

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

Date: Monday, 1 February 2021

Committee:
Northern Planning Committee

Date: Tuesday, 9 February 2021

Time: 2.00 pm

Venue: THIS IS A VIRTUAL MEETING - PLEASE USE THE LINK ON THE AGENDA TO LISTEN TO THE MEETING

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www.shropshire.gov.uk/NorthernPlanning9FEB2021

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<https://www.shropshire.gov.uk/planning/applications/planning-committees/>

Claire Porter

Director of Legal and Democratic Services

Members of the Committee

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

Substitute Members of the Committee

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

Your Committee Officer is:

Emily Marshall Committee Officer

Tel: 01743 257717

Email: emily.marshall@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive apologies for absence.

2 Minutes

To confirm the Minutes of the meeting of the North Planning Committee held on 12th January 2021, attached, marked 2. (Minutes to Follow)

Contact: Shelley Davies on 01743 257718.

3 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 2.00 p.m. on Friday, 5th 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 Dwelling To The West Of 14 Ellesmere Road, Tetchill, Shropshire (20/04023/FUL) (Pages 1 - 12)

Erection of 1No dwelling and realignment of private access drive; and all associated works

6 Links Holiday Lodges, The Links, Hinstock, Market Drayton, Shropshire (20/03330/FUL) (Pages 13 - 30)

Change of use of land to form holiday caravan park to include the siting of 10 static caravans with layout, modified road access, amenity land, play area and office building

7 Land South The Little Wickett, Rye Bank Wem, Shropshire (20/03017/FUL) (Pages 31 - 44)

Erection of a local needs dwelling including garage and access

8 The Rookery, Northwood, Shrewsbury, SY4 5NH (20/03670/FUL) (Pages 45 - 56)

Erection of two-storey extension, single storey entrance porch, re-rendering existing house, replacement windows, remodel existing side entrance and clad in timber to match new extension.

9 Land South Of Bridgewater Street, Ellesmere, Shropshire (20/04019/FUL) - To Follow

Erection of mixed residential development of 23No dwellings, formation of vehicular and pedestrian access, amenity space and associated works
Report to Follow

10 Appeals and Appeal Decisions (Pages 57 - 72)

11 Date of the Next Meeting

To note that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday 9th March 2021.

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Committee and Date
 Northern Planning Committee
 9th February 2021

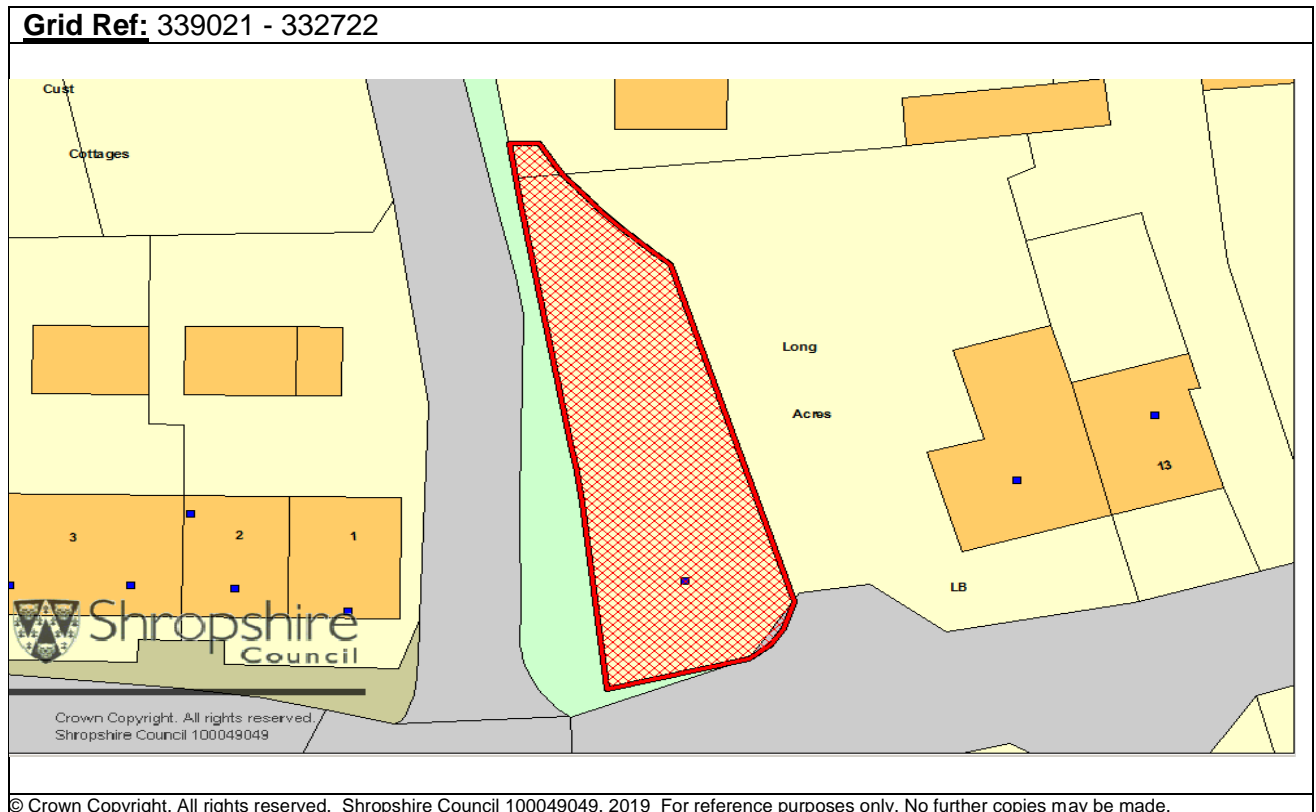
Item
5
 Public

Development Management Report

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

Summary of Application

Application Number: 20/04023/FUL	Parish: Ellesmere Rural
Proposal: Erection of 1No dwelling and realignment of private access drive; and all associated works	
Site Address: Proposed Dwelling To The West Of 14 Ellesmere Road Tetchill Shropshire	
Applicant: Keith Woods	
Case Officer: Melanie Williams	email : planning.northern@shropshire.gov.uk



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

REPORT

Members will recall that this application was presented to the last Committee meeting, which took place on 12th January 2021 at which members resolved that planning permission be granted, in accordance with the Officer's recommendation subject to:

- The conditions as set out in Appendix 1 and delegate powers to the Planning Services Manager to amend conditions 3 and 4 in relation to the comments as noted by the Highways Manager during the meeting with regarding the visibility splay and the inclusion of a footpath as set out on a previous planning consent; and the additional condition in relation to boundary treatments as noted during the presentation to members by the Principal Planning Officer.

The application is re-presented to this meeting as it is considered necessary to update members, on the advice given in relation to a footpath along the site's road frontage with regards to the 2017 Reserved Matters approval is incorrect in relation to the relevant planning history for development to the rear of the site.

The three dwellings recently constructed to the rear of the site are in accordance with planning approval references 18/04197/FULL dated 25/11/2019, 18/03858/FUL dated 13/12/2018 and 18/04198/FUL dated 26/11/2019. None of these approvals had a condition attached to their respectful approval notices requiring installation of a footpath alongside the roadside elevation adjoining the site subject to this application.

Further still it would be considered unreasonable to expect the applicant to install a footpath at this location, which is located on the edge of the village, with no footpath either side of the site to which the proposed stretch of footpath could connect up to.

Otherwise Officer advice in relation to this application is as per the report and recommendation to Committee on 12th January 2021 with the addition of the additional landscape condition as recommended by the Principal Officer and the condition with regards to visibility splays as recommended by the SC Highways Manager.

The recommendation therefore is one of approval subject to the updated conditions as set out in appendix one attached to the previous report to Committee attached below.

1.0 THE PROPOSAL

- 1.1 Erection of 1 No dwelling and realignment of private access drive; and all associated works.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located within Tetchill Settlement Boundary as identified on Policy Map S8 INSET 4. The application site comprises a portion of roughly rectangular shaped land to the west and north of the detached property known as

Long Acre.

2.2 The site is bounded to the north by a newly granted development site and to the east, south and west by residential properties and their curtilages. The site has been cleared of internal vegetation in preparation for the development however the mature tree and hedge planting forming the sites boundaries has been retained.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council object to the proposal contrary to the officer recommendation for support. In addition the Local Member called the application in immediately should officers be minded to approve. Therefore, under the terms of the scheme of delegation to officers, as set out in Part 8 of the Council Constitution the application should be referred to planning committee for determination.

4.0 Community Representations

- Consultee Comments

WSP Highways on behalf of SC Highways No objection. Further to the Highway Advice Note dated 22.10.2020, the red edged area has been revised to include the access junction, driveway and visibility splays. Subject to the conditions listed above being included on any approval, there are no sustainable Highway grounds upon which to base an objection.

No objection subject to the development being constructed in accordance with the approved details and conditions to require that the access, parking and turning areas are completed, laid out and maintained prior to the occupation of the dwelling; the access apron being constructed in accordance with the Council's specification; no access gates or other means of closure to be erected within 5 metres of the highway boundary.

SC Affordable Houses If the development is policy compliant then whilst the Council considers there is an acute need for affordable housing in Shropshire, the Councils housing needs evidence base and related policy pre dates the judgment of the Court of Appeal and subsequent changes to the NPPG, meaning that on balance and at this moment in time, then national policy prevails and no affordable housing contribution would be required in this instance.

SC Drainage No objection – advice provided which can be added to the decision notice as an informative note.

- Public Comments

Ellesmere Parish Council: (*following amended proposal submitted 8th Dec 2020*)

Objects The Parish Council objects to the proposals outlined in this application. In relation to the application for the realignment of the private access drive the Parish Council would like to refer to Highways comments relating to the previous application 18/05405/OUT, which the Parish Council considers to be pertinent to this application.

The Parish Council would further like to refer to the reasons for refusal given in respect of planning application: 20/00582/VAR:

"The proposed variation is not considered to be acceptable within the context of the

overall streetscene and the proposed works would not result in any material benefit to surrounding amenity and highway safety. Therefore the proposal is deemed not to comply with the relevant development plan policy framework laid down within CS5, CS6 & CS18 of the Core Strategy or SAMDev Policies MD2, MD7a & MD13." The Parish Council objects to the further development of this site which would amount to overdevelopment of the plot. There are existing drainage issues around this site and any new houses should be connected to the mains drainage scheme i) to alleviate these issues and ii) there is limited space to site a sewage treatment plant on the proposed site.

The Parish Council objects to the application.

15 letters of **objection** (an additional 3 following amendment) have also been received from neighbouring properties highlighting a number of points including the following:

- Highway safety
- Street scene
- Impact on residential amenity
- Drainage issues
- Plot size/ cramped development
- Against policy
- Overdevelopment
- Ecological Impact (removal of hedgerow/ trees)
- No bus service/ local amenities

A letter of **objection** has also been received from the **Local Member: Cllr Brian Williams** as follows:

I object to the application on the grounds that the site is too restricted in size to provide for a dwelling with adequate external facilities and also that it restricts the exit visibility from the newly built houses further into the site.

If officers are minded to approve the application, I request that it be referred to the North Planning Committee for determination. I would wish to attend the Committee and give more comprehensive reasons for refusal.

(and following amendments:)

I am the Shropshire Councillor for the Tetchill area. Notwithstanding the approval given by WSP consultants to the highways aspects of the proposal, the application should be refused on the planning grounds stated by officers in the previous similar application for this site which are still valid as the plot size and location are unchanged.

5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale and design of structure
- Impact on Residential Amenity
- Highways

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Applications for planning permission must be determined in accordance with the adopted development plan unless material considerations indicate otherwise

(Section 38(6) of the Planning and Compulsory Purchase Act 2004). 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.

- 6.1.2 As of December 2015, the Council formally adopted the Site Allocations and Management of Development Plan (SAMDev) which is attached full weight when determining planning applications. Further to this, since the adoption of the Shropshire Core Strategy in March 2011, the revised National Planning Policy Framework (NPPF) has been published and is also a material consideration that is afforded significant weight in the determination of planning applications.
- 6.1.3 In order to establish a proposals principle of development, it is important to establish the location of the development site in accordance with CS1 and its segmentation into the Market Towns and Key Centres (CS3), the Community Hubs and Community Clusters (CS4) and the Countryside and Green Belt (CS5). Within CS1 it is prescribed that throughout the plan period, 27,500 new homes will be provided across Shropshire in accordance with the SAMDev Plan and its identification and distribution of housing within those settlements categorised within the CS1.
- 6.1.4 The settlements of Tetchill, Lee and Whitemere are a Community Cluster which will provide for future housing growth of around 20 dwellings during the period to 2026. Development by infilling, groups of houses and conversions may be acceptable on suitable sites within the development boundary identified on the Policies Map. A single allocated site identified on the Policies Map will deliver around 10 dwellings in Tetchill. In Lee and Whitemere development will be limited to single infill plots and conversions.
- 6.1.5 The site is within the development boundary for Tetchill and therefore the principle of residential development is supported on this site, subject to scale, design, impact on neighbours etc. which will be discussed further in this report.

6.2 Siting, scale and design of structure

- 6.2.1 Policy CS6 (Sustainable Design and Development Principles) of the adopted Core Strategy is also relevant to this application. This seeks to ensure that development is designed to a high quality using sustainable design principles. Proposals are required to be appropriate in scale, density, pattern and design taking into account the local context and character, having regard to national and local design guidance. The policy is supportive of proposals which contribute to the health and wellbeing of communities and aims to ensure the safeguarding of residential and local amenity.
- 6.2.2 The proposal is for a two storey 2 bedroomed house with parking to the rear. A 3rd room upstairs is labelled as a study presently but this could easily be utilised as a 3rd bedroom. The ground floor will have an open plan kitchen and dining area with a patio door to the rear leading to the rear garden. A living, utility room and wc is also proposed for the lower floor. Upstairs there will be a study, 2 bedrooms and separate bathroom with the master bedroom having en-suite as mentioned above.
- 6.2.3 The external appearance has been amended since the original submission to

enable the property to complement and blend with the surrounding dwellings. Initially the proposal was for a quite bland house with a tapered wall to maximise the plot availability. However the applicant was requested to submit amendments to provide a more in keeping dwelling house, to this effect a further scheme was submitted indicating more traditional village features such as dormers to front and rear, chimney stack and wooden porch. In addition the plot layout has been 'squared off'. It is felt that the latest design is much more sympathetic and subservient in appearance given the prominent location of the plot within the village.

- 6.2.4 The property will be orientated towards the road frontage with vehicle access directly from the adjoining highway and adjacent roadway. The landscaping has been designed with 2 parking spaces and reasonably sized rear garden. Materials are described as slate with render facing, a condition would be added requesting materials are in accordance with these details.
- 6.2.5 It is considered that the proposed scale and design of the proposed dwelling as amended is in keeping with the site, neighbouring properties and the wider area and would not appear out of keeping.

6.3 Impact on Residential Amenity

- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.
- 6.3.2 Given the characteristics and size of the site officers are satisfied that the dwelling is positioned a sufficient distance away from the nearest neighbouring properties and windows orientated such that no adverse impact will occur in terms of overlooking or loss of light.
- 6.3.3 Therefore it is felt there will be minimal impact on the neighbouring amenity of surrounding properties caused by this proposal. In addition the dwelling fits comfortably into the plot leading to adequate amenity for any future occupiers of the property.

6.4 Highways

- 6.4.1 The development proposes the erection of dwelling to the west of no.14 Ellesmere Road, including an amended access arrangement that formed the subject of the refused application under reference 20/00582/VAR.
- 6.4.2 The Council's Highways section has advised that the principle of the amended access layout was accepted in the previous application; the detailed layout of which has been replicated on the current submitted details on Transport Plan Drawing No. 41001-A02002 Rev 00.
- 6.4.3 Highways previous comments were as follows:
Having considered all highway matters in this case the highway authority do not wish to raise a highway objection subject to the imposition of a highway condition listed below. In reality the proposed visibility splay cuts through the adjacent Parish Notice Board & Defibrillator Station but has the effect of maintaining the frontage growths within the property boundary. Our term consultant WSP has considered the impact of the Parish

Notice Board and Defibrillator Station on the site access and considers the access arrangements are acceptable.

6.4.4 Therefore subject to conditions being included on any approval, there are no sustainable Highway grounds upon which to base an objection.

7.0 CONCLUSION

The site is located within the development boundary of Tetchill as identified within the adopted SAMDev Plan and the proposal is deemed to be suitably sustainable for its location. Issues in relation to residential amenity, landscape and visual impact, plus drainage and highway are considered to be addressed satisfactorily. The application is therefore considered to comply with the relevant policy framework as provided by Core Strategy Policy CS6 and SAMDev Policy MD2 and is recommended for approval subject to conditions as indicated in appendix one below.

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. BackgroundRelevant Planning Policies

Central Government Guidance:

Core Strategy and Saved Policies:

National Planning Policy Framework
 CS4 - Community Hubs and Community Clusters
 CS6 - Sustainable Design and Development Principles
 CS18 - Sustainable Water Management
 MD2 - Sustainable Design
 MD1 - Scale and Distribution of Development

RELEVANT PLANNING HISTORY:

18/05405/OUT Outline planning application (all matters reserved) for the erection of one dwelling WDN 16th May 2019
 20/04023/FUL Erection of 1No dwelling and realignment of private access drive; and all associated works PDE
 NS/81/00612/FUL Erection of extension to form Kitchen/Dining room at Long Acres, Tetchill GRANT 27th July 1981
 NS/90/01118/FUL Installation of 1200 Litre L.P.G Tank at 14 Ellesmere Road, Tetchill GRANT 4th December 1990
 18/01937/FUL Erection of 1no dwelling WDN 24th May 2018
 18/01939/FUL Erection of 1no dwelling WDN 30th May 2018
 18/01940/FUL Erection of 1no dwelling (Plot 3). WDN 20th July 2018
 18/02464/FUL Erection of single storey extension following demolition of existing GRANT 18th July 2018
 18/03858/FUL Erection of 1no dwelling (Plot 2) resubmission GRANT 13th December 2018
 18/04197/FUL Erection of one dwelling (plot 1) resubmission GRANT 25th November 2019

18/04198/FUL Erection of one dwelling (plot 3) resubmission GRANT 26th November 2019
 19/04615/DIS Discharge of condition 3 (materials), condition 4 (trees) and condition 5 (trees)
 for the erection of 1no dwelling (Plot 2) resubmission relating to 18/03858/FUL DISAPP 13th
 November 2019

20/00210/AMP The addition of stone quoins and a brick plinth to match plots 2 and 3 for the
 erection of one dwelling (plot 1) resubmission relating to 18/04197/FUL. GRANT 29th January
 2020

20/00582/VAR Application under Section 73A of the Town and Country Planning Act 1990 for
 the variation of condition no. 7 attached to planning permission 18/03858/FUL to move the
 access road to the east REFUSE 25th June 2020

20/04023/FUL Erection of 1No dwelling and realignment of private access drive; and all
 associated works PDE

20/05314/AMP Non-material amendment - the original site plan measurements were
 inaccurate, after siting the new development the measurements to the boundaries were
 different relating to 18/03858/FUL. PCO

11. Additional Information

[View details online:](#)

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

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

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

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

2. The development shall be carried out strictly in accordance with the amended plans received 8th December 2020.

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

CONDITIONS THAT REQUIRE APPROVAL PRIOR TO THE COMMENCEMENT OF DEVELOPMENT

3. Prior to the commencement of development visibility splays at the access with the county road shall be set out in accordance with the approved plan Drawing No.41001-A 02 002 Rev 01; all growths/obstructions in advance of the visibility splay shall be lowered to and thereafter maintained at a height not exceeding 0.3 metres above the level of the adjoining highway carriageway.

Reason: In the interests of highway safety.

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

4. Prior to the dwelling hereby permitted being first occupied the access, parking and turning areas shall be satisfactorily completed, laid out and maintained in accordance with the Transport Plan Drawing No. 41001-A 02 002 Rev 01.

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

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

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

6. Prior to first occupation of the dwelling hereby approved, detail will be submitted to and approved in writing to the Local Planning Authority with regards to boundary treatments. The western boundary will be of hedgerow construction and will be planted before first occupation of the dwelling hereby approved. Any species that fail in the first five years after planting will be replaced with varieties of the same species and size.

Reason: In order to ensure adequate landscaping in this semi-rural location and with consideration to visual impact.

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

7. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification, no access gates or other means of closure shall be erected within 5.0 metres of the highway boundary.

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

8. The external materials shall be as described on the deposited plans and documents, no alterations shall be made to these materials.

Reason: To ensure that the proposed development shall harmonise with surrounding development.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to schedule 2 part 1 class A, B, D & E; shall be erected, constructed or carried out.

Reason: To maintain the scale, appearance and character of the development and to safeguard residential and / or visual amenities.

Informatives

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

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

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

followed.

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

2. Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

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

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

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

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

Mud on highway

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

No drainage to discharge to highway

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

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Committee and Date
 Northern Planning Committee
 9th February 2021

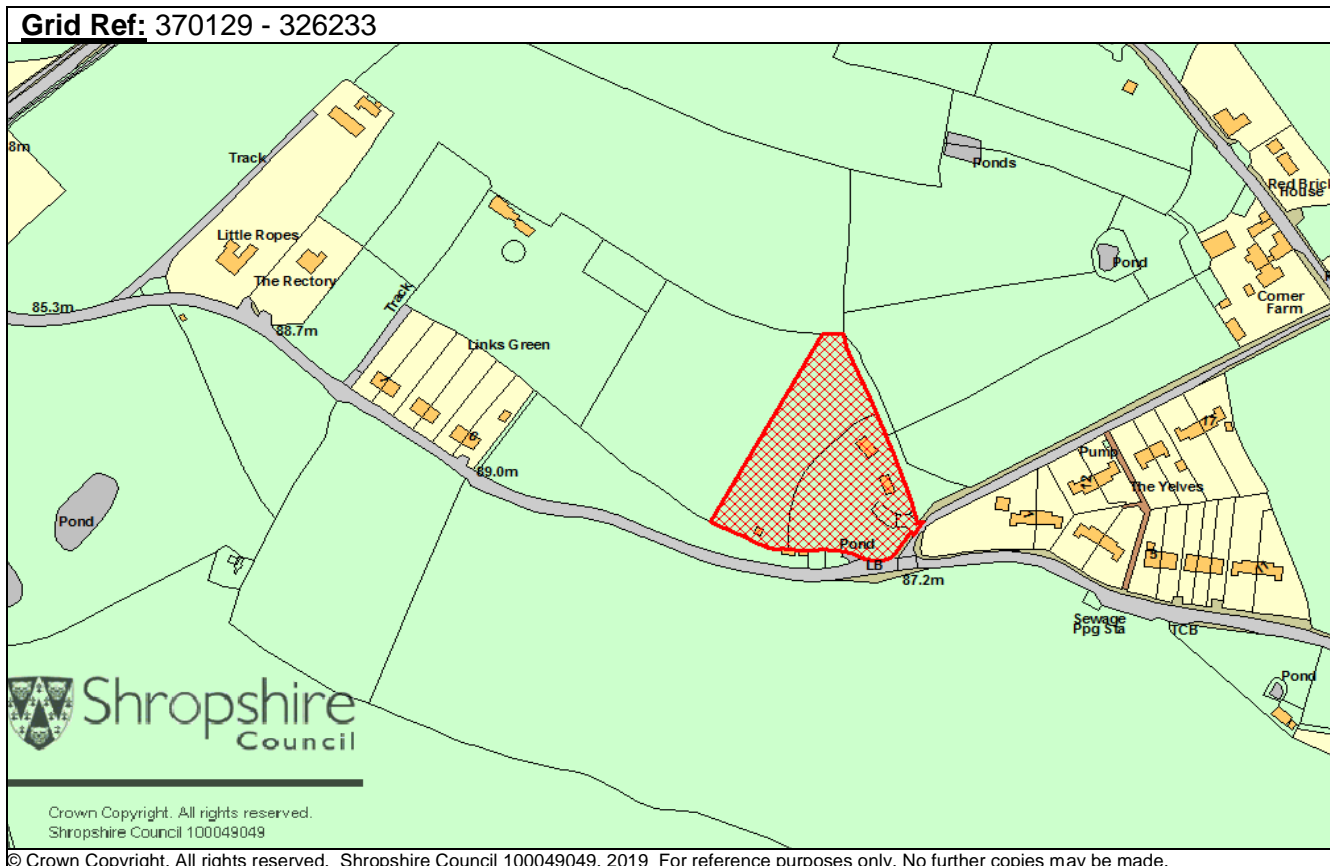
Item
6
 Public

Development Management Report

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

Summary of Application

Application Number: 20/03330/FUL	Parish:	Hinstock
Proposal: Change of use of land to form holiday caravan park to include the siting of 10 static caravans with layout, modified road access, amenity land, play area and office building		
Site Address: Links Holiday Lodges The Links Hinstock Market Drayton Shropshire		
Applicant: D and D Gulligan		
Case Officer: Richard Denison	email : planning.northern@shropshire.gov.uk	



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

REPORT

1.0 THE PROPOSAL

- 1.1 This is revised application which relates to the siting of 10 static caravans to provide tourist accommodation close to Hinstock village. The static caravans will be approximately 3.6 metres wide by 11.6 metres long and will have a hard surfaced parking area alongside them. The existing vehicular access will be used with the provision of a single private driveway on the site to serve the caravans. A warden's office will be provided measuring 4 metres wide by 6 metres long with a pitched roof to 3 metres high and will provide a reception office and w.c. The building will be constructed from local render with grey concrete tiles. A small play area and communal amenity area are proposed. Tree and shrub planting including a belt of woodland and hedgerow planting along the western boundary will be provided. Foul drainage will be provided by a private package treatment plant. A refuse point will be provided adjoining the office close to the entrance of the site.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The proposed site is located in open countryside to the east of Hinstock village adjacent to a narrow country lane. The proposed site is enclosed by mature tree lined field boundary to the north east and south, whilst a hedgerow is located along the western boundary. The access is located along the eastern boundary adjacent to a country lane and opposite The Yelves which consist of 16 semi-detached dwellings. Two wooden log cabins approved for holiday accommodation in 2012 are located on site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The local ward member has indicated that this application is very divisive locally and has requested for committee referral within 21 days from validation of the application if officers are mindful to recommend approval. The Parish Council have also submitted a view contrary to officers based on material planning reasons which cannot reasonably be overcome by negotiation or the imposition of planning conditions. The Principal Planning Officer in consultation with the committee chairman and vice chairman agrees that this application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **Shropshire Council, Highways Development Control** - The development is for the positioning of 10 static caravans and associated infrastructure and is a resubmission of the earlier refused application under reference 19/03205/FUL on planning policy grounds. Based upon the information and supporting

documentation contained within the submitted details it is considered that, subject to the conditions listed above being included on any approval, there are no sustainable Highway grounds upon which to base an objection.

4.1.2 **Shropshire Council, Planning Ecologist** - No objection subject to safeguarding conditions and informatives.

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

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

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

4.1.4 **Shropshire Council, Regulatory Services** - A formal consultation was sent although no response has been received.

4.1.5 **Ministry of Defence** - This relates to an application for a change of use of land to form holiday caravan park- Links Holiday Lodges. The application site falls within the Statutory Safeguarding Aerodrome Zones surrounding RAF Shawbury, RAF Ternhill & Chetwynd Airfield and the Birdstrike Zone surrounding RAF Ternhill I can confirm the MOD has no safeguarding objections to this proposal.

4.1.6 **Hinstock Parish Council** - The Parish Council reiterates its strong concerns about the Highways access to the site.

The site currently housing 2 log cabins out of a possible 5 for which permission was granted. The Parish Council believes that 10 static caravans would be over development of the site (contrary to CS4 & CS6) and is inappropriate in scale and density. Whilst the current log cabins comfortably sit in the rural landscape of this area, Councillors are of the opinion that 10 white/grey/cream static caravans will be at odds with the character of the surroundings and be visually intrusive (contrary to CS6) to neighbouring properties. The noise, light pollution and increased traffic on the highway will detrimentally affect the residential amenity of local residents.

The Highways access to the site is very poor. The road is narrow, currently a 60mph, without street lighting or footway. Local residents have long campaigned to have a reduced limit imposed and footway installed on this road due to the dangers posed by fast moving vehicles on this narrow country lane. The proposed access is on a corner with extremely limited visibility which the Council

believes is wholly unsuitable. The road floods all year round. Core Strategy 6 specifies that : 'Requiring 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 to be reduced'. There is no public transport in Hinstock. The lane is unsuited to recreational activities and the Parish Council queries whether the site can truly considered to be 'accessible' for an increased number of holiday makers. The Parish Council notes that there is

an existing caravan site within 4 miles at Goldstone.

The application further contravenes CS6:

"CS6: Protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance, landscape character assessments and ecological strategies where appropriate; - Contributes to the health and wellbeing of communities, including safeguarding residential and local amenity and the achievement of local standards for the provision and quality of open space, sport and recreational facilities. - Is designed to a high quality, consistent with national good practice standards, including appropriate landscaping and car parking provision and taking account of site characteristics such as land stability and ground contamination;"

The surrounding area is comprised of agricultural land and residential dwellings. The ground at the site is comprised of clay based soil. As such, Councillors have concerns about drainage provision. Local wildlife i.e. bats, newts etc will need to be assessed and provision made for.

The Parish Council seeks confirmation that, should permission be granted to increase the number accommodation opportunities on site, stringent restrictions will be imposed as to occupancy i.e. that it will be conditioned strictly for short term holiday occupancy only. Measures must be imposed to restrict noise and light pollution from the site. Good landscaping measures should be implemented to lessen any detrimental visual impact.

To conclude, the Parish Council objects to this proposal on the grounds of detrimental impact on residential amenity for neighbouring properties, inadequate/unsuitable highways access, detrimental environmental impact and inappropriate over development of the site which will have an adverse impact on the local context and character. Furthermore, taking into account the objections of our residents to the proposals, the Parish Council is of the opinion that to permit further development of this is goes against the principles of:

Human Rights

Article 8 give the right to respect for private and family life.

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.

The Parish Council objects to this proposal.

4.2 Public Comments

4.2.1 24 letters of objection have been received raising the following concerns:

- The site does not have Caravan Club status and no caravans have been on the site for the past 6 years, whilst the wooden lodges are not rented. One of the lodges has been lived in by the owner as a permanent dwelling and not as holiday accommodation.
- Proposed caravans will be more visually prominent than existing wooden lodges.
- The previous application approved 5 log cabins on 6.5 acre site. Although since this permission the site has been sold leaving only 2 acres.
- Cramped and overdevelopment.
- Land unsuitable for soakaway drainage due to clay ground.
- Existing flooding problem within road from storm drains.
- Impact on horses in adjoining field.
- Light pollution.
- No provision of waste storage.
- Increase in noise and disturbance.
- Road is unsuitable for additional traffic and access is dangerous being on a sharp bend.
- Highway safety issues regarding access which is along a narrow single carriageway road which has speeding traffic, is in poor condition and has limited passing places.
- Access road not wide enough.
- Concerns proposed site will be used by travelling community.

4.2.2 A petition has been signed by 45 households objecting to the expansion of the site to 11 holiday caravans.

5.0 THE MAIN ISSUES

- Background
- Policy & Principle of Development
- Layout, Design & Scale and Impact on Landscape Character
- Impact on Residential Amenity
- Highways
- Impact on Trees
- Ecology
- Drainage
- Other Matters

6.0 OFFICER APPRAISAL

6.1 Background

- 6.1.1 Historically the site was used in part as a Caravan Club certified site for 5 caravans, together with a grazing paddock for horses. Planning permission was granted for the siting of five log cabins to provide holiday accommodation in January 2012 (application reference 11/03893/FUL). The site comprised of a grassed field approximately 0.5km to the east of Hinstock village accessed along a country lane. The log cabins were to be single storey and measured 5 metres wide by 10 metres long and would provide a lounge, kitchen/dining area, two bedrooms and a shower room. The existing access was to be used and would provide a private driveway with a single car parking space being provided for each cabin. Additional landscaping was proposed adjacent to the entrance and a native hedge was to be planted along the north western boundary with the open field. A variation application was subsequently granted in May 2012 to vary condition 2 (approved plans) to provide an enlarged design of cabin for unit 2 (application reference 12/01454/VAR). This log cabin measured 6 metres wide by 11.6 metre long. The application also sought to phase the development with the siting of units 1 and 2 being 'Phase 1' and units 3, 4 and 5 being 'Phase 2'. However, only phase 1 has been completed with the siting of two lodges, although the permission is still extant for the remaining three lodges.
- 6.1.2 A previous application was refused in November 2019 for a similar development of 10 static caravans on a smaller site area (ref. 19/03205/FUL). The Council considered that the proposed number of static caravans on this small plot of land would result in a cramped and overdeveloped appearance having regard to the rural character and open nature of the surrounding countryside. The application was dismissed at appeal in May 2020. The inspector considered that the main issue was the effect of the development on the character and appearance of the area. It was indicated that the site was located in open countryside and away from Hinstock nearby village. The site was bound on two sides by trees and hedging with some gaps and affords some views through the site from adjacent highway and does not offer a continuous dense screen. The post and rail fence and small hedge along the west boundary was adjacent to countryside and relatively open to views from the public realm. It was indicated that the site makes a positive contribution to the character and appearance of the surrounding open countryside. Caravans arranged in fan configuration with some caravans adjacent to southern boundary and were close to the highway. Due to the number and spacing of proposed caravans the visual effect would create a substantial combined mass. Significant impact on the open character of the site and erode its rural character. Site is close to small cluster of built form, although separate and distinct plot away from other development. Layout plan indicates plant cover on the perimeter of the site, although not supported by a landscape assessment to consider visual impact on the wider area. The proposal would result in a relatively intense cluster of static caravans that would result in visual harm to the local character.
- 6.1.3 This current application still proposes 10 static caravans, although the site area now includes part of the paddock to the west which will allow improved separation between the caravans and provision of increased natural woodland landscaping. A detailed Landscape and Visual Appraisal has been undertaken and considered in Section 6.3 of this report.

6.1.4 Concerns have been raised by local residents that one of the existing log cabins has been used as a permanent dwelling and not as holiday accommodation. It appears that the previous owner lived in No.2 Links Green and sold their property in February 2017 and moved into one of the log cabins which was occupied as their permanent residence. Although it appears that the site has now been subsequently sold to the current applicant. Officers have investigated an enforcement complaint regarding the occupation of this unit and there was no evidence of unrestricted residential use.

6.2 Policy & Principle of Development

6.2.1 Policy 6 'Building a Strong, Competitive Economy' of the National Planning Policy Framework indicates that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy policy should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

6.2.2 Policy CS5 'Countryside and Green Belt' of the Shropshire Core Strategy seeks to strictly control development in rural areas requiring economic development to maintain and enhance the countryside's character and vitality and improve the sustainability of rural areas. This policy allows for sustainable tourism, leisure and recreation proposals, which require a countryside location. This policy indicates that new development will be strictly controlled, and new dwellings will only be permitted for agricultural, forestry or other essential countryside workers and other affordable housing / accommodation to meet a local need.

6.2.3 However, Policy CS16 'Tourism, Culture and Leisure' indicates that development would be supported for high quality visitor accommodation in accessible locations served by a range of services and facilities, which enhances the role of Shropshire as a tourist destination to stay. In rural areas, proposals must be of an appropriate scale and character for their surroundings, be close to or within settlements, or an established and viable tourism enterprise where accommodation is required.

6.2.4 Policy MD11 'Tourism Facilities and Visitor Accommodation' of the Site Allocations and Management Development Plan indicates that holiday let development which does not conform to the legal definition of a caravan will be resisted in the countryside following the approach to open market residential development in the countryside as indicated in policy CS5 of the Shropshire Core Strategy and policy MD7a of the SAMDev Plan. The provision of static caravans for tourist accommodation in principle is acceptable, although it is recognised that they have a greater impact on the countryside and should be landscaped and designed to a high quality. The proposed visual impact, scale and character will be considered under the following section.

6.3 Layout, Design & Scale and Impact on Landscape Character

- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. This is reiterated in the Site Allocations and Management of Development (SAMDev) Plan in policy MD2 in which development should reflect local architectural characteristics including building heights, scale and plot sizes.
- 6.3.2 The proposed site covers an area of 0.71ha (1.75 acres) and is located in open countryside to the east of Hinstock village adjacent to a narrow country lane. Open fields are located to the north, north east, south (on the opposite side of the road) and to the west. A small group of 16 semi-detached properties are located between two country lanes to the east of the site and are all sited within spacious plots.
- 6.3.3 The original approved scheme provided 5 log cabins on a site area of 0.33ha (total floor area of 289.2sqm) which equated to a density level of 6 units per acre and provided adequate open space between the units to result in a development which did not appear cramped. The recently refused scheme was reduced from 11 static caravans down to 10 static caravans (total floor area of 417.6sqm) equated to a density level of 12 units per acre with the static caravans being located only a minimum of 7 metres from one another. Having regard to the open nature of the site and rural character officers considered that the provision of 10 units would appear cramped and overdeveloped and would detract from the appearance of the local area.
- 6.3.4 However, this revised application now proposes to utilise an area of the paddock which was previously indicated to be a dog walking area located to the west of the static caravans. The use of this additional land will result in a density level of approximately 6 units per acre identical to the previously approved log cabins. This has resulted in significant gaps between the static caravans ranging from 8 to nearly 17 metres. The car parking and level of hard standing adjoining the static caravans has been reduced and improved natural woodland landscaping in between the units and along the boundaries of the site.
- 6.3.5 This application has now been submitted with a detailed Landscape and Visual Appraisal Report by ReLandscape which concludes that the extensive semi natural woodland planting and new hedgerow on the west boundary would be a positive addition to the local landscape and character. The level of effect on landscape character at completion arising from the loss of two relatively small lengths of hedgerow (to improve the access visibility and create the new internal access road) and the change to the character of the site from grazing land to a static caravan park is judged to be slight and negative. After 15 years, the level of effect would reduce to imperceptible-slight and positive as new semi natural woodland planting matures as a characteristic feature of the surrounding landscape.
- 6.3.6 Hinstock is the closest settlement but, due to intervening vegetation, there are

no opportunities for residents to view the application site. Clusters of residential properties closer to the site on Ellerton Road and The Yelves would have glimpse, oblique views of the application site from second floor windows through mature hedgerows on the site boundaries. Detached properties Ashfields and Corner Farm to the north of the site would potentially have a filtered view of the proposed development although the proposed location of the communal amenity area and areas of semi natural woodland planting adjacent to the north east boundary would reduce the visual effects of the proposed static caravans. The effect of the proposed development on residents at home in these properties would be slight and neutral at completion reducing to negligible after 15 years as semi natural woodland matures.

- 6.3.7 The Council have employed ESP Ltd to review the landscape appraisal submitted by the applicant and concluded that the report had been prepared in a proportionate, clear and evidence-based manner in compliance with the guidance set out in Guidelines for Landscape and Visual Impact Assessment (The Landscape Institute and The Institute for Environmental Management and Assessment; 3rd Edition, 2013). The site has been assessed from a number of vantage points from the public highway and public rights of way. It has indicated that the view north west towards the site from Ellerton Road would be 'slight negative' on completion of the development as this would involve part removal of the hedgerow to provide the improved visibility. However, with the new hedgerow and woodland planting this would be negligible once this is established. The development would also initially have a 'slight negative' impact on the landscape character and its surroundings mainly in a western direction, although the new field hedgerow and the thick native woodland planting would result in a long term 'positive' effect on the landscape character. It was agreed that the initial predicted negative effects would be reduced over 15 years after completion to leave a positive contribution to the landscape character, by virtue of the mitigation planting. Comments were raised regarding the cumulative landscape and visual effects of this development, although there are no other static caravan sites within several miles of this site and therefore it was not necessary for this to be considered in this circumstance. It is recommended that the finished colour of the static caravans and details of the proposed landscape mitigation and maintenance should be conditioned.

6.4 **Impact on Residential Amenity**

- 6.4.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. The proposed static caravans will be located along the eastern and southern boundaries of the field with the nearest static caravan being located 8 metres from the edge of the highway and 60 metres from the nearest residential property (No.1 The Yelves). A number of semi-detached properties are located on the opposite side of the field to the west, although the nearest dwelling (No.6 Links Green) is located approximately 120 metres away. The development includes the provision of a landscaped entrance and landscaping along the field boundary to the west. Having regard to the distance and orientation the proposed units will not result in any detrimental impact.

6.5 **Highways**

- 6.5.1 Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy indicates that proposals likely to generate significant levels of traffic should be located in accessible locations where there are opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. This policy also indicates that development should be designed to be safe and accessible to all. Strong concerns have been raised regarding the suitability of the access road from Hinstock which is narrow and has limited passing points and considered dangerous.
- 6.5.2 The previous application for the 5 log cabins indicated that the most direct approach to the site was along a Class III road serving a rural area with a number of properties and farms between Ellerton to the east and Hinstock to the west. The shortest and most direct route to the site from the main roads would be from the Hinstock direction. The Class III road is typically rural in nature and is of single vehicle width in places and has some tight bends particularly on the eastern outskirts of Hinstock. Having regard to the nature of the development, the likely type of traffic generated would be private cars which can be more suitably accommodated on the adjoining highway network than commercial traffic. As holiday accommodation are unlikely to be fully occupied all year around generating movements every day. It is considered that in general the approach road is not so substandard to cater for the likely traffic from the development and unlikely to materially impact on the prevailing highway situation.
- 6.5.3 The Highways Manager has previously inspected the site and approach roads as indicated are typically narrow with passing places available from the more built up area towards Hinstock. Overall the Highways Authority would not be supportive of any new development that would have a significant material impact on traffic generation on the local highway network. However, having regard to the current application, whilst acknowledging the highway deficiencies of the local highway network, it is considered that it would be difficult to substantiate a highway objection based upon, what is effect, a further 5 static caravans on the site.
- 6.5.4 It is not considered that a highway objection could be sustained on the additional traffic over what is already being accommodated on the adjoining highway network. No objection to the proposal from the highway perspective but it is recommended that the occupancy of the static caravans be restricted to holiday accommodation. In addition, the proposed parking provision and driveway should be satisfactorily completed in accordance with the approved details prior to the static caravans being brought into use.
- 6.6 **Drainage**
- 6.6.1 Policy CS18 ‘Sustainable Water Management’ of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity. Concerns have been raised regarding the land being unsuitable for soakaway drainage due to clay ground. However, there are no known geological ground condition issues which would prevent drainage being provided. The application indicates that foul

drainage will be dealt with via a package treatment plant and no objection has been raised by the Drainage Engineer subject to the design being in accordance with Building Regulations. The application indicates that surface water will be disposed of via a sustainable drainage system including soakaways and the Drainage Engineer has indicated that percolation test and soakaways should be designed in accordance with BRE Digest 365. No concerns have been raised regarding the suitability of the local ground conditions and therefore it is recommended that both the foul and surface water drainage are conditioned accordingly for details to be submitted and approved prior to the commencement of works on site.

6.6.2 Concerns have been raised regarding existing flooding problems on the road from storm drains, although this relates to rain fall onto the road and not from the application site. Problems with the surface water drainage from the road is an issue with the highways drainage and is not related to the planning application. Photographs have been submitted by local residents indicating part of the south east corner of the site being flooded and unsuitable for the siting of static caravans. However, the proposed site is not located in a Flood Zone 2 or Flood Zone 3 and is not designated as an area of land subject to surface water flooding. The application has been submitted with a topographical survey which indicated that the area of land which was flooded was only a maximum of 260mm deep. This occurred after a significant storm with exceptionally heavy rainfall followed by snow. No previous evidence has been provided that this land regularly floods, whilst the floor level of the two static caravans in this area would be positioned at least 500mm above the ground level. In the event of an extreme freak event any surface water would flow underneath the static caravan.

6.7 Other Matters

6.7.1 Concerns have been raised regarding no provision of waste storage, although the submitted layout plan indicates a refuse point (including recyclable waste) directly adjacent to the access. This will allow a waste vehicle to pull off the road and empty the bins.

6.7.2 Concerns have also been raised that the static caravans will be used by the travelling community. However, the application is for holiday accommodation and not permanent residential use.

6.7.3 Comments have been received that horses in the adjacent field will be impacted upon. However, the original site was for a Caravan Club certified site which would have allowed 5 caravans and up to 10 tents at any one time, whilst the previous permission approved 5 wooden lodges. Ultimately the site could generate a certain degree of noise and disturbance, although in reality the provision of 10 static caravans will not create significant noise or disturbance over and above the authorised uses.

7.0 CONCLUSION

7.1 The proposed site has an established use for tourist accommodation and the principle for providing static caravans for holiday accommodation is acceptable.

It is considered that this revised application which provides increased separation between the static caravans and new native hedgerow and woodland planting around the site will minimise any visual impact on the rural character and surrounding countryside. The proposed improvements to the access will improve visibility for emerging vehicles and there is no significant highway impact on highway safety. The static caravans will not result in any detrimental impact on neighbouring properties and visitors will provide some economic benefit to the local area.

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

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.
- The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than 6 weeks after the grounds to make the claim first arose first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of ‘relevant considerations’ that need to be weighed in planning committee members’ minds under section 70(2) of the Town and Country Planning Act 1970.

9.0 FINANCIAL IMPLICATIONS

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

10.0 BACKGROUND

10.1 Relevant Planning Policies

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

National Planning Policy Framework:

Shropshire Council Core Strategy (February 2011):

CS5 : Countryside and Green Belt

CS6 : Sustainable Design and Development Principles

CS16 : Tourism, Culture and Leisure

CS17 : Environmental Networks

CS18 : Sustainable Water Management

Supplementary Planning Document - Type and Affordability of Housing

Site Allocations and Management Development Plan (December 2016):

MD2 : Sustainable Design

MD7b : General Management of Development in the Countryside

MD11 : Tourism Facilities and Visitor Accommodation

MD12 : Natural Environment

10.2 Relevant Planning History

19/03205/FUL - Siting of 10 static caravans with hardstanding; an office building; internal road layout; play area; amenity area and modified access (Amended Description). Refused 8th November 2019. Dismissed at Appeal 1st May 2020.

12/01454/VAR - Variation of Conditions 2 and 4 attached to planning permission

11/03893/FUL. Granted 24th May 2012.

11/03893/FUL - Siting of 5 log cabins to provide holiday accommodation.
Granted 19th January 2012.

11.0 ADDITIONAL INFORMATION

List of Background Papers - Planning Application reference 20/03330/FUL

Cabinet Member (Portfolio Holder) - Cllr Gwilym Butler

Local Member - Cllr Rob Gittins

Appendices

APPENDIX 1 - Conditions

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).
2. The development shall be carried out strictly in accordance with the approved plans and drawings
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.
3. The visibility splays shown on Visibility Plan Drawing No. 2019/1919/001 in Appendix 4 of the Transport Statement Report, also transposed onto the Illustrative Site Layout Drawing No. 214.3.01 shall be set out in accordance with the splay lines shown. All growths and structures in front of these lines shall be lowered to and thereafter maintained at carriageway level prior to the caravans being occupied and thereafter be maintained at all times free from any obstruction.
Reason: To provide a measure of visibility from the new access in both directions along the highway in the interests of highway safety.
4. The access, internal driveway, parking and turning areas shall be satisfactorily completed and laid out in accordance with the Illustrative Site Layout Plan Drawing No. 214.3.01 prior to the caravans being occupied. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.
Reason: To ensure the formation and construction of a satisfactory access and parking facilities in the interests of highway safety
5. The access apron shall be constructed in accordance with Shropshire Council's specification currently in force for an access and shall be fully implemented prior to the caravans being occupied.
highway safety.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

6. No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
 - a) Planting plans, creation of wildlife habitats and features and ecological enhancements;

- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- c) Access layout and visibility splay in line with Highways requirements in order to demonstrate their compatibility with the retention of existing trees and hedges, or measures to replant or translocate hedges behind the visibility splay if required;
- d) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- e) Native species used are to be of local provenance (Shropshire or surrounding counties);
- f) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- g) Implementation timetables.

The plan shall be carried out as approved. Any trees or shrubs which die or become seriously damaged or diseased within five years of completion of the development shall be replaced within 12 calendar months with trees of the same size and species.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

- 7. Within 90 days prior to the commencement of development, a badger inspection shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence of badgers is recorded during the pre-commencement survey then the ecologist shall submit a mitigation strategy for prior approval that sets out appropriate actions to be taken during the works. These measures will be implemented as approved.

Reason: To ensure the protection of badgers under the Protection of Badgers Act 1992.

- 8. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

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

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

- 9. Prior to first occupation / use of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.

- A minimum of 4 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design) and/or small birds (32mm hole, standard design).

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

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

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

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

11. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification, no access gates or other means of closure shall be erected within 12.0 metres of the highway boundary.
Reason: To provide for the standing of parked vehicles clear of the highway carriageway in the interests of highway safety.

12. The static caravans hereby permitted shall only be used to provide holiday accommodation and shall not be occupied as a person's sole, or main place of residence, and the site owner/operator shall maintain an up-to-date register of the names of all owners/occupiers of the holiday lodges on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.
Reason: To ensure that the approved accommodation is not used for unauthorised permanent residential occupation (C3 use) which would be contrary to National and Local Plan Policy..

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Committee and Date
 Northern Planning Committee
 9th February 2021

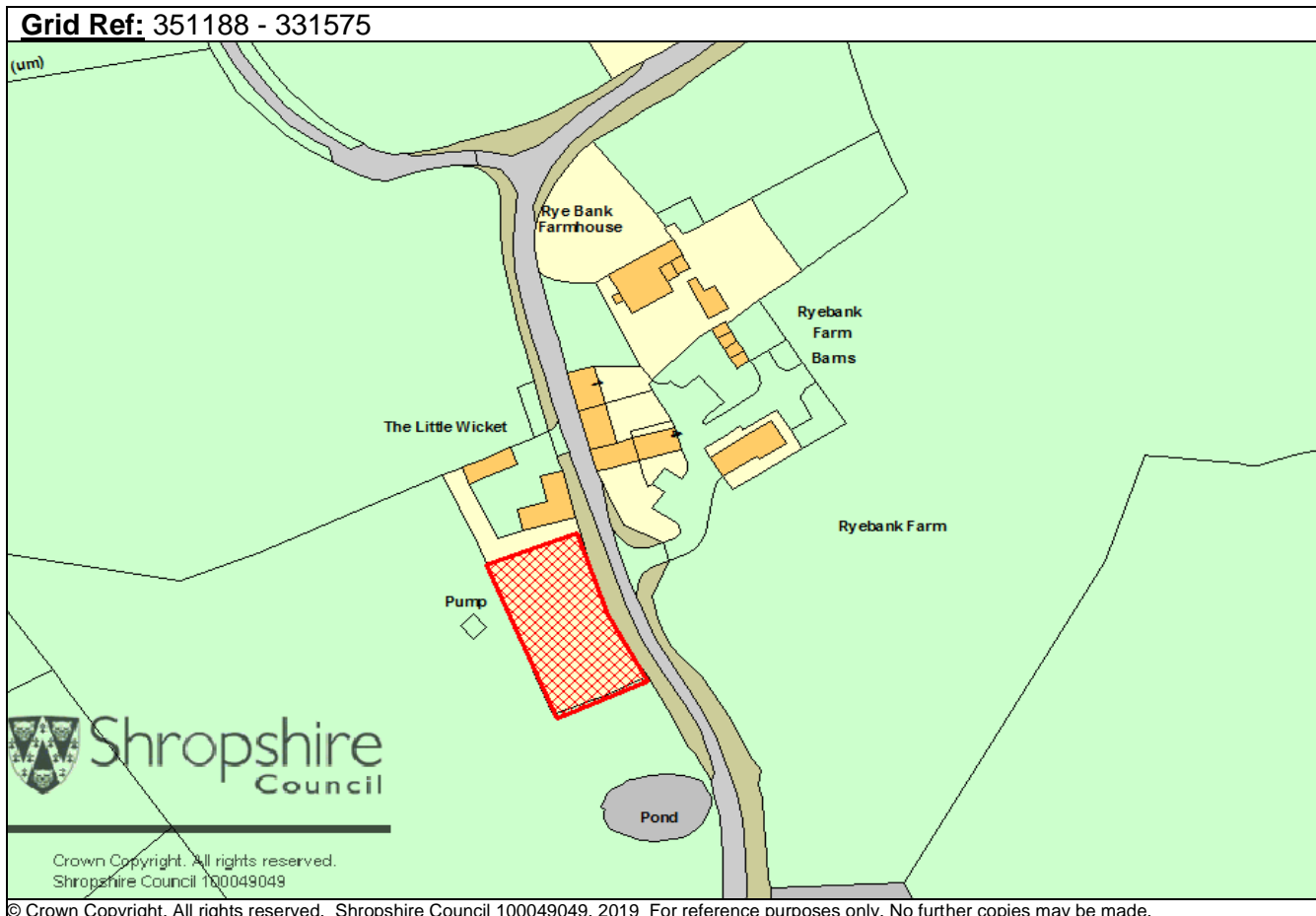
Item
7
 Public

Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 20/03017/FUL	Parish: Wem Rural
Proposal: Erection of a local needs dwelling including garage and access	
Site Address: Land South The Little Wickett, Rye Bank Wem, Shropshire	
Applicant: G. Foxley and S. Forbes	
Case Officer: Richard Denison	email: planning.northern@shropshire.gov.uk



Recommendation: Reason for refusal

1. The proposed local needs affordable dwelling will not be located within or adjoining a named settlement and will represent isolated and sporadic development in the countryside. As such the proposed dwelling would be contrary to policies CS5, CS6 and CS11 of the Shropshire Core Strategy; policies MD2 and MD7a of the SAMDev Plan; and the Type and Affordability of Housing Supplementary Planning Document.

REPORT**1.0 THE PROPOSAL**

- 1.1 This application relates to the erection of a local need's affordable bungalow on land adjoining The Little Wicket at Ryebank. The proposed bungalow will provide a central hallway accessing a living room and open plan kitchen/dining area, an internal corridor will then provide access to three bedrooms and a bathroom. A new vehicular access and driveway will be provided serving a double garage.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located on agricultural land identified as being in open countryside in the adopted SAMDev Plan. The Little Wicket is a small collection of agricultural rural buildings creating a small yard with vehicular access directly to the south. The proposed site is directly to the south of this complex of buildings and is enclosed by a fence. Agricultural land is located to the north, south and west, whilst a mature native hedgerow runs along the narrow country lane to the east. On the opposite side of the road is the former Rye Bank Farm which has now been subdivided and provides six separate residential properties (the former farm house, a single detached residential conversion and an 'L' shaped range of four residential conversions).

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The local ward member has requested for this application to be referred to the Northern Planning Committee within 21 days of the electronic notification of the application. The Principal Planning Officer in consultation with the committee chairman agrees that the local ward member has raised material planning issues and that the application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS**4.1 Consultee Comments**

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

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

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

4.1.2 **Shropshire Council, Affordable Housing Officer** - I can confirm that Miss Foxley and Mr Forbes have demonstrated strong local connections to the Wem Rural Parish Council local administrative area. After considering the couples housing needs and personal circumstances, I can confirm that the requirements of the Supplementary Planning Document in relation to the 'build your own affordable home scheme' have been satisfied. The Local Housing Need elements of this application were established as follows from information presented to the Housing Enabling and Implementation Team in June 2020. Miss Foxley and Mr Forbes are currently living in rented accommodation this is deemed unsuitable for the couple and their sons long-term housing needs. In a letter dated 2nd October 2019 Wem Rural Parish Council confirmed Miss Foxleys local connections to the Parish. The couple receive support from Miss Foxleys parents who live locally and as part of the application a letter has been received confirming this level of care. Miss Foxley is also employed within the Parish. From information provided Miss Foxley and Mr Forbes are unable to purchase a suitable property in the immediate area due to availability and cost, this is due to a lack of lower cost smaller affordable properties available locally. Therefore, Miss Foxley and Mr Forbes have demonstrated housing need, strong local connections and a need to live in the local area. Moreover, due to issues of affordability and availability they are unable to meet their own housing need within the parish without assistance from this policy.

4.1.3 **Shropshire Council, Ecology** - The site extends to 0.08ha and comprises semi-improved grassland, a hedge and fencing. A small section of hedge will be lost as part of this proposal.

Great Crested Newts - There are 6 ponds within 250m of the proposed development. Only 2 ponds have been assessed by Greenscape Environmental in 2020. Due to the distance from the ponds Natural England's Rapid Risk Assessment comes out as Amber: Offence Likely. Without great crested newt survey work undertaken within the breeding season it is not possible to confirm likely absence.

A method statement approach has been provided by Greenscape which includes measures to protect great crested newts if present. The method statement must be adhered to for example: the hedge must be cut to stumps between September and February and then the stumps will be removed over Spring when newts are least likely to be hibernating amongst the roots. All groundwork must be conducted during daylight hours as newts are least likely to move during this time, and major construction work, including trenches for services, footings and other groundworks, must be conducted between December to February when

there is least movement of newts between ponds.

If a great crested is found then works will halt and a licence from Natural England will be applied for in order to re-commence works. To enhance the site for great crested newts new native landscaping should be provided.

Bats - Within 100m Greenscape Environmental have previously recorded pipistelle, brown long-eared and daubentons bats. There is no bat roost potential on site. The site could be enhanced for roosting bats with the inclusion of bat boxes.

Badger - Greenscape Environmental recorded no evidence of badger within 30m of the proposed development boundary.

Net Gain - NPPF and MD12 seek ecological enhancements as part of a planning development. It is recommended that the landscaping around the new buildings will include boundary hedge planting to enhance the area for biodiversity.

No objection subject to safeguarding conditions and informatives.

4.1.4 **Shropshire Council, Highways** - No objection is raised subject to the development being constructed in accordance with the approved details and safeguarding conditions regarding details of the access, parking turning being submitted; access apron to be constructed in accordance with Shropshire Council's specification; gates set back 5 metres from highway carriageway. The development proposes the erection of an affordable dwelling on the western side of the rural unclassified road that runs through the dispersed settlement of Rye Bank. The proposed access and parking arrangements are considered to be adequate for the proposed development. Subject to the conditions listed above being included on any approval, it is considered that there are no sustainable Highway grounds upon which to base an objection.

4.1.5 **Wem Rural Parish Council** - At the meeting of Wem Rural Parish Council held on 1st September 2020 it was resolved to **object** to the application based on the information available. The Council seeks confirmation from the planning officer that the size of the proposed dwelling is within the policy for single plot exception sites. The Council will review its decision on receipt of the ecology report as detailed by the ecology officer.

Officers have confirmed to Wem Rural Parish Council that the proposed plot size is 0.1ha, whilst the internal floor area of the bungalow is 100sqm which complies with the maximum size requirements for a local need affordable dwelling. A copy of the Ecological Appraisal from Greenscape Environmental and the assessment of this report undertaken by apt Group on behalf of Shropshire Council has been submitted to the Parish Council. No further comments have been received to date.

4.2 **Public Comments**

4.2.1 One letter of objection has been received raising the following comments:

- The barns opposite this field have been converted into housing and were on sale
- for over a year which the applicants could easily have opted to look at one of these.
- The site has a large natural pond that is an important habitat for newts including Great Crested newts have been seen in the area and water birds regularly use the pond.
- The field also regularly floods.
- The application also claims there will be no "Trade Effluent" or "industrial or commercial activities".
- The applicants have taken to incinerating plastic at the Little Wickett which is anti-social and creates toxic fumes.
- The site is outside the local plan so not should not really even be considered for development particularly as with 2 miles of the site there is plenty of accommodation (including low cost) for sale.

4.2.2 One letter of objection has been received raising concerns that the adjoining land to the application site has a large incinerator used for burning waste approximately every 4 to 6 weeks which produces acrid black smoke.

4.2.3 Seven letters of support have been received raising the following comments:

- Excellent opportunity for the applicants to construct their own property which is affordable.
- The applicants and their family have lived locally for many generations.
- Gemma and Simon have worked and lived in the local community for some years, she is a HGV driver and is an asset to our company.
- The proposal is sympathetic to its surroundings.
- As immediate neighbouring farmers to the applicants land we whole heartedly support their application for an affordable dwelling for them and their young family to be able to reside on their own land, from which they collectively have farmed as an extended family for decades.
- The dwelling will allow the applicants to manage their land, keep the site secure and provide a home for their young family.

4.2.4 One letter of support has been received from the Planning Group stating the following:

- The proposed building conforms to Shropshire Exception Site housing size policy and fulfils local housing policy. The site is not isolated as it reads as part of a small enclave of buildings, both residential and agricultural. It should be supported in order to provide much needed housing to local families wishing to stay in the area as it is fact that house prices for existing homes in rural North Shropshire are often
- beyond the budget of young families and therefore exclude many whose roots belong in the area. The Exception Site policy is designed to address this issue and should be implemented in this instance.
- Wem Rural Parish Council's objection in relation to the size of the proposed dwelling is unfounded as the D & A and submitted drawings

confirm that the size limitations as set out by policy are complied with and is therefore policy compliant.

- The family are well known in the vicinity and have worked and lived here for many years. Gemma and Simon have a young family and it is not unreasonable to expect them to want to live close to their relations. Coupled with their need to look after their animals and livestock it is without doubt necessary for them to live in their chosen location which is already in family ownership.

4.2.5 The local ward member Cllr Chris Mellings has provided the following comments:

- Ryebank is a distinct area of Wem Rural running from Jessamine Cottage through to Oak Tree Cottage - forming a loose knit, linear settlement pattern either side of the road. Ryebank is clearly indicated on the OS map and forms part of the address of properties making up Ryebank.
- Based on the current edition of the Type & Affordability of Housing SPD, the application is consistent with policy as set out in paras 5.14, 5.15, 5.16 & 5.17 on page 28.
- The design and scale of the proposed dwelling is appropriate and does not adversely affect either the landscape or rural character of the area (para 5.14).
- The proposal is similar to and consistent with those dwellings previously approved at Chapel Lane and at Sandy Bank in Whixall and at Paddol Green in Wem Rural.
- In planning terms, the application would appear to meet both the spirit and letter of the Council's current policy and should therefore be approved with any appropriate conditions.

5.0 THE MAIN ISSUES

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

6.0 OFFICER APPRAISAL

6.1 Background

6.1.1 Prior to the application being submitted a pre-application enquiry was submitted to assess the locational suitability of the site for a local needs dwelling

(application reference PREAPP/19/00200). A detailed response on the 10th May 2019 was provided indicating that on the matter of suitability of location the proposal did not meet with the requirements of adopted policy, in that the land subject to the enquiry was neither within or adjoining one of the main market towns within the County nor an identified Community Hub and/or Cluster nor a recognised named settlement as identified in the development plan. It was indicated that the site was outside any defined development boundary and occupied a countryside location for planning policy purposes. As a site which sits within the countryside for planning policy purposes and that did not directly adjoin and is physically divorced from any residential development forming a recognised settlement, then, in terms of location, the principle for a single plot exception site was considered unacceptable development that would not be supported by officers. It was also indicated that sites that do not lie within a settlement, constituting sporadic development, are not considered acceptable. Such a proposal is rather considered to represent development into the countryside, the incursion of which is harmful to the character and appearance of the locality and rural landscape.

6.2 Policy & Principle of Development

- 6.2.1 The site falls outside any defined development boundary or Community Cluster and is therefore identified as being located in countryside under SAMDev Policy MD1 'Scale and Distribution of Development'. Policy CS5 'Countryside & Green Belt' in the Shropshire Core Strategy, supported by SAMDev Policy MD7b 'General Management of Development in the Countryside', indicates that new development in open countryside will be strictly controlled in accordance with national planning policies protecting the countryside and green belt. However, exception may be made if, the proposal is for affordable housing to meet a local need in accordance with national and local plan policies in which case appropriate sites which maintain and enhance countryside vitality and character may be considered.
- 6.2.2 Policy CS11 'Type and Affordability of Housing' indicates that exception schemes for local needs affordable housing may be considered on suitable sites in and adjoining Community Clusters or recognised named settlements, subject to suitable scale, design, tenure and prioritisation for local people and arrangements to ensure affordability in perpetuity. Policy MD7a of the SAMDev states that suitably designed and located exception site dwellings will be positively considered where they meet evidenced local housing needs and other relevant policy requirements.
- 6.2.3 There is policy support in principle for affordable home exception sites, although these must satisfy stringent policy criteria. The 'in principle' criteria primarily relate to demonstrating the affordable housing need and suitability of location.

Affordable Housing Need

- 6.2.4 The applicant has provided supporting information in June 2020 in relation to the housing need and strong local connection which has been verified by the Housing Enabling Team as follows:

- Miss Foxley and Mr Forbes are currently living in rented accommodation this is deemed unsuitable for the couple and their sons long-term housing needs.
- In a letter dated 2nd October 2019 Wem Rural Parish Council confirmed Miss Foxleys local connections to the Parish.
- The couple receive support from Miss Foxleys parents who live locally and as part of the application a letter has been received confirming this level of care. Miss Foxley is also employed within the Parish.
- From information provided Miss Foxley and Mr Forbes are unable to purchase a suitable property in the immediate area due to availability and cost, this is due to a lack of lower cost smaller affordable properties available locally.
- Therefore, Miss Foxley and Mr Forbes have demonstrated housing need, strong local connections and a need to live in the local area. Moreover, due to issues of affordability and availability they are unable to meet their own housing need within the parish without assistance from this policy.

6.2.5 The applicant has demonstrated a strong local connection to the local area and is unable to meet their housing needs in the local open market without the assistance of this policy. They have a long standing personal and family connection to the local area. A Section 106 planning obligation will be required to ensure the dwelling remains affordable in perpetuity.

Suitability of Location

6.2.6 The proposed site location does not meet with the requirements of adopted policy, in that the land is neither within or adjoining one of the main market towns within the County nor an identified Community Hub or Cluster nor a recognised named settlement as identified in the development plan. Rather, the site lies outside any defined development boundary and occupies a countryside location for planning policy purposes. As a site which sits within the countryside for planning policy purposes and that does not directly adjoin and is physically divorced from any residential development forming a recognised settlement, then, in terms of location, the principle for a single plot exception site is considered unacceptable development.

6.2.7 The local ward member has indicated that the proposed site is located in the named settlement of Ryebank and is similar to other nearby settlements of Chapel Lane and at Sandy Bank in Whixall and at Paddol Green in Wem Rural. However, Ryebank only consists of a small number of properties which are located linear to the road and separated by open fields.

6.2.8 Sites that do not lie in a settlement, constituting sporadic development, and are not considered acceptable. Such a proposal is rather considered to represent development into the countryside, the incursion of which is harmful to the character and appearance of the locality and rural landscape.

6.2.9 On the basis of the advice set out above the proposal for a new dwelling in this location is considered unacceptable and contrary to adopted development plan policy in principle.

6.3 Design, Scale and Character

6.3.1 Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. Section 5 of the Type and Affordability of Housing SPD makes it clear that sites that do not lie in a settlement, constituting isolated or sporadic development, or which would adversely affect the landscape, local historic or rural character (for example due to an elevated, exposed or other prominent position) are not considered acceptable.

6.3.2 The proposed plot is 0.1ha and the bungalow will have a gross internal floor area of 100 square metres which is within the maximum guideline for local needs affordable dwellings. The proposed design will include a small front facing gable with bay window to give interest to the front elevation, whilst windows will incorporate stone cills and brick headers. An external chimney stack will be provided on the gable elevation. A double garage is also proposed which will be positioned directly adjacent to the northern gable elevation of the bungalow. The design will use sympathetic rural materials.

6.3.3 The proposed site is not within or adjacent to a recognised named settlement as indicated in the ‘Suitability of Location. in paragraph 6.2 of this report and is classified as isolated open countryside. The proposed dwelling would be located to the south of the existing range of small rural buildings with open countryside to the south, west and on the opposite side of the road to the east. The site has a roadside frontage of 37 metres and will result in the bungalow and garage extending into countryside and being visible from the roadside and within the rural landscape.

6.3.4 Although the proposed bungalow would appear modest in scale and would reflect the design and appearance of similar properties locally, the bungalow will be isolated and not located within a suitable settlement, and therefore causing a visually detrimental impact on the character of the local area.

6.4 Impact on Residential Amenity

6.4.1 Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. The front elevation of the proposed bungalow will be positioned 11.5 metres away from the edge of the road and over 34 metres away from the residential barn conversions on the opposite side of the road. Having regard to the orientation and distance the proposed bungalow will not result in any detrimental impact on the nearest neighbouring properties. Whilst the movement of vehicles from this single household will not cause any significant increase in noise and disturbance.

6.5 Highways

- 6.5.1 Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy indicates that development should be designed to be safe and accessible to all. The proposed development will provide a new vehicular access which will be located directly opposite the access serving the adjacent residential barn conversions. The adjacent road is unclassified and has a wide grass verge which provides visibility splays of 2.4 metres by 43 metres. The Council highways consultants indicated that the proposed access and parking arrangements are considered to be adequate for the proposed development and no objection is raised subject to a number of safeguarding conditions.

6.6 Ecology

- 6.6.1 Policy CS17 ‘Environmental Networks’ of the Shropshire Core Strategy indicates that development will identify, protect, expand and connect Shropshire’s environmental assets to create a multifunctional network and natural and historic resources. This will be achieved by ensuring that all development protects and enhances the diversity, high quality and local character of the natural environment and does not adversely affect the ecological value of the assets, their immediate surroundings or their connecting corridors. This is reiterated in national planning guidance in policy 11 ‘Conserving and Enhancing the Natural Environment’ of the National Planning Policy Framework. This indicates that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible.
- 6.6.2 A detailed Ecological Appraisal has been undertaken which has indicated that the site extends to 0.08ha and comprises semi-improved grassland, a hedge and fencing and that a small section of hedge will be lost as part of this proposal. There are 6 ponds within 250 metres of the proposed development. Only 2 ponds have been assessed by Greenscape Environmental in 2020. Due to the distance from the ponds Natural England’s Rapid Risk Assessment comes out as Amber: Offence Likely. Without great crested newt survey work undertaken within the breeding season it is not possible to confirm likely absence. However, a method statement approach has been provided by Greenscape which includes measures to protect great crested newts if present. The method statement must be adhered to for example: the hedge must be cut to stumps between September and February and then the stumps will be removed over Spring when newts are least likely to be hibernating amongst the roots. All groundwork must be conducted during daylight hours as newts are least likely to move during this time, and major construction work, including trenches for services, footings and other groundworks, must be conducted between December to February when there is least movement of newts between ponds. If a great crested is found then works will halt and a licence from Natural England will be applied for in order to recommence works. To enhance the site for great crested newts new native landscaping should be provided. Within 100 metres of the site Greenscape Environmental have previously recorded pipistelle, brown long-eared and daubentons bats, although there is no bat roost potential on site. The site could be enhanced for roosting bats with the inclusion of bat boxes. The Council

ecology consultants have raised no objection subject to safeguarding conditions and informatives.

6.7 Drainage

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

6.8 Other Matters

- 6.8.1 Concerns have been raised that an incinerator is used for burning waste on the adjoining land and is causing black smoke and pollution. A number of complaints have been received by Regulatory Services regarding burning of commercial waste, although the applicant (Mr Simon Forbes) has been granted a D6 Exemption to burn waste at this site by the Environment Agency. There are conditions that need to be complied with for a D6 Exemption and the Environment Agency have powers where it can be proved that these are being breached, one of these conditions is that the burning should not cause a nuisance. Regulatory Services have indicated that nuisance is a lower standard than amenity i.e. the impact needs to be worse to prove nuisance than it is for amenity and hence it would in theory be possible to burn and be within the requirements of the D6 Exemption, but still cause an amenity impact. It has also been indicated that considering the proximity of neighbouring residential properties it is not really a suitable location for burning commercial waste and any burning is likely to have an impact on the amenity of neighbouring residential properties and potentially the proposed bungalow. Regulatory Services have requested for a planning condition to be imposed preventing the burning of waste.
- 6.8.2 Under paragraph 55 of the National Planning Policy Framework it makes it clear that planning conditions should be kept to a minimum and only used where they are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. The burning of waste is outside of the red edge of the site location plan for this planning application and although the applicant has a D6 Exemption for burning commercial waste this land is not in the applicant’s ownership and therefore it would not be a condition which would be enforceable. However, the applicant (Miss Gemma Foxley) parents own the land and the applicant owns horses which graze the fields and it is the intention that she will occupy the dwelling. The approved commercial burning of waste and the local needs dwellings are separate issues as the

burning will continue irrespective of whether the local needs dwelling is approved or not. Should the burning be causing a nuisance to neighbours then this would need to be considered by the Environment Agency. It would be reasonable to consider that the applicants are not going to burn waste which impacts upon their own amenity and young family.

7.0 CONCLUSION

7.1 Although it has been demonstrated that the applicant is in housing need and unable to afford an alternative property within the local area the proposed local needs affordable dwelling will not be located within or adjoining to a named settlement and will represent isolated and sporadic unsustainable development in the countryside. The recommendation is therefore one of refusal for the reason as outlined at the start of this report.

7.2 Shropshire Council seeks to work proactively with applicants to secure developments that improve the economic, social and environmental conditions of an area in accordance with the National Planning Policy Framework. However, in this case the application is not considered in principle to fulfil this objective having regard to relevant development plan policies and material planning considerations.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

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

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

8.2 Human Rights

Article 8 give the right to respect for private and family life and First Protocol

Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

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

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

8.3 **Equalities**

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

9.0 **FINANCIAL IMPLICATIONS**

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

10.0 **BACKGROUND**

10.1 **Relevant Planning Policies**

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

National Planning Policy Framework (March 2012):

Shropshire Council Core Strategy (February 2011):

CS5 : Countryside and Green Belt

CS6 : Sustainable Design and Development Principles

CS11 : Type and Affordability of Housing

CS18 : Sustainable Water Management

Supplementary Planning Document (SPD) on the Type and Affordability of Housing

Site Allocations and Management Development Plan (December 2016):

MD2 : Sustainable Design

MD7a Managing Housing Development in the Countryside

MD12 : Natural Environment

10.2 Relevant Planning History

10/05645/FUL - Application under Section 73a of the Town and Country Planning Act 1990 for the erection of an agricultural livestock building. Granted 13th April 2011.

12/02500/AGR - This prior notification is for the surfacing of a yard to store fodder and beddings for animals for agricultural use. Prior Approval Not Required 23rd July 2012

12/05165/AGR - Prior notification for the erection of an extension to an existing block of grazing animal shelters intended for the purpose of the storage of hard and bagged feeds also medicinal supplies. Prior Approval Not Required 28th January 2013.

16/01534/AGR - Replacement of implement shed and barn making one combined building resulting in a building, of a reduced foot print. Prior Approval Not Required 17th May 2016.

PREAPP/19/00200 - Proposed affordable dwelling. Unacceptable Development 10th May 2019.

11.0 ADDITIONAL INFORMATION

List of Background Papers - Application reference 20/03017/FUL

Cabinet Member (Portfolio Holder) - Cllr Gwilym Butler

Local Member - Cllr Pauline Dee and Cllr Chris Mellings

Appendices - None



Committee and Date
 Northern Planning Committee
 9th February 2021

Item
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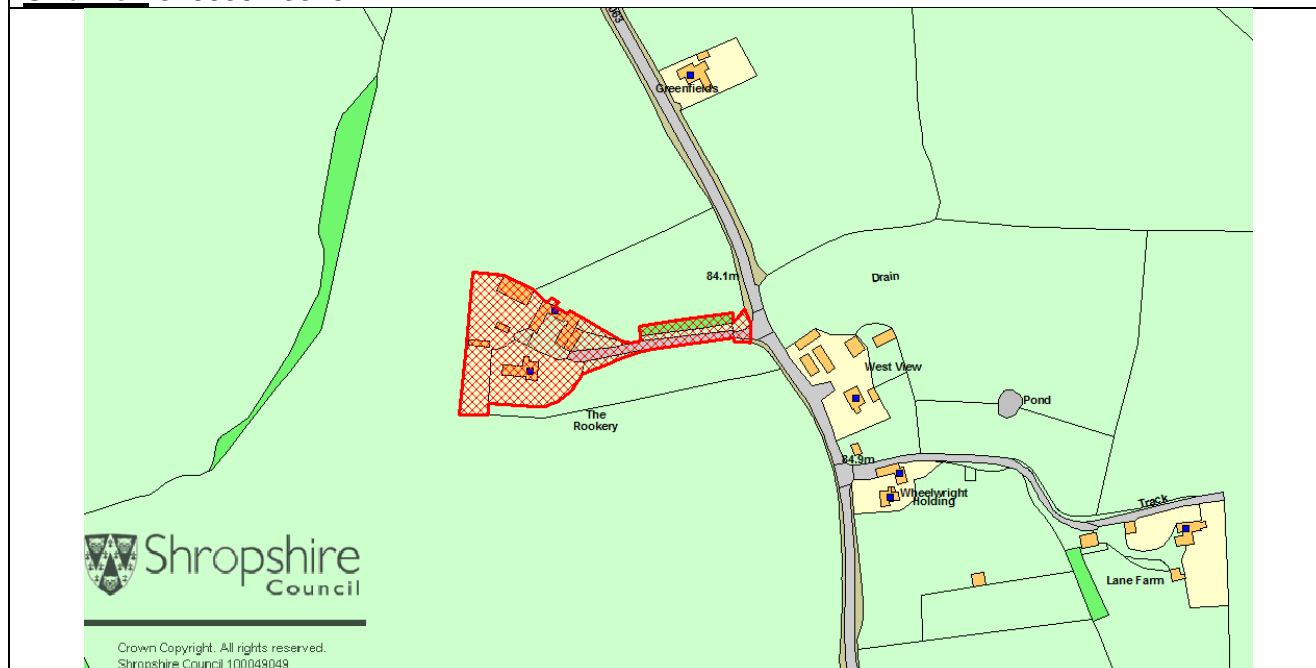
Development Management Report

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

Summary of Application

Application Number: 20/03670/FUL	Parish: Wem Rural
Proposal: Erection of two-storey extension, single storey entrance porch, re-rendering existing house, replacement windows, remodel existing side entrance and clad in timber to match new extension.	
Site Address: The Rookery, Northwood, Shrewsbury, SY4 5NH	
Applicant: Philip Goldby	
Case Officer: Shannon Franklin	email: planning.northern@shropshire.gov.uk

Grid Ref: 346638 - 332811



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Recommendation:- Refusal for the following reasons:

1. The proposed development is considered to be out of context and character in relation to the existing dwelling on site, as well as that of the original dwelling, to which the proposed extension is not sufficiently subservient in scale representing over development in relation to the existing dwelling and prevailing theme of the surrounding built character.
2. The proposed two storey extension will result in an increase in floor area which adds further to an originally modest dwelling which has already been significantly increased in size, the proposed extension would adversely impact on the character, appearance and context of both the dwelling and the surrounding rural area contrary to Local Development Core Strategy Policies CS6 and CS17, SAMDev Plan Policy MD2, the SPD Type and Affordability of Housing and the National Planning Policy Framework.

REPORT**1.0 THE PROPOSAL**

- 1.1 The application seeks planning permission for the erection of two storey extension, single storey entrance porch, re-rendering of the existing house, installation of replacement windows throughout and the remodelling of an existing side entrance including cladding it in timber to match new extension, at the existing dwelling known as 'The Rookery'.
- 1.2 The submission of this application follows the approval of application referenced 19/05250/FUL which approved a single storey extension together with the rendering and porch alterations. This previous scheme was heavily amended from a previous two storey extension upon the advice of Officers that a two-storey extension would be refused.

2.0 SITE LOCATION

- 2.1 The proposal relates to the existing dwelling known as The Rookery, a detached property situated within a generous plot, surrounded by land within the applicant's ownership. To the north of the main house are detached agricultural outbuildings and an associated yard.
- 2.2 The site lies south of the village of Northwood on the west side of the B5063. The boundaries of the site are currently formed of a mixture of trees hedging and fencing. The driveway from the nearby highway is lined with mature trees.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council are in support of the application and the Local Member has called in the application within 21 days of notification. As Officers have recommended refusal of the application contrary to Local Member and Parish Council support, this has triggered the consideration of the application by Committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 - Consultee Comments

4.1.1 Wem Rural Parish Council – 07.10.2020 – Supports

At the meeting of Wem Rural Parish Council held on 6 October 2020 it was resolved to support the application.

4.1.2 SC Conservation – 17.12.2020 – Amendments Recommended

The proposal affects The Rookery which is a historic farmstead that is featured on the Historic Environment Record (HER) as part of the Historic Farmsteads Characterisation Project. Therefore the principal farmhouse is considered to be a non-designated heritage asset as defined under Annex 2 of the NPPF. The existing building forms of a 'T' plan and has been heavily modified with regards to being rendered with a slate tiled roof.

It is noted that this proposal is a resubmission to that of 19/05250/FUL that was granted permission, where this application is effectively an amendment where the proposed single storey extension on the south elevation is now substituted by a two-storey extension. Whilst a single storey extension would be preferable, it is noted that the ridge height shall be set down along with side recesses. Therefore, there are no principle objections to the proposal including the re-rendering of the property in an off-white finish (as previously proposed).

No objections subject to conditions as previously attached with regards to external materials and finishes including matching roof slates (samples etc).

4.2 - Public Comments

4.2.1 This application was advertised via notice at the site. At the time of writing this report, no representations had been received in response to this publicity.

4.2.2 The Local Member has provided written comments in support of the proposal, 'calling in' the application such that it must be considered for a committee determination at the relevant agenda setting meeting. The Local Member comments are provided below:

From a planning perspective, given the nature of the dwelling I don't believe the current application causes significant harm to the non-designated asset and is therefore consistent with para 197 of the NPPF and MD13 & CS17 of Shropshire's Local Plan. The Conservation Officer in his response has already said that he has no objection in principle.

The proposals do not compromise the original and ensure its form is recognisable and therefore does not overwhelm the current dwelling. Based on this and the Conservation Officer's comments, it would appear the current proposals satisfy the requirements of policy CS6 and items 2/3 & 7 supported by paras 3.6, 3.7 & 3.9 of MD2. It would also meet the needs of this large family and whilst perhaps not an immediate planning consideration nevertheless is a factor. Meeting the needs of the family (how many properties are capable of accommodating a family of 11??) does not compromise the planning issues and the proposals are both sustainable and complement the existing dwelling which is set on its own and back from the highway so causing no harm visually.

Members have previously been advised by the Planning Services Manager that planning is a matter of judgement and interpretation. In this instance, therefore, I strongly feel there are material planning reasons as outlined in CS6, CS17, MD2, MD13 and para 197 of the NPPF for this application to be approved as set out.

However, should Officers be minded to recommend refusal of the application, I would ask that it be referred to Committee for decision to enable it to exercise its judgement and interpretation. I trust this is acceptable on the basis of material planning reasons for approval being given.

5.0 THE MAIN ISSUES

- 5.1**
 - **Principle of development**
 - **Siting, scale and design of the structure**
 - **Visual impact**
 - **Other matters**

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Alterations and development to properties are acceptable in principle providing they meet the relevant criteria of Shropshire Core Strategy Policy CS6: Sustainable Design and Development Principles; this policy seeks to ensure any extensions and alterations are sympathetic to the size, mass, character and appearance of the original property and surrounding area.
- 6.1.2 Policy MD2: Sustainable Design of the Site Allocations and Management of Development (SAMDev) Plan additionally seeks to achieve local aspirations for design where possible.
- 6.1.3 Section 12 of the National Planning Policy Framework; Achieving good design, reinforces these goals at a national level, by requiring development to display favourable design attributes which contribute positively to making places better for people, and which reinforce local distinctiveness.
- 6.1.4 Shropshire Core Strategy Policy CS17: Environmental Networks is concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment and does not adversely affect the visual, ecological, geological, heritage or recreational values and function of these assets.
- 6.1.5 MD13 of the SAMDev component of the Local Plan seeks to ensure Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored through appropriate and well considered design. This policy is relevant to this current application where the original cottage is attributed some heritage value due to its age.

6.1.6 The Supplementary Planning Document on the Type and Affordability of Housing (SPD) also sets out policies in connection with extensions to existing dwellings. The policy requires a mix of housing to be available whilst there is a need to maintain acceptable living standards for the occupants of dwellings including the internal size of living accommodation and the provision of external private amenity space. It is also commented that it is important to ensure that such development does not have unacceptable impact on neighbouring properties due to overshadowing or loss of privacy.

6.1.7 The principle of development for the provision of an extension to the property is considered to be acceptable, subject to compliance with the criterion of additional policies as discussed below.

6.2 Siting, scale and design of structure

6.2.1 In addition to the policies mentioned above, policy CS5 also states that development in rural areas needs to consider the scale and design of proposals to ensure that development is of an appropriate scale, well designed and does not erode the character of the countryside. Plus, within the SPD on the Type and Affordability it sets out the Council's objectives with regard to extensions to dwellings in the countryside. It has been noted that the size of dwellings in these areas is a concern as the trend is towards providing larger and more expensive dwellings. This leads to the exclusions of less well-off including those who need to live and work in these areas. As such it is important that an appropriate stock of smaller, lower cost, open market dwellings are provided.

6.2.2 The policy states that the Council seeks to control the size of extensions to houses in the countryside for two reasons:

- To control the size of dwellings to maintain housing stocks; and
- Larger dwellings can have a visual impact on the rural landscape and as such affect the character and appearance of the area and the original dwelling.

6.2.3 The existing dwelling has been subject to an extension previously approved under decision notice referenced NS/88/00934/FUL in 1988. This provided a two-storey extension to the rear wing of the existing dwelling. As such the original dwelling has already undergone significant extension and the cumulative impact of a further two storey extension must be taken into consideration. Whilst Officers note the stepped down ridge line and the slight set back from the principal elevation it is still considered that the provision of a further two-storey extension would be unacceptable in terms of scale, cumulative impact on the original dwelling and would therefore constitute over development.

6.2.4 The extension would measure 6.4m in length and approximately 5.5m in width. The extension would be slightly narrower in footprint than the original dwelling, set back from the principal elevation and rear elevation by 100mm.

6.2.5 The existing dwelling occupies a 'T' shaped floor plan. The proposed two storey extension is sited to the south elevation of the original dwelling. This siting, whilst

within the existing established curtilage of the dwelling will result in the two storey extension occupying a prominent position when approaching along the entrance drive such that the over dominant nature of the extension is emphasised.

6.2.6 The scheme seeks to provide modernisation and refurbishment to the wider dwelling such that it will have a more modern appearance and those aspects which appear dilapidated at present will be improved in terms of their visual appearance. Given the extent of the existing alterations to the original dwelling; rendering, replacement with windows and extensions and alterations, the remodelling and further façade changes are not considered to be unacceptable. It should be noted that these changes have been permitted within the earlier approval for a single storey extension and therefore the principle of development for these changes has been established.

6.2.7 The additional changes included within the scheme are summarised as below:

- Remodelling of existing side entrance with cladding to match new extension, new entrance door and corner window element, skylight to west roof plain;
- Replacement of angled glazing unit with ordinary casement windows
- Replacement of all existing windows with RAL 7016 UPVC Windows with wood grain texture;
- Replacement of window to existing kitchen/new snug with french doors (to match other windows);
- Externally insulating and re-rendering property, associated remedial works to bargeboards/soffits where necessary;
- Any solar panels to be low profile of a type approved under GPDO criteria;

Where planning permission is required for these alterations, the proposal is considered to be acceptable.

6.3 Visual impact

6.3.1 As outlined above the visual alterations to the dwelling; re-renderings, replacement windows, remodelling of the existing porches, is considered to represent a slight visual improvement in the dwelling on site.

6.3.2 That being said the two-storey scale and prominence of the extension proposed when viewed from the principal elevation is considered to be unacceptable. The extension as indicated is considered to represent an over dominant addition to the original dwelling which has already undergone significant extensions to the rear elevation.

6.3.3 The original dwelling on site has some heritage value, in accordance with MD13, and is considered to be a non-designated heritage asset. Whilst it is recognised that the SC Conservation consultee have not formally objected to the proposal they make clear that a single storey extension (as previously approved) would have a reduced visual impact and is therefore preferred from a heritage perspective.

6.3.4 Officers recognise that due to previous alterations implemented at the site, particularly the re-rendering, have degraded the heritage value of the dwelling

and masked any historic features which would previously have contributed to the character of the dwelling, and resultantly those external works proposed (rendering, replacement windows) do not result in an objection in their own right. The alterations proposed will result in a more modern appearance for the dwelling that is supported. The materials; render, tiles and timber cladding left to weather naturally, are both reflective of the existing building on site, as well as suitably reflective of other dwellings in the locality and the rurality of the site.

6.3.5 Due to the siting of the dwelling back from the highway edge and the presence of mature tree planting to the majority of its wider boundaries, there are no public viewpoints; including footpaths and the nearest highway. However, this siting does not enable Officers to recommend approval of an application where an unacceptable cumulative impact upon the original dwelling and over development has been identified.

6.4 Other matters

6.4.1 The proposal will not alter the existing highways arrangement or the parking facilities on site. Sufficient parking spaces proportionate to the scale of the resultant dwelling will be retained on site and ample turning space will enable vehicles to enter and exit the site in a forward gear.

6.4.2 The siting of the proposed extension and resultant alterations ensure that no trees worthy of retention will be removed and no other habitats of ecological value will be impacted.

6.4.3 Given the isolated siting of the dwelling there are no nearby neighbours which will be affected by the proposal. The outbuildings to the north, currently used for domestic storage and agriculture in association with the use of the wider site as a domestic small-holding, will also not be affected or altered demonstrably by the proposal. These buildings have permission for conversion to residential dwellings and the proposal is not considered to impact upon this potential use nor them on the existing dwelling.

7.0 CONCLUSION

7.1 The proposed development is considered to be out of context and character in relation to the existing dwelling on site, as well as that of the original dwelling, to which the proposed extension is not sufficiently subservient in scale representing over development in relation to the existing dwelling and prevailing theme of the surrounding built character.

The proposed two storey extension would result in an increase in floor area which adds further to an originally modest dwelling which has already been significantly increased in size, the proposed extension would adversely impact on the character, appearance and context of both the dwelling and the surrounding rural area contrary to Local Development Core Strategy Policies CS6 and CS17, SAMDev Plan Policy MD2, the SPD Type and Affordability of Housing and the National Planning Policy Framework.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary

dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:
CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks
MD13 - Historic Environment
MD2 - Sustainable Design
SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

NS/03/00720/FUL Single storey extension to provide sun lounge to existing dwelling CONAPP 13th August 2003
NS/06/01993/ENQ Enquiry re pre-application advice REC
NS/88/00934/FUL Erection of extension to provide bedroom and bathroom. GRANT
PREAPP/12/00390 Proposed conversion of existing outbuilding to residential use PREAIP 29th August 2012
13/00130/FUL Conversion of outbuildings to form two dwellings GRANT 19th September 2013
13/05089/COU Change of use of land to garden and paddock to include erection of post and rail fence GRANT 13th February 2014
16/00333/DIS Discharge of Conditions 3 (Materials) and 4 (Drainage) of Planning Permission
13/00130/FUL for the conversion of outbuildings to form two dwellings DISAPP 22nd February 2016
16/03150/FUL Conversion of outbuildings to form 2 no. dwellings (renewal of extant consent 13/00130/FUL) GRANT 25th April 2017
19/05250/FUL Erection of single story extension, single story entrance porch, re-rendering existing house, replacement windows, remodel existing side entrance and clad in timber to match new extension GRANT 11th May 2020

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items

containing exempt or confidential information)

Cabinet Member (Portfolio Holder)

Councillor Gwilym Butler

Local Member

Cllr Pauline Dee

Cllr Chris Mellings

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<u>Committee and Date</u>
Northern Planning Committee
9 th February 2021

<u>Item</u>
10
Public

Development Management Report

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

SCHEDULE OF APPEALS AS AT COMMITTEE February 9th 2021

Appeals Lodged

LPA reference	20/03051/PMBPA
Appeal against	Prior Approval of PD Rights
Committee or Del. Decision	Delegated
Appellant	Mrs Burleigh
Proposal	Change of Use agricultural building to residential use
Location	Building South of 12 Weston Heath Weston under Redcastle
Date of appeal	25.11.2020
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	

LPA reference	20/02126/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	M S Holyhead
Proposal	Erection of 2 detached bungalows and new vehicular access and installation of septic tank
Location	Land adj Four Lane Ends Cheswardine
Date of appeal	19.11.2020
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

Appeals Determined

LPA reference	20/01421/CPL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mrs Barbara Mayer
Proposal	Certificate of Lawful development for the conversion of agricultural building to a dwelling, creation of access track, hardstanding and garden area
Location	Barn South Of Hilltop Farm Hampton Wood Ellesmere Shropshire SY12 0NN
Date of appeal	25.08.2020
Appeal method	Written Reps
Date site visit	17 November 2020
Date of appeal decision	15 January 2021
Costs awarded	
Appeal decision	Dismissed

LPA reference	20/01043/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mrs J Murphy
Proposal	Outline application (all matters reserved) for the erection of four (self-build) dwellings with garages
Location	Land to the North of Hollins Lane Tilstock
Date of appeal	05.10.2020
Appeal method	Written Representations
Date site visit	08.12.2020
Date of appeal decision	20.01.2021
Costs awarded	
Appeal decision	DISMISSED

LPA reference	20/02185/OUT
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mr & Mrs C Evans
Proposal	Outline application (access for consideration) for the erection of one dwelling to include amendments to existing vehicular access and the removal of trees.
Location	The Dog In The Lane Astley Shrewsbury
Date of appeal	02.09.20
Appeal method	Written Representations
Date site visit	08.12.20
Date of appeal decision	28.01.21
Costs awarded	
Appeal decision	DISMISSED

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Appeal Decision

Site visit made on 17 November 2020

by S A Hanson BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2021

Appeal Ref: APP/L3245/X/20/3256290

Barn South of Hilltop, Welshampton, Shropshire SY12 0NN

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mrs. Barbara Mayer against the decision of Shropshire Council.
 - The application Ref 20/01421/CPL, dated 6 April 2020, was refused by notice dated 12 June 2020.
 - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is described as: conversion of agricultural building to a dwelling, creation of access track, hard standing and garden area.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The creation of an access track would not be permitted development under Class Q and would require separate planning permission.

Main Issue

3. This is whether the Council's decision to refuse to issue an LDC for the conversion of the agricultural building to a dwelling was well-founded. The decision turns on whether the works proposed are in excess of those considered reasonably necessary to facilitate the conversion under Article 3(1) Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

Background

4. Class Q of Part 3 of Schedule 2 to the GPDO provides that "Development consisting of— (a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or (b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule" is development permitted by the GPDO, subject to limitations and conditions. Among the latter is a pre-commencement requirement to apply to the local planning authority for a determination as to whether the prior approval of the authority will be required

as to the transport and highways impacts, noise impacts, contamination and flooding risks, whether the location or siting of the building makes the change of use otherwise impractical or undesirable, and the design or external appearance of the building.

5. Development may not begin until either (i) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required, (ii) notice is given within 56 days following the date of receiving the application of their determination that such prior approval is required, and that it is given, or (iii) the expiry of 56 days following the date on which the application was received without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination.
6. The appellant applied to the Council for a prior approval determination for the change of use and the works, accompanied by the requisite details. The Council failed to notify the applicant of its determination before the expiry of the relevant period, hence condition Q.2(1) was discharged, and that was affirmed by an appeal¹ made under section 78 of the 1990 Act. However, it is well established that regardless of the outcome of the prior approval process, development can only proceed if it is in any case development permitted by the GDPO.

Reasons

7. The appeal building is a modern, steel-portal-framed building, externally clad in profiled sheeting atop a concrete floor slab. Internally, the frame is exposed with metal stanchions and rafters, and timber purlins and side rails, to which the single skin profile cladding is riveted. The building has no internal subdivisions and was not in use at the time of my visit.
8. The Council's case rests on its view that the works proposed to convert the building into a dwelling house would represent works in excess of those considered 'reasonably necessary' under Schedule 2, Part 3, Q.(b) and Q.1(i)(i) to facilitate the conversion, and the building's suitability of conversion.
9. Schedule 2, Part 3, Class Q of the GPDO permits the change of use of an agricultural building and any land within its curtilage to a dwellinghouse and any building operations reasonably necessary to convert the building to such a use. Paragraph 105 of the Planning Practice Guidance (PPG) assists in defining the scope of allowable works. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. 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. Therefore, 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 right.

¹ APP/L3245/W/19/3232168 dated 17 September 2019

10. The appellant's structural report informs that the conversion scheme would utilise the existing structure, with a new internal structure added to partition and create the conversion to habitable space. However, the evidence within the drawings indicates otherwise. The appellant points to the Council's misunderstanding regarding the phrase self-supporting partition which she clarifies that it "does not confirm that the existing structural frame is unable to accommodate any additional loading" and that this is substantiated by the structural report and accompanying calculations. That may be the case, however the section Drawings BR-31 rev A and Br-31 rev A show a 140 mm wide insulated timber frame inner skin encompassing the internal walls and roof of the existing building.
11. The drawings also show that a substantial proportion of the existing external steel cladding on the building would remain. Although around the base of the building the cladding would be replaced by three courses of engineering brickwork on top of which would be three courses of blockwork, to window sill level, and this would be covered with 675mm high Cedar cladding. The appellant notes that "these features are proposed purely for aesthetic purposes to enhance the appearance of the proposed dwelling". However, it would seem to me that the purpose of the internal timber frame and the blockwork plinth confirms that the existing structural frame is unable to accommodate the required additional loading.
12. A new concrete floor is also proposed on top of the existing concrete slab that would, in turn, act as a foundation to carry the new timber framed structure and breeze block plinth. This timber framed structure would support the internal partitions to divide the rooms and also the new openings, as shown on Drawings BR-10 rev A and BR-31 rev A. Whilst section plans have been supplied, these fails to show any intersecting attachments to the existing building, resulting in an inability to confirm the exact internal wall build.
13. Reference is made to the case of Hibbitt². The appellant has suggested that there are significant differences between the appeal building and the building subject of the Hibbitt judgement in that the appeal building is enclosed on all sides whereas the Hibbitt building was substantially open on 3 sides. However, I disagree as the case is cited in current PPG Paragraph 105 as an appropriate reference point for considering the difference between conversions and re-building. Whilst references in the Judgement to the previous version of PPG Paragraph 105 must be treated with caution, those parts concerning whether an agricultural building is capable of functioning as a dwelling are still relevant to the current guidance.
14. In the case of Hibbitt, the Court considered whether the works required to bring about the change of use amounted to a re-build or 'fresh' build, rather than a conversion as required by the permitted development right. It was held to be a matter of legitimate planning judgement as to where that line was drawn. However, the Inspector was held to have correctly deemed that the works went a very long way beyond what might sensibly or reasonably be described as a conversion, having noted that the development was in all practical terms starting afresh with only a modest amount of help from the original agricultural building. My earlier findings in this case have strong parallels to this situation, whereby the installation of a new internal timber

² Hibbitt & Another v SCLG & Rushcliffe Borough Council [2016] EWHC 2853 (Admin)

frame would create the structure for the domestic dwelling. The modest help given by the existing building appears to be limited to providing an outer shell.

15. Having regard to the Hibbitt case and as a matter of fact and degree, I find that the building is not capable of functioning as a dwelling without substantial construction works that go well beyond conversion. The building is hardly more than a skeletal frame with metal sheeting to its walls and roof. It is basically a large agricultural shed without proper foundations and with a concrete slab floor. The proposed works would extend beyond building operations reasonably necessary to convert the building to residential use and the proposal is, essentially considered to be a 'fresh build' within the parameters of a pre-existing structure. I therefore conclude that the works necessary to create a dwelling from the structure onsite would not fall within the scope of that permissible under Class Q(b). It follows that the proposal cannot be permitted development under Article 3(1) Schedule 2, Part 3, Class Q.

Other matters

16. I have been directed to Drawing Ref: BR-20 A (Proposed Elevations) which details a twin lined flue which projects from the original roof line. This addition would not comply with the limitation at paragraph Q.1(h) of Class Q which provides that development is not permitted if it would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point.
17. The appellant has also provided a decision notice relating to a prior approval for an agricultural building within the same locality which was allowed on appeal. I note that this building had an existing steel frame, roof and concrete floor which was to be retained. With approximately 50% of the block walls removed to create new openings or replaced with timber cladding. The proposed timber cladding would be attached to a timber frame that would be affixed to the remaining block walls and the steel frame. The appellant confirms that the internal walls would be supported by the existing steel frame, blockwork and concrete floor. From the limited details before me, I consider that the cases are sufficiently dissimilar that different conclusions are justified.

Conclusion

18. For the reasons given above, I conclude that the Council's refusal to grant an LDC in respect of the conversion of an agricultural building to a dwelling, creation of access track, hard standing and garden area was well-founded. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

S A Hanson

INSPECTOR



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: 20th January 2021

Appeal Ref: APP/L3245/W/20/3258230

Land off Hollins Lane, Tilstock, Whitchurch, SY13 3NT

- 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 Mrs Jane Murphy against the decision of Shropshire Council.
 - The application Ref 20/01043/OUT, dated 1 March 2020, was refused by notice dated 14 July 2020.
 - The development proposed is 4 No. plots for self-build dwellings with garages.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline with all matters reserved for future consideration. Drawings showing an indicative layout of the development were submitted with the application, and I have had regard to these in determining this appeal.
3. The site has been subject to a previous dismissed appeal decision¹ for housing development. I attach significant weight to the previous Inspector's findings, albeit I note that the previous scheme did not propose self-build dwellings.
4. A Unilateral Undertaking ('UU') has been submitted that commits the owner to provide 4 serviced plots to persons included on the Council's Self-Build Register. The UU is signed and dated, and I have taken it into account in reaching my decision.

Main Issues

5. The main issues are, firstly, the effect of the development on the character and appearance of the area and, secondly, whether the site is in a suitable location for housing having regard to local planning policy.

Reasons

Character and appearance

6. The appeal site comprises an area of open countryside on the north eastern side of Hollins Lane. It is located at an entrance point to the village of Tilstock and is prominent in views along the street.

¹ APP/L3245/W/15/3140631

7. The Inspector who determined the previous appeal at the site noted that it marks the beginning of open countryside when leaving the village and is a pleasant open contrast to the ribbon of houses on the other side of the road. He further noted that the site appears as part of the countryside setting to the village and forms part of a wider area of attractive, high quality landscape which rises northwards from Hollins Lane. Based on my own observations, I concur with that assessment. Whilst all matters are reserved at this stage, the development of 4 dwellings would harmfully eat into this pleasant piece of countryside, in a prominent position at an entrance point to the village.
8. It is asserted that the landscape impact of the development would be no different to that of other sites allocated for housing in Tilstock. However, those allocations were assessed by the Inspector who examined the Shropshire Site Allocations and Management of Development ('SAMDev') Plan, who concluded that they were sound. I see no reason to revisit this matter here.
9. For the above reasons, I conclude that the development would significantly harm the character and appearance of the area. It would therefore be contrary to Policies CS5 and CS6 of the Shropshire Core Strategy (2011), which seek to ensure that new development maintains the character of the countryside. It would also be at odds with the National Planning Policy Framework ('the Framework'), which requires that development is sympathetic to local character.

Suitable location

10. The site lies outside of the settlement boundary for Tilstock and is therefore in the countryside for planning purposes. Policy CS5 of the Shropshire Core Strategy and Policy MD7a of the SAMDev Plan seek to exercise strict control over new development in the countryside. The development does not fall within the limited range of uses allowed for in these policies and it is therefore contrary to the development plan in this regard.
11. It is asserted that the development plan is out of date as it does not refer to the provision of self-build or custom-build housing. However, my attention has been drawn to a recent appeal decision² in Shropshire that also considered this matter. That Inspector found that whilst Policies in the Shropshire Core Strategy and SAMDev Plan do not refer specifically to self-build housing, the development plan is neither silent nor out of date in relation to these matters. I attach significant weight to this appeal decision, which refers to the policies currently under dispute, and I concur with that Inspector's view.
12. The SAMDev Plan was subject to a Main Modification that committed the Council to an early review of the plan, including a detailed review of the Green Belt boundary. Whilst I understand that the Council is in the process of undertaking this review, it is currently at a relatively early stage of preparation. However, it is common ground that the Council is able to demonstrate a deliverable 5 year supply of housing sites, and so the policies most relevant for determining the application are not out-of-date in this regard. Moreover, the Inspector for appeal Ref APP/L3245/W/19/3224318 emphasised that the Council's policies should not be considered out of date simply because they predate the publication of the Framework and the Self-build Act.

² APP/L3245/W/19/3224318

13. The appellant asserts that the housing allocations in Tilstock should already have been delivered. However, that is not stipulated in Policy S18.2 of the SAMDev Plan, and I note that the plan period runs to 2026. Moreover, the Council state that site TIL008 is now built out, and that both TIL001 and TIL002 benefit from planning permission. Moreover, housing completions and approvals in the wider Whitchurch Rural & Ightfield and Calverhall Community Cluster significantly exceed the relevant housing guideline of 100 dwellings. Accordingly, there is no shortfall of housing sites in this area.
14. For the above reasons, I conclude that the development is not in a suitable location for housing with regard to local planning policy. It is contrary to Policies CS4 and CS5 of the Shropshire Core Strategy (2011) and Policies MD7a and S18.2 of the Shropshire SAMDev Plan (2015) in this regard.

Other Matter

15. The Council has a duty under the Self Build and Custom Housing Act 2015³ to keep a register of persons who are interested in acquiring a self-build or custom-build plot, and to grant enough permissions to meet this demand. However, the extent to which the Council is meeting demand for this type of housing is disputed. I return to this matter in my Overall Balance and Conclusion, below.
16. An interested party states that the appeal site is located within the Green Belt. However, that is not the case.

Overall Balance and Conclusion

17. As set out above, I conclude that the development would significantly harm the character and appearance of the area, and would be in an unsuitable location for housing with regard to local planning policy. It would be contrary to the development plan in these respects.
18. Set against this, the development would provide 4 self-build dwellings for persons included on the Council's Self-Build Register, in a relatively accessible location. It would also generate economic benefits through the creation of employment and the purchasing of materials and furnishings.
19. In these circumstances, even if the 'tilted balance' at paragraph 11 of the Framework were engaged, and the shortfall in self-build housing were as significant as is alleged, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. Accordingly, the material considerations in this case do not indicate that the proposal should be determined other than in accordance with the development plan.
20. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR

³ As amended by the Housing and Planning Act 2016.

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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: 28th January 2021

Appeal Ref: APP/L3245/W/20/3258688

The Dog In The Lane Inn, Astley, Shrewsbury, SY4 4BU

- 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 & Mrs C Evans against the decision of Shropshire Council.
 - The application Ref 20/02185/OUT, dated 4 June 2020, was refused by notice dated 27 July 2020.
 - The development proposed is outline application for the erection of one detached dwelling and access with all other matters reserved.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. 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

3. The main issue is whether the appeal site is in a suitable location for residential development with regard to accessibility to services, facilities, and public transport, and the provisions of the development plan.

Reasons

4. Policy CS4 of the Shropshire Core Strategy (2011) states that in rural areas investment will be focused into identified Community Hubs and Community Clusters. The appeal site is not located within one of these settlements and is therefore in the countryside for planning purposes. In this regard, Core Strategy Policy CS5 and Policy MD7a of the Shropshire Site Allocations and Management of Development ('SAMDev') Plan (2015) seek to strictly control new market housing development in the countryside. A number of exceptions are listed in these policies, none of which would apply to the appeal proposal.
5. The appeal site is located within Upper Astley, which is a hamlet next to the A53. It consists of a short ribbon of housing development and a public house, but otherwise contains very few services or facilities. The nearest convenience stores, primary schools, or post office are located some distance away in either Hadnall, Shawbury or on the edge of Shrewsbury. However, the route to both

Shrewsbury and Shawbury is along the A53, which is a busy main road with fast moving traffic and no pedestrian footway along much of its length. This route would be dangerous to walk along and the speed and volume of traffic is likely to discourage cycling. Moreover, the route to Hadnall (and to Astley) is along narrow unlit country lanes with no pedestrian footway. It is therefore unlikely that future occupiers would walk or cycle to these settlements on a regular basis, and to do so after dark would be dangerous.

6. A bus stop is located on the other side of the A53 that is served by the No 64. However, services along this route are relatively infrequent and run only hourly during most of the day, with no services on Sundays. This frequency of service is unlikely to offer a realistic alternative to the use of a private car.
7. In these circumstances, I consider that the site has poor accessibility to services and facilities and only limited accessibility to public transport. Accordingly, future occupiers would be reliant on the use of a private car.
8. My attention has been drawn to an allowed appeal decision¹ in Shropshire that also related to a single dwelling outside of the identified Community Hubs and Clusters. However, that site was in walking distance of services and facilities in the market town of Church Stretton, to which it was connected by a pavement with street lighting. That is not the case here. Accordingly, I have come to my own view on the appeal proposal rather than relying on the approach taken by my colleague in different circumstances.
9. For the above reasons, I conclude that the appeal site is not in a suitable location for residential development with regard to accessibility to services, facilities, and public transport, and the provisions of the development plan. It is contrary to Policy CS5 of the Shropshire Core Strategy (2011) and Policy MD7a of the SAMDev Plan (2015) in this regard.

Other Matters

10. The proposed access point has good visibility in both directions and is already used to access the existing car park. In my view, this would represent a safe and suitable access for the development.
11. Reference is made to the ongoing Covid-19 pandemic and the need to support the hospitality sector. However, at this stage the full economic effects of Covid-19 and the speed of any recovery cannot be fully known. I return to the economic benefits of the development in my Overall Balance and Conclusion, below.
12. The current use of the site as a car park is not unsightly and any visual benefit associated with the development would therefore be minor.
13. The development would be constructed to modern energy efficiency standards and would provide a new electronic vehicle charging point. However, these are ordinary requirements for new development, and they do not represent a positive benefit.

¹ APP/L3245/W/16/3149461

Overall Balance and Conclusion

14. As set out above, the development would not be in an appropriate location for residential development, including with reference to its accessibility. It would be contrary to the development plan in this regard.
15. Set against this, the development would provide a new dwelling and would involve the redevelopment of brownfield land. It would also generate some economic benefits during the construction phase and would provide financial support to the existing public house.
16. In these circumstances, I do not consider that the benefits outweigh the harm associated with the development. Accordingly, the material considerations in this case do not indicate that the proposal should be determined other than in accordance with the development plan.
17. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR

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