

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

Date: Monday, 23 May 2022

Committee:
Southern Planning Committee

Date: Tuesday, 31 May 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. Members of the public will be able to access the live stream of the meeting by clicking on this link:

<https://www.shropshire.gov.uk/SouthernPlanningCommittee31May2022>

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 Democratic Services

Members of the Committee

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

Substitute Members of the Committee

Richard Huffer
Kevin Pardy
Claire Wild
Pamela Moseley
Gwilym Butler

Your Committee Officer is:

Tim Ward / Ashley Kendrick Committee Officer

Tel: 01743 257713 / 01743 250893

Email: tim.ward@shropshire.gov.uk / ashley.kendrick@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive any apologies for absence.

2 Minutes (Pages 1 - 4)

To confirm the minutes of the Southern Planning Committee meeting held on 5th April 2022 (attached) and 12th May 2022 (to follow).

Contact Ashley Kendrick (01743) 250893.

3 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is no later than 5.00 pm on Wednesday 25th May 2022.

4 Disclosable 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 Woodcote Wood, Weston Heath, Shropshire (20/05097&8/VAR) (Pages 5 - 48)

20/05097/VAR - Variation to condition 6a attached to planning permission reference Number: SC/MB2005/0336/BR dated 16/02/2018 to allow for the maximum permitted output to be raised from 250,000 to 400,000 tonnes

20/05098/VAR - Variation of Condition No. 6a attached to planning permission 17/03661/EIA dated 20 August 2018 to increase the maximum permitted output from 250,000 to 400,000 tonnes

6 Buildwas Leisure Site, Buildwas, Telford, Shropshire (21/03090/FUL) (Pages 49 - 106)

Change of use of land to create a holiday caravan site including alteration of existing access, formation of internal access roads and footpaths and associated landscaping

7 Proposed Affordable Dwelling, Middleton Scriven, Bridgnorth, Shropshire (21/05418/FUL) (Pages 107 - 120)

Erection of an affordable home to include detached garage and private treatment plant.

8 Proposed Residential Barn Conversion At The Hale Barns, Corfton, Shropshire (22/00279/FUL) (Pages 121 - 136)

Conversion of Dutch Barn from storage into 3No. dwellings for rent

9 2 The Farm, Leebotwood, Church Stretton, Shropshire, SY6 6NA (22/00642/LBC)
(Pages 137 - 144)

Replacement of 8No. windows and 3No. doors

10 Workshop adj. 31 Snailbeach, Minsterley, Shropshire, SY5 0NS (22/00742/FUL)
(Pages 145 - 158)

Conversion of ancillary domestic workshop/gun store into two holiday letting units, and provision of parking areas

11 Land near Shipley, Bridgnorth Road, Shipley, Shropshire (22/01875/VAR) (Pages 159 - 184)

Variation of Condition No.2 (approved plans) and No.16 (highway and access) attached to planning permission 17/05303/MAW dated 17/05/19 in order not to implement previously approved right turn lane at site access

12 Schedule of Appeals and Appeal Decisions (Pages 185 - 240)

13 Date of the Next Meeting

To note that the next meeting of the Southern Planning Committee will be held at 2.00 pm on Tuesday 28th June 2022 in the Shrewsbury/Oswestry Room, Shirehall.



Committee and Date

Southern Planning Committee

31 May 2022

SOUTHERN PLANNING COMMITTEE

Minutes of the meeting held on 5 April 2022

2.00 - 3.10 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Tim Ward / Ashley Kendrick

Email: tim.ward@shropshire.gov.uk / ashley.kendrick@shropshire.gov.uk Tel: 01743 257713 / 01743 250893

Present

Councillors David Evans (Chairman), Robert Tindall (Vice Chairman), Andy Boddington, Nigel Hartin, Hilary Luff, Nigel Lumby, Richard Marshall, Tony Parsons, Julia Buckley (Substitute) (substitute for Caroline Bagnall) and Geoff Elner (Substitute) (substitute for Nick Hignett)

93 Apologies for Absence

Apologies for absence were received from Councillors Caroline Bagnall and Nick Hignett

Councillor Julia Buckley substituted for Councillor Bagnall and Councillor Geoff Elner substituted for Councillor Hignett

94 Public Question Time

No public questions were received

95 Minutes

RESOLVED:

That the Minutes of the meeting of the Southern Planning Committee held on 8 March 2022 be approved as a correct record and signed by the Chairman.

96 Disclosable Pecuniary Interests

Members were 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.

97 Kenwood Sycamore Road Broseley TF12 5QG (21/04687/FUL)

The Principal Planner introduced the application which was for the demolition of existing bungalow and construction of new replacement dwelling, and with reference

to the drawings and photographs displayed, he drew Members' attention to the location, layout and elevations. He confirmed that Members had attended a site visit prior to the meeting and reminded Members that a previous application had been rejected on the grounds of impact on the Conservation Area and the impact on the amenity of neighbouring houses, but that Officers felt that the amendments made to the proposals had adequately addressed the concerns and that the recommendation was one of approval.

Alex Kaiser (local resident) spoke against the application in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Ian West spoke on behalf of Broseley Parish Council against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Dan Thomas, local Ward Councillor made a statement against of the application in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

George Gaduzo, (Agent), spoke in support of the proposal on behalf of the applicant in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Members welcomed the efforts made to address the reasons for refusal of the previous application but felt that the design of the building still did not fit in with the local vernacular contrary to the Broseley Town Plan and would have an adverse effect on the Broseley Conservation Area.

RESOLVED:

That contrary to the Officer recommendation planning permission be refused due to the development having an adverse effect on the Broseley Conservation Area contrary to paragraph 202 of the National Planning Policy Framework (2021), Policy CS6 of the Core Strategy, and Policy MD2 of the SAMdev document

98 Proposed Barn Conversion At Rowan House Gravels Bank Minsterley Shropshire (21/05411/FUL)

The Planning Services Manager introduced the application which was an application for the conversion of (part of) Dutch Barn into 2No holiday lets with the remainder of the Dutch barn used for purposes ancillary to the main dwelling and installation of septic tank and with reference to the drawings and photographs displayed, he drew Members' attention to the location, layout and elevations

The Planning Services Manager drew Member's attention to the information contained in the schedule of late representations and advised that he was proposing that an additional condition be added tying the ownership and management of the holiday lets to the owner of Rowan House.

Members supported the creation of a small-scale sustainable tourism business and felt that the development would be an improvement on the building as it currently stood.

A Member asked for an additional condition to require approval of the colour of the roofing materials prior to the commencement of development. This was agreed.

In response to a request from Members, Officers agreed to consult the County Arboriculturist to ascertain whether any further measures were required to protect the mature trees on the site.

RESOLVED:-

That in accordance with the Officer recommendation planning permission be granted subject to the conditions set out in appendix one of the report and that delegated authority be given to Officers to secure a condition (or if necessary, a S106 Agreement) tying the ownership/management of the holiday lets to the owners of Rowan House and a condition requiring approval of the roof colour prior to development commencing

99 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 5 April 2022 be noted.

100 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the Southern Planning Committee will be held at 2.00 pm on Tuesday 3 May 2022 in the Shrewsbury Room, Shirehall.

Signed (Chairman)

Date:

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Committee and date
 South Planning Committee
 31 May 2022

Development Management Report

Summary of Application

<u>Application Numbers:</u> 20/05097/VAR & 20/05098/VAR	<u>Parish:</u>	Sheriffhales
<u>Proposals:</u> 20/05097/VAR - Variation to condition 6a attached to planning permission reference Number: SC/MB2005/0336/BR dated 16/02/2018 to allow for the maximum permitted output to be raised from 250,000 to 400,000 tonnes 20/05098/VAR - Variation of Condition No. 6a attached to planning permission 17/03661/EIA dated 20 August 2018 to increase the maximum permitted output from 250,000 to 400,000 tonnes		
<u>Site Address:</u> Woodcote Wood, Weston Heath, Shropshire		
<u>Applicant:</u> NRS Woodcote Aggregates Ltd		
<u>Case Officer:</u> Graham French	<u>email:</u> planningdmc@shropshire.gov.uk	

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



Figure 1 – Quarry Location

REPORT

1.0 BACKGROUND

1.1 Woodcote Wood Quarry (area 23.7ha) is operated by NRS Woodcote Aggregates Ltd and is located at Heath Hill 4.3km south of Newport (figure 1). The quarry is mainly within Shropshire, but a small area along the northern boundary (0.8ha - approximately 7%) falls just within Telford & Wrekin (figure 2). Shropshire is the lead planning authority.

1.2 The former Shropshire Telford and Wrekin Minerals Local Plan (1996-2006) identified the site as a 'preferred area' for sand and gravel extraction and the SAMDev Plan carried this forward as an existing commitment. The quarry is now controlled under two separate but inter-related planning permissions, one covering the original application area (Ref. SC/MB2005/0336/BR). The other (Ref 17/03661/EIA) covering the eastern part of the site encompassing the new access and the plant site area.

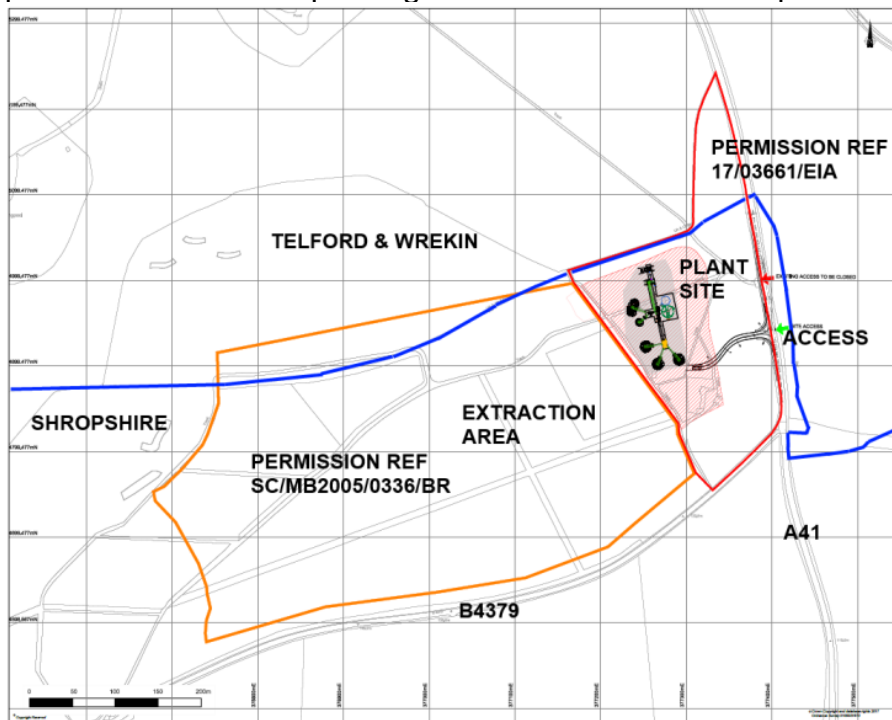


Figure 2 – Block Plan

1.3 The planning committee of the former Shropshire County Council resolved to approve proposals to extract sand and gravel at Woodcote Wood at its meeting on 25/7/2006 (ref. SC/MB2005/0336/BR). The application involved extraction of 2.55 million tonnes of sand and gravel at a rate of approximately 200,000 tonnes per annum, giving an operational life of some 13 years. The approval resolution was subject to a legal agreement covering off site highway matters and other issues.

1.4 The permission involved provision of a roundabout access at the junction between the A41 and the B4379 which links the A41 to the A5 via Sheriffhales. However, the applicant was unable to secure agreement to acquire third party land for the roundabout so the legal agreement could not be completed. At the request of the landowner Apley Estates the application was then held in abeyance for a number of years whilst the feasibility of achieving an alternative access directly onto the A41 was reviewed.

- 1.5 An application to establish the alternative access was submitted in June 2017 (Ref 17/03661/EIA), involving a 5.2ha easterly extension to the original planning application area. Updated survey information to accompany the original application was also submitted at the time with the objective of re-ratifying the original committee resolution. Both applications subsequently obtained committee approval in February 2018 and the original application was permitted then subject to the amended access. Permission was subsequently also issued for the new access on 20/8/2018 following completion of an associated legal agreement.
- 1.6 Additionally, Telford & Wrekin Council permitted their equivalent application for the original quarry site subject to the same conditions which were recommended in the Shropshire Council application. There was no requirement for them to determine an application for the new access as no operational areas of this application are located in Telford & Wrekin. The quarry became operational in spring 2019.
- 1.7 Subsequent permissions have been granted for a maintenance workshop (18/05490/FUL) as well as the discharge of conditions attached to the original planning permissions (18/01945/DIS, 18/04807/DIS, 18/04795/DIS). Permission was also granted on 31st March 2020 for a horizontal cement silo unit, a 70-kVA electricity generator, a pressure washer to clean lorry wheels, a water tank and a 30,000-gallon double-bonded diesel storage tank (18/05408/FUL). An application for the installation of a sand and gravel bagging plant with silo, hoppers, diesel generator and storage areas was approved 20/02218/FUL in February 2022. Then in May 2022 permission was granted for a temporary 2-year extension to the operational hours permitted by condition 12a attached to planning permission 17/03661/EIA to allow up to eight delivery vehicles to arrive, load processed sand and depart outside of normal working hours (20/02330/VAR).

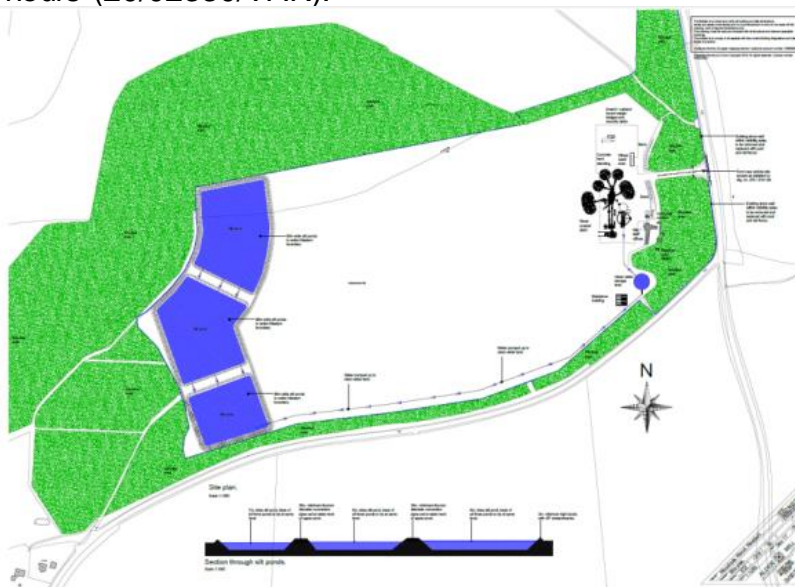


Figure 3 – Site Layout



Figure 4 – Google Earth Image – May 2020

3. THE PROPOSAL

- 3.1 The proposal is to vary Condition 6a of permission reference 17/03661/EIA and Condition 6a of permission reference SC/MB2005/0336/BR in order to increase the maximum permitted output of the quarry from 250,000 to 400,000 tonnes.
- 3.2 As the operations at the quarry are covered by the two main permissions above it is necessary for both permissions to be varied for the proposed increase in output to take effect. However, given the close inter-relationship between the two permissions it is expedient to deal with both applications in a single officer report.



Figure 5 – Quarry plant site

4. SITE LOCATION / DESCRIPTION

- 4.1 The site is located approximately 4.3km to the south of Newport, Shropshire. It is surrounded by coniferous trees comprising plantation to the north and west and screening belts to the south and east with the A41 to the east and the B4739 to the

south with open arable fields beyond (Figure 3). The small settlements of Heath Hill and Bloomsbury are located 600m to the south-west and 400m to the south east respectively.

- 4.2 An unoccupied residential dwelling formerly known as ‘The Keepers Cottage’ has been sensitively converted into a site office and would return to residential use following completion of mineral working. Other properties in the area include Woodcote Hall, a residential nursing home approximately 610 metres to the north-west, properties along the A41 east of Woodcote Hall and approximately 300 metres to the north, properties along the A41 at Bloomsbury approximately 425 metres to the south and properties in and around Heath Hill to the south-west, the nearest of which are approximately 850 metres away.
- 4.3 The application site is not in the Green Belt but falls within an area of open countryside. It falls within the outer limits of the Impact Risk Zones of the Aqualate Mere and Muxton Marsh SSSIs but is not close to either of these sites. The Grade II Registered Park/Garden of Lilleshall Hall lies around 1,415 metres south-west of the application site. The site also falls within a Mineral Safeguarding Area (Policy MD16) and a Petroleum Exploration and Development Licence Area.



Figure 6 – Quarry access

5. REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 5.1 The applications have been referred Committee by the local Member Councillor Kevin Turley following objections from Sherifhales Parish Council. This is on the basis that works to the A41 / B4379 junction have not been completed in accordance with the details agreed in the legal agreement accompanying the new access permission reference 17/03661/EIA. Section 6 below describes the status of these works.
Note: The application site area falls cumulatively just below the applicable area threshold of 25ha for Schedule 1 EIA development (25ha) at which there is an automatic committee referral under the Council's scheme of delegation.

6. COMMUNITY REPRESENTATIONS FOR BOTH APPLICATIONS

6.1i. Sheriffhales Parish Council: Objection. Sheriffhales Parish Council (SPC) and a significant number of residents raised objections to the planning applications made in respect to Woodcote Quarry in 2018. Many of the concerns and objections raised related to Highway matters, environmental impact and disturbance and the potential for negative impacts on surrounding communities and environments. Despite these objections Shropshire Council (SC) granted approval and applied a series of conditions and legally binding obligations to the permission. In addition, the applicant gave various commitments in respect to the planning consent.

ii. Following the granting of planning permission SPC have sought clarification from SC on numerous occasions as to what precisely the planning conditions, and or legally binding obligations applied to the planning consent by SC were and equally what the commitments made by the applicant in obtaining planning approval were. In respect to both these cases SPC has specifically sought clarification on matters relating to Highway safety, Traffic Management and Environmental Impact. The clarification sought by SPC has never been provided by SC and SPC is of the view that many of these planning conditions, legally binding obligations and commitments by the applicant have not been delivered. This position is reaffirmed by the statements made in paragraphs 4.3 and 4.4 of the Design and Access statement that accompanies the current application (20/05097/VAR) In paragraph 4.3 the applicant's agent suggests the current T-junction access arrangements to the site off the A41 was the local preferred preference. SPC strongly contests this statement.

iii. In paragraph 4.4 the applicant's agent suggests a number of highway improvements have been delivered as part of the implementation of the 2018 planning consent. These include:

- Improved signage and line markings on the A41 approaches to the B4379 junction
- Match funding for improvements to the A41/ B4379 junction
- A hard verge on available highway land extending to the immediate south of the A41/B4379 junction to improve southbound visibility exiting from the B4379.

SPC believes none of these obligations or commitments have been delivered. In addition to the above the applicant's agent states that the current application would result in the number of daily two way traffic movements increasing from 88 to 134, an increase of approximately 53% SPC believe such an increase would merely make a currently unacceptable highway position significantly worse.

iv. As a result of the above SPC wishes to object to the current application in the strongest terms based in summary on:

- 1 The failure of the applicant to discharge existing legally binding planning obligations and commitments
- 2 An unacceptable increase in traffic movements which would only exacerbate an existing unsatisfactory highway safety situation.

- v. In addition, SPC would wish to formally request this application is referred to the relevant Planning Committee for determination and that SPC exercise their right to make representations to that Committee.
- 6.2 Environment Agency – No comments
- 6.3 SC Ecology – No objection. As long as the extraction of any minerals does not take place within 3 metres of the top of the permanent groundwater table and remains within the authorised extraction area and in compliance with condition 25 then there should not be any deterioration of the ground water.
- 6.4 SC Trees – No objection providing the additional mineral extraction is to take place within the existing excavated area and entails no further encroachment into, or loss of, the surrounding trees and woodland (as appears to be the case from the submitted information).
- 6.5 SC Public Protection - No comments received.
- 6.6ai. SC Highways Development Control – No objection. Planning applications 20/05097/VAR (related to permission SC/MB2005/0336/BR) and 20/05098/VAR, (related to permission 17/03661/EIA) both seek to vary an existing planning condition, and raise the export limit from 250,000 to 400,000 tonnes per calendar year. As such, while these are separate applications, they are considered here together as they form a single proposal and therefore the following highway comments are relevant for both applications.
- ii. History of Proposals - These two applications are for variation of identical planning conditions attached to two separate planning permissions on the same site. These permissions are as follows:
- SC/MB2005/0336/BR: Construction of access to B4379, extraction and processing of sand and gravel, re-profiling and restoration of the site, related highway works to B4379 and A41. Permitted on 16 February 2018.
 - 17/03661/EIA: Proposed new access & installation of processing plant to facilitate sand & gravel extraction on adjacent Woodcote Wood site. Permitted on 20 August 2018.

Each of the above permissions was subject to several Conditions, of which Condition 6a in each case was as follows:

Mineral shall not be exported from the Site at a rate exceeding 250,000 tonnes per calendar year (commencing on 1st January and ending on 31st December).

Reasons: In the interests of highway safety, to ensure that the production and export of mineral is controlled at a level which will protect the amenities of the local area.

- iii. In order to review the impacts of the proposed change, it is necessary to understand the highways issues that were raised in consideration of the SC/MB2005/0336/BR and 17/03661/EIA applications. The key points of relevance to transport in relation contained within the committee report for applications SC/MB2005/0336/BR and 17/03661/EIA were as follows:

- The resolution to approve SC/MB2005/0336/BR was made in July 2006, subject to a legal agreement covering off-site highway matters and other issues. The proposals involved access via a proposed new roundabout at the junction of the A41 and B4379. However, the third-party land required was not made available, so the legal agreement was not signed, and the permission was not issued.
- Subsequently, alternative access proposals were put forward in application 17/03661/EIA.
- The 17/03661/EIA proposals were for a 5.2ha easterly extension to the original site to accommodate a new site access directly off the A41. The sand and gravel processing plant originally proposed to be situated at the western end of the original application site would also be re-located to the proposed eastern extension.
- The application SC/MB2005/0336/BR was also re-submitted, to re-ratify the 2006 committee approval resolution. The two sites were intended to be managed as a single quarry unit.
- The quarry would have an operational life of approximately 13 years. It was not intended to alter the phasing of the quarrying proposals.
- SC/MB2005/0336/BR was approved subject to Conditions (including 6a, which is the subject of the current application). Also, the requirement for a legal agreement originally set out in the committee resolution dated 25th July 2006 for application SC/MB2005/0336/BR was to be updated and transferred to 17/03661/EIA. In the event that application 17/03661/EIA were not approved by the Committee both applications would have to be reported back to a subsequent committee for determination.
- In the 17/03661/EIA Committee Report, SC Highways Development Control raised no objection, subject to the development being served by a modified access junction and improvements to the site road frontage as detailed in the recommended conditions and informative notes. The following points were raised which are of relevance to the issue of volume of mineral output:
 - o SC Highways considered that the general principle of the development is acceptable from a highways and transport perspective insofar as the “proposed 7.3m wide site access road is sufficient to avoid the potential for site traffic blocking back onto the A41”.
 - o The above point was also supported by the submitted Transport Assessment “which is considered to be sufficiently robust and acceptable in respect to the proposed traffic generation, distribution, growth and capacity assessment undertaken to support the development proposed”.
 - o “In addition, with the low number of HGV movements the proposed localised widening and traffic management (signing & lining) should be sufficient to manage the passing of HGVs on the 6m wide route within the site.”
 - o “Notwithstanding the above, the ‘ghost island’ right turn lane junction, proposed to serve this site access, is considered contrary to the interests of local highway safety. ... the proximity of the adjacent A41/B4379 junction creates a specific situation which could not support a right turn facility for a private access”.
 - o The two principal issues with the proposed right turn facility are:
 - i. The potential confusion to road users, as they may assume that the right turn lane relates to the B4379 junction rather than the private access to the

- site, resulting in unfamiliar drivers moving into the ghost island lane to undertake a right turn then having to merge back into the southbound lane of the A41, in conflict with another vehicle travelling legitimately on the inside of the merging vehicle, potentially in its blind spot.
- ii. The presence of a waiting vehicle (HGVs particularly) within the proposed right turn lane could significantly reduce/obscure the visibility, from the B4379 of approaching traffic travelling south on the A41 (i.e. behind the waiting vehicles), even despite the proposed visibility splay created for the new site access.
 - o The A41/B4379 junction has had an adverse history of injury accidents, of which a significant number appear to be linked to poor visibility (to the left), across the development site frontage, for drivers turning right from the B4379 onto the A41. Indeed, from experience, this is a difficult junction to turn right out of and has been of local concern many years. With development traffic only adding further complexity and confusion to all road users on the A41 and B4376.
 - o It was recommended that improvements to visibility are required plus a right-turn entry ban. Conditions 15 and 16 then address these matters by requiring visibility improvements and also a scheme preventing quarry HGVs from making right turns into quarry access, by use of CCTV.
 - o It was also suggested that improvements, to include amending local highway direction signs to better inform drivers of the proximity of the quarry access in relation to the B4379 junction.
 - 17/03661/EIA was granted permission subject to:
 - o Various Conditions (including 6a, which is the subject of the current application); and
 - o Legal obligations as follows (only those relevant to transport are shown):
 - i. Traffic routing and management agreements including preventing mineral lorries from using the B4379 and approaching from the north on the A41;
 - ii. Funding by the developer (£50k) for highway improvement works on the A41 and at the Sheriffhales Junction, to also include:
 - A hard verge on available highway land extending to the immediate south of the A41/B4379 junction to improve southbound visibility exiting from the B4379;
 - Improved signage and line markings on the A41 approaches to the B4379 junction to better inform drivers of the proximity of the quarry access in relation to the B4379 junction.
 - iv. Following the grant of permission a feasibility study of the A41/B4379 junction was undertaken by consultants WSP on behalf of the Highway Authority with the objective of improving safety along the A41 and at the B4379 junction. This includes traffic surveys including a video survey of the A41/B4379. The report recommends localised improvements to the surrounding highway network and improvements to the signage to better highlight the A41/B4379 junction and reduce any potential confusion with the new quarry access. The proposed works include:
 - Changing the 'Advanced direction map type' signs on both approaches to 'stack type' signs to help prevent visibility being obscured by the adjacent hedgerows.
 - Installation of new Weight Restriction information signs at appropriate locations.

- Relocating the southbound junction warning sign to beyond the quarry access to avoid confusion for motorists travelling south.
- A new direction sign for the quarry access.
- Removal of existing blue stack type alternative HGV route sign on the southbound approach.
- Relocating the B4379 direction sign to an appropriate location for southbound traffic.
- The road markings around the junction are proposed to be refreshed where required and potential carriageway surface improvements may be required to facilitate this.
- It is also recommended that consideration is given to Vehicle Activated Sign to provide a warning to southbound drivers of potential queuing traffic. Due to the rural location, establishing a power supply may increase construction costs, and exceed the £50,000 contribution, previously secured.

The Section 106 works are in the current Highways Capital programme and are due to be delivered at the earliest opportunity subject to detailed design and sufficient funding being available.

- v. Key Concerns: In summary, the key transport and highways points of concern of the two main planning permissions are as follows:
- Traffic blocking back onto the A41 from the access was considered as an issue, though this was acceptable for the development as proposed previously, i.e. with the output limit of 250,000 tonnes per year. The proposed increase in output of 60% could change this acceptability.
 - The potential for platooning of arrivals may be manageable to an extent, by programmed vehicle movements, but drivers may not always adhere to these rules. Furthermore, an incident causing a delay to all traffic on the route may cause several HGVs to catch up with one another and thus arrive in a platoon.
 - The proposed increase in output levels would be an intensification of an already hazardous situation. The extent to which this hazard would be intensified is considered below in the review of the Design & Access Statement.
- vi. Review of Design & Access Statement: The following review is in response to the Design & Access Statement regarding the above two applications, which are on the same site. Our comments are set out below.

Traffic Impact

- This section of the Design & Access Statement discusses the predicted traffic volumes compared to the volumes predicted for the existing permission; as well as a brief summary of highway improvements undertaken to improve safety.
- The Design & Access Statement says that the original predictions for lorry movements associated with the mineral extraction were based on the assumption that the extracted and processed sand and gravel would be taken off the site mostly in 20-tonne lorries (90%), with a few 32-tonne lorries in use (10%).
- The study also based its predictions on an average annual output of 196,154 tonnes over a 275-day working year and approximately 70 two-way HGV movements per day, or 19,250 per annum.

- The application of Condition 12a – to restrict working hours to 11.5 hours per day Monday to Friday, and 5.5 hours Saturdays – would result in an average of three HGVs per hour entering and three departing (though this is not mentioned in the Design & Access Statement). However, this is based on an annual output of 196,154 tonnes. While the permission made an allowance for up to 250,000, an increase to 400,000 would more than double the hourly number of entering HGVs, to more than six per hour.
- The Design & Access Statement also says that it “is estimated that the proportion of 32-tonne lorry loads now equates to approximately 20% of the total vehicular movements”. Applying this to the 400,000-tonne annual output and the working hours noted above, this would give an average of 5.8 HGVs per hour entering the site.
- As noted above (though not in the Design & Access Statement), there is a potential for these HGVs to queue at the entrance if they arrive in a platoon. Whether it is an average of 5.8 or 6 HGVs per hour, there is definite potential for platooning (even with fewer than the hourly total) to the extent that a queue of HGVs could obscure visibility for drivers attempting to turn right from the B4379 into the A41. As noted above, despite the points made in the Design & Access Statement, this proposal would be an intensification of an already hazardous situation.
- The Design & Access Statement also outlines the improvements made to the access and to the B4379/A41 junction, to improve safety.

vii. Mitigation - In view of the above, and the intensification of HGV movements at this location, it is considered that in order to make the proposed applications acceptable from a Highway perspective, further mitigation to address these concerns needs to be considered. The following measures could be considered, though the potential problems of each measure are noted also:

- A planning condition to reduce the number of HGVs further, by requiring larger vehicles for all movements: this may have some impact in terms of reducing HGV numbers, though it would be partly offset by the greater visibility obstruction of each individual vehicle. It may also be difficult to enforce.
- A Road Safety Audit (RSA) of the currently modified junctions (the access junction and the B4379/A41 junction) with the worst-case predicted HGV movements, accounting for a platoon of the largest size vehicles. Upon completion of such an RSA, further review and discussions can take place.
- Increase in Section 106 contribution to facilitate increase the scope of mitigation works to deliver a vehicle activated sign for southbound traffic. Further total contribution of £25,000 to be secured prior to commencement and to be returned within 5 years if unspent

6.6bi SC Highways, updated comments: I can confirm that Shropshire Council as Highway Authority raises no objection to the granting of consent, subject to the outcome of the Road Safety Audit, currently being undertaken by the applicant.

ii. As previously outlined, Shropshire Council are currently in receipt of two Section 106 highway contributions in relation to previous applications determined in relation to Woodcote Wood Quarry. In accordance with the Section 106 agreement, the first contribution should have been spent by 25th May 2020. Whilst a proportion of the contribution has been spent on design fees, construction has not yet taken place and

therefore a proportion remains unspent. As part of this application, we would seek to obtain confirmation from the applicant that the paid back clause will not be enacted.

- iii. As previously outlined the applicant have fulfilled their obligations in terms of making localise improvements to the vehicular access to the Quarry and setting back a section of the wall to improve. Any obligations to deliver offsite works remains the responsibility of Shropshire Council. Based on the estimated cost of works outlined within the attached report. A further contribution of £25,000 should be sufficient to deliver Option 1 (additional signing and lining) and Option 2 (Vehicular Activated Sign), with contingency for design and providing an electrical supply to the VAS.
- iv. In relation to the proposed planning conditions, from a Highway Authority perspective we would be supportive of a planning condition being placed on any permission granted that controls the conveying of vehicles into the site. We would also support the proposed condition that restricts the extraction of materials to 325,000 tonnes per annum until larger 30 tonne capacity HGV's are brought into use.

6.7 Telford and Wrekin Council – No objection. Vehicle activated signage is recommended on the northbound approach to the Sheriffhales junction. It is understood that there is a right turn ban for quarry traffic approaching from the north.

6.8 SC Drainage: No comments.

6.9 Public Comments - The application has been advertised in accordance with statutory provisions. No representations have been received.

7. THE MAIN PLANNING ISSUES

- i) Policy Context
- ii) Justification for the proposed increased output
- iii) Traffic / highway safety including the ability of the existing junction onto the A41 to accommodate the additional traffic
- iv) Environment and amenity - Whether the proposals would lead to any increased disturbance to local amenities (e.g. noise or dust) or the local environment (visual, drainage, ecology or heritage).

8. OFFICER APPRAISAL

8.1 Policy Context

8.1.1 The NPPF advises that 'it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation' (Para 209). 'When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy' (Para 211). At the same time planning authorities should amongst other matters 'ensure that there are no unacceptable

adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites' (Para 211b). 'Minerals planning authorities should plan for a steady and adequate supply of aggregates' including amongst other matters by preparing an annual Local Aggregate Assessment and making provision for land won aggregates in their planning policies (Para 213).

- 8.1.2 Core Strategy Policy CS20 (strategic planning for minerals) advises that Shropshire's important and finite mineral resources will be safeguarded to avoid unnecessary sterilisation and there will be a sustainable approach to mineral working which balances environmental considerations against the need to maintain an adequate and steady supply of minerals to meet the justifiable needs of the economy and society. Mineral working should be environmentally sustainable and should seek to deliver targeted environmental benefits in accordance with policies CS8 and CS17.
- 8.1.3 Policy MD17 (controlling mineral working) requires consideration to be given to a number of matters including (i) protecting people and the environment from any adverse traffic impacts; (ii) site access and traffic movements, including the impact of heavy lorries on the transport network; (viii) evidence of the quantity and quality of the mineral to be excavated. It also refers to the possible need for restrictions on output to make a development environmentally acceptable.
- 8.1.4 The site is an established quarry forming part of the county's sand and gravel landbank and the principle of mineral working has been established by previous planning consents. The application is linked to quarrying activity and the economic benefits of the proposals must therefore be accorded great weight in accordance with NPPF paragraph 211. At the same time the NPPF and relevant planning policies require that there should not be any unacceptable adverse impacts on the local environment and amenities, including with respect to road safety.
- 8.1.5 The NPPF requires Mineral Planning Authorities to plan for a steady and adequate supply of aggregates by making provision for the maintenance of landbanks of at least 7 years for sand and gravel (the 'subregional apportionment'). This level of production is agreed through the regional working party for the West Midlands which includes representatives for all mineral planning authorities in region. The apportionment for Shropshire currently stands at 0.71m tonnes per annum, based on 3 year and 10 year rolling production averages as confirmed by annual aggregate monitoring returns.
- 8.1.6 The increased output from Woodcote Wood would theoretically allow overall increase in the production capacity for sand and gravel in Shropshire from 0.71 to 0.86mt which is above recent apportionment levels but well below historic production peaks. This gives increased confidence that the county will be able to continue to supply sand and gravel at or above the agreed production level for the duration of mineral workings at the site. Whilst the increased production rate would deplete permitted reserves more quickly the applicant advises that new borehole records have confirmed an additional economic resource of fine sand at depth. The company has however been advised that any working of this deeper resource would need to be the subject of a separate planning consent.

8.1.7 The proposal would comply in principle with Core Strategy Policy CS20 SAMDev policy MD5 as it will facilitate the quarrying activities which contribute to maintaining the landbank for sand and gravel in Shropshire in an area already committed for such development.

8.2 Justification for increased output

8.2.1 During operation of the quarry the applicant has been successful in securing a number of significant supply contracts and it has become apparent that there is a greater demand for the quarry products than can be met with the current output restriction of 250,000 tonnes per annum. In particular, the quarry supplies a regional mortar production site at Bilston with fine sand. The original 2017 application advises that ‘the demand for good quality fine sand for mortar is particularly acute at this time’. A high level of demand for this material produced by the quarry has continued to be encountered.

8.2.2 The ongoing operation of the quarry has also led to an increased understanding of the traffic implications associated with the quarry operations. Arising from this the applicant and their highway consultants have concluded that the current quarry access has the capacity to accommodate increased HGV movements. Accordingly, the current application has been submitted to vary the currently approved output limits in order that the increased demand for mineral products which the applicant is encountering can be met.

8.2.3 The applicant has identified an additional source of mortar sand at depth within the site which was not identified during the original borehole surveys. This indicates that there is the potential to supply mineral at an increased output for longer than had been anticipated. The applicant has however been informed that any proposal to increase the currently approved extraction depth would need to be subject to a separate planning application.

8.2.4 It is concluded that the proposed increased output can be justified as facilitating increased supply of proven mineral from the site to meet an identified market need. This is provided the applicant can demonstrate that there would be no unacceptable highway safety or amenity concerns.

8.3 Environmental effects

8.3.1 Traffic and highway safety: A Transport Assessment dated July 2017 accompanied the original quarrying application. This concluded that the site was likely to generate a total of 114 two-way vehicle movements over an 11.5-hour period (07:00 - 18:30), of which 70 were forecast to be HGV movements. This equated to approximately 6 two-way movements per hour. The report concluded that “this level of generated traffic is not considered to be significant, and the existing local highway network is not anticipated to be adversely affected”. The proposal “should therefore be considered acceptable in transport terms”. The Highway Authority accepted this conclusion at the time subject to the 250,000 tonne per annum output restriction and to a legal agreement covering the following highway matters:

- i. Routing restriction preventing use of Sheriffhales Road and preventing vehicles from approaching from the north and turning right into the site, monitored by CCTV;
 - ii. Securing funding for highway improvements along and to the south of the A41 site frontage and at the Sheriffhales Road junction (2 separate instalments of £25k).
- 8.3.2 The current proposals would increase the maximum quarry output by 150,000 tonnes per annum (from 250,000tpa to 400,000tpa). This would increase the permitted lorry movements from a maximum of 24,200 to a maximum of 36,850 per year, which would represent a maximum increase of 52.27%. However, the maximum can be regarded as a worst-case scenario based on the use of smaller 20 tonne rigid chassis loads. In practice the company's lorry fleet is changing to one of mainly larger 32 tonne articulated loads. Hence, any increase in numbers is likely to be significantly less than the assumed worst-case situation.
- 8.3.3 Sheriffhales Parish Council has objected to the current proposals on the basis that the highway improvements required by the legal agreement have not been undertaken at the A41/B4379 junction. The Highway Authority has explained why this is the case in 6.6 above. In summary the applicant has undertaken the highway improvement works which were required to facilitate a safe access to the site under the requirements of planning permission reference 17/03661/EIA. The quarry access junction has been provided in accordance with the approved plans. The estate boundary wall has also been realigned further back along the whole of the A41 site frontage. This has resulted in an improvement in visibility between the site access and the B4379 junction to the south.
- 8.3.4 Additionally, the applicant has paid the £50k for highway improvement works required under the legal agreement and has transferred an area of hard verge to the north of the B4379 into the ownership of the Highway Authority to facilitate future improvements to the A41 / B4379 junction. As such, the applicant has met all relevant obligations linked to the quarrying permissions. The fact that the Highway Authority has not yet spent these funds on improving the junction does not represent a failure of compliance on the part of the applicant. The Highway Authority advise in section 6.6 above that instead this is due to the Authority wanting to progress a more comprehensive improvement to the junction which will require additional funding and a Road Safety Audit. A feasibility study has been undertaken by the Highway Authority. A preferred option has been identified and this is due to be tested via a Road Safety Audit. The Highway Authority indicated last year that the improvement works are provisionally scheduled for the current financial year.
- 8.3.5 The Highway Authority has not objected to the proposed increase in output in highway safety terms, subject to the applicant making a further contribution of £25k to cover the cost of a speed activated warning sign to the south of the A41/B4379 junction on its northern approach. This improvement would be capable of being implemented before the substantive junction improvement works. They have also supported a condition which prohibits any increase in production above 325,000tpa until the applicant has evidenced to the satisfaction of the Planning Authority that the proportion of larger 32 tonne HGV's within the company's fleet using the quarry has exceeded 50% of the total. This will secure a material reduction in HGV movements overall relative to the

assumed 'worst case' scenario whereby all HGV's are of the smaller 20 tonne load type. A condition covering this has been included in Appendix 1. The applicant has advised that the figure of 50% may already have been exceeded, though formal confirmation of this is yet to be provided.

- 8.3.6 A representation was received from a local resident in connection with another application to temporarily extend working hours at Woodcote Wood (20/02330/VAR). This alleged that quarry HGV's were using the Sherifhales Road in contravention with the s106 legal routing restriction. However, there have been no other reports to this effect. CCTV cameras at the site access cover the B4379 junction and the legal agreement contains a penalty clause banning drivers from the site if there are infringements. The matter will be kept under review with the applicant but at present there is no reason to suspect that the routing restriction is not being fully complied with.
- 8.3.7 The applicant has provided a Road Safety Audit ('RSA') in support of the current application. This concludes that the quarry access is operating safely. The RSA does note that the carriageway in the vicinity of the A41/B4379 junction is in a poor state of repair and recommends that this is re-surfaced. This work would be the responsibility of the Local Highway Authority.
- 8.3.8 In conclusion, the applicant has met all relevant highway criteria associated with the previous planning consent and legal agreement. Whilst improvement works to the A41/B4379 junction have not yet been undertaken it is the responsibility of the Highway Authority and not the applicant to progress these works. The applicant is willing to make an additional payment to fund the provision of a vehicle activated speed sign on the approach to the A41/B4397 junction from the south. Additionally, the applicant is willing to accept a condition limiting the annual tonnage to 325,000tpa until the level of larger 30 tonne HGV movements exceeds 50% of the total fleet using the quarry. On this basis the Highway Authority has not objected and it is not considered that a refusal on highway grounds could be substantiated.

8.4 Residential amenity

- 8.4.1 The quarry site adjoins one residential property (The Hollies) and the applicant proposes that mineral workings would extend to within 34-52m of this property behind a wooded slope. Two other private properties are located 170 and 290m to the east of the site. A further 6 properties (5 at Boars Head Farm) are 300-370m to the east. In terms of quarrying operations noise, vibration and dust are generally acknowledged as having the greatest potential to affect residential amenities.
- 8.4.2 A noise and vibration assessment accompanied the 2017 quarrying applications, concluded that there would be no adverse noise impacts from the quarry operations once peripheral bunding had been constructed. In terms of road traffic noise, the assessment concluded that the highest increase in noise at the sensitive receptor locations would be 1 decibel. As such, noise would not be significant. The potential to increase vibration levels at nearby residential properties was also considered unlikely given the distance to the nearest properties.
- 8.4.3 A local resident commented in relation to another application to temporarily extend working hours at Woodcote Wood (20/02330/VAR) that plant noise was audible from

their property. No other noise complaints have been received during over 3 years of quarry operations. The matter will however be kept under close review with the applicant and in accordance with noise conditions attached to the quarrying permissions.

8.4.4 A dust assessment accompanying the 2017 quarrying applications also concluded that the proposed dust control measures would be sufficient to avoid dust impacts in the surrounding area. The quarry has been operating for over 3 years now and there have been no complaints in relation to noise, vibration or dust. The proposed increased output would involve the plant site in increasing the rate of mineral processing by just over 1/3 relative to the current situation. However, the plant site is well screened and contained, is some distance from the nearest residential property. A robust system of noise and dust control exists within the site, supported by planning conditions and there has been no history of complaints from the existing operations. As such, there is no reason to suspect that the proposed increase in output would give rise to any material increase in the level of noise or dust emissions.

8.5 Other amenity issues

8.5.1 Visual Impacts: A Landscape and Visual Impact Assessment accompanied the 2017 quarrying applications and concluded that there would be no significant adverse visual effects. The quarry site is surrounded by a belt of retained trees with earth bunding on the inside of this. As such, the quarrying operations are generally well screened from the surrounding area. The current proposals do not involve any changes to the physical screening measures surrounding the site. As such, it is not anticipated that the proposals would lead to any new adverse visual effects.

8.5.2 Ecology: An ecological survey accompanied the 2017 quarrying applications and various measures were implemented in order to ensure that the quarrying operations complied with relevant policies and guidance on ecology. The proposed increase in output would not result in any effects on habitat areas on the margins of the site. The ecology team has not objected provided extraction does not take place within 3 metres of the top of the permanent groundwater table. The extraction depth is controlled by the approved restoration contour plan and cross sections and would not be changed under the current application. The approved cross sections indicate extraction to a maximum depth of 100m AOD at the eastern end of the site and an average extraction depth of 20m with the void sloping from west (shallowest) to east (deepest). Given that these would not change it is not anticipated that the proposals would result in any ecological impacts.

8.5.3 Water Environment A hydrological assessment accompanying the 2017 quarrying permissions concluded that there are no surface water features within the site but there are six within 1km of the Site boundary. The Site is located within the Meese - Aqualate Mere tributaries catchment, and within the catchment associated with Moreton Brook which has an overall Water Framework Directive status of Poor. A Conceptual Site Hydrogeological Model (CSHM) identified the potential sources of groundwater recharge, groundwater pathways and potential sensitive receptors. The assessment concludes that with the implementation of mitigation measures, the effects of the quarrying operation on the water environment of the site and the surrounding area will not exceed minor and therefore will not be significant.

- 8.5.4 There have been no reports of deterioration in the water environment during more than 3 years of operation at the quarry site. The current proposals for increased output would not be expected to change the conclusions of the hydrological assessment given that the same working methods and drainage provisions would continue to apply within the site. The council's drainage team has not objected and it is concluded that the proposals can be accepted in drainage terms.
- 8.5.5 Archaeology and Cultural Heritage: A heritage assessment accompanying the 2017 quarrying applications advises that there are a number of designated and non-designated heritage assets in the area surrounding the site. Undesignated heritage assets within the site include the estate boundary wall along the A41 which has been re-built on a new alignment and Keepers Cottage which has been refurbished for use as a site office. Five Grade II listed buildings are located at Woodcote Hall 500m to the north. A further Grade II listed building, Brandon House, is located 575m to the north east. Lilleshall Hall Registered Park is located 1.6km to the west. However, the quarry site remains well screened on all sides by areas of retained woodland or peripheral tree belts, so that its external appearance remains unaltered. The current proposals would not change this. Hence, the setting of these heritage assets would not be compromised.
- 8.6. The effect of a variation under s73 of the Planning Act: The effect of a s73 variation is to issue a new permission which sits alongside the original permission(s) being varied and can be implemented in preference to them. Where any approval is issued under s73 it is appropriate to update the whole original schedule of planning conditions to take account of any changes which have occurred since the original decision was issued – for instance following the discharge of details required by the original planning conditions. This updating exercise has been carried out in Appendix 1 for both applications which are covered by the current report.
9. CONCLUSION
- 9.1 The proposal to increase the maximum output of the quarry by 150,000 tonnes to 400,000 tonnes per annum would allow the quarry to fill a gap in the national market for fine sand for mortar production and increase the contribution that Shropshire can make to the national supply.
- 9.2 The increased use of 32-tonne lorries to transport processed excavated mineral away from the site will mean that the increased traffic movements on the local highway network in real terms will be around 52.27%. There are few residential properties in the vicinity of the quarries or on the A41 exit route and this road has more than adequate capacity to cope with the additional lorry movements proposed.
- 9.3 Whilst the concerns of Sheriffhales Parish Council, in particular regarding delays in improving the A41/B4379 junction are noted the applicant has discharged all relevant previous obligations regarding highway matters and decisions on the exact nature of the junction improvements rest with the Highway Authority. In view of this it is not considered that a highway objection to the current proposals could be sustained.

- 9.4 The highway authority has not objected to the proposals subject to a legal agreement securing a further financial payment of £25k to facilitate vehicle activated signage on the northbound A41 approach to the B4379 junction. This can be achieved via a deed of variation to the existing legal agreement accompanying permission reference 17/03661/EIA. No other environmental issues have been identified which would outweigh the support given to this mineral proposal by Paragraph 211 of the NPPF. Approval is therefore recommended subject to the additional highway contribution and the conditions listed in Appendix 1.

10. RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

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 three months 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.

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 recommendation below.

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.

11. FINANCIAL IMPLICATIONS

There are likely financial implications of 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 dependant on the scale and nature of the proposal. The financial implications of any decision are not a material planning

consideration and should not be "weighed" in planning committee members' mind when reaching a decision.

Additional Information

12 RELEVANT PLANNING HISTORY

- BR/02/0011/HRM Remove 3 no. hedgerows whose total lengths are approximately 240metres. NOOBJC 13th January 2003
- 17/03661/EIA Proposed new access & installation of processing plant to facilitate sand & gravel extraction on adjacent Woodcote Wood site GRANT 20th August 2018
- 18/01945/DIS Discharge of Conditions 13 (highways), 28 (ecology), 29 (external lighting), 30 (mitigation report), 31 (trees), 32 (bird boxes), 33 (landscaping) & 34 (habitat management plan) relating to planning permission SC/MB2005/0336/BR - Construction of access to B4379, extraction and processing of sand and gravel, reprofiling and restoration of the site, related highway works to B4379 and A41 DISPAR 8th April 2019
- 18/02246/DIS Discharge of Conditions 7c (noise monitoring scheme), 14 (stockpiling areas) & 15 (plant & machinery) relating to planning permission SC/MB2005/0336/BR - Construction of access to B4379, extraction and processing of sand and gravel, reprofiling and restoration of the site, related highway works to B4379 and A41 DISAPP 3rd February 2022
- 18/03674/VAR Variation of condition no. 13 attached to planning permission ref SC/MB2005/0336/BR to allow on-site Construction Works for Screening/Washing Plant and Concrete Base Whilst Road Construction Works are Ongoing (Temporary Permission for Six Months) APPRET
- 18/04795/DIS Discharge of Conditions 7, 13a, 15a, 16, 17, 19, 20, 26 (in part), 36, 38, 40 (in part) & 42 relating to planning permission 17/03661/EIA - Proposed new access & installation of processing plant to facilitate sand & gravel extraction on adjacent Woodcote Wood site GRANT 14th January 2020
- 18/04807/DIS Discharge of Condition 21 (archaeology) relating to planning permission SC/MB2005/0336/BR - Construction of access to B4379, extraction and processing of sand and gravel, re-profiling and restoration of the site, related highway works to B4379 and A41 DISPAR 22nd October 2018
- 18/05408/FUL Retention of 50-tonne, low level, horizontal cement silo, 70 kVA generator, jet wash facility, water and diesel storage tanks GRANT 31st March 2020
- 18/05490/FUL Application under Section 73A of the Town and Country Planning Act 1990 for the erection of maintenance workshop building GRANT 10th June 2021
- 20/02218/FUL Application under Section 73A of The Town & Country Planning Act 1990 for the installation of sand and gravel bagging plant with silo, hoppers, diesel generator and storage areas GRANT 14th February 2022
- 20/02330/VAR Variation of Condition 12a attached to planning permission 17/03661/EIA dated 20 August 2018 to vary the permitted opening hours to allow up to eight delivery vehicles to arrive, load processed excavated sand and depart outside of normal working hours (06:00 to 20:00 Mondays to Fridays, 06:00 to 13:00 Saturdays) to serve a 24-hour Mortar Plant in Bilston and other customers' sites (temporary trial permission for 24 months) GRANT 9th May 2022
- 20/05097/VAR Variation to condition 6a attached to planning permission reference

Number: SC/MB2005/0336/BR dated 16/02/2018 to allow for the maximum permitted output to be raised from 250,000 to 400,000 tonnes PDE

- 20/05098/VAR Variation of Condition No. 6A attached to planning permission 17/03661/EIA dated 20 August 2018 to increase the maximum permitted output from 250,000 to 400,000 tonnes PDE
- SC/MB2005/0336/BR Construction of access to B4379, extraction and processing of sand and gravel, re-profiling and restoration of the site, related highway works to B4379 and A41 GRANT 16th February 2018

13. PLANNING POLICY

13.1 The Shropshire Core Strategy

- Policy CS5 (Countryside and Green Belt);
- Policy CS6 (Sustainable Design and Development Principles)
- Policy CS11 (natural and built environment)
- Policy CS8 (Facilities, Services and Infrastructure Provision)
- Policy CS17 (Environmental Networks)
- Policy CS18 (Sustainable Water Management)
- Policy CS20 (Strategic planning for Minerals)

13.2 Site Allocations and Management of Development Document (SAMDEV)

- MD2 – Sustainable Design
- MD4 - Managing Employment Development
- MD5 - Sites for Sand and Gravel Working
- MD7b– General Management of Development in the Countryside
- MD12: The Natural Environment
- MD13: The Historic Environment
- MD15 - Landfill and Landraising Sites
- MD16 - Mineral Safeguarding
- MD17: Managing the Development and Operation of Mineral Sites

14 HUMAN RIGHTS

14.1 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

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=QKTWUVTDJ5G00>

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=QKTWV6TDJ5I00>

List of Background Papers:

Planning Application reference 11/01890/MAW and the accompanying Environmental Statement, Regulation 19 submission of further information.

Cabinet Member (Portfolio Holder): Cllr Ed Potter

Local Member: Cllr Kevin Turley

Appendices: Appendix 1 - Conditions

APPENDIX 1

Legal Agreement / Deed of Variation Clause for 20/05098/VAR

- i. Additional payment of £25k to facilitate provision of vehicle activated signage on the southern A41 approach to the B4379 junction.

Note: Provisions of existing legal agreement associated with permission reference 17/03661/EIA to remain in place including traffic routing and management agreements including preventing mineral lorries from using the B4379 west of the site access as a through route, preventing lorries from waiting outside the site entrance prior to the site opening and prior notification of any major short-term contracts which might result in increased vehicle flows.

Conditions for 20/05098/VAR

1. The quarrying development to which this planning permission relates is deemed to have commenced on the date of issue of planning permission reference 17/03661/EIA, namely 20th August 2018. This date is referred to hereinafter as 'the Commencement Date'.

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

Definition of the permission

- 2a. This permission shall relate to the areas edged red (and blue on the approved location plan accompanying application reference 17/03661/EIA (Drawing no. ST16018-102) hereinafter referred to as the "Site".
- b. Unless otherwise required by the conditions attached to this permission, the development hereby permitted shall be undertaken in accordance with the approved scheme for planning permission reference 17/03661/EIA which comprises the following:
- i. The application form dated 25th July 2017
 - ii. The Non-Technical Summary dated July 2017;
 - iii. The planning supporting statement dated July 2017;
 - iv. The Environmental Statement dated July 2017 and the accompanying appendices.
 - iv. The submitted drawings accompanying the Environmental Statement, namely:
 - ST16018-101 – Site Context Plan
 - ST16018-111 - Restoration Plan
 - ST16018-103 – Site Layout Plan
 - SA17 - 013 – Proposed Plant Layout
 - ST16018-110 – Topographical Survey
- c. The further information comprising:
- The building inspection and bat emergence survey report from Wardell Armstrong dated October 2017;
 - The email from Wardell Armstrong to Shropshire Council dated 20/10/17 and the accompanying plans, namely J32-3161-PS-011e and J32-3161-PS-019; J32-3161-PS-016c section[2].
 - The email from Alder Mill dated 6/02/18 and the accompanying drawing reference 372/216/04 titled 'Agricultural Access'.

Reason: To define the Site and permission

Time limits

3. *Note: This condition previously attached to permission reference 17/03661/EIA has been discharged by notifying the Local Planning Authority of the intended commencement date for stripping of soils and commencement of mineral extraction.*
4. Extraction of sand and gravel from the site shall cease within 15 years of the date of this permission and final restoration shall be completed within 2 years of the cessation date for mineral extraction.

Reason: To define the permitted timescale for working and

Limits of mineral extraction

- 5. There shall be no entry into each new mineral working phase until the limits of that phase have been physically defined by wooden posts or other appropriate means. The boundaries so marked shall be retained in position for the duration of the extraction operations within that phase.

Reason: To ensure that the limits of the extension area and of mineral extraction within the extension area are properly defined.

Output (Condition hereby varied)

- 6a. Mineral shall not be exported from the Site at a rate exceeding 325,000 tonnes per calendar year (commencing on 1st January and ending on 31st December) until Local Planning Authority has confirmed that the criteria specified in Condition 6b have been met.
- b. Notwithstanding Condition 6, mineral may be exported from the Site at a maximum rate of 400,000 tonnes per calendar year once the developer has confirmed that the number of 32 tonne HGV's in the fleet accessing the quarry has exceeded and will remain above 50% of the total and the Local Planning Authority has provided written approval to this effect.
- c. Written records of the tonnage of mineral produced from the Site shall be provided to the Local Planning Authority upon prior request within three months of the end of each calendar year.

Reason: In the interests of highway safety and to ensure that the production and export of mineral is controlled at a level which will protect the amenities of the local area.

Noise and dust

- 7a. Noise levels measured as LAeq 1h (free field) shall not exceed the following levels at the nearby noise sensitive locations during normal quarrying operations.

Location	Noise Limit LAeq (1hr)
Woodcote Hall	47
Brandon House	49
1 Chadwell Lane	50
88 Bloomsbury	46
Pine Ridge	49

- b. Notwithstanding condition 7a, noise levels shall not exceed 70dB(A) LAeq 1h (free field) at any sensitive properties during temporary operations such as soil stripping.

The increase in noise levels allowable for temporary operations shall not apply for more than 8 weeks in total in any one year.

- c. A noise monitoring scheme to demonstrate ongoing compliance with the noise limits specified in conditions 7a and 7b above shall be submitted to the Local Planning Authority prior to the Commencement Date and the approved measures shall thereafter be implemented in full.

Reason: To protect the amenities of occupants of nearby properties from the adverse impact of noise emissions

- 8a. All plant and machinery used within the Site shall incorporate silencers in accordance with the manufacturers' specification and those silencers shall be maintained in good condition.

- b. All quarry plant and machinery which is required to be fitted with reversing alarms shall be fitted with attenuated or non-audible reversing alarms rather than reversing beepers.

Reason: To assist in safeguarding the amenities of the area from noise disturbance.

9. Water shall be applied to main haul roads and other areas as necessary within the Site in order to prevent the generation of dust by vehicular/plant traffic.

Reason: To assist in safeguarding the amenities of the area from dust disturbance.

10. In the event that a complaint is received regarding noise or dust impact and is subsequently validated by the Local Planning Authority the Developer shall submit a mitigation scheme for the approval in writing of the Authority which shall provide for the taking of appropriate remedial action within an agreed timescale. The mitigation scheme shall be submitted within 10 working days from the day when the Developer is notified of the complaint and the scheme shall be implemented in accordance with the approved details.

Reason: To assist in safeguarding the amenities of the area from noise or dust disturbance by implementing an agreed procedure for dealing with any complaints.

Lighting

11. No fixed lighting shall be installed at the quarry unless details of such lighting have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall comply with current best practice guidance for the control of light pollution, including preventing adverse effects on wildlife. Following its approval, any lighting shall be installed and maintained in accordance with the approved details.

Reason: To safeguard the amenities of the area from light pollution.

Hours of working

Normal mineral working operations

- 12a. Subject to conditions 12b and 12c normal mineral extraction and associated operations under the terms of this permission shall not take place other than between the hours of:

7.00 – 18.30 on Mondays to Fridays and 7.30 - 13.00 on Saturdays
and such operations shall not take place on Sundays and Bank Holidays.

Extended working

- b. Extended working within the following hours is permitted for a temporary period of 2 years only beginning with the date of this permission:

6.00 – 20.00 on Mondays to Fridays and 6.00 - 13.00 on Saturdays
and such operations shall not take place on Sundays and Bank Holidays.

During the extended hours up to eight HGV's per weekday and 4 on Saturdays may arrive, load process excavated sand and depart. Records of such movements shall be maintained separately and shall be provided to the Local Planning Authority upon prior written request.

The variation hereby approved shall cease to have effect on the expiry of 2 years beginning with the date of this permission.

Maintenance working

- c. Notwithstanding Conditions 12a essential maintenance works to plant and machinery on the Site may also be undertaken between the hours of 13.00 p.m. - 18.00 p.m. on Saturdays.

Reason: To safeguard the amenities of the area.

Highway matters

13. *Note: This condition previously attached to permission reference 17/03661/EIA has been discharged by submitting details of the site access and visibility splays to the Local Planning Authority and implementing the approved details.*
14. *Note: This condition previously attached to permission reference 17/03661/EIA has been discharged by confirming to the Local Planning Authority that the site access has been constructed in accordance with the approved details.*
- 15a. *Note: This condition previously attached to permission reference 17/03661/EIA has been discharged by confirming to the Local Planning Authority that the site visibility splay has been constructed in accordance with the approved details.*
- b. *Note: This condition previously attached to permission reference 17/03661/EIA has been discharged by securing approval of the Local Planning Authority for a scheme providing for the realignment of the boundary wall on the B4379 and confirming subsequent implementation of the scheme.*
16. *Note: This condition previously attached to permission reference 17/03661/EIA has been discharged by confirming to the Local Planning Authority that a CCTV scheme has been implemented at the site access.*

17. *Note: This condition previously attached to permission reference 17/03661/EIA has been discharged by securing the written approval of the Local Planning Authority for a Construction Traffic Management Plan.*
- 18a. Any gates provided to close the proposed access shall be set a minimum distance of 15 metres from the carriageway edge and shall be made to open inwards only.
- b. *Note: This condition previously attached to permission reference 17/03661/EIA has been discharged by securing the written approval of the Local Planning Authority for a scheme detailing internal access roads within the site.*

Reason: To ensure a satisfactory form of access is provided in the interests of highway safety.

19. A wheel wash facility shall be retained at the Site for the duration of the operations hereby permitted. Wheel cleaning shall be employed by all goods vehicles leaving the Site so as to avoid the deposit of mud on the public highway. In those circumstances where mud or dust has been transported onto the metalled access road a tractor mounted brush or other similar device shall be employed in order to clean the road.

Reason: In the interests of highway safety.

Informative Notes:

- i. Mud on highway: *The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.*
- ii. Protection of visibility splays on private land: *The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.*
- iii. No drainage to discharge to highway: *Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.*
- iv. Works on, within or abutting the public highway: *This planning permission does not authorise the applicant to:*
 - *construct any means of access over the publicly maintained highway (footway/verge) or*
 - *carry out any works within the publicly maintained highway, or*
 - *authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or*
 - *undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway*

The applicant should in the first instance contact Shropshire Councils Street works team.

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

- v. Section 278 Agreement: No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND to progress the agreement. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 278 of the Highways Act 1980 entered into.
<http://www.shropshire.gov.uk/hwmaint.nsf/open/7BED571FFB856AC6802574E4002996AB>

Plant and stockpiling

20. Note: This condition previously attached to permission reference 17/03661/EIA has been discharged by securing the written approval of the Local Planning Authority for details of quarry plant and stockpiling areas.

Removal of G.P.D.O. rights

21. Notwithstanding the provisions of Part 17 A and Ba of the Town and Country Planning General Permitted Development Order 2015 or any re-enactment of this statute, no fixed plant, mobile processing plant, machinery, buildings, structures, or erections of the nature of plant or machinery, shall be erected without the prior written approval of the Local Planning Authority.

Reason: To ensure that any proposals to erect additional plant or structures within the Site are consistent with the need to protect the environment and visual amenities of the area, taking account of the ability of existing vegetation to perform an acceptable screening function.

Phasing

22. The Site including the area edged blue on the approved location plan shall be worked in an orderly and progressive manner in accordance with the details of the permitted phasing scheme accompanying the application and application reference SC/MB2005/0336/BR.

Reason: To ensure that the Site is worked in a properly phased manner.

Drainage / pollution

- 23a. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound

shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

24. Details of the proposed drainage strategy for surface and foul-water drainage, including settlement lagoon and settlement ponds shall be submitted for the approval of the Mineral Planning Authority prior to commencement of the development. The drainage features settlement lagoon and settlement ponds shall be provided in accordance with the approved details.

Reason: To prevent pollution of the water environment.

Note: The Environment Agency has indicated that it is expected that the settlement ponds will be lined with a low permeability geosynthetic liner.

- 25a. No development approved by this permission shall be commenced until a scheme for the monitoring of groundwater levels has been approved by the Local Planning Authority.
- b. No extraction of any minerals shall take place within 3 metres of the top of the permanent groundwater table within the site under the terms of this permission. A scheme confirming the extraction base shall be submitted to and agreed in writing by the Local Planning Authority prior to the Commencement Date.

Reason: To prevent any deterioration of ground or surface waters ('controlled waters' as defined under the Water Resources Act 1991).

Archaeology

26. *Note: This condition previously attached to permission reference 17/03661/EIA has been discharged by securing the approval of the Local Planning Authority for an archaeological written scheme of investigation under discharge of conditions permission 18/04807/DIS.*

Soil / material movement and storage

27. No waste, overburden or silt other than those arising as a direct result of the excavation and processing of mineral on the Site shall be deposited within the Site and such materials shall be used-in the restoration of the site.

Reason: To define the types of restoration material for use at the Site.

28. All topsoil and subsoil shall be permanently retained on Site for use in restoration and shall be stripped to its full depth within excavation areas. In addition, medium textured mineral soils recovered from the Site which are suitable for use as a soil shall be stored for future use in restoration of the Site.

Reason: To prevent loss or damage to soils and offset any shortfalls of soil by using geological material.

29. No plant or vehicles shall cross any area of un-stripped topsoil or subsoil except where such trafficking is essential and unavoidable for the purpose of undertaking the permitted operations. Essential trafficking routes shall be marked so as to give effect to this condition.

- b. No part of the Site shall be excavated or traversed or used for a road or for the stationing of plant or buildings, or storage of soils, mineral or overburden, until all available topsoil and subsoil has been stripped. Where soils are stripped to less than 1 metre depth the developer shall take action to rectify this deficiency by using soil making materials recovered during the working of the Site.

Reason: To prevent damage to soil structure.

30. All topsoil, subsoil and soil making materials shall be stored in separate mounds which:
- i. do not exceed 3.5 metres in height for topsoil and 5 metres for subsoil unless otherwise approved by the Local Planning Authority;
 - ii. shall be constructed with external bund gradients not exceeding 1 in 2;
 - iii. shall be constructed with only the minimum amount of compaction to ensure stability and so shaped as to avoid the collection of water in surface undulations;
 - iv. shall not be traversed by heavy vehicles or machinery except where essential for the purpose of mound construction or maintenance;
 - v. shall not subsequently be moved or added to until required for restoration unless otherwise agreed by the Local Planning Authority;
 - vi. shall be seeded or hydra-seeded as appropriate as soon as they have been formed;
 - vii. if continuous mounds are used, dissimilar soils shall be separated by either hay, sheeting or such other suitable medium.

Reason: To prevent loss of soil and minimise damage to soil structure.

Site maintenance

31. All existing and proposed perimeter hedges, fences and walls shall be maintained and made stock-proof from the commencement of the development until the completion of aftercare.

Reason: To protect the welfare of any livestock kept within the permitted Site and on adjoining land

32. All undisturbed areas of the Site shall be kept free from weed infestation by cutting, grazing or spraying as necessary.

Reason: To prevent a build-up of weed seeds in the soil, whilst protecting the nature conservation value of the non-agricultural areas.

Slope stability

33. The stability of all slopes within the Site shall be the subject of ongoing review throughout the duration of the extraction, restoration and aftercare operations hereby approved. In the event that any stability problems with the potential to adversely affect adjacent land or the use of the site are identified following assessment by a competent person, such problems shall be notified to the Local Planning Authority within two weeks of them becoming apparent. Appropriate remedial measures, as determined by the competent person, shall then be employed in accordance with an agreed timescale, including if necessary drainage works and/or erosion remediation and/or buttressing with indigenous fill materials to ensure the continued stability of all areas within the Site.

Reason: To ensure slope stability is maintained.

Ecology

34. *Note: This condition previously attached to permission reference 17/03661/EIA has been superseded as the works to Keepers Cottage have been completed and relevant bat surveys have been undertaken.*
35. *Note: This condition previously attached to permission reference 17/03661/EIA has been discharged through the provision of bat boxes at the site.*
36. *Note: This condition previously attached to permission reference 17/03661/EIA has been discharged through the provision of bird boxes at the site.*
37. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall:
- i. identify those areas/features on site that are particularly sensitive for bats, where lighting is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example for foraging; and
 - ii. show how and where external lighting shall be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
 - iii. Include no lighting on the access road.

All external lighting shall be installed strictly in accordance with the specifications and locations set out on the plan, and thereafter retained for the lifetime of the development. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation

Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014).

Reason: To minimise disturbance to bats, which are European Protected Species.

38. *Note: This condition previously attached to permission reference 17/03661/EIA has been discharged through the provision of an updated badger survey under discharge of conditions approval reference 18/04795/DIS.*

39. No further felling of boundary trees and scrub shall take place on the development site under the terms of this permission. Boundary trees and scrub will be retained and protected during the lifetime of the development and restoration phase.

Reason: To protect woodland wildlife including bats (EU Protected Species), Badger and nesting birds (nationally protected), to maintain viable habitat connections around the site in accordance with MD12 and CS17 Environmental Networks and in the interests of visual amenity.

40. *Note: This condition previously attached to permission reference 17/03661/EIA has been discharged through the provision of a landscaping / habitat creation plan under discharge of conditions approval reference 18/04795/DIS.*

41. *Note: This condition previously attached to permission reference 17/03661/EIA has been discharged through the provision of a habitat management plan under discharge of conditions approval reference 18/04795/DIS.*

Informative notes:

- i. *Great crested newts are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to kill, injure, capture or disturb a great crested newt; and to damage, destroy or obstruct access to its breeding and resting places (both ponds and terrestrial habitats). There is an unlimited fine and/or up to six months imprisonment for such offences. If a great crested newt is discovered at any stage then all work must halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.*
- ii. *Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from intentional killing and injury. Reasonable precautions should be taken during works to ensure that these species are not harmed. Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife. Advice should be sought from an experienced ecologist if reptiles or amphibians are found during site clearance.*

- iii. *All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences. During all building renovation, demolition and extension works there is a risk of encountering bats which can be found roosting in unexpected locations. Contractors should be aware of the risk of encountering bats and should be vigilant when working in roof spaces and removing roof tiles etc. If a bat should be discovered on site then development works must halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.*

Removal of plant and structures

42. All buildings, plant or structures within the permitted Site which have been installed in connection with the operations authorised under this permission and is not required in connection with the approved afteruse shall be removed from the Site within twelve months of completion of mineral extraction and the sites of such buildings, plant and machinery shall be restored in accordance with the provisions of the approved restoration and aftercare schemes.

Reason: To assist in securing the full and proper restoration of the Site within an acceptable timescale.

Aftercare

43. Aftercare schemes for agricultural and non-agricultural areas shall be submitted for each restored section of the Site as soon as restoration has been completed to the satisfaction of the Local Planning Authority. The submitted schemes shall provide for the taking of such steps as may be necessary to bring the land to the required standard for wildlife or amenity use as appropriate. The submitted aftercare schemes shall specify in relation to each phase the steps to be taken and shall include, as appropriate:
- i. minor regrading works as necessary to alleviate the effects of settlement and surface ponding or minor improvements to landform in habitat areas;
 - ii. measures to reduce the effects of compaction;
 - iii. cultivation works;
 - iv. reseeded where necessary of any parts of the area sown which do not provide a satisfactory plant growth in the first year;
 - v. grass cutting or grazing;
 - vi. replacement of hedge and tree failures;
 - vii. weed and pest control;
 - viii. drainage including the construction/maintenance of ditches and soakaways;
 - ix. vegetation management proposals including as necessary firming, re-staking, fertiliser application, thinning and replacement of failures within the aftercare period;
 - x. habitat management proposals within the aftercare period;
 - xi. track maintenance within the Site;

- xii. repair to erosion damage;
- xiii. Drainage including the construction/maintenance of ditches, ponds or soakaways;
- ix. A system of under drainage where natural drainage is not satisfactory;
- x. Field Water Supplies.

Reason: To ensure the establishment of a productive afteruse for the agricultural area and suitable, varied wildlife habitat conditions for the non-agricultural areas of the Site in accordance with the details of the approved scheme.

44. Aftercare of the Site in accordance with the aftercare schemes referred to in Condition 43 above shall be carried out in each stage for a period of five years* following the agreement of an aftercare scheme for that stage of restoration.

Reason: To ensure the establishment of a productive afteruse for the agricultural area and suitable, varied wildlife habitat conditions for the non-agricultural areas of the Site in accordance with the details of the approved scheme.

Note: The legal agreement accompanying this permission provides for an additional 5 year extension to the 5 year aftercare period required by this condition.

Annual Review

- 45a. Before 1st February after the Commencement Date and after every subsequent anniversary of the Commencement Date for the duration of mineral working and restoration works under the terms of this permission an annual review of Site operations shall take place involving the Mineral Planning Authority and the Site operator. The Annual Review shall consider areas of working, mineral resource issues, progressive restoration and aftercare works undertaken during the previous calendar year and shall include proposals for working, restoration and aftercare for the forthcoming year. The Annual Review shall in particular review noise, dust, traffic, visual amenity associated with mineral working. It shall also detail proposals for aftercare works on all restored areas of the Site not already subject to an approved scheme, including areas of habitat management and planting, and shall take account of the need to provide the following as soon as practicable after the completion of the restoration operations:

- i. The steps to be taken and the period(s) during which they are to be taken in order to bring the land into approved afteruses, including habitat creation.
- ii. Drainage provisions as necessary for the restored areas.
- iii. The provision of fences, hedgerows, gates and water supplies.
- iv. The cultivation of the land to establish a seedbed suitable for the sowing of grass seed and to facilitate the planting of trees and shrubs.
- v. The fertilizing and liming of the Site in accordance with the requirements of the land as determined by soil analysis, but avoiding raising soil fertility of the open habitats of the non-agricultural areas.
- vi. A review of the production of mineral and use of fill sand in the previous year and implications for the future working and restoration of the Site.

Reason: To assist in ensuring establishment of the approved afteruses.

Conditions for 20/05098/VAR

1. The quarrying development to which this planning permission relates is deemed to have commenced on the date of issue of planning permission reference 17/03661/EIA, namely 20th August 2018. This date is referred to hereinafter as 'the Commencement Date'.

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

Definition of the permission

- 2a. This permission shall relate to the area shown in the approved location plan accompanying planning application reference SC/MB2005/0336/BR, hereinafter referred to as the "Site".
- b. Unless otherwise required by the conditions attached to this permission, the development hereby permitted shall be undertaken in accordance with the approved scheme for permission reference SC/MB2005/0336/BR which comprises the application form, supporting statement and environmental statement.

Reason: To define the Site and permission

Time limits

3. *Note: This condition previously attached to permission reference SC/MB2005/0336/BR has been discharged by notifying the Local Planning Authority of the intended commencement date for stripping of soils and commencement of mineral extraction.*
4. Extraction of sand and gravel from the site shall cease within 15 years of the date of this permission and final restoration shall be completed within 2 years of the cessation date for mineral extraction.

Reason: To define the permitted timescale for working and restoration of the site.

Limits of mineral extraction

5. There shall be no entry into each new mineral working phase until the limits of that phase have been physically defined by wooden posts or other appropriate means. The boundaries so marked shall be retained in position for the duration of the extraction operations within that phase.

Reason: To ensure that the limits of the extension area and of mineral extraction within the extension area are properly defined.

Output (Condition hereby varied)

- 6a. Mineral shall not be exported from the Site at a rate exceeding 325,000 tonnes per calendar year (commencing on 1st January and ending on 31st December) until Local Planning Authority has confirmed that the criteria specified in Condition 6b have been met.
- b. Notwithstanding Condition 6, mineral may be exported from the Site at a maximum rate of 400,000 tonnes per calendar year once the developer has confirmed that the number of 32 tonne HGV's in the fleet accessing the quarry has exceeded and will remain above 50% of the total and the Local Planning Authority has provided written approval to this effect.
- c. Written records of the tonnage of mineral produced from the Site shall be provided to the Local Planning Authority upon prior request within three months of the end of each calendar year.

Reason: In the interests of highway safety and to ensure that the production and export of mineral is controlled at a level which will protect the amenities of the local area.

Noise and dust

- 7a. Subject to Condition 7b noise levels measured as LAeq 1h (free field) shall not exceed the following levels at the nearby noise sensitive locations during normal quarrying operations.

Location	Noise Limit LAeq (1hr)
Woodcote Hall	47
Brandon House	49
1 Chadwell Lane	50
88 Bloomsbury	46
Pine Ridge	49

- b. Notwithstanding condition 7a, noise levels shall not exceed 70dB(A) LAeq 1h (free field) at any sensitive properties during temporary operations such as soil stripping. The increase in noise levels allowable for temporary operations shall not apply for more than 8 weeks in total in any one year.
- c. A noise monitoring scheme to demonstrate ongoing compliance with the noise limits specified in conditions 7a and 7b above shall be submitted to the Local Planning Authority prior to the Commencement Date and the approved measures shall thereafter be implemented in full.

Reason: To protect the amenities of occupants of nearby properties from the adverse impact of noise emissions

- 8a. All plant and machinery used within the Site shall incorporate silencers in accordance with the manufacturers' specification and those silencers shall be maintained in good condition.
- b. All quarry plant and machinery which is required to be fitted with reversing alarms shall be fitted with attenuated or non-audible reversing alarms rather than reversing beepers.

Reason: To assist in safeguarding the amenities of the area from noise disturbance.

9. Water shall be applied to main haul roads and other areas as necessary within the Site in order to prevent the generation of dust by vehicular/plant traffic.

Reason: To assist in safeguarding the amenities of the area from dust disturbance.

10. In the event that a complaint regarding noise or dust impact is received by the Local Planning Authority and is subsequently notified in writing by the Authority to the Developer as a verified complaint the Developer shall submit a mitigation scheme for the approval in writing of the Authority which shall provide for the taking of appropriate remedial action within an agreed timescale. The mitigation scheme shall be submitted within 10 working days from the day when the Developer is notified of the complaint and the scheme shall be implemented in accordance with the approved details.

Reason: To assist in safeguarding the amenities of the area from noise or dust disturbance by implementing an agreed procedure for dealing with any complaints.

Lighting

11. No fixed lighting shall be installed at the quarry unless details of such lighting have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall comply with current best practice guidance for the control of light pollution, including preventing adverse effects on wildlife. Following its approval, any lighting shall be installed and maintained in accordance with the approved details.

Reason: To safeguard the amenities of the area from light pollution.

Hours of working

- 12a. Subject to condition 12b mineral extraction and associated operations under the terms of this permission shall not take place other than between the hours of:

7.00 – 18.30 on Mondays to Fridays and 7.30 - 13.00 on Saturdays
and such operations shall not take place on Sundays and Bank Holidays.

- b. Notwithstanding Condition 12a) above, essential maintenance works to plant and machinery on the Site may also be undertaken between the hours of 13.00 p.m. - 18.00 p.m. on Saturdays.

Reason: To safeguard the amenities of the area.

Highway matters

13. *Note: This condition previously attached to permission reference SC/MB2005/0336/BR has been discharged by submitting details of the site access and visibility splays to the Local Planning Authority and implementing the approved details.*
PLANT AND STOCKPILING
14. *Note: This condition previously attached to permission reference SC/MB2005/0336/BR has been discharged by confirming stockpiling details to the Local Planning Authority.*

Removal of g.p.d.o. rights

15. Notwithstanding the provisions of Part 17 A and B of the Town and Country Planning (General Permitted Development) Order 2015 or any re-enactment of this statute, no fixed plant, mobile processing plant, machinery, buildings, structures, or erections of the nature of plant or machinery, shall be erected without the prior written approval of the Local Planning Authority.

Reason: To ensure that any proposals to erect additional plant or structures within the Site are consistent with the need to protect the environment and visual amenities of the area, taking account of the ability of existing vegetation to perform an acceptable screening function.

Phasing

16. The Site shall be worked and restored in an orderly and progressive manner in accordance with the details of the permitted phasing scheme accompanying the application.

Reason: To ensure that the Site is worked in a properly phased manner.

Drainage / pollution

17. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

18. Details of the proposed drainage strategy for surface and foul-water drainage, including settlement lagoon and settlement ponds shall be submitted for the approval of the

Mineral Planning Authority prior to commencement of the development. The drainage features settlement lagoon and settlement ponds shall be provided in accordance with the approved details.

Reason: To prevent pollution of the water environment.

Note: The Environment Agency has indicated that it is expected that the settlement ponds will be lined with a low permeability geosynthetic liner.

- 19a. No development approved by this permission shall be commenced until a scheme for the monitoring of groundwater levels has been approved by the Local Planning Authority.
- b. No extraction of any minerals shall take place within 3 metres of the top of the permanent groundwater table within the site under the terms of this permission. A scheme confirming the extraction base shall be submitted to and agreed in writing by the Local Planning Authority prior to the Commencement Date.

Reason: To prevent any deterioration of ground or surface waters ('controlled waters' as defined under the Water Resources Act 1991).

20. No development approved by this permission shall be commenced until a scheme for the provision and conservation of water for mineral washing, dust suppression, domestic use, etc. has been submitted to and approved by the Mineral Planning Authority. The scheme shall include monitoring and contingency proposals in the event of derogation being shown.

Reason: To protect the groundwater resource and the biodiversity dependent upon it.

Archaeology

21. *Note: This condition previously attached to permission reference 17/03661/EIA has been discharged by securing the approval of the Local Planning Authority for an archaeological written scheme of investigation under discharge of conditions permission 18/04807/DIS.*

Soil / material movement and storage

22. No waste, overburden or silt other than those arising as a direct result of the excavation and processing of mineral on the Site shall be deposited within the Site and such materials shall be used-in the restoration of the site.

Reason: To define the types of restoration material for use at the Site.

23. All topsoil and subsoil shall be permanently retained on Site for use in restoration and shall be stripped to its full depth within excavation areas. In addition, medium textured mineral soils recovered from the Site which are suitable for use as a soil shall be stored for future use in restoration of the Site.

Reason: To prevent loss or damage to soils and offset any shortfalls of soil by using geological material.

- 24a. No plant or vehicles shall cross any area of un-stripped topsoil or subsoil except where such trafficking is essential and unavoidable for the purpose of undertaking the permitted operations. Essential trafficking routes shall be marked so as to give effect to this condition.
- b. No part of the Site shall be excavated or traversed or used for a road or for the stationing of plant or buildings, or storage of soils, mineral or overburden, until all available topsoil and subsoil has been stripped. Where soils are stripped to less than 1 metre depth the developer shall take action to rectify this deficiency by using soil making materials recovered during the working of the Site.

Reason: To prevent damage to soil structure.

25. All topsoil, subsoil and soil making materials shall be stored in separate mounds which:
- i. do not exceed 3.5 metres in height for topsoil and 5 metres for subsoil;
 - ii. shall be constructed with external bund gradients not exceeding 1 in 2;
 - iii. shall be constructed with only the minimum amount of compaction to ensure stability and so shaped as to avoid the collection of water in surface undulations;
 - iv. shall not be traversed by heavy vehicles or machinery except where essential for the purpose of mound construction or maintenance;
 - v. shall not subsequently be moved or added to until required for restoration;
 - vi. shall be seeded or hydra-seeded as appropriate as soon as they have been formed;
 - vii. if continuous mounds are used, dissimilar soils shall be separated by either hay, sheeting or such other suitable medium.

Reason: To prevent loss of soil and minimise damage to soil structure.

Site maintenance

- 26a. All existing and proposed perimeter hedges, fences and walls shall be maintained and made stock-proof from the commencement of the development until the completion of aftercare.
- b. All undisturbed areas of the Site shall be kept free from weed infestation by cutting, grazing or spraying as necessary.

Reason: To protect the welfare of any livestock kept within the permitted Site and on adjoining land (26a). To prevent a build-up of weed seeds in the soil, whilst protecting the nature conservation value of the non-agricultural areas (26b).

Slope stability

27. The stability of all slopes within the Site shall be the subject of ongoing review throughout the duration of the extraction, restoration and aftercare operations hereby approved. In the event that any stability problems with the potential to adversely affect

adjacent land or the use of the site are identified following assessment by a competent person, such problems shall be notified to the Local Planning Authority within two weeks of them becoming apparent. Appropriate remedial measures, as determined by the competent person, shall then be employed in accordance with an agreed timescale, including if necessary drainage works and/or erosion remediation and/or buttressing with indigenous fill materials to ensure the continued stability of all areas within the Site.

Reason: To ensure slope stability is maintained.

Ecology

28. *Note: This condition previously attached to permission reference SC/MB2005/0336/BR has been discharged through the provision of bat boxes at the site.*

29. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall:

- i. identify those areas/features on site that are particularly sensitive for bats, where lighting is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example for foraging; and
- ii. show how and where external lighting shall be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- iii. Include no lighting on the access road.

All external lighting shall be installed strictly in accordance with the specifications and locations set out on the plan, and thereafter retained for the lifetime of the development. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014).

Reason: To minimise disturbance to bats, which are European Protected Species.

30. *Note: This condition previously attached to permission reference SC/MB2005/0336/BR has been discharged through the provision of an updated badger survey.*

31. No further felling of boundary trees and scrub shall take place on the development site without prior approval of the local planning authority. Boundary trees and scrub will be retained during the lifetime of the development and restoration phase.

Reason: To protect woodland wildlife including bats (EU Protected Species), Badger and nesting birds (nationally protected) and maintain viable habitat connections around the site in accordance with MD12 and CS17 Environmental Networks.

32. *Note: This condition previously attached to permission reference SC/MB2005/0336/BR has been discharged through the provision of bird boxes at the site.*
33. *Note: This condition previously attached to permission reference SC/MB2005/0336/BR has been discharged through the provision of a landscaping and restoration plan.*
34. *Note: This condition previously attached to permission reference SC/MB2005/0336/BR has been discharged through the provision of a habitat management plan.*

Restoration

35. *Note: This condition previously attached to permission reference SC/MB2005/0336/BR has been discharged through the provision of a landscape planting scheme.*

Removal of plant and structures

36. All buildings, plant or structures within the permitted Site which have been installed in connection with the operations authorised under this permission and is not required in connection with the approved afteruse shall be removed from the Site within twelve months of completion of mineral extraction and the sites of such buildings, plant and machinery shall be restored in accordance with the provisions of the approved restoration and aftercare schemes.

Reason: To assist in securing the full and proper restoration of the Site within an acceptable timescale.

Aftercare

37. A detailed aftercare schemes shall be submitted for each restored section of the Site as soon as restoration has been completed to the written satisfaction of the Local Planning Authority. The submitted schemes shall provide for the taking of such steps as may be necessary to achieve the approved afteruse. The submitted aftercare schemes shall specify in relation to each phase the steps to be taken and shall include, as appropriate:
- i. minor regrading works as necessary to alleviate the effects of settlement and surface ponding or minor improvements to landform in habitat areas;
 - ii. measures to reduce the effects of compaction;
 - iii. cultivation works;
 - iv. reseeded where necessary of any parts of the area sown which do not provide a satisfactory plant growth in the first year;
 - v. grass cutting or grazing;
 - vi. replacement of hedge and tree failures;
 - vii. weed and pest control;
 - viii. drainage including the construction/maintenance of ditches and soakaways;
 - ix. vegetation management proposals including as necessary firming, re-staking, fertiliser application, thinning and replacement of failures within the aftercare period;
 - x. habitat management proposals within the aftercare period;
 - xi. track maintenance within the Site;

- xii. repair to erosion damage;
- xiii. Drainage including the construction/maintenance of ditches, ponds or soakaways;
- ix. A system of under drainage where natural drainage is not satisfactory;
- x. Field Water Supplies.

Reason: To ensure the establishment of a productive afteruse for the agricultural area and suitable, varied wildlife habitat conditions for the non-agricultural areas of the Site in accordance with the details of the approved scheme.

38. Aftercare of the Site in accordance with the aftercare schemes referred to in Condition 37 above shall be carried out in each stage for a period of five years* following the agreement of an aftercare scheme for that stage of restoration.

Reason: To ensure the establishment of a productive afteruse for the agricultural area and suitable, varied wildlife habitat conditions for the non-agricultural areas of the Site in accordance with the details of the approved scheme.

Note: The legal agreement accompanying this permission provides for an additional 5 year extension to the 5 year aftercare period required by this condition.

Annual review

- 39a. Before 1st February after the Commencement Date and after every subsequent anniversary of the Commencement Date for the duration of mineral working and restoration works under the terms of this permission an annual review of Site operations shall take place involving the Local Planning Authority and the Site operator. The Annual Review shall consider areas of working, mineral resource issues, progressive restoration and aftercare works undertaken during the previous calendar year and shall include proposals for working, restoration and aftercare for the forthcoming year. The Annual Review shall in particular review noise, dust, traffic, visual amenity associated with mineral working. It shall also detail proposals for aftercare works on all restored areas of the Site not already subject to an approved scheme, including areas of habitat management and planting, and shall take account of the need to provide the following as soon as practicable after the completion of the restoration operations:

- i. The steps to be taken and the period(s) during which they are to be taken in order to bring the land into approved afteruses, including habitat creation.
- ii. Drainage provisions as necessary for the restored areas.
- iii. The provision of fences, hedgerows, gates and water supplies.
- iv. The cultivation of the land to establish a seedbed suitable for the sowing of grass seed and to facilitate the planting of trees and shrubs.
- v. The fertilizing and liming of the Site in accordance with the requirements of the land as determined by soil analysis, but avoiding raising soil fertility of the open habitats of the non-agricultural areas.
- vi. A review of the production of mineral and use of fill sand in the previous year and implications for the future working and restoration of the Site.

Reason: To assist in ensuring establishment of the approved afteruses.

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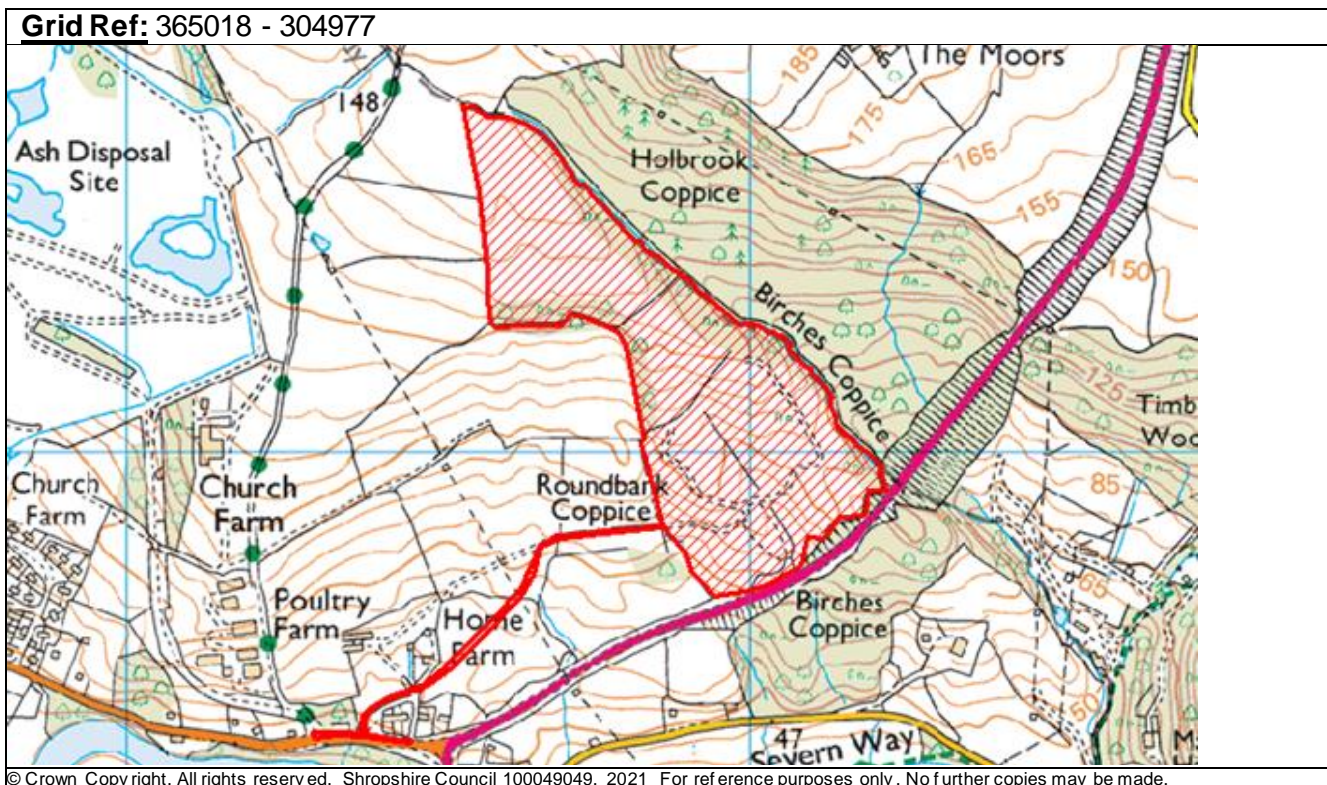
<u>Committee and date</u>	Item
Southern Planning Committee	
31 May 2022	Public

Development Management Report

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

Summary of Application

<u>Application Number:</u> 21/03090/FUL	<u>Parish:</u>	Buildwas
<u>Proposal:</u> Change of use of land to create a holiday caravan site including alteration of existing access, formation of internal access roads and footpaths and associated landscaping		
<u>Site Address:</u> Buildwas Leisure Site Buildwas Telford Shropshire		
<u>Applicant:</u> Montague Property And Marnwood Properties Ltd		
<u>Case Officer:</u> Tim Rogers	<u>email</u>	: tim.rogers@shropshire.gov.uk



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

REPORT

1.0 THE PROPOSAL

- 1.1 The proposed development consists of a leisure holiday park development comprising, in the amended layout, of 120 static lodges/caravans and 35 touring caravan pitches along with supporting infrastructure. (124 static lodges/caravans and 53 touring caravan pitches were originally proposed). The proposed site layout shows an amenities block and reception building but these are indicative at this stage and do not form part of the current planning application.
- 1.2 This application was previously considered by the committee at their meeting on the 8th February 2022. The report to that meeting is appended to this update and provides more information regarding the detail of the application (please refer to Section 1 of that report).
- 1.3 At the meeting on the 8th February 2022 determination of the application was deferred as members expressed some concern about the use of the proposed access and its implications for highway safety. The deferment was to enable further clarification to be sought from the Local Highways Authority regarding the highway issues raised.
- 1.4 Since the last meeting the applicants have submitted further information in respect of highway issues to support their application. This comprises an addendum to the transport statement and additional plans.
- 1.10 A Screening Opinion has been issued the effect that an Environmental Impact Assessment was not required for the proposals contained in this planning application.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site comprises agricultural land of some 19.6 hectares. Ground levels rise steeply across the site in a northerly direction.
- 2.2 The site has two principal access points. One access is on the site's southern part of its western boundary via a track that extends from the B4380 and passes through Home Farm, the other via a wide road access off the A4169 which follows the south-eastern side of the site. Several gravel tracks run through the site providing a moderately dense access network, including one that follows the edge of the woodland on the site's north-eastern boundary and provides access across a culverted stream to the woodland further north-east beyond the site. There are also some gravel hardstanding areas, portacabins, and a wheel wash (associated with the site's use as an off-road centre) in the southern part of the site. The 4x4 centre is called Buildwas Leisure and encompasses 50 acres of varied terrain, from thick woodland and undulating moonscape type craters to fast open tracks and muddy hill climbs.

- 2.3 The majority of land cover within the site is rough grass grazed by sheep. Mature trees are also a notable feature. The Site features the edge of mixed woodland (Holbrook Coppice and Birches Coppice) that is within a stream valley along the Site's north-eastern side and extends to cover higher ground to the north-east of the Site. The southern part of the Site features several individual mature trees and belts of mature trees. The Site's south-eastern boundary with the A4169 is marked by wooded area and outgrown hedgerow, except for a gap where there is access to a track that doglegs into the Site to provide direct access to the largest area of hard standing and portacabins. To the immediate south of the A4169 is further woodland (also Birches Coppice). The central parts of the south-western boundary also feature a mature tree belt. Further north on this boundary is an outgrown hedgerow with some trees, while its southern part is mostly open, except for a post and wire fence. West of the Site are pasture fields that feature hedgerows, some of which feature mature trees, forming narrow tree belts in places. To the west of the Site there is also Home Farm and a caravan storage area (~350m west of the Site).
- 2.4 The field is bordered to the east by thick woodland and screened on the western and southern sides by existing mature trees and landscaping. The immediate surrounding area is agricultural in nature with a mix of open arable and grassland fields, and smaller fields scattered with patches of thick tree cover and intermittent hedgerows.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application has previously been considered by committee and deferred at a previous meeting. The Parish Council view is contrary to the Officer recommendation. The Principal Officer, in consultation with the Chair and Vice-Chair of the South Planning Committee, considers that the material planning considerations raised by this application, which is of a significant scale, warrants determination by Committee.

4.0 Community Representations

Consultee Comment - Please refer to Section 4 of the appended report.

- 4.1.1 **Buildwas Parish Council** - Object - See appended report for previous comments.

The cumulative impact of the Former Ironbridge Power Station Development and this proposal on the residents of the small village of Buildwas must be considered. The effects on the residential amenity of residents living near the access to the site have not been considered. Noise, dust, fumes and vibrations from vehicles climbing the steep slope close to residential properties will impact negatively on those properties and residents. There is already a flooding issue in this area and properties affected. Making access routes wider will only exacerbate this problem.

32 of the 156 pitches proposed on this Leisure Park site are for touring caravans. The traffic modelling done by ADC infrastructure for Harworth Plc relates to a the proposed new roundabout junction of the B4380 and the A4169 . The Residual Function Capacity that measures the roundabout's capacity to take extra traffic has

not taken into account the type of traffic using the roundabout. Large touring caravans are much more difficult to manoeuvre than cars and with the access to the proposed Leisure Park Site being so close to the proposed roundabout, this is a concern. There are safety concerns at the exit of the site onto the B4380 not only for drivers and cyclists but for nearby residents as well.

With 124 site pitches there will be a lot of extra traffic on all the access roads around the site particularly on changeover days. The B4380 is a narrow, rural road. It is a National Cycle route with vulnerable road users. There is already a problem of speeding traffic using this road. Traffic Calming Measures have already been agreed as needed in the village of Leighton by Shropshire Council back in 2017. The Police and Camera Safety Partnership regularly Speed Trap Leighton Village and agree there is a problem. Harworth Plc have agreed to put in 'Build-outs' at either end of Leighton Village, by the completion of the 50th house on the Ironbridge Power Station Site. This could still be years away. If this application is approved then further Traffic Calming Measures will be needed in Leighton immediately. These will need to be financed either by Shropshire Council or the developer. Adding extra traffic to the existing traffic problem is a real concern to our Parish and because of this we object to this application.

4.1.2 **SC Developing Highways** - No Objection - See appended report for earlier comments.

I can confirm that Shropshire Council as Highway Authority have had an opportunity to review the information submitted. The applicant's consultants have now submitted revised plans that provides additional details of the gradient into the site and proposed additional widening at the entrance to the site that will facilitate the passing of vehicles to address the concerns previously raised.

32 of the 156 pitches will be touring caravans, therefore the access will be used by vehicles that require a large swept path, it is acknowledged that it is difficult to accommodate sufficient passing places to accommodate all vehicles. However, it is considered that the proposed access arrangements are suitable in terms of the likely movements and surrounding conditions and it would be difficult to sustain a highway objection on the grounds that a safe and satisfactory access has not been provided. Concerns had been raised with regard to the gradient of the access and access road within the site. Similar to the width of the access, due to the potential size of vehicles entering and exiting the site, it is difficult to provide an access that is suitable for all users, but passing places have been proposed where possible. On this basis, based on the information submitted it is not considered a highway objection could be sustained. It is understood however that Members of Planning Committee will give due consideration to the information submitted and take a view.

Conditions:

Access Prior to other operations

Before any other operations are commenced, the proposed vehicular access and visibility splays, shall be provided and constructed to base course level. Thereafter, the access shall be completed to the approved details before the development is fully occupied and thereafter maintained. The area in advance of the sight lines shall be kept permanently clear of all obstructions.

Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users, for the duration of the site construction and perpetuity.

Ghost Island Junction Enhancements & Pedestrian Refuge

Prior to the completion of the development, full engineering details and Road Safety Audit of the proposed Right Turn/Ghost Island Junction Enhancements and Pedestrian Refuge, as indicated on drawing number SA36090 BRY 0001 A, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details before the caravan/leisure park is first occupied.

Reason: To ensure a satisfactory means of access to the highway.

Parking Loading, Unloading and Turning

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

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

4.2 Public Comments - See appended report (para 4.11) for previous comments.

4.2.1 Since determination of the application was deferred at the meeting on the 8th February 2022 five further letters of objection have been received. The comments contained within the further submissions are summarised below:-

- 4.2.2
- The proposed amendments will not overcome the serious concerns regarding the position of the access and speed of traffic on the B4380.
 - The proposed changes will increase the impact on adjoining occupiers in terms of loss of privacy and noise, including that from pedestrian use.
 - The proposed passing places will be inadequate for the volume and nature of traffic leading to potential queuing on the highway.
 - The proposed island at the junction will become a bottleneck
 - The proposed removal of hedgerow/trees will have a severe impact on wildlife.
 - The left turn out from the access has safety implications due to conflict with users of the adjacent private drive.
 - There is still a blind corner with inadequate width for passing vehicles on the access drive.
 - The access to Home Farm is labelled incorrectly on the new plan and could lead to confusion and unauthorised use by vehicles and pedestrians.
 - There should be a speed limit on the access drive.
 - It is not the mean speed of vehicles but the number of vehicles breaking the speed limit on the highway that should be considered.
 - Caravan owners are often not adept at using narrow lanes such as the proposed access.
 - The agents report downplays existing and potential problems with the access. Vehicles are regularly going to meet resulting in difficult reversing manouvres.

- The inadequacy of the lane to serve existing and proposed development is self-evident.

5.0 THE MAIN ISSUES

Principle of development
 Siting, scale and design of structures
 Impact on visual amenity and rural character of the area
 Impact on heritage assets
 Highway safety and transport
 Ecology
 Drainage
 Residential amenity
 Contamination

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 In respect of the principle of the proposed development officers position remains unchanged from that set out in Section 6.1 of the appended report i.e. no objection in principle subject to satisfactory details in respect of material considerations.

6.2 Siting, scale and design of structures

6.2.1 As set out in Section 6.2 of the appended report it is considered that the proposal is capable of meeting the requirements of adopted policies. Where necessary this can be ensured by the imposition of appropriate conditions.

6.3 Impact on visual amenity and the rural character of the area

6.3.1 The potential implications of the proposed development and the assessment of the applicant's submissions in this regard are set out in detail at Section 6.3 of the appended report. It is considered that with adherence to the proposed site levels and contour details provided, together with the landscaping works which can be conditioned on any grant of planning permission, that the proposed development can be satisfactorily assimilated into the surrounding rural landscape, without causing undue harm to the visual amenity and rural character of the area.

6.4 Impact on Heritage Assets

Please see Section 6.4 of the appended report. The Council's Historic Environment (Conservation) Team is content with the analysis and findings of the Heritage Impact Assessment. A refusal on the grounds of the proposal causing harm to heritage assets could not be sustained in this case.

6.5 Highway Safety and Transport

6.5.1 The original officer assessment of the proposals is set out in Section 6.5 of the appended report.

6.5.2 Since the deferment of the application from the earlier committee the applicant has submitted further information in respect of the access to the proposed development. This has comprised an addendum to their transport statement and three additional/amended plans.

- 6.5.3 The agent for the application has stated the following in respect of these further submissions - 'I have summarised below the key points addressed and discussed:
- The proposed access improvements have been updated to further widening the access with the B4380, which will provide a substantial improvement over the previously proposed scheme. This now reflects the recent boundary works carried out by the landowner.
 - Further widening works and passing places are proposed along the site access route, plus an additional plan has been provided to show the passing places along the proposed link road between the site and the existing private access road.
 - Further details of the gradient of the access and confirmation that this is within the Shropshire Council requirement of a maximum gradient of 1 in 10 for private accesses, with a maximum gradient achieved of 1 in 13. On this we would also like to point out that only 32 of the 156 pitches are proposed for touring caravans, so they will make up a relatively small number of the total traffic movements, with the majority of movements by light traffic.
 - Clarity over the speed surveys previously carried out and how the visibility splays have been calculated and assessed.
 - Confirmation that the visibility splays are in no way reliant upon the proposed local speed limit changes.
 - Clarity that the access requirements for this development are compatible with the proposed roundabout to be delivered by the Harworth Group under the Ironbridge Power Station redevelopment application reference 19/05560/OUT.
 - Confirmation that this development is in no way reliant upon the construction of the roundabout to be delivered under the above scheme.
 - Further information and clarity of the proposed sustainable transportation measures to be provided by the developer.'

6.5.4 The further submissions on behalf of the applicants have been assessed by the Councils Developing Highways team whose comments are provided at para 4.1.1 above. Whilst it is acknowledged that the use of the access and the junction with the B4380 is a real and significant concern for local residents and the Parish Council, the conclusion that has been reached is that, although there will inevitably be some impact, the proposed use of the access (with the improvements to be provided) will be acceptable in its own right and that the implications for users of the public highway and adjoining private drive will not so severe that a refusal of planning permission is justified.

6.6 Ecology

6.6.1 The considerations with regard to ecological impacts are set out in Section 6.6 of the appended report. The Council's Ecology Team is content with the findings of the ecological appraisal. The new planting proposed would enhance biodiversity and there would be net gains also through the provision of bat and bird boxes. The carrying out of work in accordance with the mitigation and enhancement measures as specified in the Ecological Appraisal by Salopian Consultancy, provision of bat and bird boxes, approval of an external lighting plan and protection measures during construction works are all matters which can be conditioned on a grant of planning permission to safeguard matters of nature conservation importance.

6.7 **Drainage**

6.7.1 Core Strategy policy CS18 relates to sustainable water management. A Flood Risk Assessment (FRA) has been submitted with the application, which includes a drainage strategy. The Council's Drainage Consultants consider that the FRA has established that there are no technical constraints to the site being adequately drained and that it would not create a food risk. The precise drainage details to be installed is a matter which can be conditioned should planning permission be granted.

6.8 **Residential Amenity**

6.8.1 The considerations in respect of the potential impacts on residential amenity of adjoining occupiers are set out in Section 6.8 of the appended report. Whilst it is acknowledged that the further alterations to the access as now proposed by the applicants will have some potential for increased visibility between users of the access and adjoining properties, it must also be recognised that this will be periodic for very short periods in terms of individual users of the access such that there will be no sustained or unacceptable impact on residential amenity.

6.9 **Contamination**

6.9.1 The Council's Environmental Protection Team has considered the Ground First Ltd report and concur with the Phase 1 Report conclusions that the need for further investigation and assessment is needed prior to the commencement of development. This investigation, assessment, approval of measures to achieve any remediation required and the implementation of those measures to make the land fit for the intended use and comply with NPPF paragraph 183 can be achieved through the condition set out in the Environmental Protection Team comments at 4.5 of the appended report.

7.0 **CONCLUSION**

7.1 There is no in-principle planning policy objection to the proposals contained in this application. The precise details of the holiday caravans/ lodges installed, in the event of planning permission being given, is a matter on which a planning condition attached to any approval. The colour and external finishes can also be controlled through a planning condition to ensure a high-quality appearance appropriate to this rural setting as sought by policies CS6, CS17, MD2 and MD11. The proposed layout of the holiday caravans/ lodges and their associated parking and road/paths network, coupled with the ground re-profiling and landscaping scheme, would result in a development which, whilst visible due to the hillside location, would not be unduly obtrusive in the rural landscape. The impact of the development would be further softened as the new tree planting in the landscape scheme establishes and matures.

7.2 A refusal of the proposals contained in this application on the grounds that it would cause unacceptable visual harm to the landscape or to the setting of listed buildings and other heritage assets contained in that landscape, could not be sustained. With regard to the heritage impact, there are wider public benefits in terms of the contribution to the local economy, job creation and the delivery of high-quality visitor accommodation sought by the Development Plan which would be provided by the proposed development which outweigh the limited harm identified, in applying the balance required by paragraph 202 of the NPPF

- 7.3 The assessment of the highway/transport matters has taken account of the environmental impacts of traffic and mitigation works proposed. The Transport Statement 9as amended by inclusion of the recent addendum) uses nationally recognised standards and modelling and has established that there would be no access junction or road network capacity problems resulting from the proposed development. A safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network, or on highway safety, and can be cost effectively mitigated to an acceptable degree by the works and measures proposed, in accordance with paragraph 110 of the NPPF. The safe developments, from a transport and highways perspective, sought by Core Strategy policy CS6 and the NPPF can be achieved. There would be no unacceptable impact on highway safety, or residual cumulative impacts on the road network that would justify a refusal of planning permission in this case.
- 7.4 These proposals would not adversely impact on protected species and ecological interests, and would maintain the environmental network of the locality, with enhancements. Ecological interests and drainage can be safeguarded through the recommended planning conditions. The proposed development would not unduly harm the residential amenities of the locality. Remediation for ground contamination/gases can be addressed through the recommended planning condition.
- 7.5 This proposal would satisfy all three overarching objectives for sustainable development set out in the National Planning Policy Framework (NPPF paragraph 8). It would fulfil the economic objective by contributing to the rural economy and providing high quality visitor accommodation and leisure facilities as sought by the Development Plan and sustainable rural tourism and leisure developments sought by paragraph 84 of the NPPF; the social objective would be met through the creation of employment both directly and indirectly which is key to supporting strong, vibrant and healthy communities, and the nature of the development would be beneficial to the health, social and cultural well-being of its users; and the environmental objective would be fulfilled by the landscape and ecological enhancements it would deliver, helping to improve biodiversity.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or

perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS13 - Economic Development, Enterprise and Employment
Economic Development, Enterprise and Employment
CS16 - Tourism, Culture and Leisure
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD2 - Sustainable Design
MD7B - General Management of Development in the Countryside
MD11 - Tourism Facilities and Visitor Accommodation
MD12 - Natural Environment
MD13 - Historic Environment
National Planning Policy Framework

RELEVANT PLANNING HISTORY:

PREAPP/11/01503 Proposed Caravan (60%) /Activity Site (40%) PREAMD 6th December 2011

PREAPP/20/00170 Proposed change of use for leisure complex to include New Reception/office and amenity block, creation of wildlife pond and activity areas, woodland walks and recreation areas and a mixture of luxury lodges, cabin, static and touring caravans.

PREAMD 28th August 2020

21/03090/FUL Change of use of land to create a holiday caravan site including alteration of existing access, formation of internal access roads and footpaths and associated landscaping PDE

SA/06/0412/F Change of use of land for motorcycle activities including quad-biking and enduro-bikes (max 28 days), 4 x 4 events (max 28 days) and other recreational outdoor pursuits to include corporate team building, assault course, mountain biking, motorcycle schooling, 4 x 4 dealership demonstrations (max 150 days of which no more than 30 days for motorised vehicles), ancillary camping/caravan site in association with the above events and engineering operations to form landscape bunding REFUSE 16th August 2006

SA/04/0489/F Change of use of land for all year operation of motorsports including quad bikes, enduro bikes, 4x4 vehicles and demonstrations, motor cycle schooling and practice, mountain biking and outdoor pursuit activities (including corporate team building events / assault course / clay pigeon shooting). WDN 8th June 2004

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)
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Cabinet Member (Portfolio Holder) Councillor Ed Potter
Local Member
Cllr Claire Wild
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

2. The development shall be carried out strictly in accordance with the approved plans and drawings

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

3. No more than 120 static holiday caravans/lodges and 35 tourer holiday caravan pitches shall be stationed/provided on land within the application site at any time and there shall be no variations to their siting from that shown on the approved drawings.

Reason: To define the permission for the avoidance of doubt and in the interests of the visual amenities of the area.

4. The construction of the static holiday caravans/ lodges shall comply with the definition of a caravan and shall comprise of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices and shall not exceed the length, width and height of living accommodation limits set out in Part 3, Section 13 of the Caravan Sites Act 1968, as amended.

Reason: To define the permission for the avoidance of any doubt and to comply with SAMDev Plan policy MD11.8.

5. Notwithstanding Classes C2 and C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), the caravans hereby permitted shall be used to provide holiday accommodation only and shall not be occupied as permanent unrestricted residential accommodation or as a primary place of residence.

Reason: The site is outside of any settlement where unrestricted residential accommodation would be contrary to adopted Development Plan housing policy.

6. A register shall be maintained by the owners/operators of the holiday caravan site of the names of the occupiers of the caravan units, the period of their occupation together with their main home addresses. This information shall be made available at all reasonable times to the Local Planning Authority.

Reason: The site is outside of any settlement where unrestricted residential accommodation would be contrary to adopted Development Plan housing policy.

7. Before the static holiday caravans/ lodges are first installed on the land details of their appearance and external finishes and any associated access decking/steps/ramps shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details and retained for the lifetime of the static holiday caravan/ lodges.

Reason: To ensure that the external appearance of the development is satisfactory, in the interests of visual amenity.

8. No development shall take place, including any works of demolition, until a Construction Management Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period and should reflect the phasing of construction. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- routing of vehicles to and from the site
- communication strategy for sub-contractors
- details of local liaison and engagement with relevant representatives

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

9. Before any static holiday caravan/lodge is first occupied the foul and surface water drainage arrangements to the cluster of caravan/ lodges in which it would be located shall be installed in full in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

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

10. Prior to the erection of any external lighting on the site associated with the development hereby approved, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK and any future update to that document. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the

development.

Reason: To minimise disturbance to bats, which are European Protected Species.

11. Construction works and/or demolition works shall not take place outside the hours 07:30 to 18:00 Monday to Friday; 08:00 to 13:00 Saturdays. No works shall take place on Sundays, or on bank or public holidays.

Reason: To safeguard the residential amenities of the area.

12. Before any other operations are commenced, the proposed vehicular access and visibility splays, shall be provided and constructed to base course level. Thereafter, the access shall be completed to the approved details before the development is fully occupied and thereafter maintained. The area in advance of the sight lines shall be kept permanently clear of all obstructions.

Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users, for the duration of the site construction and perpetuity.

13. Prior to the completion of the development, full engineering details and Road Safety Audit of the proposed Right Turn/Ghost Island Junction Enhancements and Pedestrian Refuge, as indicated on drawing number SA36090 BRY 0001 A, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details before the caravan/leisure park is first occupied.

Reason: To ensure a satisfactory means of access to the highway.

14. The development hereby permitted shall not be brought into use until the new section of access road, areas shown on the approved plans for parking, loading, unloading, and turning of vehicles and passing bays have been provided properly constructed, laid out, hard surfaced and drained in accordance with details which have been approved in writing by the Local Planning Authority. The areas shall be maintained thereafter free of any impediment to their designated use.

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

15. All trees which are to be retained in accordance with the approved plan shall be protected in accordance with the submitted Salopian Consultancy Tree Protection Plan and Arboricultural Method Statement, and in accordance with BS 5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection. The protective fence and temporary ground protection shall be erected prior to commencing any approved development related activities on site, including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development and be

moved or removed only with the prior written approval of the Local Planning Authority

Reason: To safeguard the amenities of the local area by protecting trees.

16. Prior to the commencement of the development the consulting arboriculturist shall be appointed to undertake supervision and monitoring of the tree protection fencing at pre-commencement stage and throughout the construction period as outlined in the submitted arboricultural method statement and submit to the Local Planning Authority a satisfactory completion statement to demonstrate compliance with the approved tree protection measures.

Reason: To safeguard the amenities of the local area by protecting trees.

17. All services will be routed outside the root protection areas indicated on the Tree Protection Plan or, where this is not possible, a detailed method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any such work commencing. The work shall then be carried out in accordance with the approved details.

Reason: To safeguard the amenities of the local area by protecting trees.

18. New tree planting shall meet the requirements of BS 8545: 2014 Trees: from nursery to independence in the landscape Recommendations.

Reason: To ensure the survival of new trees.

19. No above ground works shall be commenced until full details of both hard and soft landscape works, incorporating the details shown on drawing number 3072-001 Rev A (Landscape Mitigation Planting Plan) have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed die or become seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

20. a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with current Environment Agency guidance Land Contamination: Risk Management (LCRM). The Report is to be submitted to and approved in writing by the Local Planning Authority.

- b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.
- d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.
- e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

21. Prior to first occupation / use of the holiday caravan site bat and bird boxes shall be installed in accordance with details of their makes, models and locations which have been submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 5 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 5 artificial nests, of either integrated brick design or external box design, suitable for Swifts (Swift bricks or boxes with entrance holes no larger than 65 x 28 mm can accommodate a wide range of species (CIEEM, 2019)), Starlings (42mm hole, starling specific), Sparrows (32mm hole, terrace design) and/or House Martins (House Martin nesting cups) shall be erected on the site prior to first use of the development.

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

Reason: To ensure the provision of roosting opportunities for bats and nesting opportunities for wild birds, in accordance with MD12, CS17 and section 180 of the NPPF.

22. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding birds as provided in Section 4 of the Ecological Appraisal (Salopian Consultancy 14th June 2021).

Reason: To ensure the protection of and enhancements for bats and Great Crested Newts, which are European Protected Species and birds which are protected under Section 1 of the 1981 Wildlife and Countryside Act (as amended).

23. No development shall take place (including demolition, ground works and vegetation clearance) until a plan and details of the proposed protective fencing to be erected to safeguard the ancient woodland during construction of the development has been submitted and agreed in writing by the Local Planning Authority. The plan shall include a minimum 15m buffer temporarily fenced off.

Reason: To protect the ancient woodland and associated habitat from damage and disturbance.

24. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented and where ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots) will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c) Requirements and proposals for any site lighting required during the construction phase;
- d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
- e) The times during construction when an ecological clerk of works needs to be present on site to oversee works;
- f) Identification of Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
 - vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.
- g) Pollution prevention measures.

All construction activities shall be implemented strictly in accordance with the approved plan.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and paragraph 180 of the NPPF.

25. The wildlife pond shown on the approved site plan shall be constructed in accordance with section drawings showing its profiles and depth; details of its lining, overflow arrangements and the planting of its margins which have first been approved in writing by the Local Planning Authority.

Reason: To ensure the construction of a satisfactory pond which takes into account the ground conditions of the site, in the interests of public safety, visual amenity and biodiversity.

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2.

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

oconstruct any means of access over the publicly maintained highway (footway/verge) or

oacarry out any works within the publicly maintained highway (street), or

oauthorise the laying of private apparatus within the confines of the public highway (street)

including any a new utility connection, or

oundertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway, or

ootherwise restrict any part of the public highway (inc. footway, verge or waste) in any way, for the purposes of constructing the development (i.e. Skips, scaffolding, hording/safety fencing, material storage or construction traffic, etc.)

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

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

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

3. Section 278 Agreement

No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into.

Please contact: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND to progress the agreement.

No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 278 of the Highways Act 1980 entered into

<http://www.shropshire.gov.uk/hwmaint.nsf/open/7BED571FFB856AC6802574E4002996AB>

Mud on highway

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

No drainage to discharge to highway

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

Protection of visibility splays on private land

The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.

4. All bat species found in the U.K. are protected under the 2017 Conservation of Habitats and Species Regulations (as amended) and the 1981 Wildlife and Countryside Act (as amended).

It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

Should any works to mature trees be required in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works. The bat survey should be carried out by an appropriately qualified and experienced ecologist in line with the Bat Conservation Trust's Bat Survey: Good Practice Guidelines (3rd edition).

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

5. Widespread reptiles (Adder, Slow Worm, Common Lizard and Grass Snake) are protected under the 1981 Wildlife and Countryside Act (as amended) from killing, injury and trade and are listed as Species of Principle Importance under Section 41 of the 2016 NERC Act. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the 2006 Natural Environment and Rural Communities Act. Reasonable precautions should be taken during works to ensure that these species are not harmed. The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day

to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

If a Great Crested Newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.

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Committee and date

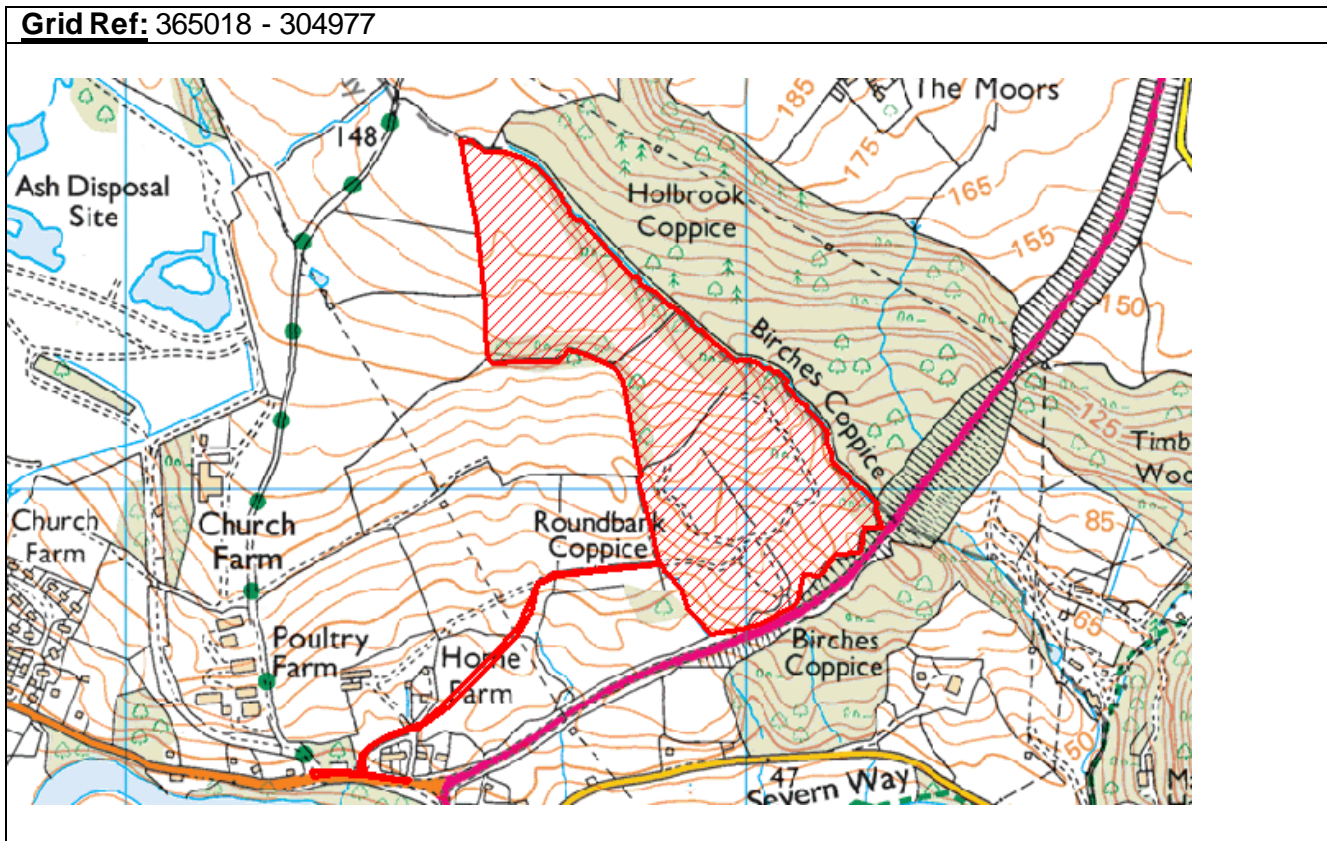
Item
Public

Development Management Report

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

Summary of Application

Application Number: 21/03090/FUL	Parish:	Buildwas
Proposal: Change of use of land to create a holiday caravan site including alteration of existing access, formation of internal access roads and footpaths and associated landscaping		
Site Address: Buildwas Leisure Site Buildwas Telford Shropshire		
Applicant: Montague Property And Marnwood Properties Ltd		
Case Officer: Tim Rogers	email	: tim.rogers@shropshire.gov.uk



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

REPORT

1.0 THE PROPOSAL

- 1.1 The proposed development consists of a leisure holiday park development comprising, in the amended layout, of 120 static lodges/caravans and 35 touring caravan pitches along with supporting infrastructure. (124 static lodges/caravans and 53 touring caravan pitches were originally proposed). The proposed site layout shows an amenities block and reception building but these are indicative at this stage and do not form part of the current planning application.
- 1.2 An existing vehicular access in the southern boundary of the main body of the application site direct onto the A4169 road would be retained for emergency vehicle use only. The development would make use of an existing 4.0-4.5m access road running through the farm from the west, with exception to the central section of the access route where a new section of road is proposed to bypass the farmyard and existing caravan storage. Passing places are proposed to be provided at regular intervals along the access route, which would provide an overall width of 6.0 to 6.5m. The access road would be reconstructed and surfaced in permeable tarmac, and/or surfaced in conventional impermeable tarmac and drained by swales. The existing access to Home Farm from Buildwas Road is proposed to be improved to provide suitable geometry for vehicles towing large touring caravans.
- 1.3 The main site entrance would be at the southern end of the western boundary. On entering the site a roughly oval shaped wildlife pond is proposed on the southern side of the access road before an existing area of hardstanding, which would be retained for parking is reached. A reception building with parking and a pull-in lay by is shown on the northern side of this road section, but this building is indicative at this stage and does not form part of the current application. The remaining area at the southern end of the site would be an open, landscaped space containing a network of paths, existing trees and an activity area. Along the entire eastern edge of the site the band of ancient woodland (Birches Coppice) would be retained and supplemented with new hedge planting.
- 1.4 The site topography rises in a north westerly direction with an informal layout of loop roads serving the proposed touring caravan pitches, which would generally follow the contour lines and be positioned in groups amongst the existing tree planting and with large open areas between those groups where new planting is proposed. There would be pitches also adjacent to the main access road which heads northwards up the site. To the west of this road section and in the vicinity of the touring pitches there is a site shown for an amenity building, but the details of that structure do not form part of the current planning application.
- 1.5 The upper half of the site would contained the static holiday units, which on the site layout drawing are described as two types - 'luxury lodge/cabin' and 'static

caravan'. (It appears that the former would be twin unit structures and that latter single units). No illustrative details have been submitted to show the envisaged appearance of these units, but they would all conform to the definition of a caravan as set out in the Caravan Sites and Control of Development Act 1960; Caravan Sites Act 1968 (Section 13(1) as amended) and the Mobile Homes Act 1983. A row of these units would be positioned 'end-on' to Birches Coppice along the north eastern side of the continuation of the main access road, following the loop of this road at the extreme northern end, and highest part, of the site. The northern end of the site is roughly triangular in shape and would be subdivided by five spur roads, each with the static units positioned on their northern side and planting zones on their southern sides. Parking would be provided immediately adjacent to each unit. An existing woodland pathway would be retained along the western site boundary.

- 1.6 The foul drainage for the site would be provided by one or more package treatment plants due to a foul mains drainage connection not being achievable. With respect to surface water drainage the drainage strategy set out in the submitted FloodvRisk Assessment states:

"The proposed internal roads are to be constructed using permeable tarmac or impermeable roads drained by swales with check dams. This is dependent on infiltration test results, but infiltration will be used if possible to do so. Log cabins and static caravans are to be drained via stone filled bases. The static caravans have an approximate roof area of 34m² and log cabins 77m² which do not require significant drainage systems and water is discharged to the stone filled bases to mimic the existing hydrology. Existing ditches and watercourses to the south of the site are to be inspected and cleared of any obstructions on a regular basis. If the site infiltration tests fail, the pond to the south of the site is proposed to act as attenuation storage for surface water run-off from site access roads and large buildings. However, upstream storage and control is to be provided where practical, as this provides an additional treatment stage and conforms with the SuDS hierarchy. If required the detailed drainage design will utilise a flow control device from the pond, to control outflows to the equivalent greenfield run off rates for the given contributing catchment."

- 1.7 The proposed landscaping scheme would incorporate existing tree stock on site which is largely dominated by mature oak trees, along with a number of tree groups and hedgerows comprising of a mix of hawthorn, field maple, hazel and ash. The proposed new tree and hedgerow planting would be a diverse mix of broadleaved species to provide a robust future tree population resilient to pests and disease. The species would include field maples, alder, silver birch, scots pine, wild cherry, pedunculate oak, mountain ash and small leaved lime. Understorey planting would comprise of a variety of planting including dogwood, hazel, hawthorn, holly, crab apple and viburnum.
- 1.8 The supporting statement advises it is proposed that the leisure park would be managed by a single operator, who would sell short-term holiday lets at the site. It also states this proposal would be a diversification of the applicants' existing recreational enterprise into a new area of tourism/recreation activity.
- 1.9 The application is accompanied by Planning and Design Statement; a Desk Study Report into ground conditions/geology; an Ecological Assessment; Landscape and

Visual Impact Assessment; Heritage Impact Assessment; Transport Assessment; Arboricultural Report; and a Flood Risk Assessment incorporating the Drainage Strategy.

- 1.10 A Screening Opinion has been issued the effect that an Environmental Impact Assessment was not required for the proposals contained in this planning application.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site comprise of agricultural land of some 19.6 hectares. Ground levels rise steeply across the site in a northerly direction.

The site has two principal access points. One access is on the site's southern part of its western boundary via a track that extends from the B4380 and passes through Home Farm, the other via a wide road access off the A4169 which follows the south-eastern side of the site. Several gravel tracks run through the site providing a moderately dense access network, including one that follows the edge of the woodland on the site's north-eastern boundary and provides access across a culverted stream to the woodland further north-east beyond the site. There are also some gravel hardstanding areas, portacabins, and a wheel wash (associated with the site's use as an off-road centre) in the southern part of the site. The 4x4 centre is called Buildwas Leisure and encompasses 50 acres of varied terrain, from thick woodland and undulating moonscape type craters to fast open tracks and muddy hill climbs.

- 2.2 The majority of land cover within the site is rough grass grazed by sheep. Mature trees are also a notable feature. The Site features the edge of mixed woodland (Holbrook Coppice and Birches Coppice) that is within a stream valley along the Site's north-eastern side and extends to cover higher ground to the north-east of the Site. The southern part of the Site features several individual mature trees and belts of mature trees. The Site's south-eastern boundary with the A4169 is marked by wooded area and outgrown hedgerow, except for a gap where there is access to a track that doglegs into the Site to provide direct access to the largest area of hard standing and portacabins. To the immediate south of the A4169 is further woodland (also Birches Coppice). The central parts of the south-western boundary also feature a mature tree belt. Further north on this boundary is an outgrown hedgerow with some trees, while its southern part is mostly open, except for a post and wire fence. West of the Site are pasture fields that feature hedgerows, some of which feature mature trees, forming narrow tree belts in places. To the west of the Site there is also Home Farm and a caravan storage area (~350m west of the Site).

The field is bordered to the east by thick woodland and screened on the western and southern sides by existing mature trees and landscaping. The immediate surrounding area is agricultural in nature with a mix of open arable and grassland fields, and smaller fields scattered with patches of thick tree cover and intermittent hedgerows.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council view is contrary to the Officer recommendation. The Principal

Officer, in consultation with the Chair and Vice-Chair of the South Planning Committee, considers that the material planning considerations raised by this application, which is of a significant scale, warrants determination by Committee.

4.0 Community Representations

Consultee Comment

4.1 Buildwas Parish Council (25.08.21) - Object:

- Access. The access road is at the bottom of a steep hill (Buildwas Bank) where vehicles regularly have difficulty slowing and a junction that is already prone to accidents. Councillors have concerns about caravans waiting to turn right at this point. The projections indicate that on changeover day each week there could be 100 caravans crossing the junction. The access road is not sufficiently wide to allow two caravans to pass each other. The application indicates that there will be some passing places, but with the high projected number of vehicles, these do not appear to be sufficient.

- Flooding. There are existing issues with flooding along the access road which has a negative impact on the properties here. A previous planning application for 4 houses was rejected because of the flooding issues. Drainage is clearly insufficient and, prior to any development, it must be improved either by the applicant or the local Land Drainage Authority.

- Size and scale of the development. The area of land to be developed is disproportionate to the size of the village in which it sits. This will impact on the rural character of the parish, will have some visual impact for some current residents, and impacts on the following points.

- Loss of fields in a rural area bordering an Area of Outstanding Natural Beauty.

- Significant increase in traffic compared to current levels.

This is a concern when considered for this application alone and will have a negative impact on existing residents who use the access road for their own properties. Although the application for development of the power station site has been rejected, the future of the site is unclear, and the Parish Council has concerns about the future cumulative impact of traffic increases from any potential future development of the site.

- Noise disturbance from the site. Noise travels easily in the valley in which the parish is situated, and the Parish Council received complaints from residents in the village due to noise that carried from a recent wedding held at the location of the application. This will have an amenity impact on neighbouring properties, and potentially on the wider parish area.

- There is no provision for environmental sustainability within the application for the site, including no provision for electric car charging.

- Light pollution. The potential increase in light pollution would have an impact on the valued dark skies of the parish.

4.2 SC Highways Development Control (18.10.21) - No Objection:

The proposed right turn lane/ghost island junction enhancements proposed to facilitate this development are considered acceptable, subject to their appropriate construction which will be subject to a S278 Agreement (HA1980).

In respect to the proposed speed limit extension, this will need to be delivered by Shropshire Council, as a Traffic Regulation Order is required. Therefore, the applicant will be required to make a financial contribution of £5,000.00, via S106 agreement (TCPA).

Subsequently, following the delivery of the proposed junction enhancements and speed limit extension, the proposed development is unlikely to lead to significant adverse highway safety conditions and/or “severe harm” (NPPF) on the adjacent highway network, which could be demonstrated or sustained at appeal.

Conditions:

Access Prior to other operations

Before any other operations are commenced, the proposed vehicular access and visibility splays, shall be provided and constructed to base course level. Thereafter, the access shall be completed to the approved details before the development is fully occupied and thereafter maintained. The area in advance of the sight lines shall be kept permanently clear of all obstructions.

Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users, for the duration of the site construction and perpetuity.

Ghost Island Junction Enhancements & Pedestrian Refuge

Prior to the completion of the development, full engineering details and Road Safety Audit of the proposed Right Turn/Ghost Island Junction Enhancements and Pedestrian Refuge, as indicated on drawing number SA36090 BRY 0001 A, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details before the caravan/leisure park is first occupied.

Reason: To ensure a satisfactory means of access to the highway.

Parking Loading, Unloading and Turning

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

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

4.2.1 SC Highways Development Control (12.08.21) - Comment:

Although, the general principle of the proposed development could be acceptable from a highways and transport perspective. It is considered that the applicant has not considered the adjacent highway and traffic situation sufficiently, or its interaction with pedestrian and other active travel movements locally. To demonstrate that the development is unlikely to have any significant impact on the local situation.

The Transport Statement has not included any measured local speed data for traffic passing the site access. Instead, relying on the promotion of an extension to the adjacent 40mph speed limit, to be effective, in managing traffic speeds. So that the demonstrated visibility splays, at the development access, are acceptable in

respect to Manual for Streets 2 (MfS2). It should be noted that the existing speed limit, at this location, is exceeded on a regular basis, with the resultant local concerns being raised. These higher vehicle speeds are due to the exit and approach to the Ironbridge Bypass. It is quite likely that moving the speed limit alone is unlikely to change established driver behaviours, to the point where the proposed junction visibility splays would not be acceptable and provide a potential risk to vehicles access and egressing the site access.

Ideally, the applicant should show the actual visibility splays which can be achieved currently, and if possible, negotiate with the adjacent landowners to improve the local situation, which is likely to be mutually beneficial. Particularly, as the introduction of a Traffic Regulation Order (speed limit) cannot be guaranteed, as it requires a formal consultation process. It is known that the Police, who are formal consultees in the process, will object to such speed limit requests, unless appropriate engineering measures are put in place, to ensure that the new speed limit is self-enforcing, as much as possible.

The Transport Statement suggests that the existing right turn facility is adequate for the development, which may be true, for single car movements. But as the supporting tracking diagram indicates a significant number of movements will be towed caravans, as well as some agricultural and service vehicles. Subsequently, a greater length of central carriageway space, should be made available to accommodate these longer vehicles. Particularly, as there is sufficient room available, within the currently hatched area, without adversely affecting the adjacent major junction. Therefore, it would be appropriate for the developer to consider modifying the existing right turn lane to more accurately reflect the space needed to serve the long right turning vehicles.

In addition, enhancement and improvements to this right turn facility may have a positive effect on passing traffic speeds. Particularly, if high contrast surfacing and white lining is provided. Recent observations on site revealed that there were fast moving vehicles in both directions, crossing the double white line markings, effectively driving through the right turning lanes, to overtake slower moving vehicles.

Similarly, the Transport Statement indicates, that this development will significantly increase potential pedestrian movements locally, including the need to safely cross the main road, to access bus stops and other local amenities. Subsequently, further consideration should be given by the developer, to improving pedestrian safety for their visitors, at this location. It is considered that the use of a pedestrian refuges (splitter islands) within the enhanced right turn lane junction. To link the existing adjacent pedestrian footway facilities, on both sides of the carriageway, maybe appropriate.

The proposed road and junction enhancements will need to be supported by an appropriate Road Safety Audit. Subsequently, such improvements if acceptable could also aid the introduction of the extended speed limit being proposed.

4.3 SC Drainage - No Objection:

The proposed drainage strategy in the FRA is acceptable in principle. However, the final detailed drainage proposals, calculations and plans should be submitted for approval.

Condition:

No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The

approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

4.4 SC Trees - No Objection:

Having read the submitted information including the Salopian Consultancy Arboricultural Appraisal it is apparent that there are significant amenity trees on site which are to be incorporated into the design. The only proposed losses are a C category hedge and C category tree (T55) to be removed for internal access.

I can support the proposal if the following conditions are applied:

1) All trees which are to be retained in accordance with the approved plan shall be protected in accordance with the submitted Salopian Consultancy Tree Protection Plan and Arboricultural Method Statement, and in accordance with BS 5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection. The protective fence and temporary ground protection shall be erected prior to commencing any approved development related activities on site, including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development and be moved or removed only with the prior approval of the LPA.

Reason: To safeguard the amenities of the local area by protecting trees.

2) Prior to the commencement of the development the consulting arboriculturist shall be appointed to undertake supervision and monitoring of the tree protection fencing at pre-commencement stage and throughout the construction period as outlined in the submitted arboricultural method statement and submit to the LA a satisfactory completion statement to demonstrate compliance with the approved tree protection measures.

Reason: To safeguard the amenities of the local area by protecting trees

3) All services will be routed outside the root protection areas indicated on the Tree Protection Plan or, where this is not possible, a detailed method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

Reason: To safeguard the amenities of the local area by protecting trees

4) New tree planting shall meet the requirements of BS 8545: 2014 Trees: from nursery to independence in the landscape Recommendations

Reason: To ensure the survival of new trees

4.5 SC Environmental Protection (15.11.21) - No Objection:

A report by Groundfirst; Phase I Contaminated Land report; Land at Home Farm, Buildwas, Telford, Shropshire; Report ref. 4223R1, 6th September 2021 FINAL has been submitted in support of this planning application.

Within the development boundary there is a former landfill site, and the Phase I report has identified the need for further investigation and assessment prior to commencement of the development.

A site investigation to include a ground gas risk assessment is required and this must have regard to BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings which provides a framework in line with current Environment Agency guidance (2020) Land Contamination: Risk Management (LCRM) and includes information about what is needed for adequate ground gas site investigation in order to assess the risks.

In addition, part of the site is within a Coal Authority Development Low Risk Area and therefore Environmental Protection endorses Coal Authority recommendations that if a site is within a Coal Mining Reporting Area (as defined by the Coal Authority, based on their current data and experience across Great Britain), then a mine gas risk assessment should be carried out. This must have regard to new Guidance, CL:AIRE Good Practice for Risk Assessment for Coal Mine Gas Emissions; October 2021.

Therefore, applicant must be made aware of the above comments in particular regarding the new guidance requiring a mine gas risk assessment and the following must be included as Conditions if planning permission is granted:

Contaminated land

- a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with current Environment Agency guidance Land Contamination: Risk Management (LCRM). The Report is to be submitted to and approved in writing by the Local Planning Authority.
- b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.
- d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.
- e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the

Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

4.5.1 SC Environmental Protection (29.07.21) - Comment:

The proposed development boundary is a former landfill site, Home Farm, Buildwas; licence A25/30/SL/111. Home Farm was licensed on 11th July 1990 to accept 5000 cubic metres of hardcore, stone, soil, subsoil and solid dry waste produced in the course of construction, maintenance or demolition of buildings. It was noted from inspection records that at times the operator did not always comply with the conditions of the licence, small quantities of tarmac and in one instance biodegradable waste was deposited. Pre-site and subsequent gas monitoring results recorded low levels of methane with occasional hot spots of carbon dioxide up to 11.5%w (circa 1991).

The proposed site plan shows the reception block and a wildlife pond on the area of landfill and given the fact that a former landfill site has been identified within the site boundary, it is disappointing that the Agent on behalf of the applicant failed to tick the box in Question 6, Land where contamination is suspected for all or part of the site. As a minimum a Phase 1 Desk Study would have been required to be submitted with this application.

if planning permission is granted, conditions must be included to assess the potential risks and mitigate where necessary (Condition as recommended in 4.5 above).

4.6 Environment Agency (28.07.21) - Comment:

Foul Drainage: When drawing up wastewater treatment proposals for any development, the first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works (those provided and operated by the water and sewerage companies). For a development such as this the application should be accompanied by the 'Foul Drainage Assessment Form' (FDA1) for your Council's consideration. The submitted Design & Access Statement (Berry's, dated May 2021) states that 'a utility search for foul sewage has been carried out and Severn Trent has confirmed no assets are within the site boundary and highway to the south of the site'. It is therefore proposed that the foul drainage for the site will be 'served by 1 or more package treatment plant(s)'.

In the first instance your Council should be satisfied, in consultation with Severn Trent Water, that the proposed development cannot be served by the nearest public foul sewer. It is believed that the Buildwas Pumping Station is relatively close to the development. Should a connection be feasible your Council and Severn Trent Water must ensure that the existing public mains sewerage system has adequate capacity to accommodate this proposal.

With regards the issuing of an Environmental Permit the applicant should consider the following Environment Agency guidance which is available on the Government website at:

<https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits>

It should be noted that the Environment Agency will not issue a Permit for a private sewage treatment system(s) if it's reasonable to connect to the public sewer. The assessment of what is reasonable takes into account:

- the comparative costs of connecting to public sewer and installing a private sewage treatment system
- any physical barriers that would prevent you connecting to the public sewer
- any environmental benefits that would arise from installing a private sewage treatment system such as the reuse of treated effluent

In the event that the applicant can show that it would not be practical to connect to the public foul sewer they should seek pre-permit advice from the Agency using the form:

4.7 SC Archaeology (03.08.21) - No comments to make on this application with respect to archaeological matters.

4.8 SC Conservation (09.08.21) - Comment:

The agent has prepared a Heritage Impact Assessment which I have reviewed and which concludes there is a general lack of inter-visibility with identified heritage assets as a result of the topography of the site and area as well as due to existing vegetation, and further concludes that with the addition of soft landscaping to help retain the rural character of the site the development would generally have a neutral impact on the setting of heritage assets and not constitute a negative change. Based on this assessment there is generally no objection on heritage grounds to the proposed scheme where we would highlight the planting mitigation plan which has been submitted following on from the LVIA that was prepared. We would also refer to our earlier comments on keeping signage minimal and appropriate, maintaining low illumination levels and making sure permanent built forms and features have recessive building finishes where these details should be agreed where relevant.

4.9 SC Ecology (15.11.21) - No Objection:

Conditions and informatives have been recommended to ensure protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

I have reviewed the information and plans submitted in association with the application and I am happy with the survey work carried out.

The ecology survey carried out by Salopian Consultancy (14th June 2021) found no suitable habitat for Great Crested Newts on site and the ponds within 500m scored poorly on the HSI assessment. Three oak trees were identified as having potential roosting features for bats. No further surveys were recommended. In the event a bat of great crested newt is found during works, works must stop and NE or a licensed ecologist must be contacted for advice on how to proceed.

The ancient woodland shall be protected during the course of the development and a minimum of a 15m buffer shall be implemented between the development and the

woodland.

Any external lighting to be installed on the building should be kept to a low level to allow wildlife to continue to forage and commute around the surrounding area. SC ecology require biodiversity net gains at the site in accordance with the NPPF and CS17. The installation of a bat box/integrated bat tube will enhance the site for wildlife by providing additional roosting habitat.

Conditions and informatives are recommended for inclusion on a planning permission decision notice relating to the provision of a minimum of 5 bat boxes and 5 bird boxes; external lighting; work in accordance with the submitted method statement; temporary buffer zone to the ancient woodland during construction works and the submission and approval of a construction environmental management plan. (These are set out in full in Appendix 1 to this report).

4.9.1 SC Ecology (09.08.21) - Comment:

Holbrook Coppice Ancient Woodland lies adjacent to and partly inside the site boundary: The proposed site plan needs to be amended to include a minimum 15m buffer zone (consisting of semi-natural habitats) between the Ancient Woodland and development. As it stands, the proposed development is not in line with paragraphs 174 and 175 of the NPPF, SAMDev Plan policy MD12 or Core Strategy policy CS17.

4.10 Severn Trent Water (13.09.21) - No Objections:

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

4.11 Telford and Wrekin Council - No Objections in principle but ask that the following points be taken into account when determining the application:

-It does not appear that sufficient justification has been provided within the submitted documentation as to how the scheme is an appropriate scale and character to its surroundings (the supporting text refers to being compatible with their location). The scale of development and impacts (transport) relative to the scale of Buildwas needs considering but this does not appear to have been discussed or justified within the supporting statement. This is considered to be necessary, especially when the pre-application advice response mentioned that efforts to minimize the visual impact (scale, lighting, signage and external appearances) are strongly recommended. It is questioned whether there are any designs/illustrations of the caravans to help further assess the proposal?

-It is reasonable to conclude that much of the traffic will flow to and from Telford along the A4169. The scale of development should again be considered in this rural location. The Transport Statement only briefly refers to sustainability (the bus route frequency, connections to rights of way and the possibility of cycle hire). The shuttle bus would be an important benefit and securing this should be a priority rather than it being a possibility. It's not clear how these sustainability benefits are likely to reduce reliance on car movements to and from the site and this should be explored further.

-The site adjoins the Holbrook Coppice Ancient Woodland, which extends into the Shropshire authority area. The proposed layout shows points where the static caravans would be located very close to the ancient woodland (the site plan isn't clear when it has the different green shades whereas Birches Coppice on their plan is within the ancient woodland). Even with the retained tree line, the proposals lie within very close proximity to this protected area and within less than 20m, as requested within the pre-application advice response.

-It is appreciated that separate statements have been submitted for both and from Telford & Wrekin Council's perspective, the key issues are impacts to/from the Wrekin Strategic Landscape Area (SLA) and the World Heritage Site. The SLA is referenced in the LVIA but the WHS isn't mentioned in the Heritage Impact Assessment. Given that the WHS is located only 1.2km away from the application site, Telford & Wrekin Council would request that the impact on this sensitive designation is assessed accordingly.

Public Comments

4.11 Site Notice displayed 21.07.21; Press Notice published 20.07.21. 12 neighbour notification letters sent out.

The comments received are summarised below, with their full text being viewable on the Council's website:

5 Objections:

-Road entrance and proposed access not fit for purpose; already over capacity without accounting for the 5 houses being completed next to it and sharing the access.

- Increase in traffic accessing the lane will cause congestion in all directions which will naturally divert onto the private access road to the rear of Buildwas Cottages, which cannot sustain such traffic that has no right of way.

- Dangerous build up of traffic on the main road which is already an accident hot spot.

- Increased traffic will hinder his right of access.

- Already a perfectly good access point some 500 yards away shown on the plans off B4380 nearer the actual site that would cause none in the community any adversity, harm or hardship.

- Transport Statement indicates there will be 266 two-way extra vehicles using the road due to the caravan site, therefore there will be 660 vehicles (including existing users on the private road, each way, each day - a 415% daily increase.

- Over a 12 hour 'active period' this equates to one vehicle using the route every 60 seconds, with several vehicles on the road at the same time with insufficient passing places on narrow access.

-have safety concerns about the use of their access onto the private drive as traffic builds up.

- Access road not suitable for towed caravans; no footpaths along its length.

-Currently problems with cars and caravans accessing the storage site.

-Will not allow own land for use as splay on road and which would make it difficult for homeowners to exit their properties.

-Additional traffic will increase noise and air pollution in what is currently a quiet

and idyllic environment.

-Site not within or on the edge of a recognised named settlement served by a range of services and facilities.

-Not directly linked or part of an established and viable tourism enterprise where additional accommodation of this form is required and therefore fails to comply with the Shropshire Core Strategy and National Policies.

- No objections to the overall idea for the proposed site, but major concerns over the impact of additional traffic on the proposed access route on highway safety.

-Visual impact cannot be screened by planting and overall mitigation is not convincing.

-Will cause unacceptable harm to the natural environment.

-Site notice has not been publicly visible in a prominent position on the proposed access to the site.

1 letter of support:

- The area is bereft of accommodation of this nature.

- Will do the area a great deal of good.

5.0 THE MAIN ISSUES

Principle of development

Siting, scale and design of structures

Impact on visual amenity and rural character of the area

Impact on heritage assets

Highway safety and transport

Ecology

Drainage

Residential amenity

Contamination

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

6.1.2 Core Strategy policy CS5 advises that within the countryside proposals will be supported in principle where they relate to sustainable and rural tourism and leisure and recreation proposals which require a countryside location, in accordance with policies CS16 and CS17. Policy CS16 seeks the development of high quality visitor accommodation in accessible locations served by a range of services and facilities, which enhances the role of Shropshire as a tourist destination to stay. It specifies that in rural areas proposals must be of an appropriate scale and character for their

surroundings and, either be close to or within settlements or associated with an established and viable tourism enterprise where accommodation is required. This site is judged to be close to the settlement Buildwas and relates to land which has been used for leisure activity. (CS17 is discussed in 6.2 below). Core Strategy policy CS13 relating to economic development, enterprise and employment is also supportive of rural enterprise and diversification of the economy, in a number of specified areas which include green tourism and leisure.

- 6.1.3 The Site Allocations and Management of Development (SAMDev) Plan policy MD11 relates specifically to tourism facilities and visitor accommodation, advising that tourism, leisure and recreation development proposals that require a countryside location will be permitted where the proposal complements the character and qualities of the site's immediate surroundings, and meets the requirements of other listed Development Plan policies and national guidance. With specific reference to visitor accommodation in rural areas, policy MD11.7 recognises that static caravans, chalets and log cabins can have a greater impact on the countryside and such schemes should be landscaped and designed to a high quality. The requirements of policy MD11.8 are met by this proposal because the holiday let development would conform to the legal definition of a caravan.
- 6.1.4 The above Development Plan policies are wholly in accordance with the National Planning Policy Framework (2021) which advises at paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. It is supportive of a prosperous rural economy and at paragraph 84 states that planning policies and decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
- 6.1.5 There is, therefore, no in principle planning policy objection to the current proposal. The acceptability or otherwise of the proposed developments rests on the detailed planning considerations considered in turn below.

6.2 **Siting, scale and design of structures**

6.2.1 Core Strategy policy CS6 requires development to be appropriate in scale, character, density and design taking into account local character and context. Policy CS17 complements this by advising that developments should not adversely affect the visual, ecological, geological, heritage or recreation values of Shropshire's natural, built and historic environment. The National Planning Policy Framework (NPPF) at section 12 places an emphasis on achieving good design in development schemes. Paragraph 130 sets out a number of criteria which developments should meet in terms of adding to the overall quality of an area; being visually attractive as a result of good architecture, layout and appearance, and effective landscaping; being sympathetic to local character; establishing or maintaining a strong sense of place; and to optimise the potential of the site to accommodate and appropriate amount and mix of development.

6.2.2 SAMDev Plan policy MD2 (Sustainable Design) expands on policy CS6 in seeking to ensure development contributes to locally distinctive or valued character and existing amenity value and advises at MD2.3 That development proposals should:

“Embrace opportunities for contemporary design solutions, which take reference

from and reinforce distinctive local characteristics to create a positive sense of place, but avoid reproducing these characteristics in an incoherent and detrimental style.”

6.2.3 No details of the holiday caravans/ lodges, other than the slab sizes on which they would be stationed, have been provided. Their appearance is a matter on which a planning condition attached to any approval would specify that the holiday caravans/ lodges stationed on the land would be of the form and appearance shown on drawings which have first been approved in writing by the Local Planning Authority. The colour and external finishes can also be controlled through a planning condition to ensure a high quality appearance appropriate to this rural setting as sought by policies CS6, CS17, MD2 and MD11.

6.3 **Impact on visual amenity and the rural character of the area**

6.3.1 Core Strategy policy CS6 requires developments to protect, restore, conserve and enhance the natural, built and historic environment. Policy CS17 seeks to ensure that all developments protect and enhance the diversity, high quality and local character of Shropshire’s natural, built and historic environment, and to not adversely affect the visual, ecological, geological, heritage or recreational values of these assets, their immediate surroundings or their connecting corridors.

6.3.2 SAMDev Plan policy MD11.2 states that all proposals should be well screened and sited to mitigate the impact on the visual quality of the area through the use of natural on-site features, site layout and design, and landscaping and planting schemes where appropriate. The applicants have submitted a Landscape and Visual Impact Assessment (LVIA) and a Heritage Impact Assessment (HIA) to address these matters. (The latter is considered in section 6.4 of this report below).

6.3.3 The LVIA submitted contains an analysis of landscape character, identifies landscape and visual receptors, looks at the construction and operational impacts of the proposed development, cumulative effects, the mitigation planting plan and then carries out a landscape assessment and visual assessment. The conclusions reached on the landscape effects are summarised in tables in the LVIA report. With respect to vegetation on the site and its boundaries a slight adverse effect would initially occur, becoming slight beneficial after 3-5 years as planting becomes established. (A moderate adverse nature of effect on the landform of the site is judged not to be significant in the revised LVIA discussed at 6.3.5 below). In the context of the Estate Woodlands landscape character type identified by the Shropshire Landscape Typology an initial slight adverse impact would become negligible after 3-5 years as planting establishes. The proposed development would have a negligible effect on the Shropshire Hills AONB, Ironbridge Gorge World Heritage Site landscape and Wrekin Forest Strategic Landscape designations. In terms of visual effects the LVIA concludes that for the visual receptors comprising users of the Severn Way; Shropshire Way; visitors to the Wrekin and Buildwas Abbey; users of the A4169; users of two rights of way in the locality and residents of properties in and around Hill View Farm the nature of the effect would be negligible and thus not significant. For users of Buildwas Lane and PRow 0409/14/1 there would be an initial slight adverse effect becoming negligible after 3-5 years as planting establishes and so overall the nature of the effect would not be significant. The LVIA concludes the proposed development is considered acceptable in terms of its likely landscape and visual effects.

6.3.4 A review of the LVIA was sought from the Council's retained Landscape Consultants (ESP Ltd). They comment that it is substantially a good piece of work using appropriate methodology and best practice, and that its findings are reliable, with the exception of the assessment of landscape effects on the landform of the site. The proposals would appear to involve a level change of up to 4 metres to accommodate the proposed lodges and pitches, which they advise throws into question the assessment made of the magnitude of change on this receptor. They comment also that the mitigation proposals appear effective (Although there would be net loss of some 3.1ha (23%) of improved grassland on the site, the proposals would lead to a net gain in native woodland and tree cover and increased biodiversity on the remaining grassland areas), but are at a strategy level and so a standard landscape and landscape maintenance condition is recommended. The Council's Consultant's conclusions are that on completion the nature of effect on Landscape Receptors would be slight adverse in respect of vegetation of the site and its boundaries; the landform of the site and the character of the Wooded Estatelands landscape character typology, with the nature of effect 3-5 years after completion being slight beneficial in respect of vegetation, potentially slight adverse in respect of the landform of the site query and negligible on th character of estate woodlands. They concur that there would be negligible effect on the AONB, Wrekin Forest Landscape Designation and Ironbridge Gorge World Heritage Site. In terms of the visual receptors identified, the nature of effect for all after 3-5 years would be negligible, with an initial slight adverse effect for users of Buildwas Lane, public right of way 0409/14/1, residents of properties near Home Farm and residents of Poolview Caravan Park. In their view the proposals have the potential to comply with Development Plan policies CS6, CS16, CS17, MD2, MD11 and MD12.

6.3.5 The agent was asked to supply more details of existing and proposed levels so that further consideration could be given to the site levels/landform changes that the proposed development would require. In response a site levels contour drawing with 3D modelling has been submitted, followed by further clarification in the form of site section drawings and a revised LVIA statement. This explains that the maximum depth of cut would be about 4 metres and the maximum height of fill about 3.5 metres, although most of the cut and fill would be notably less as the section drawings show. Slope gradients would be a maximum of 1 in 3 to minimise the requirement for retaining structures. A Mitigation Planting Plan has also been prepared which includes 2ha of structural/screen planting of a mix of native trees and shrubs. The planting mix includes 8 native tree species and 8 native understorey species. Species have been selected to provide a mix of qualities that include relatively fast and dense growth, evergreens, habitat and food for wildlife (e.g. berried species), longevity, and an ongoing contribution to local landscape character. The layout of the planting has been designed to create a wooded character in the northern part of the site and provide connectivity between existing wooded areas and hedges in the south of the site. Seeding as required of a meadow mix (80:20 mix of grasses & native wildflowers, including 22 species). This mix has been selected to provide a range of species suitable for the varied soil, light and moisture conditions likely to be found across the Site.

This information has been forwarded to the Council's Landscape Consultants and it is anticipated that their further comments on these details will be received in time

for the Committee meeting. The levels drawings show that no levels changes would be made within the root protection areas of the retained trees and hedgerows.

6.3.4 The measures that would be incorporated in the proposed development as a whole, to minimise or mitigate landscape/visual impact would include not just a reliance on screen planting (Which would take time to establish) but also through the cut and fill contouring. The proposed site sections and levels details submitted show that in comparison with existing site levels that on the lower half of the site (Sections A to C) that levels would mostly follow those that exist, with relatively small variations, with cut and fill at the mid and lower parts of this area. The upper half of the site (Sections D to F) would mostly entail cut rather than fill which would assist in reducing the prominence of stationed caravan units on this rising land. The informal terraces which would be created for the pitches without the use of retaining structures would not be out of keeping with the existing land form.

6.3.5 It is considered that with adherence to the proposed site levels and contour details provided, together with the landscaping works which can be conditioned on an grant of planning permission, that the proposed development can be satisfactorily assimilated into the surrounding rural landscape, without causing undue harm to the visual amenity and rural character of the area.

6.4 **Impact on Heritage Assets**

Core Strategy policy CS6 requires developments to protect, restore, conserve and enhance the natural, built and historic environment. Policy CS17 seeks to ensure that all developments protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment, and to not adversely affect the visual, ecological, geological, heritage or recreational values of these assets, their immediate surroundings or their connecting corridors. SAMDev Plan policy MD13 advises that Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored by ensuring that, wherever possible, proposals avoid harm or loss of significance to designated and non-designated heritage assets, including their settings. Where a proposal is likely to affect the significance of designated or non-designated heritage assets, including their setting, policy MD13.2 requires applications to be accompanied by a heritage assessment. This policy accords with paragraph 194 of the NPPF which advises that local planning authorities should require an applicant to describe the significance of any heritage assets affected by a proposal, including any contribution made by their setting. It explains "The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance."

6.4.1 A Heritage Impact Assessment (HIA) has been submitted with this application which has identified designated and non-designated heritage assets in the locality. The former comprise of properties named The Slip, The Moors, Abbey House and associated structures, Buildwas Abbey; remains of a wall S-W of the west end of Buildwas Abbey, Mill House and Bridge House. The latter comprise Home Farm and Hill View Farm (Buildwas Mill). The assessment concludes that the application site has no historic relationship with any identified heritage assets and that there is no inter-visibility with Buildwas Abbey and its associated designated heritage assets which are considered the most sensitive assets of the highest significance. It acknowledges that there is the potential for some dynamic views from lower

ground, but adds that the proposed development would still allow the land to retain its rural character and some level of openness with soft landscaping. There would be no loss of significance to the identified heritage assets due to a general lack of inter-visibility as a result of topography and intervening vegetation. The HIA concludes the proposed development is not anticipated to be a negative change and instead a neutral impact and would not sever the last link between the setting of the relevant heritage assets and their original setting: It would neither increase or decrease the experience of the historic environment. (The conclusions of the LVIA discussed in section 6.3 above that the development would have a negligible impact on the Ironbridge Gorge World Heritage Site is also pertinent here.

6.4.2 The Council's Historic Environment(Conservation) Team is content with the analysis and findings of the Heritage Impact Assessment. A refusal on the grounds of the proposal causing harm to heritage assets could not be sustained in this case.

6.5 **Highway Safety and Transport**

6.5.1 Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced. It also seeks to secure safe developments. The NPPF, at paragraph 110, advises in assessing applications for development should be ensured that:

- a) Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location.
- b) Safe and suitable access to the site can be achieved for all users; and
- c) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 111 continues by stating that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.5.2 The Planning Statement submitted states that while a development of this nature will rely on private car transport for access, it is proposed the operator will provide a shuttle bus service to transport guests to the local area and Telford Central railway station. Cycle hire will also be offered to guests to allow them to make local journeys by bicycle. The development would make use of an existing 4.0-4.5m access road running through the farm, with exception to the central section of the access route where a new section of road is proposed to bypass the farmyard and existing caravan storage. Passing places are proposed to be provided at regular intervals along the access route, which would provide an overall width of 6.0 to 6.5m. The access road would be reconstructed and surfaced in permeable tarmac, and/or surfaced in conventional impermeable tarmac and drained by swales. The existing access to Home Farm from the B4380 Buildwas Road is proposed to be improved to provide geometry for vehicles towing large touring caravans. Whilst there are land constraints preventing a new bell-mouthed junction being constructed, localised improvements have been designed to upgrade the existing access. The improvements would facilitate simultaneous entry and exit from the access by large cars towing luxury touring caravans. The existing junction arrangement has a short central right turn 'ghost island' storage lane

for the junction, which would to serve the development traffic. A system of double white lines is provided to the east of the access to protect a right turn lane for the nearby junction with the A4169 Much Wenlock Road.

- 6.5.3 A Transport Statement has been submitted with the planning application. It explains that the reason for the proposed access route via the existing private roads leading through Home Farm is as follows:

"There is presently an existing access point to the site area from the A4169 Ironbridge Bypass, which provides access to an off-road vehicle events area. As the A4169 is an 'WS2+1' single carriageway road with a crawler lane leading towards Telford, in accordance with the Design Manual for Roads and Bridges (DMRB) CD 123 - Geometric design of at-grade priority and signal-controlled junctions, providing a junction for a development of this nature is deemed not to be acceptable. Consequently, the existing access location from the B4380 is considered to provide an appropriate location for the development to access the local road network. It is intended that the existing access from the A4169 will be retained as an emergency access, but this shall always remain locked and will only be used in an emergency situation."

The Transport Statement comments that the existing speed limit on the Buildwas Road at the site access is presently the national speed limit. The terminal signs for a 40mph speed limit for Buildwas village is some 60 metres west of the access. The application proposes that the 40mph speed limit is extended to a point to the east of the site access near to the junction with Much Wenlock Road. The Transport Statement asserts the visibility splays achievable at the proposed site access of 2.4 metres by 79 metres, applying criteria from Manual for Streets 2, in conjunction with the 40mph speed limit extension, would be appropriate for the prevailing highway conditions. There is an existing ghost island for the private access with the B4380 which would be retained and improved as part of the proposed development for the benefit of traffic turning right into the access to the proposed development off the B4380.

- 6.5.4 The Transport Statement includes a review of collisions in the last five years within 250 metres of the site access, of which there has been four at the junction of the B4380 with the A4169 to the east of that access. It does not consider the details of these incidents suggest that there is a significant road safety problem with that junction, which is unrelated to that proposed for use by this development. The conclusions reached by the Transport Statement are:

"The site benefits from excellent connectivity with the wider road network via the A1469 which joins the B4380 just a short distance from the site

Sustainable travel options are available for the development in the form of a local bus route and potential opportunities for cycling and walking trips. We also propose that a shuttle bus service to and from Ironbridge is provided for customers staying at the site.

We estimate that the development will generate an additional 266 2-way traffic movements on the network per day. We consider that the site access and local road network has sufficient capacity to accommodate these

movements and no road safety or capacity issues are anticipated as a result of the proposed development."

6.5.5 The final comments of the Council's Highways Consultants are set out at 4.2 above, with their initial commentary being at 4.2.1. they consider that the proposals would not have an unacceptable impact on highway safety, and would have no significant effects on the transport network (In terms of capacity and congestion) provided that the proposed right turn lane/ghost island enhancements are delivered in conjunction with the speed limit extension. With these measures paragraph 111 of the NPPF (Quoted in full at the end of paragraph 6.5.1 above) would not be engaged. A Section 106 Agreement would be required as part of any grant of planning permission to provide a financial contribution of £5000.00 towards the cost of the Traffic Regulation Order for the speed limit extension.

6.6 Ecology

6.6.1 Core Strategy policies CS6 and CS17 seeks to ensure developments do not have an adverse impact upon protected species, and accords with the obligations under national legislation.

6.6.2 The application is accompanied by an Ecological Appraisal which incorporates an Extended Phase 1 Survey, a Preliminary Roost Assessment of trees and a Habitat Suitability Assessment (HSI) in respect of ponds and great crested newts. This work has established that further Phase 2 surveys to inform licensing or mitigation measures are not necessary.

6.6.3 The Council's Ecology Team is content with the findings of the ecological appraisal. The new planting proposed would enhance biodiversity and there would be net gains also through the provision of bat and bird boxes. The carrying out of work in accordance with the mitigation and enhancement measures as specified in the Ecological Appraisal by Salopian Consultancy, provision of bat and bird boxes, approval of an external lighting plan and protection measures during construction works are all matters which can be conditioned on a grant of planning permission to safeguard matters of nature conservation importance.

6.7 Drainage

6.7.1 Core Strategy policy CS18 relates to sustainable water management. A Flood Risk Assessment (FRA) has been submitted with the application, which includes a drainage strategy. The Council's Drainage Consultants consider that the FRA has established that there are no technical constraints to the site being adequately drained and that it would not create a food risk. The precise drainage details to be installed is a matter which can be conditioned should planning permission be granted.

6.8 Residential Amenity

6.8.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The nearest residential properties to the site are those situated in the vicinity of the junction of the private road which would serve the development with the B4380. Other properties are well to the south of the site, beyond woodland on the opposite side of the A1469. The separation distances between the proposed lodges and existing dwellings, coupled with the topography and proposed layout would ensure no significant privacy or overbearing impacts on existing properties. The proposed

landscaping scheme would also assist in reducing further the inter-visibility between the properties. While there would be noise and fumes associated with the traffic movements generated by the proposed development, in addition to the current farm and caravan storage traffic using this access road, it is not considered that this would be sufficient to justify a refusal on the grounds of undue harm to the residential amenities of the locality.

6.8.2 It is almost inevitable that building works anywhere cause some disturbance to adjoining residents. This issue is addressed by a recommended condition on the restricting hours of working to 07.30 to 18.00 hours Monday to Friday; 08.00 to 13.00 hours Saturdays and not on Sundays, Public or Bank Holidays, and a condition requiring the approval of a construction method statement to mitigate the temporary impact.

6.9 Contamination

6.9.1 Core Strategy policy CS6 seeks to secure safe developments. The National Planning Policy Framework (NPPF), at paragraph 183, advises that planning decisions should ensure that a site is suitable for its proposed use taking into account ground conditions and any risks arising from land instability and contamination. It states that adequate site investigation information, prepared by a competent person, should be available to inform these assessments. The NPPF continues at paragraph 184 stating where land is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. A Phase 1 Contaminated Land Report has been submitted with the application which has been prepared by Ground First Ltd. The report concludes that further investigation and/or suitable mitigation is required in order to manage potential low to moderate ground gas risks, due to past landfill activity on part of the site, and a suitable watching brief should be maintained during the groundworks phase of development.

6.9.2 The Council's Environmental Protection Team has considered the Ground First Ltd report and concur with the Phase 1 Report conclusions that the need for further investigation and assessment is needed prior to the commencement of development. This investigation, assessment, approval of measures to achieve any remediation required and the implementation of those measures to make the land fit for the intended use and comply with NPPF paragraph 183 can be achieved through the condition set out in the Environmental Protection Team comments at 4.5 above.

7.0 CONCLUSION

7.1 There is no in-principle planning policy objection to the proposals contained in this application. The precise details of the holiday caravans/ lodges installed, in the event of planning permission being given, is a matter on which a planning condition attached to any approval. The colour and external finishes can also be controlled through a planning condition to ensure a high quality appearance appropriate to this rural setting as sought by policies CS6, CS17, MD2 and MD11. The proposed layout of the holiday caravans/ lodges and their associated parking and road/paths network, coupled with the ground re-profiling and landscaping scheme, would result in a development which, whilst visible due to the hillside location, would not be unduly obtrusive in the rural landscape. The impact of the development would be further softened as the new tree planting in the landscape scheme establishes

and matures.

- 7.2 A refusal on the grounds of the proposals contained in this application would cause unacceptable visual harm to the landscape, and the setting of listed buildings and other heritage assets contained in that landscape, could not be sustained. With regard to the heritage impact, there are wider public benefits in terms of the contribution to the local economy, job creation and the delivery of high quality visitor accommodation sought by the Development Plan which would be provided by the proposed development which outweigh the limited harm identified, in applying the balance required by paragraph 202 of the NPPF
- 7.3 The assessment of the highway/transport matters has taken account of the environmental impacts of traffic and mitigation works proposed. The Transport Statement using nationally recognised standards and modelling has established that there would be no access junction or road network capacity problems resulting from the proposed development. A safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree by the works and measures proposed, in accordance with paragraph 110 of the NPPF. The safe developments, from a transport and highways perspective, sought by Core Strategy policy CS6 and the NPPF can be achieved. There would be no unacceptable impact on highway safety, or residual cumulative impacts on the road network that would justify a refusal of planning permission in this case.
- 7.4 These proposals would not adversely impact on protected species and ecological interests, and would maintain the environmental network of the locality, with enhancements. Ecological interests and drainage can be safeguarded through the recommended planning conditions. The proposed development would not unduly harm the residential amenities of the locality. Remediation for ground contamination/gases can be addressed through the recommended planning condition.
- 7.5 This proposal would satisfy all three overarching objectives for sustainable development set out in the National Planning Policy Framework (NPPF paragraph 8). It would fulfil the economic objective by contributing to the rural economy and providing high quality visitor accommodation and leisure facilities as sought by the Development Plan and sustainable rural tourism and leisure developments sought by paragraph 84 of the NPPF; the social objective would be met through the creation of employment both directly and indirectly which is key to supporting strong, vibrant and healthy communities, and the nature of the development would be beneficial to the health, social and cultural well-being of its users; and the environmental objective would be fulfilled by the landscape and ecological enhancements it would deliver, helping to improve biodiversity.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS13 - Economic Development, Enterprise and Employment

Economic Development, Enterprise and Employment

CS16 - Tourism, Culture and Leisure

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

MD7B - General Management of Development in the Countryside

MD11 - Tourism Facilities and Visitor Accommodation

MD12 - Natural Environment

MD13 - Historic Environment

National Planning Policy Framework

RELEVANT PLANNING HISTORY: _

PREAPP/11/01503 Proposed Caravan (60%) /Activity Site (40%) PREAMD 6th December 2011

PREAPP/20/00170 Proposed change of use for leisure complex to include New Reception/office and amenity block, creation of wildlife pond and activity areas, woodland walks and recreation areas and a mixture of luxury lodges, cabin, static and touring caravans.

PREAMD 28th August 2020

21/03090/FUL Change of use of land to create a holiday caravan site including alteration of existing access, formation of internal access roads and footpaths and associated landscaping PDE

SA/06/0412/F Change of use of land for motorcycle activities including quad-biking and enduro-bikes (max 28 days), 4 x 4 events (max 28 days) and other recreational outdoor pursuits to include corporate team building, assault course, mountain biking, motorcycle schooling, 4 x 4 dealership demonstrations (max 150 days of which no more than 30 days for motorised vehicles), ancillary camping/caravan site in association with the above events and engineering operations to form landscape bunding REFUSE 16th August 2006

SA/04/0489/F Change of use of land for all year operation of motorsports including quad bikes, enduro bikes, 4x4 vehicles and demonstrations, motor cycle schooling and practice, mountain biking and outdoor pursuit activities (including corporate team building events / assault course / clay pigeon shooting). WDN 8th June 2004

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 Ed Potter
Local Member Cllr Claire Wild
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

2. The development shall be carried out strictly in accordance with the approved plans and drawings

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

3. No more than 120 static holiday caravans/lodges and 35 tourer holiday caravan pitches shall be stationed/provided on land within the application site at any time and there shall be no variations to their siting from that shown on the approved drawings.

Reason: To define the permission for the avoidance of doubt and in the interests of the visual amenities of the area.

4. The construction of the static holiday caravans/ lodges shall comply with the definition of a caravan and shall comprise of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices and shall not exceed the length, width and height of living accommodation limits set out in Part 3, Section 13 of the Caravan Sites Act 1968, as amended.

Reason: To define the permission for the avoidance of any doubt and to comply with SAMDev Plan policy MD11.8.

5. Notwithstanding Classes C2 and C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), the caravans hereby permitted shall be used to provide holiday accommodation only and shall not be occupied as permanent unrestricted residential accommodation or as a primary place of residence.

Reason: The site is outside of any settlement where unrestricted residential accommodation would be contrary to adopted Development Plan housing policy.

6. A register shall be maintained by the owners/operators of the holiday caravan site of the names of the occupiers of the caravan units, the period of their occupation together with their main home addresses. This information shall be made available at all reasonable times to the Local Planning Authority.

Reason: The site is outside of any settlement where unrestricted residential accommodation would be contrary to adopted Development Plan housing policy.

7. Before the static holiday caravans/ lodges are first installed on the land details of their appearance and external finishes and any associated access decking/steps/ramps shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details and retained for the lifetime of the static holiday caravan/ lodges.

Reason: To ensure that the external appearance of the development is satisfactory, in the interests of visual amenity.

8. No development shall take place, including any works of demolition, until a Construction Management Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period and should reflect the phasing of construction. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- routing of vehicles to and from the site
- communication strategy for sub-contractors
- details of local liaison and engagement with relevant representatives

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

9. Before any static holiday caravan/lodge is first occupied the foul and surface water drainage arrangements to the cluster of caravan/ lodges in which it would be located shall be installed in full in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

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

10. Prior to the erection of any external lighting on the site associated with the development hereby approved, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK and any future update to that document. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the

development.

Reason: To minimise disturbance to bats, which are European Protected Species.

11. Construction works and/or demolition works shall not take place outside the hours 07:30 to 18:00 Monday to Friday; 08:00 to 13:00 Saturdays. No works shall take place on Sundays, or on bank or public holidays.

Reason: To safeguard the residential amenities of the area.

12. Before any other operations are commenced, the proposed vehicular access and visibility splays, shall be provided and constructed to base course level. Thereafter, the access shall be completed to the approved details before the development is fully occupied and thereafter maintained. The area in advance of the sight lines shall be kept permanently clear of all obstructions.

Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users, for the duration of the site construction and perpetuity.

13. Prior to the completion of the development, full engineering details and Road Safety Audit of the proposed Right Turn/Ghost Island Junction Enhancements and Pedestrian Refuge, as indicated on drawing number SA36090 BRY 0001 A, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details before the caravan/leisure park is first occupied.

Reason: To ensure a satisfactory means of access to the highway.

14. The development hereby permitted shall not be brought into use until the new section of access road, areas shown on the approved plans for parking, loading, unloading, and turning of vehicles and passing bays have been provided properly constructed, laid out, hard surfaced and drained in accordance with details which have been approved in writing by the Local Planning Authority. The areas shall be maintained thereafter free of any impediment to their designated use.

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

15. All trees which are to be retained in accordance with the approved plan shall be protected in accordance with the submitted Salopian Consultancy Tree Protection Plan and Arboricultural Method Statement, and in accordance with BS 5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection. The protective fence and temporary ground protection shall be erected prior to commencing any approved development related activities on site, including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development and be

moved or removed only with the prior written approval of the Local Planning Authority

Reason: To safeguard the amenities of the local area by protecting trees.

16. Prior to the commencement of the development the consulting arboriculturist shall be appointed to undertake supervision and monitoring of the tree protection fencing at pre-commencement stage and throughout the construction period as outlined in the submitted arboricultural method statement and submit to the Local Planning Authority a satisfactory completion statement to demonstrate compliance with the approved tree protection measures.

Reason: To safeguard the amenities of the local area by protecting trees.

17. All services will be routed outside the root protection areas indicated on the Tree Protection Plan or, where this is not possible, a detailed method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any such work commencing. The work shall then be carried out in accordance with the approved details.

Reason: To safeguard the amenities of the local area by protecting trees.

18. New tree planting shall meet the requirements of BS 8545: 2014 Trees: from nursery to independence in the landscape Recommendations.

Reason: To ensure the survival of new trees.

19. No above ground works shall be commenced until full details of both hard and soft landscape works, incorporating the details shown on drawing number 3072-001 Rev A (Landscape Mitigation Planting Plan) have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed die or become seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

20. a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with current Environment Agency guidance Land Contamination: Risk Management (LCRM). The Report is to be submitted to and approved in writing by the Local Planning Authority.

- b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.
- d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.
- e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

21. Prior to first occupation / use of the holiday caravan site bat and bird boxes shall be installed in accordance with details of their makes, models and locations which have been submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 5 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 5 artificial nests, of either integrated brick design or external box design, suitable for Swifts (Swift bricks or boxes with entrance holes no larger than 65 x 28 mm can accommodate a wide range of species (CIEEM, 2019)), Starlings (42mm hole, starling specific), Sparrows (32mm hole, terrace design) and/or House Martins (House Martin nesting cups) shall be erected on the site prior to first use of the development.

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

Reason: To ensure the provision of roosting opportunities for bats and nesting opportunities for wild birds, in accordance with MD12, CS17 and section 180 of the NPPF.

22. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding birds as provided in Section 4 of the Ecological Appraisal (Salopian Consultancy 14th June 2021).

Reason: To ensure the protection of and enhancements for bats and Great Crested Newts, which are European Protected Species and birds which are protected under Section 1 of the 1981 Wildlife and Countryside Act (as amended).

23. No development shall take place (including demolition, ground works and vegetation clearance) until a plan and details of the proposed protective fencing to be erected to safeguard the ancient woodland during construction of the development has been submitted and agreed in writing by the Local Planning Authority. The plan shall include a minimum 15m buffer temporarily fenced off.

Reason: To protect the ancient woodland and associated habitat from damage and disturbance.

24. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented and where ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots) will be installed or implemented;

b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;

c) Requirements and proposals for any site lighting required during the construction phase;

d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);

e) The times during construction when an ecological clerk of works needs to be present on site to oversee works;

f) Identification of Persons responsible for:

i) Compliance with legal consents relating to nature conservation;

ii) Compliance with planning conditions relating to nature conservation;

iii) Installation of physical protection measures during construction;

iv) Implementation of sensitive working practices during construction;

v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and

vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.

g) Pollution prevention measures.

All construction activities shall be implemented strictly in accordance with the approved plan.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and paragraph 180 of the NPPF.

25. The wildlife pond shown on the approved site plan shall be constructed in accordance with section drawings showing its profiles and depth; details of its lining, overflow arrangements and the planting of its margins which have first been approved in writing by the Local Planning Authority.

Reason: To ensure the construction of a satisfactory pond which takes into account the ground conditions of the site, in the interests of public safety, visual amenity and biodiversity.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2.

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

oconstruct any means of access over the publicly maintained highway (footway/verge) or
oocarry out any works within the publicly maintained highway (street), or
oauthorise the laying of private apparatus within the confines of the public highway (street) including any a new utility connection, or
oundertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway, or

ootherwise restrict any part of the public highway (inc. footway, verge or waste) in any way, for the purposes of constructing the development (i.e. Skips, scaffolding, hording/safety fencing, material storage or construction traffic, etc.)

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

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

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

3. Section 278 Agreement

No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into.

Please contact: Highways Development Control, Shropshire Council, Shirehall, Abbey

Foregate, Shrewsbury, SY2 6ND to progress the agreement.

No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 278 of the Highways Act 1980 entered into

<http://www.shropshire.gov.uk/hwmaint.nsf/open/7BED571FFB856AC6802574E4002996AB>

Mud on highway

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

No drainage to discharge to highway

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

Protection of visibility splays on private land

The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.

4. All bat species found in the U.K. are protected under the 2017 Conservation of Habitats and Species Regulations (as amended) and the 1981 Wildlife and Countryside Act (as amended).

It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

Should any works to mature trees be required in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works. The bat survey should be carried out by an appropriately qualified and experienced ecologist in line with the Bat Conservation Trust's Bat Survey: Good Practice Guidelines (3rd edition).

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

5. Widespread reptiles (Adder, Slow Worm, Common Lizard and Grass Snake) are protected under the 1981 Wildlife and Countryside Act (as amended) from killing, injury and trade and are listed as Species of Principle Importance under Section 41 of the 2016 NERC Act. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the 2006 Natural Environment and Rural Communities Act. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to

October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

If a Great Crested Newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.

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Committee and date
Southern Planning
Committee

31st May 2022

Item

Public

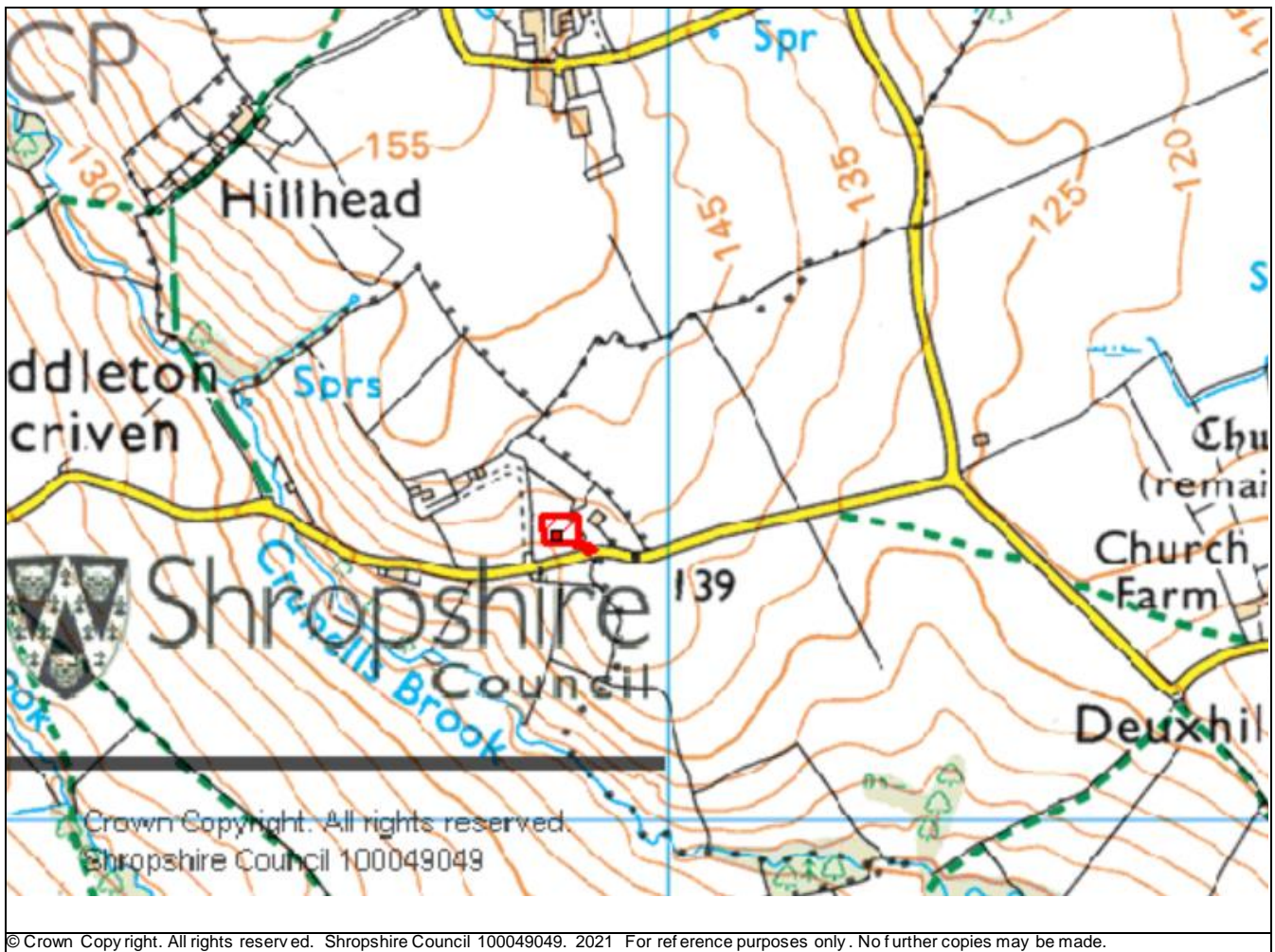
Development Management Report

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

Summary of Application

<u>Application Number:</u> 21/05418/FUL	<u>Parish:</u>	Middleton Scriven
<u>Proposal:</u> Erection of an affordable home to include detached garage and private treatment plant.		
<u>Site Address:</u> Proposed Affordable Dwelling Middleton Scriven Bridgnorth Shropshire		
<u>Applicant:</u> Mr Graham Tranter		
<u>Case Officer:</u> Jacob Collett	<u>email</u>	: jacob.collett@shropshire.gov.uk

Grid Ref: 368879 - 287310



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

Recommended Reason for refusal

1. The site is not part of or adjacent to a recognisable named settlement, there are only a limited number of dwellings nearby, most are separated from one another by agricultural land and by farmsteads; cumulatively the built environment in the area is made up of sporadic, isolated pockets of development. The principle of the proposed development is therefore contrary to the objectives of the National Planning Policy Framework, Policies CS1, CS5 and CS11 of the Shropshire Local Development Framework Core Strategy, Policies MD3 and MD7a of the Shropshire Council Site Allocations and Management of Development Plan, and the Council's Supplementary Planning Document on the Type and Affordability of Housing

2. Due to the position of the proposed plot, which is centrally placed within agricultural land with the remaining field surrounding on all sides and a driveway cutting through it, the site does not respond appropriately to the form and layout of the existing adjacent development, nor is it the most effective and sustainable use of the land. The proposed siting of the plot is therefore contrary to Policy CS6 of the Shropshire Local Development Framework Core Strategy, and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan.

REPORT

1.0 THE PROPOSAL

- 1.1 The application proposes the erection of an affordable dwelling at land circa 1km east of Middleton Scriven. The application includes the provision of a package treatment plant. The application has been submitted under the single plot exception site policy which if approved are subject to a Section 106. The proposed dwelling is a single storey bungalow with a detached single garage.
- 1.2 There is previous planning history at the site with in total six previous applications related to a dwelling at the site. The planning history is as follows;

PREAPP/15/00472 – Single Plot Affordable Dwelling – Determined to be unacceptable development – Development not within or in the sphere of influence of a named settlement

PREAPP/16/00557 – Proposed Affordable Dwelling - Determined to be unacceptable development – Development not within or in the sphere of influence of a named settlement

PREAPP/18/00472 – Erection of an Affordable Dwelling – Determined to be unacceptable development - Development not within or in the sphere of influence of a named settlement

18/05043/OUT – Affordable self-build dwelling – Delegated refusal decision – reasons for refusal were are follows;

1-No information has been provided in support of this proposal to demonstrate that the applicant has a local connection to the area, why there is a need to live in the local area or that he is unable to obtain an alternative property within the Parish. As such the applicant has not met the qualifying criteria set out in the adopted Supplementary Planning Document on the Type and Affordability of Housing. Accordingly, the development is contrary to Policies CS5 and CS11 of the Shropshire Local Development Framework Core Strategy, and Policies MD3 and MD7a of the Shropshire Council Site Allocations and Management of Development Plan.

2- The site is not part of or adjacent to a recognisable named settlement, there are only a limited number of dwellings nearby, most are separated from one another by agricultural land and by farmsteads; cumulatively the built environment in the area is made up of sporadic, isolated pockets of development. The principle of the proposed development is therefore contrary to the objectives of the National Planning Policy Framework, Policies CS1, CS5 and CS11 of the Shropshire Local Development Framework Core Strategy, Policies MD3 and MD7a of the Shropshire Council Site Allocations and Management of

Development Plan, and the Council's Supplementary Planning Document on the Type and Affordability of Housing.

3- The adopted SPD Type and Affordability of Housing requires applications for single plot affordable dwellings to be submitted as a Full Planning Application to allow the Council to fully consider all aspects of this proposal as a Single Plot Exception Site., in accordance with the Development Plan. The Outline application submitted is therefore contrary to paragraph 5.20 of the Council's Supplementary Planning Document on the Type and Affordability of housing.

4- Due to the position of the proposed plot, which is centrally placed within agricultural land with the remaining field surrounding on all sides and a driveway cutting through it, the site does not respond appropriately to the form and layout of the existing adjacent development, nor is it the most effective and sustainable use of the land. The proposed siting of the plot is therefore contrary to Policy CS6 of the Shropshire Local Development Framework Core Strategy, and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan.

19/02168/FUL – Erection of Single Plot Affordable Dwelling and Detached Garage – Withdrawn for the following reason 'We remain of the opinion that this particular location does meet the policy for single plot affordable dwellings but agree that the actual siting and design of the dwelling are not appropriate'

PREAPP/20/00486 – Single Plot Affordable exception Site – Unacceptable Development – Development not within or in the sphere of influence of a named settlement

1.3

The proposal was approved at committee in March 2022 where the resubmission to committee is due to an altered siting, garage roof orientation and the addition of rooflights to the rear elevations. These changes are considered material.

2.0 SITE LOCATION/DESCRIPTION

2.1

The site falls within open countryside to the south west of Bridgnorth and is accessed via Class C roads from the B4363 in the east. There is an existing field gate into the site at its south east corner. The site is an agricultural field sloping upwards to the north and laid to grass with a mixture of timber fencing and native hedging around its perimeter. There is an adjacent dwelling to the east side at The Poplars which has a south east facing front elevation and there is an evergreen hedge of approximately 2m high between this dwelling and the site. There is also a neighbouring property to the north west at Birch Hall Farm, where the dwelling is approximately 100m from the site and 70m above the road to the south. This farm is accessed via a dedicated track containing a line of mature trees and that extends from the road along the western boundary of the site. There is also a cottage across the road to the south. Otherwise the surrounding land is agricultural.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

3.1 In accordance with the 'Scheme of Delegation' this application has been concluded at the Agenda Setting Meeting on 20th January 2022 to be determined by planning committee due to ward councillor call in.

4.0 Community Representations
A Site notice was displayed at the Site.
- Consultee Comments

Billingsley Parish Council

The Members of Billingsley Parish Council have considered the above Application and wish to make the following comments –

Mr. Tranter is a local parishioner who has lived in the area all of his life. His parents lived in Middleton Scriven but the family can be traced back to Aston Botterel in 1850. Mr. Tranter owns a plot of ground in Middleton Scriven on which he wishes to build an Affordable Home. The ground which is on the outskirts of the village belonged to his family, it is closely positioned between Birch Hall Farm and The Poplars with Brook Cottage a little further along the lane. Opposite to the plot stand No.1 and No.2 M. Scriven with an adjacent wood-yard is just below. A home on this site would provide manageable accommodation where he could remain close to neighbours and friends.

The Members of Billingsley Parish Council are very supportive of this application and are anxious to retain Mr. Tranter in this area where he plays such an active role in many local country pursuits.

The Parish Council has contacted Claire Hughes who agrees that Mr. Tranter qualifies for a Single Exception Plot.

SUDS

Suggested the following condition (and informatives);

No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

SC Environment Protection

Suggested the following condition;

a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a mine gas risk assessment has been undertaken to assess the potential for mine gases to exist on the site. The mine gas risk assessment shall be undertaken by a competent person as defined in the National Planning Policy Framework and conducted in accordance with CL:AIRE - Good Practice for Risk Assessment for Coal Mine Gas Emissions; October 2021 and having regard to current Environment Agency guidance Land Contamination: Risk Management (LCRM; 2020). The Report is to be submitted to and approved in writing by the Local Planning Authority.

b) In the event of the mine gas risk assessment finding the site to be affected by mine gases a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation

Strategy must be in accordance with BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings and ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) The works detailed as being necessary to make safe the mine gases shall be carried out in accordance with the approved Remediation Strategy.

d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of the Environment Agency guidance Land Contamination: Risk Management (LCRM; 2020), which is subject to the approval in writing by the Local Planning Authority.

e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the risks from mine gases and any contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land. Verification must be in accordance with BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings and, CIRIA C735 Good Practice on the testing and verification of protection systems for buildings against hazardous ground gases, 2014.

Reason: To ensure that risks from potential mine gases to the future users of the land, property and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

SC Highways (Most Recent Comment)

Further to the Highway Advice Note dated 20.12.2021, revised details have been demonstrated on New Access Site Plan Drawing No. 1618 D 100 B and published on 04.01.2022. The highway matters previously raised in terms of the visibility arrangements are not considered to have been satisfactorily addressed. The site has access onto a rural derestricted section of Class III road. The proposed visibility splays as shown on the Proposed Site Plan Drawing no. 10986-102 needs to be satisfactorily demonstrated as being in line/commensurate with the prevailing highway conditions by an appropriate assessment of the likely speed of traffic passing the site and in accordance with appropriate documentation of MfS and Shropshire Council's Shropshire Manual for Adoptable Roads and Transport. (<http://shropshire.gov.uk/roads-and-highways/developing-highways/design-standards/>). The documentation quoted is not applicable as this refers to Trunk Roads and Strategic Highways.

Informatives were also suggested. **The above outstanding highway issue can be dealt with by condition.**

SC Ecology

No objection after discussion of the issue where it was confirmed that no ecology survey was needed.

- Public Comments
No public representations were received.

5.0 THE MAIN ISSUES

Principle of development
Siting Scale and Design
Visual Impact and Amenity
Other Issues

6.0 OFFICER APPRAISAL

6.1 Principle of Development

6.1.1 MD7a outlines that housing development should be strictly controlled outside of main urban centres and designated community clusters. However, it also outlines support for new housing that meet a demonstratable need or assists in providing affordable homes. CS4 further reinforces this standpoint by outlining no development should occur outside of development boundaries unless they accord with CS5, whilst also outlining support for dwellings that help rebalance rural locations within community settlements and clusters. CS5 outlines the acceptable reasons for new housing outside of development boundaries and community clusters which focuses on agricultural worker homes and affordable dwellings. These developments need strong justification and to evidence need whilst also being expected to take place in recognisable named settlements or linked to other development/businesses. The aforementioned community clusters are listed within SamDev where the proposal is not located within on as outlined on the policies map. MD3 outlines further requirements on new dwellings including development outside of development boundaries, although this is mainly restricted to designated development sites.

6.1.2 These policies outline the standard position when assessing housing development. However as outlined within MD7a and CS11 there is provision within policy for single home exception sites that are 100% affordable. The exact policy for this exception sites is outlined within the Type and Affordability of Housing Supplementary Planning Document Chapter 5. Firstly, 'Exception sites must, first and foremost, relate to the local needs of the settlement and its 'hinterland' (sphere of influence). Secondly, they must be 'demonstrably part of, or adjacent to, a recognisable named settlement'. Guidance on this judgement is outlined as follows 'A settlement always comprises a group of houses occupied by households from different families. The group becomes a settlement due to the *number and proximity* of the houses in the group. Although a matter of judgment in each case, particularly for settlements where the number is small or where the houses are dispersed, for example strung along a road, it is the *combination* of these two factors that determines whether the dwellings constitute a settlement'. Furthermore because 'a settlement is a *relationship* between different properties, the limits of the settlement are defined by where the relationship peters out. This varies from settlement to settlement, depending on a number of factors'. The SPD then goes on to further outline the scaling, occupation and design restrictions of single plot affordable exception site proposals to ensure they remain affordable. This also includes the criteria to be

able to occupy such a dwelling and it is confirmed in this case by the housing enabling officer that the applicant accords with this.

6.1.3

As such, in regard to the above, the application has to be considered to be part of or adjacent to a recognisable named settlement (para 5.13) to meet the relevant policy. Whilst a subjective judgement, it is concluded in this circumstance that the proposed site is not acceptable. As outlined in previous applications the site is not viewed to be part of, adjacent too or within a named settlement. The named settlement of Middleton Scriven is circa 900 metres away to the west of the site with the settlement consisting of around 20 dwellings all within close proximity or adjacent to one another. As such Middleton Scriven is considered to be a tight knit settlement focused around two lanes. The distance from one end of Middleton Scriven to the other is around 375 metres and the settlements relationship ends immediately on the clearly identifiable end houses.

6.1.4

The site is located centrally between three other dwellings. These dwellings are not within a named settlement nor are they within the sphere of influence of Middleton Scriven given the near 1km distance. There are no other dwellings or buildings between the three dwellings and Middleton Scriven and as such they are clearly separated with no tangible relationship between them, especially given the clear end boundaries of Middleton Scriven. It is not unfair to say they can be identified as independent from one another and the site would be within an isolated pocket of development which is characteristic of the area. There is also another small settlement to the east circa 820metres away known as Deuxhill. It is dubious whether this would even constitute a settlement, however it is named and consists of circa four dwellings all centred around a T Junction. Again, this settlement is considered to be tight knit with clear boundary edges and there are no other dwellings between Deuxhill and the site. As such the proposed site sits between two small named settlements but is not clearly identifiable with either one given the distance gaps (as the crow flies) outlined. Actual travel from each of these settlements to the site would be further given the rural road network not being straight. As such it is not concluded that the site is part of or adjacent to a recognisable named settlement, doesn't meet the policy for a single plot exception site and therefore represents unacceptable development in principle.

6.2 Siting, Scale and Design

6.2.1 Even though the principle of development is not considered to be acceptable, assessment of the details of the proposal has been undertaken. The proposal outlines a bungalow development with detached garage. The dwelling proposed will not exceed the 100sqm as restricted by the policy or the site area maximum of 0.1 hectare. In regard to the design of the proposal it is considered that the dwelling is of a good simple, coherent design with the materials not confirmed but broadly appropriate subject to further confirmation secured through conditions. The detached garage is also acceptable in its scale and siting, being a subservient addition. The primary concern in regard to the proposal is the siting where it is located in the centre of an agricultural field. This is not appropriate where the proposal should be to the sides or corners of the field. The siting at present will restrict the use of parts of the field unnecessarily, resulting in a greater loss of usable agricultural land. This siting also has a greater impact on the visual landscape and open countryside. Furthermore, due to the position of

the proposed plot the site also does not respond appropriately to the form and layout of the existing adjacent development, nor is it the most effective and sustainable use of the land. As such the siting is not considered to be acceptable.

6.3 Visual Impact and Neighbour Amenity

6.3.1 The proposed development is on balance not considered to cause considerable harm to the visual landscape or adjacent dwellings that would constitute a reason for refusal even though the siting of the proposal makes the visual impact worse. This is mitigated mostly by the single storey nature of the proposal and its location centrally between three other dwellings alongside existing vegetation. Equally the visual harm that any new development would cause would also be justified by the proposal providing an affordable dwelling and contributing to Shropshires housing supply.

6.3.2 The siting of the proposal is also a significant enough distance from these nearby dwellings to not cause any significant overlooking, overshadowing of amenity harm where the dwelling will be surrounded by agricultural land on the southern, western and northern borders in any case. Furthermore, the single storey nature of the dwelling further limits the neighbour impacts. The adjacent dwelling to the east is also on higher topography than the proposal, reducing the neighbour amenity impacts further.

6.4 Other Matters

The proposed dwelling will utilise an existing access that is well established.

6.4.1 There are outstanding visibility issues to be confirmed however this could be dealt with by a pre-commencement condition and therefore would not constitute a reason for refusal. The issue is centred around appropriate visibility provision for the speed of the road. It is also noted the access is existing and could be used currently without restriction.

6.4.2 The site is located within a coal reporting area. Any new dwelling within such an area is considered by the Environment Protection team to require a mine gas risk assessment to ensure the residential standards of living are acceptable in terms of public health. This has not been undertaken as part of this application but could also be conditioned and therefore again would not constitute a reason for refusal.

7.0 CONCLUSION

The proposed single plot affordable dwelling on balance is not considered to part of, adjacent to or within the sphere of influence of a recognisable named settlement given the distances from nearby settlements. As such the proposal does not accord with the exception sites policy in this respect and therefore is not acceptable development in principle. Furthermore, the siting of the development is not well considered where the domestic curtilage will be in the centre of a field resulting in greater visual harm, but also leaving the field in a strange shape reducing its agricultural viability and not representing the most effective use of the land. Consequently, this application is recommended for refusal on the above grounds.

The design, scale, visual impact and neighbour amenity impacts are considered to accord with the relevant criteria of the outlined policies and are acceptable to not represent reasons for refusal individually.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

PREAPP/16/00557 Proposed affordable dwelling PREUDV 8th December 2016

BR/83/0395 The erection of a single storey front extension to form bathroom, lobby and w.c.
GRANT 15th August 1983

PREAPP/20/00486 Erection of single plot exception site affordable dwelling. PREUDV 27th
November 2020

21/05418/FUL Erection of an affordable home to include detached garage and private
treatment plant. PDE

BR/APP/FUL/00/0291 Erection of a single storey and a first floor extension and a detached
double garage and workshop GRANT 14th June 2000

PREAPP/15/00472 Proposed single plot affordable dwelling PREUDV 26th October 2015

PREAPP/16/00557 Proposed affordable dwelling PREUDV 8th December 2016

PREAPP/18/00472 Erection of an affordable dwelling PREUDV 9th October 2018

18/05043/OUT Outline application for the erection of an affordable self build dwelling (all
matters reserved) REFUSE 9th January 2019

19/02168/FUL Erection of a single plot affordable dwelling and a detached double garage.
WDN 13th December 2019

PREAPP/20/00486 Erection of single plot exception site affordable dwelling. PREUDV 27th
November 2020

21/05418/FUL Erection of an affordable home to include detached garage and private
treatment plant. PDE

11. Additional Information

[View details online:](#)

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

Cabinet Member (Portfolio Holder)
Councillor Ed Potter

Local Member

Cllr Robert Tindall

Appendices
APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

-



<u>Committee and date</u>
Southern Planning Committee
31 May 2022

Item
Public

Development Management Report

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

Summary of Application

Application Number: 22/00279/FUL	Parish:	Diddlebury
Proposal: Conversion of Dutch Barn from storage into 3No. dwellings for rent		
Site Address: Proposed Residential Barn Conversion At The Hale Barns Corfton Shropshire		
Applicant: Mr Jack Wrigley		
Case Officer: David Jones	email	: david.jones@shropshire.gov.uk

Grid Ref: 349475 - 285515

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Recommendation:- Refuse for the following reason:

1. It is considered that the loss of the former Dutch barn for domestic storage purposes and its development for residential purposes with the extent of alterations proposed would be unacceptable and would be detrimental to the rural amenities of the area which forms part of an Area of Outstanding Natural Beauty and would contravene the provisions of policies CS6, CS17 of the Core Strategy (2011) MD7a, MD2 and MD12 of the SAMDev (2015).

REPORT

1.0 THE PROPOSAL

- 1.1 The planning application seeks permission for the conversion of a Dutch barn into 3 dwellings and the installation of a package treatment plant, parking and turning areas. Each dwelling would be two storey and have three bedrooms.
- 1.2 The proposed plans introduce doors and fenestration, windows are proposed at first floor level and on the gables of the Dutch barn.
- 1.3 Vehicular access would be via an existing access to the south east onto the B4368.
- 1.4 Foul drainage from the development would be disposed of via treatment plant which thereafter drains to a soak-away to the north east of the development. Surface water drainage from the development similarly discharges into a soak-away.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The buildings are located on the southeast slopes of Wenlock Edge in the Shropshire Hills Area of Outstanding Natural Beauty (AONB), elevated between two small valleys known as Corfton Bache and Bache Mill, and above the B4368 in between the settlements of Corfton and Diddlebury.
- 2.2 The existing Dutch barn lies to the north west of the site of the existing site. There are two existing buildings converted to residential purposes adjacent, referred to as barns A and B in the planning history.
- 2.3 The group of buildings has two existing vehicular accesses routes. One leads south east to the B4368 and the other north east.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The parish council support the proposal and officers were minded to refuse the planning application. In accord with the council's scheme of delegation the planning application has been considered at the agenda setting meeting and it was resolved that the application should be presented to the planning committee for determination.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 Parish Council

24.02.2022 Diddlebury Parish Council considered the above application at its meeting last night. By a majority the parish council voted to support the application and raises no objections to it.

4.1.2 SC Historic Environment

07.03.2022 In considering the proposal due regard to the following local and national policies, guidance and legislation has been taken; CS5 Countryside and Green Belt. CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, policies MD2, MD7a and MD13 of the Site Allocations and Management of Development (SAMDev), the National Planning Policy Framework (NPPF) published July 2021 and Planning Practice Guidance.

The application proposes the conversion of Dutch Barn from storage into 3No. dwellings for rent at The Hale Barns, Corfton. Whilst we had no conservation objections to the dutch barn being used as storage to reduce the requirement for additional outbuildings on this site, we cannot support the conversion to residential accommodation as this would not comply with MD7a of the SAMDev. The level of alteration already undertaken and that which would be necessary to create a residential use would not accord with policy MD7a of the Shropshire Council SAMDev which states 'the conversion of buildings to open market use will only be acceptable where the building is of a design and form which is of merit for its heritage/ landscape value, minimal alteration or rebuilding is required to achieve the development and the conversion scheme would respect the significance of the heritage asset, its setting and the local landscape character.'

It is considered that the proposal would not accord with policy MD7a as it would not represent a conversion of existing historic fabric rather would require predominantly new work and therefore would also not represent a non-designated heritage asset in this instance. Therefore, we would not be able to support the application from a conservation perspective.

06.04.2022 The additional information provided does not alter our previous comments.

4.1.3 SC Archaeology (Historic Environment)

03.03.2022 We have no comments to make on this application with respect to archaeological matters.

4.1.4 SC Ecology

08.03.2022 Objection:

Additional information is required in relation to bats. In the absence of this additional

information (detailed below) I recommend refusal since it is not possible to conclude that the proposal will not cause an offence under the 2017 Conservation of Habitats and Species Regulations (as amended).

Bats

On review of the site plans this application appears to meet the trigger point for requiring a bat survey in accordance within the 2016 Bat Conservation Trust; Good Practice Guidelines, since the works will involve the modification of existing roof structures.

Before a consultant is contacted to assess the building for bat potential, the applicant may like to provide additional information, i.e. internal and external photographs of the building, which we will take into consideration before determining whether any surveys are needed.

The bat survey should be carried out as follows:

A Phase 1 Preliminary Roost Assessment is to be carried out on the trees and buildings that are to be affected by the proposed works. The survey shall include a thorough internal and external inspection of the building and an assessment of the potential for bat roosts to be present. Depending on the outcome of the Phase 1 Preliminary Roost Assessment, it may be recommended that Phase 2 Bat roosting surveys are carried out.

Phase 2 Presence/Absence Surveys should be carried out in all cases where the Phase 1 Preliminary Roost Assessment finds evidence of bats, potential for bats or where a complete and thorough inspection cannot be carried out. This survey can involve dusk emergence and/or pre-dawn re-entry surveys to aid identification of the species of bats present and estimation of the numbers of individuals. The emergence/re-entry surveys should follow the guidance on survey effort and frequency in the Bat Conservation Trust's Good Practice Guidelines (3rd edition, 2016) and will comprise between 1-3 emergence and/or pre-dawn re-entry surveys* between May and September (optimum period is between May to August). The emergence/re-entry surveys will allow the surveyor to consider the need for mitigation, enhancements and compensation, to assess the likelihood of an offence being committed and to make a decision as to the need for a European Protected Species Mitigation Licence from Natural England.

*Note – multiple surveys should be spread across the bat breeding season (May-August inclusive) and should be carried out at least 14 days apart in accordance with the current best practice guidelines (BCT, 2016) It should also be noted that during the Preliminary Roost Assessment, the ecologist should also record any evidence of nesting wild birds.

A Roost Characterisation Survey should be carried out in cases where an offence is considered likely to occur, where mitigation is required and where a European Protected Species Mitigation Licence from Natural England will be required. The Roost Characterisation Survey is intended to establish number of bats in the colony, access points used, temperature and humidity regime in the roost, aspect and orientation of the roost, size and perching points, lighting and a surrounding habitat assessment.

For any planning application triggering the need for a bat survey, the following documents should be submitted to allow determination of the application:

1. A Preliminary Roost Assessment and any further surveys recommended by the licensed ecologist (e.g. Presence/Absence Survey and Roost Characterisation Survey).
2. A site plan showing any mitigation and enhancements being offered for bats (e.g. bat box locations, bat loft locations with measurements and internal details).
3. A lighting plan showing location and specification for any proposed lights on the site. The lighting plan should reflect the Bat Conservation Trust's Bats and Lighting in the U.K. guidance.

All bat surveys should be carried out by an experienced, licensed ecologist and in accordance with the Good Practice Guidelines. Mitigation should be designed in line with Natural England's Bat

Mitigation Guidelines.

Any deviation from the methods, level or timing of surveys set out in the Good Practice Guidelines should be accompanied by a reasoned evidence statement from the licensed ecologist carrying out the survey clarifying how the sub-optimal survey is ecologically valid.

Finding an ecological consultant

The professional body for ecologists is CIEEM. Please consult their website to identify consultant ecologists.

<https://cieem.net/i-need/finding-a-consultant/>

Please contact me, or one of the other Ecology team members, if you have any queries on the above.

13.04.2022 Objection:

Additional information is required in relation to an updated Ecological Appraisal including specific assessments for bats. In the absence of this additional information (detailed below) I recommend refusal since it is not possible to conclude that the proposal will not cause an offence under the 2019 Conservation of Habitats and Species (Amendment) (EU Exit) Regulations.

On review of the Ecological Appraisal (Greenscape Environmental, August 2018) the information provided is based on surveys carried out in 2018 in the case of bats.

CIEEM's Advice Note on the lifespan of Ecological Reports and Surveys (CIEEM, 2019) states that for surveys up to or over 3 years old 'A professional ecologist will need to undertake a site visit and may also need to update desk study information (effectively updating the Preliminary Ecological Appraisal) and then review the validity of the report...'

It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may

not have been addressed in making the decision (Government Circular 06/2005).

Bats

On review of the Ecological Appraisal (Greenscape Environmental, August 2018) it has been confirmed that common pipistrelles were using Barn B as a roost. Updated surveys will be required to determine how the site is now being used by roosting bats. As discussed above an updated bat survey should be carried out as follows:

A Phase 1 Preliminary Roost Assessment is to be carried out on the trees that are to be affected by the proposed works. Depending on the outcome of the Phase 1 Preliminary Roost Assessment, it may be recommended that Phase 2 Bat roosting surveys are carried out.

Phase 2 Bat Roosting Surveys should be carried out in most cases where the Phase 1 Preliminary Roost Assessment finds evidence of bats, potential for bats or where a complete and thorough inspection cannot be carried out. This survey can involve dusk emergence and/or pre-dawn re-entry surveys to aid identification of the species of bats present and estimation of the numbers of individuals. The emergence/re-entry surveys should follow the guidance on survey effort and frequency in the Bat Conservation Trust's Good Practice Guidelines (3rd edition, 2016) and will comprise between 2-3 emergence and/or pre-dawn re-entry surveys* between May and September (optimum period is between May to August). The emergence/re-entry surveys will allow the surveyor to consider the need for mitigation, enhancements and compensation, to assess the likelihood of an offence being committed and to make a decision as to the need for a European Protected Species Mitigation Licence from Natural England.

*Note – multiple surveys should be spread across the bat breeding season (May-August inclusive) and should be carried out at least 14 days apart in accordance with the current best practice guidelines (BCT, 2016)

It should also be noted that during the Preliminary Roost Assessment, the ecologist should also record any evidence of nesting wild birds.

A Roost Characterisation Survey should be carried out in cases where an offence is considered likely to occur, where mitigation is required and where a European Protected Species Mitigation Licence from Natural England will be required. The Roost Characterisation Survey is intended to establish number of bats in the colony, access points used, temperature and humidity regime in the roost, aspect and orientation of the roost, size and perching points, lighting and a surrounding habitat assessment.

For any planning application triggering the need for a bat survey, the following documents should be submitted to allow determination of the application:

1. A Preliminary Roost Assessment and any further surveys recommended by the licensed ecologist (e.g. Presence/Absence Survey and Roost Characterisation Survey).
2. A site plan showing any mitigation and enhancements being offered for bats (e.g. bat box locations, bat loft locations with measurements and internal details).
3. A lighting plan showing location and specification for any proposed lights on the site. The lighting plan should reflect the Bat Conservation Trust's Bats and

Lighting in the U.K. guidance.

4. All bat surveys should be carried out by an experienced, licensed ecologist and in accordance with the Good Practice Guidelines. Mitigation should be designed in line with Natural England's Bat Mitigation Guidelines.

Any deviation from the methods, level or timing of surveys set out in the Good Practice Guidelines should be accompanied by a reasoned evidence statement from the licensed ecologist carrying out the survey clarifying how the sub-optimal survey is ecologically valid.

19.05.2022 Having reviewed the submitted photos and comments and I do not believe any survey work is required in relation to bats. SC Ecology have no objections and the application can proceed under Ecology Standing Advice.

4.1.5 Highways

22.02.2022 No Objection – subject to the development being constructed in accordance with the submitted details, accompanying this planning application.

Comments/Observations:

It is considered that this development is unlikely to lead to any significant adverse highway safety conditions and/or “severe harm” (NPPF) on the adjacent public highway network, which could be demonstrated or sustained at appeal.

Informative notes

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

4.1.6 SUDS

02.02.2022 The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority.

All correspondence/feedback must be directed through to Shropshire Council's Development Management Team.

Informative Notes:

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

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

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

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

25.04.2022 Having a look at the Site Layout Plan, it showed the proposed surface water drainage discharges into a surface water soakaway and the treated foul effluent discharges into a drainage field. The Foul Drainage Assessment Form (FDA1 Form) should confirm the distance of the treatment plant and soakaway from the proposed and existing dwellings on the site.

You could attach a drainage condition to request for drainage details and calculations:

Drainage Comment:

All correspondence/feedback must be directed through to Shropshire Council's Development Management Team.

1. Condition:

No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

Comment:

No details of the percolation tests and sizing of the proposed surface water soakaways have been supplied. Percolation tests and sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 40% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other buildings or infrastructure. Full details, calculations, dimensions and location of the percolation tests and the proposed soakaways should be submitted for approval.

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

If non permeable surfacing is used on the new access, driveway and parking area or the new access slopes toward the highway, the applicant should submit for approval

a drainage system to ensure that no surface water runoff from the new access run onto the highway.

Full details, plan and sizing of the proposed package sewage treatment plant including percolation tests for the drainage field should be submitted for approval including the Foul Drainage Assessment Form (FDA1 Form). British Water 'Flows and Loads: 4' should be used to determine the loading for the package sewage treatment plant and the sizing of the package sewage treatment plant and drainage fields should be designed to cater for the correct number of persons and in accordance with the Building Regulations H2. These documents should also be used if other form of treatment on site is proposed.

4.1.7 **SC Affordable Housing**

23.02.2022 No objection. The proposed development falls below the threshold by which the Local Planning Authority are able to require a contribution towards affordable housing. Therefore, no affordable housing obligation is applicable in this instance.

4.1.8 **Shropshire Hills AONB Partnership**

01.02.2022 The Shropshire Hills AONB Partnership is a non-statutory consultee and does not have a role to study the detail of all planning applications affecting the AONB. With or without advice from the AONB Partnership, the planning authority has a legal duty to take into account the purposes of the AONB designation in making this decision and should take account of planning policies which protect the AONB, and the statutory AONB Management Plan. Our standard response here does not indicate either an objection or 'no objection' to the current application. The AONB Partnership in selected cases may make a further detailed response and take a considered position.

4.2 **Public Comments**

4.2.1 This application was advertised via notice at the site and newspaper advertisement. The publicity period expired on the 28.02.2022 and two objections were received on the following grounds:

- Overdevelopment.
- The number of dwellings granted initially has increased from two to five.
- Approval was granted for storage purposes and assurance was provided that residential use would not be permitted whereas conversion to a 3-bedroom dwelling is now proposed.
- Approval of the proposal would result in the existing dwellings losing the storage facility, some garden parking and manoeuvring area.
- Diddlebury Parish Flood Action Group have stated that they would like to see calculations relating to the size of the proposed soakaway for roof water. The surface of the area in front of the building should be of gravel or other

permeable material to minimise run off.

5.0 THE MAIN ISSUES

- Material planning history
- Principle of development
- Ecology
- Area of Outstanding Natural Beauty
- Other matters

6.0 OFFICER APPRAISAL

6.1 Material Planning History

6.1.1 Barn 'A' is a brick-built structure with a clay tiled roof. This building comprises of two dwelling units and is positioned to the south western side of the Dutch barn. 'Barn B', meanwhile, comprises of three dwelling units and sits to the south east of the Dutch barn. This is an L-shaped, part stone, brick and timber clad structure beneath a clay tile roof, with its north western elevation running parallel with the Dutch barn.

6.1.2 The Dutch barn subject to this planning application has been converted for domestic ancillary storage and refuse purposes for the residences in barn conversions A and B under planning permission 21/00564/FUL. The officer report explains that it was previously intended that the building was demolished to ensure that there was no agricultural use on site which could be detrimental to residential amenity. The approved plans illustrate barn type doors and windows on the rear both at ground floor level.

6.2 Principle of development

6.2.1 The building lies outside the built-up areas of the nearby settlements, in open countryside, where avoiding sporadic new housing is a key objective of both national and local planning policy. However, Parts 5 and 16 of the National Planning Policy Framework (NPPF), the Council's Core Strategy Policy CS5, and Policy MD7a of its SAMDev Plan do enable open-market residential conversion of existing rural buildings which have intrinsic value as 'heritage assets'. Policy MD7a stipulates that the conversion of buildings to open market use will only be acceptable where the building is of a design and form which is of merit for its heritage/landscape value, minimal alteration or rebuilding.

6.2.2 Policy CS6 of the Core Strategy advises that all new development must respect the local distinctiveness, protect, restore and enhance the natural, built and historic environment as well as be appropriate in scale, density, pattern and design, taking into account the local context and character. This includes features which contribute to local character. Policy MD2 of the Site Allocations and Management of Development (SAMDev) Plan further builds on this, advising that new development must contribute to the form and layout of existing development and the way it functions, including building heights and lines, scale, density, plot sizes and local patterns of movement.

- 6.2.3 The council's SC Historic Environment advise that no conservation objections were raised to the Dutch barns being used as storage to reduce any requirements for additional outbuildings in connection with the residential use of the site. Further that the level of alteration already undertaken and proposed in the current application would not accord with the policy MD7a. Further that the proposal would also not accord with MD7a as it would not entail the conversion of existing historic fabric being predominantly new work to a building which is not a non-designated heritage asset.
- 6.2.4 Alterations have already lawfully been undertaken to the Dutch barn under the provisions of planning permission 21/00564/FUL and it is considered that these external alterations retain some of the functional and utilitarian characteristics of the former open sided building. The SC Historic Environment comments indicate that on conservation grounds these were justified for storage purposes to reduce any requirements for additional outbuildings in connection with the residential uses. In addition to the aforementioned considerations the location of the development in the countryside and in an Area of Outstanding Natural Beauty would provide justification on visual amenity to utilise the Dutch barn for storage purposes in connection with the adjacent residences. It is considered that removing this storage facility could result in detrimental impact on these grounds.
- 6.2.5 The proposal would result in further alterations to building work already undertaken to the Dutch barn including the introduction of windows at first floor level and the gables and the alterations of the windows and doorways and ground floor level. It is considered that these proposals would result in a building which is much more residential in appearance in comparison with the existing appearance of the altered building. It is considered that the loss of the former Dutch barn for domestic storage purposes and its development for residential purposes with the extent of alterations proposed would be unacceptable and would be detrimental to the rural amenities of the area which forms part of an Area of Outstanding Natural Beauty.

6.3 Ecology

- 6.3.1 The planning application is accompanied by an Ecological Appraisal Phase 2 Surveys for Bats (August 2018) and a letter dated 29.10.2019 (Greenscape Environmental Ltd) Covering Barn A to two dwellings. The council's SC Ecology initially advised that additional information was required in relation to bats and in the absence of this information a recommendation of refusal made since it is not possible to conclude that the proposal will not cause an offence under the 2017 Conservation of Habitats and Species Regulations (as amended). Following the submission of additional information comprising photographs this position was revised and it is now not considered that additional survey work on bats is required.

6.4 Area of Outstanding Natural Beauty

- 6.4.1 The application site is located within the AONB and the NPPF states great weight should be given to conserving and enhancing landscape and scenic beauty in the AONB. There is also a statutory requirement to have regard to the AONB Management Plan.
- 6.4.2 It is considered that the loss of this existing storage facility for the existing

residences could result in detrimental impact in amenity and visual impact terms as refuse and other ancillary residential storage within the building will no longer be required. On this basis it is not considered that the policy and statutory requirements applicable in the AONB are not complied with.

6.5 Other Matters

6.5.1 Objections have been raised in relation to the adequacy of the surface water soak-ways shown on the plans. These objections have been considered by the council's SUDS who do not raise any objections on this basis.

7.0 CONCLUSION

7.1 It is considered that the loss of the former Dutch barn for domestic storage purposes and its development for residential purposes with the extent of alterations proposed would be unacceptable and would be detrimental to the rural amenities of the area which forms part of an Area of Outstanding Natural Beauty.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

First Protocol Article 1 requires that the desires of landowners must be balanced

against the impact on residents.

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework (NPPF)

Core Strategy and Saved Policies:

CS5, CS6, CS17

Site Allocations and Management of Development (SAMDev)

MD2, MD7a, MD12 & MD13.

RELEVANT PLANNING HISTORY:

18/05568/FUL Conversion of barns into two dwellings, and installation of septic tanks Approved 20.02.2019.

19/02335/DIS Discharge Conditions 3 (Barn B - demolition and EPS licence), 4 (materials), 5 (masonry), 6 (fenestration), 7 Discharged 01.07.2019

19/05079/AMP Non-material amendments to planning permission No. 18/05568/FUL (revised style and colour of timber cladding on Granted 03.12.2019

19/04891/FUL Conversion of barn into two dwellings, alterations to existing vehicular accesses and installation of septic tank Granted 02.03.2020

20/01483/AMP Non-material amendment to planning permission No. 18/05568/FUL ('Barn B' - repositioning of flue, and insertion of new window on southeast gable) Granted 22.04.2020

20/01717/FUL Conversion of barn into 2 No dwellings, alterations to existing vehicular accesses and installation of package treatment Granted 07.09.2020

20/03877/FUL Conversion of Barn B to 3No. dwellings; alterations to existing vehicular accesses and installation of package treatment Granted 20.01.2021

20/04524/DIS Discharge Conditions 6 (landscaping along southeast access track - revised details), 7 (resurfacing of access tracks), 8 Discharged 01.12.2020

20/01214/DIS Discharge Conditions 3 (materials), 4 (masonry repairs), 5 (fenestration) and 6 (landscaping) of planning application No. 19/04891/FUL (for conversion of barn into two dwellings, alterations to existing vehicular accesses and installation of septic tank) Discharged 22.04.2020

21/00564/FUL Conversion of Dutch barn into storage and garage spaces for the residents of barns A and B of Hale Barns and revised access arrangements to include the formation of a new stretch of driveway (amended description) Granted 27.05.2021

21/04725/AMP Non-material amendment to planning application number 21/00564/FUL Granted 25.10.2021

11. Additional Information

[View details online:](#)

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=R5Z0VGTDKYA00>

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 Ed Potter
Local Member Cllr Cecilia Motley
Appendices APPENDIX 1 – Reason for refusal

Appendix 1

That planning permission is refused for the following reason:

It is considered that the loss of the former Dutch barn for domestic storage purposes and its development for residential purposes with the extent of alterations proposed would be unacceptable and would be detrimental to the rural amenities of the area which forms part of an

Area of Outstanding Natural Beauty and would contravene the provisions of policies CS6, CS17 of the Core Strategy (2011) and MD7a, MD2 and MD12 of the SAMDev (2015).

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<u>Committee and date</u>	Item
Southern Planning Committee	
31 May 2022	
	Public

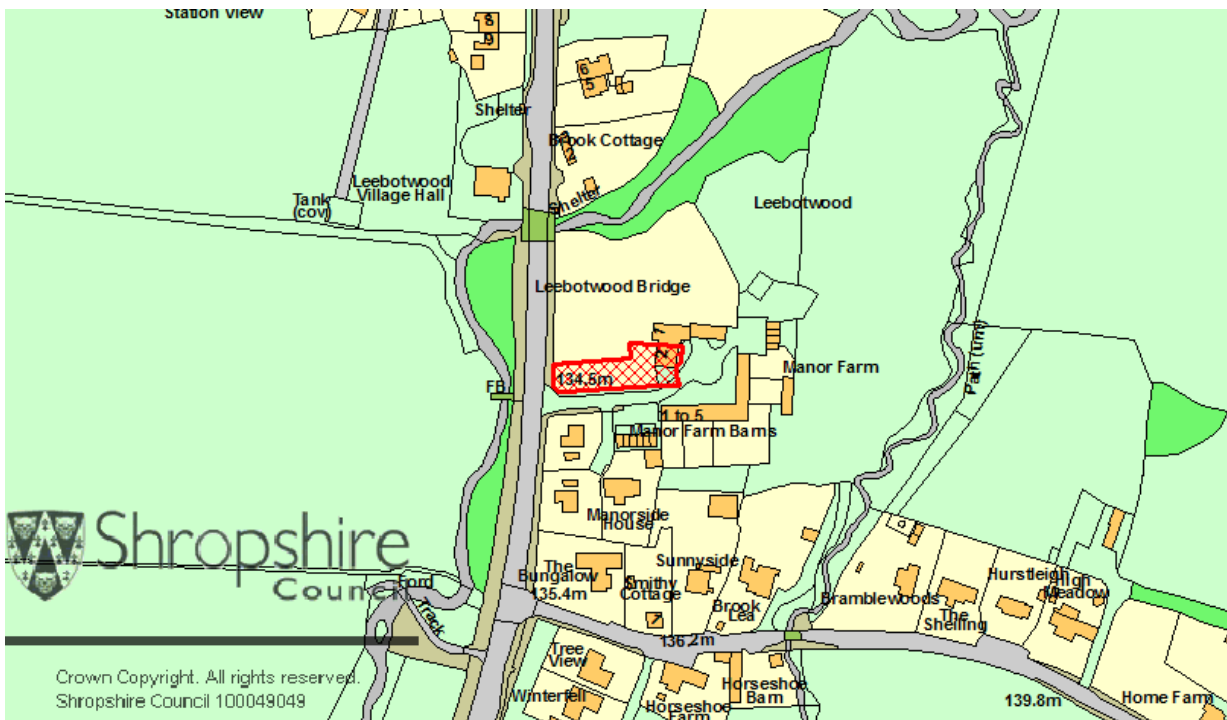
Development Management Report

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

Summary of Application

Application Number: 22/00642/LBC	Parish:	Leebotwood
Proposal: Replacement of 8No. windows and 3No. doors		
Site Address: 2 The Farm Leebotwood Church Stretton Shropshire SY6 6NA		
Applicant: Shropshire Council		
Case Officer: Karen Rolfe	email	: historic.environment@shropshire.gov.uk

Grid Ref: 347636 - 298580



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

Recommended Reason for Approval

The approved works are acceptable on heritage grounds and will not have an adverse impact on the special architectural and historic character or the setting of the listed building and are considered to be in accordance with local and national policies with respect to the historic environment including Core Strategy Policies CS6 and CS17, MD2 and MD13: The Historic Environment (SAMDev Adopted Plan), Planning Practice Guidance and the National Planning Policy Framework (NPPF), as well as in accordance with the requirements of Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

REPORT

1.0 THE PROPOSAL

- 1.1 This listed building consent application is limited to the replacement of 8 windows and 3 doors with painted timber hardwood replacement window and doors where this affects Number 2 The Farm in Leebotwood. This is a large Grade II listed traditional red brick farmhouse dating from the early 18th Century and mid-19th Century with some 20th Century additions. The farmhouse is in the ownership of Shropshire Council and is divided into 2 dwelling units which are occupied by tenants. Number 2 The Farm comprises the southern most range of this large building.
- 1.2 As outlined in the agent's Statement, the proposal to replace these existing windows and doors has been made as they have been assessed as being degraded beyond reasonable repair. The Conservation Officer requested a window and door survey to be prepared which the agent has done, supported by annotated photographs and assessment of the level of degradation, where the normal benchmark for consideration of replacement of original or historic window units is more than 60% degraded. In this case referring to the conditions chart that was prepared, there are two early or original timber casements extant at the property, and these are more than 70% degraded, with the remaining windows being of more modern construction and also at a high level of disrepair.
- 1.3 The replacement windows will be hardwood timber painted bespoke replacement units to match the original timber casements at the farmhouse. Joinery details have been supplied for the windows and the doors and these are considered to be acceptable as submitted.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Number 2 The Farm comprises the southerly most range of a large Grade II listed red brick former farmhouse positioned within the rural settlement of Leebotwood which is about 4 miles north of Church Stretton. The building was the farmhouse to Manor Farm which consisted of the farmhouse and large traditional outbuilding

ranges to its south and south-east, where these have been residentially converted. The farmhouse has in the past been divided into 2 dwelling units. The building is listed under list entry number 1366711.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

3.1 The application is presented to Committee as it does not comply with the Council's scheme of delegation as the development as proposed is not in consideration of a statutory function.

4.0 Community Representations

Consultee Comment

Parish Council - No comments received at the time of preparation of this report.

Public Comments

None received.

5.0 THE MAIN ISSUES

Principle of development
Siting, material and design of the replacement windows
Visual impact

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The principle of this window and door replacement program affecting Number 2 The Farm is acceptable given the excessive degraded state of the existing windows and the doors at this traditional property, which is tenanted. While there is a loss of 2 original multi-paned painted timber casement windows, these two windows are over 70% and 80% degraded respectively which is beyond the standard benchmark of 60% degraded, below which repair is recommended. The remaining windows are of more modern construction and there is no objection to their replacement given their modern design and poor overall quality. The doors being replaced are not original to the farmhouse and again are over 60% degraded and therefore suitable for replacement.

6.2 Siting, material and design of the replacement windows

6.2.1 The replacement window joinery is a bespoke hardwood painted timber multi-paned casement unit to match closely to the existing original casements in this range of the farmhouse. The windows will introduce double glazing to improve the thermal performance of the windows for this tenanted property. The replacement doors are paint grade hardwood to match the existing door designs at the farmhouse. The joinery details are satisfactory as submitted.

6.3 Visual impact

6.3.1 It is expected that there will be a visual enhancement to this range of the farmhouse as the existing windows are unsightly given their state of degradation and there will be replacement of modern units with a more traditional design.

7.0 CONCLUSION

Due to decay beyond reasonable repair the replacement of the existing windows and doors with bespoke painted hardwood traditional joinery units is considered acceptable in this case. The works will enhance the appearance and thermal performance of this listed building and safeguard it for future and long term use. Having considered the detailed plans submitted it is considered that the application meets the requirements of the National Planning Policy Framework (NPPF) as well as the legislative requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Policies CS6 and CS17 of the Core Strategy as well as Policies MD2 and MD13 of the SAMDev, and Historic England Guidance on traditional windows, and there is no objection on heritage grounds to the works proposed.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
NPPF

Core Strategy and Saved Policies:
Core Strategy policies CS6 and CS17
SAMDev Plan policies MD2 and MD13

RELEVANT PLANNING HISTORY:

SA/97/0070 Conversion of outbuildings into garages and living accommodation and change the use of paddock to domestic curtilage. PERCON 25th June 1997

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=R73AKMTD07V00>

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

APPENDIX 1 - Conditions

STANDARD CONDITION(S)

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

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (As amended)

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

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

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

3. If hitherto unknown architectural evidence of historic character that would be affected by the works hereby permitted is discovered, an appropriate record, together with recommendations for dealing with it in the context of the scheme, shall be submitted for written approval by the Local Planning Authority.

Reason: To ensure architectural features are recorded during development.

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Committee and date	Item
Southern Planning Committee	
31 st May 2022	Public

Development Management Report

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

Summary of Application

Application Number: 22/00742/FUL	Parish:	Worthen with Shelve
Proposal: Conversion of ancillary domestic workshop/gun store into two holiday letting units, and provision of parking areas		
Site Address: Workshop adj. 31 Snailbeach, Minsterley, Shropshire, SY5 0NS		
Applicant: Mr A Lloyd		
Case Officer: Trystan Williams	email: trystan.williams@shropshire.gov.uk	

Grid Ref: 337291 - 302104



Recommendation: Grant permission subject to the conditions set out in Appendix 1

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks full planning permission to convert an outbuilding associated with a nearby dwelling into two self-contained holiday accommodation units, one with two bedrooms and the other with one. External alterations would be limited to installing new and replacement white UPVC-framed windows and rear doors (the latter replacing metal panelled doors), and forming an additional vehicular access and parking space at the southwest end of the site.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Located centrally within Snailbeach village, the site is a wide but shallow plot fronting the 'main' Class C road towards Stiperstones and The Bog, and with its northeast end backing onto the elevated rear garden of a rendered cottage off an unadopted road (Shop Lane) along the hillside to the southeast. It is largely occupied by the building in question, which is an 85m² single-storey timber-clad structure with a shallow duo-pitched dark green sheet metal roof. This was approved in 2013 (ref. 13/00928/FUL) for use by the applicant as a gunsmith's workshop and store. There are hardstandings at either end, that to the southwest currently accessed off Shop Lane's junction with the public highway. Further unrelated dwellings are situated on lower ground opposite, and on the northeast side (No. 31) in-between the site and the applicant's own home. The site is within the village conservation area and the wider Shropshire Hills Area of Outstanding Natural Beauty (AONB).

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 In accordance with the Council's adopted 'Scheme of Delegation', the application is referred to the planning committee for determination because the officer recommendation of approval is contrary to an objection from the Parish Council, and Shropshire Council's Planning and Development Services Manager, in consultation with the Planning Committee Chairman and Local Member, agrees that material planning considerations have been raised and warrant consideration by the full committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee comments

4.1.1 Shropshire Council Flood and Water Management – comment:

Any permission granted should include an 'informative' encouraging use of sustainable surface water drainage systems (SuDS).

4.1.2 Shropshire Council Affordable Housing – no objection:

There are no affordable housing obligations associated with this proposal.

4.1.3 Shropshire Council Regulatory Services – no objection:

No comments

4.1.4 Shropshire Council Historic Environment (Conservation) – no objection:

The modest alterations proposed would have minimal impact upon the conservation area's character and appearance.

- 4.1.5 Shropshire Council Historic Environment (Archaeology) – no objection:
No comments
- 4.1.6 Shropshire Hills AONB Partnership – comment:
No site-specific comments. However, this indicates neither objection nor lack of objection to the application, and in reaching its decision the local planning authority must still satisfy its legal duty to take into account the purposes of the AONB designation, planning policies concerned with protecting the landscape, plus the statutory AONB Management Plan.
- 4.1.7 Worthen with Shelve Parish Council – objection:
Councillors have concerns regarding access and parking, noise and overlooking, impact on the AONB, and the sustainability of holiday lets in this location given its limited bus service, shops and other facilities.
- 4.1.8 If permission is given, a planning condition should prevent occupation as permanent open-market housing.
- 4.1.9 Shropshire Council Highways Development Control – no objection:
The development is unlikely to have any significant adverse highway safety impacts which, having regard to Paragraph 111 of the National Planning Policy Framework (NPPF), could be substantiated and sustained in the event of an appeal against refusal of planning permission.
- 4.1.10 The greatest impact locally would be during the construction period, so the developer should be requested to ensure the safe and free flow of traffic along the surrounding public and private roads is maintained appropriately. Informatives should also advise on:
- the legality of driving along any public right of way;
 - the requisite licence for works on or abutting highway land;
 - the Council's ability to recover any 'extraordinary maintenance' costs arising from damage to the highway by construction traffic; and
 - arrangements for refuse collection.
- 4.1.11 Shropshire Council Ecology:
1/4/22 – objection:
Without bat surveys, or at least photographs which demonstrate the building to be unsuitable as a roost, the application should be refused as the development may cause an offence under the Conservation of Habitats and Species Regulations 2017 (as amended).
- 4.1.12 19/4/22 – no objection:
Following submission of photographs a bat survey is no longer considered necessary, and the application can be determined under ecological standing advice.
- 4.2 **Public comments**
- 4.2.1 Two local residents object on the following grounds:
- There is no evidence of need for further holiday accommodation. The local pub is already busy so does not require more trade.
 - The original planning permission is subject to a condition stipulating ancillary

domestic use of the building for its lifetime, and no commercial use.

- This would be an overdevelopment of a small site in a residential area.
- The immediate neighbours at No. 31 would be disturbed by noise and vehicle headlights from holidaymakers unfamiliar with the area coming and going at any time, and directly overlooked by guests using outdoor spaces.
- Additional traffic would worsen current problems of traffic volumes and speeds, especially given the proposed additional road entrance and extremely cramped parking arrangement with no overflow facility.
- Additional traffic would also exacerbate light pollution in this environmentally sensitive area.

5.0 THE MAIN ISSUES

- Principle of development
- Layout, scale, design and impacts on conservation area and wider landscape
- Residential amenity
- Highway safety
- Ecology

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Part 6 of the NPPF says local planning authorities should support sustainable rural tourism developments which respect the character of the countryside. Similarly, the Council's Core Strategy Policy CS16 encourages provision of high-quality visitor accommodation in accessible locations served by a range of services and facilities. In rural areas it requires such proposals to be of an appropriate scale and character for the surroundings, and normally close to or within settlements or an established and viable tourism enterprise. It also favours converting existing buildings where this would accord with Policy CS5, notably those with heritage value, but also more generally for small-scale economic/employment-generating uses including tourism.

6.1.2 Officers acknowledge that Snailbeach is a small settlement with limited services and facilities of its own. However, it does have a reasonably frequent bus service, some facilities within walking distance, and significant visitor attractions in its historic lead mine complex and walking trails across the Stiperstones ridge. Moreover, it is in fact designated part of a 'Community Cluster' under Policies MD1 and S2 of the Council's Site Allocations and Management of Development (SAMDev) Plan. This implies that the location is broadly 'sustainable' and potentially even facilities permanent new-build housing, as opposed to the village being regarded as open countryside for planning purposes.

6.1.3 In the circumstances, despite the modernity of the building in question, and notwithstanding the current condition restricting it to ancillary domestic use (which predates the SAMDev policies and in any event merely sought to define the previous permission), officers consider its conversion into holiday accommodation to be acceptable in principle. Nevertheless, a new condition preventing permanent occupation is reasonable and necessary, again to define the consent, and for residential amenity reasons as discussed below.

6.2 Layout, scale, design and impacts on conservation area and wider landscape

6.2.1 Since the accommodation would be contained within the existing building with only minor alterations, and car parking confined to existing hardstanding areas, it is

agreed with the Conservation Officer that there would be no demonstrable harm to the character and appearance of the conservation area. The Council's statutory duty under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 is therefore discharged, and the relevant policies and guidance concerned with protecting the historic environment (listed below in Section 10) satisfied.

6.2.2 Similarly, sympathetically converting this existing building within a settlement would not detract from the generally open character and scenic beauty of the wider landscape. Public concerns about light pollution can be addressed through a lighting condition.

6.3 **Residential amenity**

6.3.1 Each unit would have limited floor and outdoor amenity space, but this should be unproblematic for short-term occupants who normally live elsewhere.

6.3.2 Overlooking of the adjacent property, No. 31, should not be unreasonable in planning terms since the house itself stands approximately 26 metres from the side of the building to be converted, which is a generous separation compared to the 20 metres normally accepted between principal elevations of two-storey houses across a street. Furthermore, the side of No. 31's garden is screened by tall fencing and separated by the neighbours' own parking area, which in any event is open to public views from the road in front.

6.3.3 The higher level of the dwelling behind should avoid significant overlooking, whilst the properties opposite have no windows, doors or gardens facing the site.

6.3.4 Holiday accommodation is not inherently noisy, and in the event of a statutory nuisance action could be taken under environmental health legislation.

6.3.5 Any occasional glare from vehicle headlights is unlikely to significantly or unreasonably affect neighbours' quality of life, especially as the site already has vehicular access and parking provision.

6.4 **Highway safety**

6.4.1 Officers find the proposed access arrangements and likely traffic generation broadly acceptable having regard to the Highways Development Control Team's advice, the existing site entrances, the 30mph speed limit in this location, observations of current traffic levels, and the availability of overspill parking at the nearby village hall. However, to maximise visibility and minimise potential conflict between vehicles emerging from multiple directions, conditions require closure of the existing Shop Lane entrance and lowering of the front boundary hedge as indicated on the block plan. Additionally, a formal requirement for a construction method statement is reasonable given the site's constraints.

6.5 **Ecology**

6.5.1 As noted above, the Council's Ecology Team now accepts that roosting bats are unlikely to be affected. Nevertheless, an informative will be included as a precaution.

6.5.2 It is also acknowledged that the site is close to the Stiperstones and Hollies Special Area of Conservation/Site of Special Scientific Interest. However, this is unlikely to

affected by development of the scale and nature proposed, especially as the application site lies further downhill, meaning there is little potential for contamination or pollution through drainage systems, spillages etc.

7.0 CONCLUSION

7.1 This small-scale tourism scheme is acceptable in principle as it involves converting an existing building within a settlement designated for some development. The minimal external alterations proposed would preserve the character and appearance of the conservation area and the wider landscape, and it is not considered that effects on residential amenity or highway safety would be so significant or unreasonable as to be unacceptable in planning terms. Overall, therefore, the application accords with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions to reinforce the critical aspects.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk management

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

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

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

8.2 Human rights

8.2.1 Article 8 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the community.

8.2.2 Article 1 also requires that the desires of landowners must be balanced against the impact of development upon nationally important features and on residents.

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

8.3 Equalities

8.3.1 The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a

number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 FINANCIAL IMPLICATIONS

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

10.0 BACKGROUND

Relevant Planning Policies:

Central Government Guidance:

National Planning Policy Framework

Shropshire Local Development Framework:

Core Strategy Policies:

CS1 - Strategic Approach
CS4 - Community Hubs and Community Clusters
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS7 - Communications and Transport
CS9 - Infrastructure Contributions
CS16 - Tourism, Culture and Leisure
CS17 - Environmental Networks
CS18 - Sustainable Water Management

SAMDev Plan Policies:

MD1 - Scale and Distribution of Development
MD2 - Sustainable Design
MD3 - Managing Housing Development
MD11 - Tourism Facilities and Visitor Accommodation
MD12 - Natural Environment
MD13 - Historic Environment
S2 – Bishop's Castle Area Settlement Policy

Relevant Planning History:

13/00928/FUL – Erection of ancillary domestic outbuilding for use as workshop and gun store (permitted July 2013)

15/01732/AMP – Non-material amendments to planning permission No. 13/00928/FUL (reduction in height and slight increase in length of replacement outbuilding) (approved May 2015)

11.0 ADDITIONAL INFORMATION

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=R7CPM7TD02B00>

List of Background Papers: Application documents available on Council website
Cabinet Member (Portfolio Holder): Cllr Ed Potter
Local Member: Cllr Heather Kidd
Appendices: Appendix 1 – Conditions and Informatives

APPENDIX 1 – CONDITIONS AND INFORMATIVES

STANDARD CONDITIONS

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

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

2. The development shall be carried out in strict accordance with the approved, amended plans and drawings listed below.

Reason: To define the consent and ensure a satisfactory development in accordance with Policies CS6, CS16 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

CONDITIONS THAT REQUIRE APPROVAL BEFORE DEVELOPMENT COMMENCES

3. No development shall commence until a construction method statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period, and shall include provision for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials
 - iv. the erection and maintenance of security fencing/hoardings
 - v. wheel washing facilities
 - vi. control of dust, dirt and noise emissions during construction
 - vii. timing of construction works and associated activities
 - viii. recycling/disposal of waste resulting from demolition and construction works
 - ix. a traffic management plan

Reason: In the interests of highway safety, and to help safeguard the residential amenities of the area, in accordance with Policies CS6 and CS7 of the Shropshire Local Development Framework Adopted Core Strategy. This information is required prior to commencement of the development since it relates to matters which need to be confirmed before subsequent phases proceed, in order to ensure a sustainable development.

CONDITIONS THAT REQUIRE APPROVAL DURING CONSTRUCTION/PRIOR TO OCCUPATION OF DEVELOPMENT

4. Prior to the first occupation of any part of the holiday accommodation hereby permitted, vehicular accesses and parking areas off the adjacent public highway to the northwest shall be formed/laid out in accordance with the approved block plan, and, notwithstanding any indication to the contrary, the additional existing vehicular access onto 'Shop Lane' to the southwest shall be permanently stopped up in accordance with details which shall first be submitted to and approved in writing by the local planning authority. The new/retained vehicular accesses and parking areas shall thereafter remain available for those purposes for the lifetime of the development.

Reason: In the interests of highway safety, in accordance with Policies CS6 and CS7 of the Shropshire Local Development Framework Adopted Core Strategy.

CONDITIONS RELEVANT FOR LIFETIME OF DEVELOPMENT

5. Prior to the first use or occupation of any part of the holiday accommodation hereby permitted, the existing hedge along the site's northwest boundary with the public highway shall be lowered to a maximum height of 1050mm. It shall thereafter be maintained in that condition for the lifetime of the development.

Reason: In the interests of highway safety, in accordance with Policies CS6 and CS7 of the Shropshire Local Development Framework Adopted Core Strategy.

6. No new or additional external lighting shall be installed or provided at the site other than in strict accordance with a detailed scheme which shall first be submitted to and approved in writing by the local planning authority. This shall be designed so as to take into account the guidance contained in the Bat Conservation Trust document 'Bats and Lighting in the UK'.

Reason: To minimise potential disturbance to foraging or commuting bats, and to help safeguard the visual and residential amenities of the area, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

7. The accommodation hereby permitted shall only be occupied by holidaymakers whose main residence is elsewhere. The owner/operator of the holiday accommodation enterprise shall maintain an up-to-date register of occupiers and their main home addresses, and shall make this information available to the local planning authority at any reasonable time.

Reason: To define the consent and prevent establishment of permanent new dwellings without further consideration of the appropriateness of such development in this location, having regard to Policies CS1, CS4, CS6, CS16 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

INFORMATIVES

1. Your attention is drawn specifically to the conditions above which require the Local Planning Authority's prior approval of further details. In accordance with Article 27 of the Town and Country Planning (Development Management Procedure) Order 2015, a fee (currently £116) is payable to the Local Planning Authority for each request to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority.

Where conditions require the submission of details for approval before development commences or proceeds, at least 21 days' notice is required in order to allow proper consideration to be given.

Failure to discharge conditions at the relevant stages will result in a contravention of the terms of this permission. Any commencement of works may be unlawful and the Local Planning Authority may consequently take enforcement action.

2. This development may be liable to a payment under the Community Infrastructure Levy (CIL) which was introduced by Shropshire Council with effect from 1st January 2012. For further information please contact the Council's CIL team (cil@shropshire.gov.uk).
3. This planning permission does not authorise the applicant to:
 - construct any means of access over the publicly maintained highway (including any footway or verge);
 - carry out any works within the publicly maintained highway;
 - authorise the laying of private apparatus within the confines of the public highway, including any a new utility connection; or
 - disturb any ground or structures supporting or abutting the publicly maintained highway.

Before carrying out any such works the developer must obtain a licence from Shropshire Council's Street Works Team. For further details see <http://www.shropshire.gov.uk/roads-and-highways/developing-highways/>.

Please note that Shropshire Council requires at least three months' notice of the developer's intention to commence any works affecting the public highway, in order to allow time for the granting of the appropriate licence/permit and/or agreement of a specification and approved contractor for the works.

4. Your attention is drawn to Section 59 of the Highways Act 1980, which enables the Highway Authority to recover additional costs of road maintenance associated with damage caused by extraordinary traffic. It is therefore in the developer's best interest to contact Shropshire Council's Streetworks Team before any works commence, to agree the condition of the local highway. If no pre-commencement survey/agreement is made, the Council will assume that any affected highway is in a satisfactory condition, and any repairs or maintenance subsequently found to be necessary will become the developer's responsibility to make good or contribute towards.
5. Your attention is drawn to the need to ensure provision of appropriate facilities for storage and collection of household waste (i.e. wheelie bins and recycling boxes). Specific consideration must be given to kerbside collection points, to ensure that site accesses, visibility splays, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycleways and vehicular carriageways) are unobstructed at all times, in the interests of public and highway safety.
6. The applicant/developer is responsible for keeping the highway free from mud or other material arising from construction works.
7. If any vehicular access and/or parking/turning areas slope towards the public highway, surface water run-off should be intercepted and disposed of appropriately. It is not permissible for surface water from the development to drain onto the public highway or into highway drains.
8. In order to control/attenuate surface water at source and avoid increasing the risk of flooding at the site or elsewhere, the use of sustainable drainage systems (SuDS) such as soakaways designed in accordance with BRE Digest 365, water butts, rainwater harvesting, permeable paving, attenuation and grey water recycling should be considered.

9. This planning permission does not authorise any right of passage over, or the obstruction, realignment, reduction in width, resurfacing or other alteration of, any private driveway or right of access. Before carrying out any such operation you should first satisfy yourself that you have the necessary consent from the landowner(s) and any other affected party, if necessary by taking legal advice.
10. Before any new connection to the public mains sewer is made, including any indirect connection or reuse of an existing connection, consent from the service provider must be obtained.
11. Active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks or on which fledged chicks are still dependent. If possible all demolition, clearance and/or conversion work associated with the approved scheme should be carried out outside the nesting season, which runs from March to September inclusive. If it is necessary for work to commence during the nesting season a pre-commencement inspection of buildings and vegetation for active nests should be carried out. If vegetation is not obviously clear of nests an experienced ecologist should be called in to carry out the check. Only if no active nests are present should work be allowed to commence.
12. Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected against killing, injury and trade by the Wildlife and Countryside Act 1981 (as amended). Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are also protected from trade, whilst the European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during the course of development works to ensure that these species are not harmed.
 - If piles of rubble, logs, bricks, other loose materials or other potential wildlife refuges would be disturbed, this should be carried out by hand during the active season (March to October) when the weather is warm.
 - Any grass should be kept short prior to and during construction, in to avoid creating wildlife habitats which would then need to be disturbed.
 - All storage of building materials, rubble, bricks and/or soil should be either on pallets or in skips or other suitable containers, in order to avoid use as refuges by wildlife which could then become trapped.
 - Wherever possible any trenches formed as part of the construction work should be excavated and closed during the same day in order to prevent wildlife becoming trapped. If it is necessary to leave a trench open overnight it should be sealed with a close-fitting plywood cover or provided with a means of escape in the form of a shallow-sloping earth ramp, board or plank. Any open pipework should be capped overnight, and all open trenches or pipework should be inspected for trapped animals at the start of each working day.
 - Any reptiles or amphibians discovered should be allowed to disperse naturally. If large numbers are present, advice should be sought from an appropriately qualified and experienced ecologist.
 - Should a hibernating hedgehog be found, it should be covered over with a cardboard box and advice should be sought from either an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (tel. 01584 890 801).

13. All species of bat found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). Should a bat be discovered on site at any point during the course of development work must halt and Natural England should be contacted for advice.
14. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework Paragraph 38.

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<u>Committee and date</u>
South Planning Committee
31 May 2022

Development Management Report

Summary of Application

<u>Application Number:</u> 22/01875/VAR	<u>Parish:</u>	Claverley
<u>Proposal:</u> Variation of Condition No.2 (approved plans) and No.16 (highway and access) attached to planning permission 17/05303/MAW dated 17/05/19 in order not to implement previously approved right turn lane at site access		
<u>Site Address:</u> Land near Shipley, Bridgnorth Road, Shipley, Shropshire		
<u>Applicant:</u> JPE Holdings Ltd		
<u>Case Officer:</u> Graham French	<u>email:</u> planningdmc@shropshire.gov.uk	

Recommendation: Grant Permission subject to the conditions and legal obligations set out in Appendix 1.

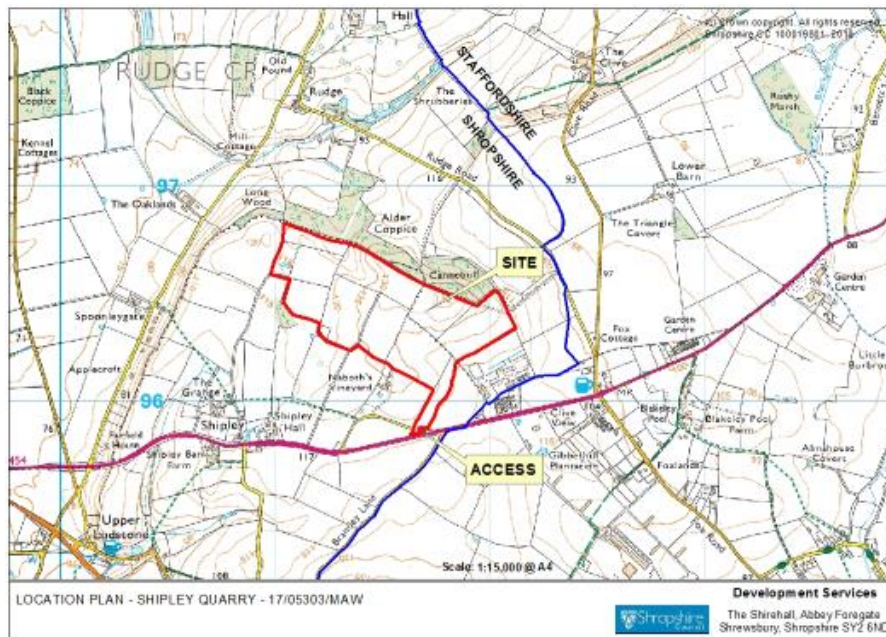


Figure 1: site location

REPORT

1. THE PROPOSAL

1.1 **Background:** Planning permission to extract 3.5 million tonnes of sand and gravel at the site over 14 years with phased restoration to agriculture and wildlife uses was granted on 17th May 2019. A Judicial Review was lodged by objectors on the grounds of

hydrology, Green Belt and air quality issues. The High Court Judgment was that the Council had not erred in its decision to approve the application and the development could proceed. Since this time preparatory works have been ongoing with construction of the plant site, access road, surface drainage, silt lagoon and screen bunding. Extensive planting has also been undertaken around the boundaries of the site. Mineral extraction would be able to commence following any approval of the currently proposed access amendment

- 1.2 A local community liaison group has convened, and meetings have taken place in February and April this year. The meetings have been chaired by Councillor Marshall with attendance by Councillor Lynch and representatives from the two Parish Councils, the local community and Shropshire Council planning and highways. The principle of the proposed access variation has been discussed at these meetings.
- 1.3 The proposals: The applicant JPE Holding Ltd is applying to vary the approved access arrangements for Shipleigh Quarry under planning permission 17/05303/MAW. The proposal is to remove a right-turn lane which is shown in currently approved access drawing (see Fig 2 below).

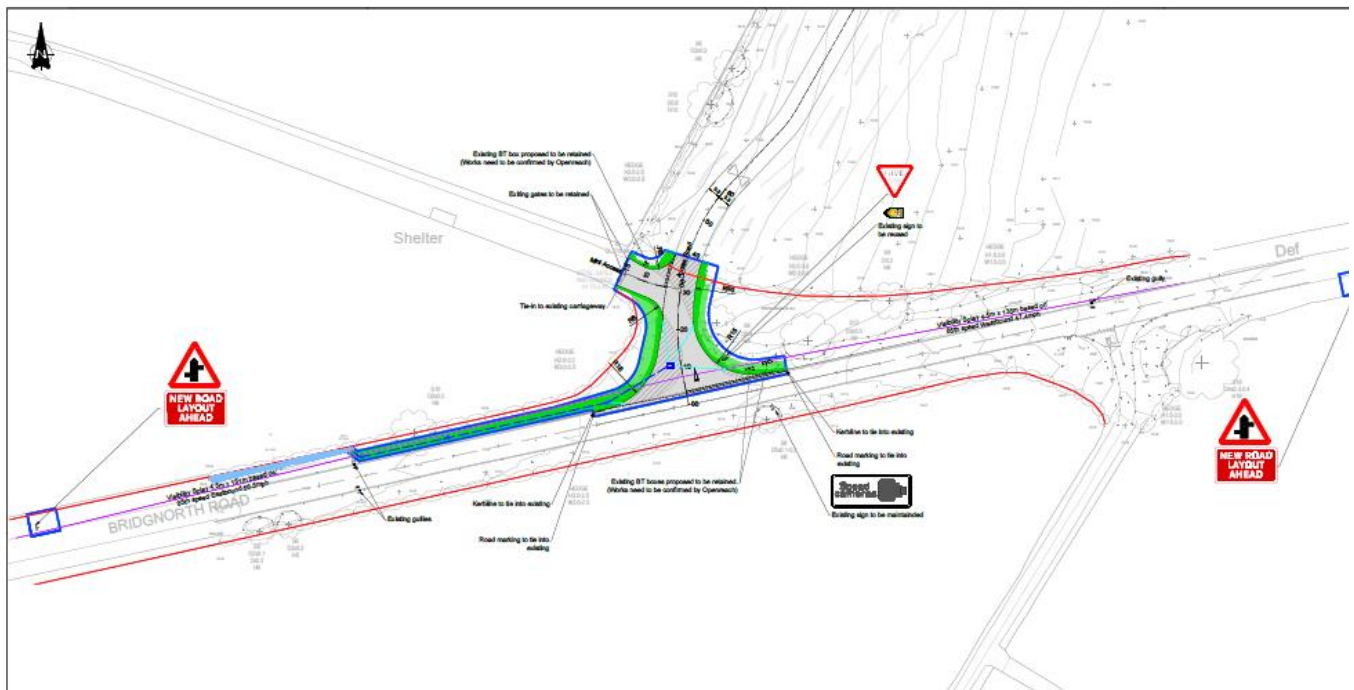


Fig 2 – Proposed amended access without ghost island

- 1.4 The proposal would bring the access plans approved for planning purposes into line with those approved under S184 of the Highways Act. A Stage 3 Road Safety Audit has been undertaken by the applicant’s highway consultant for the ‘as built’ junction arrangement (i.e. without the ghost island). This concludes that the current layout can safely accommodate all quarry HGV access from the A454 Bridgnorth Road and represents a safety improvement relative to the previously approved scheme involving the ghost island.
- 1.5 The applicant is proposing to vary Condition 2 or planning permission ref. 17/05303/MAW in order to substitute in the following updated document and plan to facilitate the proposed variation:

- i. Supersede approved plan 18531 03 Site Access Layout (under Condition 2b iv), with the latest highways S184 approved layout drawing (108813 101 D General Arrangement Plan)
 - ii. Supplement and supersede the approved Annex 1 - road safety audit (Condition 2c) with the new Stage 3 Road Safety Audit (SA 3433 December 2021 Stage 3 Road Safety Audit (SA 3433 December 2021 - Waterman Aspen) relating to the as constructed situation.
- 1.6 The applicant originally sought to progress the proposals as a non-material amendment (22/01214/AMP). However, the proposals were adjudged to involve material issues which exceeded the remit of the non-material amendment procedure. Accordingly, the current application has been submitted instead for an amendment under section 73 of the Planning Act. This carries the requirement for formal consultations to facilitate a more transparent decision-making process.

2. SITE LOCATION / DESCRIPTION

- 2.1 The Site (NGR SO 81533 96443) is located within the Green Belt on the eastern boundary of Shropshire (see figure 1). It is 2km south-southwest of the Staffordshire village of Pattingham, c.5km west-southwest of Wolverhampton and c. 9km east-northeast of Bridgnorth. The Site will have direct access on to the A454 Bridgnorth Road which links Bridgnorth to Wolverhampton. The planning application area totals 44.53ha of agricultural land, of which 23ha would be subject to mineral extraction operations.

3. REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The proposals have been referred to committee by Councillor Lynch, the local Member for the area covering the quarry access and the decision to refer the application to committee has been ratified by the Chair of the Committee.

4. COMMUNITY REPRESENTATIONS

- 4.1 Claverley Parish Council: No comments received. Comments related to the earlier non-material amendment application expressed concern that the proposals exceed the remit of the non-material amendment procedure. Concern also the amenity implication for directing quarry HGV's past residential property on the A454 frontage at Shipley.
- 4.2 Worfield and Rudge Parish Council (adjacent parish): No comments received. Comments related to the earlier non-material amendment application expressed concern that the proposals exceed the remit of the non-material amendment procedure. Concern was also expressed on an earlier proposal to divert quarry traffic approaching from the west past the access to turn back on itself at the Royal Oak Roundabout 1.6km to the west in order to avoid right-turn movements into the access. This was due to the Parish Council's concerns regarding the poor state of the carriageway in this location and evidence of stacking at peak times on the B4176 which crossed the A454 at this location. However, the current proposal does not involve directing HGV's via the Royal Oak island.
- 4.3 SC Highways: The Highway Authority has indicated that the revised junction layout is acceptable in principle. The amended layout is supported by a Road Safety Audit and has been approved under Section 184 of the Highway Act.

Public Comments

4.4 The application has been advertised in accordance with statutory provisions. No representations have been received.

5. THE MAIN PLANNING ISSUES

- i. Policy context
- ii. Whether the proposals can be justified in terms of highway safety
- iii. Environmental effects
- iv. Green Belt appraisal

6. OFFICER APPRAISAL

- 6.1 Policy context: The current proposals are linked to mineral working, so they derive support from the NPPF. This advises that 'it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation' (Para 209). 'When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy' (Para 211). At the same time planning authorities should amongst other matters 'ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites' (Para 211b). 'Minerals planning authorities should plan for a steady and adequate supply of aggregates' including amongst other matters by preparing an annual Local Aggregate Assessment and making provision for land won aggregates in their planning policies (Para 213).
- 6.2 Core Strategy Policy CS20 (strategic planning for minerals) advises that Shropshire's important and finite mineral resources will be safeguarded to avoid unnecessary sterilisation and there will be a sustainable approach to mineral working which balances environmental considerations against the need to maintain an adequate and steady supply of minerals to meet the justifiable needs of the economy and society. Mineral working should be environmentally sustainable and should seek to deliver targeted environmental benefits in accordance with policies CS8 and CS17.
- 6.3 Policy MD17 (controlling mineral working) requires consideration to be given to a number of matters including (i) protecting people and the environment from any adverse traffic impacts; (ii) site access and traffic movements, including the impact of heavy lorries on the transport network; (viii) evidence of the quantity and quality of the mineral to be excavated. It also refers to the possible need for restrictions on output to make a development environmentally acceptable.
- 6.4 The principle of mineral working at this site has been established by planning permission reference 17/05303/MAW and has subsequently been upheld by the High Court following a Judicial Review challenge. The principal issue to address for the current application is whether the proposed amended access layout is acceptable in highway safety terms.

- 6.5 Highway safety / justification: Paragraph 111 of the NPPF advises that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”. The 2017 minerals application includes a traffic assessment which considers the effect of the proposed quarry on the local road network. This advises that both peak hour and daily development flows are low and unlikely to have any material impact in any context. The proposals would change proportional flows on Bridgnorth Road by less than 2%. This is less than the daily variation in traffic flows on the Bridgnorth Road so is not considered material, either proportionally or in absolute terms.
- 6.6 With respect to the current proposals the applicant states that the Road Safety Audit (‘RSA’) undertaken by an independent highway consultant Waterman Aspen confirms that the previously approved ‘ghost’ island arrangement is not needed to accommodate right hand turns in to the quarry and that its removal represents a safety improvement. It is further stated that there are no implications for projected traffic movements over the life of the quarry.
- 6.7 An earlier 2018 Road Safety Audit prepared by the same consultant identified a potential problem with the original access design with the ghost island whereby eastbound drivers may overtake on the straight past the site access unaware of the approaching right-turn lane. The new RSA concludes that removal of the right turn lane has resolved this issue and notes that ‘junction ahead’ warning signs and overtaking restrictions have been included as per the RSA recommendation.
- 6.8 The applicant advises that 70% of HGVs would continue to move to and from the West Midlands conurbation with the remainder moving to the west, in the direction of Bridgnorth and Telford. The s106 routing provisions directing HGV’s on the A454 and avoiding minor roads would continue to remain in force. A 50mph speed limit would continue to be extended from Staffordshire past the site access towards Shipley using a £10k fund secured under the s106 agreement for the quarrying permission. Wider highway improvement details for the A454 would also be unaffected with a further £25k of funding for these works also secured under the s106 Agreement.
- 6.9 Claverley Parish Council previously expressed concerns at an earlier iteration of the revised layout which involved directing HGV’s approaching from the east past the site access to turn at the Royal Oak Island 1.6km to the west. They pointed out a number of concerns in relation to the current highway situation at the Island which they were concerned could be exacerbated by quarry HGV traffic. The new road safety audit has addressed these concerns by concluding that the proposed new quarry access arrangement excluding the ghost island would be capable of safely accommodating HGV’s turning into the site from the east and would result in a safety improvement relative to the original junction layout.
- 6.10 Highway officers have not objected and have approved the revised junction layout under section 184 of the Highways Act (section 278 would no longer apply). It is concluded that the revised junction layout can be regarded as acceptable and that refusal on highway grounds could not be sustained. (Policy MD17)

Environmental effects

- 6.11 The environmental implications of the quarry development have been comprehensively assessed under the main quarrying permission reference 17/05303/MAW and further information has subsequently been provided on these matters in order to discharge conditions imposed on the quarrying permission. All outstanding requirements for information linked to the original quarrying permission have now been discharged under discharge of conditions permission references 19/03737/DIS, 20/00640/DIS, 20/01971/DIS, 20/02324/DIS, 21/01690/DIS and 21/05108/DIS.
- 6.12 The current application would not result in any changes to the approved quarrying scheme with the exception of the proposed amended junction layout. As such, there is no requirement to revisit wider environmental issues linked to the quarrying scheme such as ecology, heritage, amenity and drainage in considering the current application.

Green Belt

- 6.13 The site is located in the Green Belt which is protected by the NPPF (Chapter 13) and Policies CS5 and MD6. The Green Belt has five main purposes (NPPF para 138):
- a) to check the unrestricted sprawl of large built-up areas
 - b) to prevent neighbouring towns merging into one another
 - c) to assist in safeguarding the countryside from encroachment
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.14 Mineral extraction is one form of development which may be acceptable within the Green Belt (NPPF Para 150). The quarrying proposals at Shipley were found to be acceptable development within the Green Belt and this conclusion was reinforced by the High Court decision on the Judicial Review challenge in January 2020. The current site access proposal would not change any other key details of the application. Moreover, removal of the previously proposed ghost island means that the site access would be subject to less engineering / change at the access which is where key views from within the Green Belt are afforded. As such, it is concluded that the proposals would not harm NPPF Green Belt objectives and may be mildly beneficial with respect to these objectives.

Effect of variation under Section 73

- 6.15 The effect of a variation under S73 of the Planning Act is to create a separate permission which sits alongside the original permission being varied and which can be implemented in preference. There is a requirement that any conditions attached to the original permission will be carried forward and updated in the context of the new variation as this may become the main planning consent where the permission is implemented. In the case of the current application a number of applications to discharge conditions attached to the original mineral permission have since been approved. It is necessary for any updated conditions attached to a variation permission to take account of this. This updating exercise has been undertaken in Appendix 1 below.

7. CONCLUSION

- 7.1 The proposal is to not proceed with construction of the originally approved ghost island for traffic turning right into quarry access from the A454. A Road Safety Audit has concluded that the simple T-junction layout now proposed without the ghost island would be able to safely accommodate quarry traffic and would also address a safety issue which had been identified with the ghost island.
- 7.2 Highway officers have not objected to the proposed amendment which has already been approved for the purpose of the Highway Act. Previous concerns from Claverley Parish Council about directing HGV traffic via the Royal Oak Island to the west of the site access so that it approaches the access from the west have been addressed by the Road Safety Audit which concludes that HGVs approaching from the east can turn safely into the site access.
- 7.3 The proposals would not result in any other changes to the previously approved details of the quarrying operations. As such there would not be any impacts to the local environment or amenities. It is concluded that proposals can be accepted in relation to relevant development plan policies and guidance and other material planning considerations subject to the recommended conditions.

8. RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

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 three months 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.

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 recommendation below.

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. FINANCIAL IMPLICATIONS

There are likely financial implications of 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 dependant on the scale and nature of the proposal. The financial implications of any decision are not a material planning consideration and should not be "weighed" in planning committee members' mind when reaching a decision.

Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RALNN7TDN5200>

10. PLANNING POLICY

10.1 The Shropshire Core Strategy

- Policy CS5 (Countryside and Green Belt) – allowing for development on appropriate sites within the countryside that maintain and enhance countryside vitality and character where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specified proposals including: required community uses and infrastructure which cannot be accommodated within settlements;
- Policy CS6 (Sustainable Design and Development Principles) – requiring designs of a high quality to respect and enhance local distinctiveness, mitigating and adapting to climate change
- Policy CS11 (natural and built environment) states that the character, quality and diversity of Shropshire's environments will be protected, enhanced and, where possible, restored in a way that respects this character.
- Policy CS8 (Facilities, Services and Infrastructure Provision) – seeking the development of sustainable places by preserving and improving facilities and services; facilitating the timely provision of additional facilities, services and infrastructure to meet identified needs in locations that are appropriate and accessible; positively encouraging infrastructure where this has no significant adverse impact on recognised environmental assets
- Policy CS17 (Environmental Networks) – to identify, protect, enhance, expand and connect Shropshire's environmental assets
- Policy CS18 (Sustainable Water Management) – to reduce flood risk; to avoid an
- adverse impact on water quality and quantity
- Policy CS20 (Strategic planning for Minerals)

10.2 Site Allocations and Management of Development Plan (SAMDEV)

- MD2 – Sustainable Design
- MD4 - Managing Employment Development
- MD5 - Sites for Sand and Gravel Working

- MD7b– General Management of Development in the Countryside
- MD12: The Natural Environment
- MD13: The Historic Environment
- MD15 - Landfill and Landraising Sites
- MD16 - Mineral Safeguarding
- MD17: Managing the Development and Operation of Mineral Sites

11. HUMAN RIGHTS

- 11.1 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

12 RELEVANT PLANNING HISTORY:

- 12/02049/FUL Application under Section 73A of the Town & Country Planning Act 1990 for the use of land as a model flying club, car parking area and erection of storage shed (Retrospective) GRANT 15th October 2012
- 16/01952/SCO Scoping Opinion for the extraction of sand and gravel SCO 16th August 2016
- 17/05303/MAW The phased extraction of sand and gravel, inclusive of mineral processing, all ancillary works, equipment and associated infrastructure and progressive restoration GRANT 17th May 2019
- 19/03737/DIS Discharge of Conditions 9 (Noise and Dust Monitoring Scheme) and 24 (Hydrogeological Monitoring Scheme) attached to Minerals and Waste application 17/05303/MAW DISPAR 26th November 2019 Grant March 2022
- 20/00640/DIS Discharge of Condition 29A (Scheme to safeguard trees and hedgerows) and 35 (Construction Environmental Management Plan) associated with planning application number 17/05303/MAW DISAPP 18th February 2020
- 20/01971/DIS Discharge of conditions 3a (commencement date), 11b (interim access arrangements), 18b (construction and surface treatment), 19 (wheel wash facility), 20 (specifications of quarry site) and 42a (stripping soils) on planning permission 17/05303/MAW DISAPP 30th July 2020
- 20/02324/DIS Discharge of condition 30a (Tree Planting and Habitat Creation Scheme) attached to planning permission 17/05303/MAW The phased extraction of sand and gravel, inclusive of mineral processing, all ancillary works, equipment and associated infrastructure and progressive restoration DISAPP 31st July 2020
- 21/01690/DIS Discharge of condition 28 (archaeology) on planning permission 17/05303/MAW DISPAR 9th April 2021
- 21/05108/DIS Discharge of condition 17 (highway drainage) on planning permission 17/05303/MAW DISAPP 2nd December 2021
- 22/01214/AMP Non-material amendment to planning application number 17/05303/MAW REFUSE 11th April 2022
- 22/01875/VAR Variation of Condition No.2 (approved plans) and No.16 (highway and access) attached to planning permission 17/05303/MAW dated 17/05/19 in order not to implement previously approved right turn lane at site access PDE

List of Background Papers:

Planning Application reference 22/01875/VAR and the accompanying documents and plans

Cabinet Member (Portfolio Holder): Cllr E.Potter

Local Member: Cllr Elliot Lynch (Alveley & Claverley), Cllr Richard Marshall (Worfield)

Appendices:

Appendix 1 - Conditions

APPENDIX 1

Legal Agreement Clauses attached to permission reference 17/05303/MAW which continue to apply:

- i. Traffic routing and management agreement preventing mineral lorries from using the minor roads in the vicinity of the site, with appropriate penalty clause for infringements;
- ii. Funding by the developer (£10k) for relocation of speed restriction nearer to the site access;
- iii. Provision for off-site hydrological monitoring at appropriate locations to be agreed;
- iv. Provision for off-site air quality monitoring at appropriate locations to be agreed;
- v. Securing availability of additional land for Great Crested Newt mitigation should this be required by Natural England under an EU Protected Species License;
- vi. Provision for 10 years aftercare for specific habitat areas to secure the stated habitat / biodiversity benefits of the proposed afteruse scheme;
- vii. Formation of a local community liaison group by the developer.

Conditions

1. The quarry development approved under permission reference 17/05303/MAW and hereby varied shall be deemed as having commenced on 1st June 2020 as per the cover email dated 15th May 2020 accompanying discharge of conditions application reference 20/01971/DIS. This date shall be referred to hereinafter as 'The Commencement Date'.

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

DEFINITION OF THE PERMISSION

- 2a. This permission shall relate to the areas edged red on Figure 2 (Existing Topographic Survey) accompanying application reference 17/05303/MAW (Drawing no. CE-CB0617-DW34) hereinafter referred to as the "Site".
- b. Unless otherwise required by the conditions attached to this permission, the development approved by permission reference 17/05303/MAW and hereby varied shall be undertaken in accordance with the approved scheme incorporating the following documents and plans:

- i. The application form dated 3rd November 2017
- ii. The Non-Technical Summary dated 31/10/2017
- iii. The planning supporting statement dated 31/10/2017
- iv. The Environmental Statement dated 31/10/2017 and the accompanying appendices.
- iv. The submitted drawings accompanying the Environmental Statement as amended, namely:
 - Figure 2 - CE-CB0617-DW34 -Topographical Survey;
 - Figure 3 - CE-CB0617-DW13c - Amended Working Scheme (dated 10/07/18);
 - Figure 4 – CE-CB0617-DW15c - Updated Concept Restoration Plan (dated 10/07/18);
 - CE-CB0617-DW21 - Figure 6 Phase 1 & 2 - Years 2-3 (as amended by Fig3);
 - CE-CB0617-DW24 - Figure 9 - Phase 5 - Years 9-10 (as amended by Fig3);
 - 108813 101 D General Arrangement Plan (supersedes 18531-03 – Site Access Layout).
- c. The further information submitted under Regulation 25 of the Environmental Impact Assessment Regulations 2018 comprising:
 - Stage 3 Road Safety Audit (SA 3433 December 2021 - Waterman Aspen) (supersedes Annex 1 - road safety audit)
 - Annex 2 - water features survey;
 - Annex 3.1 - cultural heritage addendum;
 - Annex 4.1 - ecology & trees;
 - Annex 4.2 – badgers;
 - Annex 5 - updated visual information;
 - Annex 6 - amenity protection.

Reason: To define the Site and permission

TIME LIMITS

- 3a. The commencement date for the quarry development approved under permission reference 17/05303/MAW and hereby varied is confirmed as 15th May 2020 as per the cover email accompanying discharge of conditions application reference 20/01971/DIS.
- b. No less than 7 days prior notice of the intended date for commencement of mineral extraction shall be given in writing to the Local Planning Authority.

Reason: To define and provide appropriate advanced notice of the Commencement Date and the date for commencement of mineral working under the terms of this permission.

4. Extraction of sand and gravel from the site shall cease within 15 years of the date of this permission and final restoration shall be completed within 2 years of the cessation date for mineral extraction.

Reason: To define the permitted timescale for working and

LIMITS OF MINERAL EXTRACTION

5. There shall be no entry into each new mineral working phase as defined by Figure 3 (amended working plan) until the limits of that phase have been physically defined by wooden posts or other appropriate means. The boundaries so marked shall be retained in position for the duration of the extraction operations within that phase.

Reason: To ensure that the limits of the extension area and of mineral extraction within the extension area are properly defined.

OUTPUT

- 6a. Mineral shall not be exported from the Site at a rate exceeding 250,000 tonnes per calendar year (commencing on 1st January and ending on 31st December).
- b. Written records of the tonnage of mineral produced from the Site shall be provided to the Local Planning Authority upon prior request within three months of the end of each calendar year.

Reason: In the interests of highway safety and to ensure that the production and export of mineral is controlled at a level which will protect the amenities of the local area.

NOISE AND DUST

7. Noise mitigation measures shall be employed for the duration of the quarrying operations in strict accordance with the recommendations in section 5-5.2.3 of the Noise Assessment report ref CE-CB-0617-RP17-FINAL produced by Crestwood Environmental Ltd.

Reason: To protect residential amenity.

- 8a. Subject to Condition 8c all noise mitigation measures stated in the Noise Assessment report ref CE-CB-0617-RP17-FINAL and report reference CE-CB-0617-RP42 - FINAL (dated 31 May 2018) produced by Crestwood Environmental Ltd shall be carried out in full for the duration of works on site. In particular, a 3.5m high screening bund shall be constructed along the southern boundary of the site and a 2.5m bund shall be constructed along the northern boundary. The platform for the quarry plant site shall also be set a minimum of 2m below existing ground levels.
- b. Noise levels measured as LAeq 1h (free field) shall not exceed the following levels at the nearby noise sensitive locations during normal quarrying operations.

Location	Noise Limit LAeq (1hr)
The Alders	43.8
Naboths Vineyard	49.4

- c. Notwithstanding condition 8a, noise levels shall not exceed 70dB(A) LAeq 1h (free field) at any sensitive properties during temporary operations such as soil stripping. The increase in noise levels allowable for temporary operations shall not apply for more than 8 weeks in total in any one year.

Reason: to protect residential amenity.

- 9. Noise and dust monitoring related to the permitted quarrying operations shall be undertaken in accordance with the schemes approved pursuant to discharge of conditions permission reference 19/03737/DIS.

Reason: To protect residential amenity.

Note: Monitoring within the site shall be supplemented by monitoring in other appropriate areas under the control of the applicant, under the provisions of the section 106 Legal Agreement accompanying this permission.

- 10. No development shall occur within Phase 5b and within 50m of the south east boundary of the Site in Phase 6b under the terms of this permission unless the following criteria are met:
 - i. The developer has submitted detailed noise and dust management plans specific to these areas of the development having regard to section 4.4 of the report reference CE-CB-0617-RP42 - FINAL by Crestwood Environmental dated 31st May 2018 and the results of noise and dust monitoring in preceding phases;
 - ii. The Local Planning Authority has provided written approval of the noise and dust management plans for Phase 5b.

Reason: To protect residential and local amenities.

- 11. Temporary operations for construction of the southern and eastern bunds and the access haul route shall take place in strict accordance with the outline Construction Environmental Management Plan (CEMP) detailed in report reference CE-CB-0617-RP42 - FINAL by Crestwood Environmental dated 31st May 2018. This is with the sole exception that construction within the CEMP area shall take place between 0900 - 1600 hours Monday to Friday only unless any works outside of these times have first been agreed in writing by the Local Planning Authority.
- 12a. The dust mitigation measures stated in the Dust Management Scheme, report reference CE-CB0617-RP10-FINAL and report reference CE-CB-0617-RP42 - FINAL (dated 31 May 2018) produced by Crestwood Environmental Ltd shall be carried out in full for the duration of all works on site. The sole exception to this shall be that no construction works shall take place outside of 0900 - 1600 hours Monday to Friday unless this has first been agreed in writing by the Local Planning Authority.

- b. The quarry haul route shall be maintained so that it is beyond a distance of 200m from the edge of the property boundary of the dwelling known as Naboth's Vineyard until such time as Phase 5b comes in to operation, in accordance with Section 4.3 of report reference CE-CB-0617-RP42 dated 31st May 2018.

Reason: To protect residential amenities.

- 13. The Dust Management Scheme (Ancient Woodland Specific Aspects) in section 4.1.32, and the recommendations in sections 3.3.20 – 3.3.26 of the 'Additional Ecological and Arboricultural Information and response to Planning Application Consultation (Planning Ref: 17/05303/MAW), Addendum to Chapter 6 of the Environmental Statement, Ref. CE-CB-0617-RP41 – Final' dated 31st May 2018 by Crestwood Environmental Ltd. shall be implemented from the commencement of the development until the restoration phase has been completed.

Reason: To ensure sensitive receptors including the Ancient Woodland and Ancient Plantation Woodland to the north of the site and Great Crested Newt (European Protected Species) habitats are not damaged by dust from quarrying activities.

- 14. In the event that a complaint is received regarding noise or dust impact and is subsequently validated by the Local Planning Authority the Developer shall submit a mitigation scheme for the approval in writing of the Authority which shall provide for the taking of appropriate remedial action within an agreed timescale. The mitigation scheme shall be submitted within 10 working days from the day when the Developer is notified of the complaint and the scheme shall be implemented in accordance with the approved details.

Reason: To assist in safeguarding the amenities of the area from noise or dust disturbance by implementing an agreed procedure for dealing with any complaints.

HOURS OF WORKING

- 15. Mineral extraction and associated operations under the terms of this permission shall not take place other than between the following hours except where emergency access is required or for undertaking maintenance to quarry plant:

7.00 – 18.00 on Mondays to Fridays and 7.00 - 13.00 on Saturdays
and such operations shall not take place on Sundays and Bank Holidays.

Reason: To safeguard the amenities of the area.

HIGHWAY AND ACCESS

- 16. The quarry access shall be maintained in accordance with the details approved under the approved access plan reference 108813 101 D General Arrangement Plan for the duration of the quarrying and restoration operations hereby approved.

Reason: To ensure a satisfactory means of access to the highway

17. The visibility splays at the site access onto the A454 shall be maintained permanently clear of all obstructions for the duration of the quarrying and restoration operations hereby approved.

Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users.

- 18a. Any gates provided to close the proposed access shall be set a minimum distance of 15 metres from the carriageway edge and shall be made to open inwards only.

- b. Details of construction and surface treatment for the internal access road leading to plant site shall be submitted for approval prior to the Commencement Date. The internal access road shall be constructed and maintained in accordance with the approved details

Reason: To ensure a satisfactory form of access is provided in the interests of highway safety.

19. A wheel wash facility shall be provided at the Site in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to the Commencement Date. The approved facility shall be retained for the duration of the operations hereby permitted. Wheel cleaning shall be employed by all goods vehicles leaving the Site so as to avoid the deposit of mud on the public highway. In those circumstances where mud or dust has been transported onto the metalled access road a tractor mounted brush or other similar device shall be employed in order to clean the road.

Reason: In the interests of highway safety.

Informative Notes:

- i. Mud on highway: *The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.*
- ii. No drainage to discharge to highway: *Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.*
- ii. Section 278 Agreement: *No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND to progress the agreement. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 278 of the Highways Act 1980 entered into.*
<http://www.shropshire.gov.uk/hwmaint.nsf/open/7BED571FFB856AC6802574E4002996AB>

iii. Works on, within or abutting the public highway: This planning permission does not authorise the applicant to:

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

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

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

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

iv. Extraordinary maintenance: The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic.

PLANT AND STOCKPILING

20. Note: This condition previously attached to planning permission reference 17/05303/MAW has been discharged through provision of quarry plant details under discharge of conditions approval reference 20/01971/DIS.

REMOVAL OF G.P.D.O. RIGHTS

21. Notwithstanding the provisions of Part 17 A and Ba of the Town and Country Planning General Permitted Development Order 2015 or any re-enactment of this statute, no fixed plant, mobile processing plant, machinery, buildings, structures, or erections of the nature of plant or machinery, shall be erected without the prior written approval of the Local Planning Authority.

Reason: To ensure that any proposals to erect additional plant or structures within the Site are consistent with the need to protect the environment and visual amenities of the area, taking account of the ability of existing vegetation to perform an acceptable screening function.

PHASING

22. Phasing within the site shall take place in strict accordance with the approved working scheme plan (reference CE-CB0617-DW13c) detailed in section 4.3 of the report reference CE-CB-0617-RP42 - FINAL dated 10th July 2018.

Reason: To ensure that the Site is worked in a properly phased manner.

DRAINAGE AND HYDROLOGY

23. *Note: This condition previously attached to planning permission reference 17/05303/MAW has been discharged through provision of surface water drainage details under discharge of conditions approval reference 21/05108/DIS*

Notes:

- i. A 'permit to discharge' to surface water may be required to control the quality of any surface water discharge from settlement lagoons to controlled waters. To discuss and/or apply for a permit please contact the local Environment Agency Land and Water team on telephone 02030 251670.
 - ii. The Environment Agency has advised that dewatering the proposed excavation (even at the permissible 20m³ de minimis daily abstraction rate if in the same system) may lower groundwater levels locally and may affect nearby domestic and licensed groundwater sources and other water features.
24. The hydrological monitoring scheme approved under discharge of conditions approval reference 21/05108/DIS shall be implemented in full for the duration of the quarrying operations hereby approved.

Reason: To protect the local water environment from harm resulting from any localised interactions, in accordance with Core Strategy Policy CS18.

Note: This condition is linked to a section 106 legal agreement clause which facilitates hydrological monitoring in appropriate locations in the area surrounding the application site.

- 25a. Within one month of the identification of any potential material changes to local groundwater levels and/or local water features, as defined within the HMS (referred to at Condition 24), a scheme of investigation ("the Scheme of Investigation") shall be submitted to the Local Planning Authority for approval in writing. The scheme shall include:
- i. Proposals to investigate the cause of the material change to local groundwater levels or those local water features identified in the HMS;
 - ii. Measures to mitigate the associated risks, where the cause is attributable to on-site operations hereby consented; and
 - iii. Proposals for subsequent monitoring and reporting in relation to the success or subsequent amendment of mitigation measures undertaken.
- b. Once the Scheme of Investigation has been approved in writing by the Minerals Planning Authority, it shall be implemented in full thereafter.

Reason: To protect the local water environment should monitoring in accordance with the HMS approved under Condition 24 indicate a material change by securing mitigation if necessary in accordance with Core Strategy Policy CS18.

26. No extraction operations shall take place below 109m above ordnance datum unless the hydrological monitoring scheme required by Condition 24 has confirmed to the written

satisfaction of the Local Planning Authority that extraction below this level would not intercept the permanent groundwater table.

Reason: To prevent any deterioration of ground or surface waters ('controlled waters' as defined under the Water Resources Act 1991).

27. Throughout the period of working, restoration and aftercare, the operator shall take all reasonable steps to ensure that drainage from areas adjoining the site is not impaired or rendered less efficient by the permitted operations. The operator shall take all reasonable steps, including the provision of any necessary works, to prevent damage by erosion, silting or flooding and to make proper provision for the disposal of all water entering, arising on or leaving the site during the permitted operations.

Reason: To ensure the permitted development does not adversely affect the drainage of adjoining areas.

Archaeology

28. Archaeological investigations shall take place within the Site in accordance with the Written Scheme of Investigation approved under discharge of conditions permission reference 21/01690/DIS.

Reason: The site is known to hold archaeological interest

Arboriculture

29. Safeguarding of trees shall be maintained within the Site for the duration of the mineral working and restoration works hereby approved in strict accordance with the arboricultural scheme approved under discharge of conditions permission reference 20/00640/DIS.

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

- 30a. Tree planting and habitat creation within the Site shall take place in accordance with the scheme approved under discharge of conditions permission reference 20/02324/DIS.

- b. If within a period of three years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or, in the opinion of the LPA becomes seriously damaged or diseased, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: to ensure satisfactory tree and shrub planting and habitat creation to enhance biodiversity and the appearance of the development and its integration into the surrounding area.

ECOLOGY

- 31a *Note: This condition previously attached to permission reference 17/05303/MAW has been discharged through confirmation that the applicant has obtained a European*

Protected Species for Great Crested Newt from Natural England (license reference 2019-40866-EPS-MIT-1).

- b. Prior to commencement of development (or each phase of development with prior agreement of the Local Planning Authority) an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall be appointed to ensure that the mitigation and enhancement measures and method statements are adhered to. The ECW shall provide brief notification to the Local Planning Authority of any pre-commencement checks and measures in place.

Reason: To ensure the protection of Great Crested Newts and bats which are European and UK protected species and other wildlife.

32. A minimum buffer zone of 30m of semi-natural habitat will be securely fenced between the northern woodland boundary and mineral extraction for the lifetime of the development. There will be no movement of vehicles or storage of materials within the buffer except for the first 5m beside the extraction boundary of Phase 2 where a temporary soil bund will be stored.

Reason: To protect Ancient Woodland and Plantation Ancient Woodland from direct and indirect damage due to mineral extraction in accordance with NPPF 118, CS17: Environmental Networks and SAMDev Plan policy MD12: Natural Environment.

33. All site clearance, mineral extraction, landscaping and biodiversity enhancements shall occur strictly in accordance with the recommendations in Appendix E8 Confidential Ecology Information – Badger by Crestwood Environmental Ltd., unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the protection of Badgers.

34. *Note: This condition previously attached to permission reference 17/05303/MAW has been discharged through confirmation that the applicant has provided 4 bat boxes within the Site.*

35. The Construction Environmental Management Plan for ecology approved under discharge of conditions permission reference 20/00640/DIS shall remain in force for the duration of the mineral extraction and restoration operations hereby approved.

Reason: To protect features of recognised nature conservation importance, in accordance with SAMDev policy MD12, Core Strategy policy CS17 and section 170 of the NPPF.

36. For each phase of the permitted development, commencing after 2 years from the date of the planning consent the approved ecological measures and mitigation secured through conditions shall be reviewed and, where necessary, updated and amended. The review shall be informed by further ecological surveys (in line with recognised national good practice guidance) in order to:

- i. Establish if there have been any changes in the presence and/or abundance of species or habitats on the site, and

- ii. Identify any likely new ecological impacts and mitigation requirements that arise as a result.

Where update surveys show that conditions on the site have changed (and are not addressed through the originally agreed mitigation scheme) then a revised updated and amended mitigation scheme, and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the phase. Works will then be carried forward strictly in accordance with the proposed new approved ecological measures and timetable.

Reason: To ensure that development is informed by up to date ecological information and that ecological mitigation is appropriate to the state of the site at the time phases of development commence, in accordance with wildlife legislation, NPPF 118 and MD12.

- 37. Habitat management shall take place throughout the mineral working and restoration operations hereby approved in accordance with the habitat creation scheme approved under discharge of conditions permission reference 20/02324/DIS (also covering Condition 30a).

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 118 of the NPPF.

Informative notes

- i. *Badgers, their setts and the access to the setts are expressly protected under the Protection of Badgers Act 1992. It is a criminal offence to kill, injure, take, possess or control a badger; to damage, destroy or obstruct access to a sett; and to disturb a badger whilst it is occupying a sett. No development works or ground disturbance should occur within 30m of a badger sett without having sought advice from an appropriately qualified and experienced ecologist and, where necessary, without a Badger Disturbance Licence from Natural England. All known badger setts must be subject to an inspection by an ecologist immediately prior to the commencement of works on the site. There is an unlimited fine and/or up to six months imprisonment for such offences. Items used to commit the offence can also be seized and destroyed.*
- ii. *The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences. All vegetation clearance, tree pruning or removal of scrub or other suitable nesting habitat should be carried out outside of the bird nesting season which runs from March to August inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.*
- iii. *Great crested newts are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to kill, injure, capture or disturb a great crested newt;*

and to damage, destroy or obstruct access to its breeding and resting places (both ponds and terrestrial habitats). There is an unlimited fine and/or up to six months imprisonment for such offences. If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

LIGHTING

38. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall:
- i. identify those areas/features on site that are particularly sensitive for bats, where lighting is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example for foraging; and
 - ii. show how and where external lighting shall be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
 - iii. Include no lighting on the access road.

All external lighting shall be installed strictly in accordance with the specifications and locations set out on the plan, and thereafter retained for the lifetime of the development. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014).

Reason: To minimise disturbance to bats, which are European Protected Species.

SITE MAINTENANCE

39. All existing and proposed perimeter hedges, fences and walls shall be maintained and made stock-proof from the commencement of the development until the completion of aftercare.

Reason: To protect the welfare of any livestock kept within the permitted Site and on adjoining land

40. All undisturbed areas of the Site shall be kept free from weed infestation by cutting, grazing or spraying as necessary.

Reason: To prevent a build-up of weed seeds in the soil, whilst protecting the nature conservation value of the non-agricultural areas.

SOIL HANDLING

41. No waste, overburden or silt other than those arising as a direct result of the excavation and processing of mineral on the Site shall be deposited within the Site and such materials shall be used-in the restoration of the site.

Reason: To define the types of restoration material for use at the Site.

- 42a. Not less than five working days prior notice shall be given to the Local Planning Authority of the intention to start stripping soils in each phase of the site.

- b. All topsoil and subsoil shall be permanently retained on Site for use in restoration and shall be stripped to its full depth within excavation areas. In addition, medium textured mineral soils recovered from the Site which are suitable for use as a soil shall be stored for future use in restoration of the Site.
- c. No part of the Site shall be excavated or traversed or used for a road or for the stationing of plant or buildings, or storage of soils, mineral or overburden, until all available topsoil and subsoil has been stripped.

Reason: To allow monitoring of soil stripping operations (40a) and to prevent loss or damage to soils (40b,c).

Note: Where soils are stripped to less than 1 metre depth the developer should take action to rectify this deficiency by using soil making materials recovered during the working of the Site.

- 43a. All soil and soil forming materials shall be handled in accordance with Defra's Good Practice Guide for Handling Soils. Soil shall only be moved when in a dry and friable condition and shall not be moved after significant rainfall. No plant or vehicles shall cross any area of un-stripped topsoil or subsoil except where such trafficking is essential and unavoidable for the purpose of undertaking the permitted operations. Essential trafficking routes shall be marked so as to give effect to this condition.

- b. Soil handling and movement shall not be carried out between the months of October to March inclusive, unless a scheme to agree soil movement outside of these times has first been agreed in writing by the Local Planning Authority.

Reason: To prevent damage to soil structure.

- 44a. All topsoil, subsoil and soil making materials shall be stored in separate mounds which:

- i. do not exceed 3.5 metres in height for topsoil and 5 metres for subsoil unless otherwise approved by the Local Planning Authority;
- ii. shall be constructed with external bund gradients not exceeding 1 in 2;
- iii. shall be constructed with only the minimum amount of compaction to ensure stability and so shaped as to avoid the collection of water in surface undulations;
- iv. shall not be traversed by heavy vehicles or machinery except where essential for the purpose of mound construction or maintenance;
- v. shall not subsequently be moved or added to until required for restoration unless otherwise agreed by the Local Planning Authority;
- vi. shall be seeded or hydra-seeded as appropriate as soon as they have been formed if they are to remain in place for more than 6 months;

vii. if continuous mounds are used, dissimilar soils shall be separated by either hay, sheeting or such other suitable medium.

- b. Within 3 months of the formation of storage bunds the operator shall submit a plan to be approved in writing by or on behalf of the MPA showing the location, contours and volumes of the bunds, and identifying the soil types and units contained therein.

Reason: To prevent loss of soil and minimise damage to soil structure.

45. The applicant shall notify the MPA at least 5 working days in advance of the commencement of the final subsoil placement on each phase, or part phase to allow a site inspection to take place.
46. All stones and other materials in excess of 100 mm in any dimension which are likely to obstruct cultivation in the agricultural afteruse shall be picked and removed from the site.

REMOVAL OF PLANT AND STRUCTURES

47. All buildings, plant or structures within the permitted Site which have been installed in connection with the operations authorised under this permission and is not required in connection with the approved afteruse shall be removed from the Site within twelve months of completion of mineral extraction and the sites of such buildings, plant and machinery shall be restored in accordance with the provisions of the approved restoration and aftercare schemes.

Reason: To assist in securing the full and proper restoration of the Site within an acceptable timescale.

AFTERCARE

- 48a. Restored areas of the site which are designated for agricultural use shall be subject to 5 years aftercare.
- b. Aftercare schemes for each restored section of the Site shall be submitted as soon as restoration has been completed to the satisfaction of the Local Planning Authority. The submitted schemes shall provide an outline strategy for the aftercare period in accordance with Paragraph: 057 of Minerals Planning Practice Guidance. This shall specify the steps to be taken and phasing in the management of the land to promote its rehabilitation to the target afteruses; including where appropriate:
- i. A map identifying clearly all areas with phasing, subject to aftercare management,
 - ii. A remedial field drainage system, and
 - iii. A pre-release report to demonstrate that the land has been reclaimed to the required standard.
- c. Aftercare schemes for each phase shall make provision for the following works, as appropriate:
- i. minor regrading works as necessary to alleviate the effects of settlement and surface ponding or minor improvements to landform in habitat areas;

- ii. measures to reduce the effects of compaction;
- iii. cultivation works;
- iv. reseeding where necessary of any parts of the area sown which do not provide a satisfactory plant growth in the first year;
- v. grass cutting or grazing;
- vi. replacement of hedge and tree failures;
- vii. weed and pest control;
- viii. Vegetation management proposals including as necessary firming, re-staking, fertiliser application, thinning and replacement of failures within the aftercare period;
- ix. Habitat management proposals within the aftercare period;
- x. Track maintenance within the Site;
- xi. Repair to erosion damage;
- xii. Provision of drainage including the construction/maintenance of ditches, ponds or soakaways and an underdrainage system where natural drainage is not satisfactory;
- xiii. Provision of field water supplies.

Aftercare shall be undertaken in accordance with the approved schemes.

Reason: To ensure the establishment of a productive afteruse for the agricultural area and suitable, varied wildlife habitat conditions for the non-agricultural areas of the Site in accordance with the details of the approved scheme.

Note: Areas designated for non-agricultural afteruse including as habitat areas shall be subject to extended aftercare as specified in the section 106 legal agreement accompanying this permission.

ANNUAL REVIEW

- 49a. Before 1st February after the Commencement Date and after every subsequent anniversary of the Commencement Date for the duration of mineral working and restoration works under the terms of this permission an annual review of Site operations shall take place involving the Mineral Planning Authority and the Site operator. The Annual Review shall consider areas of working, mineral resource issues, progressive restoration and aftercare works undertaken during the previous calendar year and shall include proposals for working, restoration and aftercare for the forthcoming year. The Annual Review shall in particular review noise, dust, traffic, visual amenity associated with mineral working. It shall also detail proposals for aftercare works on all restored areas of the Site not already subject to an approved scheme, including areas of habitat management and planting, and shall take account of the need to provide the following as soon as practicable after the completion of the restoration operations:
- i. The steps to be taken and the period(s) during which they are to be taken in order to bring the land into approved afteruses, including habitat creation.
 - ii. Drainage provisions as necessary for the restored areas.
 - iii. The provision of fences, hedgerows, gates and water supplies.
 - iv. The cultivation of the land to establish a seedbed suitable for the sowing of grass seed and to facilitate the planting of trees and shrubs.

- v. The fertilizing and liming of the Site in accordance with the requirements of the land as determined by soil analysis, but avoiding raising soil fertility of the open habitats of the non-agricultural areas.
- vi. A review of the production of mineral and use of fill sand in the previous year and implications for the future working and restoration of the Site.

Reason: To assist in ensuring establishment of the approved afteruses.

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SCHEDULE OF APPEALS AS AT COMMITTEE 31 May 2022

LPA reference	20/01219/FUL
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Mr Darren Giles
Proposal	Change of use of private kennels to Boarding Kennels and Dog Grooming
Location	Orchard Cottage 5 Crackleybank Sheriffhales Shifnal Shropshire TF11 8QS
Date of appeal	29.03.2021
Appeal method	Written reps
Date site visit	17.02.2022
Date of appeal decision	08.04.2022
Costs awarded	
Appeal decision	Dismissed

LPA reference	21/03048/VAR
Appeal against	Non-Determination
Committee or Del. Decision	n/a
Appellant	Mr Alf Murray
Proposal	Removal of Condition No. 2 attached to planning permission SS/1/05/17285/F dated 12 September 2005 (resubmission)
Location	Longville Arms Longville In The Dale Much Wenlock Shropshire TF13 6DT
Date of appeal	12.04.2022
Appeal method	Written Reps
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	21/05298/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mrs Jennifer R Perry
Proposal	Erection of 2no. self build open market dwellings with detached garages
Location	Proposed Residential Development Land Adjacent Ashcroft Hopton Wafers Shropshire
Date of appeal	12.04.2022
Appeal method	Written Reps
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	20/01178/CPE
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Chris Dayus
Proposal	Application for Lawful Development Certificate for existing use for static caravan on site for welfare, weekend accommodation, accommodation whilst lambing, holiday accommodation and permanent accommodation for a period of over 12 months in 2012-2013.
Location	Caravan To The East Of Hollow Ash Lane Coton Alveley Shropshire
Date of appeal	20.04.2022
Appeal method	Written Reps
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	19/02846/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr & Mrs Paul & Gabrielle Buszard
Proposal	Erection of 1No dwelling and formation of pedestrian access
Location	Proposed Dwelling Adjacent 20 St Marys Steps Bridgnorth Shropshire
Date of appeal	22.04.2022
Appeal method	Written representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	21/05826/CPL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr D Watts
Proposal	Application for a Lawful Development Certificate for the proposed siting of a residential lodge built to caravan spec, ancillary to the main house
Location	Mistletoe Cottage Crows Nest Snailbeach Shrewsbury Shropshire SY5 0LU
Date of appeal	25.04.2022
Appeal method	Written Reps
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	21/00008/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs S Carless
Proposal	Outline application (access for consideration) for the erection of one open market dwelling; creation of new vehicular access
Location	Proposed Dwelling North Of Tudor Cottage 1 Leamoor Common Wistanstow Shropshire
Date of appeal	19.11.2021
Appeal method	Written reps
Date site visit	
Date of appeal decision	19.04.2022
Costs awarded	
Appeal decision	Dismissed

LPA reference	20/04167/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Dale Vass
Proposal	Erection of a self-build dwelling and garage, formation of vehicular access, installation of package treatment plant
Location	Dwelling To The West Of Tenbury Road Clee Hill Shropshire
Date of appeal	01.12.2021
Appeal method	Written Reps
Date site visit	
Date of appeal decision	29.04.2022
Costs awarded	
Appeal decision	Dismissed

LPA reference	19/03152/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr John Price
Proposal	Use of land for the stationing of caravans for residential purposes for 1No. gypsy pitch and part retrospective installation of hard standing and septic tank
Location	Land East Of Beamish House Beamish Lane Albrighton Shropshire
Date of appeal	26.11.2020
Appeal method	Hearing
Date site visit	08.03.2022
Date of appeal decision	10.05.2022
Costs awarded	
Appeal decision	Dismissed

LPA reference	18/01258/OUT
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Mr & Mrs JN & SA West
Proposal	Outline application for the erection of 5 No dwellings, to include means of access (re-submission and amended description)
Location	Proposed Residential Development Land South East Of Springbank Farm Shrewsbury Road Church Stretton Shropshire
Date of appeal	10.02.2022
Appeal method	Written Reps
Date site visit	
Date of appeal decision	16.05.2022
Costs awarded	
Appeal decision	Dismissed

LPA reference	20/05156/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Peter Jones
Proposal	Demolition of former poultry rearing buildings and erection of 2 attached dwellings and garages (resubmission)
Location	Proposed Residential Development Land East Of More Court Brockton Much Wenlock Shropshire
Date of appeal	11.02.2022
Appeal method	Written Reps
Date site visit	
Date of appeal decision	16.05.2022
Costs awarded	
Appeal decision	D

LPA reference	20/04580/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr David Lawson
Proposal	Erection of two detached dwellings following demolition of existing buildings; formation of parking area; to include removal of several trees
Location	Land Adjoining The Old Vicarage Victoria Road Much Wenlock Shropshire TF13 6AL
Date of appeal	19.01.2022
Appeal method	Written representations
Date site visit	22.03.2022
Date of appeal decision	17.05.2022
Costs awarded	
Appeal decision	Dismissed

LPA reference	
Appeal against	
Committee or Del. Decision	
Appellant	
Proposal	
Location	
Date of appeal	
Appeal method	
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	
Appeal against	
Committee or Del. Decision	
Appellant	
Proposal	
Location	
Date of appeal	
Appeal method	
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	
Appeal against	
Committee or Del. Decision	
Appellant	
Proposal	
Location	
Date of appeal	
Appeal method	
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

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Appeal Decision

Site visit made on 17 February 2022

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th April 2022

Appeal Ref: APP/L3245/W/21/3268538

5 Orchard Cottage, B4379 From Brewers Oak Farm To Sheriffhales Crossroads, Crackleybank, Sheriffhales TF11 8QS

- 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 Darren Giles against the decision of Shropshire Council.
 - The application Ref 20/01219/FUL, dated 19 February 2020, was refused by notice dated 20 October 2020.
 - The development proposed is change of use of private kennels to boarding kennels and dog grooming.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal can be effectively managed with regard to highway safety.

Reasons

3. The site comprises a detached dwelling known as 'Orchard Cottage'. This is an extended property incorporating a number of outbuildings and kennels, which is located within the Green Belt.
4. The proposal seeks to utilise two existing kennel blocks. Block 1 is in the garden to the north of the dwelling. This includes five kennels, a whelping pen (used for the appellant's dog breeding activities) and dog grooming areas. Block 2 comprises four kennels and is to the south of the entrance into the site and parking area.
5. The appeal site is located along the B4379 approximately 45m south of the traffic-controlled junction with the A5. Whilst there is some on-site parking there would be sufficient space for a vehicle to enter and exit the site in a forward gear, subject to one of the parking spaces being vacant. The site is also gated.
6. The gates are about 3.5m from the rear of the carriageway and operated remotely and incorporate an intercom system. Therefore, other than smaller vehicles most would overhang onto the highway in the event that the gates are closed. Whilst I note that this is an existing access, the proposal would result in an intensification of its use. Consequently, this type of arrangement would increase the risk of obstruction and collision for vehicles using the highway.

Therefore, having regard to the Framework this would have an unacceptable impact on highway safety.

7. The appellant has sought to respond to the above concern and a previously refused planning application for a similar proposal (17/00715/FUL) by proposing the operation of a collection and deliver service. This would involve an appointment system and the appellant using his own transport to collect and return customers dogs. In theory, this is intended to remove the need for customers to visit the site.
8. Nevertheless, I share the Council's concerns that dog owners would want to physically view and inspect the quality of the boarding facilities. Moreover, the appellant is the only person operating the facility and there is insufficient information to show how he would practically operate the dog collection and delivery service, whilst also undertaking the day-to-day management of boarding kennels for up to 8 dogs and a dog grooming service. There is also insufficient information to show how a condition requiring that the business operates on a collection and delivery service could be effectively monitored.
9. The appellant advises that the kennels and dog grooming business were operating between 2015 - 2017 without any associated road traffic collisions or incidents. However, I have not been provided any information in terms of the levels of use and vehicular activity associated with this to draw any meaningful conclusions.
10. Since planning application 17/00715/FUL was refused, traffic lights have been installed at the junction of the A5/B4379. While this may have improved highway safety at the junction, this does not address the suitability of the existing access for the proposal.
11. Based on the above reasons, and notwithstanding the Council's initial recommendation to approve, it has not been shown that the proposal can be effectively managed without detriment to highway safety. As such, I find conflict with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy, March 2011, which amongst other things requires that all developments are safe and accessible.

Other matters

12. The Council had suggested a condition to allow the business to operate on a temporary basis to allow the proposed collection and delivery service to be properly evaluated. However, the appellant has not specifically requested a temporary consent, and as already stated an effective mechanism to monitor this has not been identified.

Conclusion

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

M Aqbal

INSPECTOR



Appeal Decision

Site visit made on 18 January 2022

by **J Williamson BSc (Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th April 2022

Appeal Ref: APP/L3245/W/21/3279519

1 Tudor Cottage, Roman Road, Leamoor Common, Wistanstow SY7 8DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Simon & Mrs Jean Carless against the decision of Shropshire Council.
 - The application Ref 21/00008/OUT, dated 02 January 2021, was refused by notice dated 11 March 2021.
 - The development proposed is erection of one self-build dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal seeks outline planning permission with access applied for and all other matters reserved. I have considered the appeal on this basis. Therefore, for the avoidance of doubt, I have taken drawing Ref PL1 A as being illustrative only.
3. The description of proposed development given on the Council's Decision Notice differs to that provided on the planning application form. As I have not been provided with any evidence that the appellant agreed to the change of description, I have made my decision based on the description of proposed development given on the planning application form, which states that access is applied for.
4. The appellants statement contends that a section 106 agreement/unilateral undertaking is to be submitted with the appeal. However, I have not received any such document.

Main Issue

5. The main issue is whether the site is a suitable location for residential development, having regard to relevant local and national planning policies and other material considerations.

Reasons

6. The site consists of the northern half of the domestic curtilage of Tudor Cottage. It comprises a level grassed area with hard-standing and triple garage. There are hedges and trees along its boundaries and an existing vehicular access off Roman Road. This is where the proposed access would be, set-back a little from the carriageway edge.

7. Roman Road is a minor rural road, running between Wistanstow to the south, and through Leamore Common to Bushmoor to the North. The site is located on the western side of the road at the southern end of the hamlet of Leamore Common, positioned between Tudor Cottages and their associated gardens to the south and a neighbouring dwelling, Bridle Cottage, and its associated outbuildings and gardens to the north.
8. A collection of residential properties and their associated outbuildings are located along the western side of Roman Road, stretching from Tudor Cottages at the southern end to properties just north of Long Length Road, which is north of the site. Although the buildings are set-back at varying distances from the road, the dwellings and their associated outbuildings and gardens form a core, built-up strip of the hamlet of Leamore Common. For planning policy purposes, the site is located within the countryside and within the Shropshire Hills Area of Outstanding Natural Beauty.
9. The appellants seek to construct an open market dwelling as supported by current 'Right to Build' legislation¹. Policy CS1 of the Shropshire Local Development Framework: Adopted Core Strategy, 2011, (CS), outlines the strategic approach to development across the County. The strategy includes seeking to ensure that rural areas will become more sustainable through a rural rebalance approach, which includes accommodating around 35% of the area's residential development in rural areas over the plan period. Such development will be located predominantly within Community Hubs and Community Clusters.
10. Outside of Community Hubs and Clusters development will primarily be for economic diversification and for affordable housing to meet the needs of local communities. The designated Community Hubs and Clusters are outlined in Policy MD1 of the Shropshire Council Site Allocations and Management of Development Plan, 2015, (SAMDev), which reinforces the strategic approach to housing distribution outlined in Policy CS1 of the CS. The site does not lie within, nor is it close to, a Community Hub or Cluster.
11. Both parties note that the CS and SAMDev are currently being reviewed. The Council suggests that Wistanstow is proposed to become a Community Cluster in the emerging document, whereas the appellant suggests it is proposed as a Community Hub. Regardless of which it is, having regard to paragraph 48 of the National Planning Policy Framework, (the Framework), as I have not been provided with any details of the stage the review is at, whether there are any unresolved objections to policies, or the degree of consistency of emerging policies with policies in the Framework, I attach little weight to the emerging policies.
12. Policy CS4 of the CS also seeks to focus development within Community Hubs and Clusters, unless it accords with Policy CS5 of the CS. Any open market housing is required to make a sufficient contribution to improving local sustainability, via a mix of 'local needs' housing and community benefits in the form of contributions to affordable housing and identified local services, facilities and infrastructure. The proposed dwelling would make a very small contribution to local sustainability. However, it would not provide 'local needs' housing (which is essentially affordable housing), and no contributions to affordable housing or local services, facilities or infrastructure are proposed.

¹ Namely, the Self-Build and Custom Housebuilding Act 2015, as amended by the Housing and Planning Act 2016

13. Policy MD7a of the SAMDev seeks to strictly control new market housing development outside of the County Town, Market Towns and Key Centres and Community Hubs and Clusters. The policy allows for conversions, change of use of holiday let properties, replacement dwellings, 'exception site' dwellings and dwellings for essential rural workers. I have not been provided with any evidence to suggest that the proposal constitutes either of these types of development.
14. Policy CS5 of the CS seeks to control development in the countryside. It allows for development on 'appropriate sites' that maintain and enhance countryside vitality and character, where such development would improve the sustainability of rural communities by bringing local economic and community benefits; 'particularly where they relate to' certain small-scale economic developments or dwellings for agricultural, forestry or other essential countryside workers and affordable housing to meet a local need. I have not been provided with any evidence to suggest that the proposed dwelling constitutes either of the types of residential development allowed for within Policy CS5, and the scale of the economic benefits arising from the proposal would be minor.
15. Policy CS11 of the CS outlines the approach to meeting the housing needs of the area to create mixed, balanced, and inclusive communities, which includes consideration of the type, tenure, and affordability of housing development. The proposal does not constitute any of the development types outlined in the policy.
16. For the reasons outlined above, I conclude that the proposal does not accord with policies CS1, CS4, CS5 and CS11 of the CS, or policies MD1 and MD7a of the SAMDev. Collectively, these policies seek to ensure that residential development is directed to the designated 'sustainable' areas, which are based on the range and extent of services and facilities available within them and the opportunities available for the use of sustainable modes of transport. The proposal would therefore undermine the adopted strategic and development management policies.

Other Considerations and Planning Balance

Isolated homes in the countryside

17. Paragraphs 79 and 80 of the Framework advise that housing should be located where it will enhance or maintain the vitality of rural communities to promote sustainable development in rural areas, avoiding, however, the development of isolated homes in the countryside.
18. I consider the addition of a dwelling within the rural community of Leamore Common, which is close to other rural communities of Wistanstow and Bushmoor, would make a minor contribution to maintaining the vitality of these rural communities. However, as the scale of the contribution would be limited, I therefore attach limited weight to this matter in support of the proposal.
19. The Council has concluded that the proposal would constitute an isolated home in the countryside. However, having regard to the judgement in the *Braintree*² case, given the siting of the proposed dwelling within the built-up strip of the hamlet of Leamore Common, I conclude that the proposal would not create an

² *Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610*

isolated dwelling in the countryside vis-à-vis paragraph 80 of the Framework. I therefore consider this factor provides moderate weight in favour of the proposal.

Accessibility to services and facilities

20. Given the very limited range of services and facilities available within the surrounding rural communities, I consider it highly likely that future occupiers of the proposed dwelling would rely primarily on the private motor vehicle, which is the least sustainable mode of transport, to access the range of services and facilities required to meet their day-to-day needs.
21. The appellants contend that Wistanstow, Leamore Common and Bushmoor share a public transport route. However, I have not been provided with any details of this service, for example how frequent the service is or its route. Consequently, I am unable to conclude that use of public transport as a means of travelling for the purposes of meeting day-to-day needs would be a feasible option for future occupiers of the proposed dwelling. I therefore attach little weight to this matter.
22. The nearest Market Town to the site that would provide a range of services and facilities to meet the day-to-day needs of future occupiers of the proposed dwelling is Craven Arms, which is around 3 miles away. As much of the route consists of country lanes with high roadside hedges and no footpaths or street lighting, I consider walking and cycling from the site to and from Craven Arms on a regular basis for the purposes of utilising the required services and facilities would be highly unlikely. Consequently, although I acknowledge that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, I consider the proposal would provide very limited opportunities to promote sustainable transport modes, which would be contrary to paragraph 110 of the Framework. This factor weighs heavily against the proposal.

Self-build and custom housebuilding

23. As noted, the proposed is for a self-build dwelling in accordance with relevant Right to Build legislation. The legislation allows for both open market and affordable housing. The appellants contend that such legislation is a material planning consideration in the determination of the appeal, which I accept.
24. The legislation requires local authorities to keep a register of those seeking to acquire serviced plots in the area for their own self-build or custom house building. The appellants accept that the Council has a register and therefore it satisfies this requirement of the legislation.
25. The legislation also requires the relevant authority to give enough suitable development permissions to meet the identified demand. The appellants contend that the Council are not meeting this requirement of the legislation, particularly in the south of the County.
26. The appellants state that they have been registrants on the Shropshire Council self-build register since 2020, and the only service plot they have been offered is a site for self-build in Shrewsbury, which is some 30 miles from their family and business. I have no reason to doubt this. However, I note that the planning application was submitted to the Council on 02 January 2021. I do not know when in 2020 the appellants joined the register. At maximum, if they

joined on the 1st January 2020 then they would have been on the register for 12 months at the time of submitting their planning application. The Council has 3 years from the end of each base period to provide permissions on suitable sites for registrants. Therefore, the appellants have not yet been on the list for the period the Council has to offer them a suitable site. As such, I attach little weight to this matter.

27. The Planning Practice Guidance (PPG) advises authorities to use the preferences expressed by registrants to guide their decisions, as this will assist in ensuring the sites which are given permission are ones that people are keen to develop. However, there is no duty on a relevant authority to permission land which specifically meets the requirements expressed by registrants³.
28. The evidence submitted by both parties regarding how many people or associations are on the register, and how many have been taken off the register since it began, is at best patchy, inconsistent, and not up to date. For example, the appellants Statement states that there are 94 outstanding registrants on the Councils register in the south of the County. However, their Planning, Design and Access Statement states that there are 47. When the Council were asked by the Planning Inspectorate during the appeal how many people had been taken off the register since it began, the reply provided was that it does not record such information.
29. Additionally, the Council states that the data it does hold regarding applications for inclusion on the register and planning permissions granted on suitable plots, has not been updated since 30 October 2020, due to the impact of the Covid 19 pandemic.
30. Nevertheless, the data the Council has provided suggests that between 14 January 2015 to 30 October 2020 it received a total of 576 applications to go on the register. During the same period, the Council granted planning permissions for 682 open market self-build and custom build plots, and 130 affordable self-build and custom build plots. Hence, these figures suggest that the Council granted more planning permissions for self-build and custom housebuilding than there were registrants during the period between 14 January 2015 to 30 October 2020.
31. I appreciate that the open market figure was identified via monitoring of applications for self-build relief from the Community Infrastructure Levy (CIL). However, the legislation does not specify how such permissions should be recorded. The PPG confirms that one of the acceptable methods is by identifying whether a CIL exemption has been granted for a particular development. Additionally, the PPG confirms that it is the responsibility of the relevant authority to ensure development permissions being counted meet the legislative requirements⁴.
32. For the reasons outlined, it is not possible for me to conclude that the Council is not meeting its obligation under the Right to Build legislation to provide planning permissions to meet the identified demand.
33. The appellants also contend that the Council has no specific policies to meet the requirements of the Right to Build legislation for open market housing across the area. Furthermore, they suggest that the SAMDev and CS are dated,

³ PPG Paragraph: 028 Reference ID: 57-028-20210508, Revision date: 08 02 2021

⁴ PPG Paragraph: 038 Reference ID: 57-028-20210508, Revision date: 08 02 2021

that they were supposed to be up-dated early within the plan period, and that the Right to Build legislation came into effect after the adoption of the CS and SAMDev.

34. As noted above, the CS and SAMDev are currently being reviewed. I consider this to be the appropriate process for reviewing development plan policies, including consideration of the responsibilities of the Council with respect to ensuring the housing needs of people with specific housing needs, including self-build, are met.
35. Additionally, the Council is not required by the legislation to have specific policies for self-build; though they are required to have policies that seek to meet the differing housing needs of the area. As the current housing policies are consistent with policies in the Framework, I afford them full weight. Furthermore, as the appellants accept that the Council has a 5-year housing land supply (5YHLS) I conclude that the policies that are most important for determining the proposal are up to date. Therefore, paragraph 11 d) of the Framework is not engaged.
36. For the reasons outlined, I therefore attach limited weight to the fact that the proposal is for a self-build dwelling.

Circumstances of the appellants

37. The appellants believe that housing policies in Shropshire discriminate against older people such as themselves who wish to downsize and remain in the area within which they have lived for 40 years. I have not been provided with any substantive evidence that the Council's adopted housing policies discriminate against certain groups or individuals in the manner suggested by the appellants.
38. The appellants assert that they have strong community ties and local connections, having worked and operated a business in the area, and having been actively involved in committees of many local organisations. It is contended that they currently run an accountancy practice that serves many local clients and employs local people; and that a move out of the area may have a detrimental effect on the business and the services it provides within the rural community. The appellants contend that a self-build dwelling would allow them to remain in the area and continue the business. Although I do not disbelieve the claims, as I have not been provided with any substantive evidence to corroborate them, I attach limited weight to these matters.
39. The appellants also contend that there is no appropriate housing in the area which would allow them to meet their needs to downsize and to run an energy efficient home. They suggest that the proposed dwelling would be constructed using several environmentally low-impact methods and materials. However, I have not been provided with any substantive evidence regarding the local housing market and whether there are properties that would be suitable for the appellants. Additionally, as scale and appearance are matters to be determined at a later stage, I am unable to determine the extent of any environmental benefits in respect of energy efficiency that may ensue from the proposal. I therefore attach little weight to these factors.
40. The appellants note that although the Council can demonstrate a 5YHLS, the Framework advises that this is a minimum figure and that the Government's

intension is to significantly boost the supply of housing, which I acknowledge. However, the provision of one additional dwelling would make a very minor contribution to supporting this intension. As such I attach little weight to the matter.

Other Appeal Decisions

41. The appellants have drawn my attention to several other appeal decisions. However, as they relate to different areas of the country, and I do not have full details, I am not able to make any meaningful comparisons between them and the proposal before me.

Conclusion

42. Notwithstanding my conclusions regarding the proposal not being an isolated dwelling in the countryside and that it would make a small contribution to maintaining the vitality of rural communities, I have found that the proposal would cause other significant harms. Thus, it would undermine the strategic housing policies of the area and future occupiers of the proposed dwelling would rely on the private motor vehicle, the least sustainable mode of transport, to access the range of services and facilities required to meet their day-to-day needs.
43. Although the proposal is for a self-build dwelling, which is encouraged by Right to Build legislation, I am not able to conclude that the Council are not meeting its responsibilities regarding such legislation. Consequently, I can only attribute limited weight to the fact that the proposal is for a self-build dwelling.
44. I therefore conclude that none of the other considerations discussed outweigh the significant harms I have found and there are no considerations which lead me to conclude other than in accordance with the development plan. For the reasons outlined, I therefore conclude that the appeal is dismissed.

J Williamson

INSPECTOR

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Appeal Decision

Site visit made on 18 January 2022

by **J Williamson BSc (Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 April 2022

Appeal Ref: APP/L3245/W/21/3279075

Spring Cottage, Tenbury Road, Clee Hill SY8 3NE

- 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 Dale Vass against the decision of Shropshire Council.
 - The application Ref 20/04167/FUL, dated 10 October 2020, was refused by notice dated 8 February 2021.
 - The development proposed is erection of a dwelling and garage.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of proposed development given on the Council's Decision Notice differs to that provided on the planning application form. As I have not been provided with any evidence that the appellant agreed to such a change, I have used the description given on the application form. It is clear from the submitted plans that the proposal includes the formation of a vehicular access and installation of a treatment plant, and other documents confirm that the proposal is for a self-build dwelling.
3. The appellant submitted a Unilateral Undertaking during the appeal. I shall return to this matter below.

Main Issues

4. The main issues are:
 - whether the site is a suitable location for housing, having regard to local and national policies,
 - the effect of the proposal on the character or appearance of the Shropshire Hills Area of Outstanding Natural Beauty (SHAONB), and
 - if the site is deemed to not be suitable, or to harm the character or appearance of the SHAONB, whether there are other material considerations that would lead to a determination not in accordance with the development plan.

Reasons

Suitability of site location for residential development

5. The site is located on the western side of Tenbury Road and consists of an irregular shaped piece of open land which forms part of a field with an

agricultural use. The field is bounded by a hedge close to Tenbury Road and timber post and rail fencing with hedges and trees of varied densities along the other boundaries. The land level of the field rises broadly from its south-eastern corner towards its north-western boundary, and from its eastern boundary in a westerly direction before descending towards its western boundary. There are several public rights of way within the site and adjacent fields. For planning policy purposes, the site is located within the countryside.

6. The appellant seeks to construct an open market dwelling as supported by current 'Right to Build' legislation¹. Policy CS1 of the Shropshire Local Development Framework: Adopted Core Strategy, 2011, (CS), outlines the strategic approach to development across the County. The strategy includes seeking to ensure that rural areas will become more sustainable through a rural rebalance approach, which includes accommodating around 35% of the area's residential development in rural areas over the plan period. Such development will be located predominantly within Community Hubs and Community Clusters.
7. Outside of Community Hubs and Clusters development will primarily be for economic diversification and for affordable housing to meet the needs of local communities. The designated Community Hubs and Clusters are outlined in Policy MD1 of the Shropshire Council Site Allocations and Management of Development Plan, 2015, (SAMDev), which reinforces the strategic approach to housing distribution outlined in Policy CS1 of the CS. Although Clee Hill is designated as a Community Hub, the site lies outside the designated development boundary.
8. I understand that the CS and SAMDev are currently being reviewed. Having regard to paragraph 48 of the National Planning Policy Framework, (the Framework). I have not been provided with any details of the stage the review is at, whether there are any unresolved objections to policies, or the degree of consistency of emerging policies with policies in the Framework. I therefore attach little weight to the emerging policies.
9. Policy CS4 of the CS also seeks to focus development within Community Hubs and Clusters, unless it accords with Policy CS5 of the CS. Any open market housing is required to make a sufficient contribution to improving local sustainability, via a mix of 'local needs' housing and community benefits in the form of contributions to affordable housing and identified local services, facilities and infrastructure. The proposed dwelling would make a very small contribution to local sustainability. However, it would not provide 'local needs' housing (which is essentially affordable housing), and no contributions to affordable housing or local services, facilities or infrastructure are proposed.
10. Policy MD7a of the SAMDev seeks to strictly control new market housing development outside of the County Town, Market Towns and Key Centres and Community Hubs and Clusters. The policy allows for conversions, change of use of holiday let properties, replacement dwellings, 'exception site' dwellings and dwellings for essential rural workers. I have not been provided with any evidence to suggest that the proposal constitutes either of these types of development.
11. Policy CS5 of the CS seeks to control development in the countryside. It allows for development on 'appropriate sites' that maintain and enhance countryside

¹ Namely, the Self-Build and Custom Housebuilding Act 2015, as amended by the Housing and Planning Act 2016

vitality and character, where such development would improve the sustainability of rural communities by bringing local economic and community benefits; 'particularly where they relate to' certain small-scale economic developments or dwellings for agricultural, forestry or other essential countryside workers and affordable housing to meet a local need. I have not been provided with any evidence to suggest that the proposed dwelling constitutes either of the types of residential development allowed for within Policy CS5, and the scale of the economic benefits arising from the proposal would be minor.

12. Policy CS11 of the CS outlines the approach to meeting the housing needs of the area to create mixed, balanced, and inclusive communities, which includes consideration of the type, tenure, and affordability of housing development. The proposal does not constitute any of the development types outlined in Policy CS11.
13. I therefore conclude that the proposal does not accord with policies CS1, CS4, CS5 and CS11 of the CS, or policies MD1 and MD7a of the SAMDev. Collectively, these policies seek to ensure that residential development is directed to the designated 'sustainable' areas, which are based on the range and extent of services and facilities available within them and the opportunities available for the use of sustainable modes of transport. The proposal would therefore undermine the adopted strategic and development management policies.

Effect of the proposal on the SHAONB

14. Paragraph 176 of the Framework advises that great weight should be given to conserving and enhancing landscape and scenic beauty in, among other areas, AONBs, which have the highest status of protection in relation to such matters.
15. The proposed development would be sited a significant distance from Tenbury Road; and would not be perceived as being part of a group of dwellings or being related to the built-up edge of the village (which I discuss in more detail below).
16. I accept that the proposed buildings would not be sited on the highest contours of the field within which it would be located. However, due to the size of both proposed buildings, they would still be visible from the road and the properties opposite the site. Additionally, they would be highly visible and prominent in the landscape when viewed from the public rights of way within and close to the site.
17. There are several special qualities that contribute to the significance of the SHAONB, including the commons, heath, moorland, and rough grassland in and around the Clee Hills; and the patchwork of fields bounded by hedges and trees. I consider the proposed development, sited in a field of rough grassland, unrelated to other built form within the area, would erode some of the special qualities of the SHAONB. Consequently, I conclude that the proposal would significantly harm the character and appearance of the SHAONB.
18. The proposal does not therefore accord with policies CS5, CS6 and CS17 of the CS or policies MD2 and MD12 of the SAMDev, which collectively, and among other things, require development to respect, protect and enhance the natural environment and landscape, including the SHAONB.

Other Considerations and Planning Balance

Isolated homes in the countryside

19. Paragraphs 79 and 80 of the Framework advise that housing should be located where it will enhance or maintain the vitality of rural communities to promote sustainable development in rural areas, avoiding, however, the development of isolated homes in the countryside.
20. The Council Officer Report concludes that the proposal would not satisfy any of the circumstances outlined in paragraph 80 of the Framework that allow for isolated homes in the countryside. Hence, although not explicitly stated, the logical conclusion of the Council is that it considers the proposal to constitute an isolated home in the countryside.
21. As noted, the site falls outside the designated development boundary of Clee Hill. Moreover, the proposal would be separated from the built-up boundary of the village, as perceived on the ground, which I consider ends at the nearest 2 properties and their domestic curtilages located north of the proposed access, on either side of Tenbury Road. I consider the few dwellings located opposite the site, on the eastern side of Tenbury Road, are also located outside of the built-up boundary of the village, as perceived on the ground.
22. There is an area of grassland located between the most northern of these properties and the next dwelling north of it on the eastern side of Tenbury Road; and there would be an area of grassland and section of field located between the proposed development and the nearest house north of it on the western side of Tenbury Road. Having regard to the judgement in the *Braintree*² case, I consider the proposal would not form part of a group of dwellings and would not be perceived as being physically related to the built-up boundary of the village. As such, I conclude that the proposal would create an isolated dwelling in the countryside *vis-à-vis* paragraph 80 of the Framework.
23. The appellant has suggested that the proposed site and development could be sited nearer to the road and closer to the northern boundary of the field within which it would be located. However, this is not the scheme before me.
24. I consider the addition of the proposed dwelling would make a minor contribution to maintaining the vitality of surrounding rural communities. However, as the scale of the contribution would be limited, and the proposal would lead to an isolated home in the countryside, I attach little weight to this aspect in support of the proposal.
25. I appreciate the Government's objective to significantly boost the supply of homes. As the proposal is for one dwelling only, I have attached limited weight to this matter.
26. The appellant contends that the proposed dwelling will be constructed using methods to reduce energy consumption. Although I have not been provided with the details of such aspects, given the relatively small scale of the proposal, I attach only limited weight to this factor.
27. It is asserted in the appellant's Statement that he cannot afford to get onto the housing ladder and that he has strong local connection to Clee Hill by virtue of

² *Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610*

family connections and his business. I have not been provided with any evidence of the appellant's financial status, local connections, or business. With regard to the latter point, ie the appellant's business, this appears to conflict with evidence in the Planning, Design and Access Statement, which states that the appellant is a tradesman. For these reasons, I attach no weight to these matters.

Accessibility to services and facilities

28. As noted, Clee Hill is designated as a Community Hub. In addition to its designation, I observed during my visit that the village has a range of services and facilities; the extent and range would be sufficient to provide for many of the day to day needs of future occupiers of the proposed dwelling. Nevertheless, future occupiers of the proposed dwelling would still be likely to want and need to travel beyond the village to access a range of employment opportunities and other services and facilities not available in the village. I therefore consider it likely that future occupiers of the proposed dwelling would use a car as their primary mode of transport. However, this would barely be any different to existing or future residents within the development boundary of the Community Hub. The proximity of the proposed dwelling to the range of services and facilities available within the village weighs in favour of the proposal, a factor to which I attach moderate weight.

Self-build and custom housebuilding

29. As noted, the proposed is for a self-build dwelling in accordance with relevant Right to Build legislation. The legislation allows for both open market and affordable housing. The appellant contends that such legislation is a material planning consideration in the determination of the appeal, and I agree.
30. The legislation requires local authorities to keep a register of those seeking to acquire serviced plots in the area for their own self-build or custom house building. The Council has a register and therefore it satisfies this requirement of the legislation.
31. The legislation also requires the relevant authority to give enough suitable development permissions to meet the identified demand. The appellant suggests that the Council are not meeting this requirement of the legislation, particularly in the south of the County.
32. The Planning, Design and Access Statement and the Self Build Statement state that the appellant is to become a registrant on Shropshire Council's self-build register. However, the appellant's Planning Appeal Statement states that the appellant has been on the register since 2020, and that the only service plot they have been offered is a site for self-build in Shrewsbury, which is some 30 miles from their family and business. Hence, the evidence submitted regarding the appellant's status *vis a vis* the Council's register is conflicting.
33. Regardless of whether the appellant has only recently registered, or he has been on the register since 2020, as the Council has 3 years from the end of each base period to provide permissions on suitable sites for registrants, the appellant would not have been on the register for the period the Council has to offer them a suitable site. I therefore attach little weight to this matter.
34. The Planning Practice Guidance (PPG) advises authorities to use the preferences expressed by registrants to guide their decisions, as this will assist

- in ensuring the sites which are given permission are ones that people are keen to develop. However, there is no duty on a relevant authority to permission land which specifically meets the requirements expressed by registrants³.
35. The evidence submitted by both parties regarding how many people or associations are on the register, and how many have been taken off the register since it began, is at best patchy, inconsistent, and not up to date. For example, figures provided in the appellant's Self Build Statement refer to the first 3-year period of the register, ie January 2015 to October 2018. The appellant asserts that during this period the register included 94 registrants for self-build dwellings, and therefore the Council were 430 plots short of its legal target.
36. Evidence submitted by the Council covers the period of January 2015 to October 2020. From these figures, for the 3-year period the appellant refers to, the Council consider it has granted planning permission for 94 affordable self-build plots (a figure that corresponds with that of the appellant) along with 458 open market self-build plots. When the Council were asked by the Planning Inspectorate during the appeal how many people had been taken off the register since it began, the reply provided was that it does not record such information. Additionally, the Council states that the data it does hold regarding applications for inclusion on the register and planning permissions granted on suitable plots, has not been updated since 30 October 2020, due to the impact of the Covid 19 pandemic.
37. The data the Council has provided suggests that between 14 January 2015 to 30 October 2020 it received a total of 576 applications to go on the register. During the same period, it granted planning permissions for 682 open market self-build and custom build plots, and 130 affordable self-build and custom build plots. Hence, these figures suggest that the Council granted more planning permissions for self-build and custom housebuilding than there were registrants on the register during the period between 14 January 2015 to 30 October 2020.
38. I acknowledge that the open market figure was identified via monitoring of applications for self-build relief from the Community Infrastructure Levy (CIL). However, the legislation does not specify how such permissions should be recorded. The PPG confirms that one of the acceptable methods is by identifying whether a CIL exemption has been granted for a particular development. Additionally, the PPG confirms that it is the responsibility of the relevant authority to ensure development permissions being counted meet the legislative requirements⁴.
39. For the reasons outlined above, it is not possible for me to conclude that the Council is not meeting its obligation under the Right to Build legislation to provide planning permissions to meet the identified demand.
40. The appellant contends that the Council has no specific policies to meet the requirements of the Right to Build legislation for open market housing across the area. Furthermore, he suggests that the SAMDev and CS are dated, that they were supposed to be up-dated early within the plan period, and that the

³ PPG Paragraph: 028 Reference ID: 57-028-20210508, Revision date: 08 02 2021

⁴ PPG Paragraph: 038 Reference ID: 57-028-20210508, Revision date: 08 02 2021

Right to Build legislation came into effect after the adoption of the CS and SAMDev.

41. As noted above, the CS and SAMDev are currently being reviewed. I consider this to be the appropriate process for reviewing development plan policies, including consideration of the responsibilities of the Council with respect to ensuring the housing needs of people with specific housing needs, including self-build, are met.
42. Additionally, the Council is not required by the legislation to have specific policies for self-build; though they are required to have policies that seek to meet the differing housing needs of the area. As the current housing policies are consistent with policies in the Framework, I afford them full weight. The Council's Five Year Housing Land Supply Statement published 19 March 2021, which the appellant has not challenged, concludes that the Council has a 5-year housing land supply. I therefore conclude that the policies that are most important for determining the proposal, with regard to the main issue of suitability of location for residential development, are up to date.
43. Even if I were to conclude that the policies most relevant for determining the appeal were out of date, paragraph 11 d) (i) advises that permission does not need to be granted if the application of policies in the Framework that protect areas of particular importance, which includes AONBs, provides a clear reason for refusing the proposed development. I have found that the proposal would harm the character and appearance of the SHAONB. I therefore conclude that paragraph 11 d) of the Framework is not engaged. For the reasons outlined, I therefore attach limited weight to the fact that the proposal is for a self-build dwelling.

Other Appeal Decisions

44. The appellant has drawn my attention to several other appeal decisions. However, as they relate to different areas of the country, and I do not have full details, I am not able to make any meaningful comparisons between them and the proposal before me.

Planning obligation

45. As noted above, the appellant submitted a Unilateral Undertaking during the appeal. However, it is not necessary for me to consider whether this obligation meets the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations, as I am dismissing the appeal for other substantive reasons.

Conclusion

46. Notwithstanding my conclusions regarding the proposal making a small contribution to maintaining the vitality of rural communities and future occupiers of the proposal being able to access a range of services and facilities within the village that would meet many of their day-to-day needs, I have found that the proposal would cause other significant harm. Thus, it would undermine the strategic housing policies of the area and it would have a detrimental impact on the character and appearance of the SHAONB.
47. Although the proposal is for a self-build dwelling, which is encouraged by Right to Build legislation, I am not able to conclude that the Council are not meeting

its responsibilities regarding such legislation. Consequently, I can only attribute limited weight to the fact that the proposal is for a self-build dwelling.

48. I conclude that none of the other considerations discussed outweigh the significant harms I have found and consequently there are no other considerations which lead me to conclude other than in accordance with the development plan.

49. For the reasons outlined, I therefore conclude that the appeal is dismissed.

J Williamson

INSPECTOR



Appeal Decision

Hearing held on 8 March 2022

Site visit made on 8 March 2022

by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th May 2022

Appeal Ref: APP/L3245/W/20/3253805

Land off Beamish Lane, Albrighton, Shropshire WV7 3AG (382900 304267)

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr John Price against the decision of Shropshire Council.
 - The application Ref 19/03152/FUL, dated 12 July 2019, was refused by notice dated 6 December 2019.
 - The development proposed is the use of land for the stationing of caravans for residential purposes.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has confirmed that the intended occupiers of the site are Romany Gypsies. Both parties acknowledge that the occupiers of the site would meet the Planning policy for traveller sites (PPTS) Glossary definition of "gypsies and travellers", and that the PPTS is relevant policy in this case.

Main Issues

3. The appeal site is located within the countryside, outside of any defined settlement boundary and within the West Midlands Green Belt.
4. There is no dispute that in accordance with Policy E of the PPTS, the development is of a form which constitutes inappropriate development in the Green Belt. Given the evidence before me in respect of the location of the site and the type of development, I also conclude that the appeal relates to inappropriate development in the Green Belt as described in Chapter 13 of the National Planning Policy Framework (Framework).
5. Taking into account the above, the main issues in this case are:
 - the effect of the proposal on the openness of the Green Belt and its purposes;
 - whether the appeal site is suitably located for the proposal having regard to its relationship to services and facilities and the nearest settlement, and
 - whether the harm to the Green Belt by reason of inappropriateness, loss of openness and conflict with the purposes of including land within it, and any other harm, is clearly outweighed by other considerations so as to amount to

the very special circumstances necessary to justify the development in the Green Belt.

Reasons

Planning Policy Context

6. The appellant submits that the policies referred to within the Council's decision notice are out of date and that this therefore engages paragraph 11 d) of the Framework. Just because the policies pre-date the Framework or include different criteria to the Framework does not necessarily make them out of date. There is no requirement within national planning policy that requires development plan policies to repeat such policy verbatim. Indeed paragraph 28 of the Framework supports local planning authorities to use non-strategic policies, such as those relied on by the Council, which are detailed for specific areas, neighbourhoods or types of development.
7. Having regard to the Court of Appeal's judgment in *Bramshill v SSHCLG [2021] EWCA Civ 320*, I consider that the most important policies in this case have the same basic objectives as national planning policy including protecting Green Belt land and very strictly limiting new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. They therefore carry full weight in my assessment of this case.

Openness and Purposes of the Green Belt

8. The appeal site is accessed off Beamish Lane through an existing gate and comprises an area of hardstanding. Outside of the appeal site, but within the same ownership is a 'L' shaped stable block. To the south of the appeal site is a large grassed area. There is also a large area of hardstanding to the front of the stables. The boundaries of the appellant's land have a mixture of hedgerow, trees and fencing along them, with the hedgerow along the lane, largely screening the appeal site.
9. The Framework establishes that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.
10. Paragraph 138 of the Framework establishes that Green Belt serves five purposes, including to assist in safeguarding the countryside from encroachment.
11. As set out in the Planning Practice Guidance, case law establishes that openness of the Green Belt is capable of having both spatial and visual aspects. In other words, the visual impact of the development may be relevant, as could its volume. Although the appeal site is well screened by vegetation from the road and the proposal would be glimpsed through the access to the site, an absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result.
12. Moreover, the proposal would introduce caravans and a utility/day room on the site on an area where there is currently no buildings or structures. Openness would therefore be reduced through not only the siting of caravans and the building accommodating the utility/day room, but also through parked vehicles and domestic paraphernalia associated with the proposed residential use. The

reduction in the amount of hardstanding on the site would not suitably mitigate this harm.

13. Although the effect on openness would be localised and limited, and the visual implications would be mitigated over time by the existing and proposed landscaping, openness of the Green Belt would be reduced. Furthermore, by occupying a part of the site where there is currently no caravans or building, the proposed use would encroach into the countryside. This would therefore be contrary to one of the five purposes of the Green Belt. These are matters which I am required to give substantial weight. As such the proposal conflicts with Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy (CS) which seeks to control development in the Green Belt in line with Government Policy and Shropshire Council's Site Allocations and Management of Development Plan (SAMDev) Policy MD6 which requires, amongst other matters that development does not conflict with the purposes of the Green Belt.

Whether the Appeal Site is Suitably Located

14. The appeal site is located outside of the settlement boundary for Albrighton and for planning policy purposes is located within the countryside. It is accessed off Beamish Lane, a narrow road with no pavement or street lighting. The settlement of Albrighton is located on the opposite side of the A41 Albrighton bypass which is a dual carriageway covered by the national speed limit.
15. The appeal site has a small stable block upon it with fields beyond. There are open fields opposite and adjacent with large houses set in extensive grounds and a preparatory school nearby. The character and appearance of this area of countryside is largely open and undeveloped.
16. Within the open countryside the PPTS establishes that new traveller site development should be strictly limited that is away from existing settlements or outside areas allocated in the development plan. In this respect, and whilst accepting that the distance to the edge of the settlement is approximately 750 metres¹, the presence of the bypass, railway line, intervening fields and residential properties set in large grounds, means that the appeal site is visually and physically separate from, and away from the settlement of Albrighton. In the event that the proposed safeguarded land for development beyond 2036 was developed, the appeal site would remain away from the settlement because of the presence of the transport infrastructure.
17. The centre of Albrighton is approximately 2 kilometres away from the appeal site where services and facilities including shops, doctors' surgery and a primary school can be found. Bus and rail services also operate within the town. The closest bus stop to the appeal site is described as being approximately 800 metres distant, located by the Cedars in Albrighton. Reference is made to the railway station being 1.3 kilometres from the appeal site, from where trains to Telford, Shrewsbury, Wolverhampton and Birmingham can be caught. Codsall is approximately 4.7 kilometres distant from the appeal site where there is a railway station, secondary school and other services and facilities. From the appeal site, this settlement can be accessed largely by country lanes.

¹ As measured by the appellant

18. Although 'as the crow flies' the distances to nearby services are not excessive, given the local highway conditions, including having to cross the wide dual carriageway with fast moving traffic to get to Albrighton and the narrow intervening roads with no street lighting or dedicated pedestrian facilities to both settlements, there would be a high probability that the intended future occupiers of the site would drive to these settlements rather than walk or cycle because of the unattractive journey from the site to them. There would thus be a high reliance on a private vehicle to access day-to-day services. For those that did not have access to such a vehicle, the services and facilities in Albrighton and beyond would not be reasonably accessible.
19. I acknowledge that opportunities to maximise sustainable transport solutions varies between urban and rural areas and that the PPTS does not make specific reference requiring that sites should be located where sustainable transport opportunities can be taken up. However, the PPTS makes it clear that local planning authorities should ensure that traveller sites are sustainable including environmentally so. Modes of travel and reducing the need to travel by private car fall within this 'umbrella'.
20. Although the appellant and his son travel to the site to care for the horses upon it a couple of times a day, it is likely that the number of journeys that the residential occupancy of the site would generate would be significantly more, particularly when considering journeys to access shops, education and healthcare, as well as deliveries to the site.
21. I note that the Council has granted planning permission for gypsy and traveller pitches at the Hawthorns on the opposite side of the bypass to the appeal site, however whilst it is likely that occupiers of this site have a high dependency on a private vehicle to access day to day services, this site is more closely related to development within the settlement of Albrighton, and not separated from it by transport infrastructure. This site is thus not directly comparable to the appeal site and does not provide justification for the appeal proposal.
22. Given the above I conclude that the appeal site is not suitably located for the proposal because of the conflict with CS Policy CS12 which seeks to ensure that gypsy and traveller sites are reasonably accessible to services and facilities, amongst other matters. Moreover, the high dependency on the private motor vehicle would conflict with the environmental role of sustainability.
23. The Council has referred to CS Policy CS6 within its refusal reason. Given the scale of the proposal I find that it would be unlikely to generate significant levels of traffic. The design of the caravans could incorporate the sustainable design principles advocated by this policy. Accordingly, there would be no conflict with this policy. Similarly, I find that there would be no conflict with SAMDev Policy MD2 which also relates to sustainable design.
24. Although SAMDev Policy MD7a seeks to manage housing development in the countryside, the reference to dwelling house and market dwelling throughout the policy indicates that it is not a policy that is relevant to the proposal before me. As the appeal site is located outside of the development boundary for Albrighton, Policy S1 of the SAMDev is also not relevant.

Other Considerations

Need For and Provision of Sites

25. The Council undertook a Gypsy and Traveller Accommodation Assessment (GTAA) in 2017 which was updated in 2019. The 2019 update considered the accommodation needs of Gypsies and Travellers meeting the definition set out in Annexe 1 of the PPTS and also settled Travellers who may not meet the definition but identify as a Gypsy or Traveller. It covers the period 2016/2017 to 2037/38.
26. This GTAA update, the methodology and findings of which is challenged, indicates that there is a need culturally for 113 pitches over the plan period to 2037/2038 and a PPTS Gypsy and Traveller need of 43 pitches. Given the natural turnover of pitches, the Council has calculated that the supply of pitches would exceed the demand for pitches over the plan period and therefore indicates that there is not a need for new gypsy and traveller pitches.
27. Notwithstanding this, the GTAA 2019 update identifies that if turnover is not accounted for, that there is a 5 year authorised pitch shortfall from 2016/17 to 2020/21 of 24. It also accepts that even taking into account turnover that there will still be some need for the provision of small sites to address any arising needs of Gypsy and Traveller families.
28. Whilst noting both parties' cases in this regard, it is clear that at the time of the Hearing, there were 14 families on the Council's waiting list, not including the intended future occupiers, and 6 pitches available on the Council's site at Craven Arms. There was no availability at any of the Council's other sites, or on private sites. So, at this time the supply of available sites does not appear to cater for the needs of gypsy and travellers in the area. The proposal would assist in making up the shortfall in sites at this time on a small site which in part, addresses the arising need of Gypsy and Traveller families. I attach significant weight to this matter.

Alternative Sites

29. Other than the Craven Arms site, which is occupied by an extended family, all of the other Council owned sites are full. The Craven Arms site is some distance from the appeal site where the appellant keeps his horses and the twice daily journey to check on their welfare would take a considerable amount of travel time for the intended future occupiers. It is also some distance from the appellant's home and other family members who provide support and help with childcare.
30. Within Telford and Wrekin, the Council acknowledge that there is little capacity on permanent sites but point to a transit site within Telford which has capacity. Whilst this would assist in providing a pitch for the appellant's son and his family, it is likely that the pitch could only be occupied for a short period of time, after which the family would need to find alternative accommodation. Such provision would not provide the settled base the intended future occupiers are seeking.
31. Given the above, I find that there is a lack of suitable, available, affordable and acceptable alternative accommodation within the locality for the intended occupiers of the site, a matter to which I give significant weight.

Personal Circumstances

32. The appellant owns the appeal site. The intended future occupiers of the site are his son, his son's partner who is pregnant, and their pre-school age child. Currently this family is living on the appellant's driveway in Telford and prior to this they were in Cirencester with family and friends. They have also lived on the roadside and have not had a settled base as a family unit.
33. The appellant's son and his family are seeking a settled base upon which to bring up their children and where they can also care for the appellant's horses which are stabled on the appeal site. It is intended that once the child(ren) are old enough that they will attend school which would be essential for their educational and social development. A settled base would also allow the intended future occupiers, including their child(ren) access to healthcare nearby, including doctors, health visitors and hospitals. This is particularly important given the age of the child, the expectant mother, and the health conditions of both parents.
34. In the event that the intended future occupiers cannot live on the appeal site, they would either need to continue living on driveways or the roadside. Such an existence in itself presents challenges in maintaining a good standard of health and well being and is not in the best interests of children.
35. Taking account of these factors, the personal circumstances of the future occupiers of the site, and especially the best interests of the child(ren), weighs substantially in favour of the proposal.

Other Appeal Decisions

36. My attention has been drawn to a number of appeal decision. In the case of Adbo Farm, Rosehill² the Inspector found that there was at least some prospect that alternative modes of transport could be used for some of the journeys made by the occupiers of the site, with reference being made to a footpath connecting the appeal site to a bus stop. These circumstances are not directly comparable to the appeal site or the journey that would need to be taken to access nearby services and facilities.
37. In the appeal at Land at The Stables, Leamside³ the Inspector found that the appeal site was not 'away from' an existing settlement, and thus given my finding above, this case is not directly comparable to that before me. Moreover, it appears that the highway conditions were not comparable to those in the appeal before me, including the journey to the nearest bus stop. In the land to the north west of Nelson's Lane appeals⁴ whilst the distances from the settlement are similar to the appeal case, it appears that the context was different with sporadic development characterising the area as opposed to open, undeveloped countryside.
38. At the site at land at Willows Park, Slapton, Buckinghamshire⁵ there was already a traveller site in this location which was served by a school bus. Whilst some of the issues raised are similar to those in the case before me, the circumstances are not directly comparable.

² Ref APP/L3245/A/13/2196615

³ Ref APP/X1355/C/14/2222375

⁴ Ref APP/X0360/W/16/3150332 & APP/X0360/C/16/3150373

⁵ Ref APP/J0405/C/13/2193582 & APP/J0405/C/13/2193601

39. The distances between the appeal site and the services in nearby settlements are similar to those in the appeal relating to 150 Sparrow Cottage, Shawbury Heath⁶. The unlit roads and lack of pedestrian facilities appears similar to as do the concerns raised by the Council in terms of accessibility. However, without understanding the context of this case, I am unable to ascertain whether the circumstances are directly comparable to that before me.
40. I acknowledge that the distances involved to the edge of Albrighton are not excessive and note the comments of the Inspector in the Washbeck Paddock, Scotby case⁷ who found that if a settlement could be walked to then it was not away from the settlement for the purposes of the PPTS. It is unclear from this decision what the intervening land uses were or whether the highway conditions are comparable to the case before me.
41. Consistency in decision making is important to maintain public confidence in the system, but each and every case must be determined on its own merits. That is all the more so where personal need and other circumstances fall to be considered and in different policy contexts in some of the cases. Having considered all of these decisions, none is directly comparable with this case and accordingly this limits the weight I can give these decisions in my consideration of this case.

Animal Welfare

42. I note that a residential presence on site may be of benefit to the appellant in terms of caring for his horses, and that there may be some security benefits. However, I have little evidence before me to indicate that the existing arrangements are unsatisfactory in terms of both welfare and security. Moreover, and as set out above, I consider that the proposal would not result in a reduction in the number of vehicle movements to and from the site. Limited weight is given to these matters.

Social and Economic Benefits

43. I acknowledge that involvement in community life including attending school, frequenting local shops, places of worship and public houses would be likely to promote peaceful and integrated co-existence between the site and local community, however, this would be likely to be achieved irrespective of where the site was located.
44. I have no reason to find differently to the appellant that a settled base on the appeal site would be sustainable economically and socially. It would also be environmentally sustainable in relation to flood risk. However, such benefits would be small given the quantum of development proposed.
45. The Framework makes it clear that its sustainability objectives are interdependent and need to be pursued in mutually supportive ways. The harm to the Green Belt that would result would be substantial and taken with the high reliance on a private motor vehicle to access day to day services, conflicts with the environmental objective of sustainable development, which, amongst other matters seeks to protect our natural environment and move to a low carbon economy. This harm significantly outweighs the social and economic

⁶ Ref APP/L3245/A/14/2215836

⁷ Ref APP/E0915/A/12/2182881

benefits of the proposal which results in the development not comprising sustainable development.

Planning Balance

46. At the start of considering the planning balance I have borne in mind the duties under the Public Sector Equality Duty and have placed no single aspect above the best interests of the child(ren) whose family intends to live on the site.
47. Paragraph 137 of the Framework makes it clear that the Government attaches great importance to Green Belts. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In accordance with paragraph 148 of the Framework, substantial weight is given to any harm to the Green Belt, which arises in this case from inappropriateness, loss of openness and encroachment, contrary to one of the Green Belt's purposes. Added to that is the unsuitable location of the appeal site, in conflict with the development plan and national planning policy.
48. Balanced against this is the need for more gypsy and traveller sites to cater for the current demand, to which I give significant weight. Significant weight is also given to the lack of suitable, available, affordable and acceptable alternative accommodation for the appellant's family at this time, with substantial weight given to the personal circumstances of the appellant's family, and particular the best interest of the child(ren). Limited weight is given to other matters, including animal welfare, vehicle trips and the social and economic benefits that would arise from the appellant's family living on the appeal site.
49. Taking all the above into account I find that the cumulative weight given to the other considerations do not clearly outweigh the harm that would be caused to the Green Belt and the conflict with the development plan taken as a whole. Consequently, the very special circumstances necessary to justify a permanent permission do not exist.
50. I have considered whether the grant of a personal or temporary planning permission would be justified and acknowledge that the proposal would be less harmful to the Green Belt because it would be for a temporary duration. However, the poor relationship to the nearest settlements would continue to exist and for these reasons and having regard to the other considerations advanced, including the best interest of the child(ren) I find that they would neither individually nor cumulatively outweigh the identified harm. Accordingly, a personal or temporary permission would not be justified in this case.
51. Even if I were to accept the assertion made by the appellant that the Council's development plan policies in respect of this appeal are out-of-date, the presumption given by paragraph 11 d) of the Framework does not apply because the policies in the Framework that protect areas or assets of particular importance, including land designated as Green Belt, provide a clear reason for refusing the development proposed.
52. The intended future occupiers do not live on the appeal site and dismissal of the appeal is likely to lead to circumstances where they continue to reside on driveways of friends and family or are faced with a life on the road. This would be an interference with their rights to a family life and to establish a home to facilitate a gypsy way of life but given the clear public interest in protecting the

Green Belt from harm and ensuring that new development meets the provisions of the development plan, I am satisfied that the dismissal of the appeal is necessary and proportionate.

Conclusion

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

RC Kirby

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Matthew Green	GPS Ltd
John Price	Appellant
John Price	Appellant's son

FOR THE COUNCIL

Mike Davies	Consultant Planner
Dan Corden	Shropshire Council
Anna Jones	Shropshire Council
John Taylor	Shropshire Council

DOCUMENTS SUBMITTED DURING THE HEARING:

Document 1: Witness Statement of John Price

DOCUMENTS SUBMITTED AFTER THE HEARING

Document 2: Agreed wording for condition relating to the reduction in amount of hardstanding.



Appeal Decision

Site visit made on 19 April 2022

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2022

Appeal Ref: APP/L3245/W/21/3284500

Land adjacent Shrewsbury Road, Church Stretton SY6 6EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs JN and SA West against the decision of Shropshire Council.
 - The application Ref 18/01258/OUT, dated 14 March 2018, was refused by notice dated 14 April 2021.
 - The development proposed is the erection of 5 No dwellings, to include means of access (re-submission and amended description).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with matters other than access reserved for future consideration. I have determined the appeal on this basis, treating any supporting plans as illustrative.
3. The description of development in the planning application form specifies six dwellings. However, the description in the banner heading above is taken from the decision notice as this more accurately describes the proposal, which was amended to five dwellings. The Council's officer report and the indicative layout plan show five dwellings. I have proceeded on this basis.
4. The revised National Planning Policy Framework (the Framework) was published on 20 July 2021 after the determination of the planning application. Both parties have referred to the revised version in their respective evidence and neither would therefore be prejudiced by my consideration of it. I have therefore determined this appeal in the context of the revised Framework.
5. Both main parties and the Church Stretton Town Council refer to the emerging Shropshire Local Plan (2016 - 2038) (ELP). However, I understand this document has yet to progress through examination. The Council advises that very limited weight can be afforded to this plan in their officer report, and I concur with this assessment. As such, I have not considered matters of prematurity further.

Main Issues

6. The main issues are as follows:

- The effect of the proposal on the character and appearance of the area with particular regard to the loss of trees and the impact on the Shropshire Hills Area of Outstanding Natural Beauty (the AONB);
- The effect of the proposal on biodiversity; and
- Whether the proposal would accord with the Council's housing strategy in terms of its location.

Reasons

Character and Appearance

7. The appeal site includes some outbuildings, one of which appears to have functioned as a shower block and toilets for the former campsite operation. It otherwise appears as a field largely enclosed by trees with some discreet evidence of its former use, such as the electrical connection points. The site is adjacent a railway line and vehicular access is taken from a track which branches off from Shrewsbury Road to the west.
8. From the evidence before me, alongside my own observations on the site visit, the special qualities of the AONB in part derive from its varied landscape which includes numerous farms and woodlands set across rolling hills and valleys. The agricultural appearance of most of the outbuildings along with heavy tree coverage means the appeal site contributes positively to the character and appearance of the local area and the wider qualities of the AONB.
9. Set against this intrinsic countryside character, the introduction of 5 dwellings, associated hardstanding and formalising of garden areas would represent a significant urban incursion into a predominantly rural locality and partially erode the scenic beauty of the local landscape and special qualities of the AONB.
10. Although there is a modern housing development to the south, this is across a large open field and as such the appeal site appears visually separated from the main built-up part of Church Stretton. I am also directed towards land nearby which is allocated for employment use in the SAMDev and is evidently to be retained in the ELP. Be that as it may, this has been allocated for some time and has yet to be developed in this manner and there is no guarantee this will occur. Moreover, the land would be of materially different use to the appeal proposal.
11. My attention is drawn to the 'Shropshire Landscape & Visual Sensitivity Assessment' (Gillespie's, November 2018). Church Stretton is divided into sub-areas, with the appeal site located within sub section 10CST-E. Part of the description of the area states 'tree cover is scattered across the landscape but mostly concentrated along field boundaries. Settlement comprises dispersed farmsteads and properties.'
12. The appellant forwards that the area around and including the appeal site has the lowest landscape sensitivity for employment development and is the most suitable area for housing development in the town. However, the appeal site is not located within the town development boundary and from my interpretation

of the data, this sensitivity is actually 'medium-high'. Moreover, the proposal before me is for housing, to which the sub-area has a medium landscape and medium-high visual sensitivity to housing. This assessment aligns with my own observations on the site visit.

13. This harm would be compounded by the substantial loss of trees, which is indicated at over 60. The fact that a number of these are leylandii does not convince me this loss, and subsequent harm, is acceptable given the positive contribution trees make to the wider scenic qualities of the AONB and the more immediate area. The loss of this many trees in an intimate setting such as the appeal site would represent a substantial harming of the landscape while also opening the site up to longer range views of the development. Although I take on board that the appellant would be amenable to a landscaping scheme to replace these trees, these would take a significant amount of time to mature and in the short to medium term this harm would be very apparent in the area.
14. As such, the proposal would have a substantially harmful effect on the character and appearance of the area and the scenic beauty of the AONB. It would therefore be contrary to Policies CS6 and CS17 of the CS as well as Policy MD2 of the MDP. These require, amongst other things, development to conserve and enhance the natural environment, local context and distinctiveness. The proposal would also be contrary to guidance in the Framework, which advises at paragraph 176 that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, among others, which have the highest status of protection in relation to these issues.

Biodiversity

15. Paragraph 99 of Circular 06/2005¹ states that developers should not be required to carry out surveys for protected species unless there is a reasonable likelihood of the species being present and affected by development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted.
16. The Council contend that the proposal has the potential to affect protected species due to the loss of trees and associated impacts on habitats. The appellant has submitted a Phase One Habitat Survey (Arbor Vitae – February 2017), which concludes that, with appropriate mitigation, the proposal would not harm biodiversity at the site. It also advises that the trees have minor ecological interest, and their removal would likely not adversely affect bats, breeding birds or Great Crested Newts.
17. Although the Survey is now of some age, the Council has not substantiated its reason for refusal in this regard. As such, subject to the mitigation proposed and the agreement of appropriate conditions to replace trees and enhance biodiversity features, there is nothing before me to indicate the removal of trees would harm biodiversity.
18. Overall, despite the site being part of a wider environmental network, it is evidently of limited ecological value. Therefore, in the absence of any evidence to the contrary, I am satisfied that the proposal would not have any

¹ Biodiversity and Geological Conservation-statutory obligations and their impact within the planning system - ODPM

significantly harmful effect on biodiversity. As such, I find no conflict with Policy CS17 of the CS, which seeks to ensure that development protects and enhances Shropshire's environmental assets. It would also accord with paragraph 180 of the Framework, which advises if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Housing Strategy

19. Policy CS1 of the Shropshire Local Development Framework: Adopted Core Strategy (CS) (March 2011) outlines the strategic approach to development across the plan area. This details a hierarchical approach to residential development towards Shrewsbury (25% share), Market Towns and other Key Centres (40%) and rural areas (35%). This is supported by Policy MD1 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) (adopted December 2015), which states sustainable development will be supported in Shrewsbury, the Market Towns and Key Centres and the Community Hubs and Community Cluster settlements.
20. Policy CS3 of the CS states that the Market Towns and other Key Centres will maintain and enhance their roles in providing facilities and services to their rural hinterland. It goes on to state that balanced housing development will take place within the towns' development boundaries and on sites allocated for development. Church Stretton is identified as a Market Town in the settlement hierarchy.
21. Policy S5 of the SAMDev states Church Stretton will provide a focus for development in this part of Shropshire, with a housing guideline of about 370 dwellings for the period 2006-2026. This will be delivered through the allocation of greenfield sites together with windfall development which reflects opportunities within the town's development boundary as shown on the Policies Map. The appeal site is not allocated for residential development and although it would constitute a windfall site, it is not within the town development boundary.
22. Policy CS5 of the CS allows certain new development in the open countryside where it maintains and enhances countryside vitality and character and improves the sustainability of rural communities. It also provides a list of particular development types including dwellings for essential countryside workers and conversion of rural buildings. The proposal would not fall into any of the identified examples. Although the appellant has submitted an agreement pursuant to Section 106 of the Town and Country Planning Act 1990 regarding the provision of affordable accommodation there is no substantive evidence regarding local need, which the policy requires such accommodation to serve.
23. Similarly, Policy MD7a advises that further to Core Strategy Policy CS5 and CS11, new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters. Suitably designed and located exception site dwellings and residential conversions will be positively considered where they meet evidenced local housing needs and other relevant policy requirements. As the proposal is for open market dwellings in the countryside, it would fail to accord with Policies CS5 and MD7a.

24. My attention is drawn to a legal judgement² which advises the only strict control over development in the countryside is in respect of paragraph 80 of the Framework which seeks to avoid isolated homes in the countryside. In this sense, it is argued that the countryside should not have blanket protections. Be that as it may, the judgement also makes clear that regard must also be had to the other core planning principles favouring sustainable development, as set out in the Framework. These include matters relating to character and appearance and biodiversity. I have already found that the proposal would not be acceptable with regard to harm caused to the character and appearance of the area. Moreover, section 38(6) of the Planning and Compulsory Purchase Act 2004 makes clear that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.
25. Policy MD3 of the SAMDev states that where a settlement housing guideline appears unlikely to be met, additional sites outside the settlement development boundaries that accord with the settlement policy may be acceptable subject to the considerations in paragraph 2.
26. I note that the Council initially accepted that the number of dwellings relative to the guideline in Church Stretton has not been met, while the likelihood of deliveries of outstanding permissions could also be accepted as unlikely given the deletion of an allocated site in the ELP which would have provided up to 37 dwellings.
27. However, the recently published 'Five Year Housing Land Supply Statement' (Shropshire Council February 2022) (HLSS) indicates that overall, the Council can demonstrate more than a five-year supply overall. In any event, there is nothing substantive before me to indicate that the identified shortfall of 87 dwellings in Church Stretton would not be met before the plan period expires or that this shortfall would be boosted significantly in the short term by the approval of five dwellings in this case, albeit that would carry obvious benefit.
28. Therefore, while some criteria of paragraph 2 of Policy MD3 may be met, it also requires an assessment of the impacts of the development, including the cumulative impacts of a number of developments in a settlement and the presumption in favour of sustainable development. I have identified substantial harm to the character and appearance of the area and the scenic beauty of the AONB in this regard.
29. Although both the SAMDev and CS identify Church Stretton as suitable for growth, with housing delivered within the development boundary primarily on windfall sites, the appeal site is located outside this boundary in the countryside where housing development is strictly controlled. Although the ELP evidently proposes to delete most of the previous allocations from the SAMDev and CS within Church Stretton, this is given limited weight in my assessment regardless.
30. Based on the above, the proposal would fail to accord with the Council's housing strategy overall, as embodied by Policies CS1, CS3 and CS5 of the CS and Policies S11, MD1, and MD7a of the SAMDev. It would also fail to accord with the housing and spatial objectives of the Framework.

² Borough of Telford and Wrekin v SoSCLG and Gladman Developments Limited [2016] EWHC 3073 (Admin)

Other Matters

31. I have had regard to concerns raised by the appellant about the way that the Council handled the application, including the pre-application advice received which was positive. While pre-application advice is a useful tool to enable an early understanding of the likely site constraints of a proposal, this is not a guarantee of planning permission at a later date. Moreover, this does not affect the material planning considerations of the case. I have considered this appeal proposal on its own merits and any complaints should be raised with the Council directly.

Planning Balance and Conclusion

32. The Framework generally seeks to significantly increase the supply of housing. The proposal would add five dwellings to the Council's existing stock and includes the provision of affordable accommodation as secured by the Section 106 agreement. However, I have nothing substantive before me to demonstrate that the Council as a whole cannot demonstrate a 5-year supply of housing land. I do however agree that having a 5-year housing land supply is not a ceiling to further development and I give the provision of housing on previously developed land in an accessible location substantial weight.
33. Although the appellant disputes the deliverability of some of these sites within Church Stretton and argues there is high demand in this town, these existing figures as demonstrated within the recent HLSS contribute towards a healthy overall supply across the plan area. Whether I take the figure of 5.6 or 7.4 years, it is apparent the Council is on course to meet their requirements in this regard. In any event, there would be further socio-economic benefits through the increased number of nearby residents which would in turn increase local spend and sustain local services and facilities.
34. There is no doubt that the benefits of this proposal are considerable, and in that respect the proposal would broadly accord with many of the policies of the development plan. However, I have concluded that the proposal would not accord with the housing distribution and spatial strategy for the plan area and would cause harm to the character and appearance of the area, including the scenic beauty of the AONB. This would bring the proposal into conflict with a number of policies of the CS and SamDev and hence the development plan as a whole.
35. Therefore, in the overall planning balance, although considerable, the benefits of the proposal are not sufficient in this case to outweigh the harm I have identified and the conflict with the development plan. The proposal would not therefore be sustainable development in accordance with the Framework and consequently would also fail to comply with Policy MD3 of the SAMdev.
36. Therefore, for the reasons set out above, and having had regard to all other matters raised, I conclude, on balance, that the appeal should be dismissed.

C McDonagh

INSPECTOR



Appeal Decision

Site visit made on 20 April 2022

by **C McDonagh BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 May 2022

Appeal Ref: APP/L3245/W/21/3281925

More Court, Brockton, Much Wenlock TF13 6JU

- 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 Peter Jones against the decision of Shropshire Council.
 - The application Ref 20/05156/FUL, dated 30 November 2020, was refused by notice dated 8 March 2021.
 - The development proposed is the demolition of former poultry rearing buildings and erection of 2 attached dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) was published on 20 July 2021. Both parties have referred to the revised version in their respective evidence and neither would therefore be prejudiced. I have therefore determined this appeal in the context of the revised Framework.

Main Issues

3. The main issues are as follows:
 - Whether the appeal site would be a suitable location for housing;
 - The effect of the proposal on the character and appearance of the area, with particular regard to the Shropshire Hills Area of Outstanding Natural Beauty (AONB); and
 - The effect of the proposal on the setting of More Hall, a Grade II Listed Building.

Reasons

Whether Suitable Location

4. Policy CS1 of the CS¹ outlines the strategic approach to development across the plan area. The strategy includes seeking to ensure that rural areas will become more sustainable through a rural rebalance approach, which includes accommodating around 35% of the area's residential development in rural

¹ Shropshire Local Development Framework: Adopted Core Strategy (March 2011)

- areas over the plan period. Such development will be located predominantly within Community Hubs and Community Clusters.
5. Outside of Community Hubs and Clusters, development will primarily be for economic diversification and for affordable housing to meet the needs of local communities. The designated Community Hubs and Clusters are outlined in Policy MD1 of the MDP², which reinforces the strategic approach to housing distribution outlined in Policy CS1 of the CS. The site does not lie within either a Community Hub or Cluster. For the purposes of this appeal, the site therefore lies in the open countryside.
 6. Policy CS5 of the CS seeks to strictly control development in the countryside in accordance with national policy. It allows for some residential development on 'appropriate sites.' These must maintain and enhance countryside vitality and character, where such development would improve the sustainability of rural communities by bringing local economic and community benefits.
 7. In terms of residential uses, these should relate to dwellings for agricultural, forestry or other essential countryside workers and affordable housing to meet a local need. I have not been provided with any evidence to suggest that the proposed dwelling constitutes either of the types of residential development allowed for within Policy CS5, and the scale of the economic benefits arising from two dwellings would invariably be minor.
 8. Moreover, the appeal site is located a significant distance from settlements which would offer a range of services and facilities for potential future occupiers of the dwellings. As per the appellant's evidence, these include Bridgnorth, which is identified within the MDP as a Market Town and Key Centre. However, this town is evidently located some 10 miles from the appeal site. Given this distance, it is highly unlikely the journey would be made on foot or cycled. Realistically, future occupiers of the proposed dwelling would rely primarily on the private motor vehicle in this scenario.
 9. Similarly, while Much Wenlock is located closer to the appeal site at approximately 6 miles, this journey would be taken along an unlit country road (B4378) which has a national speed limit and no footpaths. Brockton and Shipton are both located approximately 1 mile from the appeal site in opposite directions. These include some limited services and facilities, including pre and primary schools, a public house and a mobile library.
 10. However, these journeys would also be taken along the B4378. As such, it is highly unlikely that future occupiers would choose to walk or cycle any of these routes and would be reliant on private vehicles to make these trips. I note the appellant comes to this same conclusion in their visual assessment of the proposal (Assessment of Visibility of the Appeal Site – Balfours LLP, August 2021) (AV) which advises that the road network surrounding the site is predominantly unsuitable for walkers, owing to the lack of roadside footpaths (or in many cases, even grass verges), the horizontal alignment of the twisting roads, and the observed speed of traffic.
 11. For the reasons outlined above, I conclude that the appeal site is within open countryside where it has poor access to facilities and other services. Future residents would therefore be required to use private motor vehicles to access

² Shropshire Council Site Allocations and Management of Development Plan (December 2015)

these and therefore the proposal would not constitute a suitable location for housing. This would not accord with Policies CS1, CS3, CS4 and CS5 of the CS and Policies MD1, MD3 and MD7a of the MDP. These policies seek, among other things, to ensure that residential development is directed to the designated 'sustainable' areas, which are based on the range and extent of services and facilities available within them and the opportunities available for the use of sustainable modes of transport.

Character and Appearance

12. The appeal site currently includes two large, dilapidated agricultural buildings adjacent a cluster of converted outbuildings and More Hall. The site lies within the Shropshire Hills AONB. From the evidence before me, alongside my own observations on the site visit, the special qualities of the AONB in part derive from its varied landscape which includes numerous farms and woodlands set across rolling hills and valleys. In the more immediate area, built form is sporadic and the locality is overwhelmingly rural in character. The proposal seeks to demolish the disused agricultural buildings and erect two dwellings with associated amenity spaces and parking.
13. A large part of the assessment of the impact of the proposal from the Council is focused on the visibility of the scheme from local viewpoints. To that end, I am provided with a photographic assessment of the visual impact of the proposal in the AV. This demonstrates that many local vantage points would not offer views of the appeal site due to tree cover, topography and buildings and views into the appeal site are limited at present. However, there are some views available from points marked H4, H5, H6, F11 and F12. Moreover, existing views are of single storey and low-profile agricultural buildings which, while in poor condition, are in keeping with the rural character and appearance of the appeal site and wider area.
14. The introduction of two two-storey dwellings, garden areas, associated domestic paraphernalia and hardstanding would, in combination, erode the agricultural and rural character of the site with a significant incursion of built form of suburban character. This would unacceptably harm the largely undeveloped qualities of the site and the wider area.
15. As such, the proposal would have a significant harmful effect on the character and appearance of the area and the scenic beauty of the AONB. It would therefore be contrary to Policies CS6 and CS17 of the CS as well as Policy MD2 of the MDP. These require, amongst other things, development to conserve and enhance the natural environment, local context and distinctiveness. The proposal would also be contrary to guidance in the Framework, which advises at paragraph 176 that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, among others, which have the highest status of protection in relation to these issues.

Setting of Listed Building

16. I am required under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

17. More Hall is located approximately 80m to the northwest of the appeal site and constitutes a 17th Century manor house. From my observations and the evidence before me, More Hall derives much of its significance from its aesthetic value and historic fabric. Additionally, the connection to the past reveals information regarding the use and organisation of land. It follows that the rural setting of the surrounding area is important to how the heritage asset is experienced.
18. There are mature trees on the shared boundary, although there is limited intervisibility between the Hall and the appeal site. I further note the plans indicate new planting along the boundary which the Council agree could be subject to condition. The condition and appearance of the barns detracts somewhat from the setting of the listed building where existing structures can be seen due to their dilapidated state.
19. Nevertheless, the prevailing verdant and open appearance of the appeal site contributes positively to the rural character and appearance of the area, as well as the significance of the designated heritage assets. The grassland surrounding the buildings within the appeal site provides a reminder of the historic rural setting of the listed building. As such, the general openness and greenery of the appeal site makes a positive contribution in evidential and historical terms to the setting of these heritage assets and thus informs their significance.
20. Despite some domestication within the wider site, these comprise conversions of former agricultural and outbuildings and have retained much of their rural character. The appellants explain that the design approach to the dwellings is intended to reflect a traditional farm building. However, the dwellings would be new build rather than conversions. In this context, they would appear incongruous and would lack authenticity relative to their sensitive location.
21. In the context of paragraph 202 of the Framework, the harm to the setting of the heritage asset would be less than substantial and this harm should be weighed against the public benefits of the proposal. I will return to this matter later.
22. Based on the above, the proposal would not preserve the setting of the Listed Building. This would be contrary to Policy MD13 of the MDP, which seeks to ensure that proposals avoid harm or loss of significance to designated or non-designated heritage assets, including their settings. The proposal would also be contrary to advice in the Framework, which advises in paragraph 199 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.

Other Matters

23. I am informed of a potential fallback position for the use of the existing buildings, whereby it is claimed they could be brought back into agricultural use at any time. Furthermore, it is claimed that to make the enterprise viable, this would require an intensive level of farming activity, although I have no information as to what this would entail. This would lead to some level of disruption to occupiers of neighbouring dwellings through increased noise and highway activity.

24. Be that as it may, the buildings are in poor condition, and I am informed that the removal of asbestos would involve considerable cost. As such, the need for extensive restoration or replacement of the buildings means the site is unlikely to return to any wider agricultural use. I therefore attach little weight to this argument.

Planning Balance and Conclusion

25. The Framework generally seeks to significantly increase the supply of housing. The proposal would add two dwellings to the Council's existing stock. However, I have nothing substantive before me to demonstrate that the Council as a whole cannot demonstrate a 5-year supply of housing land. I agree that having a 5-year housing land supply is not a ceiling to further development and I give the provision of housing on previously developed land in an accessible location substantial weight.

26. Conversely, I have concluded that the proposal would not be in a suitable location for housing and results in harm in achieving the planned distribution of development across the plan area with regard to access to services and facilities. I have found further harm to the character and appearance of the area, including the scenic beauty of the AONB, and less than substantial harm to the setting of a Listed Building. This attracts significant weight against the scheme. Although it is considered to be of benefit to remove the dilapidated barn from the site, the harmful effects of the proposal itself would cancel any improvement to the existing appearance of the site.

27. The benefits of the scheme are therefore limited and significantly outweighed by the harm. As such, set against this harm, the socio-economic benefits associated with two dwellings would be limited, even taking account of the objective of boosting significantly the supply of housing in the Framework and given the Council's housing land supply position.

28. Taking into account all these matters, the adverse impacts of the development would significantly outweigh the benefits when assessed against the policies of the development plan and the overarching aims of the Framework.

29. Therefore, for the reasons set out above, and having had regard to all other matters raised, I conclude, on balance, that the appeal should be dismissed.

C McDonagh

INSPECTOR

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Appeal Decision

Site visit made on 22 March 2022

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2022

Appeal Ref: APP/L3245/W/21/3281756

Land adjoining The Old Vicarage, Bourton Road, Much Wenlock TF13 6AH

- 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 David Lawson against the decision of Shropshire Council.
 - The application Ref 20/04580/FUL, dated 4 November 2020, was refused by notice dated 4 March 2021.
 - The development proposed is erection of 2 no. 3-bedroom dwellings following demolition of existing buildings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted an amended elevations plan for unit 2 with the appeal (Ref 1068-01-SK02 10 20 D A). This would reduce the proposed eaves and overall roof height of that unit, without altering the floorplans or number of bedrooms proposed. As the amended elevation amounts to a relatively minor alteration, in this instance I accept the amendment and have determined the appeal on that basis. In doing so, I do not consider that any interested parties would be prejudiced.

Main Issues

3. The main issues are:
 - whether or not it has been demonstrated that the proposal would have an acceptable effect on highway safety;
 - the effect of the proposal on the setting of Much Wenlock Conservation Area and the setting of nearby listed buildings;
 - the effect of proposed unit 1 on the living conditions of the occupants of No 2 and No 3 Bourton Road, with respect to outlook;
 - whether or not the appeal site is an appropriate location for the development proposed, with particular regard to housing delivery in Much Wenlock;

Reasons

Highway Safety

4. Due to the appeal site being elevated relative to Bourton Road, the proposed driveway from which both houses would be accessed would slope up towards

the rear of the site. The appellant has advised that the access could be altered slightly to ensure it does not exceed a gradient of 1:12, although clear evidence in this respect has not been provided. Retaining walls would be required within the site and are indicated on the submitted plans, although full details of these, including their scale, are not before me. In this context, visibility at the site access needs careful consideration to ensure vehicles would be able to enter and exit the driveway onto Bourton Road without unacceptable compromise to highway safety. However, as visibility splays have not been submitted, it is unclear whether the required splays could be achieved.

5. It is not a matter in dispute between the main parties that there is space within the site for vehicles to enter and exit in a forward gear. However, it appears that the proposed layout, in combination with the internal site gradients, may make such manoeuvres challenging in practical terms. No robust evidence is before me to the contrary. The principle of a footpath along the front of one side of the site, whilst potentially acceptable in principle, is not shown to connect into an existing path. Similarly, the dropped kerb crossing the new site access does not appear to connect with another path. The purpose and safety of these features is therefore unclear.
6. It is not unusual for certain details in respect of site access to be addressed via suitably worded conditions requiring the provision of additional information. However, as reasoned above, given the particular circumstances of this site, the range of constraints present, and the number of outstanding matters in respect of access arrangements to be resolved, I find that it has not been demonstrated that the proposal would have an acceptable effect on highway safety.
7. Accordingly, I find conflict with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (Core Strategy) which requires that developments are safe and accessible to all. The proposal would also be contrary to the approach in paragraph 111 of the National Planning Policy Framework (the Framework) which requires that developments are refused on highways grounds if there would be an unacceptable impact on highway safety.

Conservation Area and Listed Buildings

8. The site adjoins Much Wenlock Conservation Area (the Conservation Area) along its boundaries with Bourton Road and The Old Vicarage. The Conservation Area encompasses the town centre where there is a high density of buildings of historic and architectural interest due to their association with the role of Much Wenlock as a market town. In the vicinity of the appeal site, the Conservation Area extends to the west of the town centre where the density of development is lower.
9. In more peripheral areas of the Conservation Area such as this, its rural setting is more apparent due to the presence of verges, mature trees and landscaping within residential gardens, and glimpses of open countryside beyond. Therefore, insofar as it relates to this appeal the significance of the Conservation Area is primarily derived from its historic role as a market town, the range of period properties and its rural setting.
10. The appeal site is separated from Bourton Road by a steep bank and hedging. It adjoins fields to the rear and to one side. These are broadly on a level with

the site, separated from it by a low stone wall and hedging. The existing site is free from development aside from the low level outbuildings along one side. Two protected trees within the site are visible from the surrounding area. The site therefore appears as a discreet parcel of land but has an open character due to a high level of intervisibility with adjacent fields. Consequently, the site makes a limited but positive contribution to the significance of the Conservation Area and its rural setting.

11. The appeal site comprises an orchard originally associated with The Old Vicarage, a three storey, grade II listed period property. The Old Vicarage is prominent in the locality, particularly on approach from High Street. It faces away from the appeal site and forms part of a group listing comprising Nos 9 to 34 High Street and the Gaskell Arms Hotel. Insofar as it relates to this appeal, the significance of The Old Vicarage is primarily derived from its architectural interest and historic association with the rural market town.
12. The appeal site is physically connected to the garden of The Old Vicarage by the adjoining garden wall which includes a gated pedestrian access. However, it comprises a separate parcel of land, distinct from the garden that immediately surrounds the house. An L-shaped building adjoining the rear of The Old Vicarage is in use as a veterinary practice, with an adjacent access from Victoria Road and parking to the rear. This acts as a further separation between the main house and the appeal site. Consequently, the appeal site makes a very limited contribution to the significance of this asset.
13. Located on the other side of Bourton Road to the appeal site are grade II listed Regency buildings at 1 and 2 Bourton Road. No 1 is a two storey painted brick house with attic windows projecting into the roof. It is set back slightly from the pavement behind a garden bound by low level railings. No 2 is a three storey brick house with a moulded wood cornice. It has symmetrical windows on its road facing elevation, the two largest of which have moulded lintels. It is prominent in the street scene given its height and position close to the road edge, separated only by a narrow strip of landscaping bound by a low stone wall.
14. These high quality historic buildings are visually important examples of their type with some prominence in the street scene on Bourton Road. Insofar as it relates to this appeal, the significance of these buildings is primarily derived from their architectural and historic interest as noteworthy Regency houses in a rural market town.
15. Design and scale of dwellings within the locality varies greatly. Whilst the relationship between the appeal site and that of No 1 is more oblique than that of No 2, the scale of proposed unit 1 and its proximity to Bourton Road would intrude on the appreciation of these listed buildings from Bourton Road. In addition, from land to the rear of the appeal site, including the car park of the veterinary practice, the proposal would be intrusive in views of Nos 2 Bourton Road (and to a lesser extent No 1), where the ability to appreciate their historic significance would be noticeably diminished.
16. Whilst the appellant's evidence makes reference to the ground floor of unit 1 being 'set below that of the street level', information before me on relative site levels (including having had regard to proposed site plan Ref 1068-01-SK13 10 2020 *) is not definitive in this respect. The proposal also includes considerable areas of hardstanding including the central driveway, parking for four vehicles,

- a new section of footpath and various retaining walls. These would erode the pleasing rural character of the site, creating a considerably more suburban one. Together with the addition of residential paraphernalia, this would be to the detriment of the Conservation Area's setting and its significance.
17. Conversely, there is only a limited degree of visual connectivity and historic resonance between the appeal site and the garden immediately adjacent to The Old Vicarage. The main house sits within its own grounds and is orientated towards Much Wenlock centre where the focus of its historical associations lie. Consequently, I find that the proposal would not harm the significance of The Old Vicarage.
 18. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Since the proposal relates to the setting of a listed building, I have had special regard to section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposed development would be harmful to the special historic interest of the grade II listed buildings at Nos 1 and 2 Bourton Road. This would have a negative effect on the significance of these designated heritage assets. This would equate to less than substantial harm. In such circumstances this harm should be weighed against the public benefits of the proposal.
 19. The proposal would provide two private dwellings adjacent to the settlement boundary in an accessible location which would contribute to the supply of housing in the district. The construction of the dwellings would provide short term benefits to the local and wider economy and the occupants would be likely to boost local spending, labour supply and help support local services. These would constitute fairly modest benefits in social and economic terms. I also recognise that the proposal could be said to make efficient use of a site that is currently unused and could be designed to high environmental standards.
 20. However, the Framework is clear that making efficient use of land should include taking into account the desirability of maintaining an area's prevailing character and setting. Overall, the public benefits I have outlined above do not outweigh the harm to the significance of these heritage assets. There is no clear and convincing justification for the harm to the designated heritage assets as required by paragraph 200 of the Framework.
 21. Accordingly, the proposal would be contrary to Policies CS6 and CS17 of the Core Strategy, and Policies MD2 and MD13 of Site Allocations and Management of Development (SAMDev) Plan (December 2015) which, amongst other matters, seek to protect and enhance the historic environment. It would similarly be contrary to the historic environment chapter of the Framework and key characteristics of good design relating to local context, character and identity, as set out in the National Design Guide.

Living Conditions

22. The proposed design of unit 1 has a front projecting gable, slightly offset from centre, extending to 10m in height. This vertical feature, combined with rectangular window surrounds, would emphasise the three storey height of the building. The roof to either side of this gable would be pitched, with side facing gables. This would give the building considerable bulk when viewed from front facing windows in Nos 2 and 3 Bourton Road. Its bulk would be emphasised by

the elevated position of the site and its position within the site, close to Bourton Road. As reasoned above, that the ground level of unit 1 would be lowered, and implications of this on its overall scale relative to existing buildings as well as the scale of retaining walls required as a result, has not been robustly demonstrated.

23. I note that a minimum separation distance between opposite houses is not defined in the Council's planning policies. Whilst the appellant has suggested that a distance of 11-13m is commonplace for new residential schemes, no specific examples of such distances in the locality are provided or were apparent on my site visit. Moreover, the proximity of unit 1 to houses on Bourton Road would be unusual in this edge of settlement location. Nos 2 and 3 both have main windows facing on to the appeal site. I therefore find that the proposed unit 1 would have an unacceptably overbearing effect in views from those properties.
24. Consequently, the proposed development would unacceptably harm the living conditions of Nos 2 and 3 Bourton Road with respect to outlook. It would therefore conflict with Core Strategy Policy CS6 which requires that proposals are of a high quality design and protect residential amenity. It would also be contrary to paragraph 130 of the Framework, which requires that developments achieve a high standard of amenity for existing and future users. For similar reasons it would be contrary to paragraph 2.18 of the Shropshire Type and Affordability of Housing SPD (2012) which requires that proposals protect the residential amenity for occupants of existing dwellings.

Location of Development

25. The site is outside but adjoining the development boundary of Much Wenlock. It therefore falls within the countryside, where new development will be strictly controlled in accordance with Core Strategy Policy CS5 and SAMDev Policy MD7a. The proposal is not submitted as one that would satisfy the requirements of Policy CS5, not being for diversification of the rural economy, agricultural use or other related development, relating to an established business, building conversion, rural tourism, or a required community use. It is similarly not advanced as an exception site, or a replacement dwelling under SAMDev Policy MD7a.
26. Under SAMDev Policy MD3, part 3, housing outside settlement development boundaries may be permitted where a settlement housing guideline appears unlikely to be met. The Much Wenlock Neighbourhood Plan (2014) (the Neighbourhood Plan) establishes a housing guideline for Much Wenlock of 130 dwellings in the period 2013-2026. The Council's evidence at appeal identifies that existing housing completions and current housing commitments in Much Wenlock during that period fall short of the target by circa 20 dwellings.
27. However, the Council expresses confidence that delivery of housing to address the shortfall is achievable without delivery of the appeal site. Evidence in respect of actual housing delivery rates in Much Wenlock during recent years, as well as recent planning permissions, indicate that a suitable rate of delivery would be achievable. Without robust evidence to the contrary, I am satisfied that the housing guideline for Much Wenlock appears likely to be met.
28. In any event, part 2 of Policy MD3 sets out five criteria (i. to v.) that should be taken into account in the event that a settlement housing guideline appears

- unlikely to be met. The proposed development would result in two additional dwellings, thereby making only a very small contribution to the 130 dwelling target (criterion i.). The Council has expressed confidence in delivery of outstanding permissions within the next five years and no robust evidence is before me to the contrary (criterion ii.). There would be social and economic benefits arising from the proposal. However, given its limited scale, benefits arising would be similarly limited (criterion iii.).
29. There are no indications to suggest concerns in respect of cumulative impacts from this development in combination with other developments in Much Wenlock. However, I have found that the development would result in unacceptable impacts with respect to listed buildings and highway safety (criterion iv.). Moreover, in the terms of paragraph 11.d)i. of the Framework, the heritage impacts represent harm to assets of particular importance that provides a clear reason for refusing the development. The Framework's presumption in favour of sustainable development therefore does not apply (Policy MD3, criterion v.). Therefore, even were I to consider it unlikely that the housing guideline for Much Wenlock would be met, it is clear that in the circumstances of this case, criteria i. to v. of Policy MD3 do not provide support for the proposal.
30. The appellant has sought to demonstrate that the proposal would not amount to isolated homes in the countryside and I see no reason to disagree. I also accept that housing delivery on small sites can make a small but valuable contribution to boosting housing supply. However, evidence to indicate that the appeal site should be developed for housing ahead of other potential sites outside or adjoining the settlement boundary, that may be equally as accessible to facilities in Much Wenlock, is not convincing.
31. The appellant highlights the Shropshire Local Plan Review which has been submitted for examination and includes a revised housing target for Much Wenlock of 200 dwellings during 2016-2038. Nevertheless, the extent of unresolved objections or modifications to its policies is as yet unclear. Therefore, I afford its policies limited weight. Although the Council's Strategic Land Availability Assessment (SLAA) may identify a range of sites outside the settlement boundary as potentially suitable for housing release, the SLAA forms part of the Council's evidence base to inform future policy and does not on its own provide a clear indication of acceptable sites for future housing delivery.
32. For these reasons, I conclude that the appeal site is not an appropriate location for the development proposed, with specific regard to housing delivery in Much Wenlock. Accordingly, the proposal would be contrary to Policy MD3 of the SAMDev. It would also be contrary to Policy CS3 of the Core Strategy which promotes limited development within Much Wenlock's development boundary and on allocated sites. In addition, as reasoned above, the proposal would be contrary to Policy CS5 of the Core Strategy and Policy MD7a of the SAMDev.
33. Furthermore, the proposal would not be supported by Policy CS4 which applies to development in Community Hubs and Clusters, nor would it be supported by Policy MD1 of the SAMDev which supports sustainable development in the identified settlements. Finally, the proposal would be contrary to Policy H5 of the Neighbourhood Plan, not being essential to ensure the delivery of affordable housing.

Other Matters

34. The appellant submits that the site represents previously developed land under the definition at Annex 2 of the Framework, and therefore that support for the use of such land should be afforded. Whereas the Council question whether the site falls within the curtilage of The Old Vicarage and note that, in any event, it should not be assumed that the whole of the curtilage of previously developed land should be developed. Definitive evidence is not before me in either respect. I note that paragraph 120 of the Framework requires that substantial weight is afforded to the use of brownfield land for housing, but where that is within a settlement. Even if I were to conclude that the site amounts to previously developed land and afforded this moderate weight, this would not be sufficient to outweigh the substantial harms I have identified in respect of potential highway safety issues, heritage impacts, and living conditions.
35. Therefore, the proposal would not represent an appropriate opportunity to bring forward development on a suitable brownfield site in accordance with paragraph 120 of the Framework. Similarly, given its location outside the settlement boundary, it would not be supported by Policy H3 of the Neighbourhood Plan which supports redevelopment of brownfield sites in the Much Wenlock development boundary. Whilst the site adjoins the settlement boundary on two sides, given the harm I have identified to the Conservation Area's setting and significance of the opposite listed buildings, and the lack of evidence in respect of an identified local housing need, the proposal would not accord with Policy H4 of the Neighbourhood Plan.

Conclusion

36. For the reasons given, and having considered the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Rachel Hall

INSPECTOR

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