

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

Date: Thursday, 25th March 2021

Committee:
Northern Planning Committee

Date: Tuesday, 6 April 2021

Time: 2.00 pm

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

Members of the public will be able to listen to this meeting by clicking on this link:

<http://shropshire.gov.uk/NorthernPlanningCommittee6April2021>

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

- You will need to download MS Teams (free) and click on the link to listen to the meeting if you are using a PC
- If using a mobile device, you will need to download the MS Teams app (free) before clicking the link
- Use the link at 2.00 pm on the day of the meeting and click on 'Join as Guest'
- You may receive an error message or a request for login details if you try to gain access before 2.00 pm

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

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 / Shelley Davies Committee Officer

Tel: 01743 257717 / 01743 257718

Email: emily.marshall@shropshire.gov.uk / shelley.davies@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive apologies for absence.

2 Minutes (Pages 1 - 2)

To confirm the Minutes of the meeting of the North Planning Committee held on 9th March 2021, attached, marked 2.

Contact: Emily Marshall on 01743 257717

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 31st March 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 Restaurant Development Site, Wallace Way, Tern Valley Business Park, Market Drayton, Shropshire (21/00176/OUT) (Pages 3 - 16)

Outline application for class E(b) (restaurant) development with means of access and all other matters reserved

6 Riverside Medical Practice, Roushill, Shrewsbury (21/01189/DEM) (Pages 17 - 22)

Application for prior notification under Schedule 2 Part 11 of the Town & Country Planning (General Permitted Development) Order 2015 for the demolition of Riverside Medical Practice

7 Appeals and Appeal Decisions (Pages 23 - 56)

8 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, 8th June 2021.



Committee and Date

Northern Planning Committee

6th April 2021

NORTHERN PLANNING COMMITTEE

Minutes of the meeting held on 9 March 2021

VIRTUAL MEETING

2.00 - 2.11 pm

Responsible Officer: Emily Marshall / Shelley Davies

Email: emily.marshall@shropshire.gov.uk / shelley.davies@shropshire.gov.uk Tel:
01743 257717 / 01743 257718

Present

Councillor Paul Wynn (Chairman)

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

194 Apologies for Absence

Apologies for absence were received from Councillor Pam Moseley (substitute: Councillor Ted Clarke).

195 Minutes

RESOLVED:

That the Minutes of the meeting of the North Planning Committee held on 9th February 2021 be approved as a correct record and signed by the Chairman.

196 Public Question Time

There were no public questions or petitions received.

197 Disclosable Pecuniary Interests

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

With reference to agenda item 5, planning application, 20/02248/FUL, School House, Overton Road, Ifton Heath, St Martins, Councillor Mark Jones declared a pecuniary interest and would take no part in the debate or vote on the application.

With reference to agenda item 5, planning application, 20/02248/FUL, School House, Overton Road, Ifton Heath, St Martins, Councillor Keith Roberts declared that he was a member of the Housing Supervisory Board, however this did not prevent him from considering the application and would stay in the room during consideration of the application.

198 School House, Overton Road, Ifton Heath, St Martins - 20/02248/FUL

In accordance with his declaration at minute 197. Councillor Mark Jones took no part in the consideration or voting on this application.

The Planning Services Manager introduced the application for the erection of 35 dwelling units and associated operational development following demolition of existing school buildings and retention of the former schoolhouse as a single dwelling (amended description). Members’ attention was drawn to the information contained within the schedule of additional letters including comments from the applicant requesting that the Committee defer consideration of the applicant. The Planning Services Manager explained that in response, the recommendation had been amended to request that the committee defer consideration of the application to allow the time to address the draft reasons for refusal and consider the viability assessment undertaken by RCS Consulting.

RESOLVED:

That consideration of the application be deferred to allow the applicant time to address the draft reasons for refusal and consider the viability assessment undertaken by RCA consulting.

199 Appeals and Appeal Decisions

RESOLVED:

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

200 Date of the Next Meeting

It was noted that the next meeting of the North Planning Committee would be held at 2.00 p.m. on Tuesday 6th April 2021.

Signed (Chairman)

Date:



Committee and Date
Northern Planning Committee
6th April 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: 21/00176/OUT	Parish:	Market Drayton Town
Proposal: Outline application for class E(b) (restaurant) development with means of access and all other matters reserved		
Site Address: Proposed Restaurant Development Site Wallace Way Tern Valley Business Park Market Drayton Shropshire		
Applicant: Mr John Gwilliam		
Case Officer: Sue Collins	email : planning.northern@shropshire.gov.uk	

Grid Ref: 365656 - 333625

© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2019 For reference purposes only. No further copies may be made.

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

1. There is no objection in principle to the development of the application site. However, insufficient information has been submitted with the application to demonstrate that the proposal will not have a detrimental impact on this visually important site which provides a green entrance to the Business Park. Furthermore there insufficient detail to be able to assess fully the impact of the development on traffic movement, the ecology and biodiversity of the area, and the residential amenities of properties within the surrounding area.

While the principal of the development in in accordance with the NPPF and policies S11, CS13 and MD9 of the Shropshire LDF, on balance this is outweighed by the potential detrimental impact on the character and appearance of the area, residential amenity, highways and the landscaping of the site. As such the proposal as submitted is considered contrary to policies CS6, CS17, CS18, MD2, and MD12 of the Shropshire LDF.

REPORT

1.0 THE PROPOSAL

1.1 This application seeks outline planning permission for the erection of a restaurant Use Class E(b) on land at Wallace Way, Tern Hill, Market Drayton. Only the issue of the means of access is included as part of the outline application with landscaping, appearance, layout and scale to be dealt with as reserved matters.

2.0 SITE LOCATION/DESCRIPTION

2.1 The land is at the entrance to the business park and was undertaken as part of the works to create the entrance to the site off Shrewsbury Road. The land was landscaped and a right of way crosses the site to connect Shrewsbury Road to the Damson Wood Walk on the opposite side of Wallace Way. The land has over time become denser with trees and other plants which have self-set and creates a screen to the houses on the opposite side of Shrewsbury Road and the Business Park.

2.2 The land currently undulates and contains bunds which have been created as part of the landscaping carried out.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The application is referred to Committee owing to it not being in accordance with the scheme of delegation.

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

4.1 Consultee Comments

4.1.1 **Town Council:** Market Drayton Town Council support this application.

Ecology: No objection

I have reviewed the Preliminary Ecological Update (Absolute Ecology, July 2019, updated/amended February 2021) and plans submitted in association with the application and I am happy with the survey work carried out.

The ecology survey carried out by Absolute Ecology (February 2021) found that

the habitats of most ecological value at the site was the onsite trees, scrub and bordering hedgerows. Due to the likely removal of trees and scrub at the site a further application should include some suitable landscaping proposals to show overall biodiversity gains.

Any external lighting to be installed in association with the development should be kept to a low level to allow bats and other wildlife to continue to forage and commute around the surrounding area and a further application should include a detailed lighting plan.

Conditions and informatives are recommended for inclusion on any planning permission that may be granted.

4.1.2 **Tree Officer:** No objection

The site has a group of scattered immature self-set trees and scrub described in the updated Ecology report. These do not appear to be important amenity trees and they are not protected. Their removal would have a low overall arboricultural impact. However, they do have a greening and softening impact to the entrance to the site and a further application should include some suitable landscaping proposals in mitigation.

Regulatory Services: No objection

There are residential properties located directly opposite the proposed site that could be impacted by noise and odour if the site is not carefully designed. Therefore, any future reserved matters application must ensure that the site is designed to minimise the impact on amenity. For example where possible noisy activities such as carparks, plant and any external eating areas should be located furthest from the houses with the building acting as a screen between the noise source and the receptors, any cooking fumes must be adequately extracted and dispersed so as not to impact on the neighbouring properties and lighting should also be designed so as not to impact on the amenity of neighbouring dwellings.

Depending on the proposed design a noise assessment may be required with future applications and conditions to protect residential amenity.

4.1.3 **Drainage:** No objection subject to the inclusion of a condition requiring full drainage details to be submitted prior to any development commencing on site. Informatives are also recommended for inclusion should planning permission be granted.

United Utilities: No objection

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The applicant can discuss any of the above with Developer Engineer, Shoaib Tauqeer, by email at wastewaterdeveloperservices@uuplc.co.uk.

Please note, United Utilities are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an

Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for Adoption and United Utilities' Asset Standards. The detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

For schemes of 10 or more units and other major development, we recommend the Local Planning Authority consults with the Lead Local Flood Authority regarding the exact wording of any condition.

Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company. We would not be involved in the discharge of the management and maintenance condition in these circumstances.

Water Supply

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for.

To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at DeveloperServicesWater@uuplc.co.uk. Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999. United Utilities' Property, Assets and Infrastructure

A public sewer crosses within the vicinity of the site and we may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of Part H of the Building Regulations, for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer may be necessary.

All costs associated with sewer diversions must be borne by the applicant.

To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with our Developer Engineer at

wastewaterdeveloperservices@uuplc.co.uk as a lengthy lead in period may be required if a sewer diversion proves to be acceptable.

Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

For advice regarding protection of United Utilities assets, the applicant should contact the teams as follows:

Water assets – DeveloperServicesWater@uuplc.co.uk

Wastewater assets – WastewaterDeveloperServices@uuplc.co.uk

It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

A number of providers offer a paid for mapping service including United Utilities.

To find out how to purchase a sewer and water plan from United Utilities, please visit the Property Searches website; <https://www.unitedutilities.com/property-searches/>

You can also view the plans for free. To make an appointment to view our sewer records at your local authority please contact them direct, alternatively if you wish to view the water and the sewer records at our Lingley Mere offices based in Warrington please ring 0370 751 0101 to book an appointment.

Due to the public sewer transfer in 2011, not all sewers are currently shown on the statutory sewer records and we do not always show private pipes on our plans. If a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further. Should this planning application be approved the applicant should contact United Utilities regarding a potential water supply or connection to public sewers. Additional information is available on our website <http://www.unitedutilities.com/builders-developers.aspx>

Highways: No objection

This development is likely to be acceptable as the proposed use is unlikely to create "severe harm" on the adjacent public highway. It is located adjacent to an area of employment, with other local amenities and services close by. It is also near a predominantly residential area, on the edge of Town. Therefore, this development could be relatively sustainable in transport terms.

It should be noted however, that it will be the end user which would determine the specific level of impact, on the local highway. As the size and type of restaurant will set the level of operational need for the business. This in turn will interface with the public highway differently. Unfortunately, no specific details have been provided, therefore no specific assessment of the access and internal car parking arrangements can be undertaken.

Given this is an "outline" application with all matters reserved and the Council is minded to approve this development. The recommended pre-commencement highway conditions should be imposed together with the recommended informatives, if planning permission is to be granted.

4.2 Public Comments

4.2.1 13 letters of representation have been received with one being in support. The

following concerns have been raised

- Insufficient information to enable the full impact of the proposal to be assessed.
- There is a public right of way across the site which has not been referred to in the application.
- A restaurant is not required in this location.
- This is overdevelopment of the business park as it is too close to residential properties
- Erecting a restaurant here could take trade away from existing establishments in the town.
- This is a highly prominent site where any development will have a visual impact.
- If the restaurant would have to be highly visible from the main road in order to catch passing trade. This would be detrimental to the current rural character of the site.
- The existing trees provide screening from the development on the business park and Muller's and a green gateway to the business park.
- Loss of the trees would severely impact on the character and appearance of the area.
- If a fast food outlet this will result in rubbish being discarded in the area.
- Lighting particularly if it were on for 24 hours a day would have a detrimental impact on the residential amenities of the area.
- The development would result in a loss of privacy to dwellings on the opposite side of Shrewsbury Road
- Use of the restaurant would cause noise and disturbance through traffic, deliveries, extractor fans and outside use of the premises
- A restaurant in this location could lead to anti-social behaviour being introduced.
- Food cooking would result in unacceptable levels of odours affecting properties.
- It would increase the amount of traffic along Shrewsbury Road gaining access to Wallace Way. This will affect highway safety for both pedestrians and other road users.
- No details are provided to demonstrate the entrance and exit for the unit together with space for any queuing traffic for a drive thru' establishment.
- There is little public transport available in the area and therefore it is most likely that any use of the premises would be by people in cars.
- The proposed removal of the trees and bushes will have a detrimental impact on wildlife in the area.
- This is an area of outstanding natural beauty in close proximity to Damson Wood.

The letter of support provides no justification for their comment.

5.0 THE MAIN ISSUES

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

- Impact on Trees
- Ecology
- Drainage

6.0 OFFICER APPRAISAL

6.1 Policy & principle of development

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.
- 6.1.2 Tern Valley Business Park has in the main been developed for use in association with Use Classes B1 Business, B2 General Industrial and B8 Storage or Distribution of the Use Classes Order 1987. However, in 2020 the Use Classes Order was amended with Class B1 now being Use Class E(g). As a business park the development of plots for food outlets, takeaway, café, restaurant etc has not been previously considered as it was aimed at being a business park rather than aiming at providing leisure facilities.
- 6.1.3 Under policy S11.1 Tern Valley Business Park is identified as a committed urban employment site in order for Market Drayton to build on its role as a principal centre and a main provider of employment opportunities for the area. The Business Park is also identified as a protected employment area as defined in policy MD9 of SAMDev. This policy identifies it as a site suitable for Class B development or appropriate sui generis employment uses. The protection of these areas from inappropriate development will be proportionate to the significance of the employment area.
- 6.1.4 Policy CS13 of the Shropshire Core Strategy supports the principle of economic development, enterprise and employment in Shropshire. This seeks to deliver sustainable economic growth and prosperous communities. This policy also protects existing employment areas for alternative uses.
- 6.1.5 Overall in view of the above it is considered that the potential for development of the site could be considered to be acceptable in principle. However, development would also need to be in accordance with other relevant policies and these are discussed further in this report.
- ### **6.2 Design, Scale and Character**
- 6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are

incorporated within the new development. The National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. In addition policy MD2 of SAMDev builds on policy CS6 and deals with the issue of sustainable design.

6.2.2 A number of objections have been received to the proposal on the basis of the potential layout design and scale of the facility that is to be built on the site and the lack of information provided.

6.2.3 The only detail provided with the application is the proposed access into the site off Wallace Way. Therefore it is not possible for officers to determine the full scale of the proposed operation, the proposed building works to be carried out or the intended layout of the scheme. While with some applications the information provided may be considered acceptable, in this case the site is visually highly prominent, and as a result any works will have a significant impact on the character and appearance of the area. As such the amount of information that needs to be provided is significantly higher

6.2.4 In view of this lack of information it is considered by officers that the full implications of the proposal can be assessed and as such is contrary to the NPPF and policies CS6 and MD2 of the Shropshire LDF.

6.3 **Impact on Residential Amenity**

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

6.3.2 A number of concerns regarding the impact the proposed development will have on residential amenities of the area.

6.3.3 It is appreciated that there are residential properties on the opposite side of Shrewsbury Road and that the construction of a restaurant could have an impact. While some have commented that the development would impact on their privacy, the distance between the site and the dwellings where a public highway passes in between would negate the potential loss of privacy.

6.3.4 However, issues such as potential noise, odours and light pollution from the site could be potential issues. While it might be possible to overcome some of these issues as part of a reserved matters application, there are concerns that an approval in principle may cause such issues to be overlooked or not properly be dealt with by future developers.

6.3.5 Comments also relate to the benefits that are afforded to dwellings from the trees and bushes that are on the site. These currently screen them from the sights of the Business Park as well as providing a green and an attractive entrance into the business park which blends well with the Damson Wood and the associated walk on the opposite side of Wallace Way.

6.3.6 On the basis of the above it is the opinion of officers that insufficient information has been provided to ensure that the future development of the site will not have

an unacceptable impact on residential amenities of the area. This is contrary to the NPPF and policy CS6 of the Shropshire Core Strategy.

6.4 **Highways**

- 6.4.1 Concerns have been raised by local residents that the development will encourage excessive traffic to be generated. This would not only result in additional noise for the residents along Shrewsbury Road but also a highway safety issue for pedestrians and other road users.
- 6.4.2 While no objection has been raised by the Council's Highways Development Control Manager, the comments do imply an air of caution as no end user has been identified and as such no specific assessment of the access and internal car parking arrangements can be undertaken. As such if the application is approved, then a number of conditions which would require information to be provided prior to any works commencing on site have been recommended for inclusion on any planning permission.

6.5 **Impact on Trees**

- 6.5.1 Many of the letters of representation refer to the impact caused as a loss of the greenery from the site.
- 6.5.2 An outline planning permission granted in 2008 for the development of the business park included a condition regarding landscaping and the retention of this for the lifetime of the development. However this planning permission was not implemented as development that has been carried out was subject to further full planning applications. The landscaping was carried out as part of the creation of the access into the business park to give it an attractive green entrance and as such has been left.
- 6.5.3 While the Tree Officer has raised no objection to the removal of the trees on the site, there is no doubt in the opinion of the case officer that the loss of these trees and bushes would have a detrimental impact on the character of this area. While landscaping could potentially be carried out as part of any future scheme, it would not be possible to achieve something that provides so much of a screen from any development of the site or the Business Park beyond.
- 6.5.4 Overall the Case Officer is concerned that the lack of information provided with the application as to the scale and layout of the development could result in a significant loss of the established trees and shrubs. Any potential landscaping scheme could have a detrimental impact and not screen development of the existing site or the land beyond.

6.6 **Ecology**

- 6.6.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats. Policy MD12 of SAMDev further supports the principle of protecting and enhancing the natural environment. Therefore the application has been considered by the Council's Ecologist.
- 6.6.2 Concerns have been expressed by local residents that the site due to the level of

trees and bushes is used by wildlife and as such should be protected.

- 6.6.3 While no statutorily protected habitat or species were found in the area, the trees scrub and bordering hedgerows are of ecological value on the site. The recommendation of the Ecologist is that any landscaping scheme for the development of the site would have to show overall biodiversity gains. In addition conditions are also recommended for inclusion on any planning permission that may be granted. These include landscaping, lighting and that works be carried out in accordance with the ecological survey.
- 6.6.4 As lighting may be an issue to bats in the area, any future lighting scheme for any development of this site would have to be to an appropriate level which may not be bright enough for a commercial use. However as no details of the potential development have been submitted it is not possible to assess this fully enough to be able to support the scheme given its potential impact.
- 6.6.5 For clarification, a comment has been received claiming that the site is adjacent to an area of outstanding natural beauty. While the neighbouring area may be considered beautiful and is a pleasant feature of the area, it is not formally recognised as an Area of Outstanding Natural Beauty.
- 6.6.6 In view of the above it is considered that the proposed development may have a detrimental impact on the ecology and biodiversity of the area. Therefore the proposal is not in accordance with the requirements of the NPPF policy CS17 of the Shropshire Core Strategy and policy MD12 of SAMDev
- 6.7 **Drainage**
- 6.7.1 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development.
- 6.7.2 While the agent has provided some drainage information in relation to the development, both the Council's Drainage Engineer and United Utilities require further details to be submitted for approval. As such each have requested that conditions and informatives be included on any planning permission that may be granted to ensure that an appropriate scheme is devised for the development.
- 6.7.3 The comments of United Utilities also indicate that there is a main sewer within or close to the site for which they require a buffer strip to be kept clear from development. This would need to be taken into consideration with any potential development.
- 6.7.4 In view of the above it is considered that an appropriate drainage system can be installed to meet the requirements of the NPPF and policy CS18 of the Shropshire Core Strategy.
- 6.8 **Public Right of Way**
- 6.8.1 There is a public right of way which crosses the site and provides a direct link from Shrewsbury Road to the Damson Walk across Wallace Way. This meanders through the trees and bushes and provides a relatively peaceful and a pleasant access to the Damson Wood Walk. A number of concerns have been raised regarding the impact of the development on this right of way.

6.8.2 While no response has been received from the Council's Rights of Way Officer, the Case Officer is also concerned at the loss of this means of access through the site. The Agent has confirmed that if any development were to be considered as the footpath crosses the centre of the site, it would be necessary to either divert or extinguish the footpath. This would have to be subject to a separate application made to the Council.

7.0 CONCLUSION

7.1 No objection in principle is raised to the possibility of developing the site, however Officers are aware of the initial purpose of this site being landscaped to provide a green entrance to the business park. Due to the lack of information submitted with the application, it is not possible to fully assess the impact of a restaurant on this site which is in a highly prominent location. There is a concern at the loss of the amenity afforded by the trees and shrubs and the impact that this would have on the character, appearance and the ecology and biodiversity of the surrounding area. There are also concerns regarding traffic movement, and the impact such a scheme will have on the residential amenities of the area.

From the above it is officer opinion that while the principal of the development is in accordance with the NPPF and policies S11, CS13 and MD9 of the Shropshire LDF, on balance this is outweighed by the potential detrimental impact on the character and appearance of the area, residential amenity, highways and the landscaping of the site. As such the proposal as submitted is considered contrary to policies CS6, CS17, CS18, MD2, and MD12 of the Shropshire LDF.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 **Equalities**

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

9.0 **FINANCIAL IMPLICATIONS**

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework

Settlement: S11 - Market Drayton

CS6 - Sustainable Design and Development Principles

CS13 - Economic Development, Enterprise and Employment

Economic Development, Enterprise and Employment

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

MD9 - Protecting Employment Areas

MD12 - Natural Environment

RELEVANT PLANNING HISTORY:

21/00176/OUT Outline application for class E(b) (restaurant) development with means of access and all other matters reserved PDE

11. Additional Information

[View details online:](#)

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

Cabinet Member (Portfolio Holder) Councillor Gwilym Butler

Local Member

Cllr Roger Hughes Cllr David Minnery

Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

-



Committee and Date
 Northern Planning Committee
 6th April 2021

Item
6
 Public

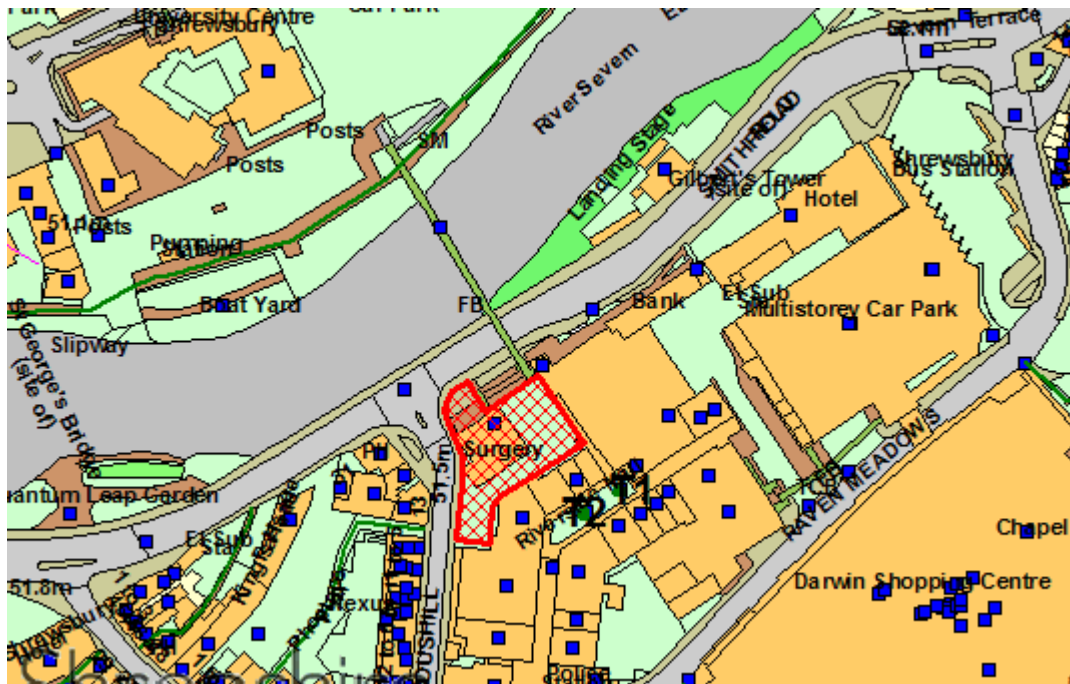
Development Management Report

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

Summary of Application

Application Number: 21/01189/DEM	Parish:	Shrewsbury Town Council
Proposal: Application for prior notification under Schedule 2 Part 11 of the Town & Country Planning (General Permitted Development) Order 2015 for the demolition of Riverside Medical Practice		
Site Address: Riverside Medical Practice Roushill Shrewsbury SY1 1PQ		
Applicant: Shropshire Council		
Case Officer: Mike Davies	email : mike.daves.planning@shropshire.gov.uk	

Grid Ref: 349102 - 312765



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2019 For reference purposes only. No further copies may be made.

Recommendation:- Prior Approval Req and Approved PRCPA subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 Prior Approval is sought for the demolition of the existing Riverside Medical Centre building situated at the junction of Smithfield Road and Rousehill in Shrewsbury Town Centre.

1.2 The proposal is accompanied by a demolition management statement explaining how the demolition will be managed to minimise impacts on its surroundings and how the site will be treated after the works are complete.

2.0 SITE LOCATION/DESCRIPTION

2.1 The building is an existing modern low rise building which is situated with Flood Zone 3 and was impacted by the floods last year. It is situated on the corner of Smithfield Road and Rousehill adjacent the footbridge which spans the River Severn.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 No views contrary to the recommendation have been received from either the ward member or Town Council. The application does not comply with the scheme of delegation owing to the Council interest in the site.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 **Regulatory Services** - The proposed standard construction/demolition times along with the narrower pneumatic/breakage times are sensible.

Due to the proximity to residential units and public, the contractor should have the facilities of necessary water suppression on any equipment or accumulations which gives rise to dust and have direct access to install a ground vibration monitor, such as a vib-roc unit, to monitor vibration to ensure compliance to standards within BS 5288-2:1997.

Please note that asbestos removal is not Local Authority enforced or regulated. The asbestos removal contractor must be licensed by the Health and Safety Executive.

4.1.2 **Local Lead Flood Authority** - We have no comment from the drainage and flood risk perspective, regarding the demolition of Riverside Medical Practice.

4.2 - Public Comments

No Representations have been received at the time of drafting the report.

5.0 THE MAIN ISSUES

Principle of Demolition
Mitigation Measures

6.0 OFFICER APPRAISAL

6.1 Principle of Development

6.1.1 The building is a modern, functional structure and does not have any particular architectural or historic value. Therefore in terms of its demolition the principle of its removal is considered acceptable subject to appropriate mitigation measures being put in place.

6.1.2 The site is within flood zone 3 and was impacted by the floods last year and given the nature of the vulnerable nature of use the building is no longer considered fit for purpose.

6.2 Mitigation Measures

6.2.1 A demolition management plan has been submitted to support the application and the mitigation contained within this document is deemed acceptable in terms of seeking to minimise the impact of the demolition process on the surrounding environment.

7.0 CONCLUSION

7.1 The proposals are considered acceptable and the recommendation is that prior approval of the means of demolition is required and is granted.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

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 Nat Green

Appendices APPENDIX 1 - Conditions

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

1. The development shall be carried out strictly in accordance with the Construction Method Statement for Demolition Works received on 11/03/2021.

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

2. Due to the proximity to residential units and public, the contractor should have the facilities of necessary water suppression on any equipment or accumulations which gives rise to dust and have direct access to install a ground vibration monitor, such as a vib-roc unit, to monitor vibration to ensure compliance to standards within BS 5288-2:1997.

Reason: To safeguard the amenities of the locality

3. No demolition works shall take place before 8.00 am on weekdays and 8.00 am on Saturdays nor after 6.00 pm on weekdays and 6.00 pm on Saturdays; nor at anytime on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.

Informatives

1. Please note that asbestos removal is not Local Authority enforced or regulated. The asbestos removal contractor must be licensed by the Health and Safety Executive.

-



<u>Committee and Date</u>
Northern Planning Committee
6 th April 2021

<u>Item</u>
7
Public

SCHEDULE OF APPEALS AS AT COMMITTEE 6th April 2021

Appeals Lodged

LPA reference	20/02760/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Committee Decision
Appellant	Mr Craig Edwards
Proposal	Erection of a self-build dwelling and formation of vehicular access
Location	Proposed Dwelling On The East Side Of Primrose Drive Shrewsbury
Date of appeal	18.12.2020
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	19/03560/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mrs Emma Dalton
Proposal	Erection of 1 No dwelling
Location	Proposed Dwelling West Of Fairfield Burgs Lane Bayston Hill Shrewsbury
Date of appeal	22.12.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	20/01976/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Maesbrook Care Home Limited
Proposal	Erection of building to provide occasional accommodation for visiting families with associated works
Location	Maesbrook Nursing Home Church Road Shrewsbury
Date of appeal	23.12.2020
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	20/03802/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs Andrew Long
Proposal	Erection of single storey extension to the north west elevation and alterations (amendment to approval 20/01060/FUL to provide a pitched slate roof)
Location	Rangers Lodge Marchamley Shrewsbury Shropshire SY4 5LE
Date of appeal	25.01.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	20/03803/LBC
Appeal against	Refusal of Listed Building Consent
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs Andrew Long
Proposal	Erection of single storey extension to the north west elevation and alterations (amendment to approval 20/01060/FUL to provide a pitched slate roof)
Location	Rangers Lodge Marchamley Shrewsbury Shropshire SY4 5LE
Date of appeal	25.01.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	20/04568/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr & Mrs Phillips
Proposal	Erection of two-storey extension to provide living accommodation for elderly parents
Location	The White House Trehowell Lane Weston Rhyn SY10 7SQ
Date of appeal	19.03.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	20/03367/PMBPA
Appeal against	Refusal Prior Approval Permitted Development Rights
Committee or Del. Decision	Delegated
Appellant	Mr Paul Rose
Proposal	Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to one residential property
Location	Outbuilding At Little Ropes Hinstock
Date of appeal	11.02.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	20/01054/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Metacre Limited
Proposal	Outline planning application (to include access) for the erection of up to 100 dwellings and associated access, public open space, drainage, infrastructure, earthworks and ancillary enabling works
Location	Land West Of Lowe Hill Road Wem
Date of appeal	20.11.2020
Appeal method	Hearing
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

Appeals Determined

LPA reference	20/02633/FUL
Appeal against	Against Refusal
Committee or Del. Decision	Delegated
Appellant	Mr G.G.L. James
Proposal	Mixed residential development of 8 bungalows with garaging using existing vehicular access; formation of estate roads and pedestrian footpath link (re-submission)
Location	Land Adjacent Norton Farm Main Road Norton In Hales
Date of appeal	24.09.2020
Appeal method	Written Representations
Date site visit	23.02.3021
Date of appeal decision	15.03.2021
Costs awarded	
Appeal decision	ALLOWED

LPA reference	19/04631/FUL
Appeal against	Against Refusal
Committee or Del. Decision	delegated
Appellant	Mr J Start And Ms C Bayliss
Proposal	Erection of a rural occupational dwelling with detached garage and formation of driveway
Location	The Stables Booley Road Stanton Upon Hine Heath
Date of appeal	27.08.2020
Appeal method	Hearing
Date site visit	03.12.2020
Date of appeal decision	15.03.2021
Costs awarded	
Appeal decision	DISMISSED

LPA reference	20/02096/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mr Spragg
Proposal	Subdivision and extension of existing dwelling to create two dwellings and erection of a new dwelling following demolition of existing garages (resubmission)
Location	148 Sutton Road Shrewsbury
Date of appeal	14.10.2020
Appeal method	Written Representations
Date site visit	09.02.2021
Date of appeal decision	24.03.2021
Costs awarded	
Appeal decision	ALLOWED

LPA reference	20/03190/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mr and Mrs Lloyd
Proposal	Erection of a self-build dwelling and garage and new vehicular access
Location	Proposed Dwelling To The North Of Nobold Lane Shrewsbury
Date of appeal	04.11.2020
Appeal method	Written Representations
Date site visit	09.02.2021
Date of appeal decision	16.03.2021
Costs awarded	
Appeal decision	DISMISSED

LPA reference	20/02126/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr S Holyhead
Proposal	Erection of 2no detached bungalows with new vehicular access and installation of septic tank
Location	Former Four Lane End Nurseries Marsh Lane Cheswardine Market Drayton
Date of appeal	19.11.2020
Appeal method	Written Representations
Date site visit	
Date of appeal decision	22.03.2021
Costs awarded	
Appeal decision	Dismissed

This page is intentionally left blank



Appeal Decision

Site visit made on 23 February 2021

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th March 2021

Appeal Ref: APP/L3245/W/20/3260022

Former yard at Norton Farm, Main Road, Norton In Hales, TF9 4AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr G.G.L. James against the decision of Shropshire Council.
 - The application Ref 20/02633/FUL, dated 2 July 2020, was refused by notice dated 10 August 2020.
 - The development proposed is residential development of 8 bungalows.
-

Decision

1. The appeal is allowed and planning permission is granted for residential development of 8 bungalows at former yard at Norton Farm, Main Road, Norton In Hales, TF9 4AT in accordance with the terms of the application, Ref 20/02633/FUL, dated 2 July 2020, subject to the conditions set out in the attached schedule.

Procedural Matters

2. A planning obligation has been submitted in relation to the proposed affordable housing contribution. This is signed and dated, and I have taken it into account in reaching my decision.
3. A pre-commencement condition is attached to this decision. As required by Section 100ZA(5) of the Town and Country Planning Act 1990, the appellant has agreed to this condition in writing.

Main Issue

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

Reasons

5. The appeal site is located on the edge of the village of Norton In Hales, which is around 3 miles from Market Drayton. It consists of an open area of land that is adjacent to existing residential development to both the north and south.
6. 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.
7. It is asserted that the designation of the site within the countryside is out of date and that it should be regarded as falling within the settlement boundary. However, there is no identified settlement boundary for Norton In Hales, which is designated as being entirely within the countryside.
 8. I note that it is proposed to designate Norton In Hales as part of a 'Community Cluster' in the emerging Shropshire Local Plan, which would allow for some development in the village. Moreover, the Parish Council state that they intend to allocate this site for development in the Neighbourhood Plan for the area. However, both of these emerging plans are currently at a relatively early stage of preparation and I therefore attach only limited weight to them.
 9. In terms of accessibility to services and facilities, the village contains a primary school, a public house, a church, a village hall, and leisure and sporting facilities. There is also a community bus service, although services are relatively infrequent. The village therefore has reasonable accessibility to services and facilities given its size and rural location.
 10. Notwithstanding this, the development is contrary to the locational requirements of the development plan, including Policies CS4 and CS5 of the Shropshire Core Strategy (2011), and Policy MD7a of the SAMDev Plan (2015). I return to this matter in my Overall Balance and Conclusion, below.
 11. The Council's Decision Notice also refers to Policy S11 of the SAMDev Plan. However, this policy does not seek to restrict development in Norton in Hales, or the wider countryside area, and so is not directly relevant in this case.

Other Matters

12. The development proposes 8 single-storey bungalows, which are likely to be attractive to retirees and older residents. The planning obligation would also secure an affordable dwelling within the scheme, as well as a financial contribution to affordable housing provision offsite. The type of units proposed, and the affordable housing contribution, are clear benefits of the development.
13. The site is largely surrounded by existing buildings, with housing located to both the north and south. Existing roads also run along its western and eastern boundaries. It is therefore highly contained by existing built development and has only a limited visual connection to the open countryside. Moreover, it largely comprises hardstanding and has a developed character in this regard. In these circumstances, the development would represent limited infilling that would have little effect on the rural character of its surroundings.
14. My attention has been drawn to a recent dismissed appeal decision¹ that related to a housing development on the edge of St Martins. However, the full details of that case are not before me and so it is difficult to assess any direct comparability. In any event, I have come to my own view on the current appeal proposal based on the specific circumstances that apply in this case.

¹ APP/L3245/W/16/3164623

15. It is common ground that the Council is able to demonstrate a 5 year supply of deliverable housing sites.
16. The volume of traffic associated with 8 dwellings would be modest and would not significantly contribute to local congestion. The route taken by construction traffic is also capable of being controlled by condition. I further note that the Highway Authority has not objected to the development on these grounds.
17. A number of parties refer to a temporary office building that is currently located on the site. However, that does not form part of the current appeal proposal and it is therefore not within the remit of this decision. I understand that a separate application has been made in this regard (Ref 20/04050/FUL).

Conditions

18. The Council suggested a number of conditions, some of which I have edited for clarity and enforceability. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is necessary in the interest of certainty. I have also imposed a condition that requires the submission and approval of a Construction Method Statement. This is necessary given that the site is largely surrounded by existing residential properties, and to ensure that construction traffic is not routed through the village. It is pre-commencement in nature as it will address all aspects of the construction process. I have also imposed conditions requiring the submission and approval of a landscaping scheme, and relating to the proposed materials, which are necessary in order to preserve the character and appearance of the area. In this regard, the proposed materials would be consistent with the adjacent housing development, and given the proposed setback from the road, would not appear harmfully at odds with the bricks used in Norton Farm.

Overall Balance and Conclusion

19. As set out above, the development would be contrary to Policies CS4 and CS5 of the Shropshire Core Strategy (2011), and Policy MD7a of the SAMDev Plan (2015), which seek to restrict new development in the countryside.
20. Set against this, the development would represent a small infill scheme that would not harm the rural character of the area, and would have reasonable accessibility to services and facilities for a rural location. It would also provide 8 new bungalow dwellings, including an affordable housing contribution, and would generate some economic benefits through the creation of employment and the purchasing of materials and furnishings.
21. Overall, there is conflict with the locational requirements of the development plan, but no other harm would arise. Moreover, a number of benefits would be delivered. In my view, the conflict with the development plan would therefore be outweighed by other material considerations in this case.
22. For the reasons given above I conclude that the appeal should be allowed.

Thomas Hatfield

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 17-2119 01; 17-2119 02; 17-2119 04 Rev E; 17-2119 05; 17-2119 06; 17-2119 07; 17-2119 08 Rev A; 17-2119 09; 17-2119 10 Rev A; 17-2119 11 Rev A; 17-2119 12; NF-DL-100 Rev A; NF-LS-101.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:
 - i) storage of plant and materials used in constructing the development;
 - ii) loading and unloading of plant and materials;
 - iii) measures to control the emission of dust and dirt during construction;
 - iv) delivery, demolition and construction working hours; and
 - v) The routing of Heavy Goods Vehicles during the construction process.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) No above ground construction works shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) The development shall be constructed in accordance with the schedule of materials in the submitted 'Material Choices for Red Barn Bungalow Scheme' (Belford Homes).



Appeal Decision

Hearing Held on 2 December 2020

Site visit made on 3 December 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 15th March 2021

Appeal Ref: APP/L3245/W/20/3258456

The Stables, Booley Road, Stanton Upon Hine Heath SY4 4LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Start & Ms C Bayliss against the decision of Shropshire Council.
 - The application Ref 19/04631/FUL, dated 10 October 2019, was refused by notice dated 16 March 2020.
 - The development proposed is erection of an occupational dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Following the hearing, a signed and dated section 106 planning obligation was submitted. On the basis that it is complete, I have taken into account.

Background and Main Issues

3. The appeal site is a parcel of grazing land adjacent to Booley Road. It forms part of a 10.5 acre holding that was originally granted planning permission¹ in 2006 for the change of use of agricultural land to private equestrian use. Permission was granted the following year for stable blocks for private use. The commercial breeding of Lustiano horses and the livery use, which collectively form the appellants business at the site, was permitted in 2010.
4. In 2011, permission² was granted for the temporary siting of a rural worker dwelling, on the basis of an essential functional need in connection with the importing and foaling of Lustiano mares. In 2014, permission was granted to allow the temporary siting of the dwelling until 2019. On 26 October 2020, following the refusal of the application subject of the appeal and after the appeal was made, permission³ was granted for the retention of the existing temporary occupational dwelling for a further 3 year period.
5. The essential functional need for a rural worker to live permanently at the site has been established and it is not disputed. The appeal proposal is the replacement of the temporary dwelling with a permanent rural worker dwelling.

¹ ref NS/06/01074/FUL

² ref 10/05482/FUL

³ ref 20/03103/FUL

6. Therefore, the main issues in the appeal are:

- i) Whether the rural business can finance the dwelling;
- ii) Whether the proposed dwelling would be suitable for a rural worker dwelling; and
- iii) Whether the personal circumstances of the appellants and other considerations outweigh any harm in respect of the development.

Reasons

Whether the dwelling would be suitable for a rural worker dwelling

7. The appeal site is beyond the village of Stanton Upon Hine Heath, in the countryside. It shares a highway access with, and it is close to, the temporary rural worker dwelling. The 10.5 acres of pasture is subdivided into paddocks with field shelters and there is a single stable block and a manege.
8. The proposed single storey dwelling would have internal gross floor space of 111 square metres. There would be less than 90 square metres of residential accommodation comprising 2 ensuite bedrooms, a kitchen and a sitting room. In addition, there would be a business office, boot room and shower room. Irrespective of the Council's concerns about the layout, the parties agree that the internal floor space is acceptable for a rural worker dwelling and the primary dwelling for the business. Moreover, although large, I agree with the appellants that there are practical needs for the boot room and shower room.
9. However, the Council considers that the scale and design of the dwelling is not proportionate to a rural worker dwelling because additional habitable rooms could be created in the roof space. In this regard, the proposed roof design would create a large extent of roof space that would be suitable for conversion to first floor living accommodation. Furthermore, it seems reasonably likely that future occupiers would seek to enhance the property in this way.
10. The parties agreed planning conditions in advance of the hearing. Among other things, these would remove permitted development rights, including in relation to rooflights, and restrict the creation of further habitable space by internal alterations. The s106 planning obligation would ensure, among other things, that no additional internal accommodation was created at ground or first floor level or within the roof space unless agreed in writing by the Council. While I acknowledge the concerns of the Council as to whether internal alterations could be controlled by condition, collectively the conditions and obligation would restrict the creation of additional living accommodation.
11. I have also had regard to Policy MD7a of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Adopted December 2015 (the LP). In setting out the criteria for rural worker dwellings, it distinguishes between primary dwellings to serve a business without existing permanent residential accommodation and additional dwellings to provide further accommodation. Additional dwellings are treated as affordable housing and subject to size restrictions, but there is no restriction on the size of primary dwellings. The supporting text confirms this, although there is an expectation that the scale and type of a new primary dwelling will be closely related to the evidenced needs of, and proportionate to, the business.

12. Therefore, irrespective that future occupiers might seek to create additional living accommodation, I find that the proposed rural worker dwelling would be acceptable, with particular regard to its function as a primary dwelling for the business and in relation to the needs of a family and a business. Consequently, subject to conditions and the s106 obligation, the proposed dwelling would not conflict with the rural housing aims of Policy MD7a of the LP or the guidance in the Shropshire Council Type and Affordability of Housing Supplementary Planning Document Adopted September 2012 (the SPD).

Whether the business can finance the dwelling

13. In the case of primary rural worker dwellings, Policy MD7a of the LP requires that relevant financial tests are met, the business is demonstrably viable in the long term, and that the cost of the dwelling can be funded by the business.

14. Financial information relating to the business has been provided for the years 2015-2016 onwards. Although this shows yearly profits roughly between £7,000-£20,000, the information is not in the form of fully detailed or audited business accounts. It does not include business costs such as utilities, salary, the cost of the exercise paddock in 2016-2017 or miscellaneous items like the fees for Ms Bayliss's equine science degree course. The most recent larger profit was in part due to horse sales in April 2020. In this regard, while the 2019-2020 accounting period ran from 31 April 2019 until the end of April 2020, this is not consistent with the previous years' accounting periods which ran from the beginning of each April.

15. The business has been established for several years, during which time it has provided an income. However, while Ms Bayliss lives frugally within her means, it is reasonable to expect the business to provide a living wage. It has not been demonstrated that this has been the case for many of the years that the business has operated. In the absence of detailed accounts that include full costs, including wages, I cannot be certain that the financial information is an accurate or reliable indication of the profitability of the business.

16. There is evidence before me about the future development of the rehabilitation and physiotherapy service, including the prices of treatments and the possible income. I accept that the income from this part of the business could increase over time and I do not doubt the appellants' commitment and intention to expand and increase the business offer. However, the information does not constitute a business plan for the rehabilitation service, the Lustiano horse sales and livery business.

17. There are no predictions in relation to future profits, taking into account full business costs including equipment, resurfacing of the exercise paddock or the building of the additional stable block. Moreover, given the evidence that Ms Bayliss has historically carried out work with a labour requirement in excess of 2 full-time workers, it seems likely that any business expansion would require additional labour. Even accepting that the rehabilitation service would increase the profits, it has not been demonstrated that the business would fund a wage for one rural worker let alone more.

18. The appellants estimate that the dwelling would cost £130,000 based on a build cost of £1,300 per square metre. Although there is no substantive evidence that this is a reasonable estimate, in any case, based on an internal floor area of 111 square metres, the build would cost in excess of £144,000.

This could be reduced if the appellants undertook some of the work themselves but, given they both work full-time, it is not clear what building works they could carry out or that this would significantly reduce the overall cost.

19. In terms of the finance for the dwelling, evidence submitted with the appeal indicates that the entire build would be financed by a loan, which would be converted into a 20 year mortgage. Although the appellants spoke with a financial advisor, no such advice has been provided nor is there any evidence such as correspondence from a mortgage lender to demonstrate that the business could borrow the required amount or that the mortgage term could be secured.
20. At the hearing, Ms Bayliss stated that she would not need to borrow the full build cost as she has a deposit saved from the previous years' business profits. While this could reduce the loan and the subsequent mortgage, no substantive evidence has been presented in this regard and the evidence that is before me indicates that the business has, at best, made generally small to modest profits before any salary has been taken.
21. It was suggested at the hearing that, as the dwelling would be owned by both Mr Start and Ms Bayliss, the business would not need to meet the full build cost or the mortgage. Policy MD7a of the LP is clear that the cost of an essential rural worker dwelling should be funded by the business. In this regard, while the appellants live together and Mr Start contributes towards their joint finances, he is not employed in the business. While I accept that they could jointly afford a permanent dwelling, this does not demonstrate that the business could fund it in the absence of additional income.
22. Therefore, the proposal fails to demonstrate that the business is viable in the long term and that, by itself, it could fund the cost of a permanent rural worker dwelling. Consequently, the proposal fails to accord with the requirements of Policy MD7a of the LP.

Personal Circumstances and Other Considerations

23. The parties agree that the appearance and design of the dwelling would not be out of character in the landscape. The Council has raised concerns however that the dwelling would be on sloping ground and no cross sections have been provided to illustrate how a level development platform would be created. On the basis that the fall across the dwelling footprint would be approximately 300mm, I am satisfied that there would be no significant excavation or land raising such as would result in harmful visual impacts.
24. The equine business contributes to the local rural economy, through support for other rural businesses. While Ms Bayliss purchases feed and has rugs washed on occasion, the business rarely requires the services of a veterinary surgeon and she carries out the work of a farrier in relation to foot trimming. On this basis, the proposal would make a limited contribution to the local economy. I accept that the Parish Council support the proposal and consider that the appellants are valued members of the local community. Nevertheless, one dwelling would make a negligible social contribution to the local community.

The garage

25. The garage would be in a prominent location to the front of the dwelling. By virtue of its small footprint with eaves and ridge height to match the dwelling,

it would be a conspicuous and disproportionately tall feature. It would be a discordant feature that would be out of proportion with the dwelling.

26. The appellants have sought to justify the height of the garage on the basis of storing a horse skeleton above vehicles, the parking of a horse wagon and for the siting of solar panels. Even if the skeleton was essential to the business, it would not provide a justification for the height of the residential garage. The garage doors are in the side elevation beneath the single storey eaves, which would prevent tall vehicles from being parked in the garage. On the basis that the dwelling would have a large roof, I am not persuaded that solar panels could not be installed at the site, even in the absence of the garage.
27. Therefore, I find that the garage would conflict with the design aims of Policy MD2 of the LP and Policy CS6 of the Shropshire Local Development Framework Core Strategy Adopted March 2011. It would also conflict with the design aims of the National Planning Policy Framework. At the hearing, Mr Start indicated that the appellants would be amenable to reducing the height of the garage. No alternate garage plans have been submitted to demonstrate an acceptable alternative. Nevertheless, the garage is clearly separable from the dwelling such that if the appeal was allowed it would be possible to issue a split decision allowing the dwelling but refusing the garage.

The residential land associated with the dwelling

28. The residential land defined by the red line boundary is slightly larger than the 0.1 hectare maximum plot size recommended in the SPD for a single affordable home. The constraints of the site, including the temporary dwelling, the overhead power lines and the highway access, have resulted in a long internal access track, but the garden land around the dwelling would be smaller than an affordable plot. In any case, the proposal would be the primary dwelling for the business and not an additional dwelling such as is treated as affordable housing and subject to size restrictions under Policy MD7a of the LP and the SPD.

Personal circumstances

29. The appellants have been living in the temporary dwelling at the site for roughly 9 years, during which time Ms Bayliss suffered a serious spinal injury as a result of a fall. Their desire for a more comfortable permanent dwelling where they can entertain family, including grandchildren, is therefore understandable. The appeal also heard that Ms Bayliss's has aging parents with health issues. Although the parents live independently, the proposal would allow her to care for them in the future if necessary. I acknowledge that the temporary dwelling does not allow the appellants to live as they might wish and, in this regard, a permanent dwelling would clearly be a private benefit to them. Nevertheless, their personal circumstances do not outweigh the conflict with the development plan.
30. While the temporary dwelling might not give a good first impression of the business, I am not aware that the business has been significantly disadvantaged by the current arrangements.
31. As noted previously, the Council has recently granted permission for a further extension of time for the siting of the temporary dwelling. I understand that the appellants do not want to live in temporary accommodation long-term and this would not be their preference. Notwithstanding, it allows them to continue

to live at the site and it provides the opportunity to produce detailed financial accounts and a costed business plan to evidence that the business is viable and that it can fund the cost of the dwelling.

The s106 planning obligation

32. In addition to securing the size of the dwelling, the planning obligation would ensure that if the dwelling was no longer required as a rural worker dwelling, and the agricultural occupancy restriction was removed, a financial contribution to the provision of affordable housing would be made. This would offset the harm resulting from the creation of an unrestricted dwelling in a countryside location which is contrary to the Council's housing aims. Consequently, while it would be a small benefit, it carries limited weight in favour of the proposal.

Conclusion

33. For the reasons set out above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Ms C Bayliss (appellant)

Mr J Start (appellant)

Mr Ian Jamieson (Bleazard and Galletta LLP, Planning Agent)

FOR THE LOCAL PLANNING AUTHORITY:

Mr Richard Denison

Mr Philip Mullineux

INTERESTED PERSONS:

Mrs Nuria Gray (the Parish Council)

This page is intentionally left blank



Appeal Decision

Site visit made on 9 February 2021

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 24 March 2021

Appeal Ref: APP/L3245/W/20/3261199

148 Sutton Road, Shrewsbury, SY2 6QT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Edward Spragg against the decision of Shropshire Council.
 - The application Ref 20/02096/FUL, dated 31 May 2020, was refused by notice dated 24 August 2020.
 - The development proposed is the subdivision and extension of existing dwelling to create two dwellings and erection of a new dwelling following demolition of existing garages.
-

This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 15th March 2021.

Decision

1. The appeal is allowed.

Main issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area;
 - the living standards of future occupants, with particular regard to outlook, overlooking and the suitability of outdoor space.

Reasons

Character and appearance

3. The appeal site contains a large, extended detached house and garage on a large corner plot. It is part of a modern housing estate and is surrounded on both sides by detached bungalows. A long row of 2-storey semi-detached houses forms the opposite side of the street. The bungalows and houses are fronted by a driveway and small front garden. By the time of my site visit, the host house appeared to have been empty for some time and I observed was in a poor state of repair.
4. It is proposed to split the existing house into two detached dwellings and erect a new 2-storey house in place of the detached garage. Vehicular access would be from the main highway of Sutton Road and the large garden would be split between the 3 properties.

5. The site has extant approval¹ for significant alterations to the existing dwelling and erection of a new house, resulting in two dwellings in total. The main visual difference between the two schemes is that a single-storey structure forming the front half of the main house would instead be a 2-storey detached house. Based on the information before me, I consider that there is a greater than theoretical possibility that the approved development will take place and I have therefore had regard to this fallback position.
6. The proposed density of detached houses on the plot is not typical of the adjacent bungalows. However, the overall density of housing is not dissimilar to that of the 2-storey semi-detached houses opposite. In addition, the appeal site is already unusual in its layout and building form, which provides scope for development of a non-typical arrangement. For these reasons, I do not find that the density of housing would be harmful to the character of the area.
7. When viewed from the street, the buildings would be tightly clustered and perpendicular to each other, which is not typical of local character. However, I consider it material that the new houses would be within the overall footprint of the existing building and of comparable bulk, and therefore of similar overall appearance when viewed in passing from the public domain. Critically, the built form would not appear fundamentally different to that already approved.
8. Plot 1 is narrower than that allowed under the extant permission, but in size is still comparable to the semi-detached houses opposite. The rear garden at plot 1 would be similar in size to those associated with the semi-detached houses and, notwithstanding this, has not changed from the extant approval. For this reason, I do not find plot 1 to be harmfully cramped, or out of character for the area.
9. There would be a small loss of openness caused by raising the height of the house in plot 2 to 2-storeys, but I do not consider this harmful when viewed in the wider context of the mix of housing on the estate, and the immediate backdrop of a 2-storey building. I acknowledge that the site is in a prominent position at the entrance to the estate, but I do not find that the open frontage of the property is a key characteristic of the area. Instead, the hedged verge and high trees towards the front of the estate dominate the character of the area during the approach.
10. Plot 2 would sit forward of the building line of neighbouring development, but as this is already the case, and the proposed development would in fact reduce this difference slightly, I do not consider this harmful.
11. The parking area most easily visible from the street has already been approved in the previous permission. I do not consider that the addition of one space between the houses would cause harm to the character of the area. There would be no boundaries between the driveways, which would create an unusually wide expanse of parking. However, the impression of 2 driveways merging can occasionally be observed between semi-detached houses and I noted that several front gardens had been removed to widen driveways locally. I do not consider the extent of unbroken driveway is harmful, given that there are highly varied driveway treatments locally.

¹ 20/00055/FUL (27 May 2020)

12. I do not find that a potential view from the public domain of domestic paraphernalia in the garden of plot 2 would be harmful to the character and appearance of the area. Notwithstanding that this could occur already, it is a residential area and I consider that it would be reasonable to find such paraphernalia in the front gardens.
13. The proposed boundary treatment alongside the highway is not clear from the information provided. I acknowledge that high timber fencing adjacent to the highway could be intrusive, given the extent of the boundary and prominence when viewed from the public domain, but I consider that this can be adequately controlled through a condition on the planning permission.
14. I do not consider that there would be pressure to remove trees to the south west corner of plot 3, given that they are distant from the house and the garden size is sufficiently large that a significant area would not be overhung.
15. I have not found harm to the character and appearance of the area, particularly in the context of the fallback position. The proposal is consistent with the requirements of policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (CS), which requires that development protects the built environment, taking into account local character. I have also not found conflict with Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan (December 2015) (SAMDev), which states that development must respond appropriately to form and layout, including building lines, scale and density.

Living conditions

16. The walls of both plots 2 and 3 are the width of a driveway from the side of Plot 1. The side wall contains a bathroom window and a small living room window, which is part of a well fenestrated open plan room. Notwithstanding that the proposed width between the buildings is greater than that approved under the extant scheme, I do not consider that the outlook from this side of the house would be restricted to the extent that it would be overbearing.
17. The extent of overlooking between plots 2 and 3 would be comparable with that of nearby semi-detached houses and I do not find that it would be harmful. The same applies to the relationship between plot 1 and neighbouring 146 Sutton Road. The Council has concluded that there would not be a harmful degree of overlooking to other neighbouring properties and, based on my observations, I concur with this view.
18. The garden associated with plot 2 would potentially be entirely open to the road with no private external space. However, there are landscaping solutions to this that would be protective of the privacy of future residents, consistent with the treatment at other corner plots nearby. The details of this can be secured by a condition.
19. I have found that satisfactory living conditions for future occupiers could be created. There is therefore no conflict with Policy CS6 of the CS or MD2 of the SAMDev, which state that development should safeguard residential and local amenity.

Other matters

20. I note that the highways officer has recommended no boundary treatment should protrude beyond the building line on Sutton Road for the purposes of highway safety. However, I observed that visibility from the driveway was excellent in both directions, and I do not consider such a stringent requirement necessary.

Conditions

21. The Council has recommended 8 conditions. I have imposed 6 of these, with slight amendments to the wording in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.
22. In addition to the statutory time limit I have imposed a condition to secure accordance with the approved plans in the interests of certainty.
23. I have included conditions to control materials and landscaping to protect the character and appearance of the area. I have also imposed conditions relating to car parking and access to protect highway safety.
24. However, I have not imposed a condition restricting front boundaries to 0.9 m height. Details of boundary treatments are secured in condition 4 and those relating to highway safety in condition 6. Taking into consideration the hedging observed around other corner plots in the area, I consider it reasonable that all options are explored as part of a landscape scheme. I therefore do not find the proposed condition reasonable or necessary.
25. I have also not imposed a general condition removing permitted development rights because there is not a clear justification before me to do so, as per the Planning Practice Guidance². No evidence has been provided to demonstrate that the development would only be acceptable if certain PD rights are not exercised in the future. I therefore do not consider the proposed condition reasonable or necessary.

Conclusion

26. The proposal would contribute to the supply of housing in an accessible location, albeit the modest scale of the development means that the benefit from this is minor. I have not identified any harm to the character and appearance of the area when compared to the fallback position, nor have I found that satisfactory living conditions could not be created.
27. The proposal does not conflict with the development plan when read as a whole and I conclude that the appeal should be allowed.

B Davies

INSPECTOR

² Paragraph: 017 Reference ID: 21a-017-20190723. Revised 23 July 2019

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans:
 - Location Plan 1:1250
 - Ground floor plan as existing 577.01, 1:50, Jan 2020
 - Elevations block plan and FF plan as existing 577.02, 1:50, 1:100, 1:500, Jan 2020
 - Plot 1 Proposed plans and elevations 577.03A, 1:50, 1:100, March 2020
 - Plot 2 Proposed plans and elevations 577.04A, 1:50, 1:100, March 2020
 - Plot 3 Proposed plans and elevations 577.05A, 1:50, 1:100, March 2020
 - Proposed block plan 577.06D, 1:500, July 2020
 - Site overlay 577.07B, 1:500, July 2020
- 3) No development above slab level shall commence until details and/or samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and/or samples.
- 4) No development above slab level shall commence until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. It shall also include details of the materials and any boundary fences, walls and any other boundary treatments. Development shall be carried out in accordance with the approved details.
- 5) The buildings shall not be occupied until the parking spaces have been laid out within the site in accordance with drawing no. 577.06D and those spaces shall thereafter be kept available at all times for the parking of vehicles.
- 6) The buildings shall not be occupied until full details of the widened access apron have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the access shall be retained thereafter.

This page is intentionally left blank



Appeal Decision

Site visit made on 9 February 2021

by **B Davies MSc FGS CGeol**

an Inspector appointed by the Secretary of State

Decision date: 16 March 2021

Appeal Ref: APP/L3245/W/20/3262561

Land on Nobold Lane, Nobold, Shrewsbury, SY5 8NW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Lloyd against the decision of Shropshire Council.
 - The application Ref 20/03190/FUL, dated 7 August 2020, was refused by notice dated 28 September 2020.
 - The development proposed is the erection of a self-build dwelling and garage and new vehicular access.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. The application form does not contain a description of the development, referring instead to one in the Design and Access Statement. This is consistent with that in the decision notice. I have therefore used this description in the banner above.

Main issue

3. The main issue is whether or not the site is suitable for open market residential development with regard to local and national policies.

Reasons

4. The appeal site is a paddock on the edge of the hamlet of Nobold with far reaching views across fields towards the valley below and Shrewsbury in the distance. It is adjacent to Grade II listed Nobold Hall and shares a rural lane with the heritage assets of Nobold Farmhouse and Grange.
5. Policy CS1 of the Shropshire Local Development Framework Core Strategy (adopted March 2011) (CS) states that development in rural areas should be predominantly in community hubs and clusters. These are named in Policy MD1 of the Shropshire Council Site Allocations and Management of Development Plan (adopted December 2015) (SAMDev). The site is not close to a named 'community cluster settlement'.
6. I acknowledge that there is small-scale development nearby and housing estates within walking distance. However, I consider that proximity to one of the named community cluster settlements is critical in meeting this aspect of the policy and is a criterion that this proposal does not achieve. I note that the

appellant considers that the village should be re-evaluated as a cluster settlement in the policy, but this is beyond the scope of this decision.

7. Policy CS4 of the CS and Policy MD7a of the SAMDev allow development for exceptional reasons beyond the cluster settlements, as expanded upon in Policy CS5 of the CS. The proposal does not meet any of the exceptions listed. However, I consider that the introductory wording of 'particularly where they relate to' and use of 'other relevant policy requirements' in MD7a means that this is not a closed list.
8. The examples given in the policy are notable for their clear association with economic activity in rural areas. The appellant works at a local farm, but evidence has not been provided to demonstrate that this meets the requirements to qualify as an essential countryside or rural worker. In addition, the policy makes it clear that open market housing beyond cluster settlements will only be allowed if conservation of an existing building is proposed. I therefore conclude that the proposal does not meet the requirements of Policies CS5 and MD7a.
9. Permission was recently granted for a self-build house¹ close to the appeal site. This was in a different setting because it was tightly surrounded by housing on 3 sides. The appeal site is a much larger plot of land, loosely surrounded on two sides by development and would result in a large gap between buildings to the west. In addition, the appeal site's exposed position in the corner of the hamlet and current use as a field would lead to a greater sense of encroachment into the countryside than the permitted house, albeit this would be to a modest extent. While there are clearly similarities between the two cases in terms of overall location, I find that the exceptional conditions characterising the other site are not applicable in this case.
10. Several approvals for local housing have been drawn to my attention². All were first decided prior to adoption of the latest policy and at a time when Shropshire Council were not able to demonstrate a 5-year housing land supply. I therefore do not consider that they form a precedent. Reference is also made to a recently permitted large housing estate less than a mile away, reportedly on unallocated land, but I do not have any of the details before me to make a meaningful comparison.

Self-build and custom housing supply considerations

11. The Government is actively seeking to increase the supply of self-build housing and the demand established by the Council's self-build and custom housebuilding register is a material consideration in decisions involving such proposals³.
12. The Housing and Planning Act (2016) (the Act) requires that authorities must give suitable development permissions in respect of enough serviced plots of land to meet the demand for self-build houses in each base period. The Council has provided figures to demonstrate that it has granted sufficient permissions to have complied with the Act. The appellant disputes this, but the email⁴

¹ 20/03061/FUL, 30 November 2020

² 14/03050/OUT, 14/00425/OUT, 14/02394/FUL

³ Paragraph: 014 Reference ID: 57-014-20210508, revised 8 February 2021

⁴ 'London Road Self Build', from Andria Cox to John Peters, 29 September 2020

supplied does not clearly confirm this position and I must base my decision on the evidence before me.

13. The appellant states that no suitable sites are available. However, I interpret 'suitability' as being generally suitable for self-build purposes, rather than suitable for an individual, although the two need not be mutually exclusive. The PPG⁵ states that 'there is no duty on a relevant authority to permission land which specifically meets the requirements expressed by those on the register', although it can be used to guide its decisions.
14. I note that the local development plan was adopted before the Act and does not contain specific policies regarding self-build housing. However, as sufficient plots have been provided since the Act was established, this strongly indicates that the existing policies are effective in meeting its requirements.
15. I also note that the local development plan predates the National Planning Policy Framework (2019) (Framework). However, I am satisfied that policies supporting appropriate development in the open countryside are consistent with paragraphs 61, 77 and 78 of the Framework and they therefore attract full weight. Paragraph 11d) of the Framework is therefore not engaged.
16. The Council is meeting its quota of self-build housing and this element of the scheme therefore attracts small weight, which does not outweigh the lack of support for open market housing at this location in both local and national policies. The proposed location therefore conflicts with Policies CS1, CS4 and CS5 of the CS, and Policies MD1 and MD7a of the SAMDev, which together protect the countryside from inappropriate development.

Other matters

17. Grade II Nobold Hall is situated to the immediate south east of the site, and Grade II Nobold Grange a short distance down the lane to the south west. It is possible that the main ranges of the farmstead were within the appeal site. Nobold Farmhouse is adjacent to the western boundary and, along with its traditional outbuildings, is classified as a non-designated heritage asset. These buildings are all listed for their architectural interest, and together make a significant contribution to the character of the small hamlet.
18. The buildings share a setting linked by the lane, which would be interrupted to some degree by the proposed building. The Heritage Statement submitted does not specifically assess these impacts, nor the effect of potential competition from the development on appreciation of the front elevation of Nobold Hall. I note that there has been other new development on Nobold Lane. However, no new development is as close to the front elevation of Nobold Hall or interrupts the setting of the grouping of heritage assets, and I therefore do not consider that this sets a precedent.
19. For this reason, the Council states that the proposal has failed to adequately address the requirements of local policy and the Framework, and, for the reasons above, I concur with this. However, as I am dismissing for other reasons, I have not considered it necessary to further pursue this matter.

⁵ Paragraph: 028 Reference ID: 57-028-20210508, 8 February 2021

Other considerations and conclusion

20. The location of the proposal beyond the named settlements would undermine the Council's plan-led approach to the delivery of housing, the relevant objective of which is to protect the character and appearance of the countryside, and this is a matter of substantial weight.
21. There would be benefits from contribution to the local housing supply, economy and community. In addition, the appeal site and nearby facilities would be reasonably accessible using public transport. It would provide a self-build dwelling, in line with government priorities, and a high standard of living for future users including those that are disabled, all of which are beneficial. However, given the small scale of the development these benefits only attract modest weight.
22. I do not find that the modest benefits of the scheme outweigh the harm from development of housing at a location contrary to the local development plan. The proposal therefore conflicts with the local development plan when read as a whole, and for this reason, the appeal is dismissed.

B Davies

INSPECTOR



Appeal Decision

Site Visit made on 15 March 2021

by Mr Andrew McGlone BSc(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2021

Appeal Ref: APP/L3245/W/20/3263531

Land adjacent Four Lane Ends, Marsh Lane, Cheswardine TF9 2SA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Shaun Holyhead against the decision of Shropshire Council.
 - The application Ref 20/02126/FUL, dated 1 June 2020, was refused by notice dated 29 July 2020.
 - The development proposed is two detached bungalows.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development set out above is taken from the planning application form however the version found on the decision notice and the appellant's appeal form better describes the scheme that is before me. I have considered the appeal on this basis.

Main Issue

3. The main issue is whether the appeal site is a suitable location for the proposed development, having regard to the site's countryside location and its effect on the character and appearance of the area, including the proposal's effect on trees and hedgerows within or bounding the appeal site.

Reasons

4. The appeal site is located close to but outside of the development boundary for Cheswardine to the west and north as defined by Shropshire Council Site Allocations and Management of Development Plan (SAMDev). As such, the site lies within the open countryside. The site is next to the bungalow at Four Lanes End. While the site was once occupied by sheds and other structures these have been removed and it is now grassed over. A high native hedgerow lines the site's boundary with the lane to the neighbouring dwelling.
5. Policy CS5 of the Adopted Core Strategy (CS) explains that new development will be strictly controlled in accordance with national planning policies protecting the countryside. CS Policy CS11 sets out the Council's approach to meeting the diverse housing needs of Shropshire residents now and in the future to create mixed, balanced and inclusive communities. It outlines how this will be achieved. SAMDev Policy MD7a further states that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters. Suitably designed and located exception site dwellings and residential conversions will be positively considered where they meet evidenced local housing needs and other relevant policy requirements.

6. According to CS Policies CS1, CS4 and S11, the development of open market housing should be in identified areas where open market housing is considered to be acceptable in terms of location and sustainability. Broadly, these policies and the Type and Affordability of Housing Supplementary Planning Document (SPD) when taken collectively are not supportive of the creation of open market housing in the open countryside.
7. The Community Hub of Cheswardine under SAMDev Policy S11.2(ii) has a housing guideline of around 11 dwellings over the period to 2026. These houses will be delivered within the development boundary. Two houses were completed between 2011 and 2019, but a further 18 have been granted planning permission or prior approval. There has been no update to the appellant's figures since 31 March 2019, but there are 5 years left for the housing guideline to be fulfilled. Hence, even with the economic effects of the pandemic I am not convinced that this guideline is unlikely to be met. It remains that the case that regard needs to be given to the policies of the Local Plan which outline the approach to development.
8. CS Policy CS5 states that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. The policy goes on to establish a list of developments particularly these relate to. Although the list is not closed, it is detailed, and the type of development proposed does not fall into that list.
9. The CS pre-dates the National Planning Policy Framework (the Framework), but age is not a reason alone to consider the policies within it to be out-of-date. It is about their consistency. The wording of CS Policy CS5 and Framework paragraph 79 are not the same as they were drafted some years apart. But, CS Policy CS5 is not more restrictive than Framework paragraph 79 as both seek to control development in the countryside unless in particular circumstances. Broadly, this is to focus development towards the right places, to build and sustain communities and protect out natural and built environment whilst making effective use of land. While this means that I consider CS Policy CS5 to not be out-of-date, Framework paragraph 79 is still a relevant consideration.
10. Notwithstanding the site's position in relation to the development boundary, when I consider its location against the dictionary definition of 'isolated', the proposal would not be the development of an isolated home in the countryside. It follows that Framework paragraph 79 e) does not need to be explored further, but I shall still consider the proposal's effect on the character and appearance given the concerns raised.
11. Developing the site would infill the gap between two existing dwellings along a lane that is populated by a handful of other dwellings which are dotted beside the lane with intermittent gaps comprising of paddocks or fields. This typifies the rural setting that surrounds Cheswardine. However, there is a distinction between the tighter knit character of development within the settlement boundary and that which lies outside of, but not too far away from it which is of a lower density and set within spacious plots which marks a transition to the fields to the south, east and west. The proposal would split the site into two and introduce two good-sized dwellings that would not reflect the density of development found along the lane.

12. The design of the bungalows would broadly respond to the varied yet traditional style, scale, form and finish of properties along the lane and those which I saw in the wider area. They would be of an appropriate layout, visually attractive and sympathetic to local character. A planning condition could secure the use of suitable materials. As such, I consider that they would have a neutral effect on the setting, and thus significance of the Cheswardine Conservation Area which derives its significance from the traditional development which closely lines either side of High Street and the focal point of St Swithin's Church which can be viewed from the road, and from across the surrounding landscape due to its elevated position in the settlement.
13. Internally the dwellings would function well for the lifetime of the development in respect of space, access, circulation and the provision of natural light serving the main rooms. The proposal would therefore accord with CS Policy CS11.
14. The retention of the existing landscaping would help assimilate and reinforce the development in its rural surroundings. The formation of the access and visibility splay would cause a section of the roadside hedgerow to be lost, but a planning condition could secure details of how the remaining landscape features would be retained post development and how further planting could be added to mitigate the effects of developing the site and the loss of the roadside hedgerow. On this basis, the proposal would accord with SAMDev Policy MS12. While the number of dwellings proposed may make efficient use of the site, this, nor the other design matters considered alter or outweigh the harm that would be caused by the delivery of housing outside the development boundary to the character and appearance of the area.
15. The proposal would result in modest economic benefits for the rural community through future occupier spending in the local pubs and shop. There would be economic benefits from Council Tax and a New Homes Bonus payment, but there is no guarantee that they would improve the sustainability of the rural community as they are general benefits to Shropshire as a whole. Similarly, there would be time limited employment opportunities and construction related spending. These may benefit the local economy or specifically the rural community around the site, but there is no certainty that they will either.
16. The bungalows could provide housing for the local community, but there is no assurances or mechanism to be certain that this will be achieved either. They would also be outside the development boundary, and thus would not accord with the approach to deliver the housing guideline identified in SAMDev Policy S11.2(ii). The provision of two dwellings would add to the existing supply and type of housing in Shropshire which is currently in excess of the five years that the Framework requires authorities to demonstrate as a minimum. While this is not a ceiling, the proposal would make a modest contribution at best and not one that may directly benefit the rural community.
17. It is proposed for each dwelling to be energy efficient and include energy saving measures and construction techniques that will ensure that they contribute towards reducing carbon and transiting to a low carbon future. They would be of some benefit to society and the environment in general, but it would be future occupiers who would chiefly benefit from the measures and techniques proposed, and not the local economy or community. In this

regard, the proposal would accord with CS Policy CS6 and the Framework.

18. By not developing the site, the appellant suggests that it would become an eyesore. I do not consider that this would necessarily happen to the site or that it would be such an eyesore given that it is already covered in grass, screened by a mature hedgerow and reflective of the nearby rural fields.
19. Although the proposal would accord with parts of CS Policies CS6 and CS11 and SAMDev Policy MD12, this does not alter or outweigh my overall conclusion on this issue about the harm that the proposal would cause due to its countryside location and its effect on the character and appearance of the area. The proposal would therefore conflict with CS Policies CS1, CS4, CS5, CS6, CS17 and SAMDev Policies S11, MD1, MD2, MD3 and MD7a and the SPD. Among other things, these confirm that outside of Community Clusters new residential development will be strictly controlled and only permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. Development should also be appropriate in density and pattern taking into account local context and character which is also reflected in Framework paragraphs 122, 127 and 170. My findings concerning Framework paragraph 79 e) do not alter my conclusion.

Other Matters

20. The proposed dwellings would not result in harm to the living condition of neighbouring occupants. Adequate refuse provision and drainage would also be provided while each dwelling would benefit from sufficient parking provision. Given the site's location future occupiers would depend on the car to access facilities and services, but they would also be able to access those in Cheswardine on foot or by using a bicycle.

Conclusion

21. The Government's objective is to significantly boost the supply of housing and the proposal would provide two modern homes in a location with adequate access to facilities and services. Due to the proposal's scale and the supply of deliverable sites in the Borough, the provision of two extra houses attracts modest weight. The scheme would also lead to a modest and time-limited economic benefit during the construction phase, which may give rise to extra local employment, and modest occupier spending in the local community.
22. Conversely, the location of the proposal beyond the settlement boundary would undermine the Council's plan-led approach to the delivery of housing. In doing so, it would harm the character and appearance of the area. These matters attract significant weight and outweigh the benefits associated with the proposed development. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.
23. For the reasons set out above, I conclude that the appeal is dismissed.

Mr Andrew McGlone

INSPECTOR