

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

Date: Monday, 7 November 2022

Committee:
Southern Planning Committee

Date: Tuesday, 15 November 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
Christian Lea
Hilary Luff
Nigel Lumby
Tony Parsons
Ed Potter
Roger Evans

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 - 8)**

To confirm the minutes of the Southern Planning Committee meeting held on 18 October 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 5.00 pm on Thursday, 10 November 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 **Proposed Solar Farm to the south of Holyhead Road, Albrighton (22/03068/FUL)** (Pages 9 - 78)

Construction and operation of a solar photovoltaic farm with battery storage and associated infrastructure, including inverters, substations, security cameras, fencing, access tracks and landscaping

6 **Stiperstones Retreat Centre, Stiperstones, Snailbeach, Shrewsbury, Shropshire, SY5 0N (22/03255/FUL)** (Pages 79 - 86)

Temporary change of use from Methodist Church and Respite Centre to living accommodation (retrospective application)

7 **Roundabout Junction A442 Cann Hall Road, Mill Street and B4363 Wolverhampton Road, Bridgnorth, Shropshire (22/01698/ADV)** (Pages 87 - 94)

Erect and display four sponsorship signs placed on the roundabout

8 **A458 Stourbridge Road/Old Worcester Road Roundabout and A458/A442 Kidderminster Road Roundabout and A458/B4364 Ludlow Road Roundabout Bridgnorth Shropshire (22/03796/ADV)** (Pages 95 - 104)

Erect and display 4No sponsorship signs placed on the A458 Stourbridge Road/Old Worcester Road Roundabout and 4No sponsorship signs on A458/A442 Kidderminster Road roundabout and 4No sponsorship signs on A458/B4364 Ludlow Road roundabout

9 **Schedule of Appeals and Appeal Decisions (Pages 105 - 136)**

10 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, 13 December 2022



Committee and Date

Southern Planning Committee

15 November 2022

SOUTHERN PLANNING COMMITTEE

Minutes of the meeting held on 18 October 2022

2.00 - 5.00 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Tim Ward / Ashley Kendrick

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

Present

Councillors David Evans (Chairman), Nick Hignett (Vice Chairman), Caroline Bagnall, Andy Boddington, Roger Evans, Hilary Luff, Nigel Lumby, Tony Parsons, Ed Potter, Mark Williams (Substitute) (substitute for Nigel Hartin) and Paul Wynn (Substitute) (substitute for Christian Lea)

70 Apologies for Absence

Apologies for absence had been received from Councillor Nigel Hartin (Substitute Councillor Mark Williams), and Councillor Christian Lea, (Substitute Cllr Paul Wynn)

The Chairman advised the meeting that since the publication of the agenda Councillor Roger Evans had replaced Councillor Heather Kidd as a member of the committee

71 Minutes

The Chairman advised that there was one amendment to the minutes and that the resolution at agenda item 65 should be amended to read: -

That consideration of the application be deferred to allow the applicant to investigate whether it would be possible to remove the best and most versatile agricultural land from the application.

By way of further amendment Councillor Boddington proposed and Councillor R Evans seconded that the resolution should read: -

That consideration of the application be deferred to allow the applicant to investigate whether it would be possible to remove the best and most versatile agricultural land from the application and to consult with the local community on the revised plan.

RESOLVED:

That the minutes of the meeting of the Southern Planning Committee held on 27 November be approved as a true record and to the following amendment: -

That paragraph 8 of minute 65 be amended to read: -

RESOLVED:

That consideration of the application be deferred to allow the applicant to investigate whether it would be possible to remove the best and most versatile agricultural land from the application and to consult with local community on the revised plan.

72 Public Question Time

There were no public questions.

73 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 respect of agenda item 6 Councillor R Evans advised the committee that he was a member of Pontesbury Parish Council and was present at the meeting where the application was discussed but that he would consider the application based on the information presented at the meeting.

In respect of agenda item 6 Councillor Hignett declared that he was the Local Member and that he would make a statement and then withdraw from the meeting and take no part in the debate or voting.

74 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. He reminded Members that the application had been deferred at the last meeting and with reference to the drawings and photographs displayed, he drew Members' attention to the revised layout proposed.

The Principal Planner drew Member's attention to the information contained in the schedule of late representations, and the applicants response to the comments from the CPRE which had been received after the publication of the late representations..

Peter Ryder, 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.

Members generally welcomed the changes made to the layout which released most of the best and most versatile land for continued agricultural use and biodiversity areas, and the proposed research in conjunction with Harper Adams University.

A Member expressed concern regarding the effect the proposals would have on the amenity of the surrounding area, the local footpath network and the local highways.

RESOLVED

That in accordance with Officer recommendation planning permission be approved subject to the conditions set out in Appendix 1 of Annex 1 and a supplementary condition on managing best and most versatile land

75 Proposed Holiday Let Cabin At Ashdale Pontesbury Hill Shrewsbury Shropshire (21/05781/FUL)

In accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees, Councillor Nick Hignett, 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 detached holiday let log cabin and installation of package treatment plant including change of use of land and with reference to the drawings and photographs displayed, he drew Members' attention to the location, layout and elevations. He advised that to ensure the provision of adequate on-site supervision of the enterprise in the interests of sustainable tourism development and the protection of residential amenity, the following condition should be added: -

"The residents of the existing nearby dwelling known as Dingle Bungalow shall provide the requisite supervision and management of the holiday accommodation enterprise hereby approved. As such the two shall not at any time be disposed of separately".

The Principal Planner confirmed that Members had attended a site visit

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

Members expressed concern regarding the management of the trees and rock face to the rear of the proposed cabin and asked that a condition be added that ensured ongoing management.

RESOLVED:

That in accordance with Officer recommendation planning permission be approved subject to the conditions set out in appendix 1 and the following: -

- Amendments to conditions to ensure the ongoing management of the trees to the rear of the proposed building and rock fall protection.
- A condition to ensure the provision of adequate on-site supervision of the enterprise in the interests of sustainable tourism development and the protection of residential amenity

76 Proposed Dwelling North West Of Pleasant View Rowley (22/04011/OUT)

The Principal Planner introduced the application which was an outline application for the erection of a pair of two bedroomed affordable houses with associated access and parking facilities 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.

Lee Ferriday, local resident, spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

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

Clive Roberts, (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 felt that there was an identified need for the type of housing proposed and that the principle of development in the area had been established by other permissions granted in the locality. A Member asked that any reserved matters application be brought back to the Committee for consideration.

RESOLVED:

That contrary to Officer recommendation outline planning permission be granted and that delegated authority be given to officers to agree a Section 106 agreement to ensure that the properties remain affordable in perpetuity, and to apply conditions as necessary including the following:

- That the reserved matters application is brought back to committee for determination.

**77 Havelock Cottage 3 Shrewsbury Road Much Wenlock TF13 6AN
(22/02298/FUL)**

The Chair advised that following further legal consideration it had been established that the application did not fully meet the tests for committee referral under the Council's scheme of delegation. Specifically, there was no Member call-in request within 21 days. Additionally, the officer refusal recommendation is contrary to the position of the Town Council, but the latter has not put forward any material reasons in support of a contrary recommendation and that accordingly the application would be referred back to officers for determination and the agenda item was withdrawn from consideration.

**78 Proposed Holiday Let Accommodation SW Of Westwood House Stretton
Westwood Much Wenlock Shropshire (22/03529/FUL)**

The Principal Planner introduced the application which was an application for the 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) 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.

Councillor David Fenwick spoke on behalf of Much Wenlock Town Council in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

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

Dave Richards, (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

A Member commented that as there was an existing holiday let on the site the principle of use for tourism had been established and that this proposal would add to the tourism offer in the area.

A Member commented that the innovative design and layout of the properties would mean that there would be minimal effect on the AONB but asked that a condition requiring all soil dug out on the site to remain on site and used for landscaping purposes.

Members felt that an additional 2 buildings would be the maximum that the site could sustain.

RESOLVED:

That contrary to Officer recommendation planning permission be granted and that delegated authority be given to officers to apply conditions as necessary including:

- A condition requiring any soil dug out on the site to remain on the site and be used for landscaping purposes
- An advisory around the site being at capacity regarding the number of buildings on the site

79 Proposed Affordable Dwelling To The North Of Glazeley Bridgnorth Shropshire (22/03728/FUL)

The Principal Planner introduced the application which was an application for the Erection of an affordable dwelling, detached garage and associated works 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 Robert Tindall, local Ward Councillor made a statement in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Dyanne Humphreys, (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 agreed that there was an identified need for the dwelling and that they considered that the Uplands constituted a settlement which meant that the application was compliant with the relevant policies.

RESOLVED:

That contrary to Officer recommendation planning permission be granted and that delegated authority be given to officers to agree a Section 106 agreement and to apply conditions as necessary.

80 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 18 October 2022 be noted.

81 **Date of the Next Meeting**

RESOLVED:

That it be noted that the next meeting of the Southern Planning Committee will be held at 2.00 pm on Tuesday, 15th November 2022

Signed (Chairman)

Date:

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Committee and date
Southern Planning Committee
15th November 2022

Development Management Report

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

Summary of Application

<u>Application Number:</u> 22/03068/FUL	<u>Parish:</u>	Boningale PC
<u>Proposal:</u> Construction and operation of a solar photovoltaic farm with battery storage and associated infrastructure, including inverters, substations, security cameras, fencing, access tracks and landscaping		
<u>Site Address:</u> Proposed Solar Farm to the south of Holyhead Road, Albrighton		
<u>Applicant:</u> Low Carbon Solar Park 16 Ltd		
<u>Case Officer:</u> Grahame French	<u>email:</u> graham.french@shropshire.gov.uk	

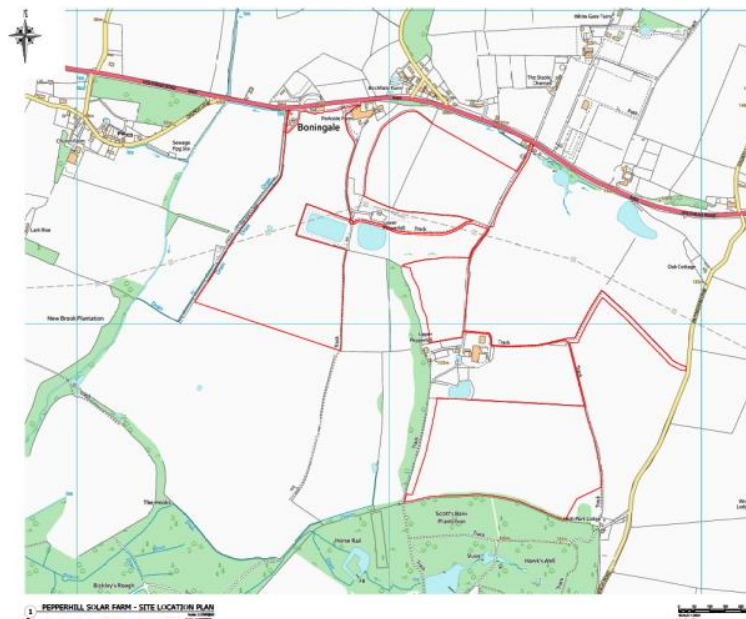


Fig 1 location

Recommendation:- Approve subject to the conditions set out in Appendix 1 and legal agreement securing funding to refurbish Grade II Listed Pepperhill Farmhouse

REPORT

1.0 THE PROPOSAL

- 1.1 The application is for a solar generating facility with a capacity of 23 megawatts comprising solar photovoltaic (PV) panels and associated infrastructure including security fencing, security cameras, internal access tracks, underground cabling, inverters, substations, battery storage, grid connection, landscaping and other environmental enhancement measures. The site would generate enough electricity to power approximately 7,642 homes annually.
- 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.



Fig 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 3m. There would be a gap of approximately 3-

4 m between each row. The panels would be mounted on a frame, to be installed using spiked foundations of approximately 1-2 m deep.

1.5 The following structures are also proposed:

- Inverter Substation
- Deer proof perimeter fencing and access gates
- CCTV cameras
- Batteries within containers
- WPD Substation Compound
- Communications mast
- Customer Switchroom
- DNO Switchroom
- Landscaping and Biodiversity Enhancement Areas

1.6 Batteries: The batteries would be contained within shipping containers or a similar cabin type structure. Each cabin would measure up to approximately 12 m long, 2.5 m wide and 3 m high. Each cabin would be placed on a hardcore base, with a stepped access at one end. The batteries would charge at off-peak times and then supply electricity to the local electricity distribution network at times of peak energy demand and/or when solar irradiation levels are lower, and the solar panels are generating electricity. This means that the Proposed Development can supply electricity to the local distribution network at all times.

1.7 Inverters: The inverters and batteries would be within containerised units similar to shipping containers. Each unit would measure approximately 12.2 m long, 2.5 m wide and 2.9m high. Each unit would be placed on a concrete base (with up to 1m deep foundations) and would be similar in appearance to the image in Figure 3.3 above. The inverters would convert the direct current ('DC') generated by the solar panels into alternating current ('AC'). Transformers, contained within the inverter cabins, convert the low voltage output from the inverters to high voltage suitable for feeding into the local electricity distribution network.

1.8 Substations and Grid Connection: The point of connection for the Proposed Development into the electricity grid is via an overhead line which runs above the Site to its east. The solar panels would feed DC electricity into the inverters. This would be converted to AC electricity to be transferred through the switchrooms, through the meters, to the substation compound before stepping up the voltage to feed into the grid via an underground cable into a nearby 33 kV electricity line. The substations, inverters and solar panels would be connected by underground electrical cables. The Proposed Development would also feature ancillary equipment like a meter room and customer switchroom.

1.9 Communications mast: The Proposed Development also comprises a communications mast located adjacent to the south west of the substation compound. The mast will be a lattice steel structure measuring 1.2m wide on all faces and would be 15-20m high with three antenna poles. It would be installed on a concrete base.

- 1.10 Security Fencing and Access Gates: Stock-proof (mesh with wooden posts or similar) to a height of approximately 2 m would be installed along the outer edges of the Site in order to restrict access. This would be sited inside the outermost hedges/trees/vegetation, ensuring that the fence is visually obscured, and access is available for hedge trimming and maintenance. Gates would be installed at the access point for maintenance access. These would be the same design, material and colour as the fencing.
- 1.11 CCTV and Lighting: The perimeter of the Site would be protected by a system of CCTV cameras and/or infra-red cameras (facing into the Site to protect privacy). The cameras would be on poles of up to approximately 3-4m high, spaced at approximately 50 m intervals along the security fence. There would be no lighting within the Site at night-time.
- 1.12 Construction and operation - It is anticipated that the solar farm would take approximately 12-18 weeks to complete. It is proposed that impacts during the construction phase are controlled via a Construction Method Statement and Construction Environmental Management Plan. Proposed working hours would be 08:00 – 18:00 Monday to Friday; and 08:00 – 13:00 Saturday. 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: Key landscaping proposals include:
- establishing flora margins/buffer strips along field boundaries, between the boundary hedge/vegetation and the proposed fence;
 - elsewhere sowing areas with a species-rich grassland mix, including beneath and in between rows of solar panels;
 - retaining all existing woodland, trees and hedgerows (and field margins generally) within and adjacent to the Site, to retain the sense of enclosure and avoid opening long views;
 - providing enough space for new/replacement hedgerows and vegetation to be planted, to integrate the Site into the surrounding landscape as far as practicable; and
 - using native species only.
- 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 54.7 hectares (ha) of agricultural land and is made up of four adjacent parcels of agricultural land.

2.2 The Site is situated within a rural and agricultural setting south of the village of Boningale. A handful of residential properties, a farmstead and the A464 are all located directly north of the Site, with the majority of Boningale located north of the road. A large, dense area of woodland is located directly south of the Site and forms part of the Patshull Hall Registered Park and Garden

2.2 The buildings of Upper Pepperhill Farm are located north of the southern parcel. The wider surrounding area comprises agricultural fields, scattered farmsteads, woodland and small water bodies. Pylons and telephone cables border three of the parcels that make up the Site, giving a slight industrial element.

2.3 The site is not subject to any statutory designations but is located within the Green Belt. An Ancient Woodland is situated to the west and a public footpath runs along the eastern boundary. Parts of the Site fall within a locally designated Green Infrastructure Corridor and Biodiversity Opportunity Area.

2.4 The Patshull Hall Registered Park and Garden is located directly south of the southernmost parcel of the Site (Development Zone 5). A Grade II Listed Building (Pepperhill Farmhouse) is located between two of the parcels (Development Zones 4 and 5). There are further Grade II and II* Listed Buildings and one Grade I Listed Building located within the wider area, largely within the village of Boningale and the Patshull Hall Registered Park and Garden. These assets are generally a considerable distance from the Site.

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.i. Boningale Parish Council: Objection. This majority decision has been reached following consultation with residents via various means. We do not oppose the development of solar energy farms in general but object to this planning proposal for the reasons below.

ii. The application is for the development of a solar farm within the Green Belt. National and local policy states that inappropriate development (e.g. solar farms) is harmful to the Green Belt and should not be approved except in very special circumstances. The proposed solar farm is large and therefore in itself significant. It is one of three sites around the Albrighton/Boningale area currently under

consideration (one granted) and therefore the cumulative impact on the local Green Belt will be very significant and harmful. There will be significant loss of amenity to some residents. the area is very well used by walkers and cyclists and the current landscape setting will be damaged. The proposal includes the parish's highest point which currently commands views of Shropshire's highest hills. This vista will be severely compromised. It is the view of the Council that the application will harm the Green Belt and that it fails to demonstrate any benefit to the local area.

iii. The proposal will entail the use of a large amount of good quality agricultural land - the best and most versatile (BMV) land. 94% of the land to be used is good quality agricultural land Grade 1 / Grade 2 and Grade 3a.. 65% of the land is Grade 1 and 2, the very best BMV land. Local and national policy states that solar farm developments should avoid the use of our best agricultural land and should be developed on moderate or poor land. The need for any development must justify the scale and nature of the loss, in this case of so much high quality land. The application fails to do this. Productive agricultural land must be prioritised for food production.

4.2i. South Staffordshire District Council: The application relates to the creation of a solar farm on land close to the Staffordshire / Shropshire boundary. South Staffordshire have been consulted as a neighbouring authority, with the decision falling to Shropshire Council based upon the location of the site. As has been stated in the comments from the Shropshire Council historic environment team the principal impact of the scheme will be upon the setting of designated heritage assets in Shropshire.

ii. As has also been stated, the site is within the setting of elements that formed part of the wider park associated with Patshull Hall. The changes will have an impact upon this setting, and whilst more minimal than the impact upon the listed buildings within Shropshire, I would concur with the assessment that ultimately despite the reversibility of the scheme there are objections to the proposals, which will cause less than substantial harm to the historic environment.

4.3i. 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 23MW 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 4.4 ktCO₂.

4.4 SC Public Protection: I have examined the submitted tetra tech noise report ref 784-B040528 and would recommend that if permission is granted that the following condition is included. The noise mitigation measures as recommended in section 6 of tetra tech noise report ref 784-B040528 shall be implemented in full.

4.5i SC Trees: No objection. The site occupies several fields, some of which lie alongside or close to a north-south running strip of ancient semi-natural woodland (ASNW) between Lower and Upper Pepperhill. ASNW is a rare and irreplaceable habitat which is afforded particular protection within the National Planning Policy Framework. To avoid harming it, the layout of the submitted scheme has been designed to meet or exceed the development stand-off recommended within Natural England and Forestry Commission standing advice on ancient woodland and ancient and veteran trees, as a buffer between the ASNW and the development. As a result, I note that the Ecological Appraisal (EDP Ltd, June 2022) concludes that the proposed development will have no direct or indirect impacts upon the Pepperhill ASNW.

ii. I accept the findings and recommendations of the Arboricultural Impact Assessment (Barton Hyatt Associates, June 2022) and agree that the minor amount of hedgerow removal and very limited tree removal required to implement the proposed development will have negligible impact upon the arboreal nature of the location and will be more than compensated by the native tree and hedge planting

proposed in the Landscape Strategy Plan (EDP 6), which I support. Retained trees and hedges can be afforded adequate protection by the measures described in the Arboricultural Impact Assessment (AIA), subject to the preparation of a final Arboricultural Method Statement and Tree Protection Plan, to be prepared in accordance with the Heads of Terms given in Section 8 of the AIA.

- iii. I therefore have no objection to this application on arboricultural grounds and recommend attaching tree protection and landscaping conditions to any permission granted (included in appendix 1).
- 4.6 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.
- 4.7. SC Ecologist: No objection. I am satisfied with the additional information and BNG calculations. The BNG calculation proposes 'net biodiversity gains of +93.57 (70.06%) habitat units and +26.29 (473.60%) linear habitat units.' This will be provided through the creation of ~436.7ha of species-rich grassland, the enhancement and strengthening of 2km of existing hedgerows through the planting of native species, and the creation of ~1.47ha of heathland scrub or mixed scrub (dependant on establishment success) planting along the boundaries. Conditions and informatives are recommended (included in appendix 1).
- 4.8i. SC Archaeology Further to our comments and recommendations of 22 July 2022, an evaluation of the proposed development site in the form of a geophysical survey and trial trenching has been completed and reported on (Archaeological Project Services, September 2022 and Wessex Archaeology, October 2022). It is advised that the Archaeological Desk-Based Assessment and evaluation provide a sufficient level of information about the archaeological interest of the proposed development site in relation to the requirements set out in Paragraphs 194-195 of the NPPF.
- ii. In the light of the above, and in relation to Paragraph 205 of the NPPF (July 2021) and Policy MD13 of the SAMDev component of the Shropshire Local Plan, it is advised that a programme of archaeological work be made a condition of any planning permission for the proposed development. This programme of archaeological work should comprise a watching brief during ground works - including the soil stripping for the site compound for the construction phase, inverters, substation and meter room buildings, and any site access tracks necessary during construction phase, and trenching for cables (condition included in appendix 1).
- 4.9i. SC Conservation The proposal site is surrounded by various heritage assets including Upper Pepperhill Farm which is grade II listed, along with other curtilage listed barn buildings. The principal farmhouse dates from the seventeenth century with later nineteenth and twentieth century alterations and is recorded on the Historic Environment Record (HER) as part of the Historic Farmsteads Characterisation Project. Bishton Manor lies to the west where this is grade II* listed where there is an accompanying set of barns that are grade II listed in their own right where these are also recorded as part of the Historic Farmsteads Characterisation Project. Patshull Hall Registered Park and Garden (grade II listed)

lies to the south of the site but largely lies within South Staffordshire District. To the west there is the settlement of Boningale which contains a conservation area that includes various listed buildings including the Church of St Chad which is grade II* listed and an accompanying cross which is a Scheduled Monument. There are also a number of non-designated heritage assets (as defined under Annex 2 of the NPPF), including Lower Pepperhill Farm, Boningale PH and Parkside Farm.

- ii. It is noted that this proposal follows that of a pre-application enquiry (PREAPP/21/00413) and that the expected lifespan of this proposal is expected to be in the region of forty years.
- iii. It is noted that a Heritage Impact Assessment (HIA) has been submitted in accordance with paragraphs 194-195 of the NPPF, Historic England guidance GPA3 and HEAN12 and policy MD13 of SAMDev by AOC Archaeology Group, along with an LVIA. The analysis of the HIA has been noted especially with regards to potential intervisibility with some of the relevant heritage assets as identified above. As previously stated to the pre-application enquiry, there is concern with regards to impact upon setting not just with regards to the panels but the accompanying paraphernalia including the inverters (containers) and security provision. The following analysis is noted:
 - Upper Pepperhill Farm - despite the close proximity to the panels immediately to the north, the main scope of intervisibility shall be to the west, where the farmstead is located on top of a sandstone escarpment that provides considerable views to the west;
 - Patshull Hall Registered Park & Garden - the proposal shall run up the site, so therefore shall be in close proximity as per Upper Pepperhill Farm, though there is some screening via existing trees and an existing boundary brick wall.
 - Church of St Chad - may be some intervisibility and glimpse views via the churchyard but is largely screened.
 - Boningale Conservation Area - some potential intervisibility towards the east.
 - Non-designated heritage assets of Lower Pepperhill Farm, Boningale PH and Parkside Farm - little intervisibility and therefore negligible impact.
- iv. The submitted Design and Access Statement states/concludes that the proposal shall consist of 'less than substantial harm' (as defined under paragraph 202), albeit mitigated through the provision of consolidatory landscaping and planting. As previously stated, tree belts (copses) are typically found within the landscape within east Shropshire and the Staffordshire borderlands, some of which is probably historically associated with the designed landscape of Patshull Hall, where further provision (especially for areas where these have probably been lost to agriculture over the twentieth century). It is therefore welcomed that the proposal shall include that of replacement planting and reinstatement of lost historic field boundaries, where should be informed by the use of the relevant historic first and second edition mapping.
- v. SC Archaeology's comments are noted where the site has archaeological potential, where the recommended condition is supported with regards to the potential for further archaeological work being required. Also Historic England (setting of a

Schedule Monument and setting of II* listed building) should be consulted as well as South Staffs District Council's historic environment advisor.

- vi. Overall, despite the relative reversibility of the scheme and mitigation measures, taking account of the overall size and scale of the proposed solar farm there is objection, where there concurrence that the scheme consists of 'less than substantial harm', where it is considered that the setting of Upper Pepperhill Farm is the most significant where this would be considered to reach the middle part of the scale with the setting of the other heritage assets to be at the lower end of the scale. Therefore the proposal is considered to be contrary to paragraphs 197 and 202 of the NPPF, policies CS6 and CS17 of the Core Strategy and policies MD2 and MD13 of SAMDev. However it is up to the decision maker in terms of balancing out the proposed public benefits of the scheme against harm (setting).
- 4.10i. SC Highways No objection subject to recommended conditions and informatives (included in appendix 1).
- 4.11ai. SC Landscape advisor (initial comments) Subject to inclusion of assessment of cumulative effects, the methodology for the LVIA is appropriate for the nature of the proposed development and scale of likely effects, and has been prepared in compliance with GLVIA3 and relevant supporting Technical Guidance. However, the assessment of effects has not been carried out in accordance with the methodology and at present should not be relied on to make a sound planning judgement.
- ii. The LVA finds that the effects are almost entirely adverse in the long term, with no beneficial effects predicted. Although the mitigation measures proposed are appropriate in the context of the site, the nature of the development is such that some high levels of adverse effects are predicted in the long term.
 - iii. The proposals have the potential to comply with Local Plan policies relating to landscape and visual matters, however more information is required to demonstrate compliance. The proposals impact adversely on the openness of the West Midlands Green Belt.
 - iv. We have made 3 recommendations relating to the LVA and 1 relating to a suggested landscape condition.
 - v. The methodology for the LVA is appropriate for the nature of the proposed development and scale of likely effects, and, with the exception of the approach to the assessment of cumulative effects, has been prepared in compliance with GLVIA3 and relevant supporting Technical Guidance. However, the assessment of effects has not been carried out in accordance with the methodology, and this may be a result of the decision to prepare an LVA rather than an LVIA. Contrary to the methodology, no assessment has been made of landscape and visual value and susceptibility, and as a result it has not been possible to validate the judgements made.
 - vi. Notwithstanding this, all effects are predicted to be adverse, ranging from major adverse to negligible adverse. Although the level of effects is predicted to reduce

over time with mitigation in place, the nature of some visual effects is such that no mitigation is possible, with a number of major/moderate adverse visual effects predicted in the long term.

- vii. No assessment of direct landscape effects has been undertaken. The opportunity exists for the prediction of beneficial landscape effects through, for example, the planting/gapping up of hedgerows and the creation of heathland habitat.
 - viii. No assessment of cumulative effects has been undertaken. Given the recent growth in solar energy developments in the County we consider this to be a significant omission.
 - ix. The mitigation and enhancement proposals are, subject to details on specification and aftercare, appropriate.
 - x. The Green Belt Impact Assessment does not appear to have taken account of recent judgements, which leads us to conclude that the openness of the Green Belt will be compromised by the proposals, albeit for the operational period given that the change to the site arising from the development is reversible.
 - xi. The content of the LVA complies with the Council's pre-application advice, with the exception of the recommendation to prepare an LVIA.
 - xii. We do not consider that the proposals comply with Local Plan Green Belt policies CS5 and MD6. More information is required before we can recommend that the proposals comply with Local Plan policies CS6, CS8, CS17, MD2 and MD12.
 - xiii. We recommend that, prior to the determination of the application, the LVIA be modified so that:
 - Cumulative landscape and visual effects are assessed
 - Landscape receptors likely to experience direct effects are defined and assessed
 - Assessments of landscape susceptibility and value are included to evidence the judgements made of sensitivity and overall level of effect
 - xiv. We also recommend that a landscape condition be applied to a grant of planning permission (included in appendix 1)
- 4.12b SC Landscape advisor (*Note – the applicant amended the LVIA and layout plan in response to the landscape advisor's recommendations. The landscape advisor has been re-consulted. Any subsequent comments will be reported to committee*)
- 4.13 Natural England: No comments received.
- 4.14 Councillor Nigel Lumby objects to the proposals on the following grounds:
- i. As ward councillor I have asked the case officer that this proposal be considered by the Southern Planning Committee. I have made my feelings known regarding Solar farms in Albrighton ward in a parallel pending application for a solar farm

22/01816/FUL and will repeat myself here. I must declare that as a resident, I am directly affected by this application. That said, as it affects me, I am happy with the screening proposal and the positioning of the start of the panels up on the ridge. I have solar panels and embrace renewable energy. My objections relate to;

1. Not sustainable development NPPF
 2. inappropriate development in green belt
 3. development on Prime Agricultural land
 4. Too close to historical assets and Conservation Area
- ii. NPPF specifies that the development should be sustainable. This application does not take into consideration the needs of future generations, as it takes away the ability of at least two generations from meeting food security. Fails on the economical test though productivity, whilst increasing productivity of renewable energy, this is achieved by substantial loss of agricultural productivity removing some of Shropshire's best land. It fails on the social objective as it does the opposite to promoting and supporting the communities' health, social and cultural well-being. Fails the third test in part environment objective to protect and enhance our natural, built and historic environment; including making effective use of land. I accept this could be seen to be mitigated by the second part in relation to moving to a low carbon economy but I'm not sure this is what the NPPF envisaged.
- iii. The presumption of sustainable development is countered by various sections of NPPF that relate to protection of the Green belt. This development is in the Green Belt. 147 confirms development is inappropriate in green belt except in VERY SPECIAL CIRCUMSTANCES. I do not believe this application has met the very special circumstances. Whilst it is recognised that there is a need for renewable solar energy to form part of a national strategy of green energy and S151 does say that such very special circumstances MAY include the wider benefits associated with increased production of energy from renewable sources. This does not give cart blanche for developers to just point to this paragraph to usurp the very special circumstances. In this application the developers have identified the low height electric feed wires as a means of connecting to the grid. These wires can be seen criss-crossing vast parts of Shropshire and don't provide a special reason why it must be here.
- iv. The argument for renewable energy through spiralling energy costs, due to the war in Ukraine, are offset by the corresponding urgency to provide food security as a result of the same war. Therefore, this application would fail to demonstrate the loss of this land to top quality food production (food security), is offset.
- v. Green belt is reliant on openness of countryside to fulfil its function to restrict urban sprawl into the countryside. By the applicant's own consultant report, this application will have substantial impact on openness. (Sam Dev MD6 and CS6) development....does not conflict with purposes of green belt.
- v. MD2 of Sam Dev Infrastructure Provision identifies the need for Shropshire Council to contribute to national renewable energy targets. However, it is not prescriptive and offers no policy as to where this will be achieved. This cannot be that it just accepts solar farm development as they come in. If it is acceptable to consider

Class 3b,4 and 5 land and not just brown field sites then the council should have areas identified like it does for houses. Developers are just demonstrating the lack of brown field sites to justify green belt development.

- vi. The land has been assessed as 22% Grade 1, 43% Grade 2 and 29% grade 3a. 94% of the proposal site, so is therefore top-quality agricultural land. Shropshire Councils Sam Dev policy MD12 The Natural Environment and Core Strategy 6(CS6) is that development should avoid quality agricultural land. I am staggered that a fifth of this proposal is on grade one, 'excellent quality agricultural land'. This should be removed from the application as loss of Grade 1 land cannot be justified. By a rural council.
- vii. CS6 ...and ensuring that all developers.. Make the most effective use of land and safeguard natural resources including high quality agricultural land. Natural England gives guidance in regard to Solar Farms on agricultural land. The 'temporary' loss to agriculture for 40 years does not mean the land will remain quality land unless managed correctly. There is nothing in this proposal in relation to maintain the quality of the land.
- viii. The public footpath to the east of the development is at the top of a slope where walkers and ramblers look down into the dip of the land. The solar panels to be placed here cannot be screened unless the screening was so close to the path that the walker/public lose the openness and amenity, the very thing the green belt is trying to protect. This footpath is well used and maintained.
- ix. Because of the closeness of Albrighton and Boningale to Wolverhampton, a power hungry city and the reluctance of South Staffordshire (in between) to have solar farms, this area is being targeted for solar farms. South Staffordshire Council is 80% Green Belt, their Local Plan Core Strategy EQ6 sets out how it intends to contribute to national targets via biomass and wind. There is no mention of Solar! It identifies areas open for this type of development, unlike Shropshire. Because Green Belt is a small percentage of Shropshire the renewable policy isn't strong enough to protect the green belt. There is one smaller established solar site in County Lane (not objected to at time), another proposal in County lane and this one. Should they be successful I believe there would be a culminative effect on openness in the area. There is another proposal, again in Green Belt, in Kemberton in the next ward along.
- x. The draft Local Plan, whilst having little weight in this argument, does demonstrate Shropshire Councils forward vision in relation to renewable energy. DP18 reinforces that poorer quality agricultural land should be used for any proposal and DP26 relates to a raft of issues including the amenity of resident. It has not identified the growing demand for solar against the Green Belt closely abutting the urban combinations.
- xi. The development will have a negative impact on heritage buildings close by. The village of Boningale, being deemed a conservation area and containing the heritage asset of St Chads Church, will have detrimental views as well as having modern, non-agricultural infrastructure, close to this ancient village. -harmful landscape setting.

Public Comments

- 4.15 The application has been advertised in accordance with statutory provisions and the nearest properties have been individually notified. At the time of writing 102 representations have been received - 22 objecting, 78 in support and 2 neutral. The main issues of concerns of objectors can be summarised as follows:
- 4.16 Objection comments:
- i. Impact on arable land: Prevent good-graded quality arable land from being available. Would take high quality land out of food production. We believe, agriculture and food production is of great importance to our community and nationally and that is why we object to the usage of versatile agricultural land to be used as a solar panel farm, which Pepperhill falls under. A large area of high grade agricultural land (more than 50% of it of the highest grades 1 & 2) will be lost for 40 years, and quite probably very much longer with re-applications and probable expansions. This appears to be in complete contradiction to the NPPF guidance which stipulates that poorer quality land should be used in preference to higher quality land unless justified by the most compelling evidence. The likelihood is that another application would be made to renew the generating station or to use the land use for housing development. Why should prime agricultural land be taken away when there are many other alternative sites available for these investment companies to develop, albeit costing them a little more to initiate? Surely solar panels can be sited on brownfield sites, marshy areas and poor grazing land? This will not impact on our ability to grow our own food so we are less dependent on foreign imports, we can create jobs in the countryside and reduce emissions by not having to transport food across half the world. This proposal would obliterate 128 acres of high quality agricultural land, 94% of which is Grade 3a plus, 65% of the land is Grade 1 and 2 (BMV) This large area of top grade Agricultural land should not be lost for at least the next forty years, especially considering the crisis we are facing in the production of food.
 - ii. Green Belt: it would be an encroachment on the green belt. Having moved from an urban area to an open countryside, green belt & conservation area we are dismayed that the area is now being targeted for a large-scale industrial development. It should not be an unreasonable expectation to be able to continue the enjoyment of the openness of this rural area. This solar farm development will dominate the area, adding a very industrial feel, significantly changing the character and destroying the openness of this countryside setting. If this proposal goes ahead, it will ruin the outlook over Boningale and open the door for more "Green Belt Land" to be used for solar farms, in future. It contravenes Local Plan Green Belt policies CS5 and MD6. The openness of the Green Belt will be compromised by the proposals.
 - iii. Visual amenity: this would be a loss of near and distant views from high vantage points along footpath off Westbeech Road. This footpath is regularly being used and provides beautiful views for the walkers. We disagree with the Landscape and Visual Appraisal report and the visibility assessment evidence appendix E. This

presentation gives the impression that the proposed solar farm would only be visible of glimpse views. Just because something is not wholly visible does not mean it would go unnoticed or that the impact on the area would be negligible. According to Low Carbon, the panels will be two metres high, on top of a one metre frame and five metres from the border. To put into perspective, this will be like having a wall the height of our guttering, just a car length away from our fence, spread across the adjoining field and as far as the eye can see. This will be our view for many years, since it will take around five to ten years for the hedge screening to grow. The proposed farm extends too close to our and the neighbouring property and it will have a detrimental effect on our properties.

- iv. Heritage: It would cause degradation of the rural setting of Boningale Conservation Area, nearby historic buildings and potentially important archaeological remains. In addition, it seems contradictory that Boningale, as a conservation area with the various limitations and caveats that accompany this status, should be the targeted location of an industrial project of this magnitude and visibility. We assume, if this proposal is supported, that Boningale will have its' conservation status removed? Much would be destroyed if holes were dug to accommodate legs for solar panel frames, foundations for substations and battery buildings and foundations for security fencing. At present, protection is guaranteed by the depth of the plough. Part of Boningale is in a conservation area and has a number of important buildings including St Chad's Church (Grade 2*) dating back to the 12th century, Church Farm House (Grade 2), Old Cottage (Grade 2), Old Farmhouse (Grade2). Others just outside the conservation area are: Lea Hall (Grade 2), Bishton Manor (Grade2*), which is also in the Domesday Book and of course Upper Pepperhill itself which is Grade 2 listed and has connections to the Gunpowder Plot and the Civil War. In 2017, the church held a Heritage Weekend with a display about the History & Heritage of Boningale, this information has now been collated into a book with help from Albrighton Historical Society, which will shortly be published and contains much more about the origins of Boningale and its Ancient past. It is thought that the settlement was located under the lee of Pepper Hill as its name probably comes from Old English, meaning "a hook of land at the round hill place." Pepper Hill stands proud above the village and there are good views across the valley from village gardens, the new Church yard area and Church Lane. Pepper Hill and its valley are an integral part of Boningale and are very much a part of the wider heritage of the area and it should be protected for future generations by rejecting this inappropriate proposal. The initial house (at Pepper Hill) was built by Sir John Talbot (Fourth Earl of Shrewsbury) in 1519. This house was remodelled in the 17th century and again in the Victorian era. However important aspects remain. It is an important example of a park created for hunting. We should also consider the wider context in that the Cellars at what is now called Boningale Manor (across the main road) have been identified as kitchens for a Tudor Banqueting Hall. The site of a chapel was noted on Lower Pepper Hill. The proposed Solar Farm will impact on this holistic context.
- v. Biodiversity: We believe in protecting and enhancing valued landscapes and sites of biodiversity for the next generation. Since living here for just over four years, we love nothing better than sitting outside watching the wildlife in our garden and the bordering land, including bats, rabbits, frogs, newts, numerous species of garden

birds and birds of prey - such as buzzards, barn owls and herons. We fear that a solar farm would have a devastating impact on the species and numbers.

- vi. Leisure: Church Lane and the Boningale area are used daily not just by residents, but members of the wider community including walkers, walking groups, dog walkers, cyclists, cycling groups & horse riders. The effect on these users would be considerable, with rows of regimented 3m high solar panels coupled with security fencing and camera poles, all being highly visible from many points around the proposed development. Attractive distant views from the highest point in the parish to the highest hills in Shropshire (Wrekin, Brown Clee and Titterstone Clee) from the public footpath near High Park Lodge, will be eliminated or severely hindered by a 2m deer fence and 3m top height of solar panels. As a frequent walker and runner along this one of only five public footpaths in the parish, I will regularly experience this degradation of some most valued views across the county. This piece of land has wonderful views from the public footpath which crosses it, all the way to the Wrekin and Shropshire Hills and is in regular use by walkers and ramblers
- vii. Drainage: At the moment, the farmer ploughs adjacent to our border, therefore, creating deep 'ruts' that help to block the rain running onto our land. With a good proportion of the field covered in these concrete supports there will be less land to absorb the rain and with the panels acting like an umbrella, the rain will be more concentrated in the areas between the panels, therefore, creating 'streams' of water. Glass panels and concrete will prevent rain from penetrating into rock hard dry soil so water will 'flow' along the surface until it reaches an incline. Our property/garden just happens to be at a boundary low point along the Holyhead Road which could be subject to this water flowing down the hill and causing a flash flood. This has occurred several times in recent years from water run-off from Boningale Nurseries.
- viii. Traffic: The proposed access route, along Hook Lane is not wide enough, nor strong enough to withstand heavy construction traffic ... the end of the lane is already collapsing into the gully, which floods in heavy rain. The underground soakaway pipework from our septic tank drains into the field at the bottom of our garden and we are very concerned since this is where the proposed access to the farm has been positioned. Holyhead Road is a 'race track' for many and as vehicles slow to turn into, or pull out of The Hook Lane, we fear RTA's could become more frequent.
- ix. Location: Western Power Distribution (WPD) have no record of an application from Low Carbon for a connection point onto the national grid. They have implied in public meetings that this location for the solar farm was chosen because of the high voltage pylons on the site. A WPD engineer tells me that any pylon is not necessarily a suitable connection point and it could be at some distance from the site. So the proposed siting of the farm is not as critical as suggested.
- x. Other: Finally, we also have significant concerns related to noise pollution. Whether that noise is from industrial activity, wind deflection, or electrical in origin. What guarantees are in place to protect the residents of Boningale from any ongoing noise pollution? A faulty battery can explode and create a huge explosion. If that

should happen, then the ground would become contaminated. Batteries do have a limited life so would need regular replacement throughout the 40 years lifetime of the generating station. What happens to the waste batteries? Do we ship them abroad so it's someone else's problem? I have been led to believe that the Fire Brigade are not yet equipped with the specialist equipment needed to contain fires which can arise from the large lithium batteries used on solar farms, thereby, increasing the risk of a potential fire to spread rapidly and reach farmers crops and properties within minutes. If and when this huge area is set up as a generating station then it will attract undesirable people to the area looking for anything that can be taken such as copper cables, solar panels, batteries and anything that is moveable. This also means that private houses and gardens will also become secondary targets if the criminals are in the area. This will be inevitable as part of the application involves 'security cameras and fencing'. I am also concerned about possible health side-effects due to the electromagnetic fields being so close to our properties and fear it could exacerbate my existing migraines. Site does not comply with CS6, CS17, MD2, MD6, MD12, MD13 and emerging policy DP26(k) (soils).

4.17 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.

Those objecting seem to focus heavily on the land being needed for "local" produce being lost but in my view we need local energy production more. (Growing food plants is a closed carbon cycle anyway and there is no real carbon benefit - no carbon is stored in the ground or in woody growth.)

The project will help reduce reliance on foreign imports of energy, be it imported electricity from France, Norway, etc. or fossil based imported gas and oil - which are outside of our (UK) control.

Also, the more energy we make locally and elsewhere in the UK to be put on the energy market the greater the supply. It is then basic economics to show that the greater the supply then the lower the price. So we don't need lower electricity prices then?

Reading the comments made thus far, the impression given is that there is unanimous opposition to the application - this does not agree with the results of my own conversations with fellow parishioners; nor with the results of the questionnaire from the event held by Low Carbon at Kingswood Centre.

- ii. Green Belt: It is stated that under paragraph 151 of the NPPF (and here I quote the SC Principal Planning Officer in writing to Low Carbon in September of last year) - "When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to succeed. Such very

special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources." Here I would argue that the import of the last sentence is both critical and applicable in this instance. Given the need to recognise "very special circumstances" I would ask that if the current impacts of climate change are not "exceptional circumstances" then I cannot imagine anything else which would be a stronger case to meet the conditions set out in the NPPF. If we don't act now to increase carbon-free energy supply then it will be a Brown Belt we see from our windows and not a Green Belt.

- iii. Agricultural land: the area involved is a tiny proportion of available agricultural land in Shropshire. Admittedly it is said to be of good quality but on balance it does not contribute in any significant manner to carbon reduction which is the overriding consideration. Low Carbon appear to have conducted a reasonable search for alternative locations without finding an obvious alternative. The land is not "lost" in any real sense. It will be available for its return to current farming use in 40 year's time; unlike the situation would be in the case of a housing development, construction of an industrial estate, etc . Also, the soil itself will likely be in better condition with improved structure, chemistry and microbiology after the 40 year period, partly through not being continually sprayed with pesticides and nitrogenous fertiliser which have their own issues - both environmental and ecological
 - iv. Amenity: This point is mentioned by some objectors, but I believe it to be overstated and it would be more accurate to say "some loss of visual amenity to some residents (in some parts of the Parish)" which is, I feel, more accurate. In terms of other forms of amenity, it could be argued that the development will be of benefit - eg. a reduction in noise, odour and dust from farming operations along with a reduction of slow-moving agricultural vehicles along the local lanes and main roads.
 - v. Heritage: Two principal local buildings are often mentioned by those objecting: a) St. Chad's Church. I do not understand the logic behind this objection. If one is regarding the south facing facade of the building then the nearest solar panels are actually behind the observer; when looking at the northern side then any view of the panels would be blocked by the building itself, and b) Upper Pepperhill Farm (not Pepper Mill as sometimes stated) - this is located far back on private land and this, coupled with the topography of the ground, render it only a distant image from publicly available viewing points.
- ii. Support Petition text: I am writing to support the above planning application, for the following reasons:
- The solar farm will contribute to energy security and help Shropshire Council and the UK meet carbon saving targets
 - It will significantly improve biodiversity on the site
 - The site will produce enough clean, green electricity to power around 7,600 homes per year
 - The plans also include 8MW of on-site battery storage
 - The site can be used for grazing as part of traditional meadow management, which will benefit both food production and biodiversity

- 4.18 Open Spaces Society: The Society recognises the need to provide alternative means of power generation, though it also regrets the destruction of open countryside, though in this case not land which is available for public use. However, FP13/1 passes along the north-south boundary of the site and has wide views west. It is proposed to shield the solar panels by additional planting, and I would suggest that a condition should be put on the Application (if granted) that this section of screening hedge is maintained at a height that does not restrict views from footpath 13 towards the Wrekin and the Shirlett Hills.
- 4.19 Country Land and Business Association: The CLA (Country Land and Business Association) supports planning applications which positively contribute to sustainable development as defined by the National Planning Policy Framework, especially those which make a positive contribution to meeting the nation's Net Zero targets. Whilst the decision, based on the facts of the case, is the reserve of the Council the CLA would like to see development be seen in a positive light. Even before the COVID pandemic, the rural economy was 18% less productive than the national average. Closing this gap here in Shropshire would add to the local economy and create jobs. The proposal will not only power over 7,000 homes on a relatively small area of land but will have additional positive outcomes too. Allowing for there to be a notable Biodiversity Net Gain, especially in the area of woodland creation. Whilst still facilitating for food production on the land, not resulting in any permanent agricultural land loss.
- 4.20i Fossil Free Shropshire: I write on behalf of Fossil Free Shropshire, a campaign group that is calling on the Shropshire County Pension Fund to divest from fossil fuel companies. As a group, we are committed to seeing Shropshire reduce its reliance on climate-wrecking fossil fuels. With that aim in mind, we are writing to support the Pepperhill Solar Farm. The proposal will allow the generation of approximately 23 megawatts (MW) of local clean electricity, enough to provide power to approximately 7,600 homes each year and save over 4,700 tonnes of CO₂. This is a significant reduction in carbon at a time when Shropshire Council's pension fund is actively investing in companies that have high emissions profiles (eg Shell, BP, Glenore) and the council administration is pursuing major infrastructure projects with vast embedded carbon footprints (eg the Shrewsbury North West Relief Road which will create 48,000t/CO₂e for a 359t/CO₂e operational saving per annum).
- ii. Solar farms on grassland have been shown to boost biodiversity and allow the land beneath them to regenerate, trapping carbon in the soil. After the solar farm is dismantled at the end of its lifetime the land will in all probability be of a higher agricultural quality than before. Shropshire has declared a climate emergency and we must act in ways that reflect the urgency of the situation. Recent reports from the UN IPCC have revealed that we are on the cusp of losing the chance of staying below 1.5C with 'no credible pathway' for this goal currently existing. Every fraction of a degree the world warms and every gram of CO₂ we emit matters, not least of all to those in nations in the global south whose citizens have the lowest carbon footprints and the lowest responsibility for the current climate crisis. The actions we take here in Shropshire have global implications - both in terms of carbon emissions and moral leadership. That is why we have no hesitation in supporting the move towards greener, cleaner energy that will not only benefit the people of

Shropshire but also reduce the harm that UK emissions are doing to others around the world.

4.21 Boningale Group (horticultural supplier): Boningale Group supports the Pepperhill Solar Farm, although we recognise the various concerns raised. It seems clear from reading the documentation that valuable natural features and habitats will be retained, cared for, and enhanced, and that sustainable food production is carefully considered by the owner. Our headquarters is located on the A464 opposite the farm, and we welcome the provision of local clean energy. As suppliers of plants to commercial landscapers and specialists in environmental planting techniques, we have offered to support the site design with practical advice on planting for sustainable drainage, natural aesthetic and biodiversity enhancement.

4.22 Mark Pritchard MP (letter to Andy Begley): I write with reference to the above planning application, and I would like to register my objection to the proposal. I do not oppose the development of solar energy farms in general, but I object to this planning proposal for the following reasons:

- i. The application is for the development of a solar farm within the Green Belt. National and local policy states that solar farms would normally constitute inappropriate development which is harmful to the Green Belt and should not be approved unless there are exceptional circumstances which justify its approval.
- ii. As the area is popular with cyclists and walkers, the construction of the solar farm would result in the loss of amenity for some residents and visitors.
- iii. As Boningale Parish Council pointed out in its objection to this application, the site of the proposed solar farm includes the highest point of the parish, which currently offers views of Shropshire's highest hills. If approved, the construction of the solar farm would interfere with those unique views.
- iv. The site of the proposed solar farm includes high quality agricultural land. According to the Agricultural Land Quality Survey conducted on the site in November 2021, ninety-four per cent of the land is good quality agricultural land, being a mixture of Grade 1, Grade 2 and Grade 3a. Sixty-five per cent of the land is Grade 1 and 2 - the highest quality land. At the time of the survey, the land was being used to grow a variety of crops.

Solar farms should not be located on good quality, productive agricultural land which should instead be protected for food production purposes. There is plenty of alternative land available in Shropshire for new solar farms. The applicant needs to look for a new location for the project and the council should reject this inappropriate development.

4.23 Shropshire Ramblers Association: As several local residents have mentioned there is a Public Footpath 0111/13/1 which runs alongside the proposed boundary of the Solar Farm, and which has extensive views west and north, which could be seriously affected by the development. We appreciate that no-one has a statutory right to a view but, nevertheless, this development would compromise the very existence of this footpath.

5.0 THE MAIN ISSUES

- Policy context
- Justification for the development (incl. agricultural land and energy need)
- Benefits of the proposed development
- Green Belt
- Environmental considerations (incl. visual, ecology, highways, heritage, drainage)
- Other matters (incl. Timescale / decommissioning).

6.0 OFFICER APPRAISAL

6.1 Policy context - National Policy

6.1.1 Renewable energy: 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 Green Belt: The site is also located in the Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence (NPPF137). Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 6.1.4 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (NPPF147). When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations (148).
- 6.1.5 When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources (NPPF151).
- 6.1.6 Best and Most Versatile Land: 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’.
- 6.1.7 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.
- 6.1.8 Footnote 58 of Paragraph 175 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, 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) relates to plan making rather than determination of planning applications.
- 6.1.9 The requirement to ‘recognise’ the ‘economic and other benefits of the best and most versatile agricultural land’ (Para 174) does not amount to an instruction to refuse all applications affecting B&MV land. 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.
- 6.1.10 Other national policy: Overarching Energy NPS EN-1 states that on agricultural land (at paragraph 5.10.8): “Applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5) except where this would be inconsistent with other sustainability considerations. Applicants should also identify any effects and seek to minimise impacts on soil quality taking into account any mitigation measures

proposed. For developments on previously developed land, applicants should ensure that they have considered the risk posed by land contamination.” It also states.. “The IPC [now the Secretary of State] should ensure that applicants do not site their scheme on the best and most versatile agricultural land without justification. It should give little weight to the loss of poorer quality agricultural land (in grades 3b, 4 and 5), except in areas (such as uplands) where particular agricultural practices may themselves contribute to the quality and character of the environment or the local economy.”

- 6.1.11 Draft revised NPS EN-3 paras 2.48.13/15 state 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). However, land type should not be a predominating factor in determining the suitability of the site location.... Whilst the development of ground mounted solar arrays is not prohibited on sites of agricultural land classified 1, 2 and 3a, or designated for their natural beauty, or recognised for ecological or archaeological importance, the impacts of such are expected to be considered and are discussed under paragraphs 2.50 and 2.53. It is recognised that at this scale, it is likely that applicants’ developments may use some agricultural land, however applicants should explain their choice of site, noting the preference for development to be on brownfield and non-agricultural land.”
- 6.1.10 Policy context - Development Plan Policy: 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’.
- 6.1.11 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.
- 6.1.12 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.

6.1.13 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.

6.1.14 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).

- 6.1.15 The wording of the policy indicates that it is intended to apply to plan-making and decision taking in contrast to Paragraph 175 and footnote 58. Some weight may be attributed to 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.
- 6.1.16 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.
- 6.1.17 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, soils, landscape and amenities
 - The implications of the proposals for Green Belt policy
 - Whether any identified impacts are capable of being satisfactorily mitigated.
- 6.1.18 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.

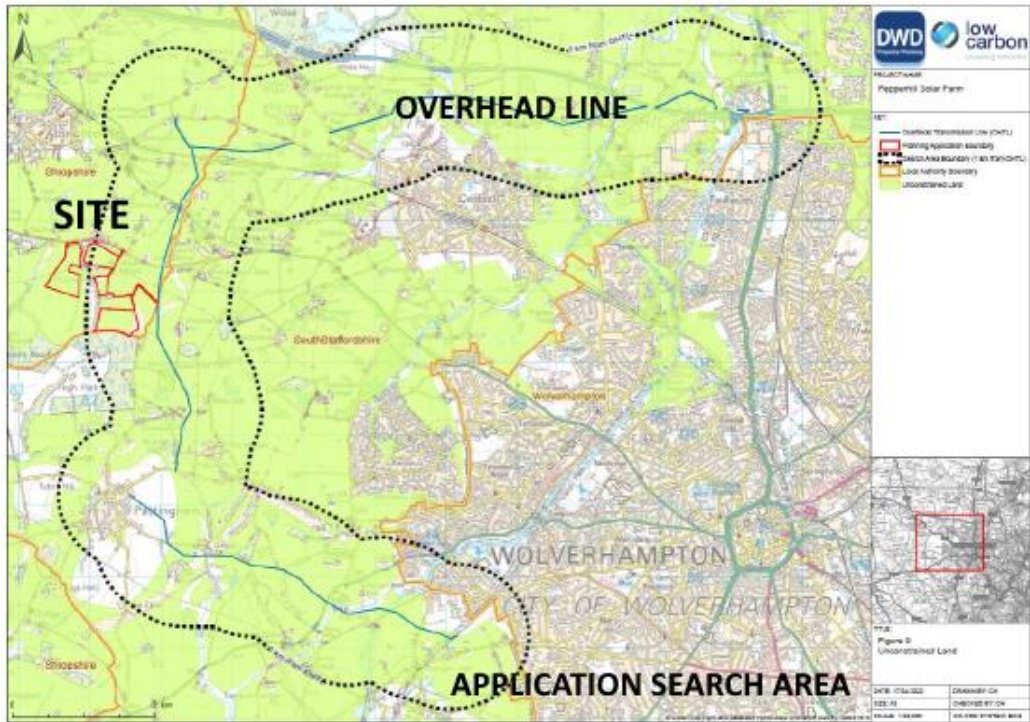


Fig 3 – Search area



Fig 4 – Shropshire Climate Action Partnership Energy Opportunity Areas

6.2 Justification for the development:

6.2.1 Justification for renewable energy: 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 main factor determining the 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.
- 6.2.3 The applicant has identified a grid line within this area with connection capacity (see Fig 3). The light green colour is identified by the applicant as ‘unconstrained’ (in terms of occupation by other development). However, much of this area is located within the Green Belt. If the grid capacity of the overhead line it to be utilised for solar development, then this would necessitate such development in the Green Belt. This Site is also located within a Renewable Energy Opportunity Area, identified by Shropshire Climate Action Partnership as being specifically suitable for ground mounted solar or wind energy (see Fig 4).
- 6.2.4 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. The applicant has identified the proposed site as the preferred site within very few suitable locations once these factors are taken into account.
- 6.2.5 The applicant has provided a need statement by a UK energy market consultant Humbeat. The main conclusions are:
- i. *‘The UK’s energy trilemma is currently at a critical point with urgent actions required to maintain progress against targets and ambitions set out in current policies across all three pillars: decarbonisation, security of supply and affordability.*
 - ii. *In this Statement of Need, I have shown that on both a local and national level the scale of new low-carbon electricity generation in GB required to keep the UK on track with its Net-Zero commitments is unprecedented.*
 - iii. *The pipeline of consented projects of all low-carbon technologies is, however, currently significantly below the level needed to meet even the most achievable of the Net-Zero compliant forecast projections.*
 - iv. *Because of the scale of deployment projections for renewable electricity generation capacity, all communities in the UK will be required to play their part. Local ambitions or policies to generate enough renewable electricity to meet local demand are therefore very important in order to underpin delivery of the national strategy.*
 - v. *New solar schemes are ideally suited to help beat the energy trilemma because of the low-carbon, reliable and low-cost electricity they produce. It is my opinion that the urgent deployment of new solar capacity is critical to achieving not only the UK’s Net-Zero targets but also to deliver secure and affordable electricity supplies for the current and future generations.*
 - vi. *All solar generation projects that come forwards will deliver very significant benefits to the UK’s current energy policy aims. It is my opinion that these benefits would contribute significantly to the weight in favour of allowing their development.*

- vii. *Further, because of the sheer scale of capacity required, it is clear that other technically feasible solar generation projects should be consented “as well as”, rather than “instead of”, the proposals at the proposed Site.*
- viii. *It is my view that the development timescales and scale of the proposed scheme in Shropshire: provides a critical near-term decarbonisation opportunity for the UK; is a hugely important step for Shropshire to take towards to meet its own climate change targets; presents an essential opportunity to continue to diversify UK low-carbon electricity supply; and makes an essential contribution to reducing GB’s exposure to volatile energy markets.*
- ix. *In order for Shropshire Council to deliver on its own zero-carbon aims, it will need to consent a significant capacity of local renewable generation capacity to meet its own annual consumption, see Chapter 6 for more information.*
- x. *It is my belief that the proposed solar plus energy storage development is:*
 - *A highly suitable generation technology for development at the scale proposed (23MW grid installed capacity) that is significant in terms of the benefits it would bring to both national and local decarbonisation objectives;*
 - *An important opportunity to deliver the benefits of decarbonisation, energy security and affordability within a critically short timeframe (especially compared to other decarbonisation actions); and*
 - *Significant capacities of low-carbon solar generation are urgently needed in the UK. The proposed development will be an essential near-term step in meeting government objectives of delivering sustainable development to enable decarbonisation and by doing so, will address the climate change emergency that affects everyone’s lives and the environment, by ensuring our energy supply is secure, low-carbon and low-cost.*
- xi. *I believe that the need for this project and its important and relevant benefits should be fully reflected in the overall planning balance in the planning process’.*

6.2.6 Justification – 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."

6.2.7 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."

6.2.8 Core Strategy Policy CS6 describes that new development should make effective use of land and safeguard natural resources, including high quality agricultural land.

- 6.2.9 Objectors refer to the loss of best and most versatile agricultural land within the site. An agricultural report confirms that 94% of the land within the site is of best and most versatile quality with 22% being Grade 1, 43% being grade 2 and 29% being subgrade 3a. The survey indicates that there are some limitations with droughtiness and wetness. Following comments received from technical consultees and the local community, the proposals have been amended to significantly reduce Development Zone 1 by 14.5ha thereby reinstating a large amount of Grade 2 land back into arable production. 6ha of the Site has already been removed from arable production and replaced with a flower rich grassland mix as a form of mitigation in connection with the recent planning permission for a pig farm (LPA ref. 20/02958/FUL, dated 18 June 2021)
- 6.2.10 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).
- 6.2.11 There is approximately 145,279 ha of Best and Most Versatile ('BMV') agricultural land located in Shropshire according to the nationally available Provisional Agricultural Land Classification Data2, comprising around 45% of all land within the county. The Proposed Development would result in the temporary use of just 0.024% of this for grazing and energy production. It is noteworthy that there are no controls which prevent a farmer from switching the use of an agricultural field between arable and grazing uses, both being agricultural, and planning permission would not be required for this. A farmer may choose to do this at any time for a number of reasons, including to rest the land. 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
- 6.2.12 Agriculture – choice of site: The landowner Robert Mercer (Mercer Farming) clarifies the thinking behind development of the proposed solar farm in a letter dated 17th October 2022 which is available on the Council's Planning Portal. It is confirmed that the farming enterprise purchased a large part of the Pathsull Park Estate (including the application site) in March 2020 with the objective of farming in a sustainable way and giving the derelict properties a new lease of life. Pigs have been brought back to reduce the need for artificial fertiliser. 30,000 trees and 2km of new hedgerow have been planted in 2022. Numerous environmental strips on field boundaries and corners of fields have been provided to help biodiversity and to create wildlife corridors between the parcels of woodland. A woodland management plan has been implemented and 3 properties have been renovated. Permissive footpaths have been renewed/ granted allowing members of the public access to enjoy walking across the farm at the Pattingham end of the estate. A lease has

been granted to the Wolverhampton activity centre to host scouts on the estate and Mercer Farming has donated money to help develop and upgrade the centre.

- 6.2.13 However, Mr Mercer advises that Patshull estate is not optimal for growing cereal crops. This year the company's wheat crops averaged 7.04 tonne to the hectare which is 17% below the national average. The solar site represents the lightest and least productive land on the farm, notwithstanding its agricultural grade. It is stated that 'by turning some acreage over to solar we will be able to contribute to the national energy crisis, still utilise the land under the solar for sheep grazing and have a diversified income stream which can help to keep improving the estate and also to keep contributing to the local community, both of which are only possible through profitability. One immediate need for investment is the renovation of the now derelict listed Pepperhill Farmhouse. There are many other parts of the estate which still need improving and investing in'.
- 6.2.14 The farming enterprise is requesting that the current solar proposals are allowed to proceed in order to secure stable profitability for the former Patshull Estate land on less productive cereal land. This will thereby allow the business to invest in other aspects of estate management including continued food production on other estate land, refurbishment of the Grade 2 listed Pepperhill Farmhouse, continued ecological enhancements and sustainable farming initiatives. The benefits of the proposals and the applicant's statement of need are considered in succeeding sections. A discussion on wider food and energy resilience issues linked to solar farm development is included as Appendix 2 below.
- 6.2.15 In conclusion, most of the site is best and most versatile quality. However, the land will remain in agricultural use as sheep pasture between the arrays and 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 it will allow a natural soil ecosystem to develop.
- i. *Note: The applicant has obtained Counsel's advice on the issue of solar farm development and best and most versatile agricultural land, and this is available to view on the Council's online planning register. The advice can be summarised as acknowledging that best and most versatile agricultural land is a material consideration to be weighed against other material considerations in assessing a solar planning application. Whilst however relevant policies and guidance advocate the use of poorer quality land in preference to better quality there is no absolute policy prohibition against the use of best and most versatile land in solar development. Applicants must justify their choice of site and planning authorities must consider any impacts to B&MV land as part of the planning balancing exercise. The ability to graze sheep and other animals between the arrays is likely to be a material issue in assessing any loss of B&MV land.*
- ii. *Counsel refers to 2 appeal cases involving loss of B&MV land. In Wates Developments Ltd v Tonbridge and Malling BC [2021] PAD 25 the Inspector acknowledged that the NPPF does not require Planning Authorities to apply a sequential test for agricultural land quality in decision taking and gave moderate weight to the loss of such land in allowing the appeal. In Barratt Homes (Bristol) Ltd v South Gloucestershire Council [2018] PAD 46 an Inspector held that loss of the*

site and its 4.9ha of BMV land would be insignificant and would result in only a limited loss of local food production. Whilst Policies CS9 and CS34 seek to protect or retain BMV and maximise such local food production this is not what the new NPPF says in para.170b). "I conclude for the above reasons that limited weight should be given to the loss of BMV and other agricultural land." These decisions are intended as illustrative by the applicant's Counsel and do not set any precedent.

6.2.16 Choice of site – conclusion: The Humbeat report referred to above demonstrates that there is an urgent need for more renewable energy projects to come forward if legally binding climate targets are to be met. This is acknowledged as a material national context for the current application. The site-specific context explained with reference to Figure 3 above is also acknowledged. Furthermore, the applicant has provided a statement from the farmer which seeks to justify the choice of solar at the site. When these factors are taken together it is considered that they are 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.

6.3. Benefits of the proposed development

6.3.1 The applicant has provided a need statement which makes similar points to the Humbeat report referred to above regarding national need for renewable energy. IN terms of specific benefits from the current proposals the statement advises that the proposed 23MW capacity of the site is sufficient to power 7642 households per annum. This saves 5,167 tonnes of carbon per annum and is equivalent to removing 2,385 cars from the road per annum.

6.3.2 Ecological enhancements to be secured through the Proposed Development include:

- Creation of c.36.7 ha of species-rich grassland sown throughout the Site with shade tolerant species sown under the solar panels;
- Enhancement and strengthening of over 2km of the existing hedgerows through gap and tree planting of native species, which will increase diversity;
- Creation of c.1.47ha of heathland scrub or mixed scrub (dependant on establishment success) planting along boundaries to provide transitional habitats between habitats and help enhance Green Infrastructure connectivity across the Site;
- Provision of bird and bat boxes on suitable mature trees along the boundaries of the Site;
- Provision of invertebrate features and hibernacula; and
- Provision of mammal gates in the security fencing.

The Biodiversity Impact Assessment ('BIA') calculation shows that the development is capable of achieving significant net biodiversity gains of +93.57 (70.06%) habitat units and +26.29 (473.60%) linear habitat units. Low Carbon is continuing to work with community and other groups to identify further ecological benefits. This includes discussions with Plan Bee, who will engage with selected local

beekeepers to assess the site's suitability to host bees (to be secured through an environmental management plan condition).

- 6.3.3 Heritage benefits: The Grade II Listed Upper Pepperhill farmhouse which is located close to the site is currently vacant due to its poor condition and generally in a state of disrepair. The landowner has agreed to ring fence £200,000 from the revenue that they would receive from the solar farm, to be secured via a unilateral undertaking, to fund restoration of the Listed Building and its return to use, thereby restoring its cultural significance and securing its long-term future.
- 6.3.4 Social benefits: The applicant has agreed with the British Horse Society to provide a permissive horse hack around part of the Site (zone 1 – north west field), adding to the existing network for walkers and horse riders. This will sit outside of the planning process.
- 6.3.5 Community fund: It is Low Carbon's policy that the communities hosting their solar farms receive a formal Community Benefit. Such offers are made outside of the planning process. Low Carbon has held direct talks with Bovingale Parish Council on this.
- 6.3.6 Educational benefits: Should the solar project achieve consent, Low Carbon will look to provide educational benefits in connection with the Proposed Development to local schools. Low Carbon is in the process of communicating with the local schools and the local Scouts Group with the aim to create partnerships to offer an annual visit to the solar farm and renewables workshop for local children. The sessions would be designed to help children familiarise themselves with the technology and understand the impacts of climate change. It is proposed that an Educational Strategy / Plan could subsequently be prepared and submitted for approval as part of a planning condition.
- 6.3.7 Economic benefits: The applicant has referred to the following economic benefits of the proposals|:
- Jobs being created directly or via the supply chain plus indirect benefits in additional worker spend on hospitality in the local economy.
 - An additional £1.5m – 1.7m Gross Value Added (GVA) during construction and around £2.1m in operation over the lifetime of the project.
 - In terms of employment opportunities, research recently produced by the BRE National Solar Centre shows that there are approximately 7 FTE jobs created per MW installed for ground mounted projects. In the case of the Proposed Development, this would result in approximately 161 FTE jobs created directly or indirectly.
 - The Proposed Development would result in business rates contributions to the Council of approximately £46,000 per year (based on an assumed £2k/MW, per annum), which could be invested in local services.

6.4 Green Belt

- 6.4.1 Solar farms are not one of the specific types of development which may be acceptable within the Green Belt. As such, they comprise 'inappropriate development' and therefore require a very special circumstance justification under

NPPF paragraph 147. Core Strategy Policy CS5 advises that ‘new development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt’. National Green Belt policy is set out in Section 13 of the NPPF’.

- 6.4.2 NPPF Paragraph 151 advises that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. Importantly, paragraph 151 states that only elements of many renewable projects will comprise inappropriate development and not that renewable energy projects per se constitute inappropriate development. As such, it can be considered that the compatibility of individual renewable energy projects in the Green Belt are to be judged based on their individual merits and circumstances.
- 6.4.3 Whilst certain elements of the application are capable of being inappropriate development, it is important to recognise that solar farms are not an uncommon feature within the Green Belt across the UK. In many cases, such development has been allowed within the Green Belt on the basis that it is required within the national and local interest and that it has been needed in that particular location. Overall, national Green Belt policy recognises that the renewable energy benefits of solar development can qualify as a very special circumstance to justify inappropriate development within the Green Belt.
- 6.4.4 Effect on openness and permanence Green Belt (NPPF para 137): Openness is an essential characteristic of the Green Belt and is generally defined as the absence of built form. The Proposed Development would, to some extent, reduce the openness of the Green Belt as it would introduce built form to the existing site which comprises open and undeveloped fields. The layout has however been carefully designed with the solar arrays being pulled back from the most publicly visible areas along Lilyhurst Road and using existing screening of trees and hedgerows which would be strengthened further by the landscaping proposals. The applicant has also amended the proposals to exclude the northern half of zone 1 (north-western field unit) from the arrays. The well enclosed nature of the site and the proposed mitigation planting to the boundaries, would seek to ensure that the degree of harm to the Green Belt would be very limited.
- 6.4.5 The main impact on openness on the Green Belt would be the introduction of the ancillary structures such as deer fencing, substations, inverters and other associated plant. The components of the scheme are relatively low in dimensions and the higher components, such as the plant within the substation compound, have all been carefully sited where there are existing visual detractors; including pylons and overhead lines. These detractors form part of the existing visual baseline which is a material consideration to the determination of this application.
- 6.4.5 The Site is located away from any significant defined settlement areas or main urban areas being located approximately 1.3km south of Albrighton and 3.3km from the suburbs of Wolverhampton, separated by agricultural fields and roads. It would not therefore expand on a settlement boundary or result in these areas projecting

further into the Green Belt and the surrounding countryside. Although there is no development on the Site, its undeveloped nature is affected by the A464, electricity pylons, a plant nursery and agricultural buildings which are a distinct feature of the site and its immediate surroundings. As such it is considered that the Proposed Development would not appear as an isolated feature within the Green Belt.

- 6.4.6 The visual experience changes through the parcels due to the undulating topography. Views vary in direction and length. The landscape is rural but with consistent intrusions of human influence from pylons running through Development Zone 1 and adjacent to Development Zones 2 and 3 and large farm buildings adjacent to a Development Zone 4. It is considered that redevelopment of the site to incorporate low-level solar arrays would not undermine the ability of the Green Belt in this location to prevent urban sprawl.
- 6.4.7 Solar farms are becoming a part of the countryside across the UK and can be regarded as a semi-rural use as opposed to an 'urban' or 'industrial' form of development. The Proposed Development would provide a continued agricultural use in the form of grazing and would prevent any permanent urban sprawl from taking place at this site for the duration of its operational life. The Proposed Development is minimally also intrusive and once decommissioned the land would be returned to its previous use.
- 6.4.8 Visual impact is discussed in a subsequent section. However, given the stand-offs to the arrays, the presence of mature woodland and hedgerows around the arrays and the applicant's landscaping proposals it is not considered at this stage that any effects on openness and permanence of the Green Belt would be significant, including as experienced from publicly accessible areas including Lilyhurst Road and the public footpath to the east of the site.
- 6.4.9 Effect on the five principal purposes of the Green Belt:
Officer comments in italic below:
- a) to check the unrestricted sprawl of large built-up areas;
The proposals would not lead to unrestricted sprawl of Telford. The solar farms will not have an urban appearance or nature. Any buildings will be modest in size and sited in separate areas between the arrays.
 - b) to prevent neighbouring towns merging into one another;
There are no other towns to the east of the nearest part of Telford which the proposals would risk merger with. As noted above, the solar farm would not have an urban appearance and would be surrounded by retained mature hedgerow and woodland vegetation.
 - c) to assist in safeguarding the countryside from encroachment;
The proposals are longer-term but temporary in nature and fully reversible. There would be no permanent encroachment. Biodiversity would be protected and enhanced through a habitat management plan.
 - d) to preserve the setting and special character of historic towns;

The Site does not make any contribution to preserving the setting and special character of historic towns and the Proposed Development will not harm the preservation of the setting and special character of historic towns. The solar scheme will provide funding to restore the Grade II listed building at Pepperhill Farmhouse.

- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The Site does not comprise brownfield land and furthermore the land would not become brownfield land via the installation of the temporary solar farm, remaining as greenfield land which would be returned to its current state following the decommissioning of the Proposed Development. This purpose is therefore not relevant in this instance.

6.4.10 Green Belt – Very special circumstances: In the context of paragraph 148 of the NPPF ‘very special circumstances’ needed to justify the limited built elements of the proposed solar farm development are summarised as follows:

- The need for renewable energy generation and its role in meeting the challenge of climate change;
- The requirement for the solar farm in this location and the lack of alternative sites;
- Support for the rural economy;
- Wider environmental benefits including planned biodiversity net gain;
- The temporary and reversible nature of the proposal; and
- Community benefits.

6.4.11 The need for renewable energy is referred to elsewhere in this report. This is consistent with draft national energy policy EN1 (overarching) and EN3 (renewable energy) and is supported by the comments of the Council’s climate change task force and the Council’s declaration of a climate emergency. The benefits of the development are referred to in a preceding section.

6.4.12 In terms of justifying the location within the Green Belt this matter has been discussed in a succeeding section. The applicant has sought to identify whether there are any alternative site locations not within the Green Belt, having regard to relevant locational criteria including proximity to a grid connection (Fig 3, Fig 4). All other potential sites were located within the Green Belt, demonstrating the need to locate solar development within the Green Belt if national targets for renewable energy are to be met. The applicant’s survey of potential alternative sites concluded that there are no alternative sites which are suitable and available, which would make a comparable contribution to renewable energy generation, and which demonstrably comprise a more feasible alternative than the application site. The absence of demonstrably better sites within the search area is considered to add weight to the very special circumstance justification for development within the Green Belt.

6.4.13 It is considered at this stage that there will be some impact on openness and permanence of the Green Belt but this is capable of mitigation due to the site layout and the applicants landscaping proposals, having regard also to the baseline visual condition of the site. None of the five purposes of the Green Belt are harmed by the proposed development. The benefits of the proposals are capable of being considered as a very special circumstance justification for development within the Green Belt.

6.5 Environmental considerations:

6.5.1 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.

6.5.2 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.

6.5.3 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 LVA sets out the following long-term effects that are likely as a result of the Proposed Development:

- Minor adverse effects on the character of the site within Development Zone 1, and moderate/minor adverse on the character of the site within Development Zones 2, 3 and 4;
- Minor/negligible adverse effects within the immediate surroundings of the site on the Sandstone Estatelands Landscape Type (LT). This effect would be diminished beyond the immediate 750m of the site due to intervening vegetation;
- Moderate/minor adverse effects within the immediate surrounding of the site on Timberland Plateau Farmlands LT. Effects on this LT would diminish beyond 500m of the site;
- Effects to PRoW users are limited to those within approximately 800m to the east and north of the site. Users likely to experience the highest long-term effects are those on footpath 0111/13/1 as it crosses a field to the east of the site with moderate adverse effects. There would be moderate neutral long-term

effects to users of this route where it passes along Development Zone 5's eastern boundary. Beyond this route, long term effects are moderate/minor adverse to users of Bridleway Perton 19, and minor adverse to users of PRow some 500m north of the site on higher ground;

- Long-term effects to road users are limited to those within 1km of the site and are no higher than minor adverse;
- The greatest long-term effects would be experienced by residential receptors within c. 600m of the site. This is due to their high sensitivity and proximity to the proposed development. Major/moderate adverse long-term effects would be experienced by those within Residential Groups 2 and 3, and Property C. Moderate adverse effects would possibly be experienced by those at Group 4, and moderate/minor adverse effects at Property A; and
- Users of The Horns of Boningale Pub would likely experience moderate/minor adverse long-term effects.

6.5.4 Overall, those likely to experience the most elevated effects are residential receptors in close proximity to the site. Long term effects to these receptors are likely to be major in the worst case, however, views from private residential properties are not protected by national planning guidance or local planning policy. Accordingly, changes to the character, 'quality' and nature of private views are not a material planning consideration in the determination of a planning application. Despite this, following public consultation efforts have been made to mitigate impacts on residential receptors. In particular, the northern half of the north-west field 'zone 1' has now been removed from the solar arrays. Generally, the landscape and visual effects of the proposed development are likely to be limited to within 1km of the site. Such effects are no higher than major/moderate adverse, however this is limited to residential receptors. All other visual receptor and all landscape receptors would experience effects of no higher than moderate adverse.

6.5.5 The LVIA concludes that when juxtaposed with substantial benefits of the Proposed Development it is considered that the Proposed Development complies with relevant planning policy relating to landscape and visual impact.

6.5.6 The Council's landscape adviser advised in an initial consultation response that 'the proposals have the potential to comply with Local Plan policies relating to landscape and visual matters, however more information is required to demonstrate compliance'.

1. Cumulative landscape and visual effects are assessed
2. Landscape receptors likely to experience direct effects are defined and assessed
3. Assessments of landscape susceptibility and value are included to evidence the judgements made of sensitivity and overall level of effect

A landscaping condition is also recommended in the event of permission (included in Appendix 1).

6.5.7 The LVIA has been updated to address the above matters including landscape susceptibility and sensitivity. An assessment considers the potential for the development to give rise to cumulative impacts in association with another pending

solar application which is located at 1.5km north-east of the proposed development and east of Albrighton (22/01816/FUL). This concludes that there will be the potential for moderate/minor cumulative landscape effects upon the Timberlands Plateau Farmlands Landscape Character Type due to the in-combination effects of the two solar sites together, however, these would be localised. Beyond this there would be negligible to no cumulative landscape effects.

- 6.5.8 Cumulative visual effects would be minor/negligible to PRow users, negligible to road users and residential receptors and none to receptors at the Horns of Boningale. This is due to the lack of intervisibility between the sites and the screening of views by vegetation and the topography of this undulating landscape. It should be recognised that the other site has not yet been determined and so any minor cumulative effects would only arise if both sites were approved and proceeded.
- 6.5.9 An addendum to the LVIA also describes the effect of amendments to the proposed layout in response to the findings of planning consultations. In particular, arrays have been removed from the northern half of the north-west field which will now remain in agricultural use. This mitigates views from Lilleshall Road and residential properties fronting this road.
- 6.5.10 An amendment to the landscape strategy removes proposed woodland parcels from the landscape buffer along the northern edge of the site, with the buffer retained as open arable land with heathland along the eastern margin. The landscape buffer proposed along the north of the parcel will be increased in size, providing a greater separation between the arrays and the road, and reducing their visibility within the local area. Hedgerows proposed within the LVA strategy along the northern boundary will be moved to the northern edge of the solar arrays.
- 6.5.11 Hedgerow trees are proposed along the hedgerow and the hedgerow is to be maintained at 3m in height. The combined hedgerow and hedgerow trees would provide screening of the arrays. Furthermore, the removal of proposed hedgerows from along the northern boundary will open up views into the arable parcel, which would be similar to the existing views. Land to the south of the parcel is retained as arable land providing an area for skylark mitigation.
- 6.5.12 The proposed hedgerow along the southern boundary of the parcel has been moved to follow the fence line of the development area. The hedgerow provides enhancements to the landscape character by reversing the amalgamation of field parcels and provides habitat enhancement by connecting existing hedgerows.

Visual assessment of amendments:

- 6.5.13 Public Rights of Way: Effects to users of public rights of way (PRow) predicted to change are limited to PRow users north of the site using PRow that connect to the A464. Beyond this, changes to the predicted effects to PRow users would be imperceptible. Users of PRow 0111/3/1 and 0111/4/1 north of Boningale would experience a slightly reduced magnitude of change. This is due to the reduction of panels within the westernmost parcel along the northern edge where the proposals are most visible from this route. The magnitude of change would reduce from low to

very low at Year 1 resulting in a minor adverse effect. In the long term, the proposed hedgerow along the northern edge of the development area would have matured and the magnitude of change would reduce somewhat becoming very low to imperceptible. The resulting level of effect to this receptor would be minor to negligible adverse in the long term.

- 6.5.14 Users of PRow some 150m north of the site connecting the A464 and Woodhouse Lane to Albrighton would gain views towards the site as represented in Photoviewpoint EDP 6 of the LVA. The extent of the proposed development within these views would reduce with the proposed reduction in panels. Although extent of panels visible within the view would be reduced, the proposed development would remain a minor constituent of the view, therefore the magnitude of change would remain as low at Year 1 as predicted within the LVA. With the maturation of proposed hedgerows along the boundary of the development areas, screening would be provided, and the magnitude of change would reduce to very low as predicted within the LVA. The level of effect to this receptor would remain as predicted within the LVA; moderate/minor adverse at Year 1 and minor adverse in the long term.
- 6.5.15 Road users: Users of the A464 are likely to experience some level of effect when passing the site as stated within the LVA. The LVA described that, in the worst case, road users would experience glimpsed direct open views into the westernmost parcel where the Road passes the Horns of Boningale Pub and to the northern edge of the eastern parts of the where the road runs parallel to this boundary. Due to the proposed set back of solar panels within the westernmost parcel, the proposed development would appear less noticeable here than predicted within the LVA. Although the development would be much less noticeable within the westernmost parcel, the magnitude of change would remain the same as the extent of the proposed development visible from the road would not change in the eastern parcels. In the long term the magnitude of change would reduce to very low with the screening effect of matured hedgerow planting, and the resulting level of effect would reduce to negligible to no effect. The level of effect to the user where passing the eastern parcel of the site would, however, remain as predicted within the LVA at minor adverse at Year 1 and minor/negligible adverse in the long term.
- 6.5.16 Although the extent of panels visible within the view from Church Lane would reduce, the proposed development would still form a minor constituent of the view and the change would not render it barely visible. The magnitude of change would remain as low and the resulting level of effect minor adverse at Year 1 and in the long term. The reduction of panels in the westernmost parcel of the site would further reduce the already limited visibility of the proposed development from Patshull Road.
- 6.5.17 Residential dwellings: The LVIA addendum advises that the proposed set back of panels in the north-western field would fundamentally alter the view of the nearest property to this margin (property A). There would be a major/moderate adverse level of effect at Year 1. With the maturation of proposed hedgerow and hedgerow trees, the magnitude of change would reduce to low. Property C would experience filtered views to parts of the westernmost parcel of the site. In the worst case

(where windows may be directed towards the remaining panelled area of the parcel), the magnitude of change and level of effect would remain as assessed within the LVA.

- 6.5.18 Properties within Boningale that are likely to experience visual effects are limited to those along its eastern edge and the property just south of Church Road. With the removal of panels within the northern and southern parts of the westernmost parcel, the extent to which the site would be visible to these receptors would be reduced. The proposed development would remain a minor constituent of the view and the magnitude of change would be low, and the resulting level of effect moderate/minor adverse at Year 1. After the maturation of vegetation proposed along the boundaries, the magnitude of change would reduce to very low and the resulting level of effect would be minor adverse in the long term.
- 6.5.19 Overall the addendum concludes that due to the reduced extent of solar arrays within the westernmost parcel, there would be a lesser effect on receptors from the surrounding countryside where the said parcel is visible. Further comments from the Council's landscape adviser
- 6.5.20 In conclusion, 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 supports the conclusion that the proposals can be accepted with respect to visual and landscape effects. This is 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)
- 6.5.21 Visual impact – glint and glare: A Glint and Glare assessment has undertaken geometric analysis at 59 individual residential receptors and 32 road receptors, as well as two runway approach paths and an air traffic control tower (ATCT) at RAF Cosford. The assessment concludes that:
- Solar reflections are possible at 43 of the 59 residential receptors assessed within the 1km study area. The initial bald-earth scenario identified potential impacts as High at 19 receptors, Medium at four receptors, Low at 20 receptors and None at the remaining 16 receptors. Upon reviewing the actual visibility of the receptor, glint and glare impacts remain Medium at one receptor and reduce to Low at 10 receptors and None at all remaining receptors. Once mitigation measures were considered, impacts reduce Low at nine receptors and to None at all remaining receptors.
 - Solar reflections are possible at 22 of the 32 road receptors assessed within the 1km study area. The initial bald-earth scenario identified potential impacts as High at 21 receptors, Low at one receptor and None at the remaining nine receptors. Upon reviewing the actual visibility of the receptors, glint and glare impacts reduce to None at all receptors.
 - No impact on train drivers or railway infrastructure is predicted.

- Only green glare was predicted for the approach path to Runway 06 at RAF Cosford, which is an acceptable impact. No glare impacts were predicted for the approach path to Runway 24 or the air traffic control tower (ATCT) at RAF Cosford. Therefore, the impacts on aviation assets are not significant.

6.5.22 Mitigation is required to ensure the Medium impact views from Residential Receptor 44 are screened. This includes native hedgerows to be planted/infilled along the northern boundary of the North Array in the Proposed Development, as proposed in the Landscape Strategy, and maintained to a height of at least 3 - 4m.

6.5.23 The effects of glint and glare and their impact on local receptors has been analysed in detail and once mitigation measures have been introduced there is predicted to be only Low and None impacts, and therefore No Significant Effects.

6.6 Heritage appraisal

6.6.1 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).

6.6.2 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).

6.6.3 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. The assessment has indicated that there is considered to be a Medium potential for previously unrecorded prehistoric remains to be present on the Site. There is a Medium potential for remains of the Roman Period to be present as well. There is judged to be a Low potential for early medieval remains to survive within the Site but Medium potential for medieval activity to survive within the Site due to the recording of Medieval Settlements in the study area. There is also Medium to High potential for post-medieval remains associated with the parkland at Pepperhill to survive within the Site boundary. There is judged to be high potential for agricultural remains to survive within the Site.

- 6.6.4 The finalised design of the development is informed by a geophysical survey covering the entirety of the footprint of the proposed solar array in order to identify areas where significant buried archaeological remains may be located and mitigation may be required. The clear preference will be to avoid direct impacts wherever possible.
- 6.6.5 Whilst it is anticipated that the Proposed Development is likely to cause less than substantial harm to the settings of nearby heritage assets, the layout of the proposed solar arrays and Landscape Strategy Plan has been carefully designed to mitigate the visual impact of the Proposed Development on both designated and non-designated heritage assets within the vicinity of the Site. Where possible, vegetational screening has been designed to enhance or reinstate historic field boundaries within the Site.
- 6.6.6 Particular consideration has been given to the potential visual impact of the Proposed Development upon the setting of the Grade II Listed Upper Pepperhill and the non-designated Horns of Boningale public house, which site visits have indicated are likely to have the most potential intervisibility with the Proposed Development. Other nearby assets have been shown by site visit to have very limited potential for intervisibility. The flexibility within the design offers the ability to appropriately mitigate the associated potential impacts on cultural heritage.
- 6.6.7 The Council's historic environment team advises that given the scale of the proposals there is the potential for less than substantial harm to be caused to the setting of the Grade II listed building at Upper Pepperhill Farm at the middle part of the scale, with the setting of other heritage assets at the lower end of the scale. 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.
- 6.6.8 Following the historic environment comments the applicant has agreed with the landowner / farmer to secure a unilateral undertaking which commits to paying a total of £200,000 from the revenues of the solar development in order to refurbish the currently derelict Grade II listed building at Upper Pepperhill Farm. It is considered that this measure will secure an optimum viable use for the building in accordance with NPPF 134, thereby fully mitigating any harm to the setting of the listed building.
- 6.6.9 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.
- 6.7 Other environmental considerations

- 6.7.1 Noise and amenity: The nature of the Proposed Development is such that it is not likely to cause any form of pollution during its operational stage. This is because there are no significant noise sources, traffic would be very low and the Proposed Development would not be lit at night. Furthermore, the Proposed Development does not include any plans to divert or close any PRoWs during either construction or operation. The Proposed Development would be passive in operation and therefore would not generate any significant operational noise, other than that associated with occasional visits by maintenance/service vehicles. The noise associated with such activities would be negligible and less than that associated with farming activities in the area.
- 6.7.2 There would be some temporary noise during the construction phase, which is anticipated to last approximately 12 – 18 weeks. The construction activities may increase noise levels within the vicinity of the Site; however, it is considered that noise impacts during construction would be intermittent, localised and temporary in nature and would be covered by a construction management plan condition. The Proposed Development would not result in any emissions to air during its operation other than those from vehicles associated with periodic maintenance/inspection visits to the Site. Emissions associated with the construction phase would relate to construction vehicles and it is considered would not be of a level to cause harm to the environment or residential amenity.
- 6.7.3 Large buffers located between infrastructure and residential receptors surrounding the Site, with those elements of infrastructure which will generate low levels of noise (i.e., inverters and substations) sited furthest away from sensitive receptors. These separations ensure there will be no adverse impact on amenity or the local community during the construction or operation of the Proposed Development.
- 6.7.4 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. Shropshire Council Regulatory Services have not objected subject to a condition requiring the mitigation measures in the noise report to be implemented in full. It is concluded that subject to this the proposals can be accepted in relation to noise and amenity issues.
- 6.7.5 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.

- 6.7.6 The application is supported by a Transport Statement which sets out the strategy and options for site access, routing for construction traffic, construction vehicle size and frequency and mitigation. During the 12- 18 week construction phase, there is expected to be an increase in vehicle trips to the Application Site in the order of 24 vehicle trips over the course of a typical weekday. Of these movements, approximately four are expected to be generated by HGVs. This equates to less than one HGV vehicle movement every two hours over the course of a working day. Following liaison with the local parish, a HGV delivery window of 09:30 – 15:30 will be implemented to avoid HGV traffic at peak times.
- 6.7.7 The Developer would liaise with the construction crew to ensure that these trips would be conducted outside of peak traffic times (considered to be 08:00-09:00 and 17:00-18:00). Additionally, instructions would be given to ensure sufficient care and attention is given when travelling at this junction in order to avoid additional incidents. These measures can be set out in a Construction Traffic Management Plan (CTMP), secured by a planning condition.
- 6.7.8 During the operational phase, it is expected that only a limited number of trips associated with servicing and maintaining the equipment will be generated and under normal circumstances no more than 2-3 cars/vans would visit the Site each week (generally less than 1 per day). In the event that a new or replacement item of equipment was to be brought to the Site, it is estimated that an average of 1 HGV trip may occur per annum. This monthly increase in vehicle movements is less than the day-to-day daily fluctuations of traffic.
- 6.7.9 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).
- 6.7.10 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. The majority of habitats within the Site are of only limited (Site-level) intrinsic nature conservation value or less, comprising intensively managed agricultural land. Locally valuable habitats are primarily restricted to the field boundaries, including the hedgerow, tree and woodland network and a pond. These habitats support, or potentially support, only small populations/typical assemblages of protected/Priority Species, of Site to Local-level importance including birds, badgers and bats, and to a lesser extent reptiles, amphibians and hares.

6.7.11 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. The habitats and protected and notable species interest within the likely construction zone do not pose a notable constraint to development and the scope of the proposed mitigation measures are sufficient to entirely mitigate for the biodiversity impacts resulting from the development and deliver significant gains in biodiversity in line with planning policy and wildlife legislation. This is demonstrated by the BIA calculations, which show that the development is capable of achieving significant net biodiversity gains of +117.61 (102.62%) habitat units and +25.39 (457.54%) linear habitat units.

6.7.12 Detailed design measures to enhance biodiversity include:

- Creation of c.49ha of species-rich grassland sown throughout the Site with shade tolerant species sown under the solar panels;
- Enhancement and strengthening of over 2km of the existing hedgerows through gap and tree planting of native species, which will increase diversity;
- Creation of c.1.9ha of heathland scrub or mixed scrub (dependant on establishment success) planting along boundaries to provide transitional habitats between habitats and help enhance Green Infrastructure connectivity across the Site;
- Provision of bird and bat boxes on suitable mature trees along the boundaries of the Site;
- Provision of invertebrate features and hibernacula; and
- Provision of mammal gates in the security fencing.

6.7.13 The Arboricultural Impact Assessment submitted alongside this application confirms that the Proposed Development will not require the complete removal of any significant trees, tree groups, woodlands or hedgerows. However, a semi-mature tree close to the DNO access track may need to be transplanted or removed. Furthermore, a small amount of hedgerow will need to be removed, also equating to a low arboricultural impact. In arboricultural terms, this loss could be readily mitigated by new hedgerow planting.

6.7.14 Overall there would be no adverse impacts on biodiversity and the landscaping proposals would result in a significant biodiversity net gain. SC Ecology has not objected subject to a number of ecological conditions (included in Appendix 1). Subject to this it is concluded that the Proposed Development complies with relevant planning policy regarding biodiversity (CS6, CS17, MD12).

6.7.15 Drainage / hydrology: A flood risk assessment advises that the site falls entirely within Flood Zone 1 (lowest flood risk). The potential flood risk to the site from all sources of flooding is considered to be 'Very Low' for the majority of the site with areas of elevated risk associated with surface water runoff and the potential for groundwater emergence which could affect isolated low points. The site layout has been devised to locate all sensitive control equipment in areas of 'Very Low' risk. Solar panels are raised at least 0.8m above ground level and will be locally raised in areas of deeper/higher risk. Only solar arrays, security fencing and access tracks extend into areas of elevated surface water flood risk and due to the design of the equipment are compatible with shallow flooding.

- 6.7.16 Rainfall falling onto the photovoltaic panels will runoff directly to the ground beneath the panels and infiltrate into the ground at the same rate as it does in the site's existing greenfield state. Existing drainage features will be retained and the site will remain vegetated through construction and operation of the Solar Farm to prevent soil erosion. The extent of impermeable cover as a result of the Solar Farm amounts to only 0.24% of the total site area. Supporting calculations demonstrate that this effect of the Solar Farm on the Mean Annual Flood (QBAR) is minimal and only equates to an 0.6% increase compared with the greenfield runoff rate.
- 6.7.17 A sustainable drainage strategy, involving the implementation of SuDS in the form of interception swales, is proposed for managing surface water runoff on the site. Interception swales are proposed at the low points of the application site to intercept extreme flows which may already run offsite. The interception swales are provided as a form of 'betterment'. The volume of storage provided within the proposed interception swales at 2/3 full (231m³) is greater than the additional runoff generated as a result of the extreme 1 in 100 year storm event, including an allowance for climate change (98.66m³). The provision of swales would lead to an overall reduction in surface water flow rates from the site and mitigate any increase in run-off due to the minor reduction in the overall permeable area of the site.
- 6.7.18 The FRA concludes that site drainage and surface water arising from the developed site would mimic the surface water flows arising from the site prior to the proposed development. The natural drainage regime would be retained except in the extreme storm event when a benefit is achieved by reducing the extreme storm run-off flows. 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).

Timescale and decommissioning:

- 6.7.19 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.

Leisure and Tourism

- 6.7.20 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.

- 6.7.21 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.
- 6.7.22 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.
- 6.7.23 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.
- 6.7.24 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-survation>.
- 6.7.25 It is not considered that there is sufficient evidence to support the conclusion that that the current site would result in unacceptable impacts on leisure / tourism interests (CS16)
- 6.8 Other matters:
- 6.8.1 Community engagement: The Applicant has carried out a comprehensive pre-application exercise, primarily focused on the local community but also including consultation with other key consultees. Feedback from the local community was considered by the applicant to be positive with almost all respondents in agreement with the need to fight climate change and supportive of renewable energy, and the majority of respondents supportive of the Proposed Development.
- 6.8.2 The Applicant has responded to concerns from the local community, including during the subsequent planning application consultation process with amendments to the design of the proposals. In particular:
- Removing of panels near boundaries close to residential receptors.
 - Removal of panels from the northern half of the north-west field.

- Amendments to the planting scheme to retain field views.
- Additional screening and enhancement of existing screening.
- Mammal Gates at 250m intervals along security fencing.
- Five bat boxes of variable design to suit different species, are proposed to increase roosting opportunities.
- Five bird boxes of variable design to suit local species, including a barn owl *Tyto alba* box, are also proposed to be erected on boundary trees to enhance nesting opportunities for a variety of species.

6.8.3 It is considered that the applicant has carried out a significant and meaningful consultation exercise prior to submitting the planning application, in accordance with relevant local and national policy and guidance and the Shropshire Council Statement of Community Involvement (2021) and has made appropriate amendments in response to local community feedback.

6.8.4 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.

6.8.5 Recent Government communications: Some recent ministerial correspondence has been interpreted as 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.

7.0 CONCLUSION

7.1 The proposed solar development would operate for a temporary period of 40 years and would be fully restored after decommissioning. 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.

7.2 The 23MW development is sufficient to power 7642 households per annum. This would offset approximately 5,167 tonnes of carbon per annum, equivalent to removing 2,385 cars from the road. It would deliver significant net biodiversity gains of +93.57 (70.06%) habitat units and +26.29 (473.60%) linear habitat units and the applicant is working with community and other groups such as bee keepers to identify further ecological benefits.

7.3 Through a legal agreement between the farmer and the applicant the proposals would secure funding to renovate the Grade II Listed Upper Pepperhill farmhouse

which is currently vacant and in disrepair, thereby securing an optimum viable use for this heritage asset. Other benefits include a proposed permissive horse hack around the north-west field which the applicant has agreed with the British Horse Society and would also be secured by a unilateral undertaking. Additionally, the site offers significant educational benefits through the applicant's commitment to work with local schools and the local Scouts Group. This would be delivered through an Educational Strategy / Plan condition.

- 7.4 In terms of economic benefits the site is calculated by the applicant to add an additional £1.5m – 1.7m Gross Value Added (GVA) during construction and around £2.1m in operation over the lifetime of the project and an estimated 161 FTE jobs created directly or indirectly. There would also be business rates contributions to the Council of approximately £46,000 per year (based on an assumed £2k/MW, per annum), which could be invested in local services. The applicant is also committed to deliver a local community fund and has held direct talks with Boningale Parish Council on this, although weight cannot be attributed to this in the decision-making process.
- 7.5 The application is located predominantly on best and most versatile agricultural land and is within the Green Belt. However, the applicant has put forward a specific justification for the choice of site which is supported by a statement from the farmer / landowner and a need assessment by an energy consultant. This also indicates that a detailed assessment has been undertaken of alternative sites which confirms that there are no alternative sites which are available / viable with a suitable grid connection, and which do not also involve the use of Green Belt land.
- 7.6 The applicant has provided Counsel's advice on the use of best and most versatile agricultural land. This confirms that national policy does not preclude the use of such land for solar farm developments provided an applicant can give evidence that lower quality land is not available. It is considered that the applicant has provided sufficient evidence to justify this choice of site. The NPPF does not impose a sequential test requirement in assessing agricultural land quality when determining planning applications for solar farm development.
- 7.7 In terms of Green Belt policy the NPPF recognises that 'elements' of solar farm development may comprise inappropriate development within the Green Belt. This does not mean that the totality of a solar farm development is regarded by national policy as inappropriate development but rather some constituent parts within it. A detailed assessment of the proposals with respect to Green Belt policy has been undertaken. Whilst there would be some effect on openness the mitigation / landscaping proposals serve to minimise this.
- 7.8 None of the 5 key purposes of the Green Belt are considered to be harmed. The NPPF specifically acknowledges that the benefits of a solar farm development, including with respect to renewable energy, can qualify as very special circumstances to justify development in the Green Belt (NPPF151). When the wider benefits of the proposals are taken into account as noted above it is considered that the proposals significantly and demonstrably meet the requirements for a very special circumstance.

- 7.9 In terms of heritage the development would result in less than substantial harm to the setting of Upper Pepperhill Farmhouse. However, a proposed unilateral undertaking between the applicant and the farmer to provide funding to refurbish this Grade II listed building would address this and provide an overall betterment. Other effects to heritage interests are at the lower end of the 'less than substantial harm' scale and would be significantly and demonstrably outweighed by the public benefits of the proposals.
- 7.10 The potential effects of the proposals have been assessed in detail and there have been no objections from other technical consultees with respect to issues such as highways, trees, ecology and drainage. Detailed planning conditions have been recommended to ensure the highest level of control of the development. 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:

View application:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RECSSZTDH6D00>

List of Background Papers: Planning application reference 22/03068/FUL and plans.
Cabinet Member (Portfolio Holder): Cllr Richard Marshall
Local Member: Cllr Nigel Lumby, Albrighton
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 June 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 LCS_078_SP01 rev7), hereinafter referred to as 'the Site'.

Reason: To define the permission.

Highways

4. No development shall take place before details of on-site facilities for the loading, unloading and turning of vehicles have been submitted to and approved in writing by

the Local Planning Authority. These facilities shall be provided as approved before construction begins.

Reason: So that vehicles may enter and leave the site in forward gear

5. Before the access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land within the visibility splays illustrated on drawing number 410558-MMD-XX-BA14-DR-C-0001 and thereafter, the visibility splays shall be kept free of obstructions exceeding 0.6 metres in height.

Reason: So that drivers intending entering the highway at the access may have sufficient visibility of approaching traffic to judge if it is safe to complete the manoeuvre.

6. Prior to any development the first 15m of the proposed access shall be surfaced with a bound material.

Reason: In order to prevent mud and detritus being deposited on the public highway

7. Details within the submitted Construction Traffic Management Plan shall be strictly adhered to at all times during the sites' construction and decommissioning.

Reason: To ensure that a safe and suitable standard of vehicular access is provided throughout the construction and decommissioning period of the development.

8. Prior to construction beginning a detailed layout of temporary traffic management signs shall be submitted to and approved in writing by the Local Planning Authority

Reason: To ensure that a safe and suitable standard of vehicular access is provided throughout the construction and decommissioning period of the development.

Arboriculture

- 9a. During implementation of the development no retained 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 (LPA). Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.
- b. Prior to commencement of development a final Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS), prepared in accordance with and meeting the minimum tree protection requirements recommended in BS5837: 2012, or its current equivalent, shall be submitted to and approved in writing by the LPA. All tree works and protection measures detailed in the approved TPP and AMS must be fully implemented to the written satisfaction of the LPA before any equipment, machinery or materials are brought onto the site for the purposes of the development.
- c. The development shall be implemented in accordance with the approved AMS and TPP. 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 LPA.

- d. All services will be routed outside the Root Protection Areas indicated on the approved TPP or, where this is not possible, a detailed method statement and task specific TPP will be submitted and approved in writing by the LPA prior to any work commencing.
- e. 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 LPA 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.

- 10. No works associated with the development will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a tree and hedge planting scheme, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape – Recommendations, or its current version, has been submitted to and approved in writing by the LPA. The approved scheme shall include:
 - i. details as relevant of ground preparation, planting pit specification and the trees and shrubs to be planted in association with the development (including species, locations or density and planting pattern, type of planting stock and size at planting), means of protection and support, planting period or phasing of planting and date of completion, and measures for post-planting maintenance;
 - ii. details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in a) above.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

- 11. The approved tree and hedge planting scheme shall be implemented as specified and completed no later than the end of the first planting season (November to February inclusive) following completion of the development. If within a period of three years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or, in the opinion of the LPA becomes seriously damaged or diseased, or is otherwise lost or destroyed, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

Landscape and Ecological Mitigation Plan

12. No development shall take place until a detailed soft landscape scheme for the whole site has been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The details shall include:
- i. Schedules of plants/seed mixes, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate,
 - ii. Method of cultivation and planting,
 - iii. Means of protection
 - iv. Creation of wildlife habitats, features and ecological enhancements
 - v. Written specifications for establishment of planting and habitat creation;
 - vii. Programme for implementation

This is for all grassed areas, tree, shrub, and hedgerow planting

- 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.

13. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. The maintenance shall be carried out in accordance with the approved schedule. The maintenance schedule shall include for the replacement of any plant (including trees and hedgerow plants) that is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective. The replacement shall be another plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

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

Ecology

14. 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. 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.
 - Pollution prevention measures.

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

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

15. No development shall take place (including ground works and vegetation clearance) until a habitat management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
- i. Description and evaluation of the features to be managed
 - ii. Ecological trends and constraints on site that may influence management
 - iii. Aims and objectives of management
 - iv. Appropriate management options for achieving aims and objectives
 - v. Prescriptions for management actions
 - vi. Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually)
 - vii. Personnel responsible for implementation of the plan
 - viii. Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality
 - ix. Possible remedial/contingency measures triggered by monitoring
 - x. The financial and legal means through which the plan will be implemented.

The plan shall be carried out as approved.

Reason: To protect and enhance features of recognised nature conservation importance.

16. No development shall take place (including ground works and vegetation clearance) until a badger mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The mitigation strategy shall include details of the actions to

be taken during the works, including the temporary closure of sett 3. These measures will be implemented as approved.

Reason: To ensure the protection of badgers under the Protection of Badgers Act 1992.

17. 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].

Archaeology

18. 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.

Noise

19. The noise mitigation measures as recommended in section 6 of tetra tech noise report ref 784-B040528 shall be implemented in full.

Reason: In the interests of residential and local amenities.

Educational Strategy

20. Within 6 months of the commencement of the development an Educational Strategy shall be submitted for the written approval of the Local Planning Authority. The Strategy shall detail the measures which the developer will take to ensure that appropriate access is given to the site for educational purposes in accordance with the approved benefits statement.

Reason: In accordance with the approved details and to realise the educational opportunities presented by the site.

Equestrian permissive route

- 21 Within 6 months of the commencement of the development a scheme detailing measures to establish a permissive equestrian route within the site shall be submitted for the written approval of the Local Planning Authority. The scheme shall detail the measures which the developer will take to provide a safe and appropriately surfaced equestrian circular route within the periphery of the site in accordance with the approved benefits statement.

Reason: In accordance with the approved details and to realise the equestrian leisure potential of this Green Belt site.

Final decommissioning

22. 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. *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

- vii. *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.*
- viii. *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.

- ix. *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/>.*
- x. *Widespread reptiles (adder, slow worm, 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

DISCUSSION ON SOLAR FARMS AND FOOD AND ENERGY RESILIENCE

- i. A key policy rationale for protecting of B&MV land is to ensure greater food self-sufficiency, particularly in the event of a national food crisis. International issues have raised the profile of food security in the UK and it is appropriate to place weight on this matter in decision making. However, the UK is a relatively wealthy nation with an efficient agricultural sector. Whilst climate change clearly has significant implications for UK farming there are no significant and recurring histories of famine in the last century and renewable energy can directly address climate change.
- ii. Significant amounts of currently uncultivated land are capable of being brought back into intensive production relatively quickly should the national need for this arise. The area occupied by UK agri-environment schemes in 2021 was 3.6m hectares as opposed to 2.3m hectares for solar farms. 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 of B&MV land. This is given the reversibility of solar proposals and the availability of other currently non-productive land to contribute to food production if necessary.
- iii. The UK currently has less resilience in terms of energy production. Coal and gas fired power stations are closing, liquid gas storage capacity has reduced significantly, and the main natural gas storage facility in the North-Sea is not yet ready. Any new nuclear facilities will require major private investment and will take at least 7 years to become operational. Energy prices are high internationally at the moment but are much higher in the UK than on mainland Europe. A recent [BBC News article](#) attributes this to an over-reliance on gas over decades in the UK and a failure to adequately support alternative energy options.
- iv. 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.
- v. According to a recent announcement by the National Grid there is some potential for power cuts this winter unless incentives to industry and the public not to use energy at peak times are observed. It can therefore be argued that at this particular time energy security is a greater threat to the UK's national interests than food security. Solar is one of the few technologies in this respect with the ability to address energy security issues in a realistic timescale. The British Energy Security Strategy 2022 identifies a target of 95% of British electricity coming from low carbon sources by 2030 and 70GW of solar production by 2030. 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
- vi. 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) acceptable...

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'.

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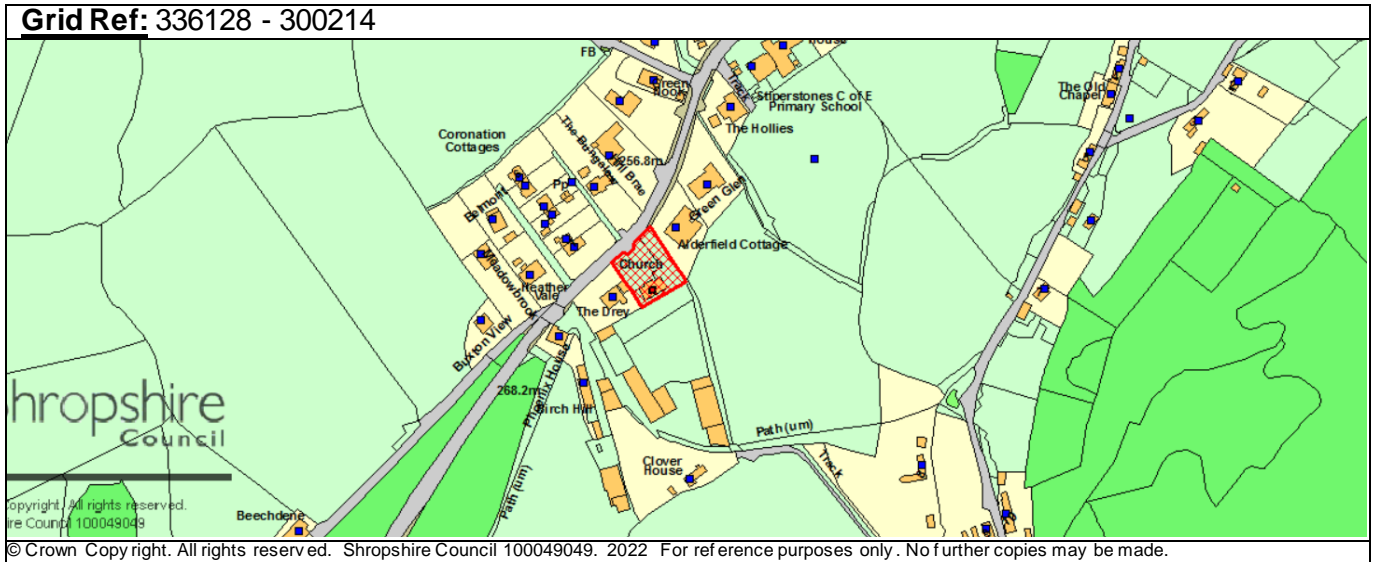
Committee and date
Southern Planning Committee
15th November 2022

Development Management Report

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

Summary of Application

Application Number: 22/03255/FUL	Parish:	Worthen With Shelve
Proposal: Temporary change of use from Methodist church and respite centre to living accommodation (retrospective application)		
Site Address: Stiperstones Retreat Centre, Stiperstones, Snailbeach, Shrewsbury, Shropshire, SY5 0NA		
Applicant: Perkins Beach Methodist Church		
Case Officer: Trystan Williams	email: trystan.williams@shropshire.gov.uk	



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

REPORT**1.0 THE PROPOSAL**

1.1 This application seeks full planning permission retrospectively for the recent and ongoing temporary use of a former Methodist church/conference and retreat centre to house a family of refugees who have fled the war in the Ukraine. New internal partitions have subdivided the former main hall/meeting room into three bedrooms. Other spaces remain physically unchanged, with a large central area now serving as a lounge, and a pre-existing kitchen, shower room and WC on the opposite side retained. No external alterations have occurred.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site is located in Stiperstones village at the western foot of the Stiperstones ridge in the Shropshire Hills Area of Outstanding Natural Beauty (AONB). It comprises a rectangular 0.1-hectare plot fronting the Class C road to Pennerley and The Bog, with the building set back behind a private car park with ten spaces. It is a fairly plain, late 20th Century, single-storey structure of brown brick under interlocking concrete roof tiles. There are mid-late 20th Century dwellings on either side and opposite, and a paddock to the rear.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 In accordance with the Council's adopted Scheme of Delegation the application must be determined by the planning committee because it is made by the Council's Local Member, who is effectively acting as agent on the applicant's behalf.

4.0 COMMUNITY REPRESENTATIONS**4.1 Consultee comments****4.1.1 Shropshire Council Ecology – objection:**

A bat survey is required.

4.1.2 Shropshire Council Flood and Water Management – comment:

Any permission given should include an 'informative' advocating sustainable surface water drainage systems.

4.1.3 Worthen with Shelve Parish Council – support**4.1.4 Shropshire Council Highways Development Control – comment:**

No objection subject to an informative advising on the requisite licence for any works on or abutting highway land.

4.1.5 Shropshire Hills AONB Partnership – comment:

No site-specific comments. However, this indicates neither objection nor lack of objection to the application, and in reaching its decision the local planning authority must still satisfy its legal duty to take into account the purposes of the adjacent AONB designation, planning policies concerned with protecting the landscape, plus the statutory AONB Management Plan. The Partnership also reserves the right to make a further, detailed response.

4.1.6 Severn Trent Water – no objection:

Since the scheme has minimal impact on the public sewerage system, no objection is raised and no further drainage details need be secured by condition.

4.2 Public comments

4.2.1 None

5.0 THE MAIN ISSUES

- Principle of development
- Other matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The building, permitted as a place of worship and latterly with some ancillary community functions, is effectively now being occupied as a single dwelling house, albeit on a temporary basis and with the specific aim of supporting a family under the UK Government's 'Homes for Ukraine' sponsorship scheme. Stiperstones village is designated part of a 'Community Cluster' under Policies MD1 and S2 of the Council's Site Allocations and Management of Development (SAMDev) Plan, which implies that the location is broadly 'sustainable' and potentially even facilitates some permanent new housing, as opposed to it being regarded as open countryside. However, this must be balanced against Core Strategy Policies CS8 and CS15, which seek to protect existing community services and facilities.

6.1.2 In the circumstances, and also bearing in mind that there is some alternative community space available in the neighbouring Cluster settlement of Snailbeach, officers consider the proposal to be acceptable in principle subject to a condition defining the duration and specific nature of the new use. The wording reflects the maximum period of residency permitted under the Government scheme, but also includes a mechanism for annual review given that the situation in the Ukraine is uncertain. At the end of the temporary period the building is expected to revert to its previous use.

6.2 Residential amenity

6.2.1 This c106m² building in a predominantly residential area, and with sufficient outdoor space, provides a reasonable standard of residential amenity. Moreover, neighbouring residents are unlikely to suffer significant overlooking or noise given the building's single-storey nature and occupation by a single household group.

6.3 Other matters

6.3.1 In the absence of any external changes there is no impact on the generally open character or scenic beauty of the wider landscape.

6.3.2 Vehicular access, parking and drainage arrangements are unchanged and adequate.

6.3.3 Regarding the Ecology Team's comments, the scheme does not in fact meet any of the standard triggers for requiring a bat survey given the building's modernity, good condition and the lack of any alterations to its roof structure.

7.0 CONCLUSION

7.1 Temporary residential use of this building is acceptable in principle given the particular circumstances, its location within a Community Cluster settlement, and on the basis that it will ultimately revert to its previous community-based use. No

significant residential amenity or other impacts are anticipated. Overall, therefore, the application is felt to accord with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions to reinforce the critical aspects.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk management

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

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

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

8.2 Human rights

8.2.1 Article 8 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the community.

8.2.2 Article 1 also requires that the desires of landowners must be balanced against the impact of development upon nationally important features and on residents.

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

8.3 Equalities

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

9.0 FINANCIAL IMPLICATIONS

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

material to the application. The weight given to this issue is a matter for the decision maker.

10.0 BACKGROUND

Relevant Planning Policies:

Central Government Guidance:

National Planning Policy Framework

Shropshire Local Development Framework:

Core Strategy Policies:

CS1 - Strategic Approach
 CS4 - Community Hubs and Community Clusters
 CS6 - Sustainable Design and Development Principles
 CS7 - Communications and Transport
 CS8 - Facilities, Services and Infrastructure Provision
 CS9 - Infrastructure Contributions
 CS11 - Type and Affordability of housing
 CS15 - Town and Rural Centres
 CS17 - Environmental Networks
 CS18 - Sustainable Water Management

SAMDev Plan Policies:

MD1 - Scale and Distribution of Development
 MD2 - Sustainable Design
 MD3 - Managing Housing Development
 MD12 - Natural Environment
 S2 – Bishop's Castle Area Settlement Policy

Supplementary Planning Documents:

Type and Affordability of Housing

Relevant Planning History:

SS/1/2196/P/ – Erection of single-storey Methodist Church (permitted 5th March 1992)

SS/1/2935/P/ – Re-siting of previously approved access for new Methodist Church (permitted 16th October 1992)

11.0 ADDITIONAL INFORMATION

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=REY7B9TD0HG00>

List of Background Papers:

See application documents on Council website

Cabinet Member (Portfolio Holder): Cllr Richard Marshall

Local Member:

Cllr Heather Kidd

Appendices:

Appendix 1 – Conditions and Informatives

APPENDIX 1 – CONDITIONS AND INFORMATIVES

STANDARD CONDITIONS

1. The development shall be carried out in strict accordance with the approved plans and drawings listed below in Schedule 1.

Reason: To define the consent and ensure a satisfactory development in accordance with Policies CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

CONDITIONS RELEVANT FOR LIFETIME OF DEVELOPMENT

2. The residential accommodation hereby permitted shall only be occupied:
 - a) by refugees from the Ukraine under the UK Government's 'Homes for Ukraine' sponsorship scheme;
 - b) for a maximum period of three years from the date of this permission; and
 - c) subject to an annual review, beginning one year from the date of this permission, whereby the applicant/owner confirms to the local planning authority in writing that the specific housing need identified in Part a) above remains applicable.

When the premises cease to be occupied by persons specified in Part a) above, or at the end of 3 years (whichever occurs first), the use hereby permitted shall cease and the building shall revert to its previous use as a place of worship and incidental community/meeting venue.

Reason: To define the consent and safeguard established community services and facilities, in accordance with Policies CS8 and CS15 of the Shropshire Local Development Framework Adopted Core Strategy.

3. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order modifying, revoking or re-enacting that Order), no extension, outbuilding or other building/structure shall be erected or installed at the site, or alterations carried out, without an express planning permission first being obtained from the Local Planning Authority.

Reason: Permission is granted specifically for a temporary use of the building in its current form.

INFORMATIVES

1. This development may be liable to a payment under the Community Infrastructure Levy (CIL) which was introduced by Shropshire Council with effect from 1st January 2012. For further information please contact the Council's CIL team (cil@shropshire.gov.uk).
2. This planning permission does not authorise the applicant to:
 - construct any means of access over the publicly maintained highway (including any footway or verge);
 - carry out any works within the publicly maintained highway;

- authorise the laying of private apparatus within the confines of the public highway, including any a new utility connection; or
- disturb any ground or structures supporting or abutting the publicly maintained highway.

Before carrying out any such works the developer must obtain a licence from Shropshire Council's Street Works Team. For further details see <http://www.shropshire.gov.uk/roads-and-highways/developing-highways/>.

Please note that Shropshire Council requires at least three months' notice of the developer's intention to commence any works affecting the public highway, in order to allow time for the granting of the appropriate licence/permit and/or agreement of a specification and approved contractor for the works.

3. In order to control/attenuate surface water at source and avoid increasing the risk of flooding at the site or elsewhere, the use of sustainable drainage systems (SuDS) such as soakaways designed in accordance with BRE Digest 365, water butts, rainwater harvesting, permeable paving, attenuation and grey water recycling should be considered.
4. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework Paragraph 38.



Committee and date
 South Planning Committee
 15th November 2022

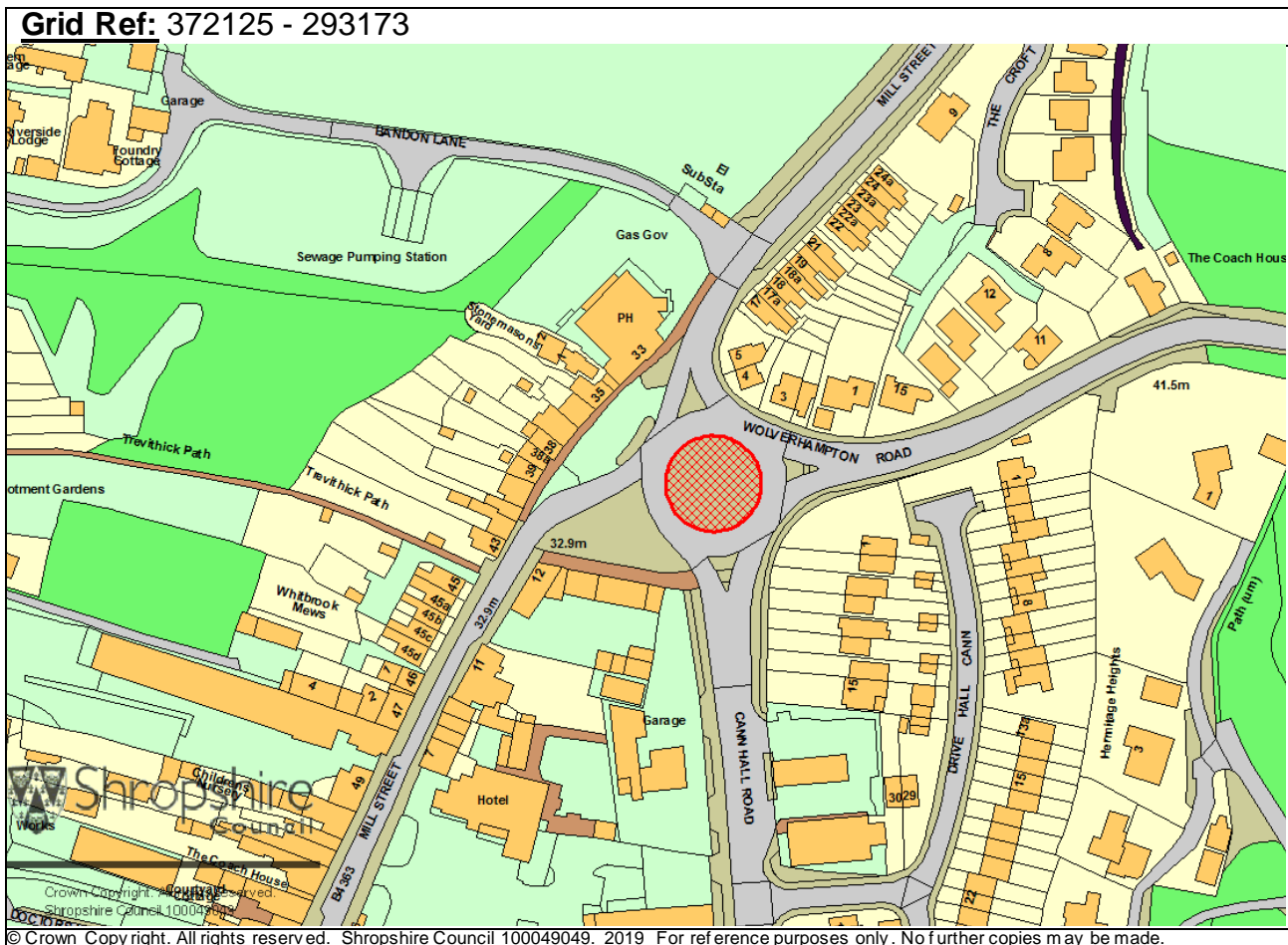
Item
 Public

Development Management Report

Responsible Officer: Tracy Darke
 Email: tracy.darke@shropshire.gov.uk Tel: (01743) 258773 Fax: (01743) 252619

Summary of Application

Application Number: 22/01698/ADV	Parish:	Bridgnorth
Proposal: Erect and display four sponsorship signs placed on the roundabout		
Site Address: Roundabout Junction A442 Cann Hall Road, Mill Street and B4363 Wolverhampton Road, Bridgnorth, Shropshire		
Applicant: CP Media on behalf of Shropshire Council		
Case Officer: Richard Denison	Email: planning.northern@shropshire.gov.uk	



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

REPORT

1.0 THE PROPOSAL

- 1.1 This is an advertisement application for the erection of four identical free standing sponsorship signs on behalf of Shropshire Council. The proposed signs will measure 1.2 metres wide by 0.55 metres tall and constructed from steel and aluminium with a powder coated finish with vinyl graphics applied. The sign will be attached onto two dark blue posts 450mm above ground level. The signs will be positioned on the roundabout facing traffic approaching from each direction. All sponsor plaques will be simple in design and the designs will be approved in writing by Shropshire Council. The minimum length of sponsorship is 12 months and the branding on the signs will remain constant during this period.
- 1.2 This application was deferred from committee on the 26th July 2022 to allow further discussion with Bridgnorth Town Council regarding a potential renewal of the maintenance contract and to investigate cost/revenue benefits. The Council Business Development Manager has been in discussion with Bridgnorth Town Council regarding the transition of the advertising scheme currently ran by the Town Council. However, there is no contract currently in place for sponsorship on this roundabout with Shropshire Council. Bridgnorth Town Council currently maintain this enhanced roundabout, together with three other roundabouts in the town.
- 1.3 The sale price for allowing sponsorship advertising on roundabouts is estimated between £4,000 to £5,000 per year and will depend on the roundabout position and traffic flow. This payment will need to provide for the cost of manufacture and installation of the signs (year one only); 40% share retained by the sign company; payment of an enhanced maintenance for the roundabout; and a business rate payment. With signs provided at the minimum sale price year one would provide a revenue of 16.8% due to cost of sign purchase and installation. Although this would then increase to 37.4% from year two moving onwards. The payment for the enhanced maintenance for the roundabout will be transferred over to highways which will be added to their standard maintenance payment to Bridgnorth Town Council. This will allow the current enhanced maintenance to be provided.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The existing large roundabout is located within Bridgnorth on the approach from the north and east at the junction between the A442 and B4363. The roundabout is relatively flat and grassed with the centre incorporating a metal frame structure representing the bridge which spans the River Severn with landscaping and four small standing stones. There are three existing sponsorship advertisement signs on the roundabout which are unauthorised and were installed by Bridgnorth Town Council and have been on the roundabout more than 13 years. Whilst two temporary signs have also been sited on the roundabout. The roundabout is situated on a main gateway entrance into the town and surrounding by residential properties, a public house and commercial premises. The proposed site falls outside of the Bridgnorth Conservation Area.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 **Shropshire Council, Highways** - No objection is raised on highway safety grounds subject to a site inspection by highways officers prior to the installation and removal of any existing unauthorised signs.

4.1.2 **Bridgnorth Town Council** have maintained this roundabout (the cutting of the grass and maintenance of the flower beds) for some 20 years (initially under license) and we continue to do so. This removes any cost that would otherwise lay with Shropshire Council through either its highways maintenance or Street scene budget. Advertising is already in place on the roundabout and has been for many years. If it is evidenced that the Town Council does not have the appropriate agreement with Shropshire Council to maintain the roundabout, then Shropshire Council will be required to pick up the maintenance regime with near immediate effect. The ownership / license / responsibility for maintenance needs clarification before any planning application can be approved here.

4.2 Public Comments

4.2.1 No public representations have been received.

5.0 THE MAIN ISSUES

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

6.0 OFFICER APPRAISAL

6.1 Background & Policy

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

6.1.2 The National Planning Policy Framework provides guidance on the display of advertisements, in particular paragraph 136 which states "*The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the*

display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts". This is reflected in policy CS6 of Shropshire's Core Strategy and policy MD2 of the Site Allocations and Management of Development (SAMDev) Plan.

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

6.2 Impact on Public Safety

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

6.3 Impact on Visual Amenity

6.3.1 The proposed signs are located on a large roundabout which is within a built-up environment and will be visible to drivers as they approach the roundabout. The signs are modest in size 1.2 metres wide by 0.55 metres tall (total sign area of 0.6 sqm) and will be low to the ground. There are existing street structures including road names, directional signs, bollards, lampposts, etc in and around the proximity of the roundabout. Due to the modest size and low profile of the signs they will not result in a significant visual impact on the street scene or character of the local area.

6.4 Other Matters

6.4.1 Bridgnorth Town Council have indicated that they have maintained this roundabout for some 20 years by cutting the grass and maintenance of the flower beds. This was initially under license with Shropshire Council, although it appears that this agreement has now lapsed, and it would be the responsibility of Shropshire Council to now maintain the roundabout. The responsibility for the maintenance of the roundabout is not a material planning consideration and as such this matter needs to be resolved outside of this advertisement application.

7.0 CONCLUSION

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

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

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 FINANCIAL IMPLICATIONS

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

they are material to the application. The weight given to this issue is a matter for the decision maker.

10.0 BACKGROUND

10.1 Relevant Planning Policies

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

National Planning Policy Framework (July 2021):

Shropshire Council Core Strategy (February 2011):

CS6 : Sustainable Design and Development Principles

Site Allocations and Management Development Plan (December 2016):

MD2 : Sustainable Design

10.2 Relevant Planning History

There is no relevant planning history.

11.0 ADDITIONAL INFORMATION

View details online :

[22/01698/ADV | Erect and display four sponsorship signs placed on the roundabout | Roundabout Junction A442 Cann Hall Road, Mill Street And B4363 Wolverhampton Road Bridgnorth Shropshire](#)

List of Background Papers - Planning Application 22/01698/ADV

Cabinet Member (Portfolio Holder) - Cllr Richard Marshall

Local Members - Cllr Kirstie Hurst-Knight & Cllr Christian Lea

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site. Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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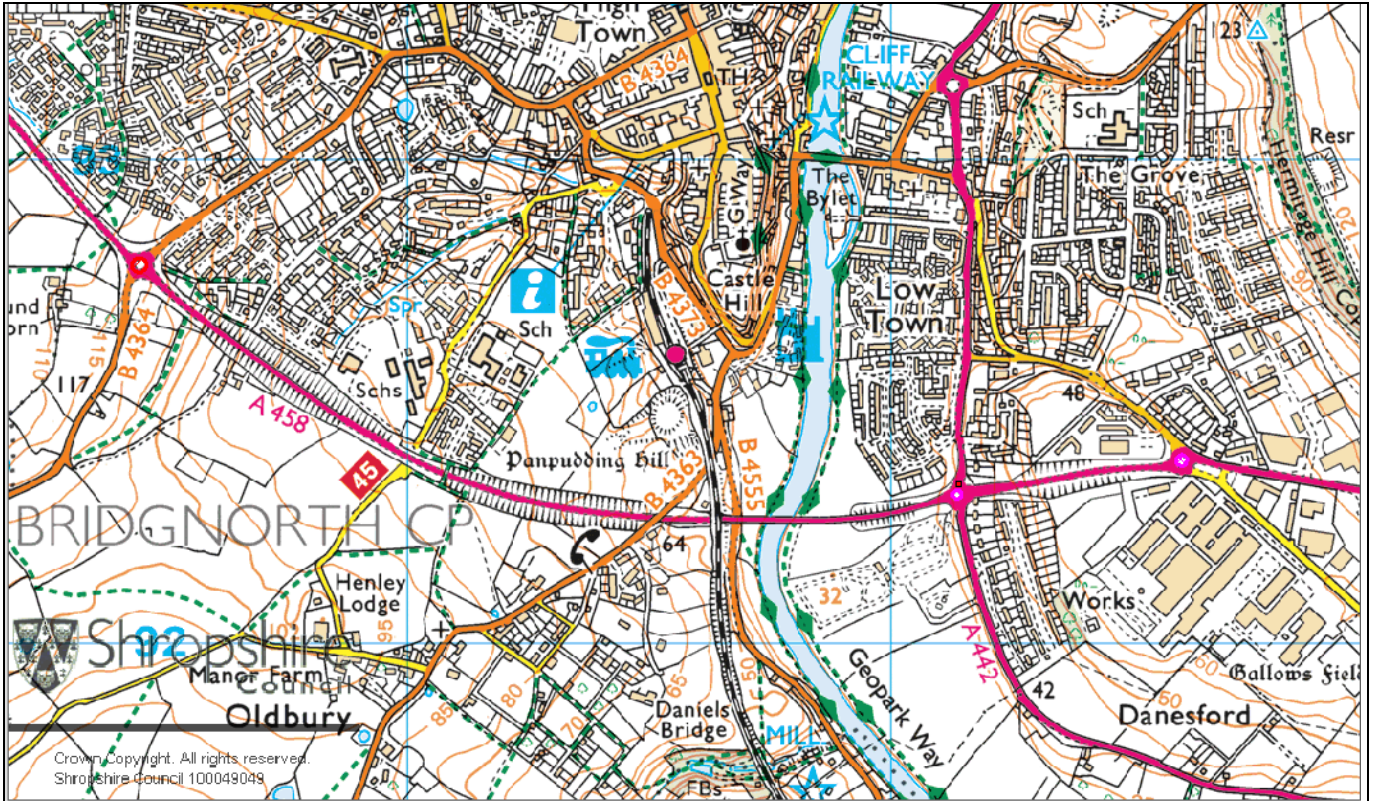
Committee and date
Southern Planning Committee
15th November 2022

Development Management Report

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

Summary of Application

<u>Application Number:</u> 22/03796/ADV	<u>Parish:</u>	Bridgnorth
<u>Proposal:</u> Erect and display 4No sponsorship signs placed on the A458 Stourbridge Road/Old Worcester Road Roundabout and 4No sponsorship signs on A458/A442 Kidderminster Road roundabout and 4No sponsorship signs on A458/B4364 Ludlow Road roundabout		
<u>Site Address:</u> A458 Stourbridge Road/Old Worcester Road Roundabout And A458/A442 Kidderminster Road Roundabout And A458/B4364 Ludlow Road Roundabout Bridgnorth Shropshire		
<u>Applicant:</u> CP Media		
<u>Case Officer:</u> Sara Jones	<u>email</u>	:
	sara.jones@shropshire.gov.uk	
<u>Grid Ref:</u> 372140 - 292332		



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

REPORT

1.0 THE PROPOSAL

1.1 This is an advertisement application for the erection of four identical free standing sponsorship signs on behalf of Shropshire Council on three separate roundabouts in Bridgnorth. They are at the junction of :

- the A458 Stourbridge Road/Old Worcester Road (SHP038);
- the A458/A442 Kidderminster Road (SHP039); and
- the A458/B4364 Ludlow Road roundabout (SHP041).

The proposed signs would measure 1.2 metres wide by 0.55 metres tall and constructed from steel and aluminium with a powder coated finish with vinyl graphics applied. The sign is proposed to be attached onto two dark blue posts 450mm above ground level and to be positioned on the roundabouts facing traffic approaching from each direction. All sponsor plaques would be simple in

design and the designs approved in writing by Shropshire Council. The minimum length of sponsorship is 12 months and the branding on the signs would remain constant during this period.

2.0 SITE LOCATION/DESCRIPTION

2.1 These existing large roundabouts are located within Bridgnorth on the various approach roads into the Town from the south, east and west. Taking the roundabouts in turn:

The A458 Stourbridge Road/Old Worcester Road (SHP038) – This roundabout is located at the eastern end of the Bridgnorth by-pass and to the southeast of the Aldi Stores. It is relatively flat with a grassed outer perimeter, beyond a relatively narrow hard surfaced perimeter and a landscaped centre. The roundabout has 3 existing signs located within the grassed area adjacent the existing highways structures.

The A458/A442 Kidderminster Road (SHP039) - This roundabout is located to the east of the River Severn and is slightly raised with a hard surfaced perimeter and a landscaped centre. The roundabout has 4 existing signs located within the perimeter of the inner landscaped area adjacent the existing highways structures. This roundabout is adjoined by existing residential development to the north and south and to an established caravan park to the southwest.

The A458/B4364 Ludlow Road roundabout (SHP041) – This roundabout is located at the western end of the Bridgnorth by-pass and is relatively flat with a grassed outer perimeter and a landscaped centre. The roundabout has 3 existing signs located within the grassed area adjacent the existing highways structures.

2.2 The existing signs which occupy the roundabouts are unauthorised, some of which were installed by Bridgnorth Town Council and have been on the roundabout more than many years.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 **SC Highways** - No objection is raised on highway safety grounds subject to a site inspection by highways officers prior to the installation and removal of any existing unauthorised signs.

4.1.2 **SC Trees** - No objection on arboricultural grounds to the proposed installation of four sponsorship signs on each of the roundabouts, as shown on the submitted block plans. This position is, however, based on the assumption that the signs will be installed using individual post holes for the two supporting legs or struts of each sign, which can be hand dug and micro-positioned if necessary to avoid significant tree roots (ie roots greater than 25m diameter, or massed aggregations of fine roots). Consider it unlikely that any significant roots will be discovered, given the relatively young ages of the trees and the distance the signs are

to be installed from their stems. If, however, large scale excavations are planned or it is known that works are likely to cause damage to significant tree roots.

4.1.3 **Bridgnorth Town Council** - No objection in principle subject to the roundabouts in question being of sufficient size to display the signs without conflict with highways directional signage.

4.2 **Public Comments**

4.2.1 No public representations have been received.

5.0 **THE MAIN ISSUES**

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

6.0 **OFFICER APPRAISAL**

6.1 **Background & Policy**

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

6.1.2 The National Planning Policy Framework provides guidance on the display of advertisements, in particular paragraph 136 which states "*The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple,*

efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts". This is reflected in policy CS6 of Shropshire's Core Strategy and policy MD2 of the Site Allocations and Management of Development (SAMDev) Plan.

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

6.2 **Impact on Public Safety**

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

6.3 **Impact on Visual Amenity**

6.3.1 The proposed signs are located on relatively large and will be visible to drivers as they approach each of the roundabouts. The signs are modest in size 1.2 metres wide by 0.55 metres tall (total sign area of 0.6 sqm) and will be low to the ground. There are existing street structures including, directional signs, bollards, lampposts, etc in and around the proximity of the roundabout.

6.3.2 The roundabouts are attractively landscaped, and the SC Tree Officer has been consulted on the application. As noted above the installation of the signage proposed is considered unlikely to have an adverse impact on the existing soft landscaping and the agent has confirmed that the signs would be installed using hand dug individual post holes approximately 150-200mm in diameter and some 400mm deep.

6.3.3 Due to the modest size and low profile of the signs they will not result in a significant visual impact on the street scene or character of the local area.

6.4 **Other Matters**

6.4.1 It is understood that the Bridgnorth Town Council have been maintaining these roundabouts for many years and that this was initially under license with Shropshire Council, although it appears that this agreement has now lapsed, and it would be the responsibility of Shropshire Council to now maintain the roundabouts. Whilst the responsibility for the maintenance of the roundabout is not a material planning consideration and as such this matter needs to be resolved outside of this advertisement application, it is understood that Members of the Planning Committee have previously raised concerns (under application 22/01698/ADV which returns to this Committee) about the potential renewal of the maintenance contract and to investigate cost/revenue benefits. The Council Business Development Manager has been in discussion with Bridgnorth Town Council regarding the transition of the advertising scheme currently run by the

Town Council. However, there is no contract currently in place for sponsorship on these roundabouts with Shropshire Council. Bridgnorth Town Council currently maintain these enhanced roundabouts, together with one other roundabout in the town (application 22/01698/ADV refers).

6.4.2 The sale price for allowing sponsorship advertising on roundabouts is estimated between £4,000 to £5,000 per year and will depend on the roundabout position and traffic flow. This payment will need to provide for the cost of manufacture and installation of the signs (year one only); 40% share retained by the sign company; payment of an enhanced maintenance for the roundabout; and a business rate payment. With signs provided at the minimum sale price year one would provide a revenue of 16.8% due to cost of sign purchase and installation. Although this would then increase to 37.4% from year two moving onwards. The payment for the enhanced maintenance for the roundabout will be transferred over to highways which will be added to their standard maintenance payment to Bridgnorth Town Council. This will allow the current enhanced maintenance to be provided.

7.0 CONCLUSION

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

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

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.
- The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural

justice. However, their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore, they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than 6 weeks after the grounds to make the claim first arose first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

MD2 - Sustainable Design

MD12 - Natural Environment

RELEVANT PLANNING HISTORY:

None

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RGRU5NTDIBQ00>

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 Christian Lea Cllr Kirstie Hurst-Knight
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

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

2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

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

3. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity

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

4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

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

5. No advertisement shall be sited or displayed so as to

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle

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

6. The development shall be carried out strictly in accordance with the approved plans, 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

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

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

SCHEDULE OF APPEALS AS AT COMMITTEE 15 NOVEMBER 2022

LPA reference	21/00983/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs Rowbotham
Proposal	Erection of dwelling, and associated landscaping
Location	Land Rear Of Aston Top Bache Mill Shropshire
Date of appeal	18.11;2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	10.10.2022
Costs awarded	
Appeal decision	Dismissed

LPA reference	22/01912/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr & Mrs T Mulloy
Proposal	Erection of first floor extension over existing garage, installation of dormer windows to be formed in existing bedroom
Location	Riverside Cottage Cound Shrewsbury Shropshire SY5 6AF
Date of appeal	12.10.2022
Appeal method	Householder Fast Track
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	21/01569/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Ryan Jones
Proposal	Erection of dwelling and formation of vehicular access (amended)
Location	Proposed Dwelling North East Of 24 Snailbeach Shropshire
Date of appeal	06.07.2022
Appeal method	Written Representations
Date site visit	
Date of appeal decision	12.10.2022
Costs awarded	
Appeal decision	Allowed

LPA reference	21/05826/CPL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr D Watts
Proposal	Application for a Lawful Development Certificate for the proposed siting of a residential lodge built to caravan spec, ancillary to the main house
Location	Mistletoe Cottage Crows Nest Snailbeach Shrewsbury Shropshire SY5 0LU
Date of appeal	25.04.2022
Appeal method	Householder Fast Track
Date site visit	16.09.2022
Date of appeal decision	18.10.2022
Costs awarded	
Appeal decision	Dismissed

LPA reference	21/04561/FUL
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Mr James Simmonds
Proposal	Erection of 2no detached dwellings
Location	Proposed Residential Development Land North Of Bache Arms Off Coronation Street Highley Shropshire
Date of appeal	18.10.2022
Appeal method	Written representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	21/03873/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr A McDonagh
Proposal	Proposed siting of 5 Glamping Pods and 2 Log Cabins and installation grass grid access track at existing caravan and camping site
Location	Withies Campsite Stretton Road Much Wenlock TF13 6DD
Date of appeal	19.10.2022
Appeal method	Written representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	22/00071/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr & Mrs D Lewis
Proposal	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
Location	Proposed Holiday Let Accommodation SW Of Westwood House Stretton Westwood Much Wenlock Shropshire
Date of appeal	20/10/2022
Appeal method	Written representations
Date site visit	
Date of appeal decision	20/10/2022
Costs awarded	
Appeal decision	Appeal withdrawn

LPA reference	22/02284/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr M Webb
Proposal	Erection of a dwellinghouse following demolition of existing buildings (resubmission)
Location	Proposed Dwelling To The East Of 25 Homer Much Wenlock Shropshire
Date of appeal	20/10/2022
Appeal method	Written representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	22/01033/CPL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr David Smith
Proposal	Application for a Lawful Development Certificate for the erection of a single storey garden room to rear
Location	Curlew Cottage Rowe Lane Stanton Long Much Wenlock TF13 6LS
Date of appeal	20.06.2022
Appeal method	Written representaions
Date site visit	27.09.2022
Date of appeal decision	24.10.2022
Costs awarded	
Appeal decision	Dismissed

LPA reference	
Appeal against	
Committee or Del. Decision	
Appellant	
Proposal	
Location	
Date of appeal	
Appeal method	
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

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Appeal Decision

Site visit made on 18 January 2022

by **J Williamson BSc (Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 October 2022

Appeal Ref: APP/L3245/W/21/3278244

Aston Top, Rock Cottages Junction to Wetmoor, Bache Mill SY7 9JX

- 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 Rowbotham against the decision of Shropshire Council.
 - The application Ref 21/00983/FUL, dated 12 February 2021, was refused by notice dated 10 May 2021.
 - The development proposed is described as erection of 1 No. detached single storey residential property within the curtilage of Aston Top along with associated landscape.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The main parties agree that the proposal would create an isolated home in the countryside. Given that there would only be one other dwelling within proximity of the proposed dwelling, ie the host dwelling 'Aston Top', I agree with the conclusion reached by the main parties on this matter.
3. The appeal site is located within an area where local and national planning policies restrict new housing to specified categories. The proposal does not meet any of the exceptions provided for within development plan policies. However, the National Planning Policy Framework (the Framework) is an important material consideration that carries considerable weight. Paragraph 80 of the Framework advises that planning decisions should avoid isolated homes in the countryside, unless one or more of the circumstances listed in sub paragraphs 80 (a) to (e) apply.
4. Following submission of the appeal a revised Framework was published. The main parties were given the opportunity to comment on whether the revisions had any implications for the appeal. I have taken the comments received into account. I note that a key difference between paragraph 80 (e) of the latest iteration of the Framework and paragraph 79 (e) of the 2019 version, is that the words "*or innovative*" have been removed from the paragraph. I have determined the appeal having regard to the revised Framework.

Main Issues

5. Considering the above and the evidence before me, the main issues are whether the design of the proposed dwelling would be of "*exceptional quality*", *vis a vis* sub paragraph 80 (e) of the Framework, and consequently whether the site is a suitable location for residential development, having regard to relevant local and national policies.

Reasons

6. Paragraph 80 (e) of the Framework allows for the development of isolated homes in the countryside if

"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."*

7. The main parties agree that, for the proposal to be deemed to be of exceptional quality it must satisfy all the criteria outlined in sub paragraph 80 (e). I accept the appellant's contention that the proposal should be appraised holistically. I shall address the elements identified in sub paragraph 80 (e) as a way of informing my opinion of the proposal when viewed as a whole. I have had full regard to the input into the design process provided by the Design:Midlands Design Review Panel, (DRP), which considered the proposal met the requirements of what was paragraph 79 (e) of the 2019 Framework.
8. Therefore, initial key questions are: is the proposal truly outstanding, reflecting the highest standards in architecture? Would it help raise standards of design more generally in rural areas? Would it significantly enhance its immediate setting? Would it be sensitive to the defining characteristics of the local area?

The site and its context

9. For planning policy purposes, the site is located within open countryside, on the southeast dip slope of Wenlock Edge in the Shropshire Hills Area of Outstanding Natural Beauty (AONB). I have a statutory duty¹ to have regard to the purpose of conserving and enhancing the natural beauty of AONBs. Additionally, the Framework advises that great weight should be given to conserving and enhancing landscape and scenic beauty in specified areas, including AONBs, which have the highest status of protection in relation to such issues.²
10. The site is 0.9 hectares in size and includes the existing dwelling, Aston Top (a converted red brick barn), its long, doglegged access drive, and a triangular shaped mown field. The field makes up most of the site area and is the land to which the proposal relates. It gradually slopes from its northern tip to its southern tip, with a difference of around 10 m in height between the highest and lowest points. Despite the field being maintained as a mown area, it has historically been in agricultural use. It replicates the open nature of the surrounding, historic agricultural field enclosure. Except for small areas to the rear and side of the existing dwelling, the site is bounded on all sides by mature hedgerows, with a small number of hedgerow trees interspersed along the site's eastern boundary.
11. The site is surrounded mainly by open fields in agricultural use, with woodland located beyond the west, north-west and northern boundaries of fields to the west and north of the site. As noted, it is isolated from other residential

¹ Section 85 of the Countryside Rights of Way Act 2000 (CRoW)

² Paragraph 176 of the Framework

development, the nearest hamlets are Aston Munslow and Bache Mill, broadly to the east and south of the site respectively. The properties within these hamlets do not exhibit a single architectural style and a mix of materials are used on their external surfaces. Other built development within the area consists of individual farmhouses and associated agricultural buildings dispersed throughout the surrounding countryside. In my opinion, the proposed dwelling does not necessarily have to be like other properties in the surrounding landscape or the hamlets of Aston Munslow and Bache Mill to qualify as being a design of "exceptional quality".

12. A sunken lane (bridleway/Public Right of Way) passes the eastern boundary of the site, the edges of which comprise of mature native hedgerows and several mature hedgerow trees. I accept that the site and the proposal would barely be visible from most points within the surrounding area. However, during my visit I observed that there are existing gaps in, and less dense stretches of, the hedgerow along the eastern boundary of the site/western edge of the lane. These currently provide clear views from the lane over the open field to the isolated dwelling, Aston Top. Additionally, the north-western boundary hedge and the tree line beyond are visible from the gated access into the field north of the site, located off the lane north-east of the site.
13. The Shropshire hills are characterised by rugged and mostly bare-topped hills, mixed agricultural land in the intervening valleys and dales, and woodland areas located on ridges and small hills. The key components of the AONB are the hills (the main scarps and ridges comprising of the Stiperstones, Long Mynd, Stretton Hills & Wrekin, Clee Hills and Wenlock Edge), farmed countryside, woodlands, rivers and river valleys. Other special qualities include the area's geology, wildlife, heritage, and environmental & scenic quality. The surrounding Shropshire hills and landscape of the AONB provide the wider context within which the site is located.
14. With regard to its immediate context, the site lies within the 'Wooded Hills and Estate lands' landscape character type defined in the Shropshire Landscape Typology characterisation (SLT). It is also very close to the landscape character type area designated as 'Principal Wooded Hills'. The key aspects of the Wooded Hills and Estate lands landscape character type identified in the SLT characterisation are prominent, sloping topography; large discrete blocks of woodland; mixed farmlands, with field patterns largely ancient in origin, generally bounded by hedgerows; hedgerow trees that form canopy cover and in places create framed and filtered views; clustered settlement pattern of hamlets and villages, and medium-large landscape offering filtered views. The Principal Wooded Hills landscape character type features an interlocking pattern of large blocks of broadleaf woodland, and low-density dispersed development.

The proposal

15. In summary, the proposal consists of a single-storey, detached dwelling and associated landscaping. The dwelling would be sited towards the northern edge of the site, at its highest point. A sweeping driveway would wend its way from the bend in the existing access driveway to Aston Top, to the rear of the proposed dwelling, where an area of hard standing for parked vehicles and an internal garage would be located. A sunken area would be created which would act as a cold sink to provide cool air. The remaining area of the triangular field would be landscaped.

16. The footprint of the proposed dwelling would broadly be the shape of a reversed 'L' rotated 90 deg clockwise. A linear wall would form the spine of the building, with primary accommodation located in a pavilion style structure on the southern side of the spine, and service accommodation located on the northern side.
17. The design incorporates a range of passive and active sustainable technologies, to enable the property to operate independently of external services such as gas, electric, water and mains drainage.
18. The building would be partially cut into the landscape at the rear, thereby providing some thermal heat storage. The front, pavilion style structure would have a shallow, mono-pitched roof covered in standing seam zinc sheeting with integrated solar photovoltaic film to generate power for use in the property. The roof would overhang an external terrace at the front and side of the building; the overhang is designed to prevent overheating and minimise glare.
19. The rear section would have a flat, 'green roof', which would assist in managing rainwater run-off, provide additional habitat opportunities and help integrate the building into the landscape. The spine and elevations of the rear section would be constructed from locally quarried stone.
20. The front and side elevations of the front structure would comprise mainly of large, glazed openings, virtually floor to ceiling in height, to provide expansive views of the surrounding landscape from within the dwelling. The pillar-like sections of elevation between the glazed openings would be timber clad with locally sourced timber.
21. The proposal would include a ground coupled heat exchange system, to allow more sustainable heating and cooling of the property; and fenestration openings would be sited to allow cross ventilation.
22. The proposed landscaping forms an important part of the proposal. All existing boundary hedgerows and hedgerow trees would be retained; the hedgerows along the eastern and northern boundaries of the site would be strengthened. A new entrance point would be created, beyond which the sweeping drive would be laid. A variety of grasses and meadow plants would be planted across the site. Blocks of trees, including fruit trees, would be planted within various parts of the site. Several limestone exposure areas would be created. Drainage would be provided within the site's landscaped area.

Appraisal

23. I acknowledge that the final design has been arrived at via an iterative process, with the broad aims of seeking to meet the client's brief as well as trying to create a dwelling that would be sympathetic to the characteristics of the site and its surroundings. I accept that the proposal meets the client's brief. However, I consider it does not create a dwelling that would be sympathetic to the characteristics of the site and its surroundings. I shall explain my reasoning below.
24. I accept that, within the context of the site and its immediate surrounds, the siting, size and massing of the proposed dwelling would ensure that the building would not be prominent within the landscape. It would also be orientated to maximise solar gain. The internal layout and fenestration design would be functional for future occupants, both in the immediate and longer

- term, and it would maximise views out of the building over the site to the landscape beyond. The designated car parking area and garage would also ensure parked vehicles would not be prominent within the site.
25. However, it is fairly evident that a single-storey building with a low pitched/flat roof design, partially cut into the land, would be less prominent within the landscape than a building with more storeys and/or steep, dual-pitched roofs. Additionally, given that the site is an open field with no surrounding buildings or trees located such that sunlight would be significantly obstructed, I think the decision to orient the property as proposed, to maximise solar gain, is not a remarkable one. Furthermore, given that the proposed dwelling would be sited on the highest part of the site, with the land sloping away broadly to the south, I do not consider the inclusion of large window openings on the southern side of the building, to provide views from within the dwelling over the landscape, to be a particularly impressive design feature. Although it is commendable that the proposed car parking area and garage would be sited behind the property, again, I consider the concept is not one that warrants a high degree of praise.
 26. To illustrate some of the views I have expressed above, I note that the existing dwelling, Aston Top, exhibits some features comparable to those proposed. For example, the property is sited close to the highest part of the site; it has its largest windows positioned on its southern facing elevations, and the hard standing area and garage are tucked away on the northern side of the property.
 27. It is commendable that the proposed main external materials would be from within the area, thereby providing materials from the wider landscape within which the proposed dwelling would be located, as well as reducing CO2 emissions by minimising the distances materials would have to be transported. However, I do not consider the use of local materials, that are broadly relevant to the site's context, which would have been transported over relatively short distances, to be outstanding aspects.
 28. It is also commendable that the proposal would include a range of sustainable design features and technologies to enable the property to operate independently of external services, thereby minimising the carbon footprint of the dwelling. However, the use of such features and technologies, which are a significant part of the design concept, is not uncommon these days.
 29. I accept that the use of a green roof over part of the proposed dwelling would help integrate the building into the landscape, assist in managing rainwater run-off, and provide additional habitat opportunities. However, again, the use of green roofs on buildings is not rare.
 30. It is asserted by the appellant that the planting layout and landscape design reflects the arrangement and patterns of vegetation found around the site and the wider landscape context. However, as noted above, the immediate surrounds comprise of open agricultural fields.
 31. I accept that strengthening the hedgerows along the eastern and northern boundaries of the site and planting additional hedgerow trees would improve the visual quality of these boundaries, as well as the habitat opportunities afforded by them. However, retaining the existing hedgerows and hedgerow trees would not be an impressive achievement. Furthermore, the visual and habitat improvements that would result from additional hedgerow and

- hedgerow tree planting would be minor and could be achieved without the proposed dwelling being constructed.
32. The appellant suggests that a maintenance strategy for the site would minimise the level of mechanical mowing required, partly due to the grassland being managed through sheep grazing. It is also contended that the hedgerows and hedgerow trees would be better maintained. However, no details have been provided to demonstrate how sheep would graze the landscaped area in a manner that adheres to the defined areas shown on the proposed landscape plan. Neither has there been any explanation as to how or why the existing hedgerows and hedgerow trees would be better maintained than they are at present, should the proposed dwelling be constructed. Reducing the amount of mechanical mowing and planting additional grasses and trees could be carried out by the appellant without having to construct the proposed dwelling. Except for some existing gaps in, and less dense stretches of, the hedgerow along the eastern boundary of the site (as noted above), at the time of my visit the hedgerows and hedgerow trees appeared to be well maintained.
33. I accept that the ecological value of the site is currently negligible (though I note the supporting Habitat Survey concludes that this is a result of current management practice of regular mowing³). As such, I also accept that the proposed landscaping, along with the proposed green roof, would provide additional habitat, which would improve the ecological value and biodiversity of the site. However, the extent of such enhancements is not quantified in the evidence. In my opinion, the nature and extent of such enhancements would not be substantial.
34. Considering all the above, I disagree with the conclusion reached in the appellant's Landscaping Assessment & Development Statement, ie that the proposed treatment of the site would retain its open feel/sense of openness. Except for a few beehives, the site is currently devoid of any built development. Although the proposal would not be visible from most points within the surrounding landscape, even with strengthened hedgerow and hedgerow tree planting, at minimum there would still be filtered views of the building and associated landscaping from the lane to the east of the site. The existing open views across the site to Aston Top would no longer exist; and the site would no longer appear as an open field that replicates the open nature of the surrounding, historic agricultural field enclosure. It would become a domesticised, residential site.
35. The site would also be visible to all visitors (such as family, friends, and delivery staff) to the resultant new dwelling and the existing dwelling, Aston Top. Additionally, as the upper part of the northern facing elevation and the chimney would extend above the north-western hedgerow boundary, the proposed dwelling would be visible from a section of the lane north-east of the site; and it would be visible to farm workers managing the field north of the site. The existing uninterrupted view over a field boundary hedgerow with woodland beyond would no longer be uninterrupted.
36. In addition to the presence of the building itself, users of the lane to the east of the site would, at times, be conscious of the building's presence due to domestic noise emanating from the site, created by future occupants when using the outdoor terrace/seating/entertainment area around the property.

³ Section 7, Conclusion, of the Extended Phase One habitat Survey, Arbour Vitae, April 2017

Such noise would disrupt the existing tranquil nature of the site and immediate surrounds. Additionally, although it is suggested that external lighting would be kept to a minimum, with the large, glazed openings on the southern elevation, it is likely at times that internal lighting would make the property more visible within the site.

37. I accept that the proposed landscaping would provide some enhancements. However, again, I consider the nature and extent of such enhancements not to be substantial.
38. Considering the proposal as a whole, for the reasons outlined, I am not persuaded that the design is truly outstanding or that it comprises the highest standards in architecture. I do accept that the proposal would be designed to a high standard. I also conclude that the proposal would not be sensitive to key defining characteristics of the local area, nor do I think it would significantly enhance its immediate setting.
39. Taken as a whole, I consider the proposal would harmfully alter the character and appearance of the site, from that of an open field synonymous with the surrounding historical field patterns, to that of a domesticised residential plot. Such a change would damage one of the most important characteristics of the site and its immediate surrounds; as such, it would erode the scenic beauty of the immediate landscape within which it is located and the wider landscape of the AONB.
40. I therefore conclude that the standard of design does not reach the very high bar of being of "*exceptional quality*". Consequently, the proposal does not satisfy sub paragraph 80 (e) of the Framework, and therefore the design of the proposal does not justify allowing an isolated open market dwelling in the countryside that would be contrary to policies CS1, CS4, CS5, CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy, 2011, (CS), and policies MD1, MD3, MD7a and S7 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan, 2015.
41. Collectively, and among other things these policies seek to direct residential development to areas identified within the development plan and control the construction of homes within the countryside in accordance with national planning policies. They require development to respect local distinctiveness, protect, conserve, or enhance an area's character and appearance, including the natural environment and the landscape of the AONB. Additionally, the proposal does not adhere to policies in the Framework that seek to protect and enhance valued landscapes and the intrinsic beauty of the countryside; nor does the proposal adhere to the statutory duty of the CRoW placed on me, ie to protect and enhance the natural beauty of the AONB.

Other Considerations & Planning Balance

42. Planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The appellant has suggested the following considerations justify determining the proposal not in accordance with the development plan.
43. The appellant suggests that paragraph 11 of the Framework, which requires decisions to apply a presumption in favour of sustainable development, is engaged, and that permission should be granted as any adverse impacts

resulting from the proposal would not significantly and demonstrably outweigh the benefits. However, I disagree with the suggestion that paragraph 11 is engaged.

44. Sub paragraphs 11 c) and 11 d) are the relevant paragraphs with regard to decision-taking; 11 c) advises that development proposals that accord with an up-to-date development plan should be approved without delay; or, with regard to 11 d), where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, permission should be granted unless: i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
45. I have concluded above that the proposal does not accord with development plan policies; therefore, paragraph 11 c) does not apply. I have not been provided with any evidence to suggest that there are no relevant development plan policies, or that the policies which are most important for determining the application are out of date. Consequently, paragraph 11 d) is not engaged. Nevertheless, the planning balance required by s38(6) of the Planning and Compulsory Purchase Act 2004 still needs to be undertaken.
46. The appellant contends that the quality of design is of exceptional quality and therefore this should attract significant weight in support of the proposal. In contrast to the conclusion reached by the appellant, I have concluded that the design is not of exceptional quality. I consider it to be of high quality. Policy CS6 of the CS requires, among other things, development to be designed to a high quality. Paragraph 126 of the Framework advises that the creation of high quality, beautiful buildings is fundamental to what the planning process should achieve; and that good design is a key aspect of sustainable development. Hence, high quality design is a requirement of local and national planning policies. As such, I cannot attach any additional weight to the consideration of design in support of the proposal. I attach limited weight to the matter of sourcing materials locally.
47. The appellant contends that the proposal constitutes sustainable development and that this is a matter that should attract significant weight. The Framework advises that achieving sustainable development means that the planning system has 3 overarching objectives: economic, social, and environmental.
48. With regard to the economic benefits that would be derived from the proposal, although there would be some from the phase of construction and future occupants contributing to the area's economy, the scale of such benefits would be minor. As such, I attach limited weight to this aspect.
49. The proposal would provide an additional dwelling and it would enable the current occupants of Aston Top to remain within their existing residential environment. However, one dwelling would be a very minor contribution to the housing needs of the area. Additionally, it has not been demonstrated that the only way the appellants would be able to remain in the area is by constructing the proposed dwelling. I therefore attach limited weight to these matters.
50. The proposal would include a range of passive and active sustainable technologies. Although Policy CS6 of the CS refers to a checklist within a

Sustainable Design SPD, I have not been provided with such details. Notwithstanding the broad requirements of local and national planning policies, I consider the combined range of active and passive sustainable technologies within the proposal exceed the usual range and extent proposed in new developments. As such, I attach significant weight to this aspect of the proposal.

51. The proposed landscaping and green roof would provide some landscape and ecological enhancements. However, policies CS6 and CS17 of the CS require all development to protect, restore, conserve, *and enhance* the natural environment. Paragraph 174 of the Framework advises that planning decisions should contribute to *and enhance* the natural and local environment by, among other things, protecting *and enhancing* valued landscapes, and by providing *net gains* for biodiversity. Also, as noted above, paragraph 176 advises that great weight should be given to conserving *and enhancing* landscape and scenic beauty in AONBs.
52. I have concluded above that neither the landscape nor the ecological enhancements would be substantial. Within the context of the site, ie Wooded Hills and Estate lands landscape character type and AONB, given that local and national policies require such enhancements I do not attribute any additional weight to such aspects in support of the proposal.
53. Bearing in mind the other considerations outlined, I consider that they neither individually nor collectively outweigh the substantial harm to the immediate and surrounding landscape I have identified.

Other Matters

54. The appellant has indicated that he is happy to agree the requisite affordable housing contribution through either a Unilateral Undertaking (UU) or a Section 106 Agreement (S106). Although neither a UU nor a S106 Agreement has been submitted, as I am dismissing the appeal for other substantive reasons there has been no need to pursue this matter. Furthermore, even if such a document had been provided, it would not have altered my Decision.

Conclusion

55. Considering all the above, I conclude that the proposal does not accord, as a whole, with policies in the development plan. Furthermore, there are no other considerations, including policies in the Framework, that lead me to conclude other than in accordance with the development plan. For the reasons outlined, I therefore conclude that the appeal is dismissed.

J Williamson

INSPECTOR

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Appeal Decision

Site visit made on 6 September 2022

by **Samuel Watson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 October 2022

Appeal Ref: APP/L3245/W/22/3294622

Wychend, 24 Snailbeach, Shrewsbury SY5 0NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ryan Jones against the decision of Shropshire Council.
 - The application Ref 21/01569/FUL, dated 25 March 2021, was refused by notice dated 3 November 2021.
 - The development proposed is for the erection of a dwelling and formation of a vehicular access (amended).
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a dwelling and formation of a vehicular access (amended) at Wychend, Shrewsbury SY5 0NS in accordance with the terms of the application, Ref 21/01569/FUL, dated 25 March 2021, subject to the conditions set out below.

Preliminary Matters

2. The proposal was originally applied for as an outline application but was amended during the planning application process to a full application. I have therefore treated it as such in my considerations below. As a result, I have also taken the description of development in the header above from the Council's decision notice and appellant's appeal form.

Main Issues

3. The main issues are (i) whether the site is suitable for new housing; and, (ii) the effect of the proposal on the character and appearance of the surrounding area, with particular regard to the conservation area, scheduled monument and Area of Outstanding Natural Beauty.

Reasons

Whether Suitable Location

4. Policies CS1 and CS4 of the Shropshire Local Development Framework: Adopted Core Strategy (the CS, March 2011) and Policies MD1, MD3 and S2 of the Shropshire Council Site Allocations and Management of Development Plan (the SAMD, December 2015) collectively, and amongst other matters, set out the spatial strategy for residential development. In particular it supports some rural development, in part directing it towards Community Clusters.

5. The appeal site is within Snailbeach, one such Community Cluster, and under SAMD Policy S2 a guideline is set for the provision of around 15 new dwellings within the plan period up until 2026. It is clear from the wording of the policy that this is not a hard ceiling to development, and SAMD Policy MD3 sets out a number of points to be considered when residential development is likely to exceed this guideline. From the evidence before me, I understand that within the Snailbeach Community Cluster there have been 10 completions during the plan period and there are a further 13 extant permissions for residential development.
6. Given the above, there is a potential for 8 dwellings over the guideline limit of 15 to be provided, the proposal would increase this to 9. I note the Council's concerns that such an increase would have the potential to put undue strain on the services and facilities of Snailbeach. However, I have not been provided with any substantive evidence to demonstrate that local services and facilities could not accommodate a further increase of 1 dwelling.
7. Moreover, lacking any evidence to demonstrate that all of the extant permissions would, or would not, be completed out during the plan period, I find it likely that most of the permissions would be completed. However, even if only one dwelling was not completed during the plan period this would result in the proposal before me not creating any greater over provision than has already been found acceptable.
8. I note that both main parties also agree that the proposal would result in at least some economic and social benefits as a result of the new dwelling. Given this, and the above, there would not be an unacceptable impact on the Community Cluster as a result of a strain on services and facilities stemming from an additional 1 dwelling.
9. In light of the above, the proposal by way of its location within a Community Cluster and the limited increase of 1 new dwelling over the accepted number of new dwellings, would not result in harm to services and facilities or the Council's spatial strategy. The proposal would therefore comply with Policies CS1 and CS4 of the CS and Policies MD1, MD3 and S2 of the SAMD as outlined above.

Character and Appearance

10. The appeal site is located at the end of a terrace of properties on Shop Lane which is within the Snailbeach Conservation Area (the SCA) and the Shropshire Hills Area of Outstanding Natural Beauty (the AONB). Near the site is the Snailbeach Lead Mine Scheduled Ancient Monument (the SLM) and the former railway which served the mine passes close to the front of the appeal site.
11. Snailbeach is formed of a small and loose collection of dwellings that surround the historic lead mine. It appears to have largely arisen in a very sporadic and organic manner. Dwellings are, on the whole, older and traditional in their appearance. Given their hillside siting, buildings are often prominent in views, but the significant tree coverage within and surrounding the village softens this somewhat. Although the majority of dwellings are older, while on site I noted a number of more modern features on these properties, such as glass balustrades.

12. As noted above, the proposal would be close to the former railway track leading towards the SLM. From my observations on site and the evidence before me, I understand that the former track has largely been repurposed as part of the road and footpath network. Although not a feature of the mine itself, the track would have been an integral part of the mine and I find that it does provide some contribute towards the SLMs significance. The significance of the SLM stems from the ready legibility of its former use and the extent to which the mine buildings are still present and intact. I find that the significance of the SCA in part stems from the importance of the SLM, as well as from the residential development that would have sprouted up to support it.
13. The proposal would be a simple dwelling that presents a single storey to Shop Lane which would be visually similar to the existing dwellings within the street scene. As such, and given its linear form, the dwelling would follow the pattern and general appearance of development on Shop Lane. Moreover, in more distant views, including from near the village hall, even though the dwelling would present some more modern features, such as the large area of glazing and glass balustrade, it would nevertheless be sympathetic to the other dwellings visible on the hillside.
14. Although the proposal would introduce a new dwelling close to and read in relation to the former railway, it would do so along a street which is already characterised by residential development. Therefore, although there would be a visual change, the character and historic interest of the railway line would not be adversely affected. Likewise, as Snailbeach and in particular Shop Lane are primarily residential, and as the dwelling would be in keeping with the appearance of the area and seen within the existing envelope of development, it would not result in harm to historic significance of either the SCA or SLM and nor would it result harm to the landscape and scenic beauty of the AONB.
15. In light of the above I find that the proposed new dwelling would not, as a result of its siting, design or relationship to its context, unacceptably affect the character and appearance of the surrounding area including the SCA, SLM and AONB. The proposal would therefore comply with CS Policies CS6 and CS17 and Policies MD2 and MD13 of the SAMD which collectively, and amongst other matters, require that developments are of a high quality that protects and conserves the natural, built and historic environment with consideration to appropriate scale, density and design for the local context.

Other Matters

16. In reaching this decision I have been mindful of the recently dismissed appeal¹, brought to my attention by the appellant, for the erection of one dwelling within a Community Cluster. However, I do not find the Inspector's wording to be so definitive as to be determinative on my judgement, and nevertheless all proposals must be considered on their own merits and that scheme was in a different Community Cluster. Whilst the Council have also referred to a pair of appeals², I have not been provided with any details of these and so cannot ascertain their circumstances or relevance.

¹ APP/L3245/W/21/3274087

² APP/L3245/W/20/3251667 and APP/L3245/W/21/3273622

Conditions

17. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the PPG. In the interests of clarity and enforceability, I have made some changes to the wording. There are a number of pre-commencement conditions proposed by the Council. The appellant had the opportunity to comment on them during the appeal process and confirmed that they would accept any conditions deemed necessary by the Inspector. I consider this also covers the pre-commencement conditions.
18. For certainty, I have set out the timescale for the commencement of development. A condition is also necessary for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans.
19. Given the location of the site in close proximity to a former lead mine and features associated with its functioning, there is a potential for contamination to be found on site. In the interests of health and safety a condition is therefore necessary requiring investigations and, if needed, remediation work to be carried out. As development works may disturb such contamination it would be necessary for the relevant checks to be carried out prior to works starting in earnest, an allowance for some demolition is given as this would ensure a fuller picture of any potential contamination to be gained.
20. Given the historic nature of the site's location, conditions would be necessary to ensure that proper consideration is given to the external materials and detailing of the dwelling and the potential presence of any archaeological works. Archaeological investigations would be necessary prior to the commencement of works in order to ensure that the development does not disturb or otherwise compromise any historic features of interest.
21. Given the nature of the surrounding area as a lush and verdant setting for the development, it would be necessary for a landscaping scheme to be submitted in order to ensure that the site sits suitably within it. Such a scheme would need to come before any developments started in order to ensure that no existing vegetation of importance is lost.
22. As the appellant's environmental impact assessment demonstrates the likelihood of the site supporting animals within the wider area, it would be necessary to ensure that the development does not unacceptably erode its contribution. As such I have imposed a condition requiring the development be carried out in accordance with the recommendations of the assessment. I have not however, included the Council's conditions specifying the provision of artificial habitats or limiting external lighting as these are set out within the assessment's recommendations.
23. In the interests of highway safety, conditions would be necessary to ensure that a suitable access, parking and turning area are provided and that no new boundary treatments or enclosures are erected between the site and Shop Lane.

Conclusion

24. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1:1250, RJVA002-2020, RJVA004-2020.
- 3) No development, with the exception of demolition works where this is for the reason of making the site available for investigation, shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 28 days of the report being completed and approved in writing by the local planning authority.
- 4) No development shall commence until the applicant/owner/developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which shall first be submitted to and approved in writing by the Local Planning Authority.
- 5) No works associated with the development hereby permitted, including site clearance, shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. This shall include: (i) a survey of all existing trees and hedges on and adjacent to the site; (ii) identification of existing trees and hedges which are to be retained, and measures for their protection during the course of construction works; (iii) details of the type/construction, alignment and height of all walls, fences trellises, retaining structures and other boundary treatments/means of enclosure; (iv) details/samples of hard surfacing materials; and (v), timetables for implementation

- 6) The landscaping works shall be completed in accordance with the approved details. Thereafter any trees or plants which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) No above-ground development shall commence until samples/precise details of all external materials and finishes, including for the roof, have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details and retained thereafter.
- 8) No external windows, doors or other glazing or joinery shall be installed until precise details of their material, form and style, including details of glazing bars, mullions, sill mouldings and surface treatments/decorative finishes, have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with approved details and retained thereafter.
- 9) The development hereby permitted shall be carried out in accordance with the Proposed Avoidance Measures, Mitigation and Enhancement set out under Section 5 of the 'Ecological Impact Assessment of Land' by Churton Ecology. Prior to the first occupation of any part of the development, suitable evidence shall be submitted to the Local Planning Authority in order to demonstrate the implementation of these recommendations. These features shall be permanently retained, and the site occupied in accordance with these recommendations thereafter.
- 10) Prior to the first occupation of the development, the vehicular access, parking and turning areas shall be laid out and surfaced in accordance with the approved plans and the details agreed under Condition 5 above. They shall be retained for their intended purposes for the lifetime of the development.
- 11) Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order modifying, revoking or re-enacting that Order), no new or replacement wall, fence, gate or other means of enclosure shall be erected or installed along the front (southeast) boundary of site with Shop Lane without a further, express planning permission first being obtained from the Local Planning Authority.



Appeal Decision

Site visit made on 16 September 2022

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2022

Appeal Ref: APP/L3245/X/22/3295581

Mistletoe Cottage, Crows Nest, Snailbeach SY5 0LU

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Daniel Watts against the decision of Shropshire Council.
 - The application ref 21/05826/CPL, dated 15 December 2021, was refused by notice dated 18 March 2022.
 - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is 'lodge built to caravan specifications which will be located at the rear of property as ancillary and will be in the original curtilage'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of proposed development in the banner heading above is taken from the application form. During the Council's consideration of the application, the appellant agreed to amend the wording to say 'application for a Lawful Development Certificate for the proposed siting of a residential lodge built to caravan spec¹, ancillary to the main house'. I do not believe this description changes the substance of the proposal, though I do find the wording suggested by the Council to be clearer and shall consider the appeal on this basis.
3. The appellant raises concerns regarding the Council's handling of the application, the provision of third party representations and the publication of information on the Council's website. Whilst I have noted the appellant's concerns in this regard, I have seen the representations referred to and am satisfied that the appellant has had the opportunity to comment on matters raised through the appeal. Significantly, the matters raised largely relate to matters concerning the planning merits of the proposal, which are not relevant in determining an application for an LDC.
4. For consistency, I shall refer to the proposal as a 'lodge'.
5. I note an interested party refers to work which they state has already been undertaken within the site, including the excavation of foundations and construction of block walls. However, such works do not form part of the application for an LDC and so do not form part of my consideration of this appeal.

¹ I shall use the term 'specifications'.

Main Issue

6. The main issue is whether the Council's decision to refuse to grant a LDC was well-founded.

Reasons

7. An application under Section 192(1)(a) of the Act seeks to establish whether any proposed use of buildings or other land would be lawful at the time of the application. Section 191(2)(a) and (b) sets out that uses and operations are lawful at any time if: i) No enforcement action may be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and ii) They do not constitute a contravention of any enforcement notice then in force.
8. In an LDC appeal, the onus is firmly on the appellant to make out their case, on the balance of probabilities. As set out above, planning merits form no part of the assessment of an application for a LDC under S192 of the Act and so examples cited of recent planning permissions do not therefore have a bearing on my decision. The proposed development must be considered in the light of the facts and the law.
9. Section 55(1) of the Act sets out the meaning of development. Development comprises two limbs: (1) The carrying out of building, engineering, mining or other operations in, on, over or under land; and (2) The making of any material change in the use of any buildings or other land.
10. The siting of a caravan is generally held to constitute a use of the land and not operational development. In law, a caravan is only a caravan if it meets the description laid down in section 29 of the Caravan Sites and Control of Development Act 1960 and Caravan Sites Act 1968 (CSA)(as amended). The evidence provided by the appellant points towards the proposal being a 'twin-unit' and so section 13 of the CSA, which sets out the meaning of twin-unit caravans, is of particular relevance.
11. Section 13(1) of the CSA defines twin-unit caravans as 'a structure designed or adapted for human habitation which (a) is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and (b) is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer)...'. Section 13(2) sets out the dimension, which length (exclusive of any drawbar): 20 metres; width 6.8m and overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level, 3.05 metres.

Size

12. In order to meet the definition of a twin-unit caravan, the proposed lodge must meet the limitations set out in the CSA. There is no *de minimis* allowance, the requirements are absolute. The 'GF Setting Out Plan' shows that the proposed structure would be a 'twin unit split line on centre' and would measure 16m by

6.7m by 3.195m². While the appellant's agent states that the internal ceiling height once the insulation and ceiling is installed will measure 2.79m, this is not what is shown on the plan.

13. Whilst the appellant intends to purchase the lodge from a firm specialising in purpose-built caravans, this in itself is not a guarantee that the proposal will accord with the definition of a caravan for the purposes of the CSA. Although the length and width of the proposed structure would accord with the limitations set out in the CSA, it appears unlikely that the height would accord with the limitations.

The construction test

14. Section 13(1) defines a twin-unit caravan as a structure designed or adapted for human habitation which (a) is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices.
15. The description of the proposed development is 'lodge built to caravan specifications...'. The appellant advises that 'The land would not allow the delivery of it (the lodge) built in two halves and the firm we chose...can assemble the unit on site...'. However, the appellant has provided no substantive information as to how the lodge would be constructed on site; how many pieces would be brought to the site and how these pieces would be joined together.
16. Section 55(1A)(d) of the Act describes building operations as operations normally undertaken by a person carrying on business as a builder. While PG Carpentry may specialise in the provision of purpose built caravans, they are likely to be a skilled tradesman who, in the context of the Act could be considered a builder.
17. The plans provided indicate central floor beams and glulam central ridge beams 'to be bolted together...as last action of construction'. However, even if the resultant structures would be composed of two sections which would be bolted together as the final act of construction, the act of constructing the two halves would be likely to constitute building operations. It has therefore not been shown that the proposal would meet the construction test.

The mobility test

18. Section 13(1)(b) of the CSA requires that the structure, when assembled, is physically capable of being moved by road from one place to another (whether by being towed, or being transported on a motor vehicle or trailer). The appellant suggests that the caravan could be moved from location to location by undoing the bolts and brackets, provided the roads are sufficiently wide.
19. The appellant has provided no substantive evidence to support this assertion and given the uncertainty regarding the construction of the lodge, it is not clear that it could be moved without its structural integrity being compromised. Moreover, the CSA 1968 refers to 'when assembled' not in two parts. It has therefore not been demonstrated that the proposal would meet the mobility test.

² The Section A-A plan shows an internal height of 2790mm to the glulam central ridge beam and approximately 405mm to the internal ceiling.

20. Since the proposed lodge would not meet the size limitations set out in the CSA, the construction test or mobility test, it would not be a twin-unit caravan for the purposes of the CSA.

Whether the structure would be a building

21. Section 336 of the Act states a “building” ‘includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building.’ The main characteristics of a building found, as a matter of fact and degree, are (a) physical attachment, (b) permanence and (c) of a size to be constructed on site, as opposed to being brought onto the site. No one test is conclusive.
22. The proposed lodge would be substantial in size and, as pointed out above, the would be constructed on site by a company who has been chosen because of their experience and skill in constructing this sort of structure. Although the lodge would rest under its own weight, the appellant has made it clear they do not intend to move the structure and so it would have a degree of permanence. Thus, as a matter of fact and degree, I consider the proposed lodge would be a building.
23. There is no suggestion that any such building would be permitted by the Town and Country Planning (General Permitted Development)(England) Order 2015 (GPDO)(as amended) and since the proposed use is for primary living accommodation, the building would not be permitted by Class E, Part 1 of Schedule 2, which permits buildings etc incidental to the enjoyment of the dwellinghouse. Consequently, planning permission would be required and the proposed development is not lawful.

Whether a material change of use would occur

24. Although it is not necessary for me to determine whether a material change of use would occur, because I have found the proposed lodge would not meet the definition of a caravan and would be a building, I am mindful that the appellant may wish to reapply for an LDC in the future. Of relevance to whether a change of use would occur is whether the proposed use would be part and parcel of the residential use of the main dwelling and whether the lawful use of the land is residential.
25. Mistletoe Cottage comprises a detached dwelling which dates from the early 1800’s. The dwelling is set in substantial grounds, part of which appears to be in equestrian use. The appellant has requested the LDC on the basis that its use would be ancillary to the use of the main dwelling. Where a caravan or building is located within the curtilage of a dwellinghouse, the residential use may be regarded as part and parcel of the use of the dwellinghouse, even if it contains the facilities required for day to day living, so long as it remains part of the same planning unit and is occupied by a functionally single household.
26. The appellant advises that additional space is required as a result of medical issues. It is proposed that the appellant and their wife would use the lodge and the appellant’s children, their partners and children would occupy the main dwelling. The officer report states that main meals would be taken inside the main dwelling. While the lodge would be sited approximately 20m from the dwelling, it would not be so far that it would deter the occupants from walking to the main house for meals.

27. Although the lodge would be capable of independent living, as long as it is used as part and parcel of the main dwelling and is located within a part of the site with lawful residential use, no material change of use would occur. If the lodge is then occupied in a different manner, it would be open to the Council to consider whether a material change of use has occurred.
28. The Council has provided me with aerial photographs which show that the lodge would be located in a part of the site which previously had a number of trees, described as the 'wooded area'. The Council has also provided me with a photograph which shows part of a fence, which it is suggested may have previously separated the 'garden area' from the previously wooded area. Part of the fence was still *in situ* during my visit.
29. The appellant suggests the wooded area comprised fruit trees and I accept there is no reason in principle why such an area could not be considered part of the curtilage of a dwelling or within residential use. However, whilst it appears that the land is currently used for residential purposes, as evidenced by residential paraphernalia, including washing, the presence of a fence points towards the land having previously been separated from the residential garden.
30. There is limited evidence to show how the area has been used over time. Even if the land was conveyed together with the cottage, this is not an indication that entirety of the site has been in residential use for the requisite period³. Consequently, the appellant has not shown, on the balance of probabilities, that the land within which the lodge would be sited has been used continuously for residential use for more than 10 years prior to 15 December 2021, the date of the LDC application.

Conclusion

31. Although I have found that the proposed use of the lodge would be part and parcel of the residential use of the main dwelling, I have found that the lodge would not fall within the definition of a caravan and would be a building, for the purposes of the Act. Furthermore, it has not been demonstrated that the area where the lodge would be sited has a lawful residential use.
32. Thus, for the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the proposed siting of a residential lodge built to caravan specifications, ancillary to the main house was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

M Savage

INSPECTOR

³ As set out in 171B(3) of the Act.

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Appeal Decision

Site visit made on 27 September 2022

by **M Savage BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 October 2022

Appeal Ref: APP/L3245/X/22/3300401

Curlew Cottage, Rowe Lane, Stanton long, Much Wenlock TF13 6LS

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr David Smith against the decision of Shropshire Council.
 - The application ref 22/01033/CPL, dated 2 March 2022, was refused by notice dated 12 May 2022.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful use or development is sought is the erection of a single storey garden room extension to the rear of the property on SE elevation.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue of the appeal is whether the Council's decision to refuse to grant a LDC was well-founded.

Preliminary Matter

3. I have taken the description of development from the application form. Within the description, the appellant included details of the materials, the size of the extension and distance from the property boundary and how it would be accessed. Since these are not acts of development, I have not included them in the description above.

Reasons

4. An application under S192(1)(b) of the Act¹ seeks to establish whether any operations proposed to be carried out in, on, over or under land would be lawful. S192(2) sets out that if on application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect.
5. Planning merits form no part of the assessment of an application for a lawful development certificate (LDC) which must be considered in the light of the facts and the law. In an application for a LDC, the onus is on the applicant to demonstrate on the balance of probabilities that the proposed development would be lawful.

¹ Town and Country Planning Act 1990 (as amended)

6. S191(2)(a) and (b) sets out that uses and operations are lawful at any time if:
 - i) No enforcement action may be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and
 - ii) They do not constitute a contravention of any enforcement notice then in force.
7. Curlew Cottage is one half of a pair of semi-detached houses, which are stated to be approximately 250 years old with the adjoining property, 15 Rowe Lane originally built at right angles to the appeal property. The appellant proposes to extend the property on the south-east elevation to create a single storey garden room, comprising dwarf brick/stone wall with glazed upper walls and timber framework to match materials used in construction of the existing dwelling.
8. The main thrust of the appellant's case is that the proposed development is granted planning permission by virtue of Part 1, Class A of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended)(GPDO). Class A permits the enlargement, improvement or other alteration of a dwellinghouse subject to specified limitations and conditions.
9. Under paragraph A.1(e)(i) development is not permitted if the enlarged part of the dwellinghouse would extend beyond a wall which (i) forms the principal elevation of the original dwellinghouse. For the purposes of the GPDO "original" means (a) in relation to a building, other than a building which is Crown land, existing on 1st July 1948, as existing on that date; (b) in relation to a building, other than a building which is Crown land, built on or after 1st July 1948, as so built. Whether the proposed development would comply with the limitations of the GPDO, and therefore be lawful development, will turn on whether the principal elevation of the original dwellinghouse is the south-east elevation or not. It is not disputed that the proposal would meet other limitations set out in the GPDO.
10. The Permitted development rights for householders: Technical Guidance (2019) defines the 'Principal elevation' in most cases as that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house.
11. During my visit, I saw that the elevation which fronts onto Rowe Lane, the north-west elevation, has a door, with windows either side. Although the south-east elevation faces away from Rowe Lane, it has features which are typical of a principal elevation, including a door, and windows either side on the ground floor and first floor. However, as confirmed by the Inspector in appeal decision APP/L3245/X/21/3283108, there can only be one principal elevation.
12. The appellant states that in 1986, an external door and three windows were added as part of an extension to the property, which has resulted in the entire focus and working orientation of the property shifting to the north-west elevation. While the changes made may have changed how the building now looks and functions, as set out above, what is relevant is the principal elevation of the "original" dwellinghouse.

13. The Council has provided 'Existing Elevations and Floor Plans BR/86/0280, which I shall refer to as 'the 1986 plans'. The south-east elevation is described on the 1986 plans as the 'Front Elevation' and the north-west elevation is described as the 'Rear Elevation'. The Front Elevation is shown with a door which provides access into the dwelling, with windows either side and windows at first floor level. This is consistent with what I saw on site and while the windows which are currently in situ may be replacements, I consider these to be the main architectural features of the building.
14. The Rear Elevation is shown on the 1986 plans with two stores, each with their own access but no direct access into the habitable space of the main dwelling. The stores are both single storey structures which appear subordinate to the main dwelling. The Council has provided me with a historic map dated 1901-1902 which shows what appears to be the appeal building with two additions to the elevation fronting onto Rowe Lane, which appear consistent with the two stores shown in the 1986 plans. It therefore seems likely that the 1986 plans are reflective of the original dwellinghouse.
15. Given the limited architectural features on the Rear Elevation (north-west elevation) and its subordinate function in respect of the dwelling, despite its orientation towards the highway, it is not the principal elevation of the original dwellinghouse. The Front Elevation (south-east elevation) by contrast, despite its orientation away from the highway, contains the main architectural features of the building and functions as the main entrance to the original dwellinghouse and is, in my view, the principal elevation for the purposes of applying the GPDO.
16. The appellant has drawn my attention to changes made to 15 Rowe Lane. While I saw that No 15 has been extended, the Council advise that planning permission was granted at the site, reference 10/05457/FUL. An application for planning permission can consider the merits of the proposal, whereas an application for a lawful development certificate under S192 of the Act can only consider whether the development would be lawful. The alterations to No 15 are therefore not comparable to the appeal before me.
17. Thus, for the reasons given above, I consider, as a matter of fact and degree, the principal elevation of the original dwellinghouse is the south-east elevation. The proposed extension would therefore extend beyond a wall which forms the principal elevation of the original dwellinghouse and is not permitted by the GPDO. Consequently, planning permission is required.

Conclusion

18. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the erection of a single storey garden room extension to the rear of the property on the south-east elevation was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

M Savage

INSPECTOR

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