an appropriate landscaping scheme would help to assimilate the development into the landscape.

7.0 CONCLUSION

7.1 The outdoor activity centre enterprise at this site includes the keeping of horses. It has not been demonstrated that there is a functional need to provide permanent residential accommodation at the site 24/7 in order to provide animal welfare, manage the business and provide security. Therefore, the proposed erection of a new dwelling in the countryside is not justified. Accordingly, the proposed development conflicts with paragraph 79 of the National Planning Policy Framework and adopted Policy CS5 of the Core Strategy and Policy MD7a of the SAMDev Plan, 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
National Planning Practice Guidance

Shropshire Core Strategy policies:
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS17 Environmental Networks
CS18 Sustainable Water Management

SPD on the Type and Affordability of Housing

SAMDev Plan
MD2 Sustainable Design
MD7a Managing Housing Development in the Countryside
MD12 Natural Environment

RELEVANT PLANNING HISTORY:

19/00815/FUL Erection (relocation) of two timber cabins for use as offices, reception, training facilities and course accommodation; revised parking area; erection of six accommodation pods on hardstanding with decked terraces; installation of septic tank drainage system; application under Section 73a of the Town and Country Planning Act 1990 for retrospective extension of a pole barn GRANT 22nd May 2019

19/04407/DIS Discharge of conditions 5 (drainage) and 6 (landscaping) on planning permission 19/00815/FUL for erection (relocation) of two timber cabins for use as offices, reception, training facilities and course accommodation; revised parking area; erection of six accommodation pods on hardstanding with decked terraces; installation of septic tank drainage system DISAPP 29th October 2019

20/01862/FUL Erection of rural workers dwelling REFUSE 8th September 2020

BR/97/0769 ERECTION OF CHANGING ROOMS AND INSTALLATION OF A SEPTIC TANK GRANT 21st January 1998

BR/97/0749 ERECTION OF LOOSE BOXES AND TACK ROOM GRANT 14th January 1998

BR/97/0329 RETENTION OF EXISTING CARAVAN FOR STORAGE AND OFFICE USE IN ASSOCIATION WITH COUNTRYSIDE RECREATIONAL ACTIVITIES GRANT 19th June 1997

BR/96/0807 USE OF LAND FOR RECREATIONAL ACTIVITIES INCLUDING CAMPING AND THE ERECTION OF STABLES GRANT 4th February 1997

BR/96/0777 STATIONING OF A MOBILE HOME FOR A TEMPORARY PERIOD AND

INSTALLATION OF SEPTIC TANK REF 4th February 1997
BR/98/0057 RETENTION OF SHOWERS AND TOILETS FOR A FURTHER TEMPORARY
PERIOD GRANT 5th March 1998

Appeal

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

Appeal

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

11. Additional Information

View details online:

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

List of Background Papers Application documents for 20/04714/FUL.
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Cabinet Member (Portfolio Holder) Councillor Gwilym Butler

Local Member

Cllr Gwilym Butler Cllr Madge Shingleton

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Committee and date

Southern Planning Committee

16 February 2021

SCHEDULE OF APPEALS AS AT COMMITTEE 16 February 2021

LPA reference	20/01535/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Paul Hulland
Proposal	Outline application for residential development of up to five dwellings with detached garaging, to include access (Amended Description)
Location	Proposed Residential Development Land North Of Boulangerie New Road Oreton Cleobury Mortimer Shropshire
Date of appeal	14.10.20
Appeal method	Written Representations
Date site visit	
Date of appeal decision	21.01.21
Costs awarded	
Appeal decision	Dismissed

LPA reference	20/00288/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs Parker
Proposal	Erection of a two-storey detached dwelling following demolition of existing outbuilding
Location	Proposed Dwelling North Of Upper Bromdon Farm Bromdon Shropshire
Date of appeal	12.10.20
Appeal method	Written representations
Date site visit	
Date of appeal decision	Dismissed
Costs awarded	
Appeal decision	

LPA reference	20/02036/PMBPA
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Gaskell
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 residential use
Location	Proposed Barn Conversion East Of Terrace Farm Cruckton Shrewsbury Shropshire
Date of appeal	26.10.2020
Appeal method	Written Representations
Date site visit	
Date of appeal decision	02.02.2021
Costs awarded	
Appeal decision	Dismissed



Appeal Decision

Site visit made on 8 December 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st January 2021

Appeal Ref: APP/L3245/W/20/3259261

Land north of Boulangerie, Oreton, DY14 0UH

- 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 Paul Hulland against the decision of Shropshire Council.
 - The application Ref 20/01535/OUT, dated 9 April 2020, was refused by notice dated 6 August 2020.
 - The development proposed is outline application for residential development of up to five dwellings with detached garaging, to include access.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development given above is taken from the Decision Notice. This reflects amendments that were made to the scheme at application stage and the application was determined on this basis.
3. The application is in outline with all matters reserved for future consideration except for the means of access. Drawings showing an indicative layout of the development were submitted with the application, and I have had regard to these in determining this appeal.

Main Issue

4. The main issue is whether the appeal site would accord with the locational requirements of local policy for residential development.

Reasons

5. The appeal site is within the village of Oreton, which is a small dispersed settlement surrounded by open countryside. It contains limited services and facilities and is some distance from the nearest settlement of any size.
6. Oreton, Farlow and Hill Houses is identified as a Community Cluster under Policies MD1 and S6 of the Shropshire Site Allocations and Management of Development ('SAMDev') Plan (2015). In this regard, Policy S6 states that limited infilling of small, market priced houses on single plots may be acceptable on suitable sites. A housing guideline of around 12 dwellings is set for this area over the plan period to 2026, and the Council states that 10 dwellings have already been built or granted planning permission.

7. The appeal site consists of a paddock of around 0.4 hectares in size that is adjacent to existing properties on 2 sides. It has road frontages to both the north east and the south and abuts open fields to the south west. Whilst the site is relatively well contained by existing properties, it is a large piece of land in relation to the size of the village. In this regard, the number of dwellings proposed is somewhat misleading as these would consist of low density properties served by a new access road. Given its size, the site would not comprise limited infilling in my view. However, in coming to that view I have attached little weight to the definition of 'limited infilling' set out in the emerging Shropshire Local Plan Review, which is at a relatively early stage of preparation.
8. Policy S6 of the SAMDev Plan also states that new development should be of 'single plots'. This wording is clearly intended to restrict new developments in this area to single dwellings only, in order to reflect the size and character of the village. In this regard, I do not accept the contention that it is simply a requirement for new properties to be located within individual plots. I further note that my colleague who determined a recent appeal¹ in Oreton took a similar interpretation of this policy wording. Given that the development proposes multiple plots, it is clearly contrary to this requirement.
9. I further note that the development would result in the settlement housing guideline of 12 dwellings being exceeded, with more than 5 years of the plan period still to run. Whilst this exceedance would be relatively modest, and not sufficient to justify refusal by itself, it adds to the weight against the proposal.
10. Separately, as the site is located between existing properties on either side, any harm to the surrounding landscape would be limited. However, that does not alter my other concerns regarding the development, as set out above.
11. For the above reasons, I conclude that the appeal site would not accord with the locational requirements of local policy for residential development. The development is contrary to Policy S6 of the SAMDev Plan (2015) in this regard.

Conclusion

12. As set out above, I conclude that the appeal site is not in a suitable location for new housing having regard to local policy for this area. Whilst the development would provide 5 new dwellings, and would generate economic benefits through the creation of employment and the purchasing of materials and furnishings, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR

¹ APP/L3245/W/20/3246734



Appeal Decision

Site visit made on 7 December 2020 by A J Sutton BA Hons DipTP MRTPI

by Louise Nurser BA Hons Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2021

Appeal Ref: APP/L3245/W/20/3258676

Upper Bromdon Farm, Wheathill, WV16 6QT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Parker against the decision of Shropshire Council.
 - The application Ref 20/00288/FUL, dated 17 January 2020, was refused by notice dated 28 July 2020.
 - The development proposed is described as 'Demolish existing outbuilding and erection of a two-storey detached residential unit.'
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The appeal property is in the Shropshire Hills Area of Outstanding Natural Beauty (AONB). The Council concluded the scheme would be reflective of development found in Bromdon. As such the development would not harm the landscape and scenic beauty of the AONB. I observed nothing on the site visit to dispute this conclusion.
4. Therefore, the main issue is whether the proposed development would be a suitable site for a dwelling in a community cluster.

Reasons for Recommendation

5. The appeal site is a plot of land which appears to form part of the grounds of Upper Bromdon Farm. It is adjacent to the lane, with a pond and open countryside beyond at its northern boundary and is situated at the access to the property. Four further dwellings are situated close by to the west and south of the farmhouse with three barns situated on the opposite side of the lane. The surrounding area is predominately countryside, with scattered farmsteads, sporadic small groups of buildings and a couple of caravan parks comprising the few built forms in this rural setting.
6. Community Clusters and Community Hubs are identified in the Shropshire Council Site Allocations and Management of Development Plan 2015 (SAMDev)

- which also includes bespoke policies which guide development within individual clusters and hubs. Both parties agree that the appeal site is within the Silvington, Bromdom, Loughton and Wheatmill Community Cluster. In respect to this Cluster Policy S6.2(iv) of the (SAMDev) states that limited infill of smaller, market priced houses on single plots immediately adjacent to existing development, and conversions on suitable sites may be acceptable, with housing guidelines of around 12 additional dwellings over the period to 2026.
7. The quantum of development would be consistent with the policy and based on the evidence before me there would be no conflict in this respect with the housing guidelines applicable to the Cluster.
 8. The proposed development would not seek to convert the existing building but would comprise the demolition of the existing structure and would replace it with a modestly proportioned three-bedroom detached market dwelling.
 9. The Council confirms that there is no defined settlement boundary around Bromdom and the term '*Infill*' has not been defined in the explanatory text of the policy. However, infill is generally understood to be the filling of a gap between existing built development. Indeed, the Concise Oxford Dictionary defines it as the placing of buildings to occupy the space between existing ones. There is nothing before me which suggests I should take a different approach to this accepted definition.
 10. The appeal site appears within the curtilage of the Upper Bromdon Farmstead and is viewed in that historic context alongside other outbuildings, and as part of the wider small settlement which includes nearby dwellings. Whilst there are structures to the east and south, when observed from the road it forms the edge of the settlement with no built form to the north. Therefore, although the development would be close to existing development and would not encroach into the countryside, it would not fill a gap between the existing development and therefore would not constitute infill in this respect.
 11. It is therefore concluded that the proposed development would not be a suitable site for a dwelling in a community cluster and would be contrary to the detailed provisions of Policy S6.2(iv) of the SAMDev and would be inconsistent with rural housing policies of the National Planning Policy Framework.
 12. The principle of the proposal may accord with the distribution of and requirements for housing as set out in Policies CS4 and CS5 of the Shropshire Local Development Adopted Core Strategy 2011 (Core Strategy) and Policies MD1 and MD3 of the SAMDev, However, with regards to the details of the proposal, I have found it would conflict with the policy which guides development at this particular location for the reasons outlined.
 13. There is no dispute regarding the proposed design in this case and as such the development would accord with Policy CS6 of the Core Strategy and Policy MD2 of the SAMDev in this respect. However, this matter alone would not outweigh the conflict identified.

Other Matters

14. The Bromlow¹ decision relates to a site which falls within a different Community Cluster some distance from the appeal site where the pattern of development is

¹ Planning Permission Ref 19/02225/OUT

distinctly different and where proposals are subject to different policy considerations.² Therefore, it is not directly comparable, and I attach limited weight to this matter in this case. In any case, I have determined this appeal on its own merits.

15. The extant planning permission³ for the garage had not been implemented at the time of conducting the site visit but I see nothing which would lead me to conclude approved works would not be carried out. Regardless of which, this consent would not alter the pattern of development at the appeal site and is therefore not determinative in this case.
16. The Council has confirmed that it is in exceedance of its five year housing land supply and I have no compelling evidence before me that would challenge this assertion.
17. Whilst any benefit is to be welcomed in these challenging times, this alone should not be a justification to approve development which would conflict with development plan policies. Benefits to the rural economy which would arise from this development would be limited given its proposed magnitude. The effective use of previously develop land and contributions to the housing mix would also be limited benefits for this reason. Such small benefits would not outweigh the conflict with local plan policies identified above.
18. It should be expected that development would not give rise to unacceptable impacts on ecology or the landscape and therefore these matters are neutral factors in this case.

Conclusion and Recommendation

19. For the reasons given above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and concur that the appeal should be dismissed.

Louise Nurser

INSPECTOR

² Policy S2.2(vii) of the SAMDev

³ Planning Permission Ref 20/00286/FUL

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Appeal Decision

Site visit made on 13 January 2021

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd February 2021

Appeal Ref: APP/L3245/W/20/3259729

Terrace Farm, Cruckton, Shrewsbury, SY5 8PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3, Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the GPDO').
 - The appeal is made by Mr Gaskell against the decision of Shropshire Council.
 - The application Ref 20/02036/PMBPA, dated 25 May 2020, was refused by notice dated 22 July 2020.
 - The development proposed is change of use and conversion of building to 1 dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal building has been subject to a previous dismissed appeal decision¹ that also related to a proposal under Schedule 2, Part 3, Class Q of the GPDO. Given the similarities between that scheme and the current appeal proposal, I attach significant weight to the previous Inspector's findings.

Main Issues

3. The main issue is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO, with particular regard to:
 - (a) Whether the proposed works to the building go beyond those permitted under Class Q
and, if that condition is met;
 - (b) The effect of the proposed design and external appearance of the building on the character and appearance of the area.

Reasons

Extent of the proposed works

4. Class Q of the GPDO allows for a change of use of a building, and any land within its curtilage, from an agricultural use to a dwellinghouse including building operations reasonably necessary to convert the building. However,

¹ APP/L3245/W/16/3147786

Class Q does not allow for the extensive rebuilding of an insubstantial structure to create what would in effect be a new building.

5. Planning Practice Guidance ('PPG') provides further clarification in this regard. It states that it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Accordingly, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right².
6. The appeal building is a steel framed structure that is currently used for agricultural purposes. There is no floor slab throughout the majority of the building with the exception of a small area in the southwest corner. Its roof and external walls consist mainly of corrugated metal sheeting, supported by timber purlins and side rails. Overall, it is a relatively lightweight and insubstantial structure.
7. The development would involve the installation of a new reinforced floor, and new external walls set between the vertical steel 'I' columns, which would become external features. All that would remain of the pre-existing building would be the steel supporting structure, and the corrugated sheet metal roof which would be externally clad in Zinc. In this regard, the extent of the proposed works would be significant, and they would amount to a substantial re-building of the pre-existing structure. This would effectively create a new building rather than constituting a 'conversion'. In coming to that view, I have been mindful of the High Court Judgement in the case of *Hibbitt v SSCLG* (2016) EWHC (Admin).
8. It is asserted that all of the proposed works would be internal and would therefore not constitute development by virtue of s55(2)(a) of the Town and Country Planning Act 1990. However, the submitted plans show that the new external brickwork and metal cladding walls would form the external walls of the building. Accordingly, they would not constitute internal works. I further note that the previous Inspector came to a similar view on this matter.
9. My attention has been drawn to an approval granted by the Council under Class Q in Shoot Hill (Ref 16/05259/PMBPA). However, the full details of that case are not before me, including the Officer Report and any supporting structural survey. I am therefore unable to assess any direct comparability to the current appeal proposal. In any case, I have come to my own view on this matter rather than relying on the approach the Council may have taken elsewhere.
10. For the above reasons, I conclude that the extent of the proposed works to the building go beyond those permitted under Class Q. The proposal would therefore not be permitted development.

Design and external appearance

11. Paragraph Q.2.(1) of the GPDO states that where a proposal is permitted development, prior approval will be required for a number of matters. One such matter is the design or external appearance of the building. However, as I have found that the proposal would not be permitted development, it is unnecessary to make a determination on the prior approval matters.

² Paragraph 13-105-20180615

Other Matter

12. A structural report has been submitted which concludes that the appeal building is in good structural condition and can be converted into residential accommodation without affecting the primary structure to the building. However, that does not alter my view that the proposed works would go beyond those permitted under Class Q.

Conclusion

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

Thomas Hatfield

INSPECTOR

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