

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

Date: Monday, 10 October 2022

Committee:
Southern Planning Committee

Date: Tuesday, 18 October 2022

Time: 2.00 pm

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

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

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

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

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

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

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

Tim Collard
Assistant Director – Legal and Governance

Members of the Committee

David Evans (Chairman)
Nick Hignett (Vice Chairman)
Caroline Bagnall
Andy Boddington
Nigel Hartin
Heather Kidd
Christian Lea
Hilary Luff
Nigel Lumby
Tony Parsons
Ed Potter

Substitute Members of the Committee

Gwilym Butler
Pamela Moseley
Cecilia Motley
Kevin Pardy
Vivienne Parry
Claire Wild
Mark Williams
Paul Wynn

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 - 6)

To confirm the minutes of the Southern Planning Committee meeting held on 27 September 2022

Contact Tim Ward (01743) 257713.

3 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is no later than 2.00 pm on Thursday 13th October 2022

4 Disclosable Pecuniary Interests

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

5 Brick House Farm, Greete, Ludlow, SY8 3BZ (22/02565/FUL) (Pages 7 - 76)

Construction of a solar farm together with all associated works, equipment, necessary infrastructure and biodiversity enhancement areas.

6 Proposed Holiday Let Cabin At Ashdale Pontesbury Hill Shrewsbury Shropshire (21/05781/FUL) (Pages 77 - 106)

Erection of detached holiday let log cabin and installation of package treatment plant including change of use of land

7 Proposed Dwelling North West Of Pleasant View Rowley (22/04011/OUT) (Pages 107 - 124)

Outline application for the erection of a pair of two bedroomed affordable houses with associated access and parking facilities

8 Havelock Cottage 3 Shrewsbury Road Much Wenlock TF13 6AN (22/02298/FUL) (Pages 125 - 134)

Erection of garden room/office/store

9 Proposed Holiday Let Accommodation SW Of Westwood House Stretton Westwood Much Wenlock Shropshire (22/03529/FUL) (Pages 135 - 152)

Erection of 2No holiday lets partially dug into ground, with new pond, associated landscaping and habitat creation, 3No EV charging points, new E-Bike storage, and 18.4 Kw Solar Array, with Ground source heat pump (re-submission)

10 Proposed Affordable Dwelling To The North Of Glazeley Bridgnorth Shropshire (22/03728/FUL) (Pages 153 - 162)

Erection of an affordable dwelling, detached garage and associated works

11 Schedule of Appeals and Appeal Decisions (Pages 163 - 172)

12 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, 15th November 2022



Committee and Date

Southern Planning Committee

18 October 2022

SOUTHERN PLANNING COMMITTEE

Minutes of the meeting held on 27 September 2022

2.00 - 4.50 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

Councillor David Evans (Chairman), Nick Hignett (Vice Chairman), Caroline Bagnall, Andy Boddington, Christian Lea, Hilary Luff, Nigel Lumby, Tony Parsons, Roger Evans (Substitute) (substitute for Heather Kidd), Claire Wild (Substitute) (substitute for Richard Marshall) and Mark Williams (Substitute) (substitute for Nigel Hartin)

59 Apologies for Absence

Apologies for absence were received from Councillor Nigel Hartin (Substitute Cllr Mark Williams), Councillor Heather Kidd (Substitute Cllr Roger Evans) and Councillor Richard Marshall, (Substitute Cllr Claire Wild).

60 Minutes

RESOLVED:

That the Minutes of the meeting of the South Planning Committee held on 23 August 2022 be approved as a correct record and signed by the Chairman.

61 Public Question Time

There were no public questions.

62 Disclosable Pecuniary Interests

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

In relation to item 5 Councillor Andy Boddington declared an interest on the grounds of perceived bias as he had been involved in discussions with the owners of the land regarding the creation of the town green. He stated that he would leave the room during the discussion and voting on the item

In relation to item 8, Councillor Nigel Lumby declared an interest as the local member and stated that he would make a statement and then leave the room during the discussion, taking no part in the vote.

63 Application to Register Land at Sidney Road and Charlton Rise, Ludlow as a Town Green

In accordance with his declaration above Councillor Andy Boddington left the meeting and took no part in the debate or vote.

Louise Prince, Solicitor, introduced the application which was an application under section 15(8) of the Commons Act 2006, to register Land at Sidney Road and Charlton Rise, Ludlow as a Town Green. The Solicitor advised Members that under section 15(8), the Council as registration authority must grant the application provided it is satisfied that the applicant is the owner of the land and consent had been obtained from any relevant leaseholder of, and the proprietor of any relevant charge over, the land, and that the Registration Authority was satisfied that these criteria had been met, and the application should be approved.

RESOLVED:

That in accordance with the Officer Recommendations the Application be accepted, and the land shown edged green on the plan accompanying the application be added to the Register of Town and Village Greens.

Councillor Boddington re-joined the meeting.

64 Proposed Solar Farm to the east of Squirrel Lane, Ledwyche, Ludlow (22/02151/FUL)

The Principal Planner introduced the application which was an application for the formation of solar farm including installation of solar panels, construction compound, security fencing, CCTV cameras, an internal access track, underground cabling, invertors, substations, grid connection and other ancillary development and with reference to the drawings and photographs displayed, he drew Members' attention to the location, layout and elevations.

The Principal Planner confirmed that Members had attended a site visit and drew Member's attention to the information contained in the schedule of late representations.

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

Councillor Richard Huffer, local Ward Councillor made a statement in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Euan Hutchinson, (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 expressed concern that the proposals would mean that good agricultural land would be taken out of production and that site would have an adverse effect on the AONB.

RESOLVED:

That contrary to the Officer recommendation planning permission be refused as the application would result in the loss of best and most versatile agricultural land and would have an adverse effect on the setting of the AONB and public rights of way and hence would be contrary to paragraph 174 B of the NPPF, Core Strategy Policy CS6 (and the accompanying explanatory paragraphs) and policy DP26 of the emerging local plan.

65 Brick House Farm, Greete, Ludlow, SY8 3BZ (22/02565/FUL)

The Principal Planner introduced the application which was an application for the construction of a solar farm together with all associated works, equipment, necessary infrastructure and biodiversity enhancement areas and with reference to the drawings and photographs displayed, he drew Members' attention to the location, layout and elevations.

The Principal Planner confirmed that Members had attended a site visit and drew Member's attention to the information contained in the schedule of late representations.

Lynn Hughes, local resident, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Tim Wallers spoke on behalf of Greete Parish Meeting against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Richard Huffer, local Ward Councillor made a statement in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Jonathan Selwyn, (Applicant), spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In response to a question regarding whether it would be possible to remove the best and most versatile agricultural land' from the application, Mr Selwyn stated that he would need to consult with colleagues to see whether this was possible.

RESOLVED:

That consideration of the application be deferred to allow the applicant to investigate whether it would be possible to remove the Grade 2 agricultural land from the application.

66 Land To The East Of Garridge Close Albrighton Shropshire (21/05665/FUL)

In accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees, Councillor Nigel Lumby, Local Member made a statement and then left the meeting and took no part in the debate or vote.

The Principal Planner introduced the application which was an application for the erection of 24 dwellings with associated parking/garaging with estate road to include felling of trees and demolition of a bungalow, garage and pool house and with reference to the drawings and photographs displayed, he drew Members' attention to the location, layout and elevations.

The Principal Planner confirmed that Members had attended a site visit and drew Member's attention to the information contained in the schedule of late representations.

Maggie Brewin, local resident, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Nigel Lumby, local Ward Councillor made a statement in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

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

Members recognised the concerns expressed but felt that the proposals were an improvement on the ones previously rejected, and welcomed the additional measures proposed in the schedule of late representations.

RESOLVED:

That in accordance with the Officer recommendation planning permission be granted subject to the conditions set out in Appendix 1, a supplementary condition requiring provision of a priority gateway feature at the site entrance and a S106 agreement to secure 1) the affordable dwellings, 2) funding (£10k) to deliver a parking restriction order on Garridge Close during school drop off and pick up times, 3) funding for biodiversity of setting (£30k) and 4) restriction of the sale of the proposed apartments to people over 55 for a period of 3 months from their' completion.

67 Proposed Dwelling NE Of Greenfield Cottage 7 The Lyde Bromlow Minsterley Shropshire (22/02643/REM)

The Principal Planner introduced the application which was an application for Approval of reserved matters (access, appearance, landscaping, layout and scale)

pursuant to outline permission 19/02225/OUT for the erection of a detached dwelling and garage and with reference to the drawings and photographs displayed, he drew Members’ attention to the location, layout and elevations.

The Principal Planner drew Member’s attention to the contents of an email from Worthen with Shelve Parish Council expressing their continued objection to the application on grounds of the size and scale of the property and the harmful effect this would have on the landscape and the historical built character of this setting.

Members generally felt that the proposals were acceptable and would not unduly affect the setting.

RESOLVED:

That in accordance with the Officer recommendation planning permission be granted subject to the conditions set out in Appendix 1.

68 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 27 September 2022 be noted.

69 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 18 October 2022.

Signed (Chairman)

Date:

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(referred back to committee)



Committee and date
Southern Planning Committee
18th October 2022

Development Management Report

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

Summary of Application

Application Number: 22/02565/FUL	Parish:	Bitterley PC
Proposal: Construction of a solar farm together with all associated works, equipment, necessary infrastructure and biodiversity enhancement areas.		
Site Address: Brick House Farm, Greete, Ludlow, SY8 3BZ		
Applicant: Bluefield Renewable Developments Ltd		
Case Officer: Grahame French	email: graham.french@shropshire.gov.uk	

Recommendation:- Approve subject to the conditions set out in Appendix 1 of Annex 1 and a supplementary condition on managing best and most versatile land.



Fig 1 – Amended layout

1. INTRODUCTION

- 1.1 This application was considered by the Committee on 27th September 2022 when Members resolved to defer the proposals to allow the applicant to investigate whether it would be possible to remove the best and most versatile agricultural land ('B&MV') from the scheme.

2. PROPOSED AMENDMENTS

- 2.1 The applicant Bluefield Ltd has since conducted a full technical and design review to identify which areas of the proposed solar farm could be re-designed to enable removal of solar modules from the BMV land. In conducting this redesign, Bluefield had to be mindful of the accessibility of the remaining areas for potential food production. They also had to take into account both the engineering integrity and the overall economic viability of the project.
- 2.2 Following this assessment, Bluefield has been able to remove a significant area of solar modules from four parcels of BMV land totalling 15.4 acres (6 hectares). This leaves just 6.06 acres of Grade 3a land being required for solar due to remaining engineering and design constraints.
- 2.3 The redesign means that 95% of the solar farm is now on grade 3b land which is not BMV. Of the remaining BMV land which has been taken out of solar use, 15.4 acres are allocated as 'Food Opportunity Areas' with the remaining 6 acres allocated as Additional Biodiversity Enhancement Areas. The above calculations have been verified by the company's retained independent agricultural consultant.
- 2.4 The amendments have resulted in a loss of 5MW of the solar farm capacity, which, according to Bluefield would have provided enough electricity to power the equivalent of 1,500 homes. The proposals retain a significant capacity of 45MW which is sufficient to power 13,500 homes.

3. RESEARCH AND DEVELOPMENT

- 3.1 Bluefield is committed to grazing sheep within the solar farm. However, there is relatively little research in the UK as to uses of the land within solar farms for other types of food production (sometimes known as 'Agrivoltaics'). Bluefield has therefore contacted Dr Jonathan Cooper at Harper Adams University, Newport to explore undertaking a major research project at the site to explore the options for growing food crops both within the solar farm and also within the Food Opportunity Areas.
- 3.2 It is envisaged that Bluefield will sponsor one or more Masters students and potentially a PhD student, together with commissioning a wider research project from the University's Department of Agriculture and Environment. The outcome of this research would inform the choice of crops and rotation at Brick House Farm Solar Farm and would also be published more widely to inform other developers and local authorities. The company believes this would be ground-breaking research which would provide a benchmark for future solar projects in the county and nationally.

4. POLICY CONSIDERATIONS (UPDATE FROM SEPTEMBER 27TH REPORT)
- 4.1 The September committee report refers to relevant policies and guidance. However, this update report provides the opportunity to give further clarity on key policies relating to B&MV land and renewable energy in the light of Member's concerns.
- 4.2 NPPF Paragraph 174 advises that 'planning policies and decisions should contribute to and enhance the natural and local environment by'.. amongst other matters b) 'recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland'.
- 4.3 Paragraph 175 advises that Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework⁵⁸; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.
- 4.4 Footnote 58 states that 'where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality'. The footnote therefore introduces a sequential test with respect to B&MV land. However, it relates to Paragraph 175 which refers specifically to plan making rather than decision-taking. As such, the NPPF requirement to apply a sequential test to proposals affecting B&MV (footnote 58) does not require this to be undertaken when determining planning applications.
- 4.5 Nor does the requirement to 'recognise' the 'economic and other benefits of the best and most versatile agricultural land' (Para 174) amount to an instruction to refuse all applications affecting B&MV land. This is not a higher order issue for national policy like for instance protection of the AONB. There is no additional national guidance on the weight to be given to protection of B&MV land. It is a matter for the decision taker to weigh up against other matters such as renewable energy benefits as part of the planning balancing exercise.
- 4.6 In contrast to the NPPF Policy DP26(k) (Infrastructure Provision) of the emerging Shropshire Local Plan requires a sequential test to be applied to decision taking (rather than just plan making) in determining solar farm applications. Some weight may be attributed to this emerging policy where it has not been subject to objection, but this must be balanced against other relevant development plan issues, including the benefits of renewable energy.
- 4.7 A discussion on wider food and energy resilience issues linked to solar farm development is included at Annex A1 below.

5. SUPPLEMENTARY PLANNING CONDITION

- 5.1 The requirement to maintain B&MV land within the proposed site in active food production would be secured by a proposed supplementary planning condition which has been agreed with the applicant and is listed in full below:

SUGGESTED CONDITION TO SECURE FOOD PRODUCTION IN B&MV AREAS:

- 1a. *The four locations defined on the approved layout plan as 'food opportunity areas' shall be maintained free of solar arrays and shall be managed with the objective of producing food where practicable throughout the operational life of the solar farm hereby approved.*
- b. *Six months following site energisation / commissioning of the development a scheme detailing cultivation proposals for the food opportunity areas shall be submitted for the written approval of the Local Planning Authority, not to be unreasonably withheld, and the approved scheme shall be implemented in accordance with the approved details.*
- c. *The operator shall maintain an annual records of food production within the food opportunity areas, following the first year's harvest and this shall be made available for inspection by the Local Planning Authority within two months of any prior written request.*
- d. *In the event that any material changes are proposed to the previously agreed scheme within the food opportunity areas then such proposals shall be submitted for the prior written approval of the Local Planning Authority, not to be unreasonably withheld, and the amended proposals shall be implemented in accordance with the approved details.*

Reason: To preserve the use of Best and Most Versatile land within the Site for food production in accordance with Paragraph 174b of the NPPF or any subsequent equivalent re-enactment of this national guidance (having regard also to draft policy DP26.k. of the emerging Shropshire Local Plan).

6. ENVIRONMENTAL CONSIDERATIONS

- 6.1 The proposed amendments have been assessed against the applicant's technical reports and the findings of consultations which are listed in the September committee report (Annex 1). It is considered that there would be no material changes in terms of visual impact, cultural heritage, construction activity or ecology and that the effects on B&MV land have been addressed positively.
- 6.2 Given the lack of new / adverse impacts the proposed amendments are not considered to meet the criteria for formal re-consultation with planning consultees.

7. CONCLUSION

- 7.1 The amendments now proposed would reduce the amount of affected B&MV land to 5% of the site area and would reinstate 6ha of B&MV land into active food production. The proposals would also initiate a research process linked to Harper Adams Agricultural College which has the potential to yield results of national relevance regarding the ability to maintain food production within solar far sites. It is concluded that the proposals have now addressed the Committee's reason for deferral and are fully compliant with relevant policies and guidance regarding B&MV land.
- 7.2 Other issues are assessed in the September committee report (Annex 1) which concludes that there are no unacceptably adverse impacts after mitigation. Accordingly, the report recommends approval subject to conditions. This recommendation is repeated here, subject to inclusion of the supplementary condition on food production in B&MV areas.

ANNEX A1

DISCUSSION ON SOLAR FARMS AND FOOD AND ENERGY RESILIENCE

- i It is contended that an overarching policy rationale for protecting of B&MV land is to ensure greater self-sufficiency, particularly in the event of a serious national food crisis. Whilst international issues have raised the profile of food security the UK is a relatively wealthy nation with an efficient agricultural sector and soils and climate are generally favourable for food production. There are no recurring histories of famine.*
- ii. Plenty of currently uncultivated land is capable of being brought back into intensive production. The area occupied by UK agri-environment schemes in 2021 was 3.6m hectares (0.177% of UK land) as opposed to 2.3m hectares for solar farms (0.1% of UK land). It can be argued that the temporary if longer-term use of some best and most versatile land for solar energy production does not offend the core objective of national policy with respect to the strategic food resilience value B&MV land.*
- iii. The UK has less resilience in terms of energy production. Coal and gas fired power stations are closing, liquid gas storage capacity has reduced significantly, any new nuclear facilities will take at least 7 years to become operational. The Government must therefore consider removing the fracking moratorium and issuing additional gas licenses in the North-Sea in conflict with legally binding climate change objectives. This is compounded by international energy security issues leading to a major increase in energy prices which currently exceeds any equivalent rise in food prices. According to a recent announcement by the National Grid there is the potential for power cuts this winter and instructions for industry not to use energy at peak times are anticipated. It can therefore be argued that at this time energy*

security is a greater threat than food security to the national interests. Solar is one of the few technologies in this respect with the ability to address energy security issues in a realistic timescale.

- iv. NPPF paragraph 158 advises that ‘when determining planning applications for renewable and low carbon development, local planning authorities should:*
- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
 - b) approve the application if its impacts are (or can be made) acceptable⁵⁴...*

It can be argued that the NPPF requirements to ‘recognise the benefits of even small-scale renewable energy development’ and ‘to approve such applications where impacts can be made acceptable’ represents a stronger instruction in national policy terms than the requirement to ‘recognise the economic and other benefits of the best and most versatile agricultural land’.

APPENDIX A1



Committee and date
Southern Planning Committee
20th September 2022

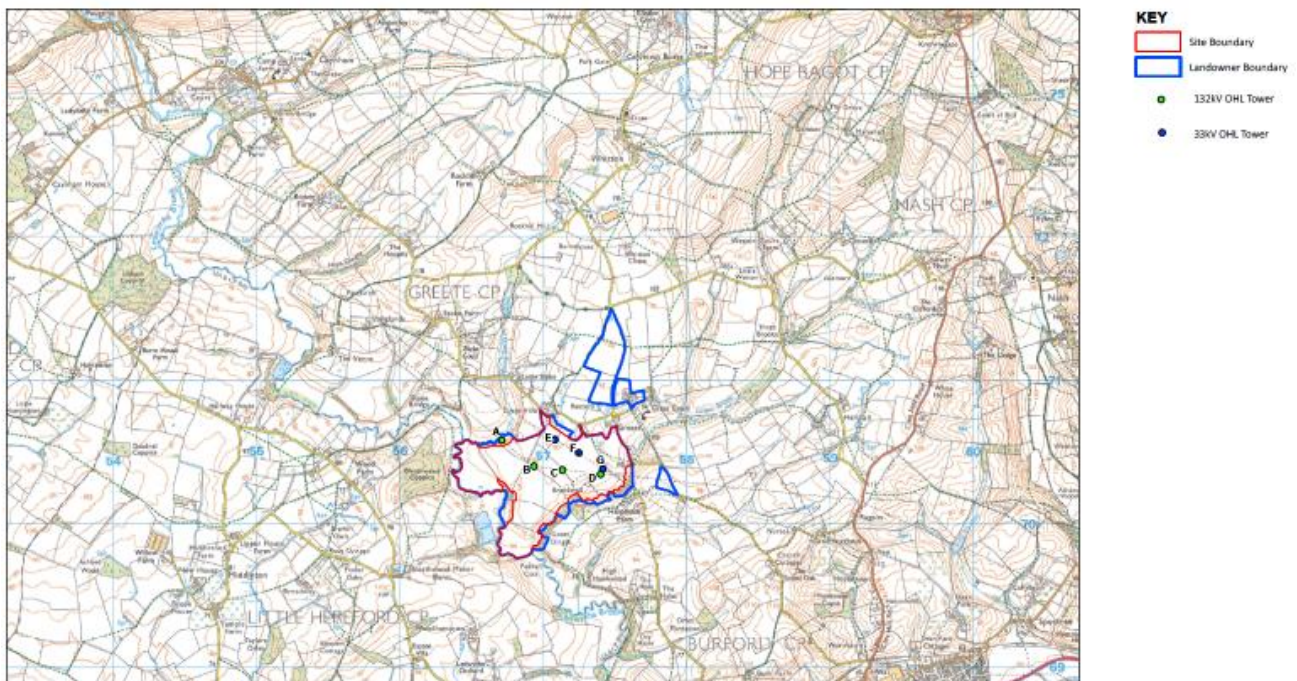
Development Management Report

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

Summary of Application

Application Number: 22/02565/FUL	Parish: Bitterley PC
Proposal: Construction of a solar farm together with all associated works, equipment, necessary infrastructure and biodiversity enhancement areas.	
Site Address: Brick House Farm, Greete, Ludlow, SY8 3BZ	
Applicant: Bluefield Renewable Developments Ltd	
Case Officer: Grahame French	email: graham.french@shropshire.gov.uk

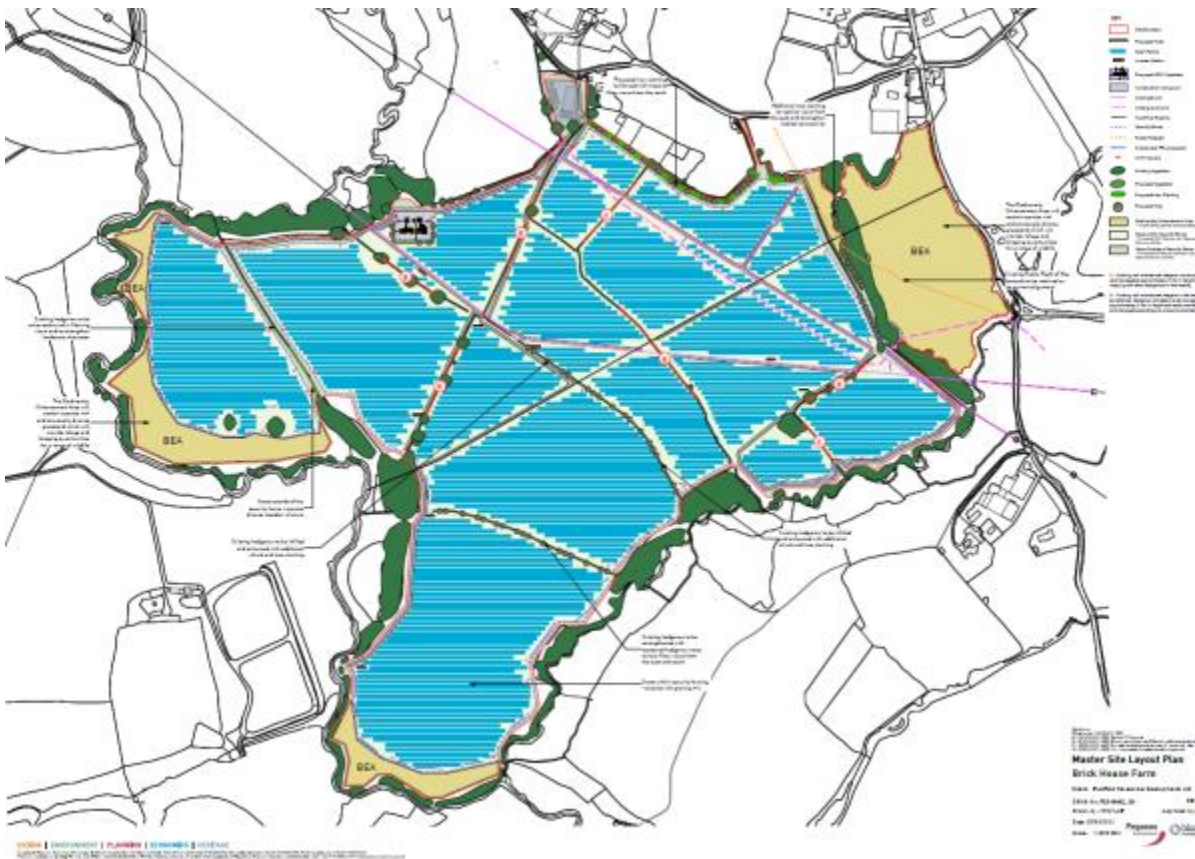
Recommendation:- Approve subject to the conditions set out in Appendix 1.



REPORT

1.0 THE PROPOSAL

- 1.1 The application is for a solar generating facility with a capacity of 49.99MW comprising solar photovoltaic (PV) panels and associated infrastructure including security fencing, CCTV cameras, an internal access track, underground cabling, inverters, substations, grid connection, environmental enhancement measures and other ancillary development.
- 1.2 Construction would take 6 months. The site would have an operational life of up to 40 years, after which it would be decommissioned, and the agricultural land would be reinstated.
- 1.3 The solar park would consist of photovoltaic solar arrays with a maximum height of 3m (limited to 2.1m in the south-western part of the site). The panels would be mounted to a metal frame securely fixed with appropriate ground piles and located in the areas shown on Plan 2 below.



Plan 2 – Site layout

- 1.4 The PV panels would be mounted in rows across the site in an east-west orientation to face the south at 15 to 25 degrees from the horizontal to maximise efficiency, with a maximum height of 2.8m. Approximately 95% of the land between the solar panels will be accessible for plant growth, biodiversity enhancements and complementary agricultural activities such as sheep grazing, during the operational phase of the scheme.
- 1.5 The following structures are also proposed:

- Inverter Substation
 - Deer proof perimeter fencing and access gates
 - Infrared CCTV fixed on poles
 - Landscaping and Biodiversity Enhancement Areas
 - WPD Substation Compound
 - 25m Communications Tower
 - Customer Switchroom
 - DNO Switchroom
- 1.6 The construction and decommissioning phases would also require the utilisation of a Temporary Site Compound positioned adjacent to the access point
- 1.7 Substations and Grid Connection: The proposed substation and associated ancillary infrastructure would be located in the north - western area of the site, to the north of the existing 132kV high voltage Overhead Line. An underground 132kV cable would connect the substation to an existing tower on the site. This position uses established vegetation and nearby woodland as a visual screen and wooded backdrop. Swales are proposed at locations around the periphery of the site as part of the drainage strategy.
- 1.8 Footpath: A right of way (footpath 0529/10A/1) running south-east to north-west through the eastern parcel of the Site would be retained and one of the proposed Biodiversity Enhancement Areas is at this location.
- 1.9 Security Fencing and Access Gates: The solar farm would be enclosed by a 2.5m high perimeter deer fence with small mammal access points to allow the passage of wildlife.
- 1.10 CCTV and Lighting: In addition to fencing, it is proposed that 2.5m high pole mounted CCTV security cameras will be installed inside and around the Site. The CCTV system operates by infrared which will avoid the need for floodlighting. The development would not require any external lighting during the operational phase.
- 1.11 Access Access for construction would be achieved via the existing access off Caynham lane to the west of Lower Cottage. A temporary construction compound would be established on land to the west of the access track; to be reinstated to agriculture upon completion of construction. The proposed internal access tracks would follow field boundaries and utilise the existing gaps in vegetation / field accesses where possible. The construction access would require removal of a 9m stretch of low clipped hedgerow.
- 1.12 Construction and operation - It is anticipated that the solar farm would take approximately six to nine months to complete. It is proposed that impacts during the construction phase are controlled via a Construction Method Statement and Construction Environmental Management Plan. Once installed, the facility would be unmanned, being remotely operated and monitored. Operational access would only require about one trip by a small van or pick-up truck month for maintenance and cleaning.

1.13 Mitigation Measures and Enhancements: The proposed layout incorporates a number of built-in mitigation measures such as exclusion of the eastern parcel of land between the unnamed watercourse and Burford Lane which is potentially overlooked by residential properties and footpath users. Land within Flood Zones 2 and 3 would also be excluded.

1.14 The following planting measures are proposed:

- 6.4 hectares of Biodiversity Enhancement Areas.
- 1,418 square metres of native woodland with shrub understorey along the north-eastern boundary.
- Reinforcement of the existing woodland along the unnamed watercourse separating the eastern parcel to strengthen habitat connectivity and restrict views from the east.
- A new hedgerow with trees along the eastern, southern and western boundaries of the substation.
- Species-rich meadow grassland around the periphery of the site outside the security fencing.
- 815 linear metres of strengthening for hedgerows at an infill rate of 30% to help filter views from the north, south, and west.

The development would deliver an overall biodiversity net gain of 46% and a hedgerow unit gain of 20%.

1.15 Drainage - A SuDS type drainage system would be implemented within the site to reduce the rate of run-off to the adjacent water course.

1.16 Decommissioning: The solar farm would be decommissioned, and the site fully restored at the end of the 40-year operational lifespan. The decommissioning process would take approximately three to six months and would be secured by a suitably worded planning condition. The Applicant also has decommissioning obligations within their 40-year lease with the landowner including the requirement for a decommissioning fund to be set up.

1.17 Community benefits: Whilst not forming an integral part of the current application the applicant has also committed to provide a community benefit fund for use by the local community.

2.0 SITE LOCATION / DESCRIPTION

2.1 The Application Site extends to 54 hectares (ha) of agricultural land situated west of the hamlet of Greete and 2.2km south-east of Burford. The Site sits within the administrative boundary of Shropshire Council, with the western and southern boundary of the Site adjacent to the County of Herefordshire.

2.2 The land slopes south with boundaries defined by hedgerow and mature trees around the existing field pattern. The southern boundary is defined by Greet Brook and Ledwyche Brook, flanked by a dense line of vegetation. The western boundary follows the edge of Ledwyche Brook flanked by continuing dense vegetation. The northern boundary is defined in part by Stoke Brook flanked with vegetation and

continues eastwards across the arable field boundaries. The eastern boundary is adjacent to an unnamed road bypassing through Greete. The surrounding countryside is predominantly open arable farmland with small hamlets and dispersed farmsteads.

- 2.3 The site is not subject to any statutory or non-statutory nature or landscape conservation designations, nor are there any ecological designations bordering the Site. Shropshire Hills AONB at its closest point is c.2.4km to the north. The nearest designations are the River Teme SSSI, circa 1.7km south and circa 4km west; and Nine Holes Meadows SSSI, circa 4.6km south-east. The Site is located within an SSSI Impact Risk Zone for River Teme SSSI. However, the development does not fall under the criteria whereby the Local Authority would be required to consult with Natural England regarding potential risks to the SSSI.
- 2.4 The Site is not located within any statutory or non-statutory heritage designated sites. The closest Listed Building is Lower Cottage (Grade II - List ID: 1383519), c.20m east of the northern boundary. This property is owned by the application site's landowner.
- 2.5 Several Public Rights of Way (PRoW) are found in close proximity to the site. Footpath 0529/10A/1 runs south-east to north-west through the eastern parcel of the site. Footpath 0529/10A/1 connects to footpath 0529/10/2 and 0529/9/2 220m east of the site, linking Greete to Harthall. Footpath 0513/10/1 runs parallel to the southern boundary and 120m to the south of the site.
- 2.6 The applicant, Bluefield Renewable Developments Ltd, develops solar farms on behalf of the wider Bluefield Group and the Bluefield Solar Income Fund (BSIF). BSIF is listed on the London Stock Exchange and currently operates over 100 UK solar assets, with an aggregate capacity of 670MWp.
- 3.0 REASONS FOR COMMITTEE DECISION
- 3.1 The application has been referred to the committee by the local member and this decision has been ratified by the Chair of the Committee.
- 4.0 COMMUNITY REPRESENTATIONS
- 4.1 Greete Parish Meeting (GPM): Objection. The wording of a consultant's letter acting on behalf of Greete Parish Council is included in Appendix 2 below. The main objections relate to best and most versatile agricultural land, visual impact, traffic, ecology and amenity. Appendix 2 also includes a response from GPM to recent clarifications provided by the applicant.
- 4.2 Herefordshire Council: Any comments received will be reported in the additional representations report.
- 4.3 AONB Partnership: Standard comments on the need to protect the AONB.
- 4.4 Environment Agency: We would have no objection to the proposed development but make the following comments and recommendations.

- i. Site context and flood risk: The site is bounded by the Greet Brook to the south, Ledwyche Brook to the west, and Stoke Brook to the northwest. An unnamed drain runs to the Greet Brook in the east of the site. All watercourses in the vicinity of the site are designated ordinary watercourses and therefore Shropshire Council is the relevant risk management authority. The western and southern boundaries of the site are in Flood Zones 2 and 3 based on our Flood Map for Planning (Rivers and Sea) as defined in Table 1 of the Planning Practice Guidance (PPG). At this location, this is based on a national, generalised flood mapping technique called JFLOW as no model is present for this watercourse. We do not have any flood assets and hold no records of any third party-maintained assets in the vicinity of the site area.
- ii. The Flood Risk Assessment (FRA) by PFA Consulting (May 2022) has used available information, however, we have no flood modelling for the watercourses and no historical data for the area. The FRA highlights that the vast majority of the proposed development is in Flood Zone 1 (low probability of fluvial flooding). The security fence running along the western and southern portions of the site is in Flood Zone 2 along with a few instances of minor encroachment into this Flood Zone by the solar panels. The FRA mentions flood depths of less than 0.4 m in Flood Zone 2 but presents no flood level for 1% AEP plus climate change level. Given the nature of the development and minor encroachment into Flood Zone 2, we would not expect modelling to be undertaken. Flood Zone 2 could be used as an indicative 1 in 100 year with climate change extent. The FRA suggests a negligible loss of floodplain storage as the solar panels are raised above ground level by at least 0.8 m on narrow frames and security fencing will be permeable to flood waters.
- iii. The solar farm proposal is classed as 'essential infrastructure' (PPG Table 2) and is appropriate for development in Flood Zone 2 as highlighted in Table 3 of the PPG. The Biodiversity Enhancement Areas will be situated in Flood Zones 2 and 3 and contain no infrastructure associated with the proposed development. This element of the proposal is considered 'water compatible' (PPG Table 2) which is appropriate in the floodplain, providing ground levels are not raised. Access and egress will be via routes situated in Flood Zone 1 and should remain free of flood waters.
- iv. Recommendations: The proposal includes a security perimeter fence. This wire mesh should have a minimum of 100 mm spacing to ensure the risk of blockage and diversion of flood waters is avoided or minimised. There should be no raising of ground levels above existing within those parts of the site which are located within flood zone 2 (as an indicative 1 in 100 year with climate change flood area) e.g. the biodiversity enhancement area. This will ensure floodplain capacity is maintained and prevent impact on flood risk elsewhere. We would also advise that the proposals should be designed (raised or flood-proofed) to avoid any potential water damage e.g., flood susceptible electrics.
- 4.5i. SC Climate Change Task Force: Support. The climate crisis is a serious threat to the lives of millions of people globally, nationally and locally. The mitigation of greenhouse gas emissions and adaptation measures to build resilience is now urgent and essential to prevent the worst outcomes. Even if we are successful in mitigating the worst effects, we will continue to experience more pronounced and

frequent episodes of extreme weather effects. The much greater frequency of extreme weather events will significantly increase insurance risks and threaten the health, wellbeing and future resilience of our communities and infrastructure.

ii. The Department for Business, Energy and Industrial Strategy publication – ‘Climate Change Explained’ has identified the following likely impacts:

- The effects of rising temperatures on the UK
- The effect of warming on rainfall patterns and water supplies
- Changes in the oceans
- The impact of warming on food production
- The impact on ecosystems
- The impact on human health
- Poverty
- The impact of extreme weather events globally

iii. In this context, Shropshire Council’s Climate Task Force strongly supports in principle the delivery of additional renewable energy generation infrastructure and capacity in the county as a positive contribution to the policy objectives outlined below. Solar farms have the potential to deliver significant environmental benefits in terms of:

- Decarbonisation of energy supplies:
 - “By 2030, 95 per cent of British electricity could be low-carbon; and by 2035, we will have decarbonised our electricity system, subject to security of supply.”
 - “The net zero economy will be underpinned by cheap clean electricity, made in Britain. A clean, reliable power system is the foundation of a productive net zero economy as we electrify other sectors – so we will fully decarbonise our power system by 2035, subject to security of supply.”
- Greater energy security
 - “The growing proportion of our electricity coming from renewables reduces our exposure to volatile fossil fuel markets. Indeed, without the renewables we are putting on the grid today, and the green levies that support them, energy bills would be higher than they are now. But now we need to be bolder in removing the red tape that holds back new clean energy developments and exploit the potential of all renewable technologies. Most critically, when we have seen how quickly dependence on foreign energy can hurt British families and businesses, we need to build a British energy system that is much more self-sufficient.”
- Green growth
 - “We also envisage that the renewable energy sector can become a major local industry with significant employment and wealth generation for Shropshire. We have therefore also projected a 30% surplus by 2030 to create an element of power ‘export’ from Shropshire to adjacent industrial regions.”

iii. Shropshire Council declared a ‘Climate Emergency’ on 16 May 2019 reflecting the conclusions of the Intergovernmental Panel on Climate Change (IPCC) at that time.

Shropshire Council subsequently adopted a Climate Strategy and Action Plan on 17 December 2020 which sets out a range of principles which include:

- Support Clean and Inclusive Growth:
 - a. Our local economy needs to grow while our emissions shrink. The transition to a green economy can provide significant growth opportunities for businesses as well as providing a cleaner and more inclusive future;
 - b. We want the Shropshire economy to shift to one which is zero carbon and abides by circular economy principles, whilst enabling our communities to build and enjoy their prosperity. The choices we make now will determine whether we can deliver on our obligations, and the extent to which we can do so in a way which is also socially progressive;
 - c. We will support skills and training which allow our communities and businesses to benefit from Shropshire's transition to a low carbon economy.

- Work with others:
 - a. We are on a shared journey and will need to work with others. This will allow us to learn from them and make use of external resources to help us to achieve net carbon zero and manage the effects of extreme climate events.
 - b. We will help establish and support a Climate Action Partnership of stakeholders and the wider community. The Council will work with the Partnership to provide advice, support and encouragement to our communities, businesses and charitable organisations to help them to mitigate their emissions and adapt to the inevitable impacts of the climate crisis.
 - c. The climate crisis is of particular significance for young people who will inherit the consequences of our actions. We will therefore work with schools across the county to ensure that the Climate Emergency is integrated as an issue across the curriculum and provide opportunities for schools and young people to contribute directly to the development and implementation of our Climate Emergency Strategy.
 - d. Throughout the development and implementation of our Climate Emergency Strategy and Action Plan we will be as open as possible in engaging the wider community and provide opportunities for them to contribute.

- Influencing the behaviour of others:
 - a. In addition to direct control of our own Green House Gas (GHG) emissions, we have significant influence over emissions indirectly resulting from our policies, and through our regulatory functions.
 - b. Shropshire Council also has significant influence through its purchasing power. We will put in place measures to assess the carbon footprint of our procurement choices.
 - c. We will lead by example and seek to positively influence the purchasing power or funding allocations of others like the Marches LEP and its members to favour low carbon initiatives and products.

Our vision is for Shropshire Council to become carbon net-neutral by 2030 and assist in the ambition for the whole of Shropshire to become carbon net-neutral

in the same year. In addition to this, we aim to be entirely renewable energy self-sufficient as an organisation within the decade.

- The UK Government has committed to a legally binding target of net zero by 2050.
 - “Now is the time the world needs to go further and faster to tackle climate change. The UK is stepping up to that challenge. Here we set out our ambitious strategy – the first of its kind in the world of a major economy - to create new jobs, develop new industries with innovative new technologies and become a more energy secure nation with clean green British energy. At the same time we will reduce greenhouse gas emissions across the economy to reach net zero by 2050.”

- National Energy Security Strategy:
 - “Accelerating the transition from fossil fuels depends critically on how quickly we can roll out new renewables.”
 - “With the sun providing enough daily energy to power the world 10,000 times over, solar power is a globally abundant resource. There is currently 14GW of solar capacity in the UK split between large scale projects to smaller scale rooftop solar.”

- Marches LEP Energy Strategy:
 - “The 2030 Vision within the Marches Local Enterprise Partnership (LEP) Energy Strategy, launched in July 2019, includes an objective for renewable electricity to meet 50% of local demand by 2030. This was confirmed at the Energy Strategy launch as being locally sourced renewables and not derived from national production.”
 - Recent modelling work undertaken by the Marches Energy Agency (2022) <https://mea.org.uk/wp-content/uploads/2022/05/Report-Meeting-the-Marches-Vision-of-50-power-from-local-renewables-by-2030.pdf> suggests that achieving 50% self-sufficiency in renewable power in the Marches would require, as a minimum, an additional 50 large solar farms (40 MW each), together with 625 small scale commercial roof PV (200 kWp) systems, 12 large commercial roof PV (3.811 MWp Lyreco type) systems and 75,000 domestic homes with solar PV by 2030. However, if alternative sources of renewable power such as wind turbines cannot be delivered as envisaged, then achievement of this objective would require at least an additional 120 large solar farms of 40 MW each.

- The Zero Carbon Shropshire Plan
 - “Over the next few years we need to make a rapid transition from natural gas, oil and other fossil fuels to renewable energy sources, including electricity (from wind, solar or hydro-sources), methane from anaerobic digestion, ‘green’ hydrogen, carbon-neutral synthetic fuels or biomass.”

Whilst we are planning for renewable energy self-sufficiency as an organisation by 2030, we actively support the community-led Shropshire Climate Action Partnership (SCAP) and have worked with them to commission the mapping of renewable energy potential in the county https://zerocarbonshropshire.org/renewable_energy_mapping_project/ and

they have identified a need for around an additional 5,000 megawatts (MW) of generating capacity if the whole county is to become self-sufficient in renewable energy. The ambition to utilise this generating capacity is set out in the Marches LEP Energy Strategy which states:

“BEIS energy and emissions projections 2017 forecast national renewable electricity generation making up over 50% of total electricity generation by 2030. The Marches is aiming to contribute to this in kind with renewable electricity to meet 50% of local demand.”

And goes further still by setting a target for the Marches:

“Our new Energy Strategy sets a target of 50 per cent of all electricity to come from renewable sources by 2030 and the creation of 1,000 low carbon jobs.”

The Zero Carbon Shropshire Plan supports the Marches LEP Strategy:

“Increase electricity generation so that Shropshire can be at least self-sufficient by 2030 using renewable sources and also become an exporter of electricity to generate wealth and employment locally.”

And suggests this can be achieved by:

“Create a number of large-scale photo-voltaic arrays (solar farms, PV) and wind farms (wind and PV offer commercial opportunities at similar cost but have different site factors and a mix of, for example, 1/3 PV and 2/3 wind offers the opportunity to maintain better continuity of supply and balance grid loads).”

The electricity distribution grid in Shropshire is heavily constrained and this means that opportunities to obtain a grid connection to allow power to be exported are very limited and are unlikely to improve. This significantly restricts where solar farms can be located, together with our ability to generate more renewable energy, which makes a crucial contribution to reducing carbon emissions and tackling climate change.

iv. Application Specific Comments:

It's recognised by the Climate Task Force that the development would contribute 49.99MW towards the approximate total of 5,000MW required to make the county self-sufficient in renewable energy. According to Greenhouse gas reporting: conversion factors 2022 – UK electricity this development would be expected to produce an approximate carbon saving of 9.7 ktCO₂.

4.6 SC Public Protection: No comments.

4.7 SC Trees: No objection. The Tree Team broadly supports the findings in the Barton Hyett Associates arboricultural impact assessment dated April 2022. The details indicate that a number of short sections of hedgerow might be removed to improve access and facilitate the boundary fence erection, any such losses should be appropriately compensated for. If this application is granted planning consent a higher level of detail on tree protection and specific solutions to potentially damaging encroachments on the root zones of retained trees will be required to that end the Tree Team have recommended conditions (included in Appendix 1)

- 4.8 SC Drainage: No objection. The surface water run-off from the solar panels is unlikely to alter the greenfield run-off characteristics of the site therefore the proposals are acceptable. An informative note on drainage is recommended.
- 4.9i. SC Ecologist: Comments to be reported in additional representations report.
- 4.10a. SC Archaeology (Initial comments) Further information required
- i. The Historic Environment Record (HER) records a rectangular single ditched cropmark enclosure (HER PRN 31505) of probable Iron Age to Roman date within the development site. A number of non-designated heritage assets relating to prehistoric and later activity are also located within the wider area. A number of designated heritage assets are located in the area, including but not limited to the Grade II listed Lower Cottage (National Ref: 1383519) on the northern boundary of the development site, the Grade II* listed Greete Court (National Ref: 1383517), the Grade II* listed Church of St James (National Ref: 1383510) and the Grade II* listed Stoke Court (National Ref: 1383520). In a wider context issues of setting may also affect other designated heritage assets including the Scheduled Bower moated site (National Ref: 1020146).
 - ii. A Heritage Desk Based Assessment (Pegasus Group, P21-0442, April 2022) has been submitted with the planning application in order to meet the requirements of Paragraph 194 of the NPPF and Policy MD13 of the Shropshire Local Plan. In terms of indirect impact the assessment identified that the proposed development may result in a small degree of harm, at the lower end of the less than substantial spectrum, to the significance of the Grade II listed Lower Cottage. The assessment concluded that the proposed development will cause no harm to any other designated heritage assets in the immediate or wider locality.
 - iii. In terms of direct impact on the archaeological interest of the proposed development, the assessment identified the potential for buried archaeological remains in relation to the single ditched enclosure from the later prehistoric or Roman period. The assessment found that the development site comprised farmland throughout the medieval, post-medieval and modern periods, suggesting the potential for buried remains of historic agricultural activity. Some structural evidence and/or domestic debris associated with the former barn associated with Lower Cottage, and the former cottage and outbuilding called Bran Wall / Brandwall of limited heritage significance, may also be found within the development site.
 - iv. In terms of indirect impact, we concur with the conclusions of the Heritage Assessment and are satisfied that the proposed development will not cause harm to the significance of any Scheduled Monuments through development within their setting. We understand that the Conservation Officer will provide further comments on the impact on the listed buildings and the built historic environment.
 - v. In terms of direct archaeological impact, in our pre-application advice, it was recommended that alongside a Heritage Assessment, the results of a field evaluation should be submitted with the planning application, to comprise a geophysical survey of the whole of the proposed development site, and depending upon the results, an archaeological trial trenching exercise. A geophysical survey of the development site was undertaken in January 2022 (Headland Archaeology,

January 2022, BHFG21). We request that this report is submitted with this planning application. The results of the geophysical survey identified anomalies likely to be the result of pedological and/or geological variations combined with topographical conditions, with a small number of anomalies likely to be of agricultural origin. Whilst the geophysical survey did not identify the enclosure site, the report indicates that the geological anomalies in that area are particularly dense and extensive, so the natural magnetic responses could be masking weaker responses from the enclosure. Its presence could therefore not be dismissed.

- vi. In view of this and given that Shropshire Council held aerial photography from 2013 indicates that the cropmark is convincing as an enclosure site, further evaluation in the form of a trial trenching exercise within the field containing the enclosure site was requested in order to satisfy the requirements of Policy MD13 of the Local Plan and Paragraph 194 of the Framework. A written Scheme of Investigation (WSI) has been approved for this work, and we note in the Planning Statement, that the results of the trench evaluation will be submitted prior to the determination of this planning application. There should be no determination of the application until the results of the field evaluation has been submitted to the Local Planning Authority. This in turn would enable an informed planning decision to be made regarding the archaeological implications of the proposed development in relation to Paragraph 203 of the NPPF, and whether further archaeological mitigation (including by design) would be required as a condition of any planning consent in relation to Paragraph 205. Please reconsult us again once the results of the required archaeological evaluation have been submitted by the Applicant.

4.10bi. SC Archaeology (subsequent comments 18/08/22) I confirm I have now had the opportunity to read the WSI, and can confirm approval of it.

4.11i. SC Conservation In considering the proposal due regard to the following local and national policies and guidance has been taken; when applicable: policies 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, Planning Practice Guidance and Historic England's GPA3 The Setting of Heritage Assets. In legislative terms Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) is applicable when considering whether to grant planning permission for development affecting a listed building or its setting, where the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- ii. The application proposes the construction of a solar farm together with all associated works, equipment, necessary infrastructure and biodiversity enhancement areas on this site at Brick House Farm, Greete. The site lies close to a number of listed buildings. The application is accompanied by a Heritage Desk-Based Assessment which concludes that the proposed development will result in harm to the setting of the Grade II listed Lower Cottage, this harm being identified at the lower end of less than substantial harm and concludes no harm to other heritage assets. We would concur that the proposal will result in less than

substantial harm to the setting of Lower Cottage and the harm identified should therefore be weighed against the public benefits of the proposal in line with paragraph 202 of the NPPF with great weight being given to the conservation of the heritage assets in line with paragraph 199 of the NPPF.

- 4.12i. SC Highways No objection subject to a Construction Traffic Management Plan condition. This condition ensures that construction traffic, particularly HGVs, access the site via the most appropriate route and that any damage to that route is repaired by the Developer. In addition, this condition aims to ensure that on site safety is considered and that in some cases, segregation occurs between construction traffic and existing traffic (e.g. development at, or near to, schools). The Construction Traffic Management Plan and Access Route should also ensure that the most appropriate route to access the site is used.
- ii. Section 59 of the Highways Act (1980) enables the LHA to recover its costs in making good extraordinary damage to the highway. This condition requires the Developer to enter into an agreement with the LHA in advance, stipulating how any abnormal wear and tear will be monitored and rectified. Reaching agreement in advance provides clarity to both parties of what is expected and helps avoid costly disputes at a later date.
- 4.13ai. SC Landscape advisor (initial comments) The methodology for the LVIA is generally clear, proportionate and compliant with the best practice set out in GLVIA3. It is appropriate for the nature of the proposed development and scale of likely effects. However, the assessment of effects has not been carried out in compliance with the methodology and at present we do not consider it to be reliable to be used to make a sound planning judgement. The proposed development has the potential to comply with Local Plan policies CS6, CS8, CS17, MD2 and MD12, however additional information will be required before we can recommend that compliance is demonstrated. We have made 3 recommendations relating to the LVIA which we consider should be addressed prior to determination of the application.
- ii. Although we have raised 2 concerns over shortcomings of the LVIA methodology, these have no material effect on the assessments given that the content of the LVIA addresses these issues. Other than these, the LVIA methodology is clear, proportionate and compliant with the best practice set out in GLVIA3. Information will be required before we can recommend that compliance is demonstrated.
- iii. The mitigation proposals are likely to remain appropriate and capable of reducing adverse effects, subject to submission of details on specification and aftercare. We therefore recommend that the LVIA be amended prior to determination of the application so that:
- Judgements of value and susceptibility are provided for landscape element receptors
 - Assessments of landscape and visual effects are undertaken for the 3 development stages defined in the LVIA methodology
 - The potential for ridge and furrow landform as a landscape receptor is considered

4.12b SC Landscape advisor (note – the applicant amended the LVIA in accordance with the landscape advisor's recommendations on 1/09/22)

4.13 Councillor Richard Huffer (Clee) has been informed of the proposals.

Public Comments

4.16 The application has been advertised in accordance with statutory provisions and the nearest properties have been individually notified. At the time of writing 111 representations have been received - 97 objecting, 13 in support and 1 neutral. A 6 signature petition in support of the proposals has also been received. The main issues of concerns of objectors can be summarised as follows:

Objection comments:

- i. Impact on arable land: The land has been independently (ALC) classified as 75% Grade 3b, producing valuable yields of cereals, potatoes and other crops, as well as raising cattle. Its' versatility as a resource has been demonstrated by the range of crops harvested and the consistent yields. At a time when agricultural land is at a premium it should not be taken out of production. In view of the war in Ukraine we need to grow more crops ourselves and stop being reliant on imports. Technology is moving forward so fast that the panels used today will soon be obsolete. Tying up agricultural land for so many years is an unacceptable waste. This planning application effectively removes a whole and productive farm from the Country's food production capabilities to be replaced by an industrial development in the centre of a village on good agricultural land farmed throughout the centuries. Shropshire Council has an opportunity to be an exemplar in rural planning by refusing this planning application in this location, encouraging and assisting the developer to seek a brownfield site for a solar project and ensuring that agricultural land is preserved in appropriate stewardship. This land has been farmed well for the last 70+ years and is very productive, producing very good yields of grain and grass for milk and beef cattle. It has been constantly manured with farmyard manure resulting in very good consistent fertility. In the current economic climate when food production is going to be of great importance this must be taken into consideration. Replacing good productive agricultural land with an ugly industrial complex will be a blight on unspoilt virgin countryside and will undermine the country's need for food security, as quoted by our prospective Prime Minister, Liz Truss. It would industrialise over 50 hectares of productive agricultural land (18% is classed as grade 2 or grade 3 and over 70% is classified as grade 3b). Initially the overriding aim would be to address the carbon reduction and renewable energy proposals set by the UK Government. However, recent World events have now added a further influence which has been addressed by the UK Government in its recently published Food Strategy.
- ii. Highways / construction: Access to the site is along narrow winding lanes with few passing places. It is hard enough having to reverse round blind bends for the local traffic. It would be extremely unsafe with site traffic. Many locals walk the lanes, with and without dogs and there are many horses in the area that are exercised daily along them. I find the applicant's Construction Traffic Management Plan,

especially the mitigation suggestions to be unworkable. If this plan was to be accepted, I believe that highway safety would be compromised. One of the construction traffic route sections that concerns me is the road described in the plan as Caynham Access Road which is a single tracked road of over 2 miles in length. I have ridden my horses for many years along this single-track road and there are large sections that are desperately narrow and sometimes steep. Drivers who aren't used to rural roads may not understand what to do when meeting horse riders. Are the applicant's suggesting that the construction traffic use the privately owned field accesses? The potential for causing damage to these accesses and field gates is highly likely. This bridge is Grade 2 listed very narrow and so steeply hump backed that the on-coming traffic cannot be seen until you are at the narrowest part of the bridge. The construction traffic route once you have negotiated this listed hump backed bridge then passes the local primary school located at the village of Ashford Carbonnel. There is only one swept path analysis that has been undertaken and that is on the specially constructed site entrance. No swept path analysis has been undertaken on any other part of the route even though there are numerous narrow bends on the Caynham Access Road. The six abnormal load movements that are going to be going along the Caynham Access Road would also benefit from being assessed by a swept path analysis to ensure the transport of these loads are possible without damaging the listed bridge, hedgerows, banks, trees, walls and verges. The roads in the vicinity of the site may be lightly trafficked but the applicants in their Construction Traffic Management Plan have failed to address highway safety (which is a material planning consideration) regarding vulnerable road users and primary school children, and everyday regular traffic along the single track Caynham Access Road. The proposed site can only be accessed by one road system which is narrow. This is used by local people and needs to be driven with care. Any extra heavy duty traffic will not only cause more damage to the already poor road system, but will increase the danger to local people. Delays to emergency services caused by traffic blockages could cause suffering or even death. The location under consideration may be conveniently placed for access to the National Grid but is reached down a winding single track lane with few passing places.

- iii. Location: There are millions of acres of rooftops both industrial and domestic that would better serve as a place for solar panels. It is short sighted to take the easy option and place them on much needed land. Better to help people to put panels on the roof. If it is really necessary to use land there must be suitable brown field sites that could be used instead. I am very aware that as a country we need to be more self-sufficient in energy and I am also very aware that the reason these solar farms are being proposed is their proximity to the main electric pylon system, but this must not be a factor in allowing these proposals to go ahead. Sufficient funds must be sought to allow solar farms to be created on brown field sites where the environmental benefits would be greatly increased.
- iv. Biodiversity: The farm has a high level of natural bio-diversity and good wildlife environments within the field margins; surrounded by rough pastures along the Greete brook and Ledwyche river system and many old hedgerow systems. Although the proposed scheme states it will improve the bio-diversity, the destruction of the already existing habitat and soil structure whilst constructing the Solar farm will be detrimental. As Biodiversity & Planning Officer of the House

Martin Conservation UK & Ireland organisation, I am very concerned that the ecological survey and biodiversity strategy does not consider species such as house martins, which are endangered and are a red listed species in the UK, which forage over the land to be developed. These should be fully assessed by an independent ecologist before development can be considered.

- v. **Visual impact:** This proposal and the other 4 or 5 solar farms that are going to be proposed in the area surrounding Ludlow will have a very detrimental effect on the area and taking valuable agricultural land, be it arable or grassland and covering it with industrial solar panels will permanently change the vista of the area. A solar farm in this location would be totally inappropriate in terms of its visual impact on local residents. South Shropshire is an area of outstanding natural beauty with many historical artifacts and our towns, villages, country lanes, churches etc are what make this part of the world so special.
- vi. **Heritage:** The historical heritage of Greete will be impacted. I am also convinced that irreparable damage could be done to our beautiful rural roads and a Grade 2 listed bridge. There is potential for damage to a Grade 2 listed bridge along the construction traffic routing. The area where the proposed site storage is; is traditionally believed to be old Ridge and Furrow which is of historical importance and this will be entirely destroyed if the area is used as proposed.
- vii. **Tourism:** A community who does not benefit from this development, reliant on tourism and its impact on the local economy will be affected by this proposed development. There has been no consideration for the local people who have worked hard for their little PEACE of countryside.
- viii. **Other:** A footpath crosses the edge of the site. Is that to remain open? A fuel pipeline built in 1972 crosses the site might that be damaged in the course of construction and it will need inspection and maintenance. We all love, enjoy and care for this pristine and unspoilt terrain. To replace it with harsh and unforgiving industrial hardware would be damaging to the mental health of all for generations. We already have a problem with incoming workers who have no interest in the appearance and upkeep of our area. The inevitable devaluation of our properties. This is the wrong location for such development. These developments should be primarily located in the South and East of England where the gain will be greatest. We need to retain important farmland and the beauty of our landscapes in this region. The whole area south of the A49 and Ludlow will become a Solar Farm Valley if this and other applications are given the go ahead. We understand Shropshire does not have a fully formed policy on solar farms. This leaves the county planners without local guidance and at risk of creating the wrong policy on an application by application basis. The benefits to the local community are absolutely zero. After installation, no employment opportunities will be available as the site doesn't need workers and the loss of the agricultural use means no work for agricultural workers. Thus there will be no incomes to be spent in the local economy.

Support comments:

- i. **General support:** This is the clean, green energy of the future for all and deserves support because it is another step towards a cleaner environment. I have seen

many solar farms around the country with the land beneath the solar panels still in use for grazing sheep. A great step forward if the application is approved. I am in favour of this solar farm providing the lanes and infrastructure is put back to rights and the inconvenience is kept to a minimum.

ii. Support Petition text: I am writing to you in support of planning application 22/02565/FUL for the installation and operation of a solar Farm at Brick House Farm. I support the application on the following grounds:

- The solar farm will generate low-cost renewable energy, reduce reliance on imported fossil fuels and help address the climate emergency.
- The proposed development would create enough renewable energy to meet the annual electricity needs of approximately 15,000 homes. It would also offset approximately 11,200 tonnes of CO2 each year, the equivalent to taking around 5,160 cars off the road.
- The solar farm will contribute towards the security of energy supply in Shropshire through the provision of local, renewable energy supply.
- The proposed development will provide a significant net biodiversity net gain.
- The proposed development will be accompanied by a community fund which will invest in local projects and initiatives
- The solar farm will only be temporary, allowing the land to rest for up to 40 years. Once the solar farm's life is over, full restoration of the site will be secured via planning condition.
- Overall, the proposed development will have a positive impact on the community with careful consideration being given to avoid effects on landscape, heritage, or ecological designations.

5.0 THE MAIN ISSUES

- Policy context;
- Principle of the development;
- Justification for location;
- Landscape and Visual impact;
- Existing land use;
- Other environmental issues;
- Timescale / decommissioning.

6.0 OFFICER APPRAISAL

6.1 Policy context:

6.1.1 The National Planning Policy Framework (NPPF) is a key material planning consideration. Paragraph 11 establishes a presumption in favour of sustainable development whilst Paragraph 158 advises that 'when determining planning applications for renewable and low carbon development, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and b) should approve the application if its impacts are (or can be made) acceptable'. As such, planning permission should be granted for renewable energy development unless:

- The level of harm would “significantly and demonstrably outweigh benefits” when assessed against the requirements of the NPPF as a whole, or
- If specific policies in the NPF indicate the development should be restricted.

6.1.2 The NPPF practice guide on renewable and low carbon energy advises that “the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively”. The guide encourages use of previously developed land or advocates continued agricultural use with biodiversity enhancements around arrays and recognises that solar farms are temporary structures. There is a need to assess glint and glare, the effect of security measures, effects on heritage conservation, the potential for mitigation through landscape planting and the energy generating potential of a particular site.

6.1.3 One of the strategic objectives of the Shropshire Core Strategy (objective 9) is ‘responding to climate change and enhancing our natural and built environment’. Policy CS8 supports ‘positively encouraging infrastructure, where this has no significant impact on recognised environmental assets, that mitigates and adapts to climate change, including decentralised, low carbon and renewable energy generation.’. Policy CS5 advises that <development> ‘proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits’.

6.1.4 Policy CS8 positively encourages infrastructure that mitigates and adapts to climate change, ‘where this has no significant adverse impact on recognised environmental assets’. Policy CS13 aims to plan positively to develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities. Policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire’s natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. The proposals would respond to climate change, but it also necessary to protect the rural environment.

6.1.5 SAMDev Policy MD2 (sustainable design) requires development to contribute to and respect locally distinctive or valued character and existing amenity. Policy MD8 (infrastructure) requires that development shall only take place where there is sufficient existing infrastructure capacity or where the development includes measures to address a specific capacity shortfall. Applications for new strategic energy, transport, water management and telecommunications infrastructure will be supported in order to help deliver national priorities and locally identified requirements, where its contribution to agreed objectives outweighs the potential for adverse impacts. This includes with respect to:

- i. Residential and other sensitive neighbouring land uses;
- ii. Visual amenity;
- iii. Landscape character and sensitivity, including impacts on sensitive skylines;

- iv. Recognised natural and heritage assets and their setting, including the Shropshire Hills AONB (Policy MD12);
- v. The visitor and tourism economy including long distance footpaths, cycle tracks and bridleways (Policy MD11);
- vi. Noise, air quality, dust, odour and vibration;
- vii. Water quality and resources;
- viii. Impacts from traffic and transport during the construction and operation of the infrastructure development;
- ix. Cumulative impacts.

6.1.6 Policy MD12 (the natural environment) aims to conserve, enhance and restore Shropshire's natural assets, and to ensure that the social or economic benefits of development can be demonstrated to clearly outweigh the harm to natural assets including biodiversity and visual amenity. Policy MD13 (the historic environment) provides equivalent protection for heritage assets.

6.1.7 The emerging Shropshire Local Plan provides equivalent policies to protect natural and historic assets and local amenities with specific policies covering landscape protection and the AONB. Draft Policy DP26 (Strategic, Renewable and Low Carbon Infrastructure) covers renewable energy. The most relevant sections of the draft policy include:

2. Non-wind renewable and low carbon development will be supported where its impact is, or can be made, acceptable. To aid in this determination, all applications should be accompanied by an assessment of the proposal's effect on the following during both the construction and operational stages:

- a. Visual amenity (including the considerations within Policy DP17);
- b. Landscape character (including the considerations within Policy DP17);
- c. Natural assets (including the considerations within Policy DP12);
- d. Historic assets (including the considerations within Policy DP23);
- e. Air quality, noise and public amenity (including the considerations within Policy DP18);
- f. Water quality and water resources noise (including the considerations within Policy DP19);
- g. Traffic generation and the nature of vehicle movements;
- h. The Shropshire Hills AONB (including the considerations within Policy DP24)...
- k. Large scale ground mounted solar photovoltaic solar farm proposals should show how they have made effective use of previously developed and non-agricultural land. Where a proposal requires the use of agricultural land, poorer quality land should be used in preference to land of a higher quality (see also Policy DP18). Proposals should allow for continued agricultural use wherever possible and/or encourage biodiversity improvements around arrays. The assessment should pay particular attention to the impact of glint and glare on neighbouring land uses and residential amenity as well as aircraft safety, (including defence operations).

The emerging plan is at a relatively advanced stage so some limited weight can be given to the draft policies at this stage.

- 6.1.8 The "Zero Carbon Shropshire Plan" published in January 2021 by the Shropshire Climate Action Partnership describes its vision for a sustainable Shropshire as follows: "Shropshire will become net zero carbon by 2030. Starting immediately, organisations, businesses and communities across Shropshire will participate in a collaborative approach to rapid decarbonisation; large scale restoration of biodiversity and the natural environment; and the development of sustainable, resilient and inclusive communities and the enterprises required for a sustainable future.". Page 34 of the report advises that that 500 acres (200 ha) of solar farms (plus wind farms) will need to be installed to power the grid and private wire demand, and to create 120GWh/year of electricity generation capacity to provide green hydrogen for HGV/agricultural use.
- 6.1.9 In considering the current proposals it is necessary to assess:
- The characteristics of the site and the nature of any impacts to the local environment, landscape and amenities
 - Whether any identified impacts are capable of being satisfactorily mitigated.
- 6.1.10 If there are no unacceptably adverse impacts after mitigation has been applied and / or the benefits outweigh any residual impacts then relevant policy tests will have been met and the development would be 'sustainable' when taken under the NPPF as a whole. As such, permission should be granted under NPPF paragraph 158. However, if any unacceptably adverse effects remain after mitigation and outweigh the potential benefits then the development would not be sustainable.
- 6.2 Justification for the development:
- 6.2.1 Justification for choice of site: Section 158 of the NPPF does not require applicants for renewable energy schemes to demonstrate the need for the development. However, the NPPF practice guide on renewable and low carbon energy advises that planning authorities should consider 'the energy generating potential (of a solar PV site), which can vary for a number of reasons including, latitude and aspect'.
- 6.2.2 The principal determinant of suitability of a site to accommodate solar PV development is its proximity to a point of connection to the local electricity distribution network which must also have the capacity to receive the renewable electricity generated by the development. Other key determinants are land availability, technical suitability of the site to deliver the solar farm and its suitability within the planning context. These considerations impose significant constraints on the land which is suitable in practice for solar farm development.
- 6.2.3 Solar farm installations typically require an underground cable route to be developed to facilitate connection to nearby substations, thus requiring additional off-site infrastructure. The Distribution Network Operator (Western Power Distribution) has confirmed, via a formal grid offer, that a technically and commercially feasible connection to the onsite high voltage 132kV line is available. Sites which offer these characteristics are scarce across the UK and within Shropshire, where grid capacity is now extremely limited. The Applicant has therefore subsequently secured and accepted this grid offer.

- 6.2.4 Choice of site – agriculture: The NPPF states at paragraph 174 that planning policies and decisions should contribute to and enhance the natural and local environment by, inter alia, "recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland."
- 6.2.5 National Planning Practice Guidance on renewable and low carbon energy describes the specific planning considerations that relate to large scale ground-mounted solar photovoltaic farms. A local planning authority will need to consider amongst other matters that: "where a proposal involved greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays."
- 6.2.6 Core Strategy Policy CS6 describes that new development should make effective use of land and safeguard natural resources, including high quality agricultural land. The Applicant commissioned the preparation of an Agricultural Land Classification Report which concludes that 75% of the site comprises of subgrade 3b soils which is therefore not best and most versatile. The limiting factors for this grade as identified within the report are wetness or droughtiness; stone content; and slope. The amount of best and most versatile land identified does not exceed the 20ha required for Natural England consultation. Whilst some areas of Grade 2 have been identified these are confined to the Ledwyche Brook area and of limited size.
- 6.2.7 The applicant advises that the proposed solar farm is a temporary form of development which can be fully reversed at the end of its life. Agricultural production can also be maintained (though constrained) during the operational life of the solar park. Consequently, the development proposal would not result in the permanent loss of agricultural land resource or the degradation of its ALC grade. The applicant advises that the change from arable to sheep grazing will improve soil health by enabling an increase in soil organic matter and soil organic carbon and by increasing soil biodiversity and improving soil structure. Greet Parish Meeting has queried this conclusion (Appendix 2).
- 6.2.8 The applicant also advises that the MAFF provisional (pre-1988) agricultural land classification ALC information shows that Shropshire has a high proportion of best and most versatile agricultural land compared with the rest of England. Consequently, it is stated that the proposed development will not significantly harm national agricultural interest.
- 6.2.9 The applicant has provided the following further clarifications with regard to the agricultural effects of the proposals:
- Solar farms currently account for 0.08% of total land use (Solar Energy UK 2022)

- Government targets for a fivefold increase in solar would result in 0.3% of the UK land area being used by solar (Carbon Brief, 2022). This is the equivalent to around half of the space used nationally by golf courses
- Brick House is predominantly grade 3b
- The current tenant farmer wishes to retire at the end of next year due to ill health. The landowner has ensured that he will be able to remain in the farmhouse in which he was born in perpetuity. We have discussed maintenance contracts with the current farm business manager
- Bluefield currently grazes sheep on more than 40% of its solar farms and intends to do so at Brick House Farm. This enables a balance of agricultural use and biodiversity enhancement

6.2.10 Greet Parish Meeting has challenged the stated ability to graze sheep on the site (Appendix 2). However, the applicant advises that this is undertaken successfully in over 40% of their sites. The officer has researched this and has no reason to doubt the ability to graze sheep on the proposed solar site in this instance.

6.2.11 In conclusion, most of the site is not best and most versatile quality and the land will remain in agricultural use as sheep pasture between the arrays. The land will be fully reinstated at the end of the design life of the solar farm, with the soil having not been subjected to the effects of intensive arable farming during this time, thereby allowing a natural soil ecosystem to develop. It is considered that the benefits of renewable energy in this instance significantly and demonstrably outweigh any residual impact arising from the temporary loss of arable land including some best and most versatile land.

6.2.12 Choice of site – alternatives: While the solar development could theoretically be developed elsewhere, much of the district is within the AONB and beyond the distance at which a grid connection could be achieved. The applicant's comprehensive site search survey advises that there are few alternatives that do not have greater constraints. The possible existence of other potential sites in the wider surrounding area does not amount to an alternative. This is given that the site has been proposed to utilise capacity to export renewable energy to the electricity grid which is only available in this particular area and via a connection at this specific location.

6.2.13 Choice of site – conclusion: It is considered that the justification for the choice of this site is capable of being accepted in principle, provided there would be no other unacceptably adverse land use impacts. There is in the opinion of the officer no evidence that the proposal will result in significant or permanent loss of agricultural land.

6.2.14 Climate change and economic benefits: The development would save approximately 8,200 tonnes of CO₂e¹ each year, the equivalent to taking around 5,000 cars off the road. It would provide approximately 40,000MWh of renewable energy per annum equivalent to the annual electricity consumption of approximately 10,400 homes². This is compliant with the climate change chapter of the NPPF, with strategic objective 9 of the Core Strategy, with the Council's declaration of a climate emergency in 2018 and with subsequent strategies referred to above in the

consultation response from the Council's climate change task force. Solar installations reduce the dependence of local economies on energy imports.

6.2.15 The installation and maintenance of these facilities can generally be provided by local workers. The proposals are also capable of contributing in principle to the sustainability of rural communities by bringing local economic and community benefits, including through farm diversification and delivering sustainable economic growth and prosperous communities. This is provided there would be no unacceptable impacts in relation to other interests such as the leisure / tourism economy (Core Strategy Policies CS5 and CS13).

6.2.16 The applicant has provided the following summary statement on the benefits of solar energy:

'Solar is key to addressing both the Climate Emergency and the Cost of Living Crisis:

- Between June and August this year, solar often provided up to 25% of UK daytime electricity. In the southwest, it was up to 65% (National Grid ESO carbon app)
- The demand for daytime electricity will grow as climate change increases the requirement for daytime cooling and as the EV fleet increases
- The cost of UK solar power is now less than one quarter of the cost of gas and less than one third of the cost of nuclear – it is also by far the quickest energy technology to deploy
- The government's Energy Security Strategy (2022) proposed a five-fold increase in solar by 2035. This can only be achieved by deploying solar on both land and buildings
- Without subsidy, solar farms are rarely viable on brownfield sites because the land value is usually too high.
- The BEIS Public Attitudes Tracker (June 2022) shows that solar is by far the most popular form of energy with 87% support for more solar. Only 7% expressed opposition to solar farms. (BEIS PAT Spring 2022 Energy Infrastructure and Energy Sources)

6.2.17 The officer considers that the above statements are consistent and aligned with the objectives of the Marches LEP Energy Strategy and the Zero Carbon Shropshire Plan as referred to in section 4 above by the Climate Change Task Force.

6.3 Environmental considerations:

6.3.1 Landscape and visual impact: Local Development Plan policies CS6 'Sustainable Design and Development Principles', MD2: 'Sustainable Design', and MD12 'The Natural Environment' seek to ensure that new development protects, restores, conserves and enhances the natural environment taking into account the potential effects on the local landscape character and existing visual amenity value. The NPPF describes in Chapter 15 'Conserving and enhancing the natural environment'. Paragraph 174 advises that planning policies and decisions should contribute to and enhance the natural and local environment by (inter alia): protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified

quality in the development plan); and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.

- 6.3.1 The planning application is accompanied by a Landscape and Visual Impact Assessment (LVIA) prepared in accordance with Landscape Institute guidelines. The LVIA assesses the baseline landscape and visual context at the site and its surroundings and the potential for landscape and visual effects arising from the development. It also identifies mitigation measures to reduce the effect of any identified impacts.
- 6.3.2 The LVIA confirms that the site does not fall within any statutory or non-statutory landscape designations and identifies no current schemes in the surrounding area with the potential to raise any cumulative impact issues. The proposed layout is described within the LVIA as incorporating a number of built-in mitigation measures including exclusion of the eastern parcel of land (between the unnamed watercourse and Burford Land) from the Site that is in closest proximity to and potentially overlooked by residential properties in Greete and users of footpath 0529/10A/1; the retention of footpath 0529/10A/1 as open as existing throughout all phases of the Lifecycle of the scheme; and exclusion of land for solar farm development along Ledwyche Brook within Flood Zones 2 and 3.
- 6.3.3 The LVIA advises that that development will also give rise to extensive landscape enhancements including:
- Biodiversity Enhancement Areas (BEA) providing a total of 6.4ha of habitat;
 - Planting approximately: 1400 sqm native woodland belt with shrub understorey along the north-eastern boundary to enhance screening to close-distance views from Greete, longer distance views from the AONB, and intervening land to the north, as well as enhancing wildlife corridor provision;
 - Reinforcement of the existing woodland along the unnamed watercourse separating the eastern parcel to strengthen habitat connectivity and restrict views from the east.
 - Implementing a new length of hedgerow with hedgerow trees along the eastern, southern and western boundaries of the substation to restrict views from those directions.
 - Proposing species-rich meadow grassland around the periphery of the site outside the security fencing.
 - Infilling and strengthening 815 linear metres of hedgerow at an infill rate of 30% within the site to strengthen landscape structure and assist in filtering views from the north, south, and west.
- 6.3.4 Overall the LVIA concludes that the proposed development has been designed to reduce its level of inter-visibility with the surrounding host landscape. Whilst it would physically introduce a new element into the receiving landscape, its presence would not manifest itself in the wider landscape due to the moderate level of enclosure within and around the site, as a result of interactions with topography, vegetative cover, and the proposed mitigation measures.

6.3.5 The majority of the identified and assessed visual receptors that would experience a change in their would be very close range. Distant views from elevated land within the Shropshire Hills AONB would be experienced in the context of a broad and complex panorama encompassing the Teme valley set against the Herefordshire plateau, the site occupies a very small part of that landscape. Views achievable form the AONB would also be of the rear of the panel elevations and the view achievable from Clee Hill will also incorporate near views of a housing estate. The identified and assessed viewpoints, and visual receptors within the wider landscape are subject to negligible or neutral effects. The planting of a new woodland belt, and enhancement and reinforcement of an existing woodland belt and hedgerows within and around the site, may be viewed as a long-term landscape benefit. Overall, the LVIA concludes that the proposed development can be effectively integrated and assimilated into the surrounding landscape.

6.3.6 The slides below are taken from the LVIA.



CONTEXT BASELINE VIEWPOINT 1
Titterstone Quarry Clee Hill OAL/footpath 0508/UN2/2 looking south



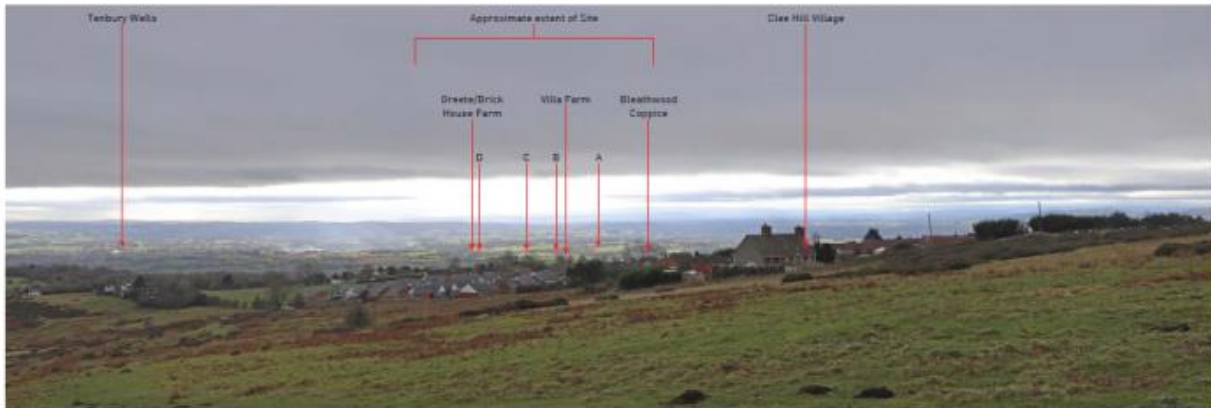
Camera make & model - Canon EOS 4D, PPS Viewpoint height (AOD) - 457m
Date & time of photograph - 07/02/2022 14:57 Distance from site - 7133m
OS grid reference - 359326, 277577

DESIGN | ENVIRONMENT | PLANNING | ECONOMICS | HERITAGE

Pegasus
Environment

P21-0442_06 | BRICK HOUSE FARM | BLUEFIELD RENEWABLE DEVELOPMENTS LTD

Fig 3



CONTEXT BASELINE VIEWPOINT 2

Clee Hill Toposcope viewing point 0AL/Bridleway 0523/13/2, footpaths 0523/32/3 & 0523/33/3 looking southwest



KEY

A - D indicates perceptible overhead line towers within site

Camera make & model - Canon EOS 4D, PFG Viewpoint height (AGD) - 271m
 Date & time of photograph - 21/02/2022 @ 14:29 Distance from site - 1101m
 OS grid reference - 359424, 275320

DESIGN | ENVIRONMENT | PLANNING | ECONOMICS | HERITAGE



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Fig 4



CONTEXT BASELINE VIEWPOINT 3

Footpath 0532/2/2 looking southwest



KEY

A - D indicates perceptible overhead line towers within site

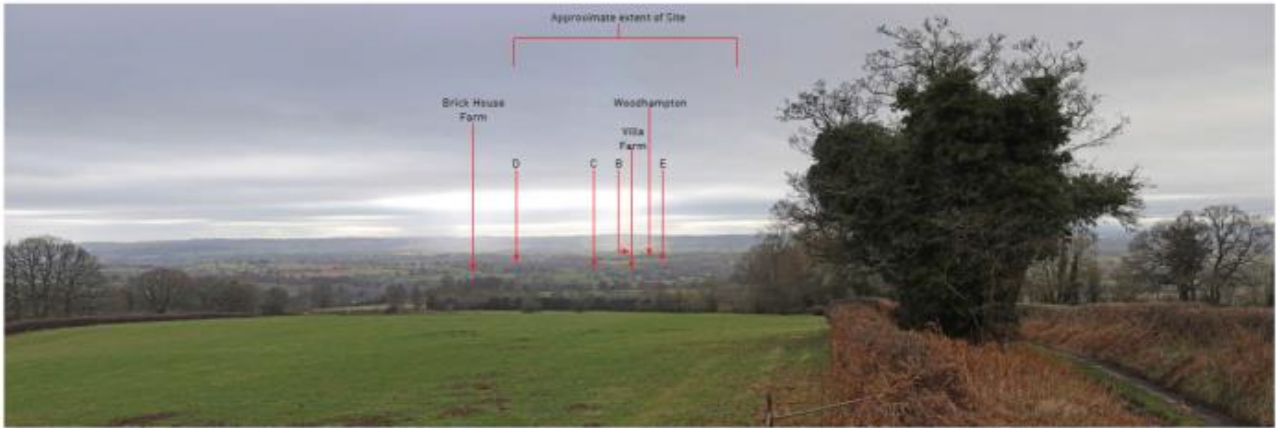
Camera make & model - Canon EOS 4D, PFG Viewpoint height (AGD) - 221m
 Date & time of photograph - 21/02/2022 @ 13:38 Distance from site - 3837m
 OS grid reference - 358647, 274344

DESIGN | ENVIRONMENT | PLANNING | ECONOMICS | HERITAGE



P21-0622_08 | BRICK HOUSE FARM | BLUEFIELD RENEWABLE DEVELOPMENTS LTD

Fig 5



CONTEXT BASELINE VIEWPOINT 4

Whitewayhead Lane/footpath 0564/21/1 looking south



Camera make & model - Canon EOS 80D, PPS
 Date & time of photograph - 07/02/2022 09:13:20
 OS grid reference - 357861, 274287

Viewpoint height (AGD) - 232m
 Distance from site - 25.25km

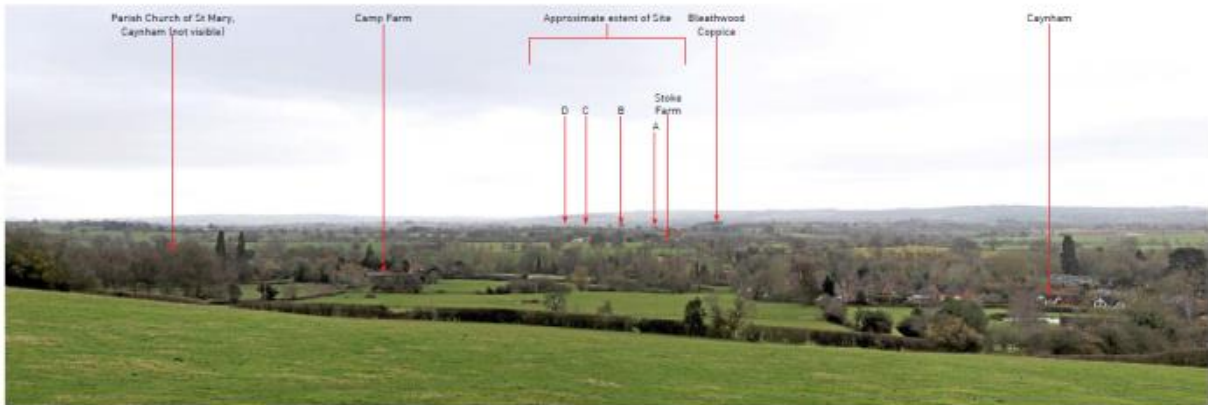
DESIGN | ENVIRONMENT | PLANNING | ECONOMICS | HERITAGE

KEY
 B - E indicates perceptible overhead line towers within site



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Fig 6



CONTEXT BASELINE VIEWPOINT 5

Footpath 0514/19A/1 looking southeast



Camera make & model - Canon EOS 80D, PPS
 Date & time of photograph - 07/02/2022 09:12:59
 OS grid reference - 354838, 273587

Viewpoint height (AGD) - 166m
 Distance from site - 34.15km

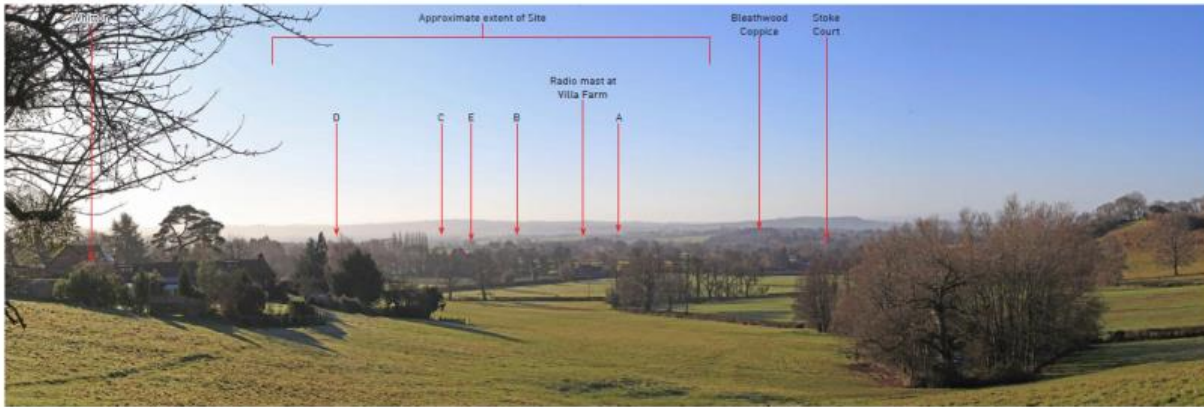
DESIGN | ENVIRONMENT | PLANNING | ECONOMICS | HERITAGE

KEY
 A - D indicates perceptible overhead line towers within site



P21-0442_08 | BRICK HOUSE FARM | BLUEFIELD RENEWABLE DEVELOPMENTS LTD

Fig 7



CONTEXT BASELINE VIEWPOINT 6
Footpath 0564/14/1 looking south



Camera make & model - Canon EOS 4D, PPS
Date & time of photograph - 17/01/2022 @ 10:47
OS grid reference - 257501, 272832
Viewpoint height (AOD) - 137m
Distance from site - 2100m

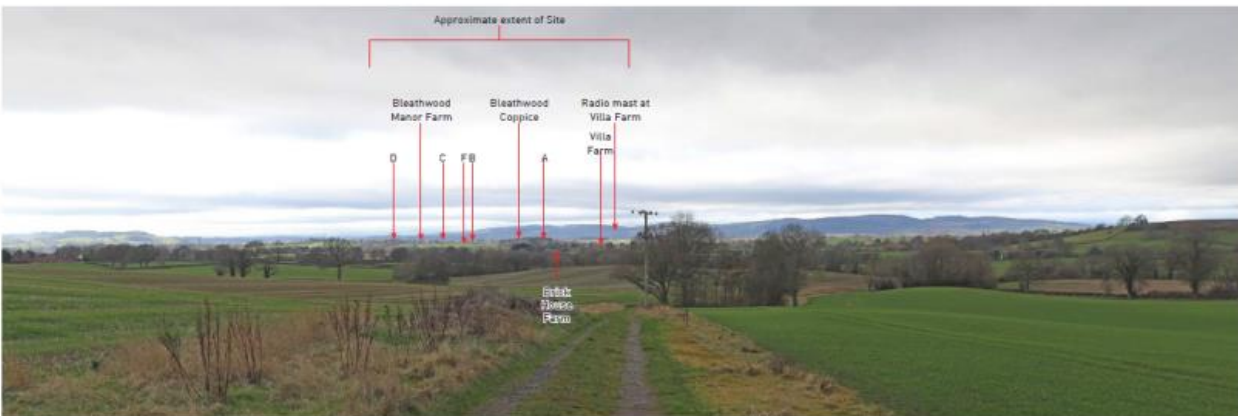
DESIGN | ENVIRONMENT | PLANNING | ECONOMICS | HERITAGE

KEY
A - E indicates perceptible overhead line towers within site



P21-6643_06 | BRICK HOUSE FARM | BLUEFIELD RENEWABLE DEVELOPMENTS LTD

Fig 8



CONTEXT BASELINE VIEWPOINT 7
Footpath 0548/1/3 looking west



Camera make & model - Canon EOS 4D, PPS
Date & time of photograph - 07/02/2022 @ 14:09
OS grid reference - 257149, 271660
Viewpoint height (AOD) - 135m
Distance from site - 2365m

DESIGN | ENVIRONMENT | PLANNING | ECONOMICS | HERITAGE

KEY
A - F indicates perceptible overhead line towers within site

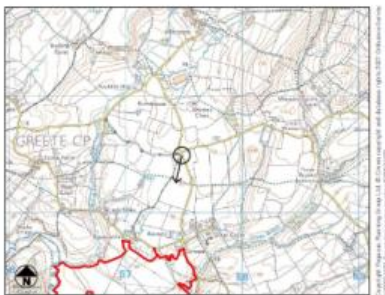


P21-6643_06 | BRICK HOUSE FARM | BLUEFIELD RENEWABLE DEVELOPMENTS LTD

Fig 9



CONTEXT BASELINE VIEWPOINT 8
Bridleway 0529/11/2 looking south



Camera make & model - Canon EOS 4D, PPS
Date & time of photograph - 07/02/2022 @ 12:30
OS grid reference - 357480, 271405

Viewpoint height (AOD) - 102m
Distance from site - 803m

KEY
C, D and E indicates perceptible overhead line towers within site

DESIGN | ENVIRONMENT | PLANNING | ECONOMICS | HERITAGE



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Fig 10



CONTEXT BASELINE VIEWPOINT 9
Caynham Lane looking south



Camera make & model - Canon EOS 4D, PPS
Date & time of photograph - 13/01/2022 @ 14:52
OS grid reference - 356089, 271731

Viewpoint height (AOD) - 117m
Distance from site - 1147m

KEY
A - D indicates perceptible overhead line towers within site

DESIGN | ENVIRONMENT | PLANNING | ECONOMICS | HERITAGE



P21-0642_08 | BRICK HOUSE FARM | BLUEFIELD RENEWABLE DEVELOPMENTS LTD

Fig 11

- 6.3.8 The Council's landscape adviser has supported the LVIA methodology and conclusions subject to a recommendation for 3 amendments which the applicant has subsequently provided in an updated LVIA. The applicant's visual appraisal as assessed by the Council's landscape adviser supports the conclusion that the proposals can be accepted with respect to visual and landscape effects.
- 6.3.9 Visual impact – glint and glare: A Glint and Glare assessment concludes that no significant impacts are predicted on local amenities or road / footpath users. Hence, there is no need for the scheme to integrate any mitigation requirements related to glint and glare effects.
- 6.3.10 Visual impact – conclusion: Whilst the concerns of some public respondents with regard to visual impact are noted it is not considered that refusal on the grounds of landscape and visual impacts could be justified. This is having regard to the lack of objection to the LVIA from the Council's landscape advisor and taking also into account the benefits of renewable energy as highlighted in particular by the Council's climate change task force. (Core Strategy Policies CS5, CS6, CS17, SAMDev Policies MD12, MD13)
- 6.3.11 Heritage appraisal: Section 194 of the NPPF advises that 'in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting'. 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. In determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness. (NPPF 197).
- 6.3.12 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. The more important the asset, the greater the weight should be. (NPPF 132). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. (NPPF 134).
- 6.3.13 A Heritage Assessment assess the significance of the historic environment and archaeological resource at and surrounding the site, including the effects of the development on heritage assets and their setting. Relevant source information has been obtained and a site visit has been undertaken to assess the intervisibility between the site and designated heritage assets identified. The assessment has identified a cropmark in the southern field representing a single ditched enclosure from the later prehistoric or Roman period. However, there is currently no evidence to suggest a level of significance which would preclude development. No other

archaeological features with the potential to precluding the development have been identified.

- 6.3.14 A total of 17 Listed Buildings lie within a 1km radius of the site. The nearest is the Grade II Listed Lower Cottage, immediately outside the northern boundary of the site. The settlement of Greete contains a cluster comprising Grade II* Listed Church of St James, the Grade II* Listed Greet Court, and 9 Grade II Listed Buildings, situated approximately 200-350m to the north-east of the site. The Grade II* Listed Bleathwood Manor Farm lies c.630m southwest of the site; the Grade II* Listed Stoke Court and its Grade II Listed Stables lie c.650m north-west of the site; the Grade II Listed Stoke Farmhouse lies c.985m north-west of the site; and the Grade II Listed Woodyetts lies c.960m west of the site. There are no Scheduled Monuments, Registered Parks and Gardens, Registered Battlefields, or Conservation Areas located within a 1km radius of the site.
- 6.3.15 The report assesses the potential impact of the development on the setting of the designated heritage assets identified within and beyond a 1km radius of the site, prepared with reference to 'The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 2' published by Historic England. Particular attention has been given to the Grade II Listed Lower Cottage, the Grade II* Listed Greet Court, and the Grade II Listed Brick House Farmhouse, on account of their historic associations and/or potential intervisibility with the site.
- 6.3.16 The far northern part of the site and northern central part of the site are considered to make a contribution to the setting of Lower Cottage as a result of the historic association of land ownership and partial intervisibility with the asset. The introduction of solar arrays and infrastructure to these fields is appraised to change the historic landscape character as experienced in views towards and from the asset. The assessment identifies that this may result in a small degree of harm, at the lower end of the less than substantial spectrum to the significance of Lower Cottage. The development has not been identified to cause harm to any other designated heritage assets in the immediate or wider locality.
- 6.3.16 A geophysical survey records a range of magnetic responses across site which are interpreted as likely to be due to natural causes. No anomalies have been identified at the location of the cropmark interpreted as a prehistoric rectangular enclosure. As the geophysical survey has not picked up any anomalies a schedule for further trench evaluation has been agreed with Shropshire Council's Archaeology Officer.
- 6.3.17 It is considered that sufficient information has been provided on heritage and archaeology to enable the planning authority to appraise the impacts of the development in accordance with the obligations of Section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990, Chapter 16 of the NPPF and the heritage provisions of Policies CS17, MD8 and MD13 of the adopted Site Allocations and Management of Development Plan (2015).
- 6.3.18 A small amount of harm at the lower end of the 'less than substantial' spectrum has been identified as occurring at the Grade II Listed building, Lower Cottage, to the north of the site. The NPPF describes at paragraph 202 that "where a development proposal will lead to less than substantial harm to the significance of a designated

heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

- 6.3.19 The Councils conservation section (Historic Environment Team) agree that the proposed development will result in harm to the setting of the Grade II listed Lower Cottage, at the lower end of less than substantial harm spectrum and concludes no harm to other heritage assets. They advise that harm identified should therefore be weighed against the public benefits of the proposal in line with paragraph 202 of the NPPF with great weight being given to the conservation of the heritage assets in line with paragraph 199 of the NPPF.
- 6.3.20 The officer considers with reference to NPPF paragraph 202 that the public benefits of this proposal in terms of renewable energy provision and addressing climate change are sufficient to outweigh the small amount of harm identified which will be temporary and fully reversible upon decommissioning of the site. It is concluded that the proposals would not give rise to any significant impacts on heritage assets and can therefore be accepted in relation to heritage policies and guidance including the historic environment chapter of the NPPF, core strategy policy CS15 and SAMDev Policy MD13.
- 6.3.21 Noise: A noise assessment has been prepared taking into account relevant planning policy and British Standards and WHO Guidelines and considering likely worst case noise levels generated by the solar farm. The assessment concludes that the operation of the solar farm would generate very low noise levels at surrounding properties throughout the day and night and would not result in unacceptable levels of noise, demonstrating full compliance with the requirements of the NPPF and development plan policy.
- 6.3.22 Access / traffic and construction: Paragraph 111 of the NPPF states that "development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe. SAMDev Policy MD8 (Infrastructure Provision) states that applications for strategic energy provision will be supported to help deliver national priorities and locally identified requirements, where its contribution to agreed objectives outweighs the potential for adverse impacts. The Policy states that in making this assessment particular consideration should be given to the potential for adverse impacts on the following (as related to highways, access, and construction):
- Noise, air quality, dust, odour and vibration
 - Impacts from traffic and transport during the construction and operation of the infrastructure development
 - Proposals for temporary infrastructure will be expected to include measures for satisfactory restoration, including progressive restoration, of the site at the earliest practicable opportunity to an agreed after-use or to a state capable of beneficial after-use.
- 6.3.23 The application is supported by a Construction Traffic Management Plan which sets out the strategy for site access, routing for construction traffic, construction vehicle size and frequency and mitigation, including condition surveys. The site is proposed

to be accessed via an existing field gate access off an unnamed road (referred to within this statement as 'Caynham Lane') situated along the site's northern frontage which routes between Greete and Caynham. The Caynham Lane access road is a single lane carriageway measuring between 3-3.5m in width, with verge either side and limited passing places. Caynham Lane is subject to the national speed limit, however traffic surveys indicated that travelling speeds of vehicles using the lane were well below the limit. The road predominantly serves access to agricultural land and a small number of residential dwellings and opportunities to pass are presented at these entrances. Traffic flows along the road are low as confirmed during site visits and via an Automatic Traffic Count undertaken. Historic data indicates that there are no accident patterns or clusters within the vicinity of the site which would indicate a highways safety issue.

- 6.3.24 Due to the characteristics of the local lane between Caynham and the site, only smaller HGVs, with the exception of inverters and substation deliveries, would be permitted to access the site, larger HGVs will unload off-site at a temporary compound to the west of Caynham with loads transferred to tractor and trailer vehicles to deliver to the site. The traffic management measures proposed within the CTMP include the use of Stop/Go boards where one-way vehicle flow only is achievable. A Temporary Traffic Regulation Order (TTRO) would be sought to close part of the Caynham Access Road along the construction route. Residential access to properties along Caynham Access Road will be maintained at all times. Local residents would be given a single point of contact for information relating delivery and construction works.
- 6.3.25 A temporary onsite construction compound would enable delivery vehicles to offload equipment and turn effectively and provide temporary parking space for contractors' vehicles. The temporary construction compound would be fully restored to the existing use following completion of construction as controlled by planning condition. The construction phase would take 26-36 weeks to complete, assuming a six-day working. A maximum of 60 construction workers are forecast to be on the site during peak times during the construction period. Trips will be shared where possible to minimise the impact on the local highways network and parking provided within the temporary construction compound.
- 6.3.26 The construction traffic management plan (CTMP) demonstrates that suitable visibility splays can be achieved at the site access subject to the removal of a short section (9m) of existing hedgerow.
- 6.3.27 Shropshire Right of Way 0529/10A/1 is the sole PRoW which routes across the site and is situated wholly within the proposed 'Biodiversity Enhancement Area'. This PRoW will be maintained at all times during the construction and operational phase.
- 6.3.28 The CTMP concludes that the level of traffic during the construction or operation period can be accommodated by the highways network without giving rise to detrimental impact on its safety or operation. Highways condition surveys would be undertaken to ensure that any remedial work required to the highways following the construction phase is identified and implemented.

- 6.3.29 The Greete Parish Meeting and some local residents have questioned the ability to properly control construction traffic in practice given the narrow nature of the approach roads. However, SC Highways have not objected subject to a construction management plan condition. The NPPF are very stringent. 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'. There has been no objection from SC highways who advise that a Construction Management Plan is sufficient to address highway issues during the temporary construction phase. As such it is considered that a highway based refusal reason could not be sustained and that the proposals can be accepted in relation to highway and access considerations. Core Strategy Policy CS5, CS6, CS7, CS8).
- 6.3.30 Ecology: The planning application is accompanied with an Ecological Assessment (EA) incorporating a Biodiversity Management Plan. The site is not located within any statutory designated sites for nature conservation and is outside of any Impact Risk Zones relating to this development type. Two SSSIs (Nine Holes Meadow and River Teme) and a Local Wildlife Site (Pastycraft Meadow) have been identified within a 5km radius of the site. The assessment concludes that there will be no direct effect on these sites due to the separation distances. The potential for indirect effects on these designated sites is limited due to there being no clear connected pathways. Greet Brooke and Ledwyche Brook provide potential pathways for effects on the River Teme SSSI. However, any discernible effects on the SSSIs are considered unlikely due to the passive nature of the development which will mostly affect intensively managed arable land and improved grassland of low ecological value. The solar panel array layout has been designed to avoid field boundary features such as hedgerows, trees, woodland and watercourses which provide the greatest ecological interest.
- 6.3.31 The proposed access tracks will largely exploit existing farm accesses and gaps in hedgerows, requiring only very localised removal or disturbance of short sections of hedgerow (maximum 5m wide. A short section of hedgerow (an approximately 9m length) will need to be removed at the Site entrance to allow for the visibility splay. Overall, the network of hedgerows will be retained and protected, maintaining habitat connectivity and linkages across the site and with the surrounding wider landscape. The assessment demonstrates that protected species will be protected subject to implementation of the measures described within the Biodiversity Management Plan.
- 6.3.32 Opportunities have been sought for nature conservation and enhancement of the site to provide an overall biodiversity net-gain. Three distinct areas within the Site, identified as a 'Biodiversity Enhancement Areas' will be left undeveloped and managed as open meadow. These measures will provide enhanced wildlife benefits over and above the low value agricultural land currently present. Land between and beneath the panels would be grazed by sheep on a rotational basis and managed to deliver biodiversity enhancements.
- 6.3.33 Hedgerows would be managed for wildlife, and a range of breeding boxes erected for bats and birds. Biodiversity Enhancement Areas including wildflower meadows and wild bird seed grasslands

- 6.3.34 The biodiversity impacts associated with the proposed development have been assessed and quantified utilising the Natural England/Defra Biodiversity Net Gain Metric Calculator. The calculation results show that the proposed development will result in a clear biodiversity net gain of 46% in Habitat Units, and 20.81% in Hedgerow Units. The applicant Bluefield would own and operate the solar farm and is committed to delivering biodiversity benefits across all its solar projects throughout their operational lifetimes.
- 6.3.35 The layout has been designed to minimise impacts on protected species and makes provision for the integration of a number of enhancements which will benefit protected species, for example, e.g. via the introduction of 15 bat roosting boxes. Overall, the development will not adversely impact upon the ecological value and function of the site and will deliver significant nett biodiversity gain. It therefore complies with Core Strategy Policy CS17 'Environmental Networks' and SAMDev Policy MD12 'The Natural Environment' and relevant legislation. This is subject to the ecological conditions which are included in Appendix 1.
- 6.3.36 Drainage / hydrology: The majority of the site falls within Flood Zone 1 (lowest flood risk). Along the western boundary a small number of solar panels and security fencing is located in Flood Zone 2, which is defined as medium probability. These panels will be raised above the flood levels and the security fence will be permeable to the flood water. All equipment is located outside of Flood Zone 3.
- 6.3.37 A Flood Risk Assessment (FRA) provides sufficient flood risk information to demonstrate that the development would be appropriately safe for its lifetime without increasing flood risk elsewhere. The FRA incorporates a Sustainable Drainage Strategy via the implementation of SuDS including the provision of swales in the lower areas of the site to intercept any extreme flows which may already run off site. The swales are provided as a form of drainage 'betterment'.
- 6.3 38 The FRA demonstrates that future users of the development would remain appropriately safe throughout the lifetime of the proposed development and that the development would not increase flood risk elsewhere and would reduce flood risk overall. It is therefore consistent with national and local policy objectives. The Council's drainage team has not objected and it is considered that the proposals can be accepted in relation to relevant drainage considerations. (Core Strategy Policy CS17, CS18).
- 6.4 Timescale and decommissioning:
- 6.4.1 Greete Parish Meeting have questioned whether appropriate decommissioning and reversion to agricultural land would take place in practice at the end of the operational life of the solar farm. Current solar photovoltaic arrays have a design life of approximately 40 years. It is recommended that any planning permission includes a condition requiring decommissioning and removal of the solar panels and associated infrastructure at the end of their design life and reinstatement of the field to 'normal' agricultural use, as stated in the application. This would ensure that future arable productive capacity is protected. A condition covering decommissioning has been recommended in Appendix 1. A decommissioning

clause would also be included in the applicant's tenancy agreement and is supported by insurance. The value of the solar equipment at the end of its design life would provide a further incentive for decommissioning.

6.5 AONB

6.5.1 At its' nearest the site is located 2.5km from the Shropshire Hills AONB, a statutory landscape designation. The area in which the site is located has no statutory landscape designation but is protected by Core Strategy policy CS5 which protects the open countryside but also supports sustainable development to diversify the rural economy. Policy CS17 requires that new development should take account of landscape character assessment which grades landscapes according to their sensitivity. The applicant's landscape and visual appraisal complies with this requirement. It is considered that the visual information submitted in support of the application indicates that the AONB is located too far away to be materially affected by the proposed development and that this is supported by the applicant's visual appraisal.

6.6 Leisure and Tourism

6.6.1 Core Strategy Policy CS16 (Tourism, Culture and Leisure) seeks to deliver high quality, sustainable tourism, and cultural and leisure development, which enhances the vital role that these sectors play for the local economy. Amongst other matters the policy seeks to promote connections between visitors and Shropshire's natural, cultural and historic environment.

6.6.2 The applicant's visual appraisal supports the conclusion that the site is capable of being effectively screened and would not give rise to any unacceptable visual impacts. No detailed evidence has been presented to support the conclusion that any residual views of the site would be prominent from or would have a significant impact on any local leisure / tourist interests.

6.6.3 A number of solar park schemes are now operational in other parts of Shropshire. There have been no reports of impacts on leisure / tourism interests from operation of these sites which, once installed, are generally passive, have no emissions and require minimal maintenance. Solar parks and tourism are not incompatible. In 2011 Hendra Holiday Park, one of Cornwall's biggest holiday facilities switched over to their new 10-acres solar farm, built adjacent to the park, providing 75% of the park's power requirements.

6.6.4 South West Research Company was commissioned by renewable energy supplier Good Energy to research the effects of wind and solar development and conducted face-to-face interviews with more than 1,000 visitors during August 2013. The study concluded that for the majority of visitors, the presence of wind and solar farms in Cornwall had no impact on their holiday. Crucially, more than nine out of ten visitors (94%) said the farms would make no difference to their decision to visit Cornwall again. The survey confirmed that the risk of poor weather and value for money were far more important factors in determining people's choice of holiday destination than was the presence of wind and solar farms: www.goodenergy.co.uk/visitor-impact-research-Nov2013.

- 6.6.5 Additionally the applicant advises that recent (sept 22) research by survey company Survation finds that 77% of UK public support development of solar and wind farms to tackle the energy crisis and reduce energy bills. <https://www.current-news.co.uk/news/77-of-uk-public-support-development-of-solar-and-wind-farms-to-tackle-the-energy-crisis-says-suration> . The survey breaks the result down by constituency and finds (in line 337) that in the Ludlow constituency of the application 93% support solar power, 91% support renewable energy projects in their local area and 91% believe that the Govt should use wind and solar farms to reduce energy bills.
- 6.6.4 It is considered that there is insufficient evidence to support the conclusion that that the current site would result in unacceptable impacts on leisure / tourism interests. Officers do not consider therefore that refusal on grounds of Core Strategy policy CS16 could be sustained.
- 6.7 Other matters:
- 6.7.1 Community engagement: A Statement of Community Involvement describes comments received from the local community prior to submission of the application, including with respect to:
- Potential landscape and visual impact, including from the PRoW;
 - Construction traffic routing;
 - Loss of arable land;
 - Potential impact upon biodiversity;
 - Potential impact upon tourism revenue.
- 6.7.2 The Applicant has responded to these concerns with amendments to the design of the proposals. In particular:
- The PRoW will remain in situ and unaffected during the construction/decommissioning phase of development.
 - The planning application is supported by a Construction Traffic Management Plan which describes in detail the construction traffic route as well as management and mitigation measures proposed.
 - The Applicant commissioned an Agricultural Land Classification Report which has been reviewed for robustness against the 'Working with Soil Guidance Note on Assessing Agricultural Land Classification Surveys in England and Wales, Guidance Document 1. Further soil sampling and analysis was also commissioned.
 - The development proposal will deliver Biodiversity Net Gain ('BNG') of 46% (habitat units) and 20% (hedgerow units) as described within the Ecology Assessment Report prepared by Avian Ecology Ltd. The amount of BNG is significantly in excess of the delivery of 10% which will be required for all new developments from 2023 as per the Environment Act 2021.
 - The Applicant notes the comment made regarding the potential impact upon tourism businesses in the vicinity at the consultation event however, no specific examples of potential businesses at risk of impacts were cited during the discussion.

- 6.7.3 Benefits: The development would generate 40,000MWh per annum, equivalent to the annual electricity consumption of approximately 10,400 homes. In terms of carbon saving, the generation of renewable electricity would provide a carbon saving of 8,200 tonnes CO₂e. The generation of this amount of renewable electricity represents a substantial contribution towards meeting national and local greenhouse gas emissions reductions targets.
- 6.7.4 The benefits of renewable electricity generation is also consistent with the imperatives of the 'Climate Emergency' declared by Shropshire Council and further articulated by the Shropshire Climate Action Partnership within the 'Zero Carbon Shropshire Plan' published in January 2021. This supports the delivery of a "number of large-scale photo-voltaic arrays (solar farms)" within the district required to achieve net zero by 2030.
- 6.7.5 The applicant advises that the scheme also represents a significant financial investment of over £25 million into the local and wider economy with approximately 100 temporary jobs (both direct jobs on-site and indirect/induced roles) being created during the construction period. Local contractors will be used where possible. Moreover, annual business rates contributions are estimated to be in the region of around £250,000 per annum for the 40 year operational time period, giving rise to a total of over £11m at 2.75% RPI over 3 years over the lifetime of the project, which represents a significant contribution to the Council's budget.
- 6.7.6 The proposal places a strong emphasis on the delivery of landscape and biodiversity enhancements which includes the delivery of dedicated Biodiversity Enhancement Areas and significant hedgerow and tree planting. The development will deliver an overall biodiversity net gain of 46% and a hedgerow net gain of 20%. The submitted Biodiversity Management Plan (appended to the Ecology Assessment report) describes further environmental benefits including new ecological features such as bat and bird boxes and insect habitats. Construction will also require the removal of invasive weeds which will deliver benefits for species at the site. Local contractors will be sought to maintain the landscape and biodiversity measures described within the plan as far as possible.
- 6.7.7 Whilst not a material planning matter the applicants have advised that they will on a voluntary basis to make funding available for local community uses in order to provide a benefit to the local community. It is envisaged that this would take the form of a legal agreement (Unilateral Undertaking) with a local community group with payment into a community fund at a level consistent with that of other recent UK solar park schemes. This supports the overall NPPF objective of facilitating social sustainability and is therefore to be welcomed.
- 6.7.8 CCTV and privacy: It is proposed that CCTV would be used at the site for security reasons. Cameras would be sensitively positioned and would point away from the nearest residential properties in the interests of privacy.
- 6.7.9 Recent Government communications: Objectors have referred to recent ministerial correspondence establishing a general preference against the use of best and most versatile land for solar photovoltaic schemes. This correspondence is noted.

However, it does not alter adopted planning guidance set out in the NPPF and the associated low carbon and renewable energy guide and referred to in section 10 of this report. Shropshire is a predominantly rural county and there is insufficient brownfield land to deliver the progress in renewable development expected by policies and guidance without some use of agricultural land.

6.7.10 Objectors refer to recent Government proceedings at the Environmental Audit Committee where the former Environment Minister George Eustace MP referred to solar farms and agricultural land and stated that best and most versatile land was Grade 3b and above. The applicant refers to a subsequent letter from Mr Eustace MP to Philip Dune MP, Chair of the committee in which Mr Eustace corrects this and acknowledged that Grade 3b is not 'best and most versatile' land.

7.0 CONCLUSION

7.1 The proposed solar array would operate for a temporary period of 40 years and would be fully restored after decommissioning. The development would offset approximately 11,200 tonnes of CO₂ per annum, equating to an emission saving equivalent to a reduction in approximately 5160 cars per annum. This is equivalent to the average annual UK electricity consumption for approximately 15,000 homes per annum. The development would therefore make a positive contribution towards delivery of renewable electricity required to achieve the UK Government's legally binding greenhouse gas emissions reduction targets, along with the LPAs aims to meet their declared climate emergency targets. Additionally, operation of the solar farm would generate business rate revenue in the region of around £250,000 per annum for Shropshire Council for the duration of the operational period of 40 years.

7.2 The NPPF, development plan, and emerging development plan support the transition to a low carbon future and encourage the use of renewable resources. The development would deliver a range of public benefits which are in accordance with the economic, social, and environmental pillars of sustainable development and which will support climate and ecological resilience.

7.3 The application site is not subject to any land use designations which would preclude the the presumption in favour of sustainable development. Paragraph 158 of the NPPF makes clear that when determining planning applications for renewable development local planning authorities should "approve the application if its impacts are (or can be made) acceptable".

7.4 The planning application supporting documents indicate that the potential for adverse impacts arising from the development is low and capable of mitigation. This conclusion is supported by the responses of technical consultees.

7.5 Appropriate conditions have been recommended, including the requirement for a construction management plan and final decommissioning. Subject to this it is considered that the proposal also meets the criteria for development in the countryside as set out in Core Strategy Policy CS5. The proposal is therefore in general accordance with the Development Plan.

7.6 The NPPF advises that the production of renewable energy is a material consideration which should be given significant weight and that sustainable development proposals which accord with the development plan should be approved without delay (S158). It is concluded that the proposals are sustainable and can therefore be accepted, subject to the recommended conditions.

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 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.

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 1970.

9.0 FINANCIAL IMPLICATIONS:

9.1 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.

10.0 BACKGROUND:

10.1 Relevant guidance

National Planning Policy Framework (NPPF) (DCLG – 2021)

10.1.1 The NPPF clearly states from the outset that there is a presumption in favour of sustainable development and that local plans should follow this approach so that development which is sustainable can be approved without delay. One of the core planning principles is to ‘support the transition to a low carbon future in a changing climate...and encourage the use of renewable resources (for example, by the development of renewable energy)’. The NPPF expands further on this principle in paragraph 155: “To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and
- identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

Paragraph 157 advises that when determining planning applications, local planning authorities should:

- Not require applicants for energy developments to demonstrate the overall need for renewable or low carbon energy and also recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- Approve the application if its impacts are (or can be made) acceptable...”

11.1.6 Paragraph 81 advises that ‘Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development’.

11.1.7 Particularly relevant chapters of the NPPF are:

6. Building a strong, competitive economy
8. Promoting healthy and safe communities
11. Making effective use of land

14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

10.2 Relevant planning policies:

10.2.1 The Shropshire Core Strategy (Adopted February 2011) sets out a Spatial Vision for Shropshire and the broad spatial strategy to guide future development and growth during the period to 2026. The strategy states, “Shropshire will be recognised as a leader in responding to climate change. The Core Strategy has 12 strategic objectives, the most relevant is Objective 9 which aims “to promote a low carbon Shropshire delivering development which mitigates, and adapts to, the effects of climate change, including flood risk, by promoting more responsible transport and travel choices, more efficient use of energy and resources, the generation of energy from renewable sources, and effective and sustainable waste management”. Relevant Policies include:

- Policy CS5 - Countryside and the Green Belt:
- Policy CS6 - Sustainable Design and Development Principles
- Policy CS8 - Infrastructure provision positively encourages infrastructure, where
- Policy CS13 - Economic Development, Enterprise & Employment
- Policy CS16 - Tourism, Culture and Leisure
- Policy CS17 - Environmental Networks

10.4 Site Management and Allocation of Development Document
Relevant Policies include:

- MD2 - Sustainable Design
- MD7b - General Management of Development in the Countryside
- MD8 - Infrastructure Provision
- MD11 - Tourism facilities and visitor accommodation
- MD12 - The Natural Environment
- MD13 - The Historic Environment

10.5i. Emerging Development Plan Policy

The Regulation 19: Pre-Submission Draft of the Shropshire Local Plan (2016 to 2038) was submitted to the Secretary of State for examination on 3rd September 2021. The emerging Local Plan is at an advanced stage of production currently in the Examination Stage. Shropshire Council have issued responses to initial questions raised by the Planning Inspectorate. Dates for the Examination in Public of the Shropshire Local Plan (2016 to 2038) have been scheduled. The emerging policies may attract some weight as part of the determination of this planning application.

- ii. The emerging Shropshire Local Plan (2016 to 2038) contains a new policy on climate change. Policy SP3 has been added though the draft policy does not explicitly refer to solar energy schemes. Policy SP3 confirms development in Shropshire will support the transition to a zero-carbon economy including reducing carbon emissions through a number of means, including through 'integrating or supporting both on and off-site delivery of renewable and low carbon energy'.

- iii. Emerging Policy DP26 'Strategic, Renewable and Low Carbon Infrastructure' is also of relevance and reflects the current wording of the National Planning Policy Framework whereby "non-wind renewable and low carbon development will be supported where its impact is, or can be made, acceptable" and includes a list of technical assessments which should be submitted alongside the application.
- iv. Part k of Policy DP26 refers to solar farm development in particular and describes that:
 "Large scale ground mounted solar photovoltaic solar farm proposals should show how they have made effective use of previously developed and on-agricultural land. Where a proposal requires the use of agricultural land, poorer quality land should be used in preference to land of a higher quality (see also Policy DP18). Proposals should allow for continued agricultural use wherever possible and/or encourage biodiversity improvements around arrays. The assessment should pay particular attention to the impact of glint and glare on neighbouring land uses and residential amenity as well as aircraft safety, (including defence operations)."

Part 3 of Policy DP26 describes that the assessment included within the application submission should be proportionate to the development proposed and include sufficient information to allow for an accurate evaluation of all impacts, both negative and positive, and should also cover all necessary ancillary infrastructure and the cumulative effects of existing or consent development types with similar impacts in the surrounding area.

- v. Other relevant policies contained within the emerging Local Plan include:
 - Policy S2: Strategic Approach
 - Policy SP4: Sustainable Development
 - Policy SP10: Managing Development in the Countryside
 - Policy SP12: Shropshire Economic Growth Strategy
 - Policy DP12: The Natural Environment
 - Policy DP16: Landscaping of New Development
 - Policy DP17: Landscape and Visual Amenity
 - Policy DP18: Pollution and Public Amenity
 - Policy DP21: Flood Risk
 - Policy DP22: Sustainable Drainage Systems
 - Policy DP23: Conserving and Enhancing the Historic Environment
 - Policy DP29: Mineral Safeguarding

10.6 Other Relevant Guidance

- 10.6.1 The UK Renewable Energy Strategy (July 2009) - The UK Government published the Renewable Energy Strategy in July 2009. The strategy explains how it intends to "radically increase our use of renewable electricity, heat and transport". It recognises that we have a legally binding commitment to achieve almost a seven-fold increase in the share of renewables in order to reach our 15 target by 2020. It suggests that the amount of electricity produced from renewables should increase from 5.5 to 30 .
- 10.6.2 Planning practice guidance for renewable and low carbon energy (2015). This practice guide reaffirms the importance of renewable energy and advocates community led renewable energy initiatives. The following advice is provided

specifically with regard to the large-scale ground-mounted solar photovoltaic farms:

'The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively. Particular factors a local planning authority will need to consider include:

- *Encouraging the effective use of previously developed land, and if a proposal does involve greenfield land, that it allows for continued agricultural use and/or encourages biodiversity improvements around arrays;*
- *That solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use ;*
- *The effect on landscape of glint and glare and on neighbouring uses and aircraft safety;*
- *The extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;*
- *The need for, and impact of, security measures such as lights and fencing;*
- *Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;*
- *The potential to mitigate landscape and visual impacts through, for example, screening with native hedges;*
- *The energy generating potential, which can vary for a number of reasons including, latitude and aspect'.*

11.0 RELEVANT PLANNING HISTORY:

11.1 There is no planning history associated with the application site.

12.0 Additional Information

List of Background Papers: Planning application reference 22/02151/FUL and plans.
Cabinet Member (Portfolio Holder): Cllr Ed Potter
Local Member: Cllr Richard Huffer, Clee
Appendices: Appendix 1 – Conditions.

APPENDIX 1

CONDITIONS

Commencement of Development

1. The development hereby approved shall be commenced within 3 years of the date of this permission. Such 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 and in recognition of the part-retrospective nature of the development.

Definition of the Permission

2. Except as otherwise provided in the conditions attached to this permission or otherwise agreed in writing the operations hereby permitted shall be carried out strictly in accordance with the application form dated 30th May 2022 and the accompanying planning statement and supporting documents and plans.

Reason: To define the permission.

3. This permission shall relate only to the land edged red on the site location plan (Reference P21-0442_01), hereinafter referred to as 'the Site'.

Reason: To define the permission.

Highways

4. For the duration of the construction period all traffic associated with (the construction of) the development will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads unless approved in writing with the Local Planning Authority.

Reason: In the interests of maintaining highway efficiency and safety.

5. Prior to any construction works taking place and post construction a full condition survey shall be carried out on the route between the site access and the A49.

Reason: In the interest of safety of the users of the public highway and safety of the users of the site

Arboriculture

6. Where the approved plans and particulars indicate that construction work excavations or level changes are to take place close to or within the Root Protection Area (RPA) of any retained tree(s), large shrubs or hedges, prior to the commencement of any development works, a Tree Protection Plan (TPP) supported by an arboricultural method statement (AMS) where any breach of the tree(s) or hedgerows RPAs is proposed detailing how the retained trees / hedgerows will be protected during the development, shall be submitted and agreed in writing by the Local Planning Authority before the commencement of any ground clearance, demolition, or construction work

Reason: To ensure that retained trees shrubs and hedgerows are appropriately protected during the development, so that their condition and amenity value is not compromised or eroded.

7. No demolition ground clearance or construction works will commence until the Local Planning Authority has approved in writing that the approved Tree Protection Measures have been established in compliance with the final approved tree protection plan (Photographs of it in place might suffice).

Reason: To ensure that the Tree protection is set up and maintained in accordance with the Tree Protection Plan

Landscape and Ecological Mitigation Plan

- 8a. No development shall take place (including ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- i. Planting plans, creation of wildlife habitats and features and ecological enhancements in accordance with the Biodiversity Management Plan by Avian Ecology.
- ii. Written specifications for establishment of planting and habitat creation;
- iii. Schedules of plants/seed mixes, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- iv. Implementation timetables.

Native species used are to be of local provenance (Shropshire or surrounding counties). The plan shall be carried out as approved.

- b. Planting and seeding shall be undertaken within the first available planting season following the completion of construction works and in accordance with a scheme which shall be submitted for the approval in writing of the Local Planning Authority. The scheme shall be implemented in accordance with the approved details. The developer shall notify the Local Planning Authority in writing of the date when planting and seeding under the terms of condition 6a above has been completed.

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

8. All new planting within the Site shall be subject to aftercare / maintenance for a period of 5 years following planting, including weeding and replacement of failures

Reason: To secure establishment of the landscaped area in the interests of visual amenity and ecology.

Ecology

9. All site clearance, development, landscaping and biodiversity enhancements shall occur strictly in accordance the Biodiversity Management Plan by Avian Ecology.

Reason: To ensure the protection of and enhancements for habitats and wildlife.

10. No development shall take place (including 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:
- i. An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented;
 - ii. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
 - iii. Requirements and proposals for any site lighting required during the construction phase;
 - iv. A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
 - v. The times during construction when an ecological clerk of works needs to be present on site to oversee works;
 - vi. Pollution prevention measures.
 - vii. Identification of Persons responsible for:
 - Compliance with legal consents relating to nature conservation;
 - Compliance with planning conditions relating to nature conservation;
 - Installation of physical protection measures during construction;
 - Implementation of sensitive working practices during construction;
 - Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
 - Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.

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 section 175 of the NPPF.

11. Within 28 days prior to any pre-development site enabling works an inspection for badgers and otters shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence (further to that submitted in support of the approved planning consent), or a change in status, of badgers or otters is recorded during the pre-development survey then the ecologist shall submit a mitigation strategy for prior written approval that sets out appropriate actions to be taken during the construction stage. These measures will be implemented as approved.

Reason: To ensure the protection of badgers (under the Protection of Badgers Act 1992) and otters (under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended)).

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

shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. The submitted scheme shall be designed to take into account the advice on lighting set out in the Institution of Lighting Professionals and Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK (available at <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>). 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.

Reason: To minimise disturbance to bats, which are European Protected Species [and other species].

Fencing

- 13a. Fencing shall be provided strictly in accordance with the details shown on the approved fencing plan reference BKH-DWG005; Fencing Details.
- b. Site security shall be provided in accordance with the specifications detailed in the approved drawing reference BKH-DWG006.2 (CCTV Details) and drawing reference BKH-DWG006.1 (CCTV Layout).

Reason: In the interests of and visual amenity and privacy.

Archaeology

14. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

Amenity complaints procedure

15. Prior to the Commencement Date the operator shall submit for the approval of the Local Planning Authority a complaint procedures scheme for dealing with noise and other amenity related matters from the construction and operational phases of the development. The submitted scheme shall set out a system of response to verifiable complaints of noise received by the Local Planning Authority. This shall include:
 - i. Investigation of the complaint
 - ii. Reporting the results of the investigation to the Local Planning Authority
 - iii. Implementation of any remedial actions agreed with the Authority within an agreed timescale.

Reason: To put agreed procedures in place to deal with any verified amenity related complaints which are received during site operation.

Final decommissioning

16. All photovoltaic panels and other structures constructed in connection with the approved development shall be physically removed from the Site within 40 years of the date of this permission and the Site shall be reinstated to agricultural fields. The Local Planning Authority shall be provided with not less than one week's notice in writing of the intended date for commencement of decommissioning works under the terms of this permission.

Reason: To allow the site to be reinstated to an agricultural field capable of full productivity at the end of the planned design life of the development and to afford the Local Planning Authority the opportunity to record and monitor decommissioning.

Notes:

Design life

- i. *The typical design life of modern solar panels is up to 40 years. Any proposal to re-power the Site at the end of its planned design life would need to be the subject to a separate planning approval at the appropriate time.*

Drainage (Shropshire Council Drainage Team comments)

- ii. *For the transformer installation, the applicant should consider employing measures such as the following:*

- *Surface water soakaways*
- *Water Butts*
- *Rainwater harvesting system*
- *Permeable surfacing on any new driveway, parking area/ paved area*
- *Greywater recycling system*

- iii. *Watercourses are present on the boundaries of the development site. A 3m wide easement from the top of each watercourse bank, is required for maintenance purposes.*

Flood risk (Environment Agency Comments)

- iv. *The proposal includes a security perimeter fence. This wire mesh should have a minimum of 100 mm spacing to ensure the risk of blockage and diversion of flood waters is avoided or minimised. There should be no raising of ground levels above existing within those parts of the site which are located within flood zone 2 (as an indicative 1 in 100 year with climate change flood area) e.g. the biodiversity enhancement area. This will ensure floodplain capacity is maintained and prevent impact on flood risk elsewhere. We would also advise that the proposals should be designed (raised or flood-proofed) to avoid any potential water damage e.g., flood susceptible electrics.*

Highways

- v. *This planning permission does not authorise the applicant to:*
- *construct any means of access over the publicly maintained highway (footway or verge) or*
 - *carry out any works within the publicly maintained highway, or*
 - *authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or*
 - *undertake the disturbance of ground or structures supporting or abutting the publicly maintained highway*

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

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

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

- vi. *The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application.*
- vii. *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.*
- viii. *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.*

Ecology

- ix. *Hazel dormouse is a European Protected Species under 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 dormouse; and to damage, destroy or obstruct access to its resting places. There is an unlimited fine and/or up to six months imprisonment for such offences. If a dormouse should be discovered on site at any point during the development then work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice. The Local Planning Authority should also be informed.*
- x. *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.

- xi. *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 removal and scrub removal 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. No clearance works can take place with 5m of an active nest. Netting of trees or hedges to prevent birds from nesting should be avoided by appropriate planning of work. See guidance at <https://cieem.net/cieem-and-rspb-advise-against-netting-on-hedges-and-trees/>.*
- xii. *Widespread reptiles (adder, slowworm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. 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 Natural Environment and Rural Communities Act 2006. 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 September) 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, or moved to a hibernacula. 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.

APPENDIX 2

FULL WORDING OF CONSULTANT'S OBJECTION ON BEHALF OF GREETE PARISH COUNCIL

1. Introduction:
 - 1.1 Addison Rees Planning Consultancy have been instructed by the Greete Parish Meeting (GPM) to make representations on the proposed solar development at Brick House Farm in Greete. Whilst there has been significant correspondence submitted by individual residents, raising a number of material concerns, GPM have the following primary concerns and objections which are set out in detail below.
2. Policy Background:
 - 2.1 Part 38 (6) of the Planning Compulsory Purchase Act 2004 states 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.
 - 2.2 The Shropshire Council Development Plan comprises the Core Strategy Development Plan Document (DPD) adopted on 24th February 2011 and the Site Allocations and Management of Development (SAMDev) Plan adopted on 17th December 2015. Since the adoption of the Site Allocations and Management of Development (SAMDev) Plan, any saved planning policies from the district council are considered out of date and have been replaced by the Local Plan.
 - 2.3 Current Policy MD8 (Infrastructure Provision) of the Site Allocations and Management of Development (SAMDev) outlines the following:

“...New Strategic Infrastructure

 3. Applications for new strategic energy, transport, water management and telecommunications infrastructure will be supported in order to help deliver national priorities and locally identified requirements, where its contribution to agreed objectives outweighs the potential for adverse impacts. Particular consideration will be given to the potential for adverse impacts on:
 - i. Residential and other sensitive neighbouring land uses;
 - ii. Visual amenity;
 - iii. Landscape character and sensitivity, including impacts on sensitive skylines;
 - iv. Natural and heritage assets, including the Shropshire Hills AONB (PoliciesMD12 and MD13);
 - v. The visitor and tourism economy including long distance footpaths, cycle tracks and bridleways (Policy MD11);
 - vi. Noise, air quality, dust, odour and vibration;
 - vii. Water quality and resources;
 - viii. Impacts from traffic and transport during the construction and operation of the infrastructure development;
 - ix. Cumulative impacts.Development proposals should clearly describe the extent and outcomes of community engagement and any community benefit package”.

- 2.4 Emerging Local Plan - The Regulation 19: Pre-Submission Draft of the Shropshire Local Plan (2016 to 2038) was submitted to the Secretary of State for examination on 3rd September 2021. This emerging Plan identifies a vision and framework for the future development of Shropshire to 2038, addressing such issues as the needs and opportunities in relation to housing, the local economy, community facilities and infrastructure; and seeks to safeguard the environment, enable adaptation to climate change and helps to secure high-quality and accessible design
- 2.5 The emerging Local Plan is at an advanced stage of production currently in the Examination Stage. Shropshire Council have issued responses to initial questions raised by the Planning Inspectorate. Dates for the Examination in Public of the Shropshire Local Plan (2016 to 2038) have been scheduled and further information has been sought following the initial examination stage. As such, whilst the policy position is complex, the emerging policies may attract some weight as part of the determination of this planning application.
- 2.6 Of most relevant of the Emerging Local Plan, is policy DP26 (Strategic, Renewable and Low Carbon Infrastructure) which deals specifically with non-wind and low carbon developments. It states:
“Non-wind renewable and low carbon development will be supported where its impact is, or can be made, acceptable. To aid in this determination, all applications should be accompanied by an assessment of the proposal’s effect on the following during both the construction and operational stages:
- a. Visual amenity (including the considerations within Policy DP17);
 - b. Landscape character (including the considerations within Policy DP17);
 - c. Natural assets (including the considerations within Policy DP12);
 - d. Historic assets (including the considerations within Policy DP23);
 - e. Air quality, noise and public amenity (including the considerations within Policy DP18);
 - f. Water quality and water resources noise (including the considerations within Policy DP19);
 - g. Traffic generation and the nature of vehicle movements;
 - h. The Shropshire Hills AONB (including the considerations within Policy DP24)...
 - k. Large scale ground mounted solar photovoltaic solar farm proposals should show how they have made effective use of previously developed and non-agricultural land. Where a proposal requires the use of agricultural land, poorer quality land should be used in preference to land of a higher quality (see also Policy DP18). Proposals should allow for continued agricultural use wherever possible and/or encourage biodiversity improvements around arrays. The assessment should pay particular attention to the impact of glint and glare on neighbouring land uses and residential amenity as well as aircraft safety, (including defence operations).

The assessment should be proportionate to the development proposed and include sufficient information to allow for an accurate evaluation of all impacts, both negative and positive. It should cover necessary ancillary development such as security measures, lighting, access tracks and fencing. Impacts should be considered cumulatively against those existing or consented development types with similar impacts in the surrounding area. Mitigation measures to remove or reduce adverse impacts should be identified”.

The below assessment covers the material considerations outlined above, and specifically focuses on the significant areas of concern raised by GPM.

3. Material considerations

3.1 Natural Assets – Best and Most Versatile Agricultural Land

- i. The Agricultural Land Classification Report submitted for the application identifies that part of the site falls within Grade 2 land; with the remainder for the site being identified as Grade 3b. The site has been farmed well for the last 70+ years and is very productive, producing very good yields of grain (local farmers have confirmed that the land produces 4 tonnes per acre of wheat) and grass for milk and beef cattle. It has been constantly manured with farmyard manure resulting in very good consistent fertility.
- ii. The NPPF states at paragraph 174 that planning policies and decisions should contribute to and enhance the natural and local environment by, inter alia, "recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland." Further, Core Strategy Policy CS6 describes that new development should make effective use of land and safeguard natural resources, including high quality agricultural land.
- iii. Government guidance acknowledges that solar is a highly flexible technology and as such can be deployed on a wide variety of land types. Where possible, ground mounted Solar PV projects should utilise previously developed land, brownfield land, contaminated land, industrial land, or agricultural land preferably of classification 3b, 4, and 5 (avoiding the use of "Best and Most Versatile" cropland where possible). The local MP Philip Dunne chaired a meeting on 29th June in Parliament where the Secretary of State for the Environment stated that this type of land should not be built on.
- iv. Whilst the land identified as Grade 2 land in the applicant's report does not exceed the amount of best and most versatile land (20ha) required for Natural England consultation, National planning guidance for solar farms stipulates that any use of "Best and Most Versatile Agricultural Land" (defined as Grades 1, 2 and 3a) must be justified by submitting a detailed report identifying and assessing alternative sites nearby. Such assessments and considerations have not been made and development of this site above other/s that may be available in the area has not therefore been justified.

The proposal will therefore fail to safeguard some of the best and most versatile agricultural land. This adverse impact significantly counts against the development.

3.2 Impacts on Designated Heritage Assets

- i. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty in respect of listed buildings in exercise of planning functions. Subsection (1) provides: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

- ii. Paragraph 194 of the Framework considers heritage assets by confirming that “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting...”.

Paragraph 199 also outlines that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”.

- iii. The development surrounds Lower Cottage, sited immediately outside the northern boundary of the site, which is a Grade II Listed Building. The size, scale and massing of the development will significantly alter the setting in which the Listed Building will be seen and appreciated. Other heritage assets in the immediate vicinity of the site include Grade II Listed Lower Cottage, the Grade II* Listed Greete Court, and the Grade II Listed Brick House Farmhouse. These are particularly important due to their historic associations and/or potential intervisibility with the application site.
- iv. It is acknowledged by the application submissions that the far northern part of the site and northern central part of the site are considered to make a contribution to the setting of Lower Cottage as a result of the historic association of land ownership and partial intervisibility with the asset.
- v. It cannot be downplayed that the introduction of solar arrays and infrastructure to these fields will significantly change the historic landscape character when experienced in views towards and from this heritage asset. The applicant’s assessment identifies that this may result in a small degree of harm, at the lower end of the less than substantial spectrum to the significance of Lower Cottage. We do not agree with this assessment and consider the harm to be substantial and that the weight attributed to this harm needs to be reassessed and balanced in the overall planning judgement.

3.3 Archaeological importance

- i. The site contains significant archaeological potential. This could be an Iron Age or Roman enclosure, there are two in Greete and standing stones marked on the 1893 OS map (as shown in the applicants’ submissions). The submission however, only focused on a 1km radius of the site, but the list of assets covers the whole of Greete. We believe the assessment should have covered a greater distance than 1km. The submission therefore fails to fully assess the potential impact of the development upon heritage assets.
- ii. Further, as identified from the Council’s Archaeological Officer comments, trench evaluation findings are outstanding and have not been provided by the applicants. As such currently insufficient information has been provided to enable the LPA to appraise the impacts of the development in accordance with the obligations of Section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990, Chapter 16 of the NPPF and the heritage provisions of Policies CS17, MD8 and MD13 of the adopted Site Allocations and Management of Development Plan (2015).

3.4 Landscape Character

- i. Local Development Plan policies CS6 'Sustainable Design and Development Principles', MD2: Sustainable Design', and MD12 'The Natural Environment' seek to ensure that new development protects, restores, conserves and enhances the natural environment taking into account the potential effects on the local landscape character and existing visual amenity value. The site is 90m above sea level and highly visible in the surrounding undulating landscape. The size, scale and sprawling nature of the solar farm fails to recognise the intrinsic character and beauty of the surrounding rural countryside.
- ii. A comprehensive assessment needs to be made on the landscape harm and visual impact of the development. The submitted LVIA takes into account the landscape and visual receptors and makes an assessment on the effects of the scheme. The LVIA particularly fails to consider in detail the cumulative impacts of the other pending solar farm proposals at Rock Farm, Caynham and Henley Hall. GPM are also aware that there are also at least three more potential solar farm proposals in the area also being informally considered, at Pervin and The Venns, and Bleathwood that could also come forward in the future. These, we believe are smaller but significant on the accumulating effect on the landscape. These cumulative impacts need to be carefully and thoroughly considered and assessed, particularly given the potential impacts on highly sensitive areas and views from the Shropshire Hills AONB and the views on the landscape from other elevated positions such as the High Vinnals and Clee Hill. The submitted LVIA completely fails to take these other sites and potential developments into account, dismissing them in the scoping information as being in preliminary stages.
- iii. Given the above, it is our view that the proposals fail to accord with the policy objectives of these policies to protect, restore, conserve and enhance the natural environment taking into account the local context and character as per Policy CS6 'Sustainable Design and Development Principles' and MD2: Sustainable Design; and MD12 'The Natural Environment'.

3.5 Visual Amenity

- i. The proposed scheme will have a substantial impact upon the visual amenities of the area. A development of this size and scale would result in an incongruous feature within a traditional agricultural area. The site is dissected by the public right of way 0529/2A/3. The site would also be visible from the Shropshire Rights of Way '0513/10/1', Little Hereford Footpath 18 and Little Hereford Bridleway 12. Users of public rights of way are regarded as the most sensitive receptors for visual impacts. The impacts of glint and glare must be thoroughly considered, both in respect of the health impact to walkers but must also apply to horses too given the proximity of well used bridleways in the area. Therefore, the provision of a large-scale solar farm in this location will have a significantly adverse impact visually upon those users of the public rights of way.

3.6 Air quality, noise and public amenity

- i. Should permission be granted, the construction and maintenance works associated with the development will generate noise and dust nuisance from the significant levels of vehicle movements to and from the site. This will have a detrimental impact upon the amenities of the surrounding residential properties, particularly given the rural nature

and use of the narrow country lane. The provision of solar panels would also require the site to be bounded by 2.2m high deer proof security fencing as well as other urbanizing security measures such as CCTV cameras and also associated lighting in an area of dark skies and where there is no light pollution from streetlights or other external lighting in the area. The applicants' assessment of the noise created identifies that there would be harm caused and that the levels of noise emitted from the substation and associated equipment would be – this remains a concern for the neighbouring residents and GPM.

3.7 Traffic generation and the nature of vehicle movements

- i. The suitability and condition of the highway network and access roads to the application site and impacts on highway safety is one of the primary concerns for GPM. There are a number of inaccuracies and matters that are significantly downplayed in the applicant's highways submissions that must be highlighted and clarified and that are particularly important to understand from a local perspective. The key concerns are summarised as follows:
 - The access lane is not unnamed and is called Greete Lane. - There are some 41 residencies in Greete who use this road as their main route to Caynham and beyond to Ludlow. The road is far more used and active than the submission data suggests, used much more than for predominantly agricultural purposes for accessing the surrounding agricultural land.
 - The access road is a single lane carriageway, which measures 2.7m at best (less than the 3-3.5m stated) in width. There are very limited areas with verges either side and the majority of the road has high field hedges on either side abutting the lane. Thus visibility is poor and manoeuvring is difficult if having to pass/reverse when vehicles meet.
 - It is suggested that there are 'limited passing places' on the road. There are no formal passing places along the entire length of the proposed access road. Any possible passing places rely on field gateways or driveways of individual properties (where the good will of the owners allow into their driveways to facilitate passing). These would not be suitable or practical for the frequency and types of large machinery and vehicles that would be required for the construction and decommission phases of this project.
 - Given the length of the road (some 2.3 miles) and the narrow single carriageway width of the road and high roadside hedges, it would be necessary for vehicles that meet to reverse a significant distance in order to pass. The ability to drive along this route, for ALL other traffic will be seriously curtailed. This could also be dangerous and lead to accidents.
 - There are particular concerns about access in the area for Fire, emergency and medical services. This is very important as this proposal will hugely increase the risk of fire. Also, many residents are elderly and have medical visits, which may well be obstructed by the works.
 - Given the rural and undulating character of the area, there are 21 blind bends and 2 blind summits plus several steep gradients along the extend of the access road. Walkers and horse riders frequently use this road and there are 9 or so PROW that directly exit or cross over this lane. This means that there are often pedestrians or persons in the roadway that pose a very real risk to highway safety.
 - The proposed traffic management measures (proposing one-way traffic and stop and go boards) are impractical and will not account for all trips along the lane. This may result in vehicles reversing from a side road onto the main road, for example if a vehicle

is traveling from Caynham it will have to reverse onto the Ashford to Clee Hill Road. This would be highly dangerous, potentially resulting in traffic exiting onto a busy road with limited visibility in reverse.

- It is known locally that there have been more road traffic incidents than reported in the highways submissions. Whilst there have been no fatalities, there have been notable accidents – specifically in 2017 and 2019 there were two incidents with casualties needing ambulance assistance.
- It is considered that the amount of trips along Greete Lane in terms of the day to day lives and livelihoods of residents, such as trips for school runs, work runs, farming duties, exercise activities, plus the associated 60 construction workers present daily will upend the local community entirely. This is contrary to The Shropshire Plan which states that large solar farms cannot be built at the expense of the community.
- The traffic management measures will necessitate a 'three way' system at the Caynham junction and a 'one way' system between the Greete junction and the entrance to the construction site.
- In the absence of 'off road' parking for vehicles waiting both on the Ashford and Cleehill road and on the Greete to Caynham road all vehicles, except construction traffic, will not be able to proceed past 'waiting' traffic. The suggestion that such waiting traffic would need to reverse to allow oncoming traffic to pass would be impractical. To reverse where? The few passing places available could only accommodate no more than one, or possibly two vehicles, as stated above.
- For the proposed solar farm development to proceed the Greete to Caynham road would need to be completely closed to ALL traffic, other than construction site traffic, for the whole of the development time table, i.e. 6 months or for however long it actually takes.

Therefore, the proposals are considered to pose an unacceptable impact on highway safety, and the proposed traffic management measures are impractical given the real-life conditions and use of the local road network.

4. Other matters:

- i. Clarification needs to be sought for the Council to be able to satisfy themselves on the following technical matters of the proposals in order to be able to make an informed decision on this application:
 - Whether there is sufficient information provided to assess the overall actual impact on wildlife and ecology and whether a biodiversity strategy has been considered. This is particularly in relation to the lack of consideration to the foraging value of the land for bats and birds, and specifically in regard to the consideration given to Housemartins, which are classed as endangered in the UK and are 'Red Listed'. No suitable mitigation has been suggested or considered for these protected species. The charity for Conservation of Housemartins highlight that Housemartins are a Red Listed species on the Birds of Conservation Concern report. These birds only make their nests out of mud, and feed on the wing, (airborne insects). The proposed bird boxes as shown on the ecological mitigation and enhancement details will not allow this species to exist on those fields.
 - Clarification and confirmation as to the extent of existing hedgerows across the entirety of the site and the extent of proposed hedgerow and tree removals. Reference is made to some hedgerow removal on the roadside, visible from Greete

Lane, but there is limited explanation as to further excavation of other hedgerows and trees within the site.

- The extent of the social impacts of the development, will result in the loss of a land which has been used for the past 55 years for camping by Church services, the river for wild water swimming, and horse riding. It is emphasized in government farming policy how much value is put upon these activities and that they should not be affected by such proposals.
- Clarification should also be sought as the extent and location of any electrical fencing – particularly in areas adjacent to public bridleways.
- Hedgerows –
 - There is no clear data showing which of the over 30 year old hedgerows and mature trees intended to cut back or demolish.
 - The maps are so small and blurred that any definition as to the intended excavation is impossible to discern.
 - The Tree Team indicate: "short sections of hedgerow will be removed to improve access and facilitate the boundary fence erection."
 - It is stated that "Approximately 9 meters of hedgerow to be demolished to form the Solar Farm entrance on Greete Road".
 - It is clearly stated by the Wildlife and Countryside Act 1981 that it is illegal to remove all or part of native hedgerows if they contain protected species and are over 30 years old. All the hedgerows are over 60 years old.
 - Any hedgerow over 30 years old is protected (therefore unlawful to remove) if it's on land used for agriculture or forestry. This applies to the hedge referenced above, including all others within the site.
 - The Wildlife and Countryside Act 1981 states that it is illegal to remove any hedgerow over 30 years old that contain Protected Animals. The Protected species below are contained within the hedge in question and the other hedges on site. These are - Bats, butterfly Large tortoiseshell, Butterfly small blue, Butterfly High Brown Fritillary, Butterfly wood white, Dormouse ,Spider ladybird, common toad , frog , hare, Hedgehog.
 - This hedge marks the boundary of Brook House Farm Estate and looks to be related to Lower Cottage, this cottage that was in existence before 1600, therefore it would be unlawful to remove any of this hedgerow.
 - Bluefields is stated in their data that they will be using existing hedgerow gaps for their machinery. There are no hedgerow gaps present on this land.
 - Hedgerows are a vital part of the ecosystem. The idea that Hedgehogs, bats, dorm mice and other protected small mammals would survive the destruction of their natural hedgerow/field habitat, and find their way through 135 acres of weed killed, panelled fields via a "conservation corridor" to a designated biodiversity field that Bluefield's intend to create, is heavily doubted.
 - There is no mitigation for the wildlife habitats currently in those hedgerows; the hedgehogs etc. These species will likely perish.
 - The Council must take these laws regarding hedges into account as part of their assessment of the application.

5. Conclusion:

- i. Drawing together the above, it is considered that there is insufficient information in respect of the archaeological significance and interest on the site, as well as very limited consideration given the properly assessing the cumulative impacts on the

landscape character of other future large scale solar farms in the local area. Further clarification should be sought in respect of protected species, particularly in regard to Housemartins and the impacts due to the extent of hedgerow removals as a result of the proposals. The development would result in the loss of best and most versatile agricultural land, and there would be harmful adverse impacts on designated heritage assets and highway safety.

- ii. We respectfully request that planning permission be refused for this development.

GPM has asked that they be kept informed of how any decisions will be made for this application, noting that they have been advised that the decision date has been delayed until 20th September 2022. They welcome opportunity to consider and comment further on any new information provided by the applicants prior to any decision being made by the Council.

Yours sincerely,
Simon Rees BSc, MA, MRTPI (Director)
AddisonRees Planning Consultancy Ltd
Email: Simon@addisonrees.co.uk
Phone: 07791163311

RESPONSE OF GREET PARISH MEETING TO APPLICANT CLARIFICATIONS 12/9/22

Regarding the Brick House Solar Farm proposal 22/02565/FUL in Greete: Greete Parish Meeting (GPM) attach their Official Letter of Objection, and underneath, a response to Bluefields' (BF) recent update briefing to you.

Although the two letters below deal with the above application it must be added that The "Cluster Effect" of so many applications, all in exactly the same area, Ledwyche, Pervin, Venns, Bleathwood etc, are of huge concern to many, due to the absence of laws in the current Sam Dev Policy, or draft of the New Shropshire Plan, to stop the growing queue of applications.

Please include the above in your consideration of this particular application which would be a large part of what is, fundamentally, one big Solar Farm application across this whole area of South Shropshire.

Kind regards,
Greete Parish Meeting.

Response to Briefing Update to Graham French

- i. BF: Solar farms currently account for 0.08% of total land use (Solar Energy UK 2022) Government targets for a fivefold increase in solar would result in 0.3% of the UK land area being used by solar (Carbon Brief, 2022). This is the equivalent to around half of the space used by golf courses.

GPM response: This is a clever but slanted statement: Bluefields refers to "total UK Land use". This proposal is about building on ARABLE LAND. The amount of arable land in the UK is in decline. It currently stands at 14.8

million acres, which is the lowest since World War 2. Arable Land is being taken out of cultivation at a rate of almost 100,000 acres per annum. GPM argues that it is for this reason that we cannot afford to lose this (and others) to solar due to both the crop growth, energy prices and Geo-Political issues.

ii. BF: Brick House is predominately grade 3B

GPM response: The word “predominately” is not appropriate. A “briefing” must be entirely precise and contain data. These are Bluefields own data in their original proposal:

SOIL

Grade 2 : 2.8%

Grade 3A 18.2%

Grade 3B 75.8%

These figures state over 20% of this 135 acre site is BMV land. This is before we get to the thorny issue of Grade 3b land which The Secretary of State for the Environment stated at a Parliamentary Committee “Grade 3b land is classified as best and most versatile”. Bluefields state that he is “incorrect”. Who says so ? Bluefields themselves? Or a third party? They must explain to the Council how they came to assert that on 29.6.22 George Eustice made an incorrect statement to a Parliamentary Committee. This soil grading is a key issue because the people that this Meeting represent simply do not believe the assessment that this land is sub-standard soil. Many of them and their forbears have productively farmed on those fields for many years so how can it suddenly be deemed “poor quality land”?

iii. Bluefields comments on the crop production on these fields with the following withering statement: Brick House is predominantly grade 3b and is currently used for growing potatoes supplied to McCains for oven chip production.

GPM response: This is wholly untrue. Potatoes are not grown on these particular fields, never have been. Here are pictures of barley and wheat grown in several of the fields in question taken in the spring and summer of this year. The Greete Parish Meeting understands that Bluefields needs to make reductive statements such as the one above in order for The Council to look favourably on their proposal, but ultimately it must be about the facts, not spin.

iv. BF: Food Security and Solar: “Record gas prices are driving the cost-of-living crisis, causing real harm to customers and the wider economy. As well as doing everything we can to protect customers now, we must diversify Britain’s energy supplies away from gas as soon as possible. Recent months have demonstrated that the arguments for boosting our energy security and building a home-grown supply have never been stronger. The economics of energy have fundamentally changed with green energy no longer a desirable but costly alternative, instead, it is now the secure, more reliable, and cheaper option.” Jonathan Brearley, Chief Executive of Ofgem, Net Zero Britain, Ofgem July 2022”

GPM response: The Soil Association says: “In order to ensure healthy and resilient food and farming systems in the UK, we must become more self-sufficient in delivering

what the population needs for a healthy diet.” The Soil Association web site, September 2022

- v. BF: Preferred access route for HGV’s from north - 40 HGV’s in total at a maximum of 4 a day.

GPM response: GPM note this figure has up from 4 HGV’s a day originally, then to 60x2 HGV’s a day and now back down to 40. GPM conclude from this that Bluefields know this construction plan is unworkable on 2.4 mile long / 3.5 m wide single track. They are now considering widening the track, which will mean bulldozing the hedgerows, which, as the Council knows, is illegal.

- vi. BF: “currently 500 solar farms...often built with single track access“

GPM response: This statement bears absolutely no relation to this proposal. Solar Farms are different sizes - this one large, and geographical lay-outs are obviously completely different. There is still no further information of where the Off-Site location will be, only that it will be West of Caynham, exact location to be confirmed quoted from their original Construction Management Plan(CMP). Bluefields state that Up to 80 construction workers during peak times will be used. This appears to have gone up from 60 in their original CMP. The transport needed for such a number is significant. The GPM has now re-read The Construction Management Plan. GPM urges the council to do the same. It is physically impossible to carry out its remit on Greete Lane and the surrounding areas. The Highways report is not accessible on the Council’s portal.

- vii. BF: Bluefields solar and Biodiversity section: “resting the land”

GPM response: Bluefields make this sound as if BF are bestowing the greatest of gifts upon nature. The truth is this proposal would mean the land would be degraded with little potential for biodiversity. The likelihood of it recovery after 40 yrs is small, it would take at least ten further years to grass, if at all. The grazing, the breeding boxes and hedgerow management is all tokenism. It in no way compensates for the lost potential of the land. The pictures in the “Brief”of sheep grazing on fields, though a good marketing ploy, is again spin. A local sheep farmer who has farmed on this local land all his life, said “If my sheep got in their they’d chew through the plastic of these wires underneath the panels, they’d be dead in a day”. Bird and bat death are common in solar farms such as the one proposed as they mistake the glass for water.

- viii BF: Bluefield will own and operate the solar farm and is committed to delivering biodiversity benefits across all its solar projects throughout their operational lifetimes.”

GPM response: Bluefields cannot guarantee this over the 40 year life of the project. The assurances given here are entirely unenforceable. Bluefield might decide to sell the site. In any event the ownership and management of the company is bound to change with time and different priorities will apply.

In the end Graham, the practicality (leaving the financial implications to one side) of all the above boils down to two things: Soil and Access. They are at the very heart of whether this application should be granted, or not.

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Committee and date Southern Planning Committee 18th October 2022
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Development Management Report

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

Summary of Application

Application Number: 21/05781/FUL	Parish:	Pontesbury
Proposal: Erection of detached holiday let log cabin and installation of package treatment plant including change of use of land		
Site Address: Proposed Holiday Let Cabin At Ashdale Pontesbury Hill Shrewsbury Shropshire		
Applicant: Mr Stuart Speake		
Case Officer: Mandy Starr	email	: mandy.starr@shropshire.gov.uk
Grid Ref: 339502 - 305078		



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

REPORT

1.0 THE PROPOSAL

1.1 The proposal is for the erection of a detached holiday let cabin and installation of package treatment plant including change of use of land .

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is situated in the open countryside to the north of a disused quarry next to a private track that is also a Bridleway that leads to Dingle

Bungalow, Nills Farm and several other dwellings situated around Nills Hill which are sited to the east of Pool Bank to the south of Pontesbury Hill. Opposite the application site are the remains of another quarry which is now overgrown with trees. There is a Scheduled Ancient Monument approximately 100m to the southeast of the application site.

2.2 The site is outside of the Shropshire Hills Area of Outstanding Natural Beauty which is some 400m away to the east. However there is ancient woodland to south at Poles Coppice and it is 260m from a Shropshire Wildlife site too and therefore the site is within an environmental network area.

2.3 The proposed site is outside of any Conservation Area. The nearest listed building is at Nills Farm, being a barn which is sited some 170m away and there is a Scheduled Ancient Monument in the form of an animal pound some 98m to the south west which is situated on higher ground than the application site. There are also two ponds some 150m to the west of the site and the Shropshire Watercourses map suggests that there is a watercourse running through the site, but it is not in a Flood Risk Zone

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The proposed development is considered to accord with the requirements of the Council's relevant adopted policies, but the Parish Council object to the scheme and so this application will require determination of the application by Committee under the terms of the scheme of delegation to officers as set out in Part 8 of the Council Constitution.

3.2 The application was discussed at the Southern Committee Agenda Setting Meeting on 29 September 2022 where it was resolved that this case be presented to the Committee as the issues raised warrant consideration by the Committee and that the Case Officer should continue to seek to address the outstanding issues.

4.0 Community Representations

4.1 Consultee Comment SC Ecology

Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD13 and CS17.

SC Sustainable Drainage and Flooding

The surface water drainage details are acceptable

Full details and sizing of the proposed package treatment plant should be submitted for approval. British Water Flows and Loads: 4 should be used to determine the Population Equivalent (PE) expected to use the new development

SC Rights of Way

No comments received

SC Highways

No objection from a highways development perspective it is considered that the addition of a one-bedroom holiday let here would be unlikely to significantly impact

on the surrounding public highway network and a highway objection to the development could not be sustained. Recommend conditions including the provision of details of the visibility splays either side of the access track.

SC Tree Team

No objection is raised to the proposed development, but it is recommended that a tree protection plan and landscaping scheme that make provision for new tree planting are provided to minimise risk to trees during the construction process and to ensure that appropriate landscape planting is provided to meet the requirements of sustainable development and ensure that there is a nett gain in natural capital and biodiversity

SC Archaeology

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

Shropshire Fire & Rescue Service

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Services Fire Safety Guidance for Commercial and Domestic Planning Applications which can be found using the following link:

<https://www.shropshirefire.gov.uk/safety-at-work/planning-applications>

Specific consideration should be given to the following:

If the proposed use of the premises is as a holiday let or guest accommodation, then the premises would fall within the scope of the Regulatory Reform (Fire safety) Order and as such may require additional fire precautions to be incorporated into the design of the building. The current layout may be deemed inappropriate under the Fire Safety Order, a Fire Risk Assessment will be required to assess the suitability of the automatic fire detection and means of escape.

Access for Emergency Fire Service Vehicles

It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of the building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter.

THE BUILDING REGULATIONS, 2010 (2019 EDITION) FIRE SAFETY
APPROVED DOCUMENT

B5. provides details of typical fire service appliance specifications.

4.2 Public Comments

Pontesbury Parish Council – Objects the Parish Council have grave concerns regarding the impact on the countryside of this proposed visitor accommodation. The Parish Council feel that the proposed cabin is in an isolated position. This

Council have concerns regarding the impact on the existing culverted watercourse - the pre-application decision letter dated 8th Feb. 2021, reference no. is PREAPP/20/00596, states that there should be a 6m easement along the watercourse and that no building must be built within this 6m easement. Local knowledge confirms that this watercourse floods in heavy rain.

The Site notice was displayed on 17 December 2022 and it expired on 7 January 2022

4 representations **supporting** the scheme on the following grounds have been received

- Would support the provision of additional holiday accommodation as it is conveniently located for walking and exploring the surrounding countryside plus it has good access to nearby services and facilities which support the local economy
- Ideal size for those visitors looking for smaller accommodation to rent and would not intrude on the landscape.
- Visitors struggle to find suitable accommodation in this area with multiple cycling and walking trails nearby.
- Proposed log cabin would blend in with the countryside
- Applicant regularly repairs the lane and cuts back vegetation and it should be noted that visitors make positive comments about his own property.
- Application site was once home to several local families who have expressed fond memories of living here and would be delighted if it were to be developed.
- Cannot understand the Parish Council's response regarding this small development proposal given that they support large obtrusive developments in rural area yet oppose small developments which serve to support communities. Their objection that this is an isolated location is what draws visitors to holiday in the countryside with its peace and tranquillity and would result in less infringement for area
- Many UK residents enjoying staycations and council should embrace small holiday let opportunities that support and enhance the local area and that would improve the aesthetics in the vicinity

5.0 THE MAIN ISSUES

Principle of development
Economic Development
Siting, scale, design of cabin, visual impact and landscaping
Residential Amenity
Highway Safety Considerations
Ecology
Sustainable Drainage and Flooding

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. Since the adoption of the Shropshire Core Strategy (March 2011) the National Planning Policy Framework (NPPF) has been published and is viewed as a material planning consideration. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. *Cheshire East Council v Richborough Estates (2017) UKSC 36* reaffirmed the importance of the development plan.

6.1.2 The adopted development plan for Shropshire comprises the Local Development Framework (LDF) Core Strategy, the Supplementary Planning Document (SPD) on the Type and Affordability of Housing and the Site Allocations and Management of Development (SAMDev) Plan.

6.1.3 Significant weight is also to be attributed to the National Planning Policy Framework (NPPF) in the determination of planning applications. The Council is satisfied that it is able to demonstrate a deliverable 5 year housing land supply to meet the housing need through the sites identified within the SAMDev Plan. Consequently the Council's policies on the amount and location of residential development should be regarded as up-to-date and there is no pressing need to support sites beyond the boundaries of the designated settlements by way of supplementing the County's housing targets, and paragraph 49 of the National Planning Policy Framework (the Framework) is not engaged.

6.2 Economic Development

6.2.1 Shropshire Council Adopted Core Strategy CS5 states that new development will be strictly controlled in accordance with national planning policies protecting the countryside. Development proposals which maintain and enhances countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. Types of development which may be supported include Sustainable rural tourism and leisure and recreation proposals which require a countryside location, in accordance with

Policies CS16 and CS17. There is though, a requirement that applicants will need to demonstrate why this holiday let accommodation is required and what the benefits would be for the development proposed.

- 6.2.2 Policy CS13 Economic Development, Enterprise and Employment is also relevant as this policy seeks to support enterprise and deliver sustainable economic growth and prosperous communities. The policy also seeks to ensure that the business investment recognises the economic benefits of the County's environment and quality of life as unique selling points which need to be valued, conserved and enhanced. There is a need to promote a sustainable pattern of development in line with the spatial strategy means that much of the economic development takes place in Shrewsbury and the Market towns, but in rural areas small scale economic development and non-agricultural farm diversification schemes, green tourism and leisure are areas of economic activity for which policy provision needs to be made. This type of development needs to link in with Policy CS5 as proposals in the countryside should be consistent with their scale and impact with the character and quality of the location
- 6.2.3 Policy CS16 deals with Tourism, Culture and Leisure and particularly relevant here as in addition to consideration of diversifying the rural economy, this policy also seeks to ensure that the development is appropriate to the scale and nature of the area and which should retain and enhance existing natural features. This policy places an emphasis on accommodation is accessible locations that need to be served by a range of services and facilities. In rural areas this means that proposals must be of an appropriate scale for their surroundings and be close to or within settlements or an established and viable tourism enterprise where accommodation is required and where possible existing buildings should be re-used.
- 6.2.4 It also refers to promoting connections between visitors and the county's natural, cultural and historic environment and also supporting development that promotes opportunities for accessing and understanding the landscape. There is also provision for supporting schemes to diversify the rural economy for tourism uses that are appropriate in terms of their location, scale and nature but which retain and enhance existing natural features and do not harm Shropshire's tranquil nature.
- 6.2.5 CS17 is also important as this policy deals with Environmental Networks and is also concerned with design in relation to the environment and places the context of a site at the forefront of consideration so that any development should protect and enhance the diversity, high quality and local character of Shropshire's built, natural and historic environment and it does not adversely affect the values and function of these assets.
- 6.2.6 Policy MD7A of the SAMDev indicates that holiday lets are essentially residential properties in the countryside which are limited in the extent of their occupation by conditions attached to a Planning Permission. They encompass a wide range of building types, from chalets to barn conversions, and may be supported as holiday

let units in the countryside, on the basis of their contribution to economic sustainability particularly the local tourism base.

- 6.2.7 Policy MD11 builds on the requirements of Policy CS16 and deals with Tourism facilities and visitor accommodation. Within the countryside there has to be a balance between positive benefits and potential negative impacts of tourism development which can be felt immediately adjoining the site and within the wider area from the use of the site, for example, through increased journeys to the facility. All proposals in the countryside must also therefore meet relevant considerations within Policies CS5, CS16 and MD7A and MD12 and other relevant local and national guidelines.
- 6.2.8 All holiday let proposals also need to 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.
- 6.2.9 In addition, when considering visitor accommodation in rural areas, the installation of a log cabin as proposed here would be recognised as having a greater impact on the countryside; hence why such schemes would need to be suitably landscaped and designed to a high quality to mitigate their impacts.
- 6.2.10 Furthermore holiday let development that does not conform to the legal requirement of a caravan, or which is not related to the conversion of an existing appropriate rural building will be resisted in the countryside following the approach to open market residential development in the countryside under Policies CS5 and MD7.
- 6.2.11 In addition this policy requires that in order to retain the benefit to the visitor economy, conditions should be applied to new Planning Permissions for visitor accommodation to ensure the accommodation is not used for long term residential occupation.
- 6.2.12 Within the countryside there has to be a balance between positive benefits and potential negative impacts of tourism development which can be felt immediately adjoining the site and within the wider area from the use of the site, for example, through increased journeys to the facility. All proposals in the countryside must also therefore meet relevant considerations within Policies CS5, CS16 and MD7A
- 6.2.13 In the National Planning Policy Framework, Paragraph 83 indicates that decisions should enable the sustainable growth and expansion of all types of business in rural areas through well-designed new buildings including sustainable rural tourism and leisure developments that respect the character of the countryside.

- 6.2.14 Paragraph 84 notes that decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements and in locations not well served by public transport. In such circumstances, the emphasis will be ensuring that the development is sensitive to its surroundings, does not have an unacceptable impact on the local highway network and seeks opportunities to make the location more sustainable. This paragraph goes on to say that the use of previously developed land and sites that are well-related to existing settlements should be encouraged where suitable opportunities exist.
- 6.2.15 Notwithstanding that the agent considers that this is previously developed residential land stating that there once was a dwelling on this site in the past, for planning purposes in accordance with the Council's adopted policies, this site is both outside the development boundary of Pontesbury and an abandoned quarry working that is reverting back to woodland.
- 6.2.16 The application is for a holiday let cabin and the change of use of what is referred to as currently being vacant land. Although the applicant states that there was a dwelling here in the past, this is long gone and there is no residential use on the land at present and so in planning policy terms, any former residential use that was here in the past has been abandoned and therefore the current policy designation is that of open countryside.
- 6.2.17 New open market housing in the open countryside is contrary to both national and local planning policies. However, this proposal is for a small holiday let cabin which is an economic use. Therefore the requirements of Policies CS16 and MD11 apply here and state that all holiday let accommodation must be of high quality and should be sited in accessible locations that are served by a range of services and facilities which would enhance the role of Shropshire as a place to stay.
- 6.2.18 In rural areas such as the application site, proposals must be of an appropriate scale and character for their surroundings, be close to or be within settlements or an established and viable tourism enterprise where accommodation is required.
- 6.2.19 The application site is situated down a private unadopted track which is also a bridleway and is some 144m from the nearest unclassified Pontesbury Hill Road that lies to the west. Local services are some 1.2km away down this road in the village. This means that private cars would be required to access the site which would be a negative effect at odds with the sustainability requirements.
- 6.2.20 Nevertheless given the type of accommodation offered and the attractive wooded location, it is accepted the development proposed would be popular for holiday visitors and that although no new staff would be employed to manage the cabin, the proposal would nevertheless bring some private benefits in the form of additional income to the property owner as well as some limited community benefits

from visitors using the local services in the village and beyond.

6.2.21 With regard to this current application, it is significant that there is already an existing holiday let unit next door in what was the applicant's former domestic garage with ancillary accommodation over. The principal of a holiday let in this location was considered to be policy compliant in 2019 when 19/01680/FUL was granted for the change of use from garage/ancillary accommodation to garage/holiday let accommodation including elevational alterations on 7 June 2019.

6.2.22 Therefore although this current site is fairly remote from existing local services, it is well served by public rights of way and given the adjoining holiday let unit, the current proposal is therefore considered to be in a sustainable location, but crucially the proposal also has to ensure that it is appropriate development in this location, given the particular site constraints here.

6.3 Siting, scale and design of cabin, visual impact and landscaping

6.3.1 Policy CS6 which deals with sustainable design and development principles states that development should conserve and enhance the built, natural and historic environment and be of an appropriate scale and design taking into account local character and context. It also needs to consider the health and wellbeing of communities including safeguarding residential and local amenity and that development is designed to a high quality consistent with good practice standards including appropriate landscaping and taking account of site characteristics and ground contamination.

6.3.2 Policy MD2 of the Shropshire Sites Allocations and Management of Development (SAMDev) Plan deals with Sustainable Development. This policy links with CS6 of the Core Strategy. For a development to be considered acceptable it must achieve local aspirations for design in terms of visual appearance and how a place functions as well as being compliant with criteria as set out in community led plans. It must also contribute to and respect locally distinctive or valued character and existing amenity value by;

- Responding to the form and layout of existing development and the way it functions including the mix of uses; streetscape, building heights, scale, plot sizes and local patterns of movement
- Reflecting locally characteristic architectural design and detailing such as building materials; form; colour and texture of detailing considering their scale and proportion and
- Respecting enhancing or restoring the historic context such as the significance and character any heritage assets
- Incorporating Sustainable Drainage Techniques, landscaping, infrastructure and good standards of sustainable design and construction

6.3.3 Policy MD13 deals with the historic environment. This requires that all of the

County's historic assets should be conserved, sympathetically enhanced and restored by considering their significance in terms of a heritage asset as well as ensuring that the social or economic benefits of the development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset or its setting taking into account the degree of harm. There is also a need to encourage development which delivers positive benefits as set out in the community led plans

6.3.4

In the NPPF, Chapter 12 of the NPPF deals with Achieving well-designed places requires that development should display.

“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”

Paragraph 134 goes onto say that *“Development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design”*.

Chapter 15 is considered important for this scheme and deals with Conserving and enhancing the natural environment. Paragraph 174 stresses that there is a need to:

a) protect and enhance valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) a need to recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and of trees and woodland;

c) to minimise the impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

d) to prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

e) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Under the requirements of Paragraph 184, given that this site is within a former quarrying area and that it abuts up against quarried out face exposing a near vertical rock cliff in places, there is a need to ensure that where a site is affected by land stability issues, that the responsibility for securing a safe development, rests with the developer and/or landowner.

Paragraph 185 states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum, potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

- 6.3.5 Unlike the adjacent holiday let known as 'Dingle Retreat' which is within the curtilage of the dwelling of Dingle Bungalow and was the former garage block, this proposal is for a new build log cabin on a separate piece of land formerly part of an old quarry.
- 6.3.6 Therefore, different criteria apply. New holiday lets should be considered as new dwellings for the purposes of layout, design and outlook, even though their curtilages should be much more constrained as any amenity space should be modest.
- 6.3.7 The proposed log cabin would have a traditional appearance and face northeast, so that its private decked area would face towards the existing hedge and bridleway/private track beyond. A separate area of lawn is also proposed to the east of the cabin where there are existing trees.
- 6.3.8 From the submitted plans, the dimensions of the one-bedroom (two bedspace) log cabin would be 8.5m by 5.5m in terms of footprint. However the ridge height appears to be 3.7m, but there is no cross section drawing to indicate whether the internal height of the cabin would be 3.05m or less in height to assess whether the dimensions of the log cabin would be commensurate with that of a caravan under the 1960 Caravan Act. The agent has been asked to confirm the height and this information is awaited.
- 6.3.9 The agent had originally indicated that the internal height of the proposed log cabin would be 3.6m high, but is 0.55m higher than the required limit. The agent has been asked to revisit this matter again and has now confirmed that the internal height of the cabin would be below 3m high.
- 6.3.9 The cabin would also have a forward overhanging roof projection over a decked area that extends 1.8m beyond the front face of the cabin that would face north eastwards. On the northwest side of the cabin, two parking spaces would be

provided off the track and beyond this on separate enclosed land, a package treatment is proposed that would be connected via an overflow pipe directly into a watercourse further to the west adjacent to a culvert. This enclosed area of the land is indicated as being currently used for general storage by the applicant.

- 6.3.10 It should be noted that there is an existing access into the site, but this would not be the proposed entrance to the site, instead part of the existing retaining rubble stone wall and boundary hedge that runs along the bridleway will be opened up, to create a new vehicle access instead further eastwards.
- 6.3.11 However no provision for sight lines has been shown that would enable vehicles to enter and leave the site. As a result Highways will require the submission of visibility splay details as pre-commencement condition should approval be granted.
- 6.3.12 When the PREAPP was considered, the orientation of then proposed footprint of the cabin appeared to be that in a northwest/southeast alignment, but under this current application, the cabin would now face in a different orientation, that of northeast/southwest instead.
- 6.3.13 This means that the private decked area where visitors would expect to get sun, would in fact be facing towards the bridleway and given that the new access would mean that the boundary hedging each side of the access would also need to be cut back, the decked area of the holiday let would then be in full view of the bridleway/access track compared to the existing situation.
- 6.3.14 It would appear that some additional sloped amenity space would also to be provided here, that of an area of land to the northeast of the cabin that will laid to lawn. This would have a site area of 43m² but originally no details of any boundary treatment were provided but the use of post and rail or native species hedging is required here and would be conditioned accordingly.
- 6.3.15 Notwithstanding this additional lawned area which is quite substantial in size, it is normally good practice that any holiday let amenity space should be private, but not be overshadowed, where possible, but in this case, there are significant constraints here due to the limited depth of the site given the position of the rock face (embankment as stated on the drawing) which clearly restricts the depth of land in front of it and thus also the orientation of the cabin and its amenity space.
- 6.3.16 Officers have visited the application site including examining the former quarried rock face that runs along the back of the site and which in places appears to be showing some recent signs of rock/loose material fall. Ideally some form of geo-technical report should have been provided at the outset to explain the geology here and how the long-term stability of this quarried face would be managed to prevent any future failure of the rock face or the trees above it resulting in slumping of material at the foot of the face.
- 6.3.17 Following further negotiations with the agent on this matter, the applicant has now

- confirmed that rock containing mesh will now be installed on the cliff face to safeguard any loose rock from falling onto the log cabin or land behind and this will be conditioned accordingly.
- 6.3.18 Discussions have also taken place between the former Planning Services Manager and the applicant about the orientation of the proposed cabin and concerns were flagged up about the enclosed nature of the proposed sitting out area for the cabin.
- 6.3.19 From these discussions it was clear that the applicant takes the view that this orientation is acceptable here, because the sun would be on the cabin for large parts of the day and furthermore the orientation is a matter for him alone, given that it is his business enterprise.
- 6.3.20 Notwithstanding this view from the applicant, if the proposed holiday let unit were to be sited in an inappropriate location and visitors numbers were not to materialize as proposed, then a different siting may need to be considered here at a later date.
- 6.3.21 When the PREAPP/20/00596 was considered, some consideration of the nearby heritage assets were also assessed, but given the distances involved between the application site and the various designated heritage assets and that there is an extensive woodland cover and also changes in level from the former quarry workings, it is not considered that the requirements under Chapter 16 of the NPPF would be engaged.
- 6.3.22 As for future waste and recycling collections, as holiday let accommodation is a business use, the disposal of waste cannot be dealt with through the domestic household waste stream because business rates are required for this commercial use. Instead the applicant would need to employ a licenced waste carrier to remove the waste as this rubbish/recycling is deemed trade waste.
- 6.3.23 The proposed holiday let would also fall within the scope of the Regulatory Reform (Fire Safety) Order and consideration will also need to be given to escape arrangements and installing sprinkler systems, as well as access for emergency fire vehicles, although ultimately this issue will be addressed under Building Regulations. Nevertheless the details have been included in the Report for information purposes.
- 6.3.24 Although the location plan indicates a large extent of red edging for this new holiday let, the land to the northwest of the proposed parking area would be outside of the amenity space for the cabin, but nevertheless it will be used to site both the package treatment plant and the surface water soakaway apparatus, but will also continue to be used as general storage space for the applicant including the retention of the existing access track that runs alongside the rock face too.
- 6.3.25 In terms of foul drainage, the proposed package treatment plant would have provision for up to 6 people and be a Marsh Ensign or similar. The submitted site plan shows that the effluent outflow would be connected to a 100mm diam pipe that would connect into the existing part-culverted watercourse that runs past the site and then under the trackway before running downhill to the east.

- 6.3.26 This storage area would also be physically separated from the proposed cabin by the planting of a new native species hedgerow on the northwest side of the permeable gravelled parking area that would link into the existing boundary hedgerow that is around this site.
- 6.3.27 In terms of visual amenity, the current enclosed location of the site is secluded and hidden behind the boundary wall and hedging near the entrance to the applicant's property, but due to the fact that a new access will need to be created that would cut into the boundary hedge and that much of the existing hedging would then need to be lowered or removed to provide the required visibility splays, this would have the effect of opening-up this part of the applicant's land to wider views from the bridleway, making any new development here far more visible.
- 6.3.28 This change in site appearance would be unfortunate because of the requirement to ensure that holiday let units such as cabins are suitably well screened, given their construction and appearance, so careful consideration of the future landscaping is also required here.
- 6.3.29 The Council's Tree Team have been consulted and consider that this site is a 'brownfield' site for their purposes, which is currently set to hard standing. Although close to areas of woodland, the proposed development is unlikely to directly impact on the trees or the integrity of the woodland.
- 6.3.30 No arboricultural objection has been raised to the proposed development but it is recommended that a tree protection plan and landscaping scheme that make provision for new tree planting should be provided to minimise risk to trees during the construction process and to ensure that appropriate landscape planting is provided to meet the requirements of sustainable development and ensure that there is a net gain in natural capital and biodiversity here on this former quarried site.
- 6.3.31 Therefore on any approval, two pre-commencement conditions should be imposed. One requiring a Tree Protection Plan and Arboricultural Method Statement to be submitted prior to development and secondly details of a tree-planting scheme will be required too.
- 6.3.32 The planting of appropriate trees and future hedging is required here to screen the proposed log cabin from the bridleway/access track and to increase biodiversity too, but these requirements also need to be balanced against the Highway's requirement to provide the required new visibility splays here too.
- 6.3.34 On balance, although this is a constrained site and that the orientation of the proposed cabin is somewhat unusual, provided that appropriate landscaping can be planted here, whilst maintaining adequate highway safety considerations and ensuring that the future safety of visitors from the adjoining rockface/embankment can be managed, officers consider that the proposal is acceptable here in terms of impact on the character and the appearance of this rural area and therefore proposal is considered to be policy compliant.

6.4 Residential Amenity

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

The nearest dwelling to the application site is the applicant's next door at Dingle Bungalow to the east. Whereas to the west is Nills Lodge and Charlotte Place, but both of these are separated by the former stone quarry which is mostly covered with trees. There are also trees to the north of the access/bridleway to that form part of another area of stone quarry .

6.4.2 This means that much of the application site is either enclosed by the canopies of native deciduous trees or that it abuts up against old quarry workings also with some trees above. Only the land to the east of the site where the existing holiday let garage is sited and a private track leading to Nills Farm beyond is open land.

6.4.3 This would therefore seem to account for why the proposed decking of the holiday let would need to be sited on the northeast side of the cabin in order get the most light from this direction.

6.4.4 Clearly where this proposal for a new dwelling, the lack of solar gain here would result in a dimly lit property that would be unacceptable in amenity terms, but given that this is only for a one-bedroom holiday let unit, the limited outlook would not be so detrimental to short-term visitors, as to make such a holiday let unit use here unsustainable.

6.5 Highway Safety Considerations

6.5.1 Core Strategy Policy CS7 deals with Communications and Transport Policy CS7 deals with Communications and Transport. Sustainable development requires the maintenance and improvement of integrated, accessible, attractive, safe and reliable communication and transport infrastructure and services .

6.5.2 In respect of the NPPF, Paragraph 110 states that in assessing applications, it should be ensured that safe and suitable access to the site should be achieved for all users and the design of the parking area is in accordance with national highway policy.

There is also a need under paragraph 112, to give priority to pedestrians and cycles movements, provide disability provision, space for delivery vehicles and provide electric vehicle charging points.

6.5.3 The County Highway Authority were consulted on this scheme as they were beforehand for the Pre-application enquiry. The access to the site and the residential properties beyond is via a private track leading off the U5609 unclassified road. A bridleway as a public right of way runs along this private track.

6.5.4 From a highways development perspective, it is considered that the addition of a one-bedroom holiday let here, would be unlikely to significantly impact on the surrounding public highway network and a highway objection to the development could not be sustained.

- 6.5.5 However because access to the site would be via a public right of way, the applicant should be aware of the restrictions imposed by Section 34 of the Road Traffic Act 1988 regarding the prohibition of driving motor vehicles elsewhere other than on roads such as this track. Where such public and private rights co-exist, permission should be sought from the landowner first in order to obtain lawful authority to drive on the Public Right of Way and so the applicant would need to contact the Public Rights of Way Section at Shropshire Council for information.
- 6.5.6 In addition, because this public right of way is used by walkers and horses, there will also be a requirement to provide details of the visibility splays either side of the access by way of a pre-commencement condition.

6.6 Ecology

- 6.6.1 Apart from the need to consider Policy CS17, there is also a requirement to consider the SAMDev Policy MD13 which deals with the natural environment. This policy in connection with other associated policies seeks through applying guidance, the conservation, enhancement and restoration of the county's natural assets which will be achieved by ensuring that the social and economic benefits of the development can be demonstrated to clearly outweigh the harm to the natural assets where proposals are likely to have an unavoidable significant adverse effect, directly or indirectly or cumulatively on any of the following: locally designated biodiversity sites; priority species and habitats; woodlands, trees and hedges and landscape character and local distinctiveness. In these circumstances a hierarchy of mitigation then compensation measures will be sought. There is also a need to encourage development which appropriately conserves, enhances, connects, restores or recreates natural assets particularly where this improves the extent or value of these assets are recognised as being in poor condition. Finally, there is a need to support proposals which contribute positively to special characteristics such as adjacent high priority biodiversity areas.
- 6.6.2 The Council's Ecologist has reviewed the information and plans submitted in association with the application and is happy with the survey work carried out.
- 6.6.3 The ecology survey carried out by Churton Ecology (September 2021) determined the site to be of low biodiversity value.
- 6.6.4 Nevertheless 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.
- 6.6.5 There is also a requirement that new development must include biodiversity net gains at the site in accordance with the NPPF and CS17. Therefore the installation of a bat box/integrated bat tube would enhance the site for wildlife by providing an additional roosting habitat.
- 6.6.6 Conditions on bat and bird boxes, external lighting and working in accordance with method statement and suitable informatives are therefore recommended.

6.7 Sustainable Drainage and Flooding

- 6.7.1 Adopted Core Strategy Policy CS18 deals with Sustainable Water Management.

This requires that developments will need to integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on the water quality and quantity including ground water resources and to provide opportunities to enhance biodiversity by ensuring that all developments include appropriate sustainable drainage systems (SUDS) to manage surface water so that all development should aim to achieve a reduction in the existing runoff rate, but must not result in any increase in runoff rate.

6.7.2 Although this site is not in either Flood Zones 2 or 3, the existing surface water drainage management is via a ditch with a culvert running below the applicant's land.

6.7.3 When the Pre-application enquiry PREAPP/20/00596 was considered, the then Drainage Engineer took the view that on the Shropshire Watercourses Map, it showed a culverted/ watercourse running across the site where the proposed log cabin was to be sited.

6.7.4 This would mean that a 6.0m easement should be provided by the applicant and no building should be built over a culverted watercourse or within the 6m easement, as the culvert may, in future, need to be repaired, replaced or upgraded if conditions in the catchment change. There is also a need to maintain an overland flow route if the culvert is blocked or its capacity exceeded.

6.7.5 However, the Drainage Engineer for this current scheme has been able to take a different view, because a more detailed drawing has been submitted showing the actual location of culvert which is beneath the existing vehicular access to general storage area only, to the west of the application site. There is a second culvert here and that runs in a channel below the stone track, as the watercourse also crosses the track to run along its north side towards Dingle Bungalow

6.7.6 Therefore there is no longer any requirement for an easement in relation to the proposed log cabin nor the new parking area, or the new amenity space beyond. As a result, the proposed surface water drainage details are considered acceptable.

6.7.7 Nevertheless, further details of the size of proposed package treatment plant should be submitted for approval under the British Water Flows and Loads in order to determine the population equivalent (PE) of the use of the new development.

6.7.8 From the submitted information on the site plan, it is noted that this treatment plant would be sufficient for 6 persons, but as this is a one-bedroom (2 bedspace) unit, the proposed size is considered excessive and will need to be re-visited.

6.7.9 It is also noted that the Parish Council have commented that surface water flooding has been an issue here in the past in times of heavy rain, however this is not

considered an issue by the Drainage Engineer.

7.0 CONCLUSION

7.1 The proposed stationing of a log cabin, change of use of land and installation of a package treatment plant adjacent to the applicant's property on former quarry land to be used as a holiday let is considered to be acceptable in policy terms with regard to the requirements for new tourist accommodation in the open countryside and would not result in harm to the character and appearance of this rural location. The proposal would also not impact on the surrounding public highway road network, nor would it affect the route of a public bridleway or be affected by surface water flooding. Whilst the orientation of the proposed holiday let cabin is uncommon, it is acknowledged that the site is constrained by the former quarry workings and this will figure in the considerations that will need to be given of providing appropriate landscaping, the required visibility splays and also ensuring the long-term stability of the workings behind the proposed log cabin for the safety of visitors.

7.2 Officers therefore recommend approval subject to conditions on the standard time limit, in accordance with deposited plans, details of the rock mesh, visibility splays, landscaping works and details of the foul drainage by way of pre-commencement conditions and details of the bat and bird boxes, external lighting, work being in accordance with the Method Statement, car parking provision and the standard holiday let conditions.

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:

National Planning Policy Framework

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS7 - Communications and Transport
 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
 MD7A - Managing Housing Development in the Countryside
 MD7A - Managing Housing Development in the Countryside
 MD11 - Tourism Facilities and Visitor Accommodation
 MD12 - Natural Environment
 MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

11/04746/FUL Erection of detached double garage with storage loft over GRANT 30th March 2012
 15/00273/CPL Conversion of garage loft to provide ancillary accommodation to dwelling. LA 17th April 2015
 PREAPP/18/00206 Erection of an open market dwelling PREUDV 16th May 2018
 19/01680/FUL Change of use from garage/ancillary accommodation to garage/holiday let accommodation to include elevational alterations GRANT 7th June 2019
 PREAPP/20/00596 Erection of one log cabin holiday let dwelling. PREUDV 8th February 2021
 21/05781/FUL Erection of detached holiday let log cabin and installation of package treatment plant including change of use of land PDE
 SA/07/1474/F Erection of a 3 bedroom replacement dwelling and formation of new vehicular accesses following demolition of existing dwelling PERCON 11th January 2008
 SA/07/0674/F Erection of a 4 bedroom replacement dwelling and formation of new vehicular & pedestrian accesses following demolition of existing dwelling REFUSE 15th August 2007
 SA/04/1808/F Erection of a dormer bungalow with detached garage following demolition of existing bungalow PERCON 4th February 2005
 SA/04/1293/F Erection of a detached dormer bungalow and detached garage following demolition of existing dwelling WDN 17th November 2004
 21/05781/FUL Erection of detached holiday let log cabin and installation of package treatment plant including change of use of land PDE

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R3WY6UTDK6300>

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

Cabinet Member (Portfolio Holder)
Councillor Richard Marshall

Local Member

Cllr Nick Hignett

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, drawings and documents as listed in Schedule 1 below.

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No ground clearance, demolition, or construction work shall commence until details of the rock containing mesh has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

Reason: To safeguard the existing quarry rock face and to prevent damage to it during the building works and for the lifetime of the development to ensure the safety of the site for visitors using the holiday let accommodation.

4. In this condition, retained tree means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars, or any tree, shrub or hedge plant planted as a replacement for any retained tree. Paragraph a) shall have effect until expiration of 5 years from the date of completion of the work.

a) No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until

a Tree Protection Plan and Arboricultural Method Statement prepared in accordance with and meeting the minimum tree protection requirements recommended in BS5837: 2012 or its current equivalent have been submitted and approved in writing by the Local Planning Authority. All tree protection measures detailed in the approved Tree Protection Plan and Arboricultural Method Statement must be fully implemented as approved before any equipment, machinery or materials are brought onto the site for the purposes of the development. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority.

c) All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail 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.

d) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a responsible person has been appointed for day-to-day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

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

5. No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a tree planting scheme, prepared in accordance with of BS 8545: 2014 Trees: from nursery to independence in the landscape Recommendations has been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that there is no nett loss of trees from the area and to provide natural landscape features that help to integrate the development into the local environment

6. No development shall take place until details of visibility splays on either side of the proposed access have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the development/use hereby approved is occupied/brought into use.

Reason: In the interest of pedestrian and highway safety.

7. Should any part of the development incorporate piling works or ground compaction, confirmation that adjoining occupiers have been notified of the proposed duration and hours of piling/ ground compaction together with contact details of those carrying out the works, including mitigation methods for the suppression of dust shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any such works. All

piling/ground compaction works as necessary to complete the development shall be carried out in accordance with the approved details.

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

8. No development shall take place until full details of the size of the package treatment plant for the foul drainage in order to determine the population equivalent for the use of the new development 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.

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

9. Prior to the occupation of the holiday let cabin hereby permitted full details shall be submitted to and approved by the Local Planning Authority of a scheme of hard landscaping and these works shall be carried out as approved. The submitted scheme shall include:

Means of enclosure

Hard surfacing materials

Minor artefacts such as furniture, storage units, external lighting

Implementation timetables

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

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

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

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

- A minimum of 1 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or

summer roosting for small crevice dwelling bat species.

- A minimum of 2 No 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.

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

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

13. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding great crested newts as provided in Section 5.1.2 of the Ecological Appraisal (Churton Ecology, September 2021).

Reason: To ensure the protection of and enhancements for Great Crested Newts, which are European Protected Species.

14. Demolition, construction works and associated deliveries shall not take place outside 7.30am - 6.00pm Monday to Friday, and 8.00am - 1pm Saturdays, with no work taking place on Sundays, Bank or Public holidays.

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

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

15. Notwithstanding Classes C2 and C3 of the Schedule to the Town and Country (Use Classes) Order 2020 (as amended), the development hereby permitted shall be used to provide holiday accommodation only and it shall not be occupied as permanent unrestricted residential accommodation or as a primary place of residence.

Reason: The site is outside of any recognised settlement and is in an area where unrestricted residential accommodation would not be appropriate. The log cabin is permitted as it provides holiday accommodation.

16. A register shall be maintained of the names of occupiers of the log cabin, the period of its occupation together with their main home addresses. This information shall be made available at all reasonable times to the local planning authority

Reason: General residential development in this location would be contrary to adopted local and national policy.

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. 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.

3. The applicant is advised that access to the site is via a public right of way and the applicant's attention is drawn to the restrictions imposed by Section 34 of the Road Traffic Act 1988 regarding the prohibition of driving motor vehicles elsewhere than on roads.

In addition, where public and private rights co-exist, permission should be sought from the landowner in order to obtain lawful authority to drive on the Public Right of Way. For further information, contact the Public Rights of Way Section, Shropshire Council, Shirehall, Abbey

Foregate, Shrewsbury SY2 6ND.

4. 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 removal and scrub removal 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.

If during construction birds gain access to any of the building and begin nesting, work must cease until the young birds have fledged.

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 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.

6. Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

7. The discharge from a package treatment plant requires the prior consent of the ENVIRONMENT AGENCY under the Control of Pollution Act 1974 and the Water Act 1989.

8. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.

9. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

10. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.

11. National Planning Policy Framework 2021
National Planning Practice Guidance 2021

Shropshire Council Adopted Core Strategy
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles

CS7 Communications and Transport
CS11 Type and Affordability of Housing
CS13 Economic Development, Enterprise and Employment
CS16 Tourism, Culture and Leisure
CS17 Environmental Networks
CS18 Sustainable Water Management

Shropshire Site Allocations and Management of Development (SAMDev) Plan
MD2 Sustainable Development
MD7A Managing Housing Development in the Countryside
MD11 Tourism Facilities & Visitor Accommodation
MD12 Natural Environment
MD13 Historic Environment

West Midlands Combined Authority Design Charter 2020

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Committee and date
Southern Planning Committee

18 October 2022

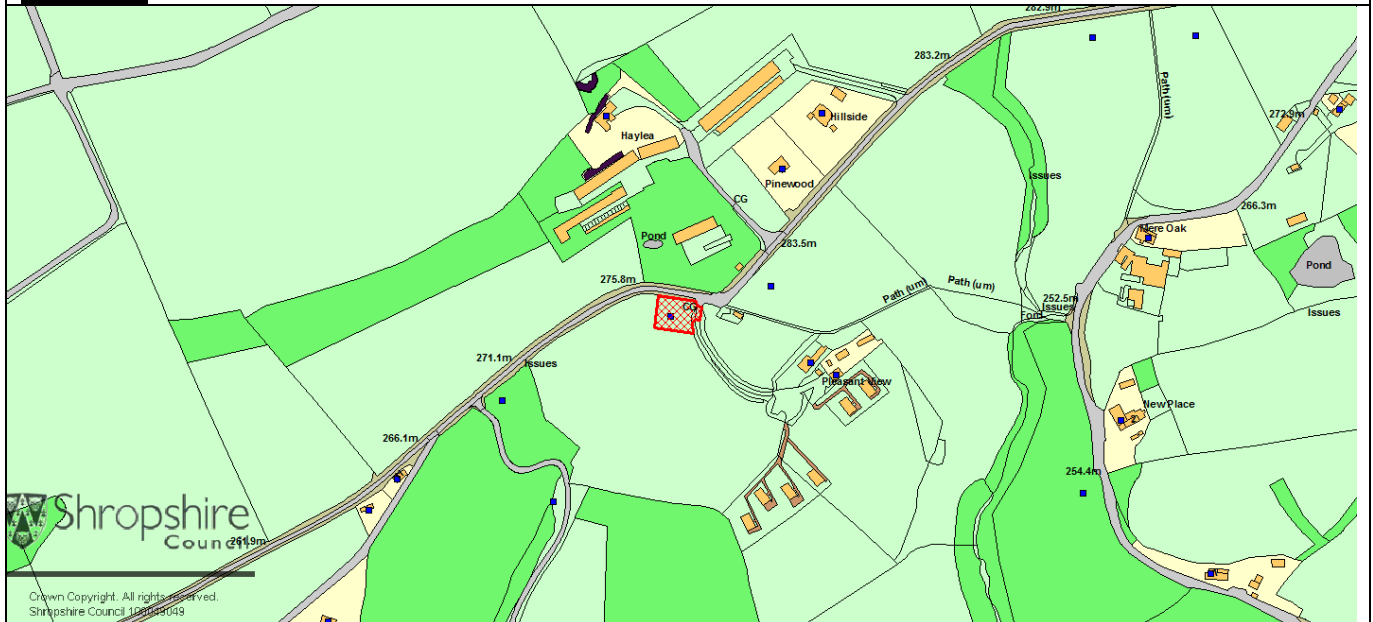
Development Management Report

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

Summary of Application

Application Number: 22/04011/OUT	Parish:	Worthen With Shelve
Proposal: Outline application for the erection of a pair of two bedroomed affordable houses with associated access and parking facilities		
Site Address: Proposed Dwelling North West Of Pleasant View Rowley Shropshire		
Applicant: Mr Gavyn Williams		
Case Officer: David Jones	email	: david.jones@shropshire.gov.uk

Grid Ref: 330151 - 306326



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Recommendation:- Refused as set out in Appendix 1.

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REPORT

1.0	THE PROPOSAL
1.1	The application seeks planning permission in outline for the erection of a pair of semi-detached dwellings. It is proposed that the properties would be affordable dwellings available for rent and provided by a private landlord.
1.2	Matters of scale, appearance, landscaping, and layout are reserved for later consideration. Access is included for consideration. An illustrative block accompanies the planning application illustrating a new access of the applicant's existing private way, car parking would be provided along the frontage of the site and a pair of semi-detached dwelling located to the south.
	Illustrative sections accompany the planning application which show that the floor levels of the proposed dwellings would be reduced in height relative to the slope in the land to the southwest by around 1 metre.
	The application is supported by ecological, archaeological impact assessments and a landscape and visual impact assessment, (LVIA).
2.0	SITE LOCATION/DESCRIPTION
2.1	The application site lies on the south side of a lane some 0.6km to the west from what would appear to be the centre of Rowley, that being the crossroads at Church Farm. Rowley is a small and dispersed settlement on high ground above Worthen and is a Cluster settlement according to SAMDev Plan Policy S2.2(x)
2.2	The application site slopes to the south west, and has far reaching views from an elevated position towards Chirbury and most likely further into Wales.
	The existing access to the grass field is through a field gate, just inside the highway junction of a track which leads to a dwelling, buildings and tourist chalets known as Pleasant View some 120m beyond.
3.0	REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION
3.1	The Parish Council support the planning application. Given the that the officer recommendation is one of refusal the application was considered by the agenda setting committee and it was decided that the planning application raises issues which are appropriate for consideration by the Planning Committee.
4.0	Community Representations

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	Consultee Comment
	<p>Worthen with Shelve Parish Council</p> <p>Supports This Parish Council would like it noted that a condition of support is that this is considered an exception site and the affordable housing commitment is in perpetuity.</p>
	<p>SC Highways</p> <p>Although, the general principle of the proposed development could be acceptable, from a highways and transport perspective. It is considered that the existing main access and driveway serving the applicants wider holdings, is no longer suitable to accept the additional traffic proposed by this new development. Subsequently, it would be in the applicant's interest to consider providing appropriate improvements to the existing main access and driveway, as part of the development proposed. Ideally, the existing site driveway should be widened sufficiently, to enable simultaneous entry and exit from/to the public highway and to provide a suitable passing area for opposing vehicles accessing/egressing the proposed new developments. Furthermore, the hedges/vegetation along the site frontages, on the southwestern side of the existing access point to the public highway, should be cut back/reduced in height, to ensure vehicular inter-visibility for emerging vehicles and passing traffic. This visibility splay at the existing access should be commensurate with approaching traffic speeds, in accordance with Manual for Streets 2.</p> <p>Conditions:</p> <p>Access</p> <p>Notwithstanding the plans submitted and prior to any construction, the access road from the public highway shall be widened to a minimum of 4.5m for at least the first 10m in order that two vehicles can safely pass Reason: In the interest of highway safety</p> <p>Parking & Turning</p> <p>The parking and turning as identified on the proposed site plan submitted with the application shall be retained and available at all times when the dwelling is in use Reason: To enable the drivers of vehicles to enter and egress the site in a forward gear for highway safety.</p> <p>Informative notes:</p> <p>Works on, within or abutting the public highway</p>

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This planning permission does not authorise the applicant to:

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

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

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

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. Please note Shropshire Council require at least 3 months notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

Mud on highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto. No drainage to discharge to highway Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Waste Collection

The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e. wheelie bins & recycling boxes). Specific consideration must be given to kerbside collection points, in order to ensure that all visibility splays, accesses, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycleways & carriageways) are

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	kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety
	SC Conservation (Historic Environment) We have no comments to make in relation to conservation matters.
	<p>SUDS</p> <p>All correspondence/feedback must be directed through to Shropshire Councils Development Management Team.</p> <p>Informative Notes:</p> <p>A sustainable scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils SuDS Handbook which is available in the Related Documents Section on the Councils Website:</p> <p>https://shropshire.gov.uk/drainage-and-flooding/development-responsibility-andmaintenance/sustainable-drainage-systems-handbook/</p> <p>Any proposed drainage system should follow the drainage hierarchy, with preference given to the use of soakaways. 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. Where a positive drainage connection is proposed, the rate of discharge from the site should be restricted to an appropriate rate as set out in the SuDS Handbook. Shropshire Council will not permit new connections to the Highway Drainage network. Where a proposed surface water attenuation feature serves multiple properties, this feature should not be constructed within a private property boundary and be located in areas of public open space or shared access to allow future maintenance.</p>
	<p>SC Ecology</p> <p>I have reviewed the information and plans submitted in association with the application and I am happy with the survey work carried out. The Great Crested Newt habitat suitability assessment and Badger survey carried out by Churton Ecology (January 2021) determined the site to be of little suitability for great crested newts. No further surveys were recommended. A precautionary method statement for great crested newts has been provided, which will be strictly adhered to. In the event a 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.</p> <p>No evidence of badgers was found during the site survey and no impact on</p>

badgers is anticipated by the proposed development.

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 boxes/integrated bat tubes and bird boxes will enhance the site for wildlife by providing additional roosting and nesting habitat. I recommend that the following conditions and informatives are included on the decision notice:

Bat and bird boxes condition

- Prior to first occupation / use of the building[s], the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:
- A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks or boxes), house martins (house martin nesting cups), swallows (swallow nesting cups) and/or small birds (32mm hole, standard design).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development. For swift boxes: Boxes should be positioned out of direct sunlight, at least 5m high, preferably under the eaves of a building and with a clear flight path to the entrance. North or east/west aspects are preferred.

(See <https://www.swift-conservation.org/Leaflet%20-%20Swift%20Nest%20Bricks%20-%20installation%20&%20suppliers-small.pdf> for more details).

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

Lighting Plan condition

The lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes, trees, and hedgerows. The scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trusts Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried

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	<p>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. Working in accordance with method statement condition</p> <p>All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding birds as provided in Section 5.1 of the Great Crested Newt habitat suitability assessment and Badger survey carried out by (Churton Ecology, January 2021). Reason: To ensure the protection of and enhancements for Great Crested Newts, which are European Protected Species.</p> <p>Nesting birds informative</p> <p>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.</p> <p>All vegetation clearance, tree removal and scrub removal 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. If during construction birds gain access to any of the building and begin nesting, work must cease until the young birds have fledged.</p> <p>Landscaping informative</p> <p>Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.</p>
	<p>SC Archaeology Historic Environment</p> <p>Comments</p> <p>Background to Recommendation:</p>

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The development site is intersected by a cropmark feature, forming part of a more extensive series of curvilinear cropmark features north of Walton Camp (Shropshire Historic Environment Record [HER] PRN 04385). These comprise several parallel linear ditched features visible as cropmarks that have been suggested to form part of a large curvilinear enclosure or hillfort, measuring c.220m across. The cropmarks however closely conform to the direction of the natural contours indicating that a geological origin cannot be ruled out.

A Heritage Assessment (Crow Archaeology, Feb 2021, Ref. CA00031) has been submitted with the planning application. This has concluded that a natural origin seems more plausible in relation to the wide cropmark feature noted on the site, as these appear to be associated with the natural contours and also a fault between the two mudstone bedrock formations that is observable in the 1:50,000 BGS data. Whilst an anthropogenic origin could not be entirely ruled out, this was considered unlikely but not impossible. Overall, it was considered unlikely that sub-surface archaeological remains will survive within the site boundary and the archaeological potential of the site is therefore considered low.

RECOMMENDATION:

We would concur with the conclusion of the Heritage Assessment, particularly the likely natural origins of the cropmark feature noted within the development site. We would also consider the overall archaeological potential of the site to be low. In view of the above, we are satisfied that the Heritage Assessment has provided a sufficient level of information on the character of the archaeological resource in the area of the proposed development in relation to Paragraph 189 of the NPPF. Therefore, it is advised that no further archaeological mitigation measures are required. We therefore have no further comments to make on this application with respect to archaeological matters.

SC Affordable Housing

04/10/2022

1. The Type and Affordability of Housing Supplementary Planning Document at Appendix G (3) – Discounted Rent – states that “the Council recognises that private landlords, landed estates, community land trusts, development companies and registered providers may seek to provide rented affordable housing in Shropshire independently of the grant funded Homes and Communities Agency* Affordable Homes Programme. Such rented housing may be delivered as part of a planning gain obligation or could be used to increase the proportion of affordable dwellings on a particular development site. We are keen to encourage this type of innovative practice in the delivery of rented affordable housing”. “They will be secured as affordable

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	<p>housing in perpetuity and be subject to Council regulation in respect of rent levels, occupancy requirements, allocation procedures and general management standards through the use of a Section 106 Agreement and/or Planning Conditions”. *now Homes England</p> <ol style="list-style-type: none"> 2. Chapter 5 of the SPD provides guidance on ‘Affordable homes for local people: exception sites. Paragraph 5.1 “Exception sites are in locations that would not normally obtain planning permission for new housing development. The exception is made because it is development of affordable housing for local people. The sites can involve a number of dwellings or be a single plot”. Paragraph 5.4 “Core Strategy Policy CS11 permits, “exception sites for local needs affordable housing on suitable sites in and adjoining Shrewsbury, Market Towns and Other Key Centres, Community Hubs, Community Clusters and recognisable named settlements, subject to suitable scale, design, tenure and prioritisation for local people and arrangements to ensure affordability in perpetuity”. 3. If the site therefore meets the spatial requirements set out in 2 above, then consideration can be applied to the need for local needs affordable homes. The housing register as of September identifies 9 households with a local connection to Worthen and Shelve Parish who are seeking homes. The need is identified as 1 and 2 bed accommodation. We understand that there is likely to be hidden need in addition to this evidence. We would suggest that 2 bed provision is provided and also that homes meet Nationally Described Space Standards. A proposal for 2 x 2 bedroomed dwellings could therefore be supported in principle. 4. The homes would need to be subject to a S106 Agreement to control allocation (local connection and advertised through Shropshire Homepoint) and Affordable Rent (80% of the open market rent but restricted to Local Housing Allowance currently £524.99 for a two bed – reviewed annually). <p>Summary – if the site meets the spatial requirements and wider planning considerations there is evidenced housing need to support a private provider development of two dwellings. These dwellings would be controlled and maintained as affordable dwellings in perpetuity through a S106 Agreement.</p>
	SC Trees No comments received at the time of writing.
	SC Landscape No comments received at the time of writing.
	Natural England No comments received at the time of writing.
	Historic England No comments received at the time of writing.
	Public Comments
	<p>A site notice was displayed by the applicant and the publicity period will expire on the 26.10.21. Fourteen supporting representations have been received on the following grounds:</p> <ul style="list-style-type: none"> • Proposal provides much needed affordable rental housing for local people and notably youngsters which assists preserving the local community

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	<p>(including schools) and the wider rural economy.</p> <ul style="list-style-type: none"> • Two-bedroom units required as opposed to large executive houses. • The applicant has lived in the area all hi life and operates a pony trekking and holiday let business which supports the local community and economy. • The decision of the parish council not to support the proposal is very negative.
5.0	THE MAIN ISSUES
	<p>Principle of development Character, Appearance and Visual Impact Highway Safety and Convenience</p>
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.
	Paragraph 78 of the National Planning Policy Framework (NPPF) states that in rural areas planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.
	CS1 sets a target of delivering 27,500 dwellings of which 9, 000 will be affordable over the plan period with 35% of these being within the rural area, provided through a sustainable “rural rebalance” approach.
	CS4 states that in the rural area, communities will become more sustainable by focusing investment in the rural area into Community Hubs and Community Clusters.
	CS5 controls development in the countryside but one of the exceptions is affordable housing accommodation to meet local need in accordance with national planning policies and policy CS11.
	CS11 seeks to ensure that development creates mixed, balanced and inclusive communities by way of the listed criteria. These include permitting exception schemes for local needs affordable housing on suitable sites in and adjoining Community Hubs and Community Clusters subject to suitable scale, design, tenure and prioritisation for local people and arrangements to ensure affordability in perpetuity.
	Policy MD1 of the adopted SAMDev Plan deals with the scale and distribution of development in Shropshire. Rowley falls within is a Community Cluster settlement (Worthen, Brockton, Little Worthen, Little Brockton, Binweston, Leigh, Rowley, Aston Rogers and Aston Pigott) as per SAMDev Plan Policy S2.2 (x). The housing

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	<p>guideline for the Cluster is around 30 additional dwellings over the period to 2026, where development by infilling and conversions may be acceptable on suitable sites. The latest land availability results that there have been 9 completions and that there are 16 residential units with planning permission, giving a total of 25 so capacity exists under the settlement housing guideline figures for the cluster.</p>
	<p>The council's SPD Type and Affordability of Housing Supplementary Planning Document (Adapted 12/09/2012) (SPD) at paragraph 5.7 explains that the Core Strategy allows for local needs affordable housing in or adjoining settlements of all sizes. Further that exception sites must relate to the local needs of the settlement and its hinterland and must be in or adjoining an existing settlement. Paragraph 5.8 explains that affordable housing provision should be reflective of the size of the community and its local economy, enabling local people to live in close proximity to their work and or their family support network and it also provides guidance on material considerations relating to the assessment of housing need is provided.</p>
	<p>Community Clusters do not have defined settlement boundaries in the same way as higher order settlements and the assessment of whether a proposal entails infilling or an acceptable extension is based on a more subjective assessment. The application site is on the outside edge of a group of dwellings and buildings centred on Pinewood, Hillside and Pleasant View which form a small group associated with the dispersed settlement of Rowley. As a designated Community Cluster under the planning policies listed above, as affordable dwelling on the edge of this group of dwellings is permissible in principle. In this regard it is material that general market housing is also permissible on the edge of this small group but that two planning application have in recent years been refused on detailed grounds, and these are considered in more detail in the next section of this report.</p>
	<p>SC Affordable advise that the proposal meets the definition of affordable housing under the SPD subject to a legal agreement being completed to ensure that the units are retained for affordable housing purposes in perpetuity. It is further advised That the legal agreement would control allocation through requiring a local connection and an affordable rent at 80% market value and restricted to the Local housing Allowance as described in the consultation.</p>
	<p>In accord with the planning policies above the number of dwellings proposed on an exception site must relate to the local needs of the settlement. The type and mix of affordable housing must also meet the identified affordable housing need. As a community cluster Rowley is the lowest order settlement in the hierarchy where more limited development is permissible. The council's SC Affordable Housing advises that the housing register as of September identifies 9 households with a local connection to Worthen and Shelve Parish who are seeking homes. The need is identified as 1 and 2 bed accommodation further that there is likely to be hidden need in addition to this evidence.</p>

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	<p>Having regard to the considerations above two 2-bedroom affordable housing units are permissible in principle in this location subject to a legal agreement being completed to ensure that the units are controlled and maintained as affordable housing in perpetuity. Whilst principle is acceptable and affordable housing provision is supported generally, it is also necessary to consider whether the proposal is acceptable in terms of other material considerations. There have been two planning applications for general market housing where the principle was also acceptable refused in recent years on this site on detailed grounds, and the next section of the report considers these matters.</p>
6.2	Character, Appearance and Visual Impact
6.2.1	<p>CS6 and MD2 seek to secure sustainable design. Further, CS17 and MD12 seek the avoidance of harm to the natural environment and Shropshire's environmental networks.</p>
	<p>A previous planning application for an eco-friendly dwelling on this site was refused on the 10th of June 2021. A subsequent outline planning application for a pair of semi-detached two-bedroom dwellings which would have been available to rent for a 10-year period was refused on the 15th of December 2021. Both applications were refused on the grounds that the proposal would harm the character of Rowley and the surrounding countryside.</p>
	<p>The current planning application is accompanied by a Landscape and Visual Impact Assessment (LVIA). In broad terms a LVIA is helps identify the effects of development on views and the landscape in a systematic way as a basis for assessment as part of a planning application. The LVIA concludes that hat there would be no significant changes to the location, character of the landscape or the visual amenity of most residents, users of the footpaths/bridleways or the public highway to the north of the site. This is due to the presence of trees and hedgerows and the diversity and scattered nature of the surroundings which means that there will only be limited landscape impacts at the location of the development, notably at the access with the public highway. At the time of writing the comments of the council's Landscape Advisers are awaited.</p>
	<p>The application site is on the outside western edge of a group of existing developments centred on Pinewood, Hillside and Pleasant View which form a small grouping associated with the dispersed settlement of Rowley. The site is also in an elevated position in the northeast corner of a single pasture field, having far reaching views into a wide arc of the countryside to the southwest. It is considered that within this context that the proposed dwellings would appear detached and prominent relative to the group of existing developments forming this part of Rowley. It is also considered that development on the western side of the private track leading to Pleasant View would extend built development beyond what can be regarded as the limits of this grouping and into an area which is more akin to the</p>

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	<p>countryside in character and appearance. The development would also be prominent when viewed from the public highway to the north. Taken together all these considerations lead to a conclusion that the proposal would cause unacceptable harm to the character and appearance of this part of Rowley and the adjacent countryside.</p>
	<p>Open market dwellings have been approved to the east more towards what would appear to be the centre of Rowley at the crossroads at Church Farm. In particular, 20/00884/OUT was approved at around 50m to the east of the current site, and on the south side of the highway. The dwelling approved under 20/00884/OUT was positioned almost directly between Pinewood and Pleasant View and thus more within this grouping of existing developments centred on Pinewood, Hillside and Pleasant View which form a small group associated forming part of Rowley. It is acknowledged that Rowley is a dispersed settlement, and Rowleth House and Rowley Farm lie further to the west. Development was approved under 20/00688/OUT for a single dwelling on land adjacent to No11 Rowley, at around 250m further to the west of the application site. However, that approved dwelling is effectively enclosed in a narrow triangle of land between the highway and a track leading to Rowley Farm where its additional visual impact to the countryside setting is insignificant over and above the existing situation.</p>
6.3	Highway Safety and Convenience
6.3.1	<p>Whilst the council's Highway's Section has raised no objections to the proposed development, they have stated that the proposed vehicular access with the public highway, which would serve the development as well as the dwelling, buildings and tourist chalets known as Pleasant View will require improvement. These improvements will require widening the existing access as well as providing sufficient inter visibility splays in both direction with the public highway. At the time of writing the applicant has been requested to demonstrate that these requirements are achievable and whether any trees or hedges will need to be removed to achieve these improvements. Should any trees and hedges need to be removed to achieve these improvements this could exacerbate the prominence of the development when viewed from this public highway.</p>
7.0	CONCLUSION
	<p>Whilst principle is acceptable, and provisions of affordable housing supported the proposal is not considered acceptable on detailed planning grounds. The application site lies on the outside western edge of a group of existing developments which form a small grouping associated with the dispersed settlement of Rowley. For the reasons described in the report it is considered that a development in this location would cause unacceptable harm to the character and appearance of Rowley and adjacent countryside. Taking all material considerations into account, it is not considered that previous developments approved in Rowley sets sufficient precedent for development in the proposed location.</p>

AGENDA ITEM

-	Proposed Dwelling North West Of Pleasant View
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	The development is considered contrary to policies CS6, CS17, MD2 an MD12. Planning permission is recommended refused.
8.0	Risk Assessment and Opportunities Appraisal
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> • 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. <p>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.</p>
8.2	Human Rights
	<p>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.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
8.3	Equalities
	The concern of planning law is to regulate the use of land in the interests of the

AGENDA ITEM

-	Proposed Dwelling North West Of Pleasant View
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	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 (2021)

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS4, CS5, CS6, CS17, MD1, MD2 an MD12.

RELEVANT PLANNING HISTORY:

21/04556/OUT Outline application for the erection of a pair of semi-detached two bedroomed dwellinghouses to include associated access and parking facilities REFUSE 15th December 2021

20/05055/OUT Outline application (access for approval) for the erection of one 'eco' dwelling with garage and formation of new vehicular access REFUSE 10th June 2021

11. Additional Information

View details online: [22/04011/OUT | Outline application for the erection of a pair of two bedroomed affordable houses with associated access and parking facilities | Proposed Dwelling North West Of Pleasant View Rowley Shropshire](#)

AGENDA ITEM

-	Proposed Dwelling North West Of Pleasant View
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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 Mrs Heather Kidd

Appendices

APPENDIX 1 – Reason for Refusal

It considered that the location of the development would result in a detached and prominent development that would extend built development beyond what can be regarded as the limits of this part of Rowley and into an area which is more akin to the countryside in character and appearance. This would cause unacceptable harm to the character and appearance of this part of Rowley and the adjacent countryside in contravention of policies CS6 and CS17 of the Adopted Core Strategy (March 2011), MD2 and MD12 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (Adopted 17/12/2015).

AGENDA ITEM

-	Proposed Dwelling North West Of Pleasant View
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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

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Committee and date

Southern Planning Committee

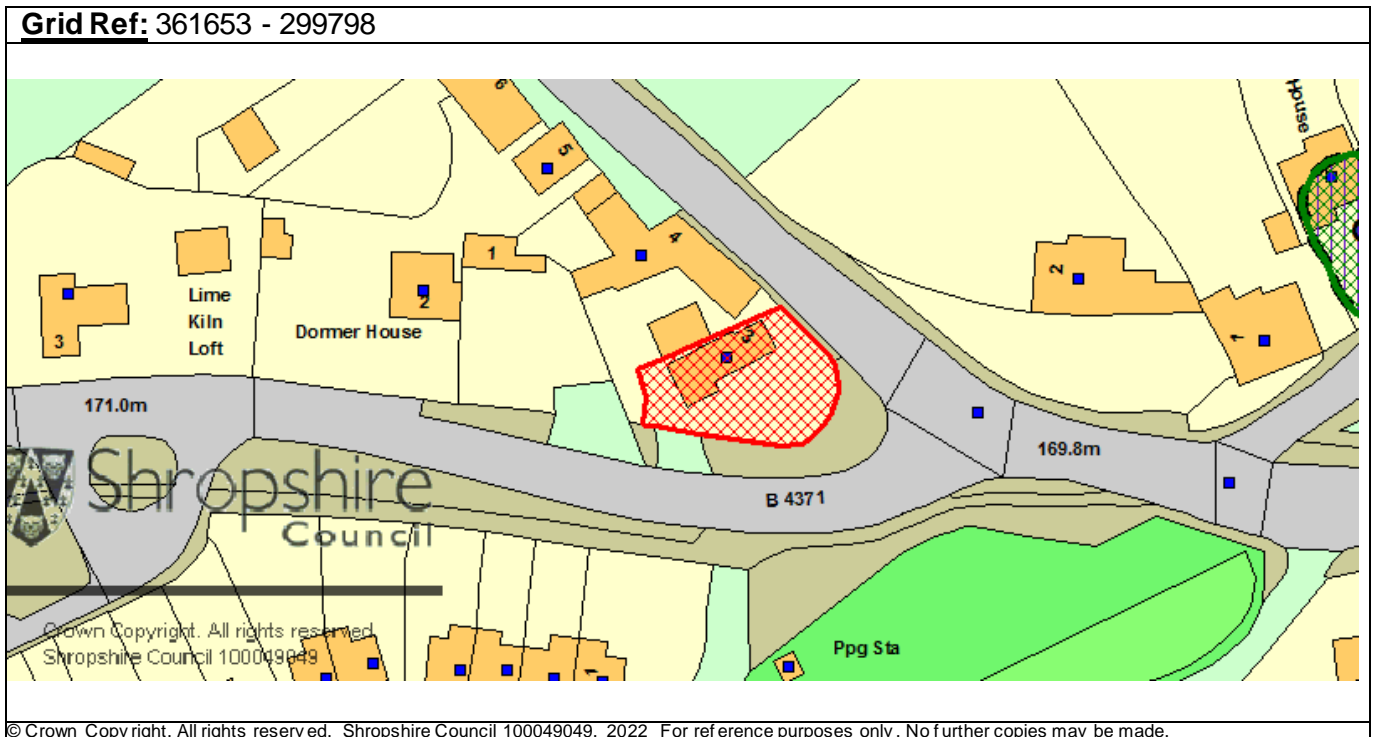
18th October 2022

Development Management Report

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

Summary of Application

Application Number: 22/02298/FUL	Parish: Much Wenlock
Proposal: Erection of garden room/office/store	
Site Address: Havelock Cottage 3 Shrewsbury Road Much Wenlock TF13 6AN	
Applicant: Ms M Clayton	
Case Officer: Lynn Parker	email : lynn.parker@shropshire.gov.uk



Recommendation:- Refuse

Recommended Reason for refusal

1. The proposed garden room/office/store outbuilding would by its incongruous log cabin design, and siting on a prominent elevated corner of the plot frontage in front of the principle elevation of a visually attractive stone cottage, cause harm to the existing character and appearance of the street scene and to Much Wenlock Conservation Area. It would adversely impact upon the existing sense of spaciousness, an attribute of this part of the Conservation Area, and would constitute overdevelopment of this plot which has already reached a certain development saturation point. There are no public benefits identified for this domestic scale development to outweigh the less than substantial harm to the significance of the Conservation Area as a designated heritage asset in this case. The proposal is therefore contrary to Shropshire Council LDF Core Strategy Policies CS6 and CS17, Site Allocations and Management of Development (SAMDev) Plan Policies MD2 and MD13, Policy GQD2 of the Much Wenlock Neighbourhood Plan, and paragraphs 197 and 202 of the National Planning Policy Framework.

REPORT

1.0 THE PROPOSAL

1.1 This application is for the erection of a garden room/office/store outbuilding within the frontage of Havelock Cottage, 3 Shrewsbury Road, Much Wenlock. The building is designed as a dual-pitched roof log cabin, model 'Rhine Warmalog Cabin', measuring approximately 3.8m wide x 3m in depth x 2.46m to ridge height. It is proposed to be positioned within the south eastern corner of the front garden. Minimal pruning is indicated to a Laburnum tree.

1.2 Materials are detailed as follows:

Walls - 62mm insulated interlocking nordic spruce logs treated upon erection equivalent to 140mm tick U-Value.

Roof - 60mm comprising a sandwich of MFP board insulation and tongue and groove timber with bitumen black shingle.

Windows - stainless steel friction stays multipoint with mushroom headed espagnolettes. 4mm toughened glass, 24mm double glazed.

Doors - Double glazed toughened glass French doors.

Lighting - Internal low energy LED lighting.

1.3 A Supporting Statement is provided which advises that the property does not benefit from rear garden to locate the outbuilding and there is no existing fixed outdoor storage space. The building is intended primarily as office space enabling working from home without impinging on the home, work/life balance. Additionally, it would provide an outdoor weather proof space that may also be used as a leisure room for relaxation/exercise/storage.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site falls within the Market Town of Much Wenlock to the south west of the Town Centre and is also incorporated into Much Wenlock Conservation Area. The property is accessed directly from Stretton Road (B4371), although its address is Shrewsbury Road. This is because the site is positioned on a prominent corner with Shrewsbury Road along its north eastern side rising from the south east up towards the north west, and Stretton Road along its southern side below the plot. This part

of Stretton Road is a mixture of older traditional stone properties forming ribbon development along the north side of the road within the Conservation Area, and more recent sections of housing on the south side of the road which are not within the Conservation Area.

2.2 Havelock Cottage is a detached stone cottage constructed following the grant of Planning Permission Ref: BR/APP/FUL/00/0323 on 29th June 2000. It has subsequently benefited from Planning Permission for the erection of utility room extension to the north east side granted under Planning Ref: 22/00348/FUL on 5th April 2022. The dwelling has a south facing front elevation with a driveway and parking area within the south west corner. and subdivided from the garden by timber fencing. The garden is located in the south east corner extending around to the north east side, however there is no outside amenity space to the rear of the property which is adjacent to the boundary. The plot is raised above Stretton Road resulting in the garden being elevated above the road junction. The front/corner boundary comprises a stone wall with trellis fencing above and shrubs young trees inside the wall. There is a telegraph pole outside the corner of the boundary wall heavily covered in Ivy.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The proposed development is not considered to accord with the requirements of the Council's relevant adopted policies and a contrary opinion from the Parish Council has been received that would require determination of the application by Committee, therefore the Principal Planning Officer in consultation with the Committee Chairman has confirmed that based on material planning reasons, a Committee decision is necessary under the terms of the scheme of delegation to officers as set out in Part 8 of the Council Constitution.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Much Wenlock Town Council - No objections.

4.1.2 SC Drainage - Informatives recommended in relation to a sustainable drainage scheme for the disposal of surface water from the development, Policy RF.2 and finished floor levels.

4.1.3 SC Archaeology - No comments to make on this application in respect of archaeological matters.

4.1.4 SC Conservation - Objection, where it is considered that the proposal would consist of 'less than substantial harm' upon the existing character and appearance of the conservation area, where there is no demonstrable public benefit.

4.1.5 SC Trees - Concerns that excavations for conventional strip foundations on the western elevation of the outbuilding would sever a significant proportion of the Laburnum tree's root system. It's removal and replacement could be a better option.

4.2 - Public Comments

4.2.1 Confirmation received of site notice display from 10th June 2022. Proposal

advertised in the Shropshire Star on 14th June 2022 as being within a Conservation Area. No public representations received.

5.0 THE MAIN ISSUES

- Principle of development
- Design, scale and siting
- Impact on the historic environment
- Trees

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Policy CS6 of the Shropshire Council Local Development Framework Core Strategy states that development should conserve and enhance the built environment and be appropriate in its scale and design taking account of local character and context. It further states that development should safeguard residential and local amenity.

6.1.2 Policy MD2 of the SAMDev Plan builds on Policy CS6 providing additional detail on how sustainable design will be achieved. For a development to be considered acceptable it is required to contribute to and respect locally distinctive or valued character and existing amenity value by:

- i) Responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses, streetscape, building heights and lines, scale density, plot sizes and local patterns of movement; and
- ii) Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion; and
- iii) Protecting, conserving and enhancing the historic context and character of heritage assets, their significance and setting, in accordance with MD13; and
- iv) Enhancing, incorporating or recreating natural assets in accordance with MD12.

6.1.3 LDF Core Strategy Policy CS17 is also concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment and does not adversely affect the visual, ecological, geological, heritage or recreational values and functions of these assets, their immediate surrounding or their connecting corridors.

6.1.4 Policy MD12 of the SAMDev Plan sets out criteria by which the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration will be achieved.

6.1.5 Policy MD13 of the SAMDev Plan sets out criteria by which Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored.

6.1.6 Policy GQD2 of the Much Wenlock Neighbourhood Plan requires all development to be designed to a high quality and to reinforce local distinctiveness. Development

proposals will be expected to:

- make efficient use of land while respecting the density, character, landscape and biodiversity of the surrounding area.
- be suitably designed for the context within which they are set.
- retain existing important landscape and natural features.
- ensure that the scale and massing of buildings relate sympathetically to the surrounding area.
- use traditional and vernacular building materials where such treatment is necessary to respect the context of the development concerned.

6.1.7 The proposed development is considered to have an adverse impact on the character of the existing dwelling and surrounding Conservation Area by its design and positioning on a prominent front corner of the plot. The principle of development is therefore not acceptable and the full implications are discussed below.

6.2 Design, scale and siting

6.2.1 Primarily there is concern that an outbuilding located in the position proposed would adversely impact in two respects. Firstly it would be located within the frontage of the plot between the front elevation of the dwelling and the boundary where it could impede the visual appearance of this attractive stone cottage. Secondly, its proposed position is in a prominent corner of the frontage which is visible from both Stretton Road and Shrewsbury Road, and within the wider Conservation Area.

6.2.2 This positioning would be combined with its log cabin design which would introduce an incongruous building of alien character and appearance within the Conservation Area street scene. This type of outbuilding is considered to be more suited to a rural area or within a large rear garden area. Whilst it is acknowledged that there is no other available garden space in which to accommodate the proposed outbuilding, there may be space for some kind of smaller garden storage structure on the hardstanding area adjacent to the south east side of the dwelling without impacting on the driveway/parking provision.

6.3 Impact on the historic environment

6.3.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas in exercising planning functions.

6.3.2 Concern has been identified that the front garden is sited on a very prominent corner location at the junction with Shrewsbury Road and Stretton Road, in addition it is within Much Wenlock Conservation Area. It is considered that whilst visibility into the site would be limited from Shrewsbury Road due to the existing foliage, it would be highly visible from Stretton Road despite the presence of the existing fence that subdivides the driveway and the garden. Vegetation within domestic properties should not be relied upon to provide permanent screening as it is not within LPA control, other than where some trees are protected by a Conservation Area status or TPO. This part of the Much Wenlock Conservation Area is characterised by

dwellinghouses set within spacious plots, and where the proposed development would impact upon the existing sense of spaciousness and could potentially lead to an unfortunate precedent of having other outbuildings sited within other plots, especially along the frontages. Furthermore it is considered that the site has reached a certain saturation point where the addition of the proposed outbuilding would constitute overdevelopment and therefore cause harm to the existing character and appearance of the Conservation Area.

6.3.2 Paragraph 202 of the NPPF states that, 'Where a development proposal will lead to less than substantial harm, to the significance of a designated heritage asset, this_ harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. In this instance it is considered that the proposed development would consist of 'less than substantial harm' upon the existing character and appearance of the Conservation Area and that there is no demonstrable public benefit as the proposed development is for a domestic outbuilding for personal use and enjoyment incidental to the dwellinghouse.

6.4 Trees

6.4.1 SC Trees note that the footprint of the proposed outbuilding falls within a metre or so of the stem of a semi-mature Laburnum tree. A branch currently projecting over what would be the outbuilding will need to be removed to allow construction. The removal of the branch would not affect the overall health or condition of the tree, however, there are concerns that excavations for conventional strip foundations on the western elevation of the outbuilding would sever a significant proportion of the tree's root system. This could destabilise the tree and lead to its progressive decline and ultimately its death. Large pruning wounds would also allow opportunity for entry of decay causing fungi. In this instance it would be better for the tree to be removed and a suitable replacement planted in an appropriate place in the garden. This could be appropriately managed by pre-commencement conditions requiring a Tree Planting Scheme and its implementation.

7.0 CONCLUSION

7.1 The proposed garden room/office/store outbuilding would by its incongruous log cabin design, and siting on a prominent elevated corner of the plot frontage in front of the principle elevation of a visually attractive stone cottage, cause harm to the existing character and appearance of the street scene and to Much Wenlock Conservation Area. It would adversely impact upon the existing sense of spaciousness, an attribute of this part of the Conservation Area, and would constitute overdevelopment of this plot which has already reached a certain development saturation point. There are no public benefits identified for this domestic scale development to outweigh the less than substantial harm to the significance of the Conservation Area as a designated heritage asset in this case. The proposal is therefore contrary to Shropshire Council LDF Core Strategy Policies CS6 and CS17, Site Allocations and Management of Development (SAMDev) Plan Policies MD2 and MD13, Policy GQD2 of the Much Wenlock Neighbourhood Plan, and paragraphs 197 and 202 of the National Planning Policy Framework.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance

LDF Core Strategy Policies:
CS6 Sustainable Design And Development Principles
CS17 Environmental Networks

Site Allocations & Management Of Development (SAMDev) Plan Policies:
MD2 Sustainable Design
MD12 Natural Environment
MD13 Historic Environment

Much Wenlock Neighbourhood Plan 2013-26
Much Wenlock Design Statement 2000

RELEVANT PLANNING HISTORY:

22/00348/FUL Erection of utility room to side. Granted 5th April 2022
BR/APP/FUL/04/1086 Retention of retaining walls and addition of railings. Granted 4th February 2005
BR/APP/FUL/00/0323 - Erection of one detached two storey dwellinghouse, construction of new vehicular access, erection of new garden wall and alterations to existing wall. Granted 29th June 2000

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RBZM1ITDG0X00>

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

- Supporting Statement received on 17th May 2022.

Cabinet Member (Portfolio Holder)
Councillor Ed Potter

Local Member

Cllr Dan Thomas

Appendices

APPENDIX 1 - Informatives

APPENDIX 1

Informatives

1. If your application has been submitted electronically to the Council you can view the relevant plans online at www.shropshire.gov.uk. Paper copies can be provided, subject to copying charges, from Planning Services on 01743 252621.

2. In determining the application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

LDF Core Strategy Policies:

CS6 Sustainable Design And Development Principles

CS17 Environmental Networks

Site Allocations & Management Of Development (SAMDev) Plan Policies:

MD2 Sustainable Design

MD12 Natural Environment

MD13 Historic Environment

Much Wenlock Neighbourhood Plan 2013-26

Much Wenlock Design Statement 2000

3. Shropshire Council seeks to work proactively with applicants to secure developments that improve the economic, social and environmental conditions of an area in accordance with paragraph 38 of the National Planning Policy Framework. However in this case the application is not considered in principle to fulfil this objective having regard to relevant development plan policies and material planning considerations.

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Committee and date
 Southern Planning Committee
 18 October 2022

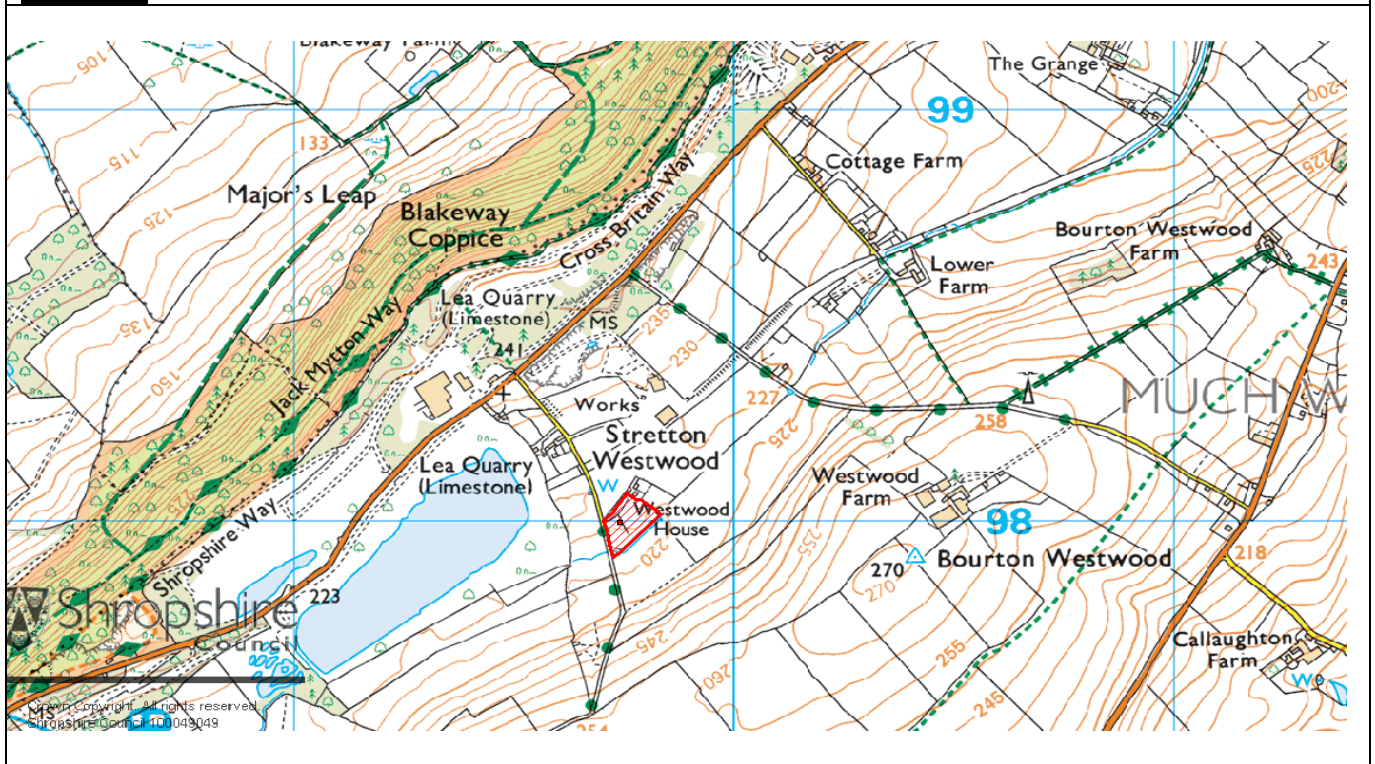
Development Management Report

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

Summary of Application

Application Number: 22/03529/FUL	Parish:	Much Wenlock
Proposal: Erection of 2No holiday lets partially dug into ground, with new pond, associated landscaping and habitat creation, 3No EV charging points, new E-Bike storage, and 18.4 Kw Solar Array, with Ground source heat pump (re-submission)		
Site Address: Proposed Holiday Let Accommodation SW Of Westwood House Stretton Westwood Much Wenlock Shropshire		
Applicant: Mr And Mrs Lewis		
Case Officer: Sara Jones	email	: sara.jones@shropshire.gov.uk

Grid Ref: 359741 - 297998



Recommendation:- Refuse

Recommended Reason for refusal

1.Despite the sustainability credentials of the design, in respect of the incorporation in the design of renewable energy sources and drainage arrangements, and the benefits to the visitor economy which weigh in favour of the development they are insufficient to justify a departure from the Development Plan policy which directs new build holiday lets which do not conform to the legal definition of a caravan to sustainable locations i.e. the settlements Market Towns, Key Centres, Community Hubs and Clusters. The principle of the erection of new build holiday lets in this location is contrary to SAMDev policy MD11.

REPORT

1.0 THE PROPOSAL

1.1 This application is a resubmission of planning application 22/00071/FUL and seeks planning permission for the erection of 2 dwellings to be used for holiday let purposes on land (rough grassland) adjacent the existing holiday letting units and building complex.

1.2 The previous application was refused on the following grounds:

1. Despite the sustainability credentials of the design, in respect of the incorporation in the design of renewable energy sources and drainage arrangements, and the benefits to the visitor economy which weigh in favour of the development, these are insufficient to justify a departure from the Development Plan policy which directs new build holiday lets which do not conform to the to the legal definition of a caravan to sustainable locations i.e. the settlements Market Towns, Key Centres, Community Hubs and Clusters. The principle of the erection of new build holiday lets in this location is contrary to SAMDev policy MD11.

2. Insufficient information has been submitted with the application to allow the full potential impact of the development on existing trees to be fully and properly assessed. Whilst it is acknowledged that more trees are proposed to be planted as part of the proposed landscaping scheme than are proposed to be removed, insufficient information has been submitted to ensure that the tree(s) to be removed are not of such special value that would merit their retention and redesign of the scheme. Consequently, it is considered that the proposal fails to meet with the requirements of Core Strategy policy CS17, SAMDev policy MD12 and the National Planning Policy Framework (NPPF) Part 15.

1.3 The supporting information states that the aims of the development are to create two new 'Zero Carbon' holiday lets, and includes the formation of a new pond, and the re-wilding of the surrounding area, in order to provide a sustainable, low

impact development.

- 1.4 The scheme proposes two units. A two-bed unit (identified as Unit 2), and the second unit (identified as Unit 3) a larger, a 4 bed unit that could accommodate larger family groups, with the inclusion of bunk areas and two self-contained studio units that could be separated from the main accommodation. The units would be in part subterranean with excavated material used to build up the ground as part of a landscaping masterplan exercise (the Agent states that no material is proposed to be removed from site).
- 1.5 Unit 2 has been designed to follow the form of the existing adjacent holiday let building the new building and courtyard would be set 1m below ground level, with timber cladding to external walls, and low pitch metal roof to match the existing building. The scheme also includes a gabion structure and green roof; and has been designed under the passive house concept where very high levels of thermal insulation are to be employed, combined with large areas of glazing / shading to maximise wanted solar gains, and minimise unwanted solar gains.
- 1.6 Unit 3 is proposed to be located 26m south of Unit 2 and has been designed to have an L shaped footprint containing two storeys. The information submitted with the application states that the building would appear as a low-level flat roof (covered in meadow) edged in various gabion structures breaking up its horizontal form. The roof is tilted, so that it falls in a gradual slope towards the existing ground level. This approach will completely disguise the actual form of the building completely hiding the lower storey and associated courtyard from view.
- 1.7 The scheme also includes a comprehensive landscaping scheme which includes:
 - The creation of a small pool, featuring suitable aquatic plant life.
 - Creation of raised/sculptured landscaped elements, with the addition of planting to form areas of enclosed physical habitat.
 - Substantial tree planting, including both young and semi-mature trees indigenous to the local habitat.
 - Provision of a grass roof, which include wild meadow flowers to increase species currently recorded on site.
 - Larger areas of managed meadow.
 - Permeable gravel path and access road.
 - Native fern planting.
 - Existing grassland (Grazed).
- 1.8 The scheme proposes the use of the existing access arrangements with a new proposed section of permeable driveway off the existing tarmac drive, and parking provision adjacent to each holiday let.
- 1.9 This application is supported by the following background documents:

Planning Statement
Design & Access Statement

Business Plan (Confidential)
Landscape Assessment
Visual Amenity Document
Arboricultural Impact Assessment
Ecological Appraisal
Drainage Assessment & FDA 1 Form

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application refers to a parcel of rough grassland which is located immediately adjacent the drive which serves the existing holiday lets and the residential dwelling known as Westwood House. The site is located towards the end of an existing lane which is inaccessible to vehicles immediately south of the existing access drive. The land has a slight slope down to the south and southwest. The site is bounded with hedgerow to the east, west and south and a post and rail fence to the north. There are three mature trees within the open site.
- 2.2 The site lies in the open countryside approximately 400 metres off the B4371 on the southeast side of Wenlock Edge and some 2 miles southwest of Much Wenlock. An old railway line (dismantled) is located further to the north of the site and an existing caravan site is located further to the northwest on the opposite side of the lane. Westwood quarry is located further to the north (but to the south of the B4371). The quarrying activities in the area has ceased and the quarry in the process of being enhanced.
- 2.3 The existing holiday lets were designed to meet the needs of specialist clients with accessibility issues (dog friendly and specialist holiday let accommodation), whose needs were not readily meet by the existing holiday let offer in the area and would be an expansion of the existing onsite accommodation. Furthermore, whilst this structure did not strictly accord with the legal definition of a caravan the building does have similarities to the appearance of many lodge cabin style caravans in relation to the aesthetics of the building and the construction.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council supports the application contrary to the Officer recommendation and the Ward Member has requested that the application is determined by the Planning Committee. The Principal Planning Officer in consultation with the Chairman of the Planning Committee have considered this request and have concluded that the application raises material planning issues and should be determined by Committee.

4.0 Community Representations

Consultee Comment

- 4.1 Much Wenlock Town Council – Support, “*due to the environmental considerations*”.

4.2 SC Trees – No objection, recommend conditions.

The development will require the loss of two hawthorn hedgerows (H1 and H2) and one mature ash tree (T1253), which I consider can be more than adequately compensated by the type and level of new planting proposed within the submitted landscaping scheme.

I note that special construction techniques are required within the root protection area of the mature ash to be retained on site (T1254), in the form of percussive boring techniques to install underground utilities. Providing this methodology is applied, in conjunction with a suitable tree protection barrier, I consider that the development can be implemented without causing significant damage or harm to the retained mature ash tree.

Whilst I support the proposed tree and shrub planting shown on the Landscape Plan (8307-010 Rev A), I note that a full planting and maintenance specification has not been provided. These details could be secured through a suitable landscaping condition.

4.3 SC Ecology – No objection, recommend conditions & informatives.

4.4 SC Highways – No objection, recommend informatives.

4.5 SC Drainage – Recommend conditions & informatives.

4.6 Shropshire Hills AONB – Comment:-

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.

4.7 Shropshire Fire & Rescue Service - Advice provided which can be added to the decision notice as an informative.

Advice includes the statement that - *Although this proposal would conform to current Building Regulations if used as a single private dwelling, due to the proposed use as Holiday Let Accommodation the premises would fall within the scope of The Regulatory Reform (Fire Safety) Order and as such would not appear to comply with this legislation.*

4.8 **Public Comments**

Site notice displayed. No representations received.

5.0 THE MAIN ISSUES

Principle of development
Visual impact and landscaping
Natural Environment
Drainage
Planning Balance

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. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

6.1.2 The NPPF at paragraph 84 supports a prosperous rural economy and states that planning decisions should enable, amongst other objectives, the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; and sustainable rural tourism and leisure developments which respect the character of the countryside.

6.1.3 Core Strategy Policy CS5 advises that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to small scale development diversifying the rural economy, including farm diversification, and the retention and appropriate expansion of an existing established business.

6.1.4 Core Strategy Policy CS16 requires visitor accommodation to be in accessible locations served by a range of services and facilities. In rural areas proposals must be of an appropriate scale and character for their surroundings, be close to or within settlements, or an established and viable tourism enterprise where accommodation is required. As noted above in order to be considered sustainable, Government guidance contained within the NPPF rural tourism is expected to respect the character and appearance of the countryside. The provision of visitor facilities should be in appropriate locations where identified needs are not met by existing facilities in rural service centres.

6.1.5 The Much Wenlock Neighbourhood Plan policy EJ7 supports proposals for

recreation and tourism activities providing that the siting, design and scale of the development conserves the quality of the parish's built and natural environments, including its townscape and surrounding countryside.

- 6.1.6 Furthermore, the Much Wenlock Neighbourhood Plan states that: *“the Plan seeks to support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. The parish has many resources to support sustainable tourism including the historic character of the town; its shops, attractions and facilities; and the opportunities for quiet recreation on Wenlock Edge. The Plan aims to encourage and support appropriate leisure and tourism activities and facilities, particularly green tourism.”*
- 6.1.7 SAMDev Policy MD11 states that holiday let development that does not conform to the legal definition of a caravan and is not related to the conversion of existing appropriate rural buildings will be resisted in the countryside following the approach to open market residential development in the countryside under policy CS5 and MD7a. The erection of new build holiday lets, as proposed here would be contrary to policy MD11.
- 6.1.8 Turning to the emerging Local Plan. This cannot be given significant weight in this particular case, however as with the current Development Plan the emerging Local Plan's overall approach is to focus growth in strategically agreed locations, whilst supporting rural communities by enabling some controlled development to maintain local sustainability. Sustainable rural tourism, sustainable leisure or sustainable recreation proposals which require a countryside location, are sustainably located and enhance the existing offer in Shropshire are supported, however the re-use of existing buildings is to be encouraged and the policy does not seek to promote the further development of owner-occupied second homes. Whilst supporting green tourism it is vital this is achieved without detracting from the intrinsic beauty and tranquillity which Shropshire is renowned for. 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. Proposals within and adjoining the Shropshire Hills AONB should pay particular regard to landscape impact and mitigation.
- 6.1.9 In support of the application the applicant makes the following points:
- The applicants and their family currently reside at the original cottage from which they run a number of local holiday and commercial lets within Much Wenlock, as well as existing Holiday accommodation on the application Site.
 - The applicants' primary business of holiday accommodation developed in the last decade. The interest has mainly consisted of customers on walking holidays, seeking the quiet and tranquillity of the countryside and the site

has been particularly popular due to its easy access, but with the benefits of rural aspect, and relative isolation. This has been particularly important to dog walkers.

- Covid appears to have accelerated the trend for staycation holidays, and coupled with the ongoing restrictions, complications of Brexit and natural limitations relating to dog ownership, illustrates the need for more high quality, environmentally sound properties within the countryside where families can gather, take a break, enjoying the benefits of the countryside, whilst meeting the needs of their families, including the four legged variety straight from their door.
- Dog friendly accommodation is very limited within Much Wenlock and is generally less appropriate in towns due to requiring immediate access to suitable public / private spaces.
- Despite difficult conditions the existing lodge has demonstrated a need and has been a successful return on investment.
- Mintels Senior Travel Analyst states that British people are set to spend a 10 year high of £3.3 billion on holidaying in domestic property rentals, over a fifth of Brits 22% say they have stayed/expect to stay in a holiday rental property during 2021, a figure that doubled in just one year. Furthermore, that holidaymakers have sought out self-catering bubbles away from the crowds and evidence supporting the increasing demand for staycations is referred to in the documentation that accompanied the submission.
- The SAMDev Plan was adopted in 2015 when Covid did not exist, and the resultant changes to foreign travel restrictions/concerns and the vast requirement for staycations accommodation was not foreseen.
- The policies as they stand are discriminatory and selective as a result severely restricting higher standards of holiday accommodation.
- The addition of 2 high quality holiday lets supports the CS16 Tourism policy, given that the design and scale is appropriate in terms of their location, and the fact they do not harm Shropshire's tranquil nature. The current proposal directly support this aim, and the site is perfectly located to both the Shropshire Way and Jack Mytton Way, both long-distance footpaths which pass a short distance to the northwest of the site within the AONB. This directly responds to the guidance in the emerging plan,

currently titled: 'Shropshire Pre-submission Draft local plan – DP11: Tourism Culture and Leisure, Visitor accommodation in rural areas – point 10', requiring exceptional quality design for any permanent holiday let proposals in a countryside location.

- The applicant is committed to an overall enhancement of the area; with works to include a pool, additional trees through a planting scheme including both young and semi-mature trees indigenous to the local habitat. The development, through careful attention to design, and high quality construction, will not negatively impact on the environment or detract from the local amenity value.
- Exceptions to policy MD11 have already been accepted at this location and when Policy MD11 was adopted, the current NPPF was not in its current form, and as stated previously the proposal complies with Paragraph 84. It would seem that there is a perception that all persons vacating in rural areas, such as this, all require more basic accommodation which normally restricts the size of party making the booking, thus severely restricting choice in the availability of high quality holiday accommodation throughout the County.
- In addition to contributing to the local economy through tourism, the additional 2 holiday lets will also result in local employment with additional cleaning staff and a manager to oversee the portfolio of properties and the general day-to-day running of the businesses.
- The building has been designed to be carbon zero, with all of the building elements receiving very high levels of insulation (exceeding the requirements of the building regulations). The design incorporates renewable energy sources such as solar hot water, and log fired 'back boiler' to heat the building, and the large areas of glass will provide a significant proportion of the heating needs via solar gains during winter months. The high-quality design also responds to adaptations in the Shropshire local plan, currently awaiting approval, DP12: Climate change – Minimising Carbon Emissions, and ensuring the highest level of building efficiency, above and beyond current regulations, but integral to the development objectives; to mitigate against issues relating to building in the countryside whilst being ethically responsive to the climate emergency, recently declared in Shropshire.
- One of the weaknesses identified in the Shropshire Hills Sustainable Tourism Strategy -2018 - 2023 is identified as the lack of high-end

accommodation provision. This proposal seeks to meet this challenge, funded entirely by a current provider of holiday accommodation.

- A major Shropshire Council-led project called, 'Shropshire Welcomes....' is underway.... aimed to boost the economy and promote the county as a leading tourist destination, targeting visitors from all over the UK to encourage them to experience, spend and stay in Shropshire.
- The SAMDev plan explanation text in MD7a - Managing Housing Development in the countryside – states that "Holiday lets are essentially residential properties in the countryside which are limited in the extent of their occupation by conditions attached to the planning permission." This categorically dismisses the fact they are temporary / moveable. It goes on to say "They encompass a wide range of building types, from chalets to barn conversions, and may have been supported, as dwelling units in the countryside, on the basis of their contribution to economic sustainability, in particular the local tourism base."
- Paragraph 10 of the regulation 19: Pre-Submission Draft of the Proposed Shropshire Local Plan recognises the appeal of a holiday in a rural setting and adds that permanent holiday let development may be approved in countryside locations, provided that it can demonstrate that the design is of exceptional quality (as outlined in paragraph 79) (amended to paragraph 84) in the latest NPPF. Any subsequent changes to such holiday lets in these locations (such as change to residential occupation) will be resisted, so as to ensure holiday accommodation is not used for residential occupation.

6.1.1 The applicant has also submitted a Unilateral Undertaking which states that the
0 holiday lets are intended to and will only be occupied for holiday use only and that no additional accommodation will be created internally at ground floor level or first floor level or within the roof space of the Holiday Lets unless specifically agreed in writing by the Council. Although the applicant states that given the substantial income it would not make any business sense for these not to be used as holiday lets. With respect to this it is noted that should Members be inclined to grant planning permission conditions would usually be imposed to restrict the holiday lets to holiday use and not to be used for full time residential purposes. As a condition is appropriate in the circumstances and in accordance with the planning practice guidance (Paragraph: 011 Reference ID: 21a-011-20140306) the Council should use a condition rather than seeking to deal with the matter by means of a planning obligation.

6.1.1 Notwithstanding the issue raised above with respect to the need for a Unilateral
1 Undertaking the SC Legal Team have identified a number of issues with the

submitted Unilateral Undertaking which include land ownership issues and drafting errors in the agreement.

6.2 Visual impact and landscaping

6.2.1 Policy CS6 of the Core Strategy states that development should conserve and enhance the built and natural environment and be appropriate in its scale and design taking account of local character and context. Policy MD2 of the SAMDev Plan builds on Policy CS6 providing additional detail on how sustainable design will be achieved. Core Strategy Policy CS17 is also concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's built, natural and historic environment and does not adversely affect the heritage values and function of these assets. Policy MD12 of the SAMDev Plan sets out criteria by which the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration will be achieved.

6.2.2 SAMDev Policy MD11 – Tourism Facilities and Visitor Accommodation, makes a number of specifications in relation to landscaping. Paragraph 2 states that, 'All proposals should be well screened and sited to mitigate the impact on the visual quality of the area through use of natural on-site features, site layout and design, and landscaping and planting schemes where appropriate'.

6.2.3 As previously the applicant has submitted a Landscape and Visual Impact Assessment to support the application. This identifies that the landscape is potentially highly sensitive to changes brought on by development as the site is in close proximity to the designated Shropshire Hills Area of Outstanding Natural Beauty, however, in recognition of this potential, the holiday lets have been designed to be low impact by virtue of their being partially buried, the roofs to be meadow planting and the site levels sculpted to disrupt direct views of the completed holiday lets. The Assessment also acknowledges that construction work is expected to have a short-term effect on the landscape but this is not uncharacteristic of the location as surrounding land use includes, agriculture, forestry and quarrying. The Assessment concludes that the net effect of the proposals would be negligible with only very discrete alteration to the key landscape characteristics and that the change would be barely distinguishable approximating to no change.

6.2.4 Officers have some concurrence with the conclusions of the submitted Assessment but consider that the interventions proposed in order to mitigate the impact of the development would undoubtedly have a visual impact on the undeveloped character of the existing meadow.

6.3 Natural Environment

6.3.1 Core CS17 requires development to protect and enhance the diversity, high quality and local character of Shropshire's natural environment, and to have no adverse effect on ecological assets. Policy MD12 relates to the conservation, enhancement and restoration of Shropshire's natural assets.

- 6.3.2 Additional information has been submitted with the current application which overcomes the second reason for refusal of the previous application (22/00071/FUL).
- 6.3.3 This information has been assessed by the SC Tree Team who has advised that the development would require the loss of two hawthorn hedgerows (H1 and H2) and one mature ash tree (T1253), and that provided the special construction techniques are used and a suitable root protection barrier is installed the development could be undertaken required within the root protection area of the mature ash to be retained without causing significant damage or harm to the retained mature ash tree (T1254). Furthermore, it is considered that the loss of the two hawthorn hedgerows (H1 and H2) and one mature ash tree (T1253) which would be required in order to implement the scheme would be compensated by the type and level of new planting proposed within the submitted landscaping scheme. Appropriate conditions would be needed to ensure that a full planting and maintenance specification is submitted for approval.
- 6.3.4 As previously the scheme is support by an Ecological Impact Assessment which identifies that the site supports habitats of low biodiversity value, but that bats are an important ecological feature of the site's potential area of influence. The Assessment concludes that with lighting mitigation measures in place for bats, there will be no significant residual adverse effect on protected species or habitats and that with enhancements in place (creating a wildlife pond, encouraging wildflower growth on the new screening bunds, planting hedgerows and installing bat and bird boxes) there would be a demonstrable increase in the biodiversity value of the site.
- 6.3.5 The SC Ecology Team have been consulted on this application and have confirmed that they are content with the level of survey work undertaken in this instance and raise no objection to the proposals subject to appropriate conditions and informatives, to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.
- 6.4 Drainage
- 6.4.1 The information submitted with this application confirms that all the surface water runoff would be contained on the site via the proposed pond and soakaways which would be determined by percolation tests. In terms of the foul drainage the information submitted states that this would be disposed of via two separate sewage treatment units discharging to an appropriately design drainage field, again determined by percolation tests. This aspect of the application has been considered by the SC Drainage Team who have raised no objection. Should planning permission be granted, a suitably worded condition could be attached to ensure that these details are submitted for approval.
- 6.5 Planning Balance
- 6.5.1 As noted above policy MD11 states that holiday let development that does not conform to the legal definition of a caravan and is not related to the conversion of

existing appropriate rural buildings will be resisted in the countryside following the approach to open market residential development in the countryside under policy CS5 and MD7a.

- 6.5.2 Policy CS1 'Strategic Approach' of the Shropshire Council Core Strategy and Policy MD1 'Scale and Distribution of Development' of Shropshire Council's Site Allocations and Management of Development (SAMDev) Plan seeks to steer new housing to sustainable locations described as Market Towns, Key Centres, Community Hubs and Clusters. This is repeated throughout Policies CS3 'The Market Towns and Key Centres', CS4 'Community Hubs and Clusters', CS5 'Countryside and Green Belt' and CS11 'Type and Affordability of Housing' of the Core Strategy. Community Hubs and Clusters were designated as part of the adoption of the SAMDev Plan in 2015. In the countryside Policy MD7a of the SAMDev Plan and point two of Policy CS5, limits the types of new dwellings within the countryside to essential countryside workers and affordable housing / accommodation to meet a local affordability need.
- 6.5.3 The site is substantially detached from the settlement of Much Wenlock and in the open countryside. Consequently, it is reasonable to conclude that visitors would be highly reliant on the use of private cars to access a full range of services, facilities and the majority of tourist attractions and activities identified by the appellant. In order to facilitate and mitigate the impacts of the development on the environment the scheme includes remodelling of the ground and a comprehensive landscaping scheme, which it is acknowledged would once established would lead to some increase in the biodiversity value of the site. In addition, it is acknowledged that the proposal would lead to a small benefit to the visitor economy and that the scheme has been designed to include high levels of insulation renewable energy sources.
- 6.5.4 Furthermore, the applicant seeks to put significant weight on Paragraph 80 of the National Planning Policy Framework (NPPF). This paragraph of the NPPF relates to rural housing and states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of a number of listed circumstances (a-e) apply. Criterion (e) is the circumstance where:
- "the design is of exceptional quality, in that it:*
- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area."*
- 6.5.5 Core Strategy policy CS6 requires that all developments should be appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character. High quality design is also sought and for development to respond to the challenge of climate change. Core Strategy policy CS17 relating to Environmental Networks supports these goals in seeking to ensure developments protect and enhance the diversity,

high quality and local character of Shropshire's natural, built and historic environment. SAMDev Plan policy MD2 adds further weight to the achievement of sustainable design which achieves these objectives and embraces opportunities for contemporary design solutions, which take reference from and reinforce distinctive local characteristics.

- 6.5.6 This quality bar which applies to all developments must be shown to be demonstrably pushed even higher if a development is to satisfy the first bullet point of NPPF paragraph 80 (e) of being "... truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas;"
- 6.5.7 It is important to note the 'and' linking the above two bullet points. A proposal must satisfy both elements for it to be considered acceptable under paragraph 80, criterion (e).
- 6.5.8 Notwithstanding the issue raised above there is also the requirement that the proposal significantly enhances its immediate setting, and for it to be sensitive to the defining characteristics of the local area. The second key issue therefore is whether the development on this site, in comparison with the site's present form/appearance, would achieve the significant enhancement required and also be sensitive to the locality.
- 6.5.9 With respect to the paragraph 80 (e) exception, the proposals would not, it is considered reach the quality bar which would be required to satisfy the exception to the strict controls over new build houses in the countryside.
- 6.5.1 Overall, Officers remain of the view that whilst the sustainability credentials of the design and the benefits to the visitor economy weigh in favour of the development, they are insufficient to justify a departure from the Development Plan policy which directs new build holiday lets which do not conform to the to the legal definition of a caravan and which do not relate to the conversion of existing appropriate rural buildings to sustainable locations i.e. the settlements identified as Market Towns, Key Centres, Community Hubs and Community Cluster settlements.

7.0 CONCLUSION

- 7.1 Despite the sustainability credentials of the design, in respect of the incorporation in the design of renewable energy sources and drainage arrangements, and the benefits to the visitor economy which weigh in favour of the development they are insufficient to justify a departure from the Development Plan policy which directs new build holiday lets which do not conform to the legal definition of a caravan to sustainable locations i.e. the settlements Market Towns, Key Centres, Community Hubs and Clusters. The principle of the erection of new build holiday lets in this location is contrary to SAMDev policy MD11 and therefore it is recommended that planning permission is refused.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and SAMDev Policies:

CS1 - Strategic Approach

CS3 - The Market Towns and Other Key Centres

CS4 - Community Hubs and Community Clusters

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS11 - Type and Affordability of housing

CS16 - Tourism, Culture and Leisure

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

MD7A - Managing Housing Development in the Countryside

MD11 - Tourism Facilities and Visitor Accommodation

MD12 - Natural Environment

Much Wenlock Neighbourhood Plan

RELEVANT PLANNING HISTORY:

18/00857/FUL Application under Section 73a of the Town and Country Planning Act 1990 for the erection of 2 holiday lodges (part retrospective) GRANT 11th May 2018

18/02967/DIS Discharge of conditions 4 (external materials), 5 (landscaping), 6 (foul drainage), 7 (drainage), 8 (bat & bird boxes) & 9 (external lighting) on planning permission 18/00857/FUL for the erection of 2 holiday lodges (part retrospective) DISPAR 26th July 2018

PREAPP/21/00361 Proposed change of use of field for the construction of 2 new holiday lets, erection of new solar PV arrays, with associated pool, hard and soft landscaping. PREUDV 12th August 2021

22/00071/FUL Erection of 2No holiday lets partially dug into ground, with subterranean courtyards, new pond, associated landscaping and habitat creation, 3No EV charging points,

new E-Bike storage, and 18.4 Kw Solar Array, with ground source heat pump REFUSE 26th April 2022

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RFSNINTDHWS00>

List of Background Papers

Planning Statement
Design & Access Statement
Business Plan (Confidential)
Landscape Assessment
Visual Amenity Document
Arboricultural Impact Assessment
Ecological Appraisal
Drainage Assessment & FDA 1 Form

Cabinet Member (Portfolio Holder)
Councillor Richard Marshall

Local Member
Cllr Dan Thomas



Committee and date

Southern Planning Committee

18th October 2022

Development Management Report

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

Summary of Application

Application Number: 22/03728/FUL	Parish:	Chelmarsh
Proposal: Erection of an affordable dwelling, detached garage and associated works		
Site Address: Proposed Affordable Dwelling To The North Of Glazeley Bridgnorth Shropshire		
Applicant: MR JACK GROVES		
Case Officer: Sara Jones	email	: sara.jones@shropshire.gov.uk

Grid Ref: 370891 - 289473



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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; 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.

REPORT**1.0 THE PROPOSAL**

- 1.1 This application involves the erection of a dwelling which is made under the Council's affordable housing single plot exception policy. The scheme indicates the erection of a bespoke single storey dwelling and detached double garage. The dwelling is proposed to be located within the corner of a field adjoining an access track which is also a bridleway, and currently serves five other dwellings at the Uplands and includes the applicants current home with his parents at Uplands Barn.
- 1.2 The foul drainage is proposed to be directed to a package treatment plan and suitably designed drainage field, and the surface water drainage directed to a suitably designed soakaway. The existing access track joins the B4363 which links the two market towns of Bridgnorth and Cleobury Mortimer and terminates at Woodlands Hall, a large Country house and former farm buildings converted to dwellings known as The Granary, The Coach House, The Dairy and The Sawmill.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site forms part of a field opposite Uplands Cottage and to the north of a small loose group of dwellings (The Uplands, The Uplands Barn, Inglewood and Woodlands Cottage). The site is accessed off a track which joins the B4363 some 200 metres to the north and terminates some 600 metres to the south at Woodlands Hall, a large Country house and former farm buildings converted to dwellings known as The Granary, The Coach House, The Dairy and The Sawmill. Beyond the site, in the wider landscape, are rolling agricultural fields and scattered smallholdings.
- 2.2 The site is located approximately 0.8 km from the nearest settlement of Glazeley to the south and the settlement of Chelmarsh which is located over a kilometre away to the southeast.

3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

3.1 The Parish Council supports the application contrary to the Officer recommendation and the Ward Member supports the application. The Principal Planning Officer in consultation with the Chairman of the Planning Committee have considered this application and have concluded that the application raises material planning issues and should be determined by Committee.

4.0 Community Representations

Consultee Comment

Chelmarsh Parish Council - No objections - felt it was a small, low impact quite sensitive dwelling.

SC Affordable Housing – Confirm that Mr Jack Groves has demonstrated housing need, strong local connections, and a need to live in the local area. Moreover, due to issues of availability he is unable to meet his own housing need within the parish without assistance from the policy.

SC Highways – No objection. Recommend informatives.

SC Rights of Way – Comments:

The application proposes access over a route that is recorded as a public bridleway that does not appear to carry public vehicular rights. The applicant is very strongly advised to satisfy themselves that they can demonstrate a sufficient vehicular right of access before committing further resources to the proposal. Neither the granting of planning permission, nor any associated obligations relating to the proposed access, either grant or imply the existence of any right for the benefit of the applicant to use that way with vehicles and it is a road traffic offence to drive a motor vehicle on a bridleway without lawful authority.

Although this bridleway is not directly affected by development the applicant must adhere to the following criteria:

- The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.
- Building materials, debris, etc must not be stored or deposited on the right of way.
- There must be no reduction of the width of the right of way.
- The alignment of the right of way must not be altered.
- The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.
- No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

SC Ecology – Reconsulted – response awaited.

SC Ecology (23.08.2022) – Further information requested regarding Great Crested Newts.

SC Trees – No objection. Recommend conditions.

Comments:

Analysis of aerial GIS reveals the presence of a number of mature trees along the access track and near the entrance to the site. I would recommend a tree survey be undertaken by a competent arborist to identify and specify any facilitation pruning works that may be required and to propose suitable tree protection measures to avoid damaging or harming retained trees and hedgerows during implementation of any approved development. Ideally all construction (including installation of utilities and drainage infrastructure) will be located outside the root protection area (RPA) of nearby trees. Special design and construction methods may be required, subject to the advice of a competent arborist, where development is proposed within the RPA.

I also consider that the landscape and wildlife value of the site could be enhanced through a suitably designed landscaping scheme, incorporating the judicious planting of new native trees and hedgerow.

SC Environmental Protection – Notes that the site is within a Coal Mining Reporting Area (as defined by the Coal Authority). Recommend condition regarding a Mine Gas Risk Assessment.

SC Drainage - Recommend informatives.

Public Comments

Site notice displayed. No representations received.

5.0 THE MAIN ISSUES

Principle of development

Siting, scale, and design of structure/Visual Amenity

Impact on neighbours/residential amenity

Highways

Drainage

Natural Environment – Ecology

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The site lies in the countryside where Shropshire Core Strategy Policy CS5 permits “limited local needs affordable housing” on exception sites that accord with Policy CS11, namely, in and adjoining recognisable named settlements.

6.1.2 The main issues raised by this aspect of the application are as follows:

- Does the applicant fulfil the requirements of the policy with regard to being in local housing need, and having strong local connections; and
- Whether or not the site accords with the requirements of the policy.

6.1.3 The Councils Housing Enabling and Development Officer has confirmed that the applicant complies with the policy requirements with regard to having strong local connections, and a need to live in the local area. Mr Groves is in partnership with his brother, and they run their livestock business from Uplands Barn within the parish. They currently have 400 ewes which 300 are in lamb. To ensure high welfare standards it is preferable for Mr Groves to live a short distance away from his livestock. From financial information provided to SC's Rural Enabler, Mr Groves is unable to purchase a suitable property in the immediate area due to cost and availability, this is due to a lack of lower cost smaller properties available locally at the time of his application, he is unable to meet his own housing need within the parish without assistance from the policy. The applicant therefore meets the local housing need elements of the policy.

6.1.4 In relation to the second issue, to meet the Councils policy sites must be in locations that demonstrably form part of or adjoin a recognised named settlement.

6.1.5 The main issue raised by this application is therefore whether the site forms part of or adjoins a recognised named settlement. This can be a finely balanced decision and the Councils SPD Type and Affordability of Housing (para. 5.13 – 18) advises that:

- *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.

6.1.6 Additionally, the SPD advises that a settlement is a relationship between different properties accordingly *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. For example, a site a short distance from a loose-knit settlement may be considered "adjoining" while a similar distance in a tightly clustered settlement would not be. Larger settlements also have a wider "pull" or "sphere of influence" than small settlements, influencing the relationship between a site and the settlement.*

6.1.7 In this case Officers are of the view that the site is not sufficiently close to the named settlements of Glazeley, which is very modest but relatively tight knit or Chelmarsh which whilst a much larger settlement lies over a kilometre away to

the southeast as the crow flies or significantly further if travelling by road. Eudon Burnell whilst named it is dubious whether this would even constitute a settlement, is also located some 0.8 km to the east. The site lies to the north of the loose collection of properties accessed off the unadopted access track to Woodlands Hall, which whilst occupied by different families, would not appear as a settlement for the purposes of the Councils exception site policy. Indeed the proposed site would occupy a relatively isolated position in relation to the existing dwellings in the vicinity and as such the development would represent an intrusion into the open countryside.

6.2 Siting, scale, and design of structure/Visual Amenity

- 6.2.1 Core Strategy policy CS6 seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character. SAMDev Plan policy MD2 supplements CS6, expanding on how this objective would be achieved.
- 6.2.2 Whilst it is considered that a dwelling in this location would represent an intrusion into the open countryside in this location, Officers acknowledge that the single storey nature of the design and materials proposed to be used (vertical timber boarding and corrugated plastic-coated sheeting) would be acceptable and would assist to minimise its impact. The internal floor area is under 100 sq metres which is within the policy requirements for an affordable dwelling. The proposed detached garage building would not be contrary to the current planning policies with respect to single plot affordable dwellings.
- 6.2.3 The site is relatively exposed and as observed by the SC Tree Officer a suitably designed landscaping scheme incorporating the judicious planting of new trees and hedgerow would assist in assimilating the development into the landscape. The submission of an appropriate landscape scheme could be conditioned should Members determine to grant planning permission.
- 6.2.4 As noted above the SC Tree Officer has also observed that there are a number of mature trees along the access track and near the entrance to the site, and that there may be a requirement for facilitation pruning and also advises that ideally all construction (including installation of utilities and drainage infrastructure) should be located outside the root protection area (RPA) of nearby trees.
- ## 6.3 Impact on neighbours/residential amenity
- 6.3.1 Policy CS6 and MD2 seek to ensure that development contributes to the health and well-being of communities, including safeguarding residential and local amenity. The proposed siting and design of the dwelling would not result in any undue overlooking or overbearing/overshadowing impacts on neighbouring properties.
- ## 6.4 Highways
- 6.4.1 The Core Strategy policy CS6 objective of achieving safe developments, in the context of highway safety, is echoed by paragraph 110 - 111 of the NPPF. The Council's Highways Team are content that the proposed access arrangements

would not be detrimental to highway safety, being safe and of a suitable standard for vehicles.

6.4.2 The site is accessed via a bridleway and whilst it is noted that other residential properties gain access from the bridleway it is unclear whether the development would have a vehicular right of access. This matter has been raised with the Agent and a response is awaited. The Planning Committee Members will be updated at the Committee regarding this issue and also the refuse collection arrangements.

6.5 Drainage

6.5.1 Core Strategy policy CS18 seeks to achieve a reduction in surface water run off by the use of sustainable drainage systems within developments.

6.5.2 The information submitted with the application indicates that the surface water would be disposed via a soakaway system and states that the foul drainage arrangements are to be disposed of by way of a package treatment plant. The Councils Drainage Team have been consulted on the application and raise no objection. It is therefore considered that an appropriately worded condition would ensure that an appropriate drainage system to serve the development is installed and flooding is avoided.

6.6 Natural Environment – Ecology

6.6.1 National guidance gives a duty to public bodies (including Local Planning Authorities) to ensure development does not harm protected species or its habitat. The NPPF emphasises that Local Planning Authorities should ensure development contributes to and enhances the natural and local environment including minimising impacts on biodiversity and providing net gains where possible. Core Strategy policy CS17 and SAMDev policy MD12 reflects the obligations placed by Wildlife Legislation to ensure the protection and enhancement of ecological interests.

6.6.2 The SC Ecology Team has identified the need for a great crested newt survey should be carried out given the proximity of ponds. Accordingly, the applicant has submitted an Ecological Impact Assessment which at the time of writing this Report is under consideration by the SC Ecology Team. The Members of the Planning Committee will be updated at the Planning Committee.

6.7 Other Matters

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.

Should the Planning Committee resolve to grant planning permission the decision should be subject to a Section 106 Legal Agreement to ensure that the dwelling

remains an affordable dwelling in perpetuity.

7.0 CONCLUSION

7.1 The proposed single plot affordable dwelling on balance is not considered to be part of, adjacent to or within the sphere of influence of a recognisable named settlement given the distances from nearby settlements. As such a dwelling in this location would represent an intrusion into the open countryside in this countryside location and the proposal does not accord with the exception sites policy in this respect and therefore is not acceptable development in principle. Consequently, this application is recommended for refusal on the above grounds.

7.2 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:
National Planning Policy Framework

Core Strategy and SAMDev Plan Policies:

CS1 - Strategic Approach
 CS4 - Community Hubs and Community Clusters
 CS5 - Countryside and Greenbelt
 CS6 - Sustainable Design and Development Principles
 CS11 - Type and Affordability of housing
 CS17 - Environmental Networks
 CS18 - Sustainable Water Management
 MD2 - Sustainable Design
 MD7A - Managing Housing Development in the Countryside
 MD7A - Managing Housing Development in the Countryside
 MD12 - Natural Environment

SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

PREAPP/16/00353 Erection of an affordable dwelling PREUDV 8th August 2016
PREAPP/20/00538 Erection of two affordable homes PREUDV 10th December 2020

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RGIKPYTDI7O00>

List of Background Papers Ecological Impact Assessment
Cabinet Member (Portfolio Holder) Councillor Richard Marshall
Local Member Cllr Robert Tindall



Committee and date
Southern Planning Committee
18th October 2022

SCHEDULE OF APPEALS AS AT COMMITTEE 18 October 2022

LPA reference	20/04268/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs Bound
Proposal	Erection of an eco self-build replacement dwelling for an agricultural worker and garage with septic tank, alterations to existing vehicular access and associated works
Location	Little Onny Horderley Craven Arms Shropshire SY7 8HT
Date of appeal	02.02.2022
Appeal method	Written Representations
Date site visit	
Date of appeal decision	16.08.2022
Costs awarded	
Appeal decision	Allowed

LPA reference	20/03508/FUL
Appeal against	refusal
Committee or Del. Decision	Committee
Appellant	Shropshire Homes Ltd
Proposal	Erection of 18No. residential dwellings and associated parking/garaging with new adopted road following demolition of existing bungalow, garage and pool house
Location	Land To The East Of Garridge Close Albrighton
Date of appeal	06.06.2022
Appeal method	Written representations
Date site visit	
Date of appeal decision	29.09.2022
Costs awarded	
Appeal decision	Appeal Withdrawn



Committee and date
Southern Planning Committee
18th October 2022

LPA reference	21/05898/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr And Mr F And R Beaumont
Proposal	Change of use of agricultural land to residential, detached garage and use of access for residential dwellings
Location	Roundabout Cottage Nash Ludlow Shropshire SY8 3DE
Date of appeal	30.09.2022
Appeal method	Written representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	22/01216/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Adrian & John Wilks
Proposal	Outline application (all matters reserved) for the erection of 2No. detached and 1No. pair of semi-detached dwellings (re-submission)
Location	Proposed Residential Development Land To The East Of The Moors View Diddlebury
Date of appeal	04/10/2022
Appeal method	Written representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	



Committee and date
Southern Planning Committee
18th October 2022

LPA reference	22/00848/FUL
Appeal against Committee or Del. Decision	Refusal Delegated
Appellant	Mr S Davies
Proposal	Application under Section 73A of the Town and Country Planning Act 1990 for the erection of a dwelling with all associated works
Location	Whitehouse Farm Barn Netherton Lane Highley Shropshire WV16 6NJ
Date of appeal	06.10.2022
Appeal method	Written representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	22/01781/FUL
Appeal against Committee or Del. Decision	Refusal Delegated
Appellant	Mrs Neath
Proposal	Erection of a wedding dress and accessories shop and associated access and car parking area
Location	Proposed Bridal Shop At Upper Meadowley Upton Cressett Bridgnorth
Date of appeal	06.10.2022
Appeal method	Written representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

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Appeal Decision

Site visit made on 19 April 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th August 2022

Appeal Ref: APP/L3245/W/21/3280177

Little Onny, A489 from B4370 junction Horderley to A49 junction The Grove, Horderley, SY7 8HT

- 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 and Mrs Bound against the decision of Shropshire Council.
 - The application Ref 20/04268/FUL, dated 15 October 2020, was refused by notice dated 15 July 2021.
 - The development proposed is described as 'Erection of an eco self-build replacement dwelling for an agricultural worker and garage with septic tank and associated works.'
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of an eco self-build replacement dwelling for an agricultural worker and garage with septic tank and associated works at Little Onny, A489 from B4370 junction Horderley to A49 junction The Grove, Horderley SY7 8HT in accordance with the terms of the application, Ref 20/04268/FUL, dated 15 October 2020, subject to the following conditions in the attached schedule.

Preliminary Matter

2. The appellant has submitted a tree survey as part of their appeal documents. It was provided in response to one of the Council's reasons for refusal. The Council has had opportunity to comment on it. I have, on this basis, taken the survey into account in my decision.

Main Issues

3. The main issues are a) whether the size of the replacement dwelling would be acceptable; and b) the effect of the proposed development on trees.

Reasons

Replacement Dwelling

4. Policy MD7a of the Shropshire Council Site Allocations and Management of Development Plan (2015) (SAMDev) sets out how the Council will manage new housing in the countryside. It explains that replacement dwellings will only be permitted where the dwelling to be replaced is a permanent structure with an established continuing residential use. Such dwellings should not be materially larger and must occupy the same footprint unless it can be demonstrated why this should not be the case. Where the original dwelling had been previously extended or a larger replacement is approved, permitted development rights will normally be removed.

5. There does not seem to be any debate in regard to the existing dwelling being a permanent structure with an established continuing residential use. Despite not being occupied since 2019. In addition, the Council do not object over the fact that the proposed replacement would not be on the same footprint as the existing. However, I note from the plans that there would some overlap. I am also mindful that a larger replacement building would not strictly be, in the true sense, on the 'same' footprint in any event.
6. I understand the need to control replacement of dwellings in the countryside, where regard should be had to visual, heritage loss and other impacts and other policies of the development plan. In the case of residential properties, there is additionally the objective of regulating the size of replacement properties in order to limit the tendency towards the provision of larger dwellings in the countryside and to maintain a mix of dwelling types.
7. The existing dwelling is very small considering the number of bedrooms it has. One of which is housed in the garage which is impractical. Considering its condition, layout, construction and internal room size, it strikes me as being substandard for modern living and would likely need significant work to make it so. Having regard to the needs of modern living in the context of the existing dwelling, any replacement thereof would represent something of substance. MD7a does not rule out a larger replacement dwelling. Only saying that one could not be materially so. The development plan doesn't seem to define materiality in this context.
8. The proposed dwelling would, according to the Council, be in the region of twice the floorspace of the existing at most. That floor space would however be contained within a contextually modestly sized and scaled building with rooms in its roof space. The amount of accommodation provided would be far from excessive, taking into account space for a family and what appears to be an established business. In addition, the Council do not allege any other harms arising out of the larger size proposed, having regard to other policies of the development plan. Furthermore, I have not been provided with any details of the value of the existing dwelling to set against the proposed and thus be able to say with any certainty that the existing one was inherently 'affordable'. Or indeed whether there is an evidenced imbalance of larger dwellings in the countryside, such that this one would exacerbate any existing 'problem'. I am also mindful that, as an existing dwelling, substantial works could be undertaken thereto without the need for express planning permission.
9. Taking all of the above into account, the size of the proposed dwelling would be acceptable and thus I don't find conflict with SAMDev Policy MD7a. The aims of which I have set out above.
10. The Council also set out that the appeal scheme would conflict with Policies CS5 and CS11 of the Shropshire Council Local Development Framework: Adopted Core Strategy (2011) (CS). The former concerns, amongst other unrelated matters, new development in the countryside. That being so, and relevant to the appeal scheme, the proposed development would not be a new dwelling in the sense of nothing going before which is what this policy on the whole considers. As a replacement, and acceptably so under my assessment, the appeal scheme falls to be considered under SAMDev MD7a.
11. CS11 concerns itself with housing type and affordability. Its opening gambit refers to the need to meet diverse housing needs and create mixed and

balanced communities. Achieving that by, amongst other things, seeking housing developments which help to balance the size, type and tenure of local housing stock. Referring to my earlier comments, paragraph 8 specifically, there is nothing compelling before me to suggest that the proposed development would create an imbalance of housing size, type or tenure. I do not therefore see conflict with this policy.

Trees

12. Whilst the site does not lie within an area of ancient woodland, TPO or conservation area, there are a number of trees on site. The appellant has submitted a tree survey with the appeal which notes that, whilst no trees would be required to be felled as part of the construction of the proposed dwelling, there would be some tree removal required to facilitate the access track. It is noted from the submission and my site visit that those trees identified as being affected had been felled.
13. The appellants submission details the retention of the majority of the trees. There could be some impact on the roots of some trees due to construction works. However, the survey identified root protection areas (RPAs) and proposed no-dig construction methods to ensure that the trees would not be harmed. As such, subject to a condition securing the works in line with the report, the proposed development would not have a harmful impact on trees.
14. The proposal, subject to conditions, would therefore comply with CS Policies CS6 and CS17 and SAMDev Policies MD2 and MD12 which seek, amongst other things, to ensure developments does not have a significant adverse impact on environmental assets. The proposed development would also be compliant with paragraph 180 of the National Planning Policy Framework (the Framework) which sets out, in regard to this main issue that deterioration of irreplaceable habitats should be refused.

Other Matters

15. The appeal site is located in the Shropshire Hills Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way Act 2000 (CROW) places a duty on relevant authorities to have regard to the purpose of conserving and enhancing the natural beauty of an AONB. Paragraph 176 of the Framework requires "great weight" to be given to those matters in decision making. The proposal would replace an existing dwelling at the site with a modest timber clad dwelling. The siting of the proposed development within site and the retention of boundary trees ensures that the proposal would not result in unacceptable impacts on the AONB.
16. The description of development makes reference to the dwelling being for an agricultural worker. As the existing dwelling had no occupancy restriction, I do not consider it necessary to restrict the dwelling to agricultural workers. Additionally, the Council have also considered the proposed development as an open market dwelling. It is also said to be of the eco type and a self build project. Laudable though such approaches would be, they have not matters on which this decision has turned, with the focus of the relevant main issue being the scheme's size as a replacement dwelling.

Conditions

17. The Council has provided a list of conditions, which I have assessed in regard to the advice provided in the Planning Practice Guidance (PPG). I have altered the wording of some conditions in order to ensure they comply with the PPG. I consider a condition relating to the approved plans to be necessary in the interest of clarity, as well as the standard time condition. A condition regarding the submission of materials is necessary in the interest of the character and appearance of the area and due to them not being specified elsewhere. The drainage condition is required in order to ensure a drainage scheme is fully implemented prior to the use of the dwelling, in the interests of the scheme's proper functioning.
18. I have given careful consideration to the inclusion of the condition removing permitted development rights. Having had regard to the PPG's advice on the inclusion of such restrictive conditions in specific circumstances. In this instance, the proposed development, whilst currently not harmful, if altered or extended could have a harmful effect on the character and appearance of the area. As such, I consider the condition to be necessary.
19. I do not consider the condition regarding the submission of an arboricultural impact assessment to be necessary as one has been submitted with the appeal. The recommended actions of which will be conditioned. I do not consider a condition relating visibility splays to be required as these are detailed on the plans and highway advisors have not objected to them. I have no reason to disagree with this.

Conclusion

20. For the above reasons given above, having considered the development plan as a whole, the approach of the Framework and all other relevant material considerations, the appeal should be allowed.

Tamsin Law

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development shall be carried out in accordance with the following approved plans and drawings; HEAL_OCH_PP_01, HEAL_OCH_PP_02 A, HEAL_OCH_PP_03 A, Elevations, Ground Floor First Floor, Section, TR/001, TR/002 and TR/003.
- 3) Prior to the above ground works commencing, samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
- 4) 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).
- 5) The construction of the development hereby permitted shall be carried out in strict accordance with Sections 8 and 9 of the BS5837 Tree Survey, Arboricultural Impact Assessment and Method Statement (August 21).
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to Schedule 2 Part 1 classes A, B, C or E shall be erected, constructed or carried out.

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