

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

Date: Monday, 3 October 2022

Committee: Northern Planning Committee

Date: Tuesday, 11 October 2022

Time: 2.00 pm

Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

You are requested to attend the above meeting. The Agenda is attached
There will be some access to the meeting room for members of the press and public, but this will be limited. If you wish to attend the meeting please email democracy@shropshire.gov.uk to check that a seat will be available for you.

Please click [here](#) to view the livestream of the meeting on the date and time stated on the agenda

The recording of the event will also be made available shortly after the meeting on the Shropshire Council Youtube Channel [Here](#)

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>

Tim Collard - Assistant Director – Legal and Governance

Members of the Committee

Joyce Barrow
Garry Burchett
Geoff Elnor
Ted Clarke
Vince Hunt
Mark Jones (Vice Chairman)
Mike Isherwood
Edward Towers
David Vasmer
Alex Wagner
Paul Wynn (Chairman)

Substitute Members of the Committee

Gerald Dakin
Steve Davenport
Julian Dean
Nat Green
Nigel Hartin
Pamela Moseley

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 - 4)

To confirm the Minutes of the meeting of the North Planning Committee held on 16th August 2022, 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 5.00 p.m. on Wednesday, 5th October 2022.

4 Disclosable Pecuniary Interests

Members are reminded that they must declare their disclosable pecuniary interests and other registrable or non-registrable interests in any matter being considered at the meeting as set out in Appendix B of the Members' Code of Conduct and consider if they should leave the room prior to the item being considered. Further advice can be sought from the Monitoring Officer in advance of the meeting.

5 Land North Greenfields Lane, Cefn-y-Maes Farm, Ffordd Cefn-y-Maes, Rhydygroesau, Shropshire (22/03447/FUL) (Pages 5 - 24)

Formation of Solar Park consisting of 3024 solar panels and associated equipment namely inverters, site and DNO substations, battery energy storage units, 2m high deer fence with gates, formation of a permanent access road, CCTV cameras and a weather station mounted on galvanised steel masts inside the solar park.

6 Paddock Lodge, Kinnerley Road, Kinnerley, Oswestry, Shropshire (22/03031/FUL) (Pages 25 - 36)

Application under Section 73a of the Town and Country Planning Act for the retrospective erection of a tools/storage building

7 Roundabout Junction A49/Tarporley Road and A49/A41/Chester Road, Whitchurch, Shropshire (22/03787/ADV) (Pages 37 - 44)

Erect and display three sponsorship signs placed on the A49/Tarporley Road roundabout and four sponsorship signs on the A49/A41/Chester Road roundabout.

8 Roundabout Junction A41/A525/Tilstock Road, A525/Prees Road and A41 Heath Road/Prees Road, Whitchurch, Shropshire (22/03788/ADV) (Pages 45 - 52)

Erect and display five sponsorship signs placed on the A41/A525/Tilstock Road roundabout, four sponsorship signs placed on A525/Prees Road roundabout and three sponsorship signs placed on A41 Heath Road/Prees Road roundabout

9 Roundabout Junction A525/Ash Road/Shakespeare Way and A525/Nantwich Road/Waymills, Whitchurch, Shropshire (22/03789/ADV) (Pages 53 - 60)

Erect and display four sponsorship signs placed on the A525/Ash Road/Shakespeare Way roundabout and three sponsorship signs on A525/Nantwich Road/Waymills roundabout.

10 Appeals and Appeal Decisions (Pages 61 - 108)

11 Date of the Next Meeting

To note that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday, 8th November 2022 in the Shrewsbury Room, Shirehall, Shrewsbury.

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Committee and Date

Northern Planning Committee

11th October 2022

NORTHERN PLANNING COMMITTEE

Minutes of the meeting held on 16 August 2022

In the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

2.00 - 3.52 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 Joyce Barrow, Garry Burchett, Ted Clarke, Vince Hunt, Mark Jones (Vice Chairman), Mike Isherwood, Edward Towers and Steve Davenport (Substitute) (substitute for Geoff Elner)

29 Apologies for Absence

Apologies for absence were received from Councillors Geoff Elner (substitute: Councillor Steve Davenport), David Vasmer and Alex Wagner.

30 Minutes

RESOLVED:

That the Minutes of the meeting of the North Planning Committee held on 21st June 2022 be approved as a correct record and signed by the Chairman.

31 Public Question Time

There were no public questions or petitions received.

32 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.

33 Site Of Former Sports And Social Club And Bowling Green, Albert Road, Shrewsbury, Shropshire, SY1 4JB (20/05217/FUL)

The Senior Planning Officer introduced the application for the erection of 12No. dwellings (C3 Class) and 14No. supported living flats with Community Hub (C2 Class) and associated external works including ball strike fencing, road access, landscaping and car parking (amended description). Members' attention was drawn to the information contained within the Schedule of Additional letters.

Mr David Kilby, on behalf of The Shropshire Playing Fields Association spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Mr Stuart Thomas, Agent on behalf of the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

During the ensuing debate discussion turned to the comments made by the Shropshire Playing Fields Association with regards to the refurbishment payment and the Senior Planning Officer confirmed that the Heads of Terms of the S106 agreement had been amended to reflect these comments and that the payment would be used for the provision or refurbishment of bowling facilities within the urban development boundary to the north of Shrewsbury. This was also detailed in the Schedule of Additional Letters.

Having considered the submitted plans and listened to the comments made by all of the speakers, the majority of Members expressed their support for the proposal.

RESOLVED:

That planning permission be granted subject to the conditions as set out in appendix A of the report and as amended in the Schedule of Additional Letters and delegate authority to the Assistant Director of Economy and Place to review and finalise the revised S106 heads of terms set out in the additional letters schedule and make any amendments to the recommended conditions as considered necessary.

34 34 Bynner Street, Shrewsbury, Shropshire, SY3 7NZ (22/02574/FUL)

The Principal Planning Officer introduced the application for the erection of a rear extension and remodelling of existing detached house, to provide fully an accessible house for a disabled applicant.

Having considered the submitted plans and listened to the comments made by all of the speakers, Members unanimously expressed their support for the proposal.

RESOLVED:

That planning permission be granted subject to the conditions as set out in Appendix 1 of the Officer's report.

35 Land North Of Edstaston, Wem, Shropshire (22/01825/FUL)

The Senior Planning Officer introduced the application for the change of use of field to horse paddock, formation of a new access, erection of stabling for horses and other associated external works and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area. Members' attention was drawn to the information contained within the Schedule of Additional letters.

Mr Neil Spoonley, on behalf of local residents spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Edward Towers, as local ward councillor, made a statement and then moved to the back of the room, took no part in the debate and did not vote on this item.

Mr Darryl Wright, Agent on behalf of the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In response to comments made by a speaker, the Principal Planning Officer confirmed that the application had been advertised correctly a site notice had been placed on the gate and the parish council had been notified.

The Committee carefully considered the concerns of the local residents and the local ward councillor, they were reassured that conditions were in place to cover drainage and the public protection officer had no issues with the composting toilet. Having considered the submitted plans and listened to the comments made by all of the speakers, the majority of Members expressed their support for the proposal.

RESOLVED:

That planning permission be granted, subject to the conditions as set out in Appendix 1.

36 Blandings, Withington, Shrewsbury, Shropshire, SY4 4QA (22/02303/FUL)

The Principal Planning Officer introduced the application for the erection of outbuilding, outdoor kitchen, new gated access and external landscaping works to include 2No pergola structures

Mr Stephen Walton, a local resident spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Phil Heath, on behalf of Withington Parish Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

During the ensuing debate Members of the Committee did express some concerns that the proposals were out of keeping and it was noted that permitted development rights had been removed because the dwelling was not in keeping with the local area. Any concerns relating to where the boundary lay, were civil matters and not planning considerations. Having considered the submitted plans and listened to the comments made by all of the speakers, Members expressed their support for the proposals.

RESOLVED:

That planning permission be granted, subject to the conditions as set out in Appendix 1.

37 Appeals and Appeal Decisions

RESOLVED:

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

38 Exclusion of Public and Press

RESOLVED:

That, in accordance with the provisions of Schedule 12A of the Local Government Act 1972 and Paragraph 10.4 [3] of the Council’s Access to Information Rules, the public and press be excluded from the meeting during consideration of the following items.

39 Planning Enforcement Quarterly Report

RESOLVED:

That members note the progress of planning enforcement case investigations and the exercise of delegated powers in respect of decisions in accordance with the Council’s enforcement protocol.

40 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 13th September 2022, in the Shrewsbury/Oswestry Room, Shirehall, Shrewsbury.

Signed (Chairman)

Date:

AGENDA ITEM



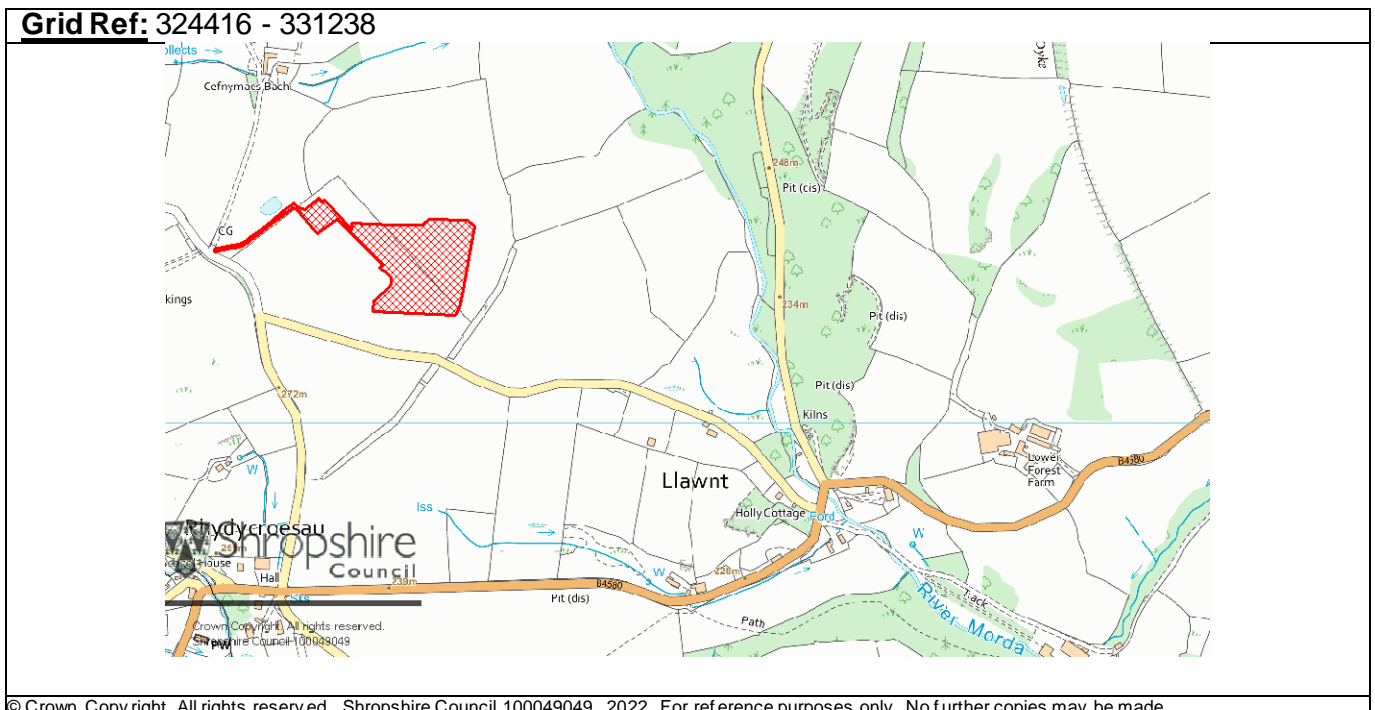
Committee and date
11th October 2022

Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 22/03447/FUL	Parish: Oswestry Rural
Proposal: Formation of Solar Park consisting of 3024 solar panels and associated equipment namely inverters, site and DNO substations, battery energy storage units, 2m high deer fence with gates, formation of a permanent access road, CCTV cameras and a weather station mounted on galvanised steel masts inside the solar park	
Site Address: Land North Greenfields Lane Cefn-y-Maes Farm Ffordd Cefn-y-Maes Rhydycroesau Shropshire	
Applicant: Positech Energy Limited	
Case Officer: Mark Perry	email: mark.perry@shropshire.gov.uk



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Recommendation:- Refuse for the following reason:

- The proposal results in harm to the setting of the Scheduled Ancient Monument, Offa's Dyke. Clear and convincing justification to substantiate and overcome the harm which would arise has not been submitted to accompany the application. The public benefits associated with the proposal would not outweigh the harm which has been identified to the designated heritage asset. The proposal conflicts with national planning policy and guidance, as well as Core Strategy Policies CS5, CS6 and CS17 as well as SAMDev Policies MD2 and MD13."

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks full planning permission for a ground mounted solar park. The development would consist of 3024 solar panels and associated electrical equipment to include inverters, site and DNO substations, battery energy storage units, 2m high deer fence with gates, formation of a permanent access road, CCTV cameras and infrared lighting and a weather station mounted on galvanised steel masts.
- 1.2 Access would be via an existing access off the unclassified road running along the western boundary of the site and would join onto an existing rough stone track, which leads to the solar park site.
- 1.3 This planning application follows a previous refusal for a similar scheme on the site (application no. 22/00350/FUL) which was refused for the following reason:
- "The proposal results in harm to the setting of the Scheduled Ancient Monument, Offa's Dyke. Clear and convincing justification to substantiate and overcome the harm which would arise has not been submitted to accompany the application. The public benefits associated with the proposal would not outweigh the harm which has been identified to the designated heritage asset. The proposal conflicts with national planning policy and guidance, as well as Core Strategy Policies CS5, CS6 and CS17 as well as SAMDev Policies MD2 and MD13."*
- 1.4 This submission includes some changes to the scheme in order to try and address the previous reason for refusal. The changes includes a reduction in the number of panels from 3240 to 3024, the angle of the panels has been reduced from 30 degrees to 25 degrees and the number of panel rows has been reduced from 18 to 14.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site lies within designated open countryside.
- 2.2 The site is located within two agricultural field parcels. The land is generally uneven, rising and falling, relatively steeply in some areas. The central part of the site is more undulating in nature and this is the predominant location of the solar farm. A highway runs along the site's western and southern boundaries. Agricultural fields lie to the north and east.

3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

- 3.1 The local member requested that the application be referred to the planning committee for determination and it is noted the Parish Council support the application, contrary to the Officer recommendation. In consideration of the Consultee responses, it was determined that Committee consideration was appropriate in relation to this application.

4.0 COMMUNITY REPRESENTATIONS

Consultee Comment

- 4.1 **Parish Council-** The Parish Council agree to support this application with the condition that, when the solar panels are no longer required or reached the end of their life, all installations are to be removed and the land restored to its original condition.

- 4.2 **Historic England-** objects to the application on heritage grounds

The proposed formation of a Solar Park consisting of 3240 solar panels and associated electrical equipment namely inverters, site and DNO substations, battery energy storage units, 2m high deer fence with gates, formation of a permanent access road, CCTV cameras and infrared lighting and a weather station mounted on galvanised steel masts inside the solar park is in a sensitive location with regards to the Historic Environment. The proposed developed site is located c.800m west, and within the setting, of the two Scheduled sections of Offa's Dyke - Section 550yds (500m) long, on Bakers Hill, Selattyn (National Heritage List for England UID:1002933) and Section 410m long, E of Llawnt (National Heritage List for England UID: 1006263).

Offa's Dyke is a nationally significant frontier work dating back to the early medieval period. It is considered to be the largest and most complete purpose-built earthwork of its type in the country. It survives well despite some localised reduction of the earthworks and the infilling of the ditch over time, and will retain evidence for the date and method of its construction. Additionally, it has continued to play a role in the development of England and Wales since.

The Dyke was constructed to make use of the landscape through which it passed in order to provide extensive views westwards, and to appear visually prominent when seen from the west. The topography and open, rural character of this still very agricultural landscape mean that the relationship between Offa's

Dyke, the landscape position it commanded and its wider landscape setting can still be appreciated. The relationship between the monument and its setting can still be appreciated in both static and kinetic views to and from the monument, and when moving through the landscape. This therefore makes an important positive contribution to its significance.

Whilst it is acknowledged that there will be no direct physical impact on designated archaeological sites, due to the nature of the topograph, the proposed development would introduce an extensive, and highly visible, modern industrial element into the setting of the nationally significant Offa's Dyke. This change in the setting is detrimental to the understanding of the landscape in which the Dyke was constructed.

It will not only be visible in views from the monument looking westwards but also in views from many of the lanes and footpaths looking from the countryside the Dyke once dominated back to the monument, drawing the eye away from the monument.

Whilst we agree with the conclusions of the Heritage Impact Assessment, we acknowledge that the impact of the development may be wider than that illustrated. It may also be possible to see the proposed development site from Scheduled sections of Offa's Dyke both to the north and south of the two highlighted sections (UID: 1002933 and UID: 1006263). The application is not supported by a Zone of Visual Influence assessment or similar so it is not possible to confirm this.

Due to the topographical differences between Offa's Dyke and the development area the addition of boundary planting nor the orientation of the panels will have any major mitigating factor when assessing impact.

Although situated on private land this does not affect the definition of setting of a heritage asset. The setting being the surroundings in which a heritage asset is experienced. Its extent not being fixed and may change as the asset and its surrounding evolve.

Historic England's advice is provided in line with the importance attached to the significance and setting of designated heritage assets as set out in the National Planning Policy Framework (NPPF) and Historic Environment Good Practice Advice in Planning guidance.

As set out in the National Planning Policy Framework great weight should be given to a designated heritage asset's conservation (NPPF 199), with any harm to significance clearly and convincingly justified (NPPF 200). Where a development will lead to less than substantial harm, any harm should be weighed against the public (rather than private) benefits of the proposal (NPPF 202).

We encourage you to also seek the advice of Shropshire County Council's Archaeological Advisor and Conservation Officer regarding undesignated

archaeology and built heritage, which should be implemented in full.

Historic England's Position

Historic England assess that the introduction of a solar farm into the rural setting of the monument would impact on the ability to understand and appreciate how it interacts with its environment and functioned within its wider social and economic landscape. This would result in harm to the significance that the monument derives from its setting. Historic England therefore objects to the formation of a solar park in this location.

Recommendation

Historic England objects to the application on heritage grounds. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 200 and 202.

4.3 **Archaeology**- objects to the development as a consequence of the harm it would cause to the significance of the two Scheduled sections of Offa's Dyke.

The application is accompanied by a Heritage Impact Assessment by Archaeology Wales, which describes the significance of Offa's Dyke and provides an assessment of the impact that the proposed development would have upon the setting, and thereby the significance, of the monument. As a consequence, officers consider that the requirements of Policy MD13 of the Local Plan and Paragraph 194 of the NPPF have now been satisfied.

The Heritage Impact Assessment finds (at paragraph 6.1.3) that the proposed development will have a negative impact on the setting of the Dyke because: -

"Views west from both the [Scheduled] sections of the Dyke will be affected by the solar farm, which is located on a prominent location on the opposite side of the Morda valley."

The Assessment considers that these impacts will, however, be partially mitigated by the orientation of the panels, the planning of a new hedgerow, and the fact that these sections of the Dyke are located on private land with no public access, such that any impacts on its communal significance will be limited.

The LVIA also concludes that the proposed development would have a moderate adverse landscape impact on the Dyke as a landscape receptor, noting (in the table under paragraph 5.7, pg. 40) that: -

"The proposed development will be partially visible in the middle distance when looking towards Wales from short sections of Offa's Dyke crossing Baker's Hill. The sections in question are not accessible to the public and cross privately owned land."

With reference to the reason for refusal on the previous application (ref.

22/00350/FUL), and specifically in relation to the impact on the significance of the Dyke as a consequence of the affect upon its setting, the Planning Statement contends that: -

“While the Officer Report expressed the view that public access was irrelevant, we take the contrary view that it is central to the appreciation of the significance of designated and undesignated historic monuments and heritage assets.”

As with the previous scheme, Historic England state in their consultation response of 15 August 2022 that they object to the proposed development because they consider it will harm to the significance of the two Scheduled sections of Offa’s Dyke as a consequence of the impacts on their settings.

They state that: -

“...due to the nature of the topography, the proposed development would introduce an extensive, and highly visible, modern industrial element into the setting of the nationally significant Offa's Dyke. This change in the setting is detrimental to the understanding of the landscape in which the Dyke was constructed. It will not only be visible in views from the monument looking westwards but also in views from many of the lanes and footpaths looking from the countryside the Dyke once dominated back to the monument, drawing the eye away from the monument.”

Whilst they agree with the conclusions of the Heritage Impact Assessment, they further state that they consider that the impact of the proposed development may be wider than illustrated by the Assessment, affecting other Scheduled sections of the monument beyond those that were assessed (NHLE refs. 1002933 & 1006263). Likewise, because the Dyke is located on higher ground and therefore provides views down onto and over the proposed development site, in their opinion neither panel orientation and boundary planting “...will have any major mitigating factor when assessing impact.”. They also state that “Although situated on private land this does not affect the definition of setting of a heritage asset.”.

Given the findings of the Heritage Impact Assessment, officers concur with

Historic England’s advice that the proposed development will cause less than substantial harm to the significance of the two sections of Offa’s Dyke. It is therefore considered, contrary to the Applicant’s arguments in their Planning Statement, that the proposed development will be contrary to Local Plan Policies CS5, CS6, MD2 and MD13, and that the tests set out in Paragraphs 199, 200 and 202 of the NPPF apply. In particular, it is advised that, in undertaking the balancing exercise required under Paragraph 202 of the Framework, the decision taker must ensure that, as required under paragraphs 199 and 200, they give ‘great weight’ to the conservation of the Scheduled Monuments, as designated heritage assets of the highest significance. In addition, they should also be satisfied that the Applicant has provided clear and

convincing justification for the harm that would arise from the development. On this basis, SC Archaeology (Historic Environment) objects to the development as a consequence of the harm it would cause to the significance of the two Scheduled sections of Offa's Dyke.

4.4 **Highways-** No objection

4.5 **Ecology-** No objection subject to informatives.

4.6 **Drainage-** The surface water run-off from the solar panels is unlikely to alter the greenfield run-off characteristics of the site therefore the proposals are acceptable.

4.7 **Trees-** No objection subject to implementation of landscaping scheme.

4.8 **Powys County Council-** No response received at time of writing report.

4.9 **Public Comments** – 4 representations have been received commenting on the following:

Any impact would only be during the lifetime of the development- 40 years.

The solar park will occupy a tiny portion of the farm.

The grazing of sheep would continue on the site.

Positive contribution to delivering clean renewable electricity.

Impact on Offa's Dyke

Mitigation proposals are inadequate

Generate income for landowner

Need for more renewable energy

5.0 THE MAIN ISSUES

EIA Screening Opinion

Principle of development

Impact on Heritage Assets

Design and layout

Residential amenity

Highway Safety

Drainage, Trees & Ecology

6.0 OFFICER APPRAISAL

6.1 EIA Screening Opinion

6.1.1 Whilst a Screening Opinion was not submitted by the applicant, this has been undertaken as part of the application process given the site falls within Category 3(a) of Schedule 2 of the 2017 Regulations. The screening opinion confirms that it is not considered that the proposed development would be likely to have significant effects on the environment by virtue of factors such as its nature, size

or location and that the proposed development is not EIA development. An Environmental Impact Assessment is not required.

6.2 Principle of development

- 6.2.1 Applications for planning permission should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan policies relevant to the current proposal are discussed below. In addition to these, the National Planning Policy Framework (NPPF) sets out the Government's planning policies and this is a material consideration which should be taken into account in the determination of this application. Further national policy guidance is provided by National Planning Policy Guidance (NPPG).
- 6.2.2 Strategic Objective 9 of the adopted Core Strategy promotes a low carbon Shropshire, including through the generation of energy from renewable sources. The NPPF states that applicants do not need to demonstrate the overall need for renewable or low carbon energy. Core Strategy Policy CS8 positively encourages infrastructure, where this has no significant adverse impact on recognised environmental assets, that mitigates and adapts to climate change, including decentralised, low carbon and renewable energy generation, and working with network providers to ensure provision of necessary energy distribution networks.
- 6.2.3 Planning Practice Guidance on Renewable and low carbon energy sets out the planning considerations that apply to solar farm proposals. It states that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses.
- 6.2.4 The application documentation states that the proposed development would generate the current average annual electricity demand of 322 Shropshire households and that the anticipated annual CO₂ emissions saving would be 291 tonnes. The proposal would contribute to the Government's target of being carbon net zero by 2050. The proposed 1.24MWp development would provide relatively significant environmental benefits in relation to renewable energy generation which has strong support under both local and national planning policy.
- 6.2.5 Core Strategy Policy CS13 provides support for rural enterprise and diversification of the economy. This is in line with the NPPF which seeks to support a prosperous rural economy by stating that local plans should promote the development and diversification of agricultural and other land-based rural businesses. The application states that the field is poor quality pasture used for grazing and sheep would periodically graze the land whilst the proposal would provide an additional diversified income to the farm business.

6.2.6 The proposal would be located within open countryside and, whilst Core Strategy policy CS5 seeks to control development in these areas, it provides support for required infrastructure which cannot be accommodated within settlements. The potential impacts of the proposal are discussed below, however this policy would not restrict the installation of a ground-mounted solar farm in principle.

6.3 Site Selection and Agricultural Land Quality Considerations

6.3.1 The NPPF states that the economic and other benefits of the best and most versatile (BMV) agricultural land should be taken into account in planning decisions (para. 174). It states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality (footnote 58). In relation to solar farms, Planning Practice Guidance advises that local planning authorities should encourage the effective use of land by focussing these developments on previously developed and non agricultural land, provided that it is not of high environmental value (para. 013). The guidance advises that, in considering solar farm proposals located on greenfield sites, local planning authorities should consider whether:

- the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and
- the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

6.3.2 The Guidance also makes reference to a Ministerial Speech made in April 2013 and a Written Ministerial Statement (WMS) made in March 2015. In relation to the former, this stated that where solar farms are not on brownfield land, the industry should be looking at sites on low grade agricultural land where grazing can take place in parallel with generation. In relation to the WMS this states that meeting our energy goals should not be used to justify the unnecessary use of high quality agricultural land. It states that any proposal for a solar farm involving BMV agricultural land needs to be justified by the most compelling evidence.

6.3.3 An Agricultural Land Classification report has not been submitted to accompany the application. Notwithstanding this, the Provisional Agricultural Land Classification (ALC) for England suggests that the application site is Grade 4 agricultural land, therefore not constituting BMV land.

6.3.4 The applicant has provided some details to evidence why this site has been chosen. It is stated that planning permission for a similar development was granted on a different part of the applicants agricultural holding, by Powys County Council, in 2017. Overall on sustainability and due to economic viability

and the distance from an available power grid connection point, as well as a difficult access to the site, that proposal was not being proceeded with, which has culminated in an application for the current site.

- 6.3.5 The applicant has provided some brief analysis of the availability of alternative sites within the agricultural holding. Other sites have been dismissed because of issues concerning their access and the topography of the land which in some areas prohibited the safe and easy installation of the solar panels. The applicant has not provided any analysis of land outside of the agricultural holding as this was not an option available to them because of the pre-existing lease between the applicant and the land-owner. The existence of the lease does not carry any weight in terms of a material consideration, instead it must be established whether or not this is the most suitable site for the development proposed.
- 6.3.6 The application site does have direct access to the 11kV grid where power enters the farm by overhead cables. This is unlike the site previously approved by Powys County Council. As a result, the revised site would allow 28% higher grid export capacity than the original site.
- 6.3.7 Given the topographical constraints of the holding Officers accept the rationale for choosing this site over others on the holding.

6.4 Impacts on existing agricultural use of land

- 6.4.1 The proposed development would result in the loss of land used for pasture by sheep grazing. Nevertheless, the land would be retained with agricultural use, and the application documents state that the land would be used for periodical sheep grazing. Given that the Agricultural Land Classification of the site is Grade 4, which is not the best and most versatile land, this is a benefit for the scheme. Biodiversity enhancements would comprise the introduction of a 165m long hedgerow and the planting of 5 specimen trees within this hedgerow. This will, when mature, provide an additional landscape feature consistent with the landscape character of the area.
- 6.4.2 The Planning Statement advises that the agricultural holding is located in an area classified as Severely Disadvantaged under the EC Less Favoured Area Designation, where the natural characteristics make it difficult for farmers to compete. These are (mainly upland) areas where the natural characteristics such as geology, altitude, climate, etc. make it difficult for farmers to compete. The applicant advises that the landowner has granted a lease to the applicant in return for a guaranteed index linked annual rent that will provide a degree of long term economic support to the sustainability of the farming business. As such the proposal will help diversify the income to the agricultural enterprise.

6.4 Landscape Impacts

- 6.4.1 Core Strategy Policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets.
- 6.4.2 The proposed solar panels these would be arranged in 14 rows and the panels would be angled at 25 degrees. This would give them an overall height of 2.4m with the lower edge being 0.8m above the ground. Around the perimeter of the site there would be a 2m tall deer fencing. This comprises of galvanised steel wire mesh fixed to timber posts. The battery storage units would be housed in two shipping containers adjacent the PV panels measuring 8.1m long and sub stations would be in units measuring 3 by 2.3m with a height on 2.3m.
- 6.4.3 Like the previous application this revised submission has been accompanied by a Landscape and Visual Impact Assessment (LVIA) dated July 2022. This assessment has been considered by the Council's appointed Landscape Consultant who has advised that the methodology for the LVIA is appropriate for the nature of the proposed development and scale of likely effects and has broadly been prepared in compliance with Guidelines for Landscape and Visual Impact Assessment 3 (GLVIA3). The assessment of effects can be relied on to make a sound planning judgement.
- 6.4.4 The Council's Landscape Consultant has commented on the submitted LVIA stating that that 3 of the judgements of adverse landscape effects on landscape effects, assessed at moderate adverse, are overstated and that these should be neutral. The effect of this is that 10 of the 12 landscape receptors being predicted to experience neutral effects, and the remaining 2 adverse, including a Moderate adverse for Offas's Dyke.
- 6.4.5 Although adverse visual effects are predicted, with levels ranging from Minor to Moderate Adverse, the nature of the topography and vegetation of the study area means that these effects are limited to the vicinity of the site. It is therefore unlikely that the visual effects will be significant.
- 6.4.6 The Council's Landscape Consultant considers that the proposal complies with Core Strategy Policies CS6 and CS17, as well as SAMDev Policies MD2 and MD12.
- 6.4.7 The proposed development would inevitably have an impact on the surrounding landscape, and with the exception of the proposed planting of a 165m section of hedgerow and the planting of 5 new specimen trees along the northern boundary no other mitigation is proposed. This planting will not provide mitigation for the predicted adverse visual effects as there are no publicly accessible viewpoints to the north of the site. Any beneficial effects of the

mitigation measures are therefore limited to the site's vegetation, field pattern and biodiversity but are not reflected in the assessment of effects in the LVIA.

6.4.8 As noted by Historic England, due to the topographical differences between Offa's Dyke and the development area the addition of boundary planting nor the orientation of the panels will have any major mitigating factor when assessing impact.

6.4.9 Although the effect of the proposed development on the character of Offa's Dyke as a landscape element is primarily a visual one, it is not included as a location for the assessment of visual effects because there are no publicly accessible locations within the study area. The inclusion of only publicly accessible locations for the assessment of visual effects accords with the best practice in GLVIA3. This consideration of the effect of the development on the sections of Offa's Dyke that are not publicly accessible are considered below.

6.5 Impact on Historic Environment

6.5.1 The application site is located within the setting of the two Scheduled sections of Offa's Dyke – Section 500m long on Bakers Hill, Selattyn and Section 410m long, East of Llawnt.

6.5.2 Offa's Dyke is a nationally significant frontier work dating back to the early medieval period. It is considered to be the largest and most complete purpose-built earthwork of its type in the country. It survives well despite some localised reduction of the earthworks and the infilling of the ditch over time, and will retain evidence for the date and method of its construction.

6.5.3 In support of the application a Heritage Impact Assessment has been submitted by the applicant which has been considered by Historic England and the Council's Archaeologist.

6.5.4 Historic England recognise that there is no direct physical impact on the Dyke but due to the topography the development would introduce an extensive and highly visible modern industrial element into the setting of the nationally significant Offa's Dyke. The proposed development will not only be visible in views from the monument looking westwards but also in views from many of the lanes and footpaths looking from the countryside the Dyke once dominated back to the monument, drawing the eye away from the monument.

6.5.5 The submitted HIA is considered by Officers to satisfy the requirements of Policy MD13 of the Local Plan and Paragraph 194 of the NPPF. The HIA states that the proposed development will have a negative impact on the setting of both scheduled sections of the Dyke and that views west from both the sections of the Dyke will be affected by the solar farm, which is located on a prominent

location on the opposite side of the Morda valley. The assessment recognises that the impacts of the development are partially mitigated by the alignment of the solar panels, which means they are not facing the scheduled monument, and by a new hedgerow to the north and north-west. The assessment goes on to conclude that the scheduled sections of the Dyke are located on private land the impact on the communal value is minimal.

- 6.5.6 Historic England do agree with the conclusions of the HIA but they consider that the impact of the development may be wider than that illustrated and that it may also be possible to see the proposed development site from Scheduled sections of Offa's Dyke both to the north and south of the two highlighted sections. The application is not supported by a Zone of Visual Influence assessment or similar so it is not possible to confirm this.
- 6.5.7 As noted by Historic England due to the topographical differences between Offa's Dyke and the development area the addition of boundary planting nor the orientation of the panels will have any major mitigating factor when assessing impact.
- 6.5.8 As noted earlier, the landscape and visual impact assessment has only considered the receptors that are publicly accessible. However, when assessing the impact on the setting of a heritage asset the land's accessibility is not relevant. The definition of 'setting' being the surroundings in which a heritage asset is experienced. Its extent not being fixed and may change as the asset and its surroundings evolve.
- 6.5.9 The introduction of a solar farm into the rural setting of the monument is considered to impact on the ability to understand and appreciate how it interacts with its environment and functions within its wider social and economic landscape. This would result in harm to the significance that the monument derives from its setting. Historic England objects to the application on this basis and consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 200 and 202.
- 6.5.10 The Council's Archaeologist concurs with Historic England's advice, stating that the proposal would cause less than substantial harm to the significance of the two sections of Offa's Dyke.
- 6.5.11 Para 199 of the NPPF states that,

'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

- 6.5.12 Para 200 goes on to say that,
'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:...
- b) assets of the highest significance, notably scheduled monuments...should be wholly exceptional.'*
- 6.5.13 It is therefore considered that the proposed development will be contrary to Local Plan Policies CS5, CS6, MD2 and MD13, and that the tests set out in Paragraphs 199, 200 and 202 of the NPPF apply.
- 6.5.14 The NPPF sets out that, the decision taker must ensure that, as required under paragraphs 199 and 200, they give 'great weight' to the conservation of the Scheduled Monuments, as designated heritage assets of the highest significance.
- 6.5.15 Para 202 of the NPPF states that
'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use
- 6.5.16 Whilst Core Strategy Policy CS8 positively encourages infrastructure which includes renewable energy generation, this is on the provision that there are no significant adverse impacts on recognised environmental assets. As outlined above, this has not been demonstrated to be the case.
- 6.5.17 Core Strategy Policy CS17 states that all development protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment and does not adversely affect the heritage values or functions of these assets, their immediate surroundings or connecting corridors. SAMDev Policy MD13 states that wherever possible, proposals should avoid harm or loss of significance to designated heritage assets, including their settings. The application site lies within the setting of the scheduled monument and it is considered that harm would be caused to the significance of the two Scheduled sections of the heritage asset, as a result of the development.
- 6.5.18 Planning Practice Guidance (007) states that in considering planning applications, 'it is important to be clear that the need for renewable or low carbon energy does not automatically override environmental protections'. It goes on to state (007) that 'great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting;'
- 6.5.19 On the basis of national and local plan policy, it is considered that given the

heritage asset is a Scheduled Monument, significant weight is attached to the harm which has been identified as a result of the proposed development and this weighs heavily against the proposal. The public benefits arising from the development are discussed at the end of the report.

6.6 Ecology

6.6.1 An Ecology Survey has been submitted which has been assessed by the Council Ecologist. The report concludes that the grassland and hedges are species poor and that no signs of protected species were found. An additional length of hedge will be planted, which will provide additional habitat for birds and other wildlife. It is considered that the proposal would comply with Core Strategy Policy CS17 and SAMDev Policy MD12 in this respect.

6.7 Highway Safety

6.7.1 Access into the site is via the existing which leads direct off the unclassified road running along the western boundary of the site. The access currently serves a dwelling which lies within the agricultural holding in which the site is located. The internal access road would branch off the existing access and would run southwards via a stone track towards the site. The Construction Traffic Management Plan (CTMP) confirms that construction and delivery vehicles would use Ffordd Cefn Y Maes to access the site, as the road known as Greenfields Lane is not considered to be adequate to accommodate these vehicles.

6.7.2 During construction the largest vehicles used will be 26 ton curtain sided fixed axle lorries for bringing palletted boxes of solar panels to site and these deliveries will be staggered over a number of days. All other deliveries will be by rigid axle smaller vehicles.

6.7.3 Following commissioning, only periodic site visits for maintenance would be required. On this basis, the proposal is not likely to result in a significant increase of vehicular traffic on the local highway network.

6.7.4 The application has been assessed by the Council's Highways Officer who has raised no objection subject to the development being carried out in accordance with the details contained within the submitted Construction Traffic Management Plan.

6.8 Impact on Residential Amenity

6.8.1 A glint and glare assessment has not been submitted to accompany the application. The nearest dwellings are located north east, south east and north west of the application site. Given the topography of the application site and surrounding land, it is considered unlikely that the proposal would result in

adverse impacts to residential amenities of occupiers within these properties, as a result of any glare from the PV panels.

6.9 Decommissioning

6.9.1 Planning Practice Guidance on renewable energy source recognises that solar farms are normally temporary structures and that planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use; a condition can be attached to this effect.

7.0 Planning Balance and Conclusion

7.1 In terms of benefits, the proposal would involve the provision of a facility that would generate renewable energy, thereby reducing Carbon Dioxide emissions from use of unsustainable sources, which is supported by national and local planning policy and objectives. This is given significant weight. Other benefits include the introduction of a length of hedgerow along part of the northern boundary of the site and the planting of 5 trees which would provide some biodiversity enhancement. Whilst the hedgerow would offer a level of ecological net gain, this is not considered to offer any significant screening of the proposal. Moderate weight is therefore attached to this part of the proposal

7.2 The development would result in some adverse impacts on landscape character and adverse impacts on the visual character of the area. No beneficial effects are predicted. Notwithstanding this, it has been concluded that the proposal would comply with relevant local plan policies based on its overall impact on landscape and visual amenity (albeit not taking into account the scheduled ancient monument).

7.3 Weighing heavily against the benefits is the harm which has been identified to the designated heritage asset and the proposals resultant conflict with national and local plan policy and guidance in this respect. The proposal would result in the loss of greenfield/agricultural land, albeit only Class 4 agricultural land. Whilst the applicant has made some revisions to the scheme since the previous application was refused, it is considered that inadequate mitigation measures or solutions have been put forward to overcome the harm which has been identified to the heritage asset. Clear and convincing justification for the proposal in this location has not been evidenced.

7.4 In taking the above into account, on balance, it is considered that the public benefits arising from the development would not outweigh the harm which has been identified as a result of the impact of the proposal on the scheduled monument. As such the planning application is recommended for refusal.

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

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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:

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles
CS8 - Facilities, Services and Infrastructure Provision
CS13 - Economic Development, Enterprise and Employment
Economic Development, Enterprise and Employment
CS17 - Environmental Networks
MD2 - Sustainable Design
MD12 - Natural Environment
MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

22/00350/FUL Formation of Solar Park consisting of 3240 solar panels and associated electrical equipment namely inverters, site and DNO substations, battery energy storage units, 2m high deer fence with gates, formation of a permanent access road, CCTV cameras and infrared lighting and a weather station mounted on galvanised steel masts inside the solar park
REFUSE 24th June 2022

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 Richard Marshall
Local Member Cllr Robert Macey Cllr Mark Thomas Jones
Appendices APPENDIX 1 - Conditions

AGENDA ITEM

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Committee and Date
 Northern Planning Committee
 11th October 2022

Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 22/03031/FUL	Parish:	Knockin
Proposal: Application under Section 73a of the Town and Country Planning Act for the retrospective erection of a tools/storage building		
Site Address: Paddock Lodge Kinnerley Road Kinnerley Oswestry Shropshire		
Applicant: Mr M Sheppard		
Case Officer: Mark Perry	email	: mark.perry@shropshire.gov.uk

Grid Ref: 333434 - 321458



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

REPORT

1.0 THE PROPOSAL

- 1.1 This householder application seeks retrospective planning permission for the retention of a steel framed storage building which is used by the applicant as incidental domestic storage/ garaging in association with Paddock Lodge.
- 1.2 The subject building has formed part of a previous planning application where the applicant sought retrospective consent for the use of two) as holiday lets and the erection of four additional holiday units and one ancillary building (application no. 20/04370/FUL). The ancillary building referred to is the building that is now the subject to this current application.
- 1.3 The above planning application was then refused in May 2021 for the following reason:

The applicant has not adequately demonstrated that the site and the behaviour of holiday makers can be appropriately managed in such a way that the peaceful and tranquil location of the site can be protected and that residential amenity for the neighbouring residential occupiers is safeguarded. As such the proposal fails to comply with CS6, CS16 of the Core Strategy and MD2, MD11 of SamDev.

- 1.4 The applicant then appealed the Council's decision and the Planning Inspector dismissed the appeal.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site falls within the large residential curtilage of Paddock Lodge. The building itself sits to the west of the large sprawling house which has been the subject of a number of extensions over the years. In between the storage building and the highway sits various outbuildings and the applicant's tennis court.
- 2.2 The residential curtilage of Paddock Lodge sits adjacent to the applicant's holiday lodge business which comprises four lodges which were granted permission on appeal in 2013 and have now been operational for a number of years. There are also three other lodges which are unauthorised and were the subject to the planning application referred to in para 1.2 above. The applicant has also been issued with an enforcement notice to prevent the unauthorised lodges being used as tourist accommodation.
- 2.3 The site is located in an area that is defined as open countryside. The nearest neighbouring dwellings are the Heathwaen and Ivy Cottage, both of which are located immediately adjacent to the south western boundary of the application site. Both are traditional rural cottages and Ivy Cottage is a Grade II listed

building. Both of these properties sit on land that is substantially lower than the application site.

- 2.4 A public footpath runs parallel to, but outside, of the south western boundary of the application site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Local member requested, within 21 days that it should be referred to committee for its determination.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 Parish Council- The Parish Council does not object to the retention of the store, subject to the condition that it is used as such, and is not used as a workshop or other use which might add to the disturbance in the locality.

- 4.1.2 Conservation- no comment to make

- 4.1.3 Public Protection- no objection, no complaints about the garage building have been received.

4.2 Public Comments

Objections received from 2 contributors, commenting on the following:

4.2.1

Large industrial type building
Built without planning permission
Refused on appeal
Can be seen from public footpath
Loss of trees
Flooding

5.0 THE MAIN ISSUES

- Background
- Policy & Principle of Development
- Layout, Design & Scale and Impact on Landscape Character
- Impact on Residential Amenity

6.0 OFFICER APPRAISAL

6.2 Policy & Principle of Development

- 6.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the adopted development plan 'unless material considerations indicate otherwise'. Paragraph 11 of the National Planning Policy Framework builds on this wording

by encouraging planning to look favourably upon development, unless the harm that would arise from any approval would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

- 6.2.2 Shropshire Core Strategy Policy CS6 seeks to ensure that all development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance, landscape character assessments and ecological strategies where appropriate.

SAMDev Policy MD2 (Sustainable Design) and Core Strategy Policy CS6 (Sustainable Design and Development Principles) 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 application site is within a countryside location, therefore Shropshire Core Strategy Policy CS5: Countryside and Greenbelt is also of relevance.

- 6.2.3 Additions to existing dwellings are considered acceptable in principle under the 'Type and Affordability of Housing' Supplementary Planning Document (SPD), which supports the Council's Core Strategy Policy CS11. Although this does not refer, specifically, to detached outbuildings, these pose no fundamental policy conflict, provided they are solely for ancillary domestic use.

6.3 **Layout, Design & Scale and Impact on Landscape Character**

- 6.3.1 The subject building is of a steel frame structure and clad in dark juniper green profile steel sheets. The footprint of the building measures 12m by 8m with a height of 4m to eaves and 5.1m to its ridge when measured at the front of the building. The building has a roller shutter door to the front and a smaller pedestrian access to the side.
- 6.3.2 The land upon which the building sits does fall away to the rear as a consequence the rear of the building is set upon 2 rows of stone gabions meaning that the building's concrete floor and the bottom of the steel cladding is approximately 1.5m above the natural ground level. The effect of this is that the massing of the building is significantly greater when viewed from the rear. The rear of the building is visible from the public footpath which passes approximately 23m to the south along the rear boundary of Paddock Lodge.
- 6.3.3 The subject building is has footprint and height which is larger than a more typical domestic garage. Officers note that the applicant uses the building for storing a wide range of general tools and equipment which would be expected to be used for general works and maintenance. Paddock Lodge has an extensive residential curtilage which covers some 0.6 hectares (1.4 acres) and therefore a proportional amount of incidental storage space would be expected for tools and other equipment.

- 6.3.3 It is accepted by Officers that the use of steel profile sheeting as an external material is more commonly used on agricultural or industrial buildings than it is within domestic curtilages. The use of juniper green does give the building a more recessive appearance and does help it avoid being excessively obtrusive when viewed within the site. The site benefits from a good level of tree cover to all boundaries. Consequently, any views of the building from the road are very heavily filtered, the building is also set back into the site by some 60m.
- 6.3.4 Whilst the subject building is larger than a typical domestic garage it must also be recognised that the building is proposed for use in association with a large dwelling that is set within extensive grounds. It must also be recognised that the applicant benefits from substantial permitted development rights which would allow the construction of a large outbuilding, albeit lower in height than the one proposed here, without the need to obtain planning permission.
- 6.5 **Impact on Residential Amenity**
- 6.5.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. The nearest dwelling is to the north west and around 45m away from the subject building.
- 6.5.2 As detailed earlier in this report there has been a previous refusal of planning permission and the subsequent appeal which was dismissed. The refusal was for an application that included not just the subject building but also the addition of further holiday lodges on the adjacent site.
- 6.5.3 In the Planning Inspectors decision she sets out her reasons for dismissing the appeal and this is clearly on the basis of the additional holiday lodges resulting in the generation of additional noise on the site which had the potential to impact upon the amenities or the neighbouring occupiers. Whilst the outbuilding was included within the description of development the Planning Inspector did not make any reference to it in her decision and neither was the outbuilding a reason for the Council to refuse planning permission initially.
- 6.5.4 It is considered by Officers that the storage building which is to be used for purposes incidental to the residential use of Paddock Lodge would not give rise to unacceptable levels of noise or disturbance whereby it would impact upon the amenities of neighbours.
- 6.5.5 Officers note that the applicant and the use of his land has a history of generating complaints from the local community. This has been because of the levels of noise and disturbance that have on occasions emanated from his holiday lodges (noisy parties and social gatherings), in part this has been due to the lack of on site management and supervision and ultimately resulted in the applicant's plans to expand the holiday business being dismissed on appeal. The Council's Public Protection team have also taken the necessary steps under the powers available to them to protect the neighbours from this nuisance.

- 6.5.6 The outbuilding the subject of this current application is proposed by the same applicant as the holiday lodges were, however, this current application must be considered on its individual merits. The Council's Public Protection team have historically received complaints about the holiday lodges but they have not received complaints regarding the use of the outbuilding being considered here.
- 6.5.7 To ensure that the use of the outbuilding remains incidental to the use of the dwelling and not for any business or commercial uses and planning condition would be imposed to this effect.
- 6.5.8 It is considered by Officers that the outbuilding would not generate noise or nuisance that is likely to be significantly greater than a normal domestic premise. Taking into account the separation distance between the building and neighbouring dwelling it would not be likely to have a detrimental impact on residential amenities subject to it being used only for purposes incidental to the dwelling.
- 6.7 Drainage and Flooding**
- 6.7.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity.
- 6.7.2 No details have been provided within the submission to detail how the surface water would be disposed of. It is considered that this can be adequately secured by a condition requiring the applicant to provide details of the surface water drainage system.
- 7.0 CONCLUSION**
- 7.1 The subject building is larger than a typical domestic garage however it is located within the extensive curtilage of Paddock Lodge and in a position where it is closely associated with existing buildings. The building is also well screened by existing trees. The rear of the outbuilding is visible from the passing footpath but overall it is considered by Officer that despite its elevation above the natural ground level it does not result in visual harm to the character and appearance of the site or the wider area.
- 7.2 It is recognised that there have been ongoing problems at the site with regards to noise and nuisance emanating from the holiday lodges which has previously given rise to objections and complaints from neighbouring occupiers and the Parish Council. This application is solely for a building that would be used for incidental storage in association with Paddock Lodge. It is considered that when assessed on its individual merits the outbuilding would not impact upon the amenities of neighbouring occupiers. As such the application is recommended for approval subject to conditions which would include limiting the use of the outbuilding to only uses that are incidental to the enjoyment of Paddock Lodge and not for any business for commercial purposes.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 FINANCIAL IMPLICATIONS

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

10. Background

Relevant Planning Policies

Central Government Guidance:

Core Strategy and Saved Policies:

CS5 - Countryside and Greenbelt
 CS6 - Sustainable Design and Development Principles
 CS11 - Type and Affordability of housing
 MD2 - Sustainable Design

RELEVANT PLANNING HISTORY:

OS/02/11891/FUL Alterations and extension at first floor level, demolition of existing outbuildings and construction of two storey extension with associated works GRANT 5th March 2002
 OS/97/09865/FUL Extension to dwelling and provision of housekeeper's flat GRANT 13th August 1997
 OS/08/15724/FUL Alterations and extension to existing wing to form granny and staff annex and associated works WDN 14th October 2008
 OS/08/15815/FUL Alteration and extension to existing wing to form granny annexe and associated works REFUSE 6th January 2009
 OS/93/8265/FUL Proposed hardwork conservatory GRANT 29th June 1993
 OS/77/7547/FUL Erection of a two storey extension to provide additional living accommodation GRANT 23rd March 1977
 OS/96/9352/FUL Re-siting existing vehicular access and proposed new front boundary wall GRANT 9th May 1996
 10/02836/FUL Change of use of paddock for the siting of 9 holiday chalets with associated

works WDN 20th September 2010

10/04591/FUL Change of use of paddock for the siting of 5 holiday chalets with associated works REFUSE 14th December 2010

12/02689/FUL Change of use of paddock for the siting of 4 holiday chalets; formation of vehicular access/estate roads; installation of sewage treatment plant REFUSE 5th September 2012

16/03093/DIS Discharge of condition 3 (materials), condition 4 (access road), Condition 5 (drainage), condition 6 (bird and bat boxes) and condition 7 (lighting details) for the change of use of paddock for the siting of 4 holiday chalets; formation of vehicular access/estate roads; installation of sewage treatment plant relating to 12/02689/FUL. DISPAR 26th September 2016

17/05552/DIS Discharge of Conditions 3 (Materials) and 5 (Drainage) of planning permission

12/02689/FUL DISREF 20th December 2017

18/00530/DIS Discharge of Conditions 3 (Materials) and 5 (Drainage) of planning permission

12/02689/FUL GRANT 15th March 2018

20/04370/FUL Application under Section 73A of the Town and Country Planning Act 1990 for the use of two buildings (units 6 and 8) as holiday let property; erection of four additional holiday units and one ancillary building REFUSE 21st May 2021

20/04371/CPE Application for Lawful Development Certificate for the existing use of one building as a holiday let property (plot 5) NL 21st July 2021

21/03587/FUL Application under Section 73A of the Town and Country Planning Act 1990 for the use of plot 8 as holiday let accommodation and retention of storage building on site (re-submission) REFUSE 3rd November 2021

21/05866/CPE Application for Lawful Development Certificate for the existing use of holiday lodge accommodation NL 31st March 2022

22/03031/FUL Application under Section 73a of the Town and Country Planning Act for the retrospective erection of a tools/storage building PDE

Appeal

09/00487/REF Alteration and extension to existing wing to form granny annexe and associated works DISMIS 27th October 2009

Appeal

13/02028/REF Change of use of paddock for the siting of 4 holiday chalets; formation of vehicular access/estate roads; installation of sewage treatment plant ALLOW 2nd December 2013

Appeal

21/02970/REF Application under Section 73A of the Town and Country Planning Act 1990 for the use of two buildings (units 6 and 8) as holiday let property; erection of four additional holiday units and one ancillary building DISMIS 15th February 2022

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 Richard Marshall
Local Member Cllr Vince Hunt
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. A scheme of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details and be operational within 4 months of the date of this permission.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

2. The outbuilding hereby approved shall only be used for purposes incidental to the enjoyment of the residential dwelling (Paddock Lodge) and shall not at any time be sold, let or otherwise disposed of or used for any business or commercial uses.

Reason: To safeguard the residential character and amenity of the area.

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Committee and date
North Planning Committee
11 th October 2022

Item
7
Public

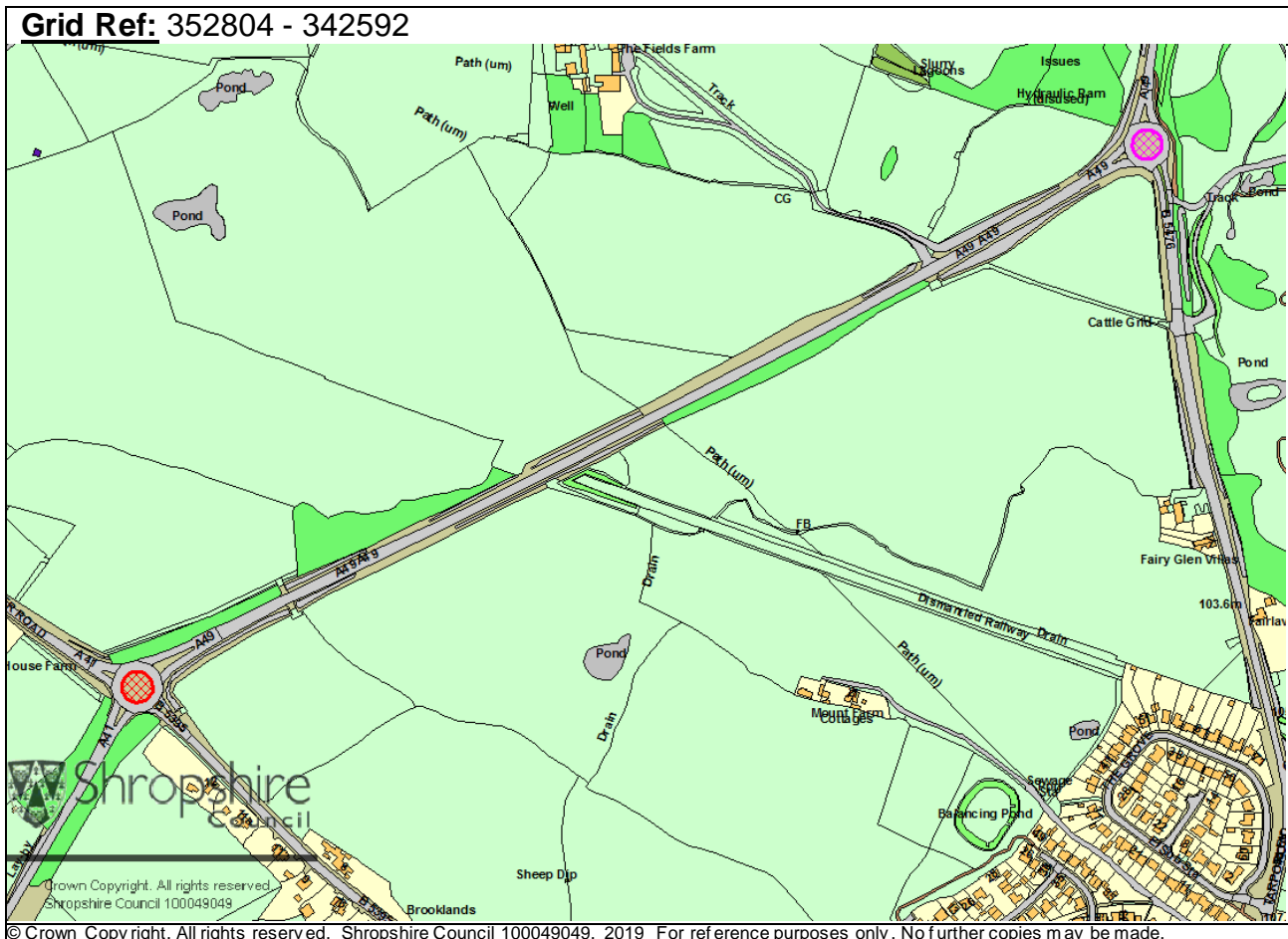
Development Management Report

Responsible Officer: Tracy Darke

Email: tracy.darke@shropshire.gov.uk Tel: (01743) 254915 Fax: (01743) 252619

Summary of Application

Application Number: 22/03787/ADV	Parish: Whitchurch Urban
Proposal: Erect and display three sponsorship signs placed on the A49/Tarporley Road roundabout and four sponsorship signs on the A49/A41/Chester Road roundabout	
Site Address: Roundabout Junction A49/Tarporley Road and A49/A41/Chester Road, Whitchurch, Shropshire	
Applicant: CP Media on behalf of Shropshire Council	
Case Officer: Richard Denison	Email: planning.northern@shropshire.gov.uk



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

REPORT

1.0 THE PROPOSAL

1.1 This is an advertisement application for the erection of freestanding sponsorship signs on two roundabouts on the Whitchurch bypass on behalf of Shropshire Council. The proposed signs will measure 1.2 metres wide by 0.55 metres tall and constructed from steel and aluminium with a powder coated finish with vinyl graphics applied. The sign will be attached onto two dark blue posts 450mm above ground level. The signs will be positioned on the roundabout facing traffic approaching from each direction. All sponsor plaques will be simple in design and the designs will be approved in writing by Shropshire Council. The minimum length of sponsorship is 12 months and the branding on the signs will remain constant during this period. Any existing signs will be removed.

2.0 SITE LOCATION/DESCRIPTION

2.1 The roundabout at the junction of the A49/Tarporley Road is relatively flat and grassed with black and white chevron signs and blue directional highway signs. There are three small trees on the roundabout. There are two existing Shropshire Council sponsorship advertisement signs on the roundabout which were installed without advertisement consent. The roundabout is situated at the start of the Whitchurch bypass from the north.

2.2 The roundabout at the junction of the A49/A41/Chester Road is relatively flat and grassed with black and white chevron signs and blue directional highway signs. There are four existing Shropshire Council sponsorship advertisement signs on the roundabout which were installed without advertisement consent. The roundabout is situated on the Whitchurch bypass on the main approach road into the town from Chester.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 This application is in relation to land owned by Shropshire Council which is not in line with a statutory function and therefore this application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 **Shropshire Council, Highways** - Shropshire Council as Highway Authority raises no objection to the granting of consent of the above-mentioned planning application. It is recommended that the applicant contacts Shropshire Council's Streetworks team to ensure that the necessary permission to work on the highway is sought. It is also recommended that the following condition is placed upon any permission granted

*Prior to the installation of the sponsorship signs a site inspection shall be undertaken with the Highways Authority to agree the layout of the signs in context with existing highway street furniture and landscaping. The agreed layout shall be submitted to the Local Planning Authority for approval and the sponsorship signs installed in accordance with the agreement. Any existing signs on the roundabout shall be permanently removed.
Reason: In the interest of highway safety and visual amenity.*

4.1.2 **Whitchurch Urban Council** - No formal comments have been received.

4.2 **Public Comments**

4.2.1 No public representations have been received.

5.0 **THE MAIN ISSUES**

- Background & Policy
- Impact on Public Safety
- Impact on Visual Amenity

6.0 **OFFICER APPRAISAL**

6.1 **Background & Policy**

6.1.1 Local authority roundabout sponsorship or advertising schemes are now very common throughout the UK and Shropshire Council would like to offer local businesses the opportunity to advertise. Roundabout sponsorship is typically used by small to medium sized local business to raise their profile. It serves as a cost-effective way for them to promote themselves in high visibility locations for considerably less money than would otherwise be possible - helping boost the local economy. The income generated from advertising on Highway's assets will be reinvested in the Highways network.

6.1.2 The National Planning Policy Framework provides guidance on the display of advertisements, in particular paragraph 67 which states "*The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts*". This is reflected in policy CS6 of Shropshire's Core Strategy and policy MD2 of the Site Allocations and Management of Development (SAMDev) Plan.

6.1.3 This application has not been subject to any formal pre-application enquiry.

6.2 **Impact on Public Safety**

6.2.1 The proposed signs will be set back from the edge of the roundabout and clear views are available of traffic on or entering the roundabout. The Council Highways Manager is satisfied that the proposed signs will not be a significant distraction to drivers and that there would be no highway safety implications which could otherwise affect road users

6.3 Impact on Visual Amenity

6.3.1 The proposed signs are located on two roundabouts on the bypass and approach roads into the town and will be visible to drivers as they approach the roundabout. The signs are modest in size 1.2 metres wide by 0.55 metres tall (total sign area of 0.6 sqm) and will be low to the ground. There are existing street structures including road names, directional signs, chevron barriers, lampposts, etc in and around the proximity of the roundabout. Due to the modest size and low profile of the signs they will not result in a significant visual impact on the street scene or character of the local area.

7.0 CONCLUSION

7.1 It is considered that the proposed signs will have no adverse impact on public safety and would have no significant adverse impact on the character and appearance of the site or the visual amenity of the locality. It is recommended that standard advertising conditions are attached to any approval notice issued. The proposed development meets the criteria of national guidance on advertisements and local plan policies CS6 and MD2.

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

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 FINANCIAL IMPLICATIONS

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

10.0 BACKGROUND

10.1 Relevant Planning Policies

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

National Planning Policy Framework (July 2021):

Shropshire Council Core Strategy (February 2011):

CS6 : Sustainable Design and Development Principles

Site Allocations and Management Development Plan (December 2016):

MD2 : Sustainable Design

10.2 Relevant Planning History

There is no relevant planning history.

11.0 ADDITIONAL INFORMATION

List of Background Papers - 22/03787/ADV

Cabinet Member (Portfolio Holder) - Cllr Richard Marshall

Local Member - Cllr Thomas Biggins and Cllr Peggy Mullock

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
3. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
5. No advertisement shall be sited or displayed so as to—
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicleReason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
6. The development shall be carried out strictly in accordance with the approved plans and drawings
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

7. Prior to the installation of the sponsorship signs a site inspection shall be undertaken with the Highways Authority to agree the layout of the signs in context with existing highway street furniture and landscaping. The agreed layout shall be approved in writing by the Local Planning Authority and the sponsorship signs installed in accordance with the agreement. Prior to the installation of the sponsorship signs any existing signs on the roundabout shall be permanently removed.
Reason: In the interest of highway safety and visual amenity.

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Committee and date
North Planning Committee
11th October 2022

Item

Public

Development Management Report

Responsible Officer: Tracy Darke

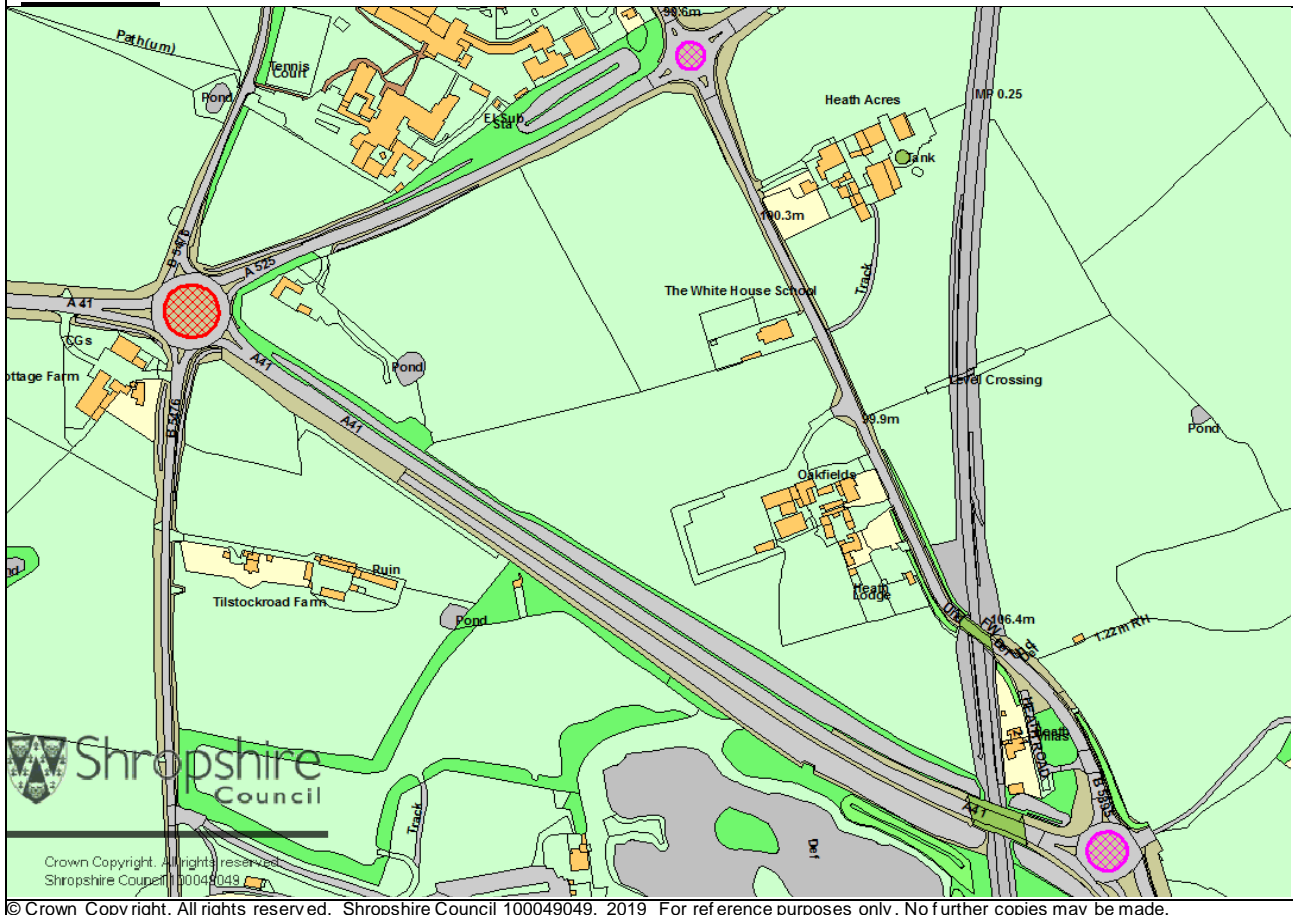
Email: tracy.darke@shropshire.gov.uk

Tel: (01743) 254915 Fax: (01743) 252619

Summary of Application

Application Number: 22/03788/ADV	Parish:	Whitchurch Rural
Proposal: Erect and display five sponsorship signs placed on the A41/A525/Tilstock Road roundabout, four sponsorship signs placed on A525/Prees Road roundabout and three sponsorship signs placed on A41 Heath Road/Prees Road roundabout		
Site Address: Roundabout Junction A41/A525/Tilstock Road, A525/Prees Road and A41 Heath Road/Prees Road, Whitchurch, Shropshire		
Applicant: CP Media on behalf of Shropshire Council		
Case Officer: Richard Denison	Email: planning.northern@shropshire.gov.uk	

Grid Ref: 354367 - 340098



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

REPORT

1.0 THE PROPOSAL

1.1 This is an advertisement application for the erection of freestanding sponsorship signs on three roundabouts on the Whitchurch bypass on behalf of Shropshire Council. The proposed signs will measure 1.2 metres wide by 0.55 metres tall and constructed from steel and aluminium with a powder coated finish with vinyl graphics applied. The sign will be attached onto two dark blue posts 450mm above ground level. The signs will be positioned on the roundabout facing traffic approaching from each direction. All sponsor plaques will be simple in design and the designs will be approved in writing by Shropshire Council. The minimum length of sponsorship is 12 months and the branding on the signs will remain constant during this period. Any existing signs will be removed.

2.0 SITE LOCATION/DESCRIPTION

2.1 The roundabout at the junction of the A41/A525/Tilstock Road is a large relatively flat and grassed with black and white chevron signs and blue directional highway signs. There is a small area of tree landscaping on one edge of the roundabout, whilst there are four existing Shropshire Council sponsorship advertisement signs on the roundabout which were installed without advertisement consent. The roundabout is situated on the bypass on one of the main approaches into the town.

2.2 The roundabout at the junction of the A41 Heath Road/Prees Road is relatively flat and grassed with black and white chevron signs and blue directional highway signs. There is one small tree on the roundabout. The roundabout is situated at the end of the dual carriageway from Prees Heath on the start of the Whitchurch bypass from the south.

2.3 The roundabout at the junction of the A525/Prees Road is relatively flat and grassed with black and white chevron signs and blue directional highway signs. There are two modest sized trees on the roundabout. The roundabout is situated on the outskirts of Whitchurch on one of the main approaches into the town. The roundabout is adjacent to an allocated employment site and St Johns Talbots School.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 This application is in relation to land owned by Shropshire Council which is not in line with a statutory function and therefore this application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1

Shropshire Council, Highways - Shropshire Council as Highway Authority raises no objection to the granting of consent of the above-mentioned planning application. It is recommended that the applicant contacts Shropshire Councils Streetworks team to ensure that the necessary permission to work on the highway is sought. It is also recommended that the following condition is placed upon any permission granted

Prior to the installation of the sponsorship signs a site inspection shall be undertaken with the Highways Authority to agree the layout of the signs in context with existing highway street furniture and landscaping. The agreed layout shall be submitted to the Local Planning Authority for approval and the sponsorship signs installed in accordance with the agreement. Any existing signs on the roundabout shall be permanently removed.

Reason: In the interest of highway safety and visual amenity.

4.1.2 **Whitchurch Rural Parish Council** - No formal comments have been received.

4.2 **Public Comments**

4.2.1 No public representations have been received.

5.0 **THE MAIN ISSUES**

- Background & Policy
- Impact on Public Safety
- Impact on Visual Amenity

6.0 **OFFICER APPRAISAL**

6.1 **Background & Policy**

6.1.1 Local authority roundabout sponsorship or advertising schemes are now very common throughout the UK and Shropshire Council would like to offer local businesses the opportunity to advertise. Roundabout sponsorship is typically used by small to medium sized local business to raise their profile. It serves as a cost-effective way for them to promote themselves in high visibility locations for considerably less money than would otherwise be possible - helping boost the local economy. The income generated from advertising on Highway's assets will be reinvested in the Highways network.

6.1.2 The National Planning Policy Framework provides guidance on the display of advertisements, in particular paragraph 67 which states "*The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts*". This is reflected in policy CS6 of Shropshire's Core Strategy and policy MD2 of the Site Allocations and Management of Development (SAMDev) Plan.

6.1.3 This application has not been subject to any formal pre-application enquiry.

6.2 Impact on Public Safety

6.2.1 The proposed signs will be set back from the edge of the roundabout and clear views are available of traffic on or entering the roundabout. The Council Highways Manager is satisfied that the proposed signs will not be a significant distraction to drivers and that there would be no highway safety implications which could otherwise affect road users

6.3 Impact on Visual Amenity

6.3.1 The proposed signs are located on three roundabouts on the bypass and approach roads into the town and will be visible to drivers as they approach the roundabout. The signs are modest in size 1.2 metres wide by 0.55 metres tall (total sign area of 0.6 sqm) and will be low to the ground. There are existing street structures including road names, directional signs, chevron barriers, lampposts, etc in and around the proximity of the roundabout. Due to the modest size and low profile of the signs they will not result in a significant visual impact on the street scene or character of the local area.

7.0 CONCLUSION

7.1 It is considered that the proposed signs will have no adverse impact on public safety and would have no significant adverse impact on the character and appearance of the site or the visual amenity of the locality. It is recommended that standard advertising conditions are attached to any approval notice issued. The proposed development meets the criteria of national guidance on advertisements and local plan policies CS6 and MD2.

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

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

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

and b) in any event not later than 6 weeks after the grounds to make the claim first arose first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 FINANCIAL IMPLICATIONS

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

10.0 BACKGROUND

10.1 Relevant Planning Policies

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

National Planning Policy Framework (July 2021):

Shropshire Council Core Strategy (February 2011):
CS6 : Sustainable Design and Development Principles

Site Allocations and Management Development Plan (December 2016):

MD2 : Sustainable Design

10.2 Relevant Planning History

There is no relevant planning history.

11.0 ADDITIONAL INFORMATION

List of Background Papers - 22/03788/ADV

Cabinet Member (Portfolio Holder) - Cllr Richard Marshall.

Local Member - Cllr Gerald Dakin

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
3. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
5. No advertisement shall be sited or displayed so as to—
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6. The development shall be carried out strictly in accordance with the approved plans and drawings
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

7. Prior to the installation of the sponsorship signs a site inspection shall be undertaken with the Highways Authority to agree the layout of the signs in context with existing highway street furniture and landscaping. The agreed layout shall be approved in writing by the Local Planning Authority and the sponsorship signs installed in accordance with the agreement. Prior to the installation of the sponsorship signs any existing signs on the roundabout shall be permanently removed.
Reason: In the interest of highway safety and visual amenity.

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Committee and date
North Planning Committee
11th October 2022

Item

Public

Development Management Report

Responsible Officer: Tracy Darke

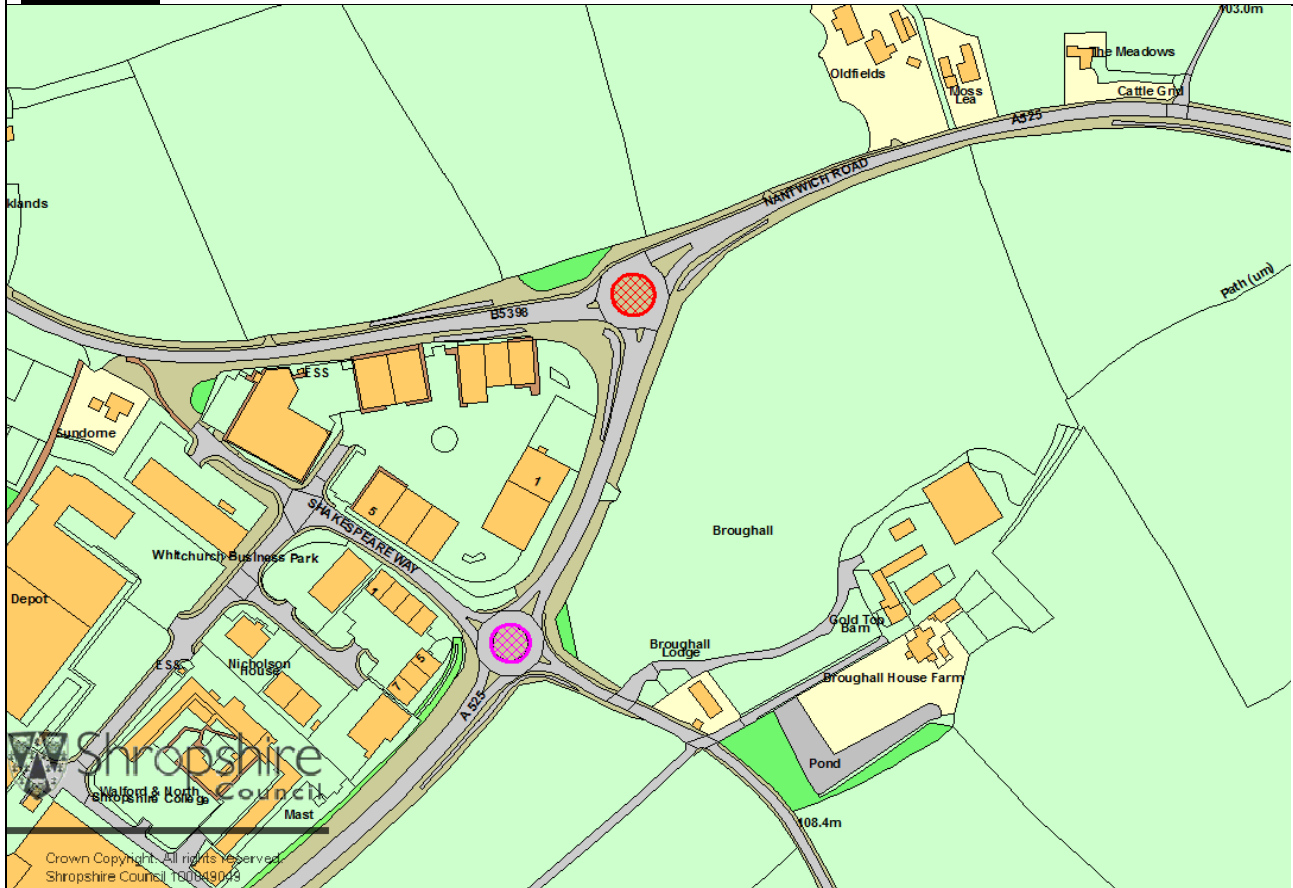
Email: tracy.darke@shropshire.gov.uk

Tel: (01743) 254915 Fax: (01743) 252619

Summary of Application

Application Number: 22/03789/ADV	Parish:	Whitchurch Urban
Proposal: Erect and display four sponsorship signs placed on the A525/Ash Road/Shakespeare Way roundabout and three sponsorship signs on A525/Nantwich Road/Waymills roundabout		
Site Address: Roundabout Junction A525/Ash Road/Shakespeare Way and A525/Nantwich Road/Waymills, Whitchurch, Shropshire		
Applicant: CP Media on behalf of Shropshire Council		
Case Officer: Richard Denison	Email: planning.northern@shropshire.gov.uk	

Grid Ref: 355712 - 341028



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

REPORT

1.0 THE PROPOSAL

1.1 This is an advertisement application for the erection of freestanding sponsorship signs on two roundabouts on the Whitchurch bypass adjacent to Whitchurch Business Park on behalf of Shropshire Council. The proposed signs will measure 1.2 metres wide by 0.55 metres tall and constructed from steel and aluminium with a powder coated finish with vinyl graphics applied. The sign will be attached onto two dark blue posts 450mm above ground level. The signs will be positioned on the roundabout facing traffic approaching from each direction. All sponsor plaques will be simple in design and the designs will be approved in writing by Shropshire Council. The minimum length of sponsorship is 12 months and the branding on the signs will remain constant during this period. Any existing signs will be removed.

2.0 SITE LOCATION/DESCRIPTION

2.1 The roundabout at the junction of the A525/Nantwich Road/Waymills is relatively flat and grassed with black and white chevron signs and blue directional highway signs. There are two modest sized trees on the roundabout. The roundabout is situated on the outskirts of Whitchurch on the approach from Nantwich and is viewed against the backdrop of Whitchurch Business Park.

2.2 The roundabout at the junction of the A525/Ash Road/Shakespeare Way is the main entrance into the Whitchurch Business Park and is also relatively flat and partly grassed with a large shrub in the centre. The roundabout also has black and white chevron signs and blue directional highway signs and is viewed against the backdrop of the business park.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 This application is in relation to land owned by Shropshire Council which is not in line with a statutory function and therefore this application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 **Shropshire Council, Highways** - Shropshire Council as Highway Authority raises no objection to the granting of consent of the above-mentioned planning application. It is recommended that the applicant contacts Shropshire Councils Streetworks team to ensure that the necessary permission to work on the highway is sought. It is also recommended that the following condition is placed upon any permission granted

*Prior to the installation of the sponsorship signs a site inspection shall be undertaken with the Highways Authority to agree the layout of the signs in context with existing highway street furniture and landscaping. The agreed layout shall be submitted to the Local Planning Authority for approval and the sponsorship signs installed in accordance with the agreement. Any existing signs on the roundabout shall be permanently removed.
Reason: In the interest of highway safety and visual amenity.*

4.1.2 **Whitchurch Town Council** - No formal comments have been received.

4.2 **Public Comments**

4.2.1 No public representations have been received.

5.0 **THE MAIN ISSUES**

- Background & Policy
- Impact on Public Safety
- Impact on Visual Amenity

6.0 **OFFICER APPRAISAL**

6.1 **Background & Policy**

6.1.1 Local authority roundabout sponsorship or advertising schemes are now very common throughout the UK and Shropshire Council would like to offer local businesses the opportunity to advertise. Roundabout sponsorship is typically used by small to medium sized local business to raise their profile. It serves as a cost-effective way for them to promote themselves in high visibility locations for considerably less money than would otherwise be possible - helping boost the local economy. The income generated from advertising on Highway's assets will be reinvested in the Highways network.

6.1.2 The National Planning Policy Framework provides guidance on the display of advertisements, in particular paragraph 67 which states "*The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts*". This is reflected in policy CS6 of Shropshire's Core Strategy and policy MD2 of the Site Allocations and Management of Development (SAMDev) Plan.

6.1.3 This application has not been subject to any formal pre-application enquiry.

6.2 **Impact on Public Safety**

6.2.1 The proposed signs will be set back from the edge of the roundabout and clear views are available of traffic on or entering the roundabout. The Council Highways Manager is satisfied that the proposed signs will not be a significant distraction to drivers and that there would be no highway safety implications which could otherwise affect road users

6.3 Impact on Visual Amenity

6.3.1 The proposed signs are located on two roundabouts on the edge of the town adjacent to a built-up business park will be visible to drivers as they approach the roundabout from each of the junctions. The signs are modest in size 1.2 metres wide by 0.55 metres tall (total sign area of 0.6 sqm) and will be low to the ground. There are existing street structures including road names, directional signs, chevron barriers, lampposts, etc in and around the proximity of the roundabout. Due to the modest size and low profile of the signs they will not result in a significant visual impact on the street scene or character of the local area.

7.0 CONCLUSION

7.1 It is considered that the proposed signs will have no adverse impact on public safety and would have no significant adverse impact on the character and appearance of the site or the visual amenity of the locality. It is recommended that standard advertising conditions are attached to any approval notice issued. The proposed development meets the criteria of national guidance on advertisements and local plan policies CS6 and MD2.

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

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 FINANCIAL IMPLICATIONS

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

10.0 BACKGROUND

10.1 Relevant Planning Policies

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

National Planning Policy Framework (July 2021):

Shropshire Council Core Strategy (February 2011):

CS6 : Sustainable Design and Development Principles

Site Allocations and Management Development Plan (December 2016):

MD2 : Sustainable Design

10.2 Relevant Planning History

There is no relevant planning history.

11.0 ADDITIONAL INFORMATION

List of Background Papers - 22/03789/ADV

Cabinet Member (Portfolio Holder) - Cllr Richard Marshall.

Local Member - Cllr Gerald Dakin

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
3. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
5. No advertisement shall be sited or displayed so as to—
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicleReason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
6. The development shall be carried out strictly in accordance with the approved plans and drawings
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

7. Prior to the installation of the sponsorship signs a site inspection shall be undertaken with the Highways Authority to agree the layout of the signs in context with existing highway street furniture and landscaping. The agreed layout shall be approved in writing by the Local Planning Authority and the sponsorship signs installed in accordance with the agreement. Prior to the installation of the sponsorship signs any existing signs on the roundabout shall be permanently removed.
Reason: In the interest of highway safety and visual amenity.

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SCHEDULE OF APPEALS AS AT COMMITTEE 11th October 2022

Appeals Lodged

LPA reference	20/03962/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr T Heal
Proposal	Application under S73a for siting of a mobile home for use as temporary agricultural workers dwelling
Location	Heal Farm Butlers bank Shawbury
Date of appeal	23/6/2022
Appeal method	Hearing
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	20/03923/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr T Heal
Proposal	Application under S73a for siting of a mobile home for use as temporary agricultural workers dwelling
Location	Poultry Buildings Muckleton Lane Edgebolton
Date of appeal	23.06.2022
Appeal method	Hearing
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	20/03920/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr T Heal
Proposal	Application under S73a for siting of a mobile home for use as temporary agricultural workers dwelling
Location	Haw Green Farm Peplow
Date of appeal	23.06.2022
Appeal method	Hearing
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	20/03961/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr T Heal
Proposal	Application under S73a for siting of a mobile home for use as temporary agricultural workers dwelling
Location	Hazeldene Stanton Upon Hine Heath
Date of appeal	23.06.2022
Appeal method	Hearing
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	19/05356/DSA106
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Ms R Lane
Proposal	Discharge of S106 Agreement pursuant to 14/02465/FUL
Location	The Bradleys Prescott Road Prescott
Date of appeal	21.02.2022
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	22/01475/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr D Watson
Proposal	Erection of two storey side extension and outbuilding
Location	Heathfield Rosehill Road Stoke Heath
Date of appeal	29.06.2022
Appeal method	Fast Track
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	21/04560/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr L Vincent
Proposal	A material change of use from equestrian to a mixed use of equestrian and the stationing of caravans for residential purposes including the erection of two dayrooms ancillary to that use
Location	Land at Coton Whitchurch
Date of appeal	06.06.2022
Appeal method	Hearing
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	21/05863/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr G Lewis, Mrs Rutter and Mrs Page
Proposal	Redevelopment of site to include change of use of public house to retail (Class E a-g), conversion of part existing building to residential to create (2no apartments), erection of a new build residential building (7no apartments) following removal of existing outbuildings, and associated external works
Location	Old Post office and buildings rear of 25 High Street Wem
Date of appeal	27.05.2022
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	21/05768/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr D Rogerson
Proposal	Change of use of field to horse paddock, formation of a new access, erection of stabling for horses, installation of a packaged sewage treatment plant and other associated external works
Location	Proposed stable North of Edstaston Wem
Date of appeal	11.04.2022
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	21/05033/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mr J Harmer
Proposal	Erection of a 4 bedroom detached two storey dwelling to replace pair of semi-detached dwellings to be demolished (last used as a single unit) and alterations to existing vehicular access
Location	Barkers House Withington Shrewsbury
Date of appeal	30.05.2022
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	22/00553/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs Lightfoot
Proposal	Outline application (access,layout, scale for consideration) for the extension to existing equipment store, and maintenance shed to create a live work unit
Location	The Old Railway Line Pipe Gate Market Drayton
Date of appeal	2.9.2022
Appeal method	Written Reps
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	21/01967/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Simon Morris
Proposal	Outline application (all matters reserved) for residential development of (up to) 14 dwellings
Location	Land Adj. 2 Moorland Cottages Marton Road Baschurch
Date of appeal	17.06.2022
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	22/01167/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr & Mrs T Jones
Proposal	Replacement garage to side to include first floor extension over, remodelling of existing front, and internal layout
Location	Crickett Cottage, Lower Perth, Ellesmere, SY12 9HY
Date of appeal	13.09.22
Appeal method	Fast Track
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	22/00783/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mr David Maddison
Proposal	Erection of a detached double garage
Location	13 Fawcett Grove Shrewsbury
Date of appeal	22.06.2022
Appeal method	Householder
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	22/01947/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mr Richard Walker
Proposal	Erection of 3 No dwellings (resubmission)
Location	Proposed Development Land At Adcote School Little Ness Shrewsbury
Date of appeal	29.08.2022
Appeal method	Hearing
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	21/05743/OUT
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Senescura Ltd
Proposal	A Continuing Care Community (Use class C2) comprising up to 182 units of Extra Care and Close Care accommodation with graduated care provision in the form of lodges and apartments; a 75 bed Nursing home and Dementia unit; an amenities building providing supporting care facilities, treatment / therapy rooms, fitness pool, restaurant, small shop and site management facilities, with open space, communal gardens, nature trails, landscaping, car parking and supporting infrastructure.
Location	Land Off Ellesmere Road Hencote Shrewsbury
Date of appeal	05.09.2022
Appeal method	Inquiry
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	21/04356/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	MAR DESIGN LIMITED
Proposal	Sub-division of ground floor retail to form 5 class 'E' units and creation of 14no residential apartments on first floor
Location	Monkmoor Trading Estate Monkmoor Road Shrewsbury
Date of appeal	01.07.2022
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

Appeals Determined

LPA reference	21/05619/VAR
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mr T Edwards
Proposal	Variation of condition 2 (approved plans) attached to planning permission 15/03747/FUL dated 6th June 2016 to amend the design of the consented extension
Location	Laburnum Barn Wollerton
Date of appeal	01.02.2022
Appeal method	Written Representations
Date site visit	12.07.2022
Date of appeal decision	20.07.2022
Costs awarded	
Appeal decision	DISMISSED

LPA reference	20/05228/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr G Hardcastle
Proposal	Conversion of agricultural buildings to residential holiday accommodation and demolition of existing barn
Location	Caegwision Farm Maesbrook Shropshire
Date of appeal	31.3.22
Appeal method	Written Reps
Date site visit	12.7.22
Date of appeal decision	
Costs awarded	
Appeal decision	DISMISSED

LPA reference	21/05954/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr D Firth And Ms S Penrose
Proposal	Erection of extension and increase in height to form two storey dwelling
Location	The Lawns Criftins Ellesmere
Date of appeal	27.06.2022
Appeal method	Written Representations
Date site visit	
Date of appeal decision	17.08.2022
Costs awarded	
Appeal decision	DISMISSED

LPA reference	22/00503/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mrs Johnson-Davies
Proposal	Erection of a detached pitched roof garage and associated alterations (resubmission)
Location	The Haven Shepherds Lane Shrewsbury
Date of appeal	04.05.2022
Appeal method	Householder
Date site visit	26.07.2022
Date of appeal decision	17.08.2022
Costs awarded	
Appeal decision	DISMISSED

LPA reference	22/01424/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mr Jonathan Stackhouse
Proposal	Erection of a detached oak framed car port
Location	Radnor House Pountney Gardens Shrewsbury
Date of appeal	21.06.2022
Appeal method	Householder
Date site visit	26.07.2022
Date of appeal decision	19.08.2022
Costs awarded	
Appeal decision	ALLOWED

LPA reference	21/02618/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Messers M and T Shuker
Proposal	Erection of 2No self-build dwellings with the formation of vehicular accesses (revised scheme)
Location	Land South Of Chapel Lane Knockin Heath
Date of appeal	04.02.2022
Appeal method	Written Representations
Date site visit	18.07.2022
Date of appeal decision	20.09.2022
Costs awarded	
Appeal decision	DISMISSED

LPA reference	22/00097/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr And Mrs Mark Connell
Proposal	Erection of single storey extensions and alterations to dwelling following demolition of existing extensions
Location	Manor Farm Spoonley Market Drayton
Date of appeal	02.04.2022
Appeal method	Written Representation
Date site visit	23.08.2022
Date of appeal decision	21.09.2022
Costs awarded	
Appeal decision	DISMISSED

LPA reference	22/01475/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr D Watson
Proposal	Erection of two storey side extension and outbuilding
Location	Heathfield Rosehill Road Stoke Heath
Date of appeal	29.06.2022
Appeal method	Fast Track
Date site visit	17.08.2022
Date of appeal decision	22.09.2022
Costs awarded	
Appeal decision	DISMISSED

LPA reference	22/00180/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mr Ryan Chance
Proposal	Erection of a detached garage and workshop with home office and storage above
Location	Bank House Nobold Lane Shrewsbury
Date of appeal	04.05.2022
Appeal method	Householder
Date site visit	26.07.2022
Date of appeal decision	17.08.2022
Costs awarded	
Appeal decision	DISMISSED

LPA reference	22/00722/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Miss Desi Koleva
Proposal	Application under Section 73A of the Town and Country Planning Act 1990 for the erection of extension to existing dwelling
Location	41 Roseway Shrewsbury
Date of appeal	20.06.2022
Appeal method	Householder
Date site visit	17.08.2022
Date of appeal decision	22.09.2022
Costs awarded	
Appeal decision	DISMISSED

LPA reference	22/00652/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mrs Clare Rogers
Proposal	Installation of dormer to side elevation
Location	13 Mayfield Grove Bayston Hill Shrewsbury
Date of appeal	30.06.2022
Appeal method	Householder
Date site visit	17.08.2022
Date of appeal decision	22.09.2022
Costs awarded	
Appeal decision	DISMISSED



Appeal Decisions

Site visit made on 12 July 2022

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2022

Appeal A Ref: APP/L3245/W/22/3291914

Laburnum Barn, Wollerton, MARKET DRAYTON, TF9 3NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Tom Edwards against the decision of Shropshire Council.
 - The application Ref 21/05619/VAR, dated 29 November 2021, was refused by notice dated 20 January 2022.
 - The application sought planning permission for conversion of barn into dwelling without complying with a condition attached to planning permission Ref 15/03747/FUL, dated 6 June 2016.
 - The condition in dispute is No. 2 which states that the development shall be carried out strictly in accordance with the approved plans and drawings.
 - The reason given for the condition is for the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.
-

Appeal B Ref: APP/L3245/W/22/3298372

Laburnum Barn, Wollerton, MARKET DRAYTON, TF9 3NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Tom Edwards against the decision of Shropshire Council.
 - The application Ref 22/00812/VAR, dated 17 February 2022, was refused by notice dated 20 April 2022.
 - The application sought planning permission for conversion of barn into dwelling without complying with a condition attached to planning permission Ref 15/03747/FUL, dated 6 June 2016.
 - The condition in dispute is No. 2 which states that the development shall be carried out strictly in accordance with the approved plans and drawings.
 - The reason given for the condition is for the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.
-

Decisions

1. Appeal A and Appeal B are both dismissed.

Main Issue

2. The main issue for both appeals is the effect of the proposals on the character and appearance of the host property and the wider area.

Reasons

3. The appeal site is located in the small but dispersed rural settlement of Wollerton, forming part of a cluster of buildings on this side of Mill Road.
4. Laburnum Barn is a modest brick and slate building set within a large plot, which is bounded on two sides by open agricultural land. The converted barn is agricultural in appearance, and from the information provided, and my observations on site, it seems likely that it was formerly a stable or cart store with hayloft above.
5. Immediately to the front of Laburnum Barn is Laburnum Villa, an attractive and well-proportioned two storey house. Aside from a single storey rear extension, Laburnum Villa appears to be relatively unaltered and retains the appearance of a traditional country dwelling or farmhouse.
6. From the information provided in the submitted Design and Access Statement, Laburnum Villa and Barn first appear on an Ordnance Survey map from 1902 and date from around that time. The cartographic evidence, and their close proximity and shared name, strongly suggest that the Barn was an outbuilding associated with Laburnum Villa.
7. The Council has described Laburnum Barn as a non-designated heritage asset, and I note that it is listed in the Shropshire Historic Environment Record. As a traditional rural outbuilding, the barn has historic and evidential value, demonstrating the style of rural buildings and the pattern of past development in this area. The simple yet functional design of the Barn, and its attractive rural position, give it aesthetic value.
8. The significance of Laburnum Barn is derived from its rural setting, intact historic fabric and its spatial relationship with Laburnum Villa, which is still clearly apparent despite the recent subdivision of the site and the erection of a boundary wall.
9. The Barn has already been converted to residential use, in accordance with planning permission ref 15/03747/FUL. The former lean-to has been demolished, but the single storey rear extension, which formed part of the approved scheme, has not been built.
10. The two appeals propose alternative schemes to extend Laburnum Barn, which differ only in their design and fenestration. Unlike the contemporary box form of the previously approved extension, the current appeals propose designs which aim to respect the style of the traditional rural buildings found in this area. In the case of Appeal A, the simple pitched roof design would reflect the appearance of the original building. However, the Dutch barn style addition with curved roof, proposed in Appeal B, would be very different to the host building. Even though Appeal B would be agricultural in appearance, it would introduce an unlikely and somewhat confused relationship between the original building and extension.
11. Both schemes propose a single storey extension with a similar overall footprint to that originally approved, but turned by 90 degrees to project out from the rear elevation, rather than running along its length, as in the original scheme. In both appeals, the main part of the extension would be offset from the rear elevation of the Barn, and would be joined to the original building by a lower, flat roofed linking element. This would help to retain more of the historic fabric

of the Barn, as well as providing a degree of visual separation between the original and new elements. However, despite the proposed link, the orientation of both proposals would detract from the original, simple rectangular plan form of the outbuilding. Furthermore, by turning the extension around and creating an L-shape, as proposed in both appeals, the overall impression would be of a much larger building than was previously approved, even though the footprint would be similar.

12. The overall height of both proposed additions would exceed that of the Barn's eaves. I appreciate the appellant's desire for a more open and airy space than is provided by the original barn, and the associated benefits for well-being. However, due to their height, both proposals, and in particular Appeal A, would appear overly dominant in relation to the original building. As a result, both appeals would adversely affect the character of Laburnum Barn, and would detract from the significance of the non-designated heritage asset.
13. Its position behind Laburnum Villa means that views of the Barn from the road outside are restricted, but nonetheless the extensions proposed in both appeals would be visible from Mill Road at the front. Both proposals would also be visible across the adjacent field from both Mill Road and Drayton Road. Although the proposals would be seen in the context of other surrounding buildings, including the adjacent dwelling Lexley, the extension proposed in Appeal A, and to a lesser extent that in Appeal B, would visually compete with the Barn, causing harm to the character of the building as it is appreciated from the wider area.
14. I conclude that both appeals would cause harm to the character and appearance of the host property and the wider area. Both proposals would be contrary to Policies CS6 and CS17 of the Shropshire Core Strategy 2011 and Policies MD2 and MD13 of the Site Allocations and Management of Development Plan 2015. Taken together, these policies require that new development conserves and enhances the built and historic environment, and is appropriate in design, taking account the local context and character.
15. There is further conflict with paragraph 130 of the National Planning Policy Framework which requires that developments are sympathetic to local character and history.

Conclusion

16. In both appeals, the proposed variation of condition 2 conflicts with the development plan and there are no other considerations which overcome this finding. Appeal A and Appeal B are therefore dismissed.

R Morgan

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/L3245/W/22/3291914	Mr Tom Edwards
Appeal B	APP/L3245/W/22/3298372	Mr Tom Edwards



Appeal Decision

Site visit made on 12 July 2022

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2022

Appeal Ref: APP/L3245/W/21/3287465

Caegwision Farm, Pentreheylin Hall Junction To Caegwision Farm Junction, Maesbrook SY10 8QL

- 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 Gareth Hardcastle against the decision of Shropshire Council.
 - The application Ref 20/05228/FUL, dated 14 December 2020, was refused by notice dated 28 July 2021.
 - The development proposed is the change of use from agricultural buildings to residential holiday accommodation and demolition of existing barn.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The reasons for refusal set out in the Council's decision notice included insufficient information being provided in relation to bats and great crested newts. An amended great crested newt survey and updated bat survey were subsequently submitted as part of the appeal process. The Council has confirmed in its statement of case that following the submission of these surveys there is no longer any objection to the proposed development on ecology grounds. I have therefore dealt with the appeal on that basis.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host building as a non-designated heritage asset.

Reasons

4. Caegwision Farm is a former farmstead which is now in solely residential use. The site consists of a 19th century farmhouse, and a range of traditional agricultural buildings located around the farmyard. The appeal building is located on the eastern side of the farmyard and is constructed in red brick with a slate tile roof. The appeal building forms an L-shape with another brick building which is attached at its north-west end.
5. The parties agree the appeal building forms part of a historic farmstead and has been identified a non-designated heritage asset (NDHA). Regarding the historic environment, the Planning Practice Guidance¹ (PPG) advises that decisions to identify non-designated heritage assets are based on sound evidence. Paragraph 203 of the National Planning Policy Framework (the

¹ PPG Paragraph: 040 Reference ID: 18a-040-20190723

Framework) requires that when determining applications that affect the significance of a NDHA a balanced judgement is required, having regard to the scale of any harm, and the significance of the asset.

6. The Heritage Assessment (HA) submitted by the appellant highlights that Caegwision Farm was identified as a historic farmstead in the '*Historic Farmsteads Characterisation Project 2008-2010*', with the description referring to a 'regular courtyard comprising an L-Plan range'. The HA outlines that the significance of the appeal building is principally derived from its evidential and historic value as well as its contribution to the overall farmstead.
7. The HA acknowledges that, typically, historic farm buildings such as the appeal building are subject to minimal alterations or changes to the external fabric, and in this case the fact that the appeal building remains as part of a group of buildings which form the same farmstead contributes to its evidential value. Furthermore, the building retains a high level of illustrative historical value embodied in the built elements. I observed during my site visit that the appeal building appeared to be in relatively good structural condition and had retained its traditional and simple appearance and form with modest openings.
8. The appeal proposal is to convert the building into a four-bedroom holiday let accommodation. Although the proposed scheme predominately seeks to utilise existing or re-instate blocked up openings in the building, new additions and openings are also proposed. These new external additions and openings are principally to the northern and eastern elevations of the building.
9. Both the north and south gable elevations of the building are predominately solid with no openings at ground floor level on either elevation. No evidence has been provided which would indicate that the insertion of a ground floor opening would represent the reinstatement of an original or historical feature.
10. The proposed scheme however includes the creation of a new substantial glazed opening on the north gable elevation of the building. This new opening would incorporate virtually the full width and height of the north gable elevation. The scale, proportion and design of this opening would fail to relate to the historic character of the building or its existing openings and would appear as a visually incongruous feature, causing harm to the character and appearance of the NDHA.
11. The creation of this substantial new opening in the north elevation would also result in the loss of a large section of historic fabric, including existing detailing on the gable elevation. Although not readily visible from external vantage points, the loss of the historic fabric and its detailing would result in harm being caused to the significance of the NDHA.
12. The proposed development also includes the demolition and removal of the dilapidated and disused barn dating from around the 1970's which is situated immediately to the east of the building. The barn is of little significance and its demolition would have a positive impact on the significance of the NDHA by virtue of exposing the east elevation of the appeal building, which is currently largely obscured from view. The proposed scheme would result in the east elevation becoming particularly prominent, especially when entering the site via the proposed vehicular access.

13. A number of additions and alterations are also proposed to the east elevation of the building as part of the appeal scheme. These changes include the re-instatement of an arched opening, the blocking up of an existing doorway, the creation of 2 no dormer windows, and the removal of three openings of various sizes towards the southern end of the elevation and subsequent replacement with a new single window opening. Cumulatively, these works significantly alter the appearance of the eastern elevation and introduce features which are more dominant and modern in design and appearance.
14. In particular, the new window opening towards the southern end of the elevation would be significant in size and almost square in proportions. The proposed window would be at odds with the size, type and design of the existing traditional openings on the building and would appear an alien feature, out of character with the host building. Additionally, the proposed roof dormers would not utilise existing openings and would detract from the traditional simple form and appearance of the building. No historical or practical justification has been provided which would weigh in favour of their inclusion, which would instead introduce new features onto what would be a prominent elevation.
15. No external alterations are proposed to the south gable elevation which will remain blank, whereas any proposed alterations to the west elevation generally retain and re-use existing openings. Consequently, the proposed works to these elevations would be in-keeping with the traditional appearance and form of the building and would not result in harm being caused to the significance of the NDHA.
16. I acknowledge that when converting an agricultural building into a residential unit it is highly likely that some minor external alterations are going to be required to facilitate the new use. However, I do not agree with the appellant that the alterations proposed to the northern and eastern elevation could be described as minimal. As described above, the proposed alterations to these elevations are significant and would fail to relate to the traditional and agricultural form of the building.
17. Overall, I conclude that the alterations to the northern and eastern elevations of the appeal building would detract from the character and appearance of the host property as a NDHA. In accordance with paragraph 203 of the Framework I find that, on balance, the proposed development would be detrimental to the architectural and historic character of the building and hence its significance.
18. The development would therefore conflict with Policies CS5, CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) (CS), and Policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development Plan (2015) (SAMDev). These policies seek, amongst other matters, to ensure that developments are of high-quality design and avoid harm or loss of significance to non-designated heritage assets.
19. The Council have also referred to Policies MD7a and MD12 of SAMDev. However, with regards to Policy MD7a this relates to housing development in the countryside including the conversion of buildings to open market use. The appeal proposal is for holiday let accommodation and not an open market dwelling, and therefore it is not directly relevant. MD12 relates solely to impacts on the natural environment, however the Council no longer object to the proposal on ecological grounds. As such it is no longer directly relevant to

the proposal before me which has been refused on the grounds of character and appearance. Additionally, criteria 3 of MD13 goes beyond the requirements of paragraph 203 of the Framework which calls for a balanced judgement of any harm against the significance of the heritage asset. I have therefore used the wording of the Framework, which the proposal fails to comply with.

Other Matters

20. The reasons for refusal set out in the Council's decision notice includes concerns regarding fire regulation compliance. I agree with the appellant that this is predominantly a Building Regulations matter as opposed to a planning matter. I do acknowledge however that compliance with fire regulations may potentially result in alterations to the internal layout being necessary. In any event, as I have found against the appellant on the main issue, and therefore planning permission is to be refused, this matter need not be considered any further in this case.
21. The appellant contends that the proposal would represent sustainable development. I acknowledge that the proposed development would provide economic and social benefits through the construction phase and the additional contributions of users of the holiday let to the local community. The proposal would also benefit tourism and attract new visitors to the area. Taking these points together, I find that the benefits of the proposal would not outweigh the harm I have identified that would be caused to the character and appearance of the NDHA which would be long lasting.
22. The appellant has referred to the permitted development rights granted by Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, whilst the starting point in determining proposals for such prior approval is that the permitted development right grants planning permission, that is subject to the prior approval of a number of matters including the design or external appearance of the building. Therefore, this is not an unqualified right and the matter is of limited weight.
23. The appellant has also drawn reference to three planning permissions² which have been granted by the Council for the conversion of agricultural buildings to residential uses, which the appellant considers to involve similar or more substantial alterations than the appeal proposal. I do not have the full details of these developments before me, though the Council contend that there are significant differences between them and the appeal proposal. Therefore, I cannot be certain that there is any direct comparison between the proposal and these planning permissions that weighs in favour of the appeal.
24. I have also been made aware that the Council has recently granted planning permission (Ref 22/00907/FUL) at the appeal building for the 'Change of use from agricultural buildings to residential holiday accommodation and demolition of existing barn'. This permission however includes a number of changes from the appeal proposal, including the omission of the proposed glazed opening on the north gable elevation, the omission of the proposed dormer windows on the east elevation, and alterations to the size and design of the proposed window towards the southern end of the east elevation. As a result, the approved scheme addresses the concerns I have raised above.

² Council References 20/02129/FUL, 21/03462/FUL & 20/04680/FUL

25. I note the representation in support of the proposal from the Parish Council, which they consider will help conserve the NDHA. However, as referred to above, the building appears to be in relatively good structural condition and there is no evidence before me to suggest that there is any immediate threat to its existence. Furthermore, as set out above I have found that the proposed development would be inappropriate and result in harm being caused to the significance of the NDHA.

Conclusion

26. The proposal would conflict with the development plan and there are no material considerations, including the approach of the Framework and worthy of sufficient weight, which would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

David Jones

INSPECTOR

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Appeal Decision

Site visit made on 26 July 2022

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022

Appeal Ref: APP/L3245/D/22/3299878

The Lawns, Criftins, Ellesmere, Shropshire SY12 9LN

- 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 Stacey Penrose & Daniel Firth against the decision of Shropshire Council.
 - The application Ref 21/05954/FUL, dated 21 December 2021, was refused by notice dated 18 March 2022.
 - The development proposed is the raising of roof to create dormer bungalow with extension to accommodate staircase affording access to first floor accommodation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the living conditions of neighbouring residents with regard to privacy, light and outlook.

Reasons

3. The proposal would raise the eaves and ridge of this bungalow; include a dormer window; and a side extension that would accommodate the entrance hall and stairs.
 4. The dormer window would provide clear views from the first-floor bedroom towards the side of the dwelling known as Alverley but also, at an angle, into the conservatory and rear garden of that property. Whilst views towards this property exist from the ground floor bedroom window and when using the side door and garden, views from a first-floor window would be perceived as being much more intrusive and would allow clearer views of most of the neighbouring rear garden. The planting of a tree as suggested would not overcome this concern particularly in the short to medium term. I have had regard to the lack of objection from the neighbours but must also consider the amenity of future residents of that dwelling.
 5. The proposed relationship would unacceptably harm the living conditions of the residents of Alverley with regard to privacy. The proposal would therefore be contrary to Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 (CS) due to the impact on neighbouring amenity.
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6. The small rear facing window of the proposed first-floor bedroom would provide views towards Braeburn. The council consider that the position of this window within the room and its size, together with the angle of view and intervening distance to the neighbouring house would result in an acceptable relationship. I do not share this view as although the neighbouring property has a garage within the nearest part of the garden, the window would offer clear views at an angle towards the private area of garden to the back of that house which appears not to be overlooked at present. However, as this small window could be required to be obscure glazed, this is not a matter that has weighed against the proposal.
7. The neighbouring property to the south, Spring View, has windows that face the appeal property from only a short distance. The side ground floor window towards the front appears to serve a dual aspect room. The proposed raised eaves would be clearly apparent from this window but its outlook would remain relatively open towards the front of the appeal property and the room would also benefit from the front facing window. The side window to the rear of the property would have a greater experience of the raised eaves and higher ridge from a close distance. This window similarly serves a dual aspect room which has large rear facing patio doors. In these circumstances, although there would be a reduction in outlook, the impact on that room would be acceptable. The reduction in outlook from the first-floor windows would not be harmful given their height and retained outlook over the new roof line. The appeal property would be more imposing when entering and leaving the side door to the neighbouring house and when using the rear patio area. However, given that the raised eaves would be set back from the boundary and given the existing relationships, this would not be unacceptably harmful.
8. Given that the appeal property is to the north of Spring View, although there may be a loss of some direct sunlight during the height of summer in the late evenings, this would not be unacceptable. Privacy levels would not be altered provided the proposed roof lights were positioned in accordance with the cross-section (not the elevation). Overall, with regard to Spring View, although the works would be more imposing, they would not result in unacceptable harm with regard to outlook, light or privacy.
9. I acknowledge the lack of objections to the proposal and the positive support offered. I am mindful also of the personal circumstance of the appellant's family. The design of the proposal is of a high standard and would improve the appearance of the property overall whilst also improving its sustainability credentials in accordance with CS Policy MD2. As the policies referred to by the council generally accord with both the design and amenity requirements of the *National Planning Policy Framework*, I afford them both full weight. Whilst the matters in favour of the proposal offer significant support, they are not sufficient to outweigh my concern with regard to the living conditions of the residents of Alverley. Whilst it has been suggested that the dormer could be omitted, I have only considered the plans as submitted. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR



Appeal Decision

Site visit made on 26 July 2022

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022.

Appeal Ref: APP/L3245/D/22/3298194

The Haven, Shepherds Lane, Shrewsbury, Shropshire SY3 8BT

- 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 Mrs Johnson-Davies against the decision of Shropshire Council.
 - The application Ref 22/00503/FUL, dated 3 February 2022, was refused by notice dated 1 April 2022.
 - The development proposed is a detached pitched roof garage and associated alterations.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the character and appearance of the area.

Reasons

3. The proposal would result in the erection of a detached garage close to the road frontage of this residential property. This would represent an extremely dominant new feature within the street scene. It would be a garage of a standard design that would have little architectural interest or quality in this prominent location on the outside of the bend in the road.
 4. This village street is characterised by the large number of properties that have hedges to their frontages and significant areas of planting between the road and the houses. Whilst there are properties with more open frontages and with less vegetation, these are not so numerous as to alter this overriding character. The prominence of this garage would be increased because of the openness of the remainder of the frontage of this plot and the lack of frontage vegetation to the two neighbouring plots. This proposal, being so close to the road and so exposed to view, would be entirely at odds with the prevailing character and would detract from it. The proposed high fencing would add to this concern. Whilst a planted trellis would in time offer some softening of the appearance of the garage, this would not overcome my concerns.
 5. Only one another example of a garage within the front garden was clearly apparent when passing along this road. It is less prominent given the straight alignment of the road and the vegetation associated with the properties to each
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side. It is set beyond a relatively wide verge and a hedge has been planted. At this early stage in the growth of the hedge, the structure does detract from the overall character of the road. Given that the proposed garage would be more prominent due to the bend in the road and the more open areas to each side; and the more limited potential for planting, the existing garage does not offer any significant support for this proposal.

6. Reference has also been made to other buildings and developments within this settlement but these are not comparable or relevant to this proposal. I accept that no objections have been raised locally and that there are no highway safety concerns. I acknowledge also that the removal of the end of the hedge may have improved visibility from the adjacent lane to the side of the property. I also acknowledge that the proposal may provide benefits for the family of the appellant which is a positive consideration. The garage would also be constructed in good quality materials. However, I conclude that the matters in support do not outweigh my main concern that the proposal would detract from the character and appearance of this area. I also find that the position of the garage, so close to the frontage, represents particularly poor design in this context.
7. The proposal would be contrary to Policies CS6 & CS17 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 as it would not contribute to local distinctiveness or adequately take into account the local context or character. For the same reasons, the proposal would also conflict with Policy MD2 of the Site Allocations and Management of Development (SAMDev) Plan 2015. As these policies generally accord with the design objectives of the *National Planning Policy Framework*, I afford them full weight.
8. As the proposal would result in harm to the character and appearance of the area and as there are not matters that outweigh this concern, I dismiss the appeal.

Peter Eggleton

INSPECTOR



Appeal Decision

Site visit made on 26 July 2022

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19TH August 2022

Appeal Ref: APP/L3245/D/22/3301582

Radnor House, Pountney Gardens, Shrewsbury, Shropshire SY3 7LU

- 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 Jonathan Stackhouse of Prime Oak Ltd against the decision of Shropshire Council.
 - The application Ref 22/01424/FUL, dated 22 March 2022, was refused by notice dated 17 May 2022.
 - The development proposed is a detached oak framed car port.
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Decision

1. The appeal is allowed and planning permission is granted for a detached oak framed car port at Radnor House, Pountney Gardens, Shrewsbury, Shropshire in accordance with the terms of the application, Ref 22/01424/FUL, dated 22 March 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 45639/01, 02 & 03.
 - 3) No above ground development shall take place until details of all external facing materials and full details of the dormer windows have been submitted to and approved by the local planning authority in writing. The works shall be carried out in accordance with the approved details.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the conservation area.

Reasons

3. The property lies within the Belle Vue Conservation Area which in this area is characterised by relatively high density Victorian and Edwardian terraces. The appeal property and its attached neighbour, together with the neighbouring pair of semi-detached houses, differ from this character being larger and designed to address Pountney Gardens. These larger, more distinctive properties, contribute positively to the wider area. This and the attached house are grade II listed and I am mindful of the legislative duty set out in Section 66
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of the Planning (Listed Buildings and Conservation Areas) Act 1990 as revised, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Also the duty within Section 72 that special attention be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

4. A number of planning applications have been approved in relation to the reinstatement of a historic access and the provision of garages with accommodation above. There have been two differently designed buildings approved in the approximate position of this proposal. I am satisfied that the details of these approvals represent a realistic fall-back position and I have assessed the impact of the development with this in mind.
5. The proposal would result in an open, double fronted car port with a small amount of accommodation in the roof space accessed by an external staircase. The slate roof would include two small front facing dormers whilst the three solid walls would have a weatherboard finish on an oak frame. Although reference has been made to the previously approved access, it is only shown on the block plan and no other details are provided. Given that this is not a matter that is included in the description and given the lack of detail within the plans, I have considered only the detail of the building proposed.
6. This property is raised above the road on a corner plot and being substantially larger than many surrounding properties, it represents an imposing feature within the street scene. It presents attractive and well articulated elevations to both Pountney Gardens and Bell View Road. The side of the property, which accommodates the entrance, is not set significantly back from the road below. The terraced properties beyond have a similar building line having only small front town gardens. This arrangement ensures that the rear of the property, where the outbuilding would be located, is well screened except when immediately opposite. Even then, as a high wall adjoins the pavement, views from this location are also limited. The new access, which has already been partly completed, includes similarly high walls and gate posts.
7. Views of the new structure would be limited because of the layout of the properties described above. It would be located close to the high boundary wall that runs to the rear of the house and to the side of the property that faces Bell View Road. The backs of these listed properties have much less architectural detail and quality. The height of the proposed building would be lower than the two schemes previously approved and would have a simpler design to its frontage. Generally, only the roof would be visible and this would not be prominent in views from outside the site. I consider that it would be significantly less noticeable than either of the approved schemes given its lower height and smaller footprint.
8. The two approved schemes seek to reflect, in some way, the design detail of the main house. They would be viewed as being modern, non-original additions given their form and detailing, despite adopting some design features of the main house. The current proposal would have an entirely different design approach but would sit less intrusively alongside the main house given its smaller scale. I consider this approach to be equally acceptable particularly given that it would be associated with the rear, less ornate elevation. In the

limited views available, it would generally only be the roof that would be experienced and neither this nor the small dormer windows within it, would represent intrusive features in this particular location.

9. Overall, the structure proposed would have a lesser impact on the character and appearance of the conservation area. It would sit more comfortably in this location and would compete less with the character and detailing of the listed houses. Although the oak frame and weatherboard are not materials found in the area, the finish would be of a good quality and the contrast in materials would ensure that the building remained distinct whilst also being very subservient. This approach would assist in preserving the special characteristics of these listed properties. It would also result in very limited change to the character and appearance of the conservation area. When taking the fall-back positions into account, it would be beneficial with regard to the setting of the listed buildings and the character and appearance of the conservation area. I am satisfied therefore that it would preserve both the character and appearance of the conservation area and the setting of the listed houses. I do not find conflict with the design or heritage requirements of Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy 2011; or Policy MD2 and Policy MD13 of the Site Allocations and Management of Development (SAMDev) Plan 2015. As these policies generally accord with the design and heritage objectives of the *National Planning Policy Framework*, I afford them full weight.
10. Having had regard to the statutory requirements and to the design and heritage objectives of both the development plan and the *Framework*; and in the absence of any matters that weigh significantly against the proposal, I allow the appeal.
11. I have imposed conditions relating to the commencement of development and the details of the approved plans for the avoidance of doubt and in the interests of proper planning. This is a full application for the building proposed rather than an amendment to the earlier permissions. It does not therefore convey any consent for the driveway or access. I have therefore only imposed conditions requiring that the external roofing, walling and dormer window details be submitted to and approved by the local planning authority to ensure that the proposal has a satisfactory appearance. Given the nature of this building, a condition to restrict its use is not necessary as only ancillary residential uses would be lawful.

Peter Eggleton

INSPECTOR

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Appeal Decision

Site visit made on 18 July 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2022

Appeal Ref: APP/L3245/W/22/3292122

The Paddocks, Chapel Lane, Knockin Heath SY10 8ED

- 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 Messrs M and T Shuker against the decision of Shropshire Council.
 - The application Ref 21/02618/FUL, dated 21 May 2021, was refused by notice dated 1 October 2021.
 - The development proposed is the erection of two self-build dwellings with the formation of two vehicular accesses.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The address in the banner heading above is taken from the planning application form however this varies from the address given in the decision notice and the appeal form. The appellant has clarified that the most accurate address for the appeal site is 'Land adjacent to Mulberry Cottage, Chapel Lane'.

Main Issues

3. The main issues are a) whether the appeal site would be a suitable location for residential development having regard to local and national planning policy; and b) the effect of the proposal on the character and appearance of the area.

Reasons

Whether suitable location

4. The appeal site is a parcel of land occupying a corner plot on Chapel Lane. The site falls outside the development boundary of Knockin Heath, which is designated as a community cluster in Policy MD1 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (December 2015). As such, the site falls within open countryside. The siting of features such as a post box, defibrillator and signage close to the appeal site does not alter this finding.
5. Policy CS4 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (the CS) seeks to make communities more sustainable by directing development to community hubs and clusters and not allowing development outside these settlements unless it meets CS Policy CS5. This policy strictly controls new development within the countryside and the Green Belt. 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.
6. CS Policy CS5 goes on to set out a number of circumstances in which development in the countryside may be permitted. One such exception is the provision of affordable housing/accommodation to meet a local need.
 7. The appellant has intimated that the proposed properties would be self-build, affordable dwellings. Paragraph 62 of the National Planning Policy Framework (the Framework) states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).
 8. Although the development plan pre-dates the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) (the Act) and the Framework, and it does not explicitly refer to self-build developments, CS Policy CS5 and Policy MD7a of the SAMDev allow for residential developments, which could include self-build residential development, in certain locations, and Policy MD7a makes provision for exception site dwellings where they meet evidenced local housing needs. As such, the development plan policies most relevant for determining the proposal are afforded full weight as they are consistent with the approach of the Framework.
 9. The Act requires local planning authorities to establish and publicise a local register of custom-builders who wish to acquire land to build their own home. The SPD states that the Council will explore ways of supporting self-build as part of achieving mixed and balanced communities. The evidence before me indicates that the Council is carrying out its statutory duty imposed by the Act in terms of granting sufficient permissions to meet the demand for self-build and custom housebuilding development in the borough.
 10. The appellant's connections to the locality are noted. However, I am not convinced that locational requirements/needs for every self-build individual need to be met for the Council to satisfy its duty and meet the demand for self-build and custom housebuilding in the area.
 11. Regardless of this however, there is no mechanism before me to secure the development as self-build, affordable housing, such as a planning obligation, and none which I could legitimately impose. The Type and Affordability of Housing Supplementary Planning Document (September 2012) notes that homes that do not meet the definition of affordable housing (as set out in the Framework), such as low-cost market housing and unrestricted market self-build housing, may not be considered as affordable housing for planning purposes. Accordingly, this proposal is for open-market dwellings within the countryside.
 12. The list of exceptions in CS Policy CS5 is not exhaustive and does not explicitly restrict market housing in the countryside. Nevertheless, this policy is supported by Policy MD7a of the SAMDev which does strictly control new market housing outside of Shrewsbury, the Market Towns, Key Centres and

Community Hubs and Community Clusters, unless it is suitably designed and located and meets an evidenced local housing need and other relevant policy requirements.

13. Turning therefore to the accessibility of the site, there are no day-to-day facilities within Knockin Heath, with the nearest shops and services being in Kinnerley and Knockin, both a considerable distance from the appeal site. Therefore, although the appeal site is not isolated in respect of its relationship with surrounding built form, it is located far from shops and services. The poor highway conditions, specifically the lack of pavements and street lighting along long stretches, the distances involved and speed limits along parts, would likely deter future residents from walking or cycling to access the limited facilities, particularly in inclement weather.
14. Public transport is also extremely infrequent in this locality. There would therefore be limited realistic alternatives to the private car to access everyday shops and services thus the appeal site is not in an accessible location.
15. Even if this proposal could be secured as a self-build development, the Act makes clear that only suitable planning permissions should be granted. There is nothing to suggest that any self-build credentials of the proposal would overcome the inaccessible location of the appeal site.
16. The appellant suggests that the Kinnerley Neighbourhood Plan identified a need for 7 additional dwellings to be located within Knockin Heath. This plan is of a considerable age and, although housing targets should not be seen as a ceiling figure, the most up-to-date evidence before me suggests that, overall, the Council are meeting their housing supply requirements within the area. Moreover, the appeal site is located within the countryside rather than Knockin Heath. This matter does not therefore outweigh the harm I have identified above.
17. Taking all the above into consideration, the proposal would fail to enhance countryside vitality and improve the sustainability of the rural community. Therefore, the appeal site would be an unsuitable location for the proposal and it fails to accord with Policies CS4, CS5 and CS6 of the CS and Policies MD1 and MD7a of the SAMDev which set out the Council's approach to the delivery of housing and collectively seek to control development within the countryside. It would also conflict with paragraph 79 of the Framework, in its aim to locate housing where it will enhance or maintain the vitality of rural communities.

Character and appearance

18. The appeal site is an undeveloped corner plot of land, with residential properties to the west and opposite on the other side of Chapel Lane. On the approach to the site from the east, the unbroken built form on the northern side of Chapel Lane is evident and clearly distinct from the field to the south. However, once at the crossroads, the characteristic of the street scene changes, and the surrounding dwellings largely create the backdrop to the appeal site. Similarly, on the approach from the south east, the appeal site is read in context with the adjacent built form and that opposite on Chapel Lane.
19. The appeal site therefore has a closer association to the existing residential properties than the land immediately to the south and across the highway to the east. The highway visually assists in creating this boundary and separation.

Therefore, whilst the proposal would result in the loss of this undeveloped parcel of land which is largely green and open, it would not significantly erode the open characteristics of the wider countryside or interrupt the distinction between it and the existing cluster of development.

20. The proposed dwellings would be large, two storey properties with attached garages. They would be set back within their plots however would remain prominent in the street scene. Regardless, their scale, design and siting would be in keeping with the variety and arrangement of properties in this locality. They would follow the existing pattern of development and would be sited adjacent to and opposite existing dwellings within the community cluster.
21. Accordingly, the proposal would not result in harm to the character and appearance of the area and thus would accord with Policy CS6 of the CS and Policy MD2 of the SAMDev which seek to ensure that proposals respect the character of the locality.

Other Matter

22. I have been provided with examples of appeals which were allowed. All but one concern a different local planning authority, thus the policy context is different. With regards to the example in Shropshire¹, I note that the development concerned previously developed land and was found to improve the character of the area. Based on this, and the lack of any further information, I cannot firmly conclude that it is directly comparable to this appeal.

Conclusion

23. The proposal would make a small contribution to housing supply and the properties would likely be delivered quickly. Temporary jobs would be created during construction. On occupation future residents would use the shops and services in adjacent settlements and children may attend local schools, albeit this is not guaranteed. The weight I afford to this matter is tempered due to the high reliance on private vehicle. Overall, given the small scale of the proposal, I collectively afford the benefits of the proposal limited weight.
24. The evidence is not conclusive that the environmental credentials of the proposed development is no more than policy compliant, thus this is a neutral factor in the planning balance. Council tax payments resulting from the proposal would not represent a benefit as they would correspond with the increased demand on services.
25. The proposal conflicts with the development plan when considered as a whole. The benefits of the proposal carry limited weight and would not be sufficient to outweigh that conflict and lead me to a decision other than in accordance with the development plan. Therefore, the appeal should be dismissed.

H Ellison
INSPECTOR

¹ Appeal Ref: APP/L3245/W/16/3144703



Appeal Decision

Site visit made on 23 August 2022

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: Wednesday 21 September 2022

Appeal Ref: APP/L3245/W/22/3296163

Manor Farm, Castle Hill Farm Junction to A529 Junction Spoonley, Spoonley TF9 3SR

- 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 Mark Connell against the decision of Shropshire Council.
 - The application Ref 22/00097/FUL, dated 8 January 2022, was refused by notice dated 25 February 2022.
 - The development proposed is demolition of existing extensions and construction of single storey extensions and alterations to dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the appellant's grounds of appeal, they submitted revised drawings in appendix 1. However, these revised drawings were not attached to the original submission and were therefore received at a late stage during the appeal. These revised drawings include amendments to the proposal's front porch and the outbuilding that fronts the road. Taken cumulatively, they materially alter the nature of the original application. Furthermore, the Council have not had the opportunity to see these revised drawings, given they were submitted late. Consequently, I have not taken these revised drawings into account. I have therefore determined the appeal on the basis of the plans considered by the Council.
3. The Council did not request a Heritage Statement. Policy MD13 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (2015) states that proposals which are likely to affect the significance of a non-designated heritage asset should be accompanied by a Heritage Assessment. Nevertheless, I have been able to determine the appeal on the information before me.

Main Issues

4. The main issue is the effect of the proposal on the character and appearance of the non-designated heritage asset.

Reasons

5. The appeal property is a former farmhouse and outbuildings positioned within spacious grounds to the west of Adderley Road. Adjacent to the appeal site are

- a cluster of buildings known as the Stables which are in separate ownership. The surrounding area is open countryside.
6. The proposal seeks planning permission for the construction of single storey extensions and alterations to the appeal property, including demolition of some existing extensions to the rear and side of the existing dwelling. It would also demolish an existing traditional outbuilding. The proposed scheme would provide an enlarged kitchen/dining area with utility, a lobby, and entrance hall and a porch.
 7. The appeal property is recognised as a non-designated heritage asset. It was accepted as a non-designated heritage asset in the previous approved planning application 16/03801/FUL. The significance of the heritage asset relates, in part, to its gable features and architectural detailing, which has characteristic features relating to its original function as part of a historic rural farmstead. The appeal site itself, because of the combination of the well-maintained historic property and its setting within spacious grounds, makes a positive contribution to the rural character of the surrounding area.
 8. The National Planning Policy Framework (Framework) states that account should be taken of the desirability of sustaining and enhancing the significance of heritage assets and that new development should make a positive contribution to local character and distinctiveness. In terms of non-designated heritage assets, the Framework at paragraph 203 requires that a balanced judgement is made when assessing the application, having regard to the scale of any harm or loss and the significance of the heritage asset.
 9. The proposal would result in a flat roofed extension with extensive fenestration on its elevations in the form of full height glass windows and small high-level windows. The high-level windows would result in a blank brick elevation on its western side, which would obscure the original form of the dwelling. The deep fascia design combined with the overhang feature on the southern elevation would be an overly large, top-heavy addition that would compete with the well-proportioned roof form of the host dwelling. Furthermore, the scale of the proposed extension would extend across the full width of the southern and western elevations. The appearance of the proposed flat roof porch would also visually detract from the gable features of the original dwelling. As such, the proposal would result in an incongruous addition that would be out of proportion with the host dwelling.
 10. Consequently, the proposal would contrast jarringly with the traditional design features of the non-designated heritage asset. It would significantly erode the architectural integrity of the host dwelling and detract from its gable features and pitched roof form. How screened the proposal may be from the street scene would not acceptably reduce the design harm that would arise.
 11. The proposal would demolish an existing outbuilding that is contemporary to the original dwelling. Its loss and replacement with a flat roof structure would not be in keeping with the original character, which would result in harm to the appearance of the heritage asset. Due to its positioning fronting the road, it would appear unduly prominent in the street scene.
 12. The proposed demolition of the existing extensions, which would include the oak framed extension and the brick extension, would be neutral as they have no historical significance. Based on my observations and the evidence before me, I have no reason to consider that these existing extensions are harmful to

the significance of the non-designated heritage asset. Therefore, these neutral matters do not weigh in favour of the proposal.

13. For the reasons given, I conclude that the proposal would cause unacceptable harm to the character and appearance of the non-designated heritage asset.
14. Whilst the appeal property may not be a 'model' type farm and its original sash windows have been replaced with bay windows to the front elevation approved by planning permission, it is still a non-designated heritage asset of historical significance.
15. The appellant has submitted photographs of other buildings with glass box style extensions. From the limited information submitted, it appears that these other properties are of a different style and form to the appeal dwelling and are viewed within a different context. Therefore, the proposal is materially different to the buildings within the photographs. I acknowledge that the concept of glass box extensions for heritage assets is accepted. However, for this particular case before me, it would not be appropriate for the reasons given above. Consequently, I attach limited weight to these other extensions.
16. Therefore, the proposal fails to accord with Policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) (Core Strategy), and Policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (2015). Collectively, these policies seek to ensure development is of a high quality design which respects its surroundings, including heritage assets and their significance. Furthermore, the proposal would conflict with Sections 12 and 16 of the Framework relating to design and the historic environment.
17. In their reason for refusal, the Council cite Policy CS5 of the Core Strategy. However, it seems to me that this policy relates to developments in open countryside and Green Belt, and not to proposed extensions in non-Green Belt areas. Accordingly, I do not consider this policy to be relevant to the main issue.

Other Matters

18. The proposal would provide the appellant with the inside outside style of living that they desire and additional living accommodation. Nevertheless, this would be a private benefit to which I attach no weight against the harms I have found.
19. The proposal would incorporate sustainable design techniques, use rainwater harvesting, heat pumps and solar panels, exceed current building regulation standards, and would not impact on the existing landscaped gardens within the property grounds. However, these benefits do not outweigh the harm that has been identified.

Conclusion

20. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

Helen Smith

INSPECTOR

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Appeal Decision

Site visit made on 17 August 2022

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2022

Appeal Ref: APP/L3245/D/22/3302103

Heathfield, Rosehill Road, Stoke Heath, Shropshire TF9 2LF

- 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 D Watson against the decision of Shropshire Council.
 - The application Ref: 22/01475/FUL, dated 24 March 2022, was refused by notice dated 10 May 2022.
 - The development proposed is double storey side extension and outbuilding.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposals on the character and appearance of the existing building and surrounding area.

Reasons

3. Heathfield is a two-storey detached dwelling located in a corner position at the junction of Rosehill Road and Sandy Lane. It is situated within a relatively large plot within a rural setting. Other dwellings in its vicinity vary in form and design.
4. The proposed outbuilding would be located between two lines of trees and also between the side of the house and Sandy Lane. It would measure around 8 m deep by 14 m wide with a height of approximately 5 m. It would be timber clad on masonry walls with 2 roller shutter doors in the southern elevation. The appellant has indicated that it would be used as a domestic workshop/shed but could also be used for the storage of motor vehicles. The Council has raised no objection to the proposed materials for the outbuilding. I see no reason to disagree in view of its rural location and the fact that it is a separate structure and not an extension to the existing dwelling. However, I concur with the Council's view that it would appear rather large in size and scale, particularly when compared to the footprint of the dwelling. The appellant advises that a larger outbuilding could be constructed to the rear of the dwelling under permitted development rights. However, no indicative plans have been provided to demonstrate such a proposal.
5. The dwelling of Heathfield is built in brick. Although it is situated in a relatively large plot, its front elevation, and a side elevation, can be seen from Rosehill Road. It has an attractive front elevation with symmetrical bays and a central

porch with a single window above. The proposed two-storey side extension would be set back from the front elevation by around 3.9 m, with the ground floor built in matching brick with timber cladding above. The roof would be flat and set down from the main ridgeline with its hipped slopes at the edges clad with plain tiles to match those of the house. The side elevation of the extension would have three garage doors to allow car parking. A staircase would provide access to self-contained accommodation above.

6. A new affordable dwelling which has been built to the rear of the appeal site has extensive timber cladding. However, the context differs in the appeal case because of the external materials which characterise the appearance of the dwelling of Heathfield. The use of timber cladding at first floor level would fail to complement the existing materials used in the dwelling and would appear uncharacteristic. The proposed fenestration would not match the style and proportions of the windows in the main house and their vertical emphasis. The large garage doors would also detract from the domestic appearance of the property when viewed from Rosehill Road. Overall, the extension would have undue bulk, mass and scale and would not appear as a subservient addition to the main building.
7. I find that the proposed extension and outbuilding would have a significant harmful effect on the character and appearance of the building and the surrounding area. The proposal would conflict with Shropshire Core Strategy policy CS6 which indicates that all development should be in scale taking into account the local context and character. It would fail to comply with Shropshire Council Site Allocations and Management of Development (SAMDev) Plan policy MD2 which, amongst other things, requires development to respond appropriately to the form and layout of existing development including scale. Although the proposal would make more effective use of the land it would conflict with the objective of achieving well designed places in the National Planning Policy Framework and would not constitute sustainable development.

Conclusion

8. I have taken all other matters raised into account. For the reasons given above, I conclude that the appeal should be dismissed.

Martin H Seddon

INSPECTOR



Appeal Decision

Site visit made on 26 July 2022

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022.

Appeal Ref: APP/L3245/D/22/3298131

Bank House, Nobold Lane, Shrewsbury, Shropshire 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 Ryan Chance against the decision of Shropshire Council.
 - The application Ref 22/00180/FUL, dated 13 January 2022, was refused by notice dated 7 March 2022.
 - The development proposed is a garage and workshop with home office and storage above.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the character and appearance of the area.

Reasons

3. The proposal would result in a large outbuilding within the curtilage of this residential property. It would replace the existing garage which is relatively unobtrusive due to the limited height of its flat roof and its slight set back from the boundary with the road. The proposal would extend closer to the road and would be significantly higher and larger. The proposed pitched roof and materials would be more in keeping with the detailing of the dwelling, although the pitch of the roof would be significantly steeper, resulting in an overall height of nearly six metres and a very substantial roof form.
 4. The new building would be extremely prominent when approaching the property in both directions due to its height and proximity to both the highway and the rear boundary. The pitch and scale of the roof would be at odds with the design of the dwelling and its overall height and position would ensure that it would be an extremely dominant new feature. It would not represent good design as it would fail to respect the design and proportions of the house and it would not have the design quality to justify its substantial size in such a prominent position. Whilst outbuildings are common features of residential properties, this proposal would be overly dominant in the position shown. It would detract from the character and appearance of the area and it would not represent high quality design in this particular context.
-

5. As the proposal would not contribute to local distinctiveness; respond appropriately to the existing built form; or adequately take into account the local context or character, it would conflict with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 and Policy MD2 of the Site Allocations and Management of Development (SAMDev) Plan 2015. As these policies generally accord with the design objectives of the *National Planning Policy Framework*, I afford them full weight.
6. The use of high quality materials and a pitched rather than flat roof are positive features of the design notwithstanding my concerns above. I have also had regard to the lack of objections. Reference has been made to the outbuilding abutting Nobold Hall. That garage has a much lower pitched roof and is of a lesser overall scale. It is also viewed in association with a much larger property. It provides support for the use of quality materials and a pitched roof but not for the greater height and scale of the proposed structure. The works would generate economic activity and provide flexible accommodation for the residents but the social and economic benefits would not be sufficient to outweigh the environmental concerns.
7. Overall, whilst there would be some benefits to the proposal, they would not be sufficient to outweigh the harm that would result to the character and appearance of the area. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR



Appeal Decision

Site visit made on 17 August 2022

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2022

Appeal Ref: APP/L3245/D/22/3301448

41, Roseway, Shrewsbury, Shropshire SY1 4HW

- 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 Miss Desi Koleva against the decision of Shropshire Council.
 - The application Ref: 22/00722/FUL, dated 14 February 2022, was refused by notice dated 8 April 2022.
 - The development proposed is side and rear extension built to first floor above existing extension constructed under PDR.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A side and rear extension had been partly constructed to first floor level prior to the application to the Council. The application plans refused by the Council vary in detail from that part-built structure. I note that the arched brickwork detailing over the existing front door is not shown on the proposed plans.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the building and the street scene.

Reasons

4. No.41 Roseway is the end property of a short terrace of two-storey dwellings. It is located in a residential area and separated from No.39 Roseway by an access way. Dwellings on the same side of Roseway have a similar distinctive short, terraced form and design. This includes bay windows at the front elevation and decorative arches in the brickwork over the front doors. Some of the end terrace dwellings have single storey side extensions or garages. I am advised that there was previously a garage at the appeal site. No.47 Roseway at the other end of the short terrace has a single-storey lean-to extension. Dwellings on the opposite side to the appeal building differ in form and design, including semi-detached houses and short terraces. There is also a social club set in its own grounds.
5. The proposed development would be in a prominent position next to the access road. The extension would not appear subservient to the main dwelling because it would be unduly large in size and scale and would lack a set-back from the front elevation and there would be no set-down of the roof from the

house ridgeline. The proposed height, form and design of the proposed development would reduce the symmetrical appearance of the short terrace of dwellings and would be harmful to the regularity in the design of dwellings at this side of Roseway.

6. I conclude that the proposal would have a significant harmful effect on the character and appearance of the building and the street scene. It would conflict with Shropshire Core Strategy policy CS6 which indicates that all development should be in scale taking into account the local context and character. It would fail to comply with Shropshire Council Site Allocations and Management of Development (SAMDev) Plan policy MD2 which, amongst other things, requires development to respond appropriately to the form and layout of existing development including scale. It would also conflict with the objective of achieving well designed places in the National Planning Policy Framework.

Other Matters

7. The appellant has referred to examples of other properties in the surrounding area where the Council has granted permission for side extensions with no set-back from the front elevation of the main building or set-down from the main ridgeline. None of the properties referred to are within Roseway and the circumstances and the setting for those developments would be different when compared to those at the appeal site. I have determined this appeal based upon the individual merits of the proposal and its particular site circumstances having regard to relevant development plan and national planning policies and all other material considerations.
8. The appellant has submitted Drawing No.DK/rjs/02/03 which was not considered as part of the application. This proposes setting the front elevation of the extension back from that of the dwelling at first floor level by 600 mm. The ridgeline of the extension would also be "dropped slightly" according to the appellant. The appellant has requested that this drawing be considered for approval under the Wheatcroft principle. However, the proposed scheme differs significantly in substance and detail from that refused by the Council, to an extent whereby to allow the scheme could prejudice the interests of the Council and any third parties who would not have been consulted.

Conclusion

9. I have taken all other matters raised into account, including the lack of objection from Shrewsbury Town Council and any neighbours. For the reasons given above, I conclude that the appeal should be dismissed.

Martin H Seddon

INSPECTOR



Appeal Decision

Site visit made on 17 August 2022

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2022

Appeal Ref: APP/L3245/D/22/3302166

13 Mayfield Grove, Bayston Hill, Shrewsbury, Shropshire SY3 0JZ

- 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 Mrs Clare Rogers against the decision of Shropshire Council.
 - The application Ref: 22/00652/FUL, dated 10 February 2022, was refused by notice dated 22 April 2022.
 - The development proposed is dormer to side elevation of property, 3.4 m x 1.8 m, tiled sides, flat roof.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the character and appearance of the building and surrounding area.

Reasons

3. 13 Mayfield Grove is a two-storey semi-detached dwelling situated at the junction of Mayfield Grove and Sunfield Gardens. It is located within a residential area which includes dwellings of a similar form and design. The proposed dormer would be situated on the roof slope of the flank elevation of the building which faces Sunfield Gardens and is intended to facilitate a loft conversion. The Council has not objected to the proposal on the grounds of its impact of residential amenity, although the proposed windows in the dormer would allow some overlooking of No.2 Sunbury Gardens.
4. The proposed dormer would be situated in a prominent corner position where it would appear obtrusive because of its scale and flat roofed form. It would be uncharacteristic in the street scene because the immediate locality is generally lacking in roof dormers, especially side dormers. The appellant has advised that a dormer could be constructed on the rear elevation under permitted development rights. However, I disagree that such a rear dormer would necessarily still have a similar, if not greater impact than the appeal proposal on the host building and surrounding area.
5. I find that the proposed dormer to the side elevation of the property would have a significant harmful effect on the character and appearance of the building and surrounding area. It would conflict with Core Strategy policy CS6 which indicates that all development should be in scale taking into account the

local context and character. It would fail to comply with Shropshire Council Site Allocations and Management of Development (SAMDev) Plan policy MD2 which, amongst other things, requires development to respond appropriately to the form and layout of existing development including scale. It would also conflict with the objective of achieving well designed places in the National Planning Policy Framework.

Other Matters

6. The appellant has referred to other examples of dormer windows which have been granted permission. These include a dormer at No.7 Berwyn Drive, Bayston Hill. However, that dormer is situated on the front roof slope rather than in a prominent location at a side elevation. The dormer at No.14 Hafren Road is at a side elevation, but the dwelling is not located at a corner position. For these reasons the cited developments do not justify granting permission for the appeal proposal. I have determined this appeal based upon the individual merits of the proposal and its particular site circumstances having regard to relevant development plan and national planning policies and all other material considerations.

Conclusion

7. The appeal proposal would allow expansion of the accommodation, provide employment during the construction phase, would not extend the footprint of the building, and would be designed and use materials to be thermally efficient. However, these claimed benefits would not outweigh the harm to the character and appearance of the building and surrounding area which I have identified. In view of this visual and environmental harm the proposal would not constitute sustainable development.
8. I have taken all other matters raised into account, including the lack of objection from any neighbours and the Parish Council. However, for the reasons given above, I conclude that the appeal should be dismissed.

Martin H Seddon

INSPECTOR