

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

Date: Monday, 30 August 2021

Committee:
Southern Planning Committee

Date: Tuesday, 7 September 2021
Time: 2.00 pm
Venue: Council Chamber, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND

Members of the public will be able to access the live stream of the meeting by clicking on this link:

<https://www.shropshire.gov.uk/southernplanningcommittee7september2021/>

There will be some access to the meeting room for members of the press and public but this will be very limited in order to comply with Covid-19 regulations. If you wish to attend the meeting please e-mail democracy@shropshire.gov.uk to check that a seat will be available for you.

The Council's procedure for holding Socially Distanced Planning Committees including the arrangements for public speaking can be found by clicking on this link:

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

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

Tim Collard
Interim Assistant Director – Legal and Democratic Services

Members of the Committee

David Evans (Chairman)
Robert Tindall (Vice Chairman)
Caroline Bagnall
Andy Boddington
Nick Hignett
Richard Huffer
Hilary Luff
Nigel Lumby
Richard Marshall
Tony Parsons

Substitute Members of the Committee

Julia Buckley
Nigel Hartin
Heather Kidd
Kevin Pardy
Dave Tremellen
Claire Wild

Your Committee Officer is:

Tim Ward Committee Officer

Tel: 01743 257713

Email: tim.ward@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive any apologies for absence.

2 Minutes

To confirm the minutes of the Southern Planning Committee meeting held on 10 August 2021 **[TO FOLLOW]**

Contact Tim Ward (01743) 257716.

3 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is no later than 2.00 pm on Friday 3rd September 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 The Bungalow Ragdon Church Stretton Shropshire SY6 7EZ (20/03751/FUL)

Erection of an agricultural implement storage building. **[REPORT TO FOLLOW]**

6 Former Bowling Green Ford Shrewsbury (21/00475/OUT))

Outline application (access for consideration) for the erection of two (open market) dwellings. **[REPORT TO FOLLOW]**

7 Ironbridge Power Station, Buildwas Road, Ironbridge, Telford, Shropshire TF8 7BL (19/05560/OUT)

To advise members that there will be a special meeting of the Committee at 2.00pm on Monday 20th September to enable Members and Officers to carefully consider revisions to the proposed development proposed by the applicant. These may seek to resolve the reasons Members of the Committee resolved to refuse the application at the meeting in August.

8 Schedule of Appeals and Appeal Decisions (Pages 1 - 12)

9 Date of the Next Meeting

To note that the next scheduled meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 5 October 2021, in the Shrewsbury Room, Shirehall.

This page is intentionally left blank

SCHEDULE OF APPEALS AS AT COMMITTEE 7 September 2021

LPA reference	20/00684/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr J Williams
Proposal	Erection of a detached dwelling
Location	Proposed Dwelling Homer Much Wenlock Shropshire
Date of appeal	15.03.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	13.08.2021
Costs awarded	
Appeal decision	Dismissed

LPA reference	20/05241/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs A Nixon
Proposal	Retention of temporary timber cabin (for 2 years) to provide a farm office, meeting facility and custodial farm living accommodation
Location	Lodge Accommodation At Nixons Wood Church Stretton Shropshire SY6 7JJ
Date of appeal	11.08.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	20/03949/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mrs S Gilmore
Proposal	Outline application (All Matters Reserved) for the erection of 2 dwellings
Location	Proposed Residential Development Land To The East Of 5 Gravels Bank Minsterley Shropshire
Date of appeal	08.03.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	20.08.2021
Costs awarded	Refused
Appeal decision	Dismissed



Appeal Decision

Site visit made on 22 June 2021

by **B Davies MSc FGS CGeol**

an Inspector appointed by the Secretary of State

Decision date: 13 August 2021

Appeal Ref: APP/L3245/W/20/3261877

Land adjoining Middlemarch, Homer, Shropshire, TF13 6NE

- 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 John Williams against the decision of Shropshire Council.
 - The application Ref 20/00684/FUL, dated 3 February 2020, was refused by notice dated 24 April 2020.
 - The development proposed is the erection of a detached dwelling.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The National Planning Policy Framework (the 'Framework') was revised on the 20 July 2021, during the appeal period. Both parties have had the opportunity to comment on the implications of this on their submissions.

Main issues

3. The main issues are:
 - whether or not the appeal site is a suitable location for residential development, having regard to local policies for housing in the countryside,
 - whether or not the proposed development would conserve or enhance the character and appearance of the area and the Shropshire Hills Area of Outstanding Natural Beauty (AONB), and
 - whether or not the development would provide appropriate living conditions for future occupants, with particular regard to provision of private outdoor space.

Reasons

4. The appeal site comprises the lower section of a long, narrow garden attached to 'Middlemarch', a 2-storey, red-brick house on the edge of the small village of Homer. The longest side of the site runs along the main road through the village, from which it is separated by a hedge and five bar gate. It is surrounded on the other two sides by high hedging, beyond which are detached houses set in substantial plots.

Location

5. The appeal site is located in the open countryside, outside the Much Wenlock development boundary and the named Community Hubs or Clusters. It is not in dispute that an open market dwelling can only be built at this location under exceptional circumstances.
6. The appellant contends that this is such a circumstance because the proposal seeks to replicate an old building that may originally have been a squatter's cottage at 'No 8 Homer'. This was located approximately 160 metres away from the site until being demolished in 2014. According to the appellant, the development would therefore represent a 'heritage gain'.
7. Policy CS5 of the Shropshire Local Development Framework Core Strategy¹ (CS) provides support for open market residential conversions. To my mind, the proposal does not meet the definition of a conversion because the building does not already exist at this location, nor is it reconstruction of a building from elsewhere, but rather a new building taking cues from an older structure. No other local policies providing support for this type of 'heritage gain' have been brought to my attention.
8. I do not doubt that there was opposition to demolition of the old cottage from local parties, including the Much Wenlock Civic Society, and I recognise the concerns raised regarding loss of older properties. However, although it may have been locally valued, No 8 Homer was not a listed building, nor identified as a non-designated heritage asset. With this in mind, I consider that any benefit from imitating No 8 Homer would be small, and not sufficient to overcome the harm caused by development of open market housing at this location in conflict with local policies.
9. The definition of previously developed land includes gardens in an area that is not built-up². Although no specific local policy for redevelopment of brownfield land in the open countryside is before me, paragraph 119 of the Framework provides general support for re-use of previously developed land, and this is a material consideration. Given the small scale of the proposal and a lack of evidence that the previous use has limited future options on the site, I conclude that the benefit of re-development in the context of brownfield land would be minimal.
10. The appeal site is therefore not in a suitable location for residential development having regard to local policies for housing in the countryside, including Policies CS4 and CS5 of the CS, Policy S13 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan³ and Policy H5 of the Much Wenlock Neighbourhood Plan (2013 – 2026)⁴.

Character and appearance of the area and the AONB

11. The small size of the proposed external space would be in marked contrast to the otherwise large gardens observed locally. In addition, a significant proportion of the garden of Middlemarch would be lost, making this unusually small for the area. The large gardens associated with local housing contribute

¹ Adopted March 2011

² Dartford Borough Council v Secretary of State for Communities and Local Government & Anor [2017] EWCA Civ 141

³ Adopted December 2015

⁴ Adopted July 2014

positively to the character of the locality and, by significantly intensifying this, the development would appear harmfully cramped.

12. The Council observes that large gardens are an important feature of the village of Homer, which in turn contributes positively to the AONB landscape and I see no reason to come to a different conclusion. The harm from the unusual size of the garden may be small, but Paragraph 176 of the Framework states that the conservation of the AONB landscape is a matter of great weight.
13. The design of the cottage broadly replicates a local building that was demolished in 2014. For this reason, I am satisfied that the building design would not be out of character for the area. Various configurations of buildings can be seen along the main road through Homer, including older houses facing the road and opening directly onto it. In this context, I do not find the orientation and proximity of the house to the road harmful to the character and appearance of the area and AONB.
14. Policies CS6 and CS17 of the CS, and MD2 and MD3 of the SAMDev require that development responds positively to local character, having regard, among other things, to density and plot sizes. Policies CS17 of the CS and MD12 of the SADMP protect the special qualities of the AONB. The unusually small garden size would not contribute positively to the established character of the area, including the landscape of the AONB, and I therefore find conflict with these policies.

Living standards

15. Policy MD2 of the SAMDev requires provision of useable outdoor space of at least 30 sqm per person. Based on the plans before me, there would be in the order of 70 sqm of outdoor amenity space, which is therefore small for a three bedroom house in this area. In addition, the space would feel tightly constrained by the high hedging and trees surrounding the site, resulting in a restricted outlook.
16. Paragraphs 2.16 and 2.17 of the Supplementary Planning Document⁵ states external space should be sufficient to allow for children's play, drying of washing, and for garden and waste storage. While I am satisfied that there would be sufficient space to undertake these activities, it remains unclear that the proposal would meet the requirements of Policy MD2 and outlook would be limited. For these reasons, I conclude that provision of outdoor space would be below the reasonable expectations for a family house in the area.
17. I do not have detailed evidence before me regarding the overshadowing that could be caused by the high, conifer boundary hedges. I note that the hedges on the approximately southern side provide necessary screening between neighbours and conclude that a high screen in some form is likely to remain. My attention has also been drawn to the high shrubs in the neighbouring garden that would likely endure, even if the boundary hedge was lowered. The two main garden areas in the appeal site would therefore be surrounded by high hedging and the house. Given their small size, I find it highly likely that there would be overshadowing of the garden and that this would be to a harmful degree.

⁵ Shropshire Local Development Framework, Type and Affordability of Housing (September 2012)

18. I do not doubt that some modern housing estates have small gardens but the appeal site is in a setting where there is an expectation of a characteristically larger garden.
19. It is not clear that the provision of outdoor space would meet the size requirements of Policy MD2 of the SAMDev, which is protective of the high standard of living in this area. In addition, the outlook from the outdoor amenity area would be poor and would lack sunlight. For these reasons, I find conflict with Policy CS6 of the CS and MD2 of the SAMDev, which together are protective of the standard of residential amenity.

Planning balance and conclusion

20. There would be a contribution to the housing supply and local economy from the construction and occupation of the proposed house, and a minor benefit from development of brownfield land. There is also support in paragraph 79 of the Framework for rural housing where it enhances or maintains the vitality of communities, which given the site's proximity to Much Wenlock, I am satisfied would apply here. However, as this is a single dwelling, the benefits from these factors would be small.
21. The proposal to build an open market house in the open countryside conflicts with local policies and there are no applicable exceptional circumstances. The unusually small size of the external space would cause harm to the character of the area and AONB, which is a matter of great weight, and would not meet the policy requirements in respect of living standards for future occupants.
22. I conclude that the proposal conflicts with the local development plan when read as a whole and the appeal is dismissed.

B Davies

INSPECTOR



Appeal Decision

Site visit made on 22 June 2021

by **B Davies MSc FGS CGeol**

an Inspector appointed by the Secretary of State

Decision date: 20 August 2021

Appeal Ref: APP/L3245/W/21/3267674

Land at Gravels Bank, Minsterley, Shrewsbury, SY5 0HG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Susan Gilmore against the decision of Shropshire Council.
 - The application Ref 20/03949/OUT, dated 24 September 2020, was refused by notice dated 16 November 2020.
 - The development proposed is the erection of two x 3 bedroom houses.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The National Planning Policy Framework (the 'Framework') was revised on the 20 July 2021, during the appeal period. Both parties have had the opportunity to comment on the implications of this for their case.
3. The application was submitted in outline form with all matters reserved. This means that access, appearance, landscaping, layout and scale are all reserved matters.

Application for costs

4. An application for costs was made by Mrs Susan Gilmore against Shropshire Council. This application is the subject of a separate Decision.

Main issues

5. The main issues are:
 - whether or not the appeal site is a suitable location for residential development having regard to local policies for distribution of new housing, and
 - the effect of the development on the character and appearance of the Shropshire Hills AONB.

Reasons

6. Gravels Bank is one of a number of small, rural settlements on the hillside above Hope Valley. The appeal site comprises a rectangular strip of field, the long side of which runs adjacent to the road through the settlement. Housing in the area is widely dispersed and rural in nature. However, there is a small

group of at least half a dozen houses around a road junction adjacent to the site, including several recently built properties. The houses on the southern boundary of the site were in the process of being built at the time of my visit. Upon completion of these, the appeal site will be broadly surrounded on three sides by housing, with the rear side facing open fields.

Location

7. The settlement of Gravels Bank is in the Bishop's Castle Community Cluster. Policy CS1 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (CS) and Policy MD1 of the Site Allocations and Management of Development Plan (December 2015) (SAMDev) commit to delivery of new homes in these areas, subject to certain criteria. This includes infilling on suitable sites according to Policy S2.2 (vii) of the SAMDev. Two houses at this location would complete a built-up frontage along the road at a similar density to that in the surrounding group. For these reasons, I am satisfied that the proposal fulfils the requirements for infill.
8. Policy S2.2 (vii) provides a guideline of 15 new dwellings for the Cluster up to 2026 and Policy MD3 states that this guideline is a significant policy consideration, although it is not in dispute that this is not the equivalent of a 'cap'. Based on the housing supply data at the time of the decision, 7 houses had been built in the Cluster, with 19 more given permission. Since the beginning of the appeal, new data have been published that suggest 13 houses have been completed, with an additional 8 given permission. I do not have any information before me on which to base a sound assessment of the likelihood of outstanding permissions being implemented, but I consider it likely that some will be. The same policy recommends that a maximum of 5 houses be built in each third of the plan period (therefore every 3 to 4 years) and this quota has therefore been exceeded.
9. Taking all of the above into account, I lean to the view that the guideline is likely to be exceeded over the period of the plan in this Cluster. It is recommended that where development would result in an exceedance of the guidelines, decisions must have regard to the extent of the increase, the benefits from the development and the cumulative impacts of a number of developments in a settlement.
10. The proposal is for two additional houses and although this would potentially further exceed the guideline, it is not to a great extent. There would be benefits from addition to the overall housing supply, and contribution to the community and economy. However, there is no evidence for a specific need for open market housing in this Cluster, and as the proposal comprises only two houses, these benefits are therefore of limited weight.
11. Seven of the 13 new houses in the Cluster have been built in Gravels Bank, which I note is only one of approximately 11 named settlements in the Cluster. For this reason, I consider that the potential cumulative impacts are of particular relevance. Some guidance to the assessment of cumulative effects can be found in Policies CS4 and CS6 of the CS, and MD2 of the SAMDev, which state that there must be capacity and availability of infrastructure to serve the new development, and that the proposal must be sympathetic to local character in scale, density and pattern.

12. The Council states that the development would add to pressure on limited existing local infrastructure and services, but no further evidence is provided. While I accept that cumulative development is likely to increase pressure on infrastructure, in the absence of evidence to the contrary I consider it unlikely that two additional houses would have a significantly negative impact on local infrastructure.
13. The openness of the area, with sweeping views of the surrounding fields, hills and woods is a positive characteristic of the settlement. Development at the appeal site would complete the enclosure of the area around the junction and lead to almost a complete loss of openness. This is a prominent location that makes a significant contribution to establishing the character of the settlement and area. For this reason, I find that the loss of openness at this location would be harmful.
14. Infilling at this location would create an uncharacteristic, linear ribbon of modern housing, in character more akin to a village or town. Short ribbons of development can be observed locally, including opposite, but the length of continuous development that would be created would represent a significant departure from the prevailing rural character. I accept that the original, dispersed character of the settlement has been eroded by recent development. However, I conclude that the overall extent of the change in character would be harmful to the area. I acknowledge that the houses do not have to face the road, but this would not be sufficient to overcome the harm caused by the resulting overall pattern of development.
15. I conclude that the guideline for housing in the Cluster is likely to be breached over the period of the plan and this is a significant consideration. New housing for the Cluster has been concentrated in the small settlement of Gravels Bank and the cumulative effects of further development on the character and appearance of the area would be harmful. This would be in conflict with Policies S2.2 and MD3 of the SAMDev, which protect an area from cumulative impacts, and Policy MD2 of the SAMDev, with CS4 and CS6 of the CS, which together protect the character of an area.

Character and appearance of the AONB

16. The AONB Management Plan¹ describes the special qualities of the area, which include the panoramic views extending from and across the AONB abounding in both wide open spaces and intimate corners. The Plan supports low levels of development that create an unspoilt quality. The original character of the area is that of a dispersed, rural settlement at a high elevation, looking outwards. Wide views are obtained over the boundary hedge and field gate of the appeal site towards woodland and distant hills.
17. The development of 2 detached houses at the site would significantly disrupt the remaining easily obtainable views in this direction, which I consider contribute positively to the special qualities of the area. I appreciate that recent building has led to an intensification of development locally, but an additional two houses would exacerbate the loss of the original 'unspoilt quality' at a key location in the settlement.

¹ Shropshire Hills AONB Management Plan 2019-24 (July 2019)

18. The proposal is therefore in conflict with Policy CS17 of the CS, and MD2 and MD12 of the SAMDev, which together protect the special qualities of the Shropshire Hills AONB.

Other matters

19. I have noted the Council's earlier approval of 2 houses in the field to the south². This permission was granted under different circumstances because I understand that at that time there was a potential undersupply of housing. For this reason, I do not find that this sets any form of precedent. Furthermore, I do not find the argument that building on the appeal site is necessary or inevitable to complete the 'orderly' development of Gravels Bank compelling, nor is it specifically supported in local policy.
20. The Ecological Report concludes that new landscaping associated with the development would increase the biodiversity of the land. However, landscaping is a reserved matter, and this is a potential benefit to which I cannot afford any significant weight.

Planning balance and conclusion

21. There would contribution to the housing supply from the development and to the local economy from construction and occupation of the houses, but given that this is only 2 dwellings, the benefit from this would be small.
22. However, the cumulative effects of exceeding the guideline figure for the Cluster would cause harm to the character and appearance of the area, through loss of openness and creation of an inappropriate pattern of development. I have also found that there would be harm to the character and appearance of the AONB, which is a matter of great weight.
23. The proposal conflicts with the development plan read as a whole, and there are not material considerations that indicate a determination other than in accordance with this. The appeal is therefore dismissed.

B Davies

INSPECTOR

² 18/04238/OUT



Costs Decision

Site visit made on 22 June 2021

by **B Davies MSc FGS CGeol**

an Inspector appointed by the Secretary of State

Decision date: 20 August 2021

Appeal Ref: APP/L3245/W/21/3267674

Land at Gravels Bank, Minsterley, Shrewsbury, SY5 0HG

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mrs Susan Gilmore for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of planning permission for the erection of two x 3 bedroom houses.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appellant submits that the Council has acted unreasonably and caused it to incur unnecessary expense. In summary, the reasons given are:
 - the Council has not allowed that this proposal is necessary to complete 'infill' of the gap between Nos 2 and 4 Gravels Bank, in combination with 18/04238/OUT, and
 - the Council's housing delivery data are inaccurate.
4. There is nothing to suggest that the Council viewed the gap between Nos 2 and 4 Gravels Bank as a single, large infill plot that needed to be built upon to complete the orderly development of the settlement. Based on the information before me, the Council were conscious that an infill plot would be created by granting 18/04238/OUT, which would provide an opportunity for housing development, and were clear that any future application would need to be considered on its own merits.
5. I note the related argument that, without the proposed housing proceeding, the development at 18/04238/OUT would not meet the definition of infill and the permission was therefore inappropriately granted. I do not have details of the Council's deliberations regarding 18/04238/OUT before me and, notwithstanding this, it is not within the scope of my decision to re-visit other planning judgments. However, I observe that it is not an absolute requirement

- in local policy for housing development to be infill and there would undoubtedly have been a number of other factors in the Council's planning balance.
6. I have not found the Council's housing delivery data to be inaccurate or inconsistent. It is reasonable that the number of completions and permissions increases over the course of time. In this case, the number of completions and permissions over the course of about a year (from the time of granting permission for 19/05286/OUT) was sufficient to tip the planning balance between under delivery and potential over delivery. Neither the Council nor I have taken into account the application at Hope School because it has not been determined yet.
 7. I have also noted criticism that the housing data were not in an easily understandable form. However, while the information is quite technical, I do not find that the Council was deliberately opaque in its explanation of the data and I am satisfied that presentation of the data in the officer's report was adequate.
 8. The appellant suggests that the Council ignored their correspondence dated 5 November 2020. The Council has provided evidence that they responded the following day, referencing the detailed commentary in its forthcoming report, and I am satisfied that no delay was caused, nor the arguments ignored.
 9. I note criticism of the Council's 'side-stepping' of the issue of whether or not the site is infill. This is neither an uncommon nor unreasonable approach where the weight given to other considerations is sufficient that dwelling on determination of a single factor would make little difference, as was the judgment of the planning officer in this case.
 10. The Council made an error in their appeal statement by essentially omitting the word 'further'. However, the data on which the decision was made were correct and I have no evidence that this minor typing error has led to wasted expense.

Conclusion

11. In light of the above I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated. An award for costs is therefore not justified.

B Davies

INSPECTOR