

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

Date: Monday, 17 July 2023

Committee:
Southern Planning Committee

Date: Tuesday, 25 July 2023

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
Richard Huffer
Christian Lea
Hilary Luff
Nigel Lumby
Tony Parsons
Ed Potter
Robert Tindall

Substitute Members of the Committee

Gwilym Butler
Rachel Connolly
Nigel Hartin
Pamela Moseley
Cecilia Motley
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 - 4)

To confirm the minutes of the Southern Planning Committee meeting held on 27 June 2023

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 Wednesday 19 July 2023.

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 Affordable Dwelling South West Of Orchard Farm Ryton Dorrington Shropshire (23/02161/FUL) (Pages 5 - 14)

Erection of detached dwelling, garage and installation of package treatment tank

6 41 Clifton Villas Temeside Ludlow Shropshire SY8 1PA (23/02217/FUL) (Pages 15 - 24)

Change of use from residential unit to residential care home

7 Quercus Domus, Pound Lane, Hanwood, Shrewsbury, SY5 8JR (23/02219/FUL) (Pages 25 - 34)

Change of use of agricultural land to residential and reinstatement of existing access

8 Schedule of Appeals and Appeal Decisions (Pages 35 - 64)

9 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 22 September 2023.

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Committee and Date

Southern Planning Committee

25 July 2023

SOUTHERN PLANNING COMMITTEE

Minutes of the meeting held on 27 June 2023

2.00 - 2.30 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, Christian Lea, Hilary Luff, Nigel Lumby, Tony Parsons, Ed Potter and Robert Tindall

4 Apologies for Absence

Apologies for absence were received from Councillor Andy Boddington and Richard Huffer.

5 Minutes

RESOLVED:

That the Minutes of the meetings of the Southern Planning Committee held on 9th May 2023 and 11th May 2023 be approved as a correct record and signed by the Chairman.

6 Public Question Time

There were no public questions

7 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.

With regard to agenda item 6, Councillor Nick Hignett declared a predetermination as he had taken part in the debate and voting when the application was discussed at the Pontesbury Parish Council Planning Sub-Committee. He stated that he would leave the meeting and take no part in the debate or voting on the item.

**8 Proposed Residential Development Land East Of Bull Ring Claverley
Wolverhampton Shropshire (22/05723/FUL)**

The Development Manager introduced the application which was an application for the erection of no.4 x 2 bedroom affordable local needs dwellinghouses, creation of no.3 bin storage areas, car parking and associated infrastructure and with reference to the drawings and photographs displayed, she drew Members' attention to the to the location and proposed layout and elevations.

The Development Manager confirmed that members had attended a site visit and drew attention to the information contained in the schedule of late representations. which Members had before them.

Councillor Richard Cotham spoke on behalf of Claverley Parish Council in favour the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees

Councillor Gwilym Butler, who was acting as local Ward Councillor spoke in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Mr Jonathan Beaman, (Applicant) spoke in favour of the application in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Members felt that there was a proven need for affordable housing in the village and that future problems with waste removal could be overcome and were not a reason for rejection of the application.

RESOLVED:

That contrary to Officer recommendation planning permission be granted and that delegated authority be given to officers to apply conditions as necessary and a S106 agreement to secure waste disposal arrangements.

9 Quercus Domus, Pound Lane, Hanwood, Shrewsbury, SY5 8JR (23/01602/FUL)

The Planning Officer introduced the application which was an application for the erection of two storey extension and alterations and with reference to the drawings and photographs displayed, he drew Members' attention to the to the location and proposed layout and elevations. He explained that the application was before the committee as the applicant was a member of the Development Control Team.

In response to a question the Solicitor confirmed that the S106 agreement currently in place would need amending through a Deed of Variation to take account of the changes in the current application.

Members felt that the application was acceptable and it was **RESOLVED:**

That in accordance with the Officer recommendation planning permission be granted subject to the variation of the S106 agreement currently in place

10 **Schedule of Appeals and Appeal Decisions**

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 27 June 2023 be noted.

11 **Date of the Next Meeting**

RESOLVED:

That it be noted that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 25 July 2023 at the Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:

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Committee and date
Southern Planning
Committee

25th July 2023

Item

Public

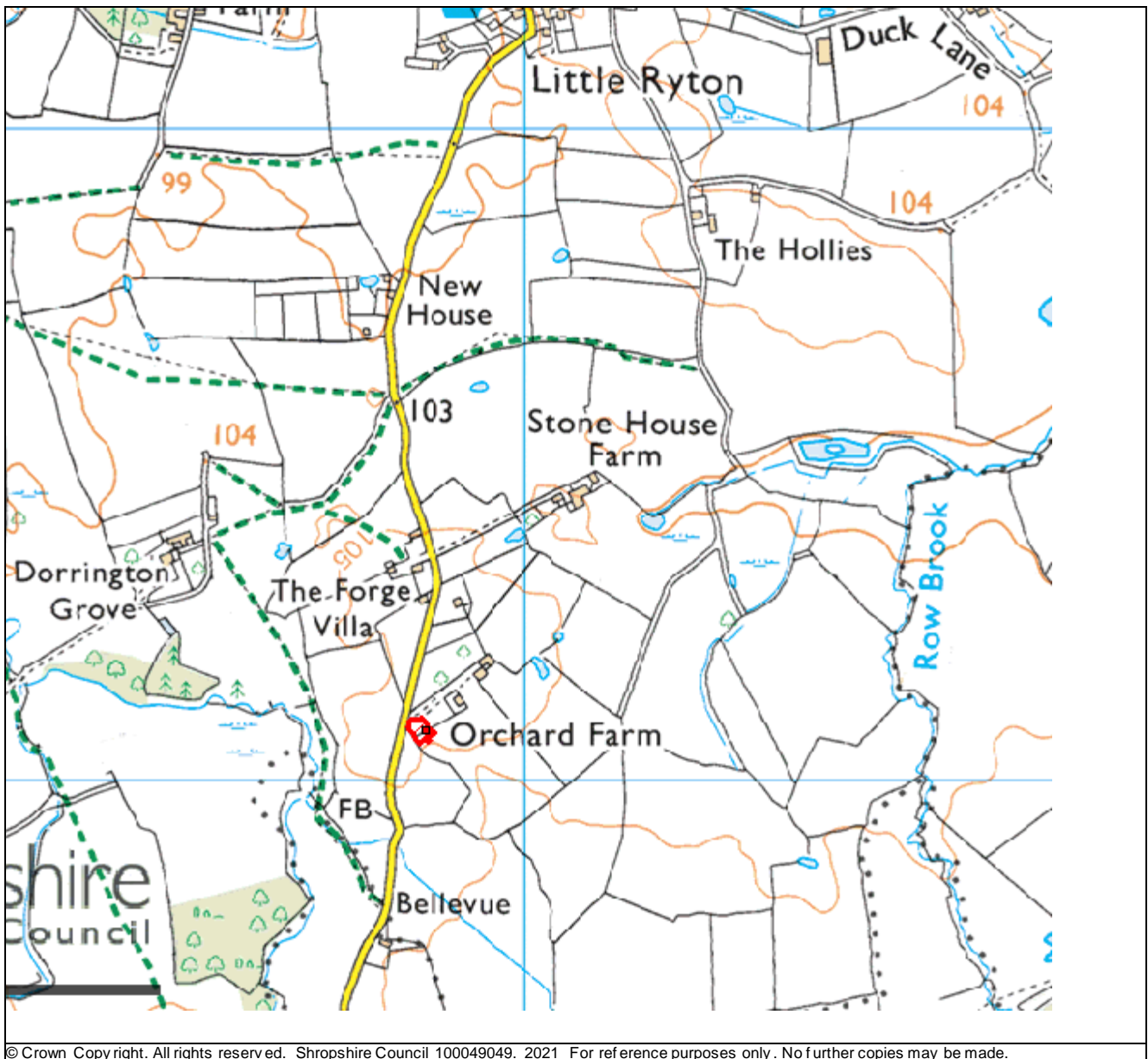
Development Management Report

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

Summary of Application

| | | |
|--------------------------------------------------------------------------------------------------------------------|-----------------------|-----------------------------------|
| <u>Application Number:</u> 23/02161FUL | <u>Parish:</u> | Condover |
| <u>Proposal:</u> Erection of detached dwelling, garage and installation of package treatment tank | | |
| <u>Site Address:</u> Proposed Affordable Dwelling South West Of Orchard Farm Ryton Dorrington Shropshire | | |
| <u>Applicant:</u> Miss Rebecca Griffiths | | |
| <u>Case Officer:</u> Jacob Collett | <u>email</u> | : jacob.collett@shropshire.gov.uk |

Grid Ref: 368879 - 287310



Recommendation:- Refuse

Recommended Reasons for refusal

1-The site is not part of or adjacent to a recognisable named settlement where it is sporadic development largely isolated within the countryside. The principle of the proposed development is therefore contrary to the adopted Type and Affordability of Housing SPD.

2-The applicant is not an eligible person for the single plot exception scheme, insufficient evidence has been submitted or accepted. Consequently, this is contrary to the adopted Type and Affordability of Housing SPD.

3-The scheme is larger than 100sqm of living space and there has not been any substantial evidence submitted to justify a departure from the normal policy requirements. This is contrary to the Type and Affordability of Housing SPD.

4-The site plot is greater than 0.1 hectares and there has not been any substantial evidence submitted to justify a departure from the normal policy requirements. This is contrary to the Type and Affordability of Housing SPD.

REPORT

1.0 THE PROPOSAL

1.1 The application proposes the erection of an affordable dwelling at land circa 1km south of Little Ryton and 1km east of Dorrington. The application has been submitted under the single plot exception site policy which if approved are subject to a Section 106. The Section 106 ensures the affordability of the dwelling in perpetuity. The proposed dwelling is a single storey bungalow with a detached garage.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site falls within open countryside to the south of Little Ryton and east of Dorrington. The site is adjacent to an unclassified road and adjacent to Orchard Farms access track. The site is surrounded to the south by agricultural fields. The site is not within a defined settlement boundary.

The proposed dwelling will face onto the unclassified road with the garage to the northern side. The driveway will enlarge the existing access for orchard farm.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

3.1 In accordance with the 'Scheme of Delegation' this application has been concluded by the committee chair to be determined by planning committee due to ward councillor call in.

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

Condover Parish Council

The Parish Council recognised that it had, and still, supported the applicant's local connection and need for an affordable home in the village (25 Oct 2022). No objection was raised with respect to the dwelling house. The size of the detached

double garage with room above together with three additional parking spaces was considered excessive and would in real terms take the value of the property beyond what could reasonably be considered affordable. It was noted that Planning policy DP6 Single Plot Exception Sites required single plot exception homes to be affordable in perpetuity, taking account of average salaries and market values relevant to the local area. Para (f) of this policy also states:

'The dwelling is designed to meet current and future household requirements and should not exceed the maximum floorspace prescribed in the Nationally Described Space standards for a 6- person household, although the provision of a single detached garage to the maximum of 18 sq. metres would be supported in addition'

The policy does not permit a double garage, or garage with room/s above.

SUDS

No Comment.

SC Highways

No Objection subject to conditions

SC Affordable Housing

Unfortunately, The Housing Enabling Team are unable to support the above application. We have not received an application from Miss Griffiths and so are unable to confirm her eligibility for the scheme.

Before proceeding with a planning application an applicant as well as having approval from Development Management that a site is in principle suitable for an affordable single plot must also complete an application pack so we can check they meet all elements regarding need relating to the scheme.

Miss Griffiths will have to demonstrate housing need, a strong local connection, a need to live in the parish based on support, employment or strong community involvement and provide a full financial disclosure. Along with a completed application she will also have to provide supporting documentation.

At the time of writing an application had been received but was not considered acceptable to qualify for the exception site scheme.

- Public Comments

Five supporting comments were received outlining the need for affordable housing in the area and that the dwelling would be in keeping and appropriate for its location.

5.0 THE MAIN ISSUES

Principle of development

Siting Scale and Design

Visual Impact and Amenity

Other Issues

6.0 OFFICER APPRAISAL

6.1 Principle of Development

The application site has to be considered to be part of, or adjacent to a recognisable named settlement to meet the relevant policy. (Type and Affordability of Housing SPD) The site is not viewed to be part of, adjacent too or within a named settlement. The named settlement of Little Ryton is circa 900 metres away to the north of the site with the settlement consisting of around 30 dwellings all within close proximity or adjacent to one another.

The site is located near one other dwelling. This dwelling is not within a named settlement nor is it within the sphere of influence of Little Ryton given the near 1km distance. There are other dwellings strung along the road northward to Little Ryton but these are sporadic and not part of a settlement. There is also another small settlement to the south (Longnor) about 1.4 km away. This settlement has a clearly defined end of development point which is circa 1.1 km from the site. The site is not within or adjacent to Longnor. The site is not part of or adjacent to a recognisable named settlement, doesn't meet the policy for a single plot exception site and therefore represents unacceptable development in principle.

It is also noted that the applicant has not met the requirements to qualify for the single plot exception scheme. The applicant should engage the housing enabling team to establish eligibility, and the making of a planning application should not circumvent this policy requirement.

6.2 Siting, Scale and Design

6.2.1 Even though the principle of development is not acceptable, assessment of the proposal details has been undertaken. The proposal outlines a bungalow development with detached garage. The main dwelling proposed will not exceed the 100sqm as restricted by the policy. However, the garage includes a first floor which will cumulatively exceed this 100sqm. The relevant policy states that the 100sqm shall not 'normally' be exceeded. There has been no substantiated reasoning for the additional space and therefore there is no principal reason to support a larger dwelling than policy outlines. This presents another reason for refusal. Likewise, the site exceeds the 0.1-hectare area supported in policy with an extended area to allow the installation of a sewage treatment plant. There is no reason as to why this cannot be included within the 0.1-hectare area where on review of the plans there is sufficient space to the front end of the plot.

There is no objection to the buildings design or siting.

6.3 Visual Impact and Neighbour Amenity

6.3.1 The siting of the buildings does not harm any neighbouring dwellings amenity or the wider visual landscape.

7.0 CONCLUSION

The proposed scheme in its current form and without sufficient justification is contrary to a number of requirements within the relevant policy. It is strongly recommended this scheme is refused. Approval would create a precedent that

significantly weakens the adopted policy. The exceptional nature of the requirements of the policy mean that justification should be provided in terms of local connections and the need to live within the parish. There is a significant risk that failure to uphold the policy would impact its integrity and set a precedent whereby those who are not eligible in need for an affordable dwelling can gain consent. These dwellings could also become too large to be affordable if the policy is not implemented effectively.

The recommended refusal reasons are;

1-The site is not part of or adjacent to a recognisable named settlement where it is sporadic development largely isolated within the countryside. The principle of the proposed development is therefore contrary to the adopted Type and Affordability of Housing SPD.

2-The applicant is not an eligible person for the single plot exception scheme, insufficient evidence has been submitted or accepted. Consequently, this is contrary to the adopted Type and Affordability of Housing SPD.

3-The scheme is larger than 100sqm of living space and there has not been any substantial evidence submitted to justify a departure from the normal policy requirements. This is contrary to the Type and Affordability of Housing SPD.

4-The site plot is greater than 0.1 hectares and there has not been any substantial evidence submitted to justify a departure from the normal policy requirements. This is contrary to the Type and Affordability of Housing SPD.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

NPPF

Core Strategy and Saved Policies:

CS5

CS6

SamDev MD2

SamDev MD7a

SamDev MD7b

Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

11/02122/FUL Erection of two-storey extension to front elevation GRANT 1st August 2011
PREAPP/13/00368 Erection of a three bedroom bungalow PREUDV 3rd September 2013
PREAPP/22/00450 Erection of an affordable dwelling PREUDV 25th August 2022
23/02161/FUL Erection of detached dwelling, garage and installation of package treatment tank
PCO
PREAPP/22/00450 Erection of an affordable dwelling PREUDV 25th August 2022
23/02161/FUL Erection of detached dwelling, garage and installation of package treatment tank
PCO

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RUV92ITDH3U00>

View details online:

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| List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) |
| Cabinet Member (Portfolio Holder) - Councillor Richard Marshall |
| Local Member Cllr Dan Morris |
| |

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Agenda Item 6

AGENDA ITEM



Committee and date

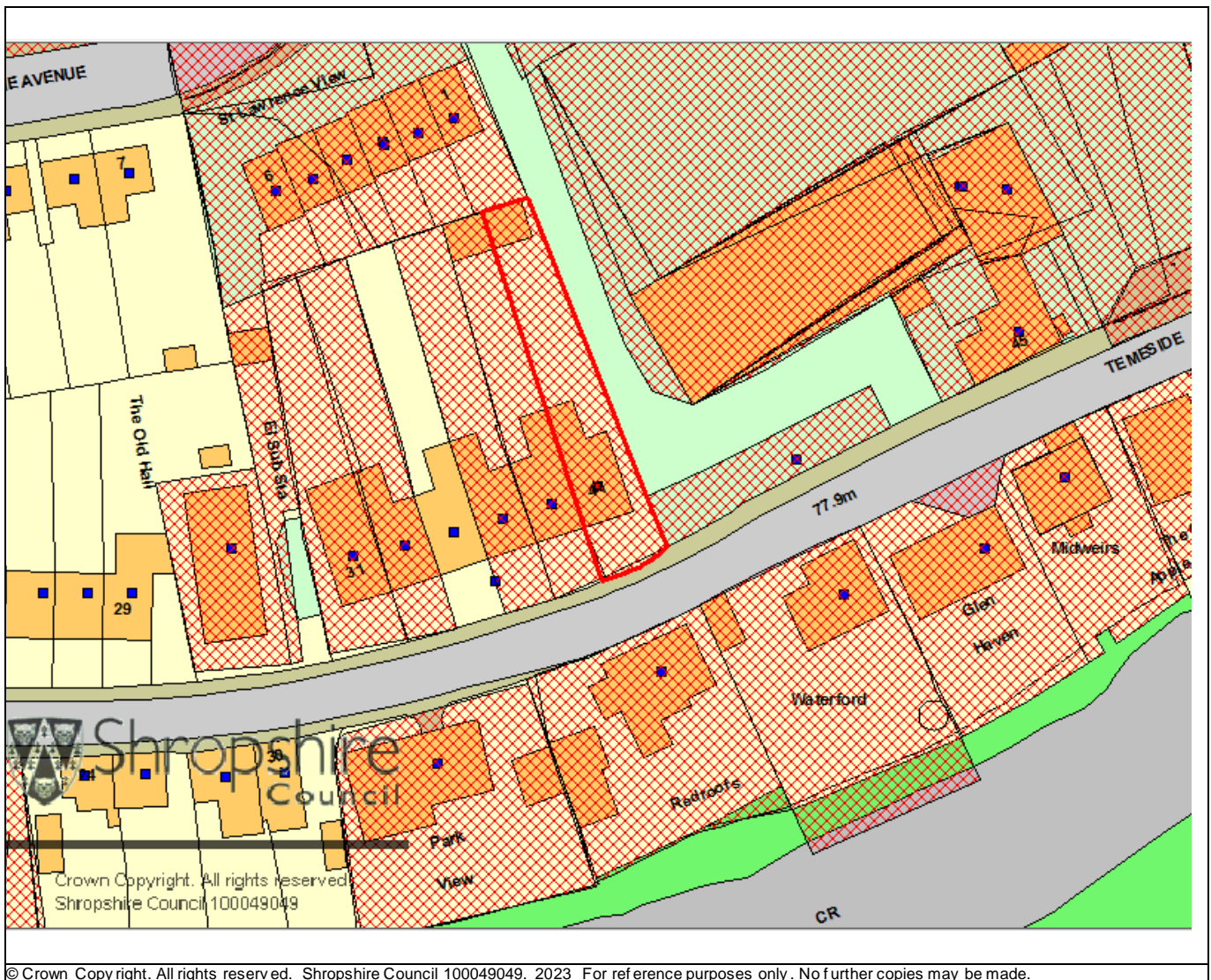
25th July 2023

Development Management Report

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

Summary of Application

| | | |
|--------------------------------------------------------------------------------------|----------------------------------------------------|---------------------|
| <u>Application Number:</u> 23/02217/FUL | <u>Parish:</u> | Ludlow Town Council |
| <u>Proposal:</u> Change of use from residential unit to residential care home | | |
| <u>Site Address:</u> 41 Clifton Villas Temeside Ludlow Shropshire SY8 1PA | | |
| <u>Applicant:</u> Grey Davies Care | | |
| <u>Case Officer:</u> Mandy Starr | <u>email:</u> mandy.starr@shropshire.gov.uk | |
| <u>Grid Ref:</u> 351564 - 274271 | | |



Recommendation:- Refuse

Reasons for refusal

1. The application fails to demonstrate sufficient off-road parking to serve the development which would result in vehicles parking on Temeside to the detriment of other road users and to the free flow and safe movement of traffic. The proposal is therefore contrary to the requirements of Policy CS7 of the Core Strategy and the National Planning Policy Framework.

REPORT

1.0 THE PROPOSAL

- 1.1 The proposal is for the change of use of a dwelling to a residential care home for young people who have specialist needs and requirements.

A children's home may fall within use class C3 (residential) where the total number of residents does not exceed six and the carers and cared for live as a single household. In this case the carers provide 24-hour care on a shift basis and some specialist care is required. As a matter of fact and degree this change would fall into use class C2 (residential institutions).

Although in a different use class to a residential use, it still must be considered whether there has been a material change of use. In this case the property has a small frontage and is located on an end of terrace. The attic has already been converted to a further bedroom bringing the total to five. The proposal is to care for four young people looked after by eleven full time staff operating as nine day support workers and two night workers. There will be a maximum of four workers on shift at any one time. Given the level of daily activity at the site would be more intensive and constant than might reasonably be expected to be generated by even a large dwellinghouse, the overall character of the use would differ materially from that of a dwellinghouse and as such the change of use is material and planning permission is required.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 41 Clifton Villas is an end of terrace of six Victorian dwellings situated on the northside of Temeside. There is a high wall to the east of the property that forms boundary to the Temeside Industrial Estate. The former front garden is now a hardstanding on which two vehicles can park. It is noted that the parking area is not sufficiently long to completely remove cars from the public highway. There is also gated side access leading to the rear garden where there is also a right of way from the road leading to the adjoining neighbours' properties to facilitate rear access.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Local Ward Member requested that this application be considered by the Planning Committee, so that she has an opportunity to address the Committee, there is also an objection from the Town Council.
- 3.2 This application was brought to Agenda Setting Meeting on 29 June 2023 where it was resolved that it should be brought to Committee following the Call-In request.

4.0 Representations

Consultee Comment

4.1

Sustainable Drainage

The frontage of the site is in flood zone 2, however, the footprint of the building is located outside flood zone 2. The proposal is acceptable from the drainage and flood risk perspective as there are no proposed changes to the footprint of the building.

Highways

Unacceptable development as the change of use raises substantive highway related concerns, due to lack of parking provision within curtilage to the detriment of free flow and safe movement of traffic.

Public Comments

4.2 Ludlow Town Council

Object for the following reasons:

- i) Unsuitable establishment in a residential area
- ii) Insufficient parking

4.3 8 objections based on the following relevant planning grounds:

- Location on a busy through route
- Double yellow lines down either side
- The road near the site is narrow and passing can be difficult
- Emergency vehicle access
- Limited Parking
- No parking provision for visitors
- Busy road
- Internal works to property have already taken place including rooflights and soil vent pipe in roof.
- Likely that shift changes could result in disturbance to residents when arriving and departing
- Terrace dwellings have thin walls
- New business use with non-local people will change the local environment
- Planning notice is just displayed in a window of property and it has been

obscured by vehicles

- Discrepancies between what applicants have told residents compared to what has been submitted in Planning Statement regarding financial turnover
- Plans that residents were shown by company earlier, show that the attic room would be a 5th bedroom.

4.4 One letter of support from Ludlow Civic Society

5.0 OFFICER APPRAISAL

5.1 The main issues are the impact of the institutional use on amenity and the environment.

5.2 Need

The applicant has confirmed that the home would fulfil a need for looked after children in the County and this would outweigh any objections on the loss of a family home and provide a valuable local service in the local area. The use would generally retain the character of a family home and would generate up to nine jobs which may be taken from the local area.

5.3 Amenity

Given the terraced nature of the property, the parking restrictions and comings and goings of staff and other visitors, it is possible that there would be an impact on amenity in terms of noise and disturbance. This could be partly addressed through a staff management plan detailing staff hand over times and restricting vehicle movements and comings and goings at inappropriate times.

It is unlikely that there would be any significant noise through use of the property and its garden over and above that which would be found in a family home and the garden area of around 155 sqm is adequate to provide amenity for the residents of the property.

5.4 Loss of Family Housing

The proposal would result in the loss of a family home; however, it would provide a needed facility for looked after children and overall, the character of the property as a dwelling would be retained.

5.5 Parking

The proposal includes two off road parking spaces in what was the front garden

and cycle parking to the rear. The nearest car park is some 0.5 KM from the site.

The parking situation at the property is inadequate to serve the intended use taking account of the need to provide parking for resident supervisory staff, visiting medical, educational or social workers, as well as any visiting family or friends.

Whilst it is acknowledged that the property is within easy walking distance of local facilities in Ludlow and there are regular bus services from the town centre, the development is highly likely to be car dependent.

The application suggests that staff will be employed from the local area and that they would use a ride to work/car sharing scheme, however, no details have been provided as to how this would operate.

The lack of suitable off road parking provision for staff and visitors is likely to result in parking or stopping of vehicles on the public highway to the detriment of the free flow and safe movement of traffic on the road.

5.6 Other matters

There is currently a right of way through the rear of the terrace of properties to the main road, this is a private matter between residents.

6.0 CONCLUSION

6.1 The proposal is to change the use of a single family dwelling into a residential care home that fronts onto a busy but narrow through-route in Ludlow.

There is insufficient room within the curtilage of the site to provide sufficient off-road parking to serve the development which would result in vehicles parking on Temeside to the detriment of other road users and to the free flow and safe movement of traffic.

The proposal is therefore unacceptable and is recommended for refusal as it would be contrary to the requirements of Policies CS7 of the Core Strategy and the NPPF.

7.0 Risk Assessment and Opportunities Appraisal

7.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded

irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

7.2 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.

7.3 Equalities

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

8.0 Financial Implications

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

- 25th July 2023

41 Clifton Villas

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

9. Background

Relevant Planning Policies

Core Strategy and Saved Policies:

National Planning Policy Framework
CS1 - Strategic Approach
CS3 - The Market Towns and Other Key Centres
CS6 - Sustainable Design and Development Principles
CS7 - Communications and Transport
CS8 - Facilities, Services and Infrastructure Provision
CS11 - Type and Affordability of housing
CS17 - Environmental Networks
MD2 - Sustainable Design
MD3 - Managing Housing Development

RELEVANT PLANNING HISTORY:

SS/1985/176/P/ Formation of a vehicular access. PERCON 5th June 1985
SS/1980/685/P/ Construction of hard-standing and formation of a vehicular access. REFUSE
12th December 1980

10. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RV4EH7TD07U00>

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| List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) |
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|-----------------------------------------------------------------|
| Cabinet Member (Portfolio Holder) - Councillor Richard Marshall |
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|--------------|
| Local Member |
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AGENDA ITEM

- 25th July 2023

41 Clifton Villas

Cllr Vivienne Parry

AGENDA ITEM

- 25th July 2023

41 Clifton Villas

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| Committee and date |
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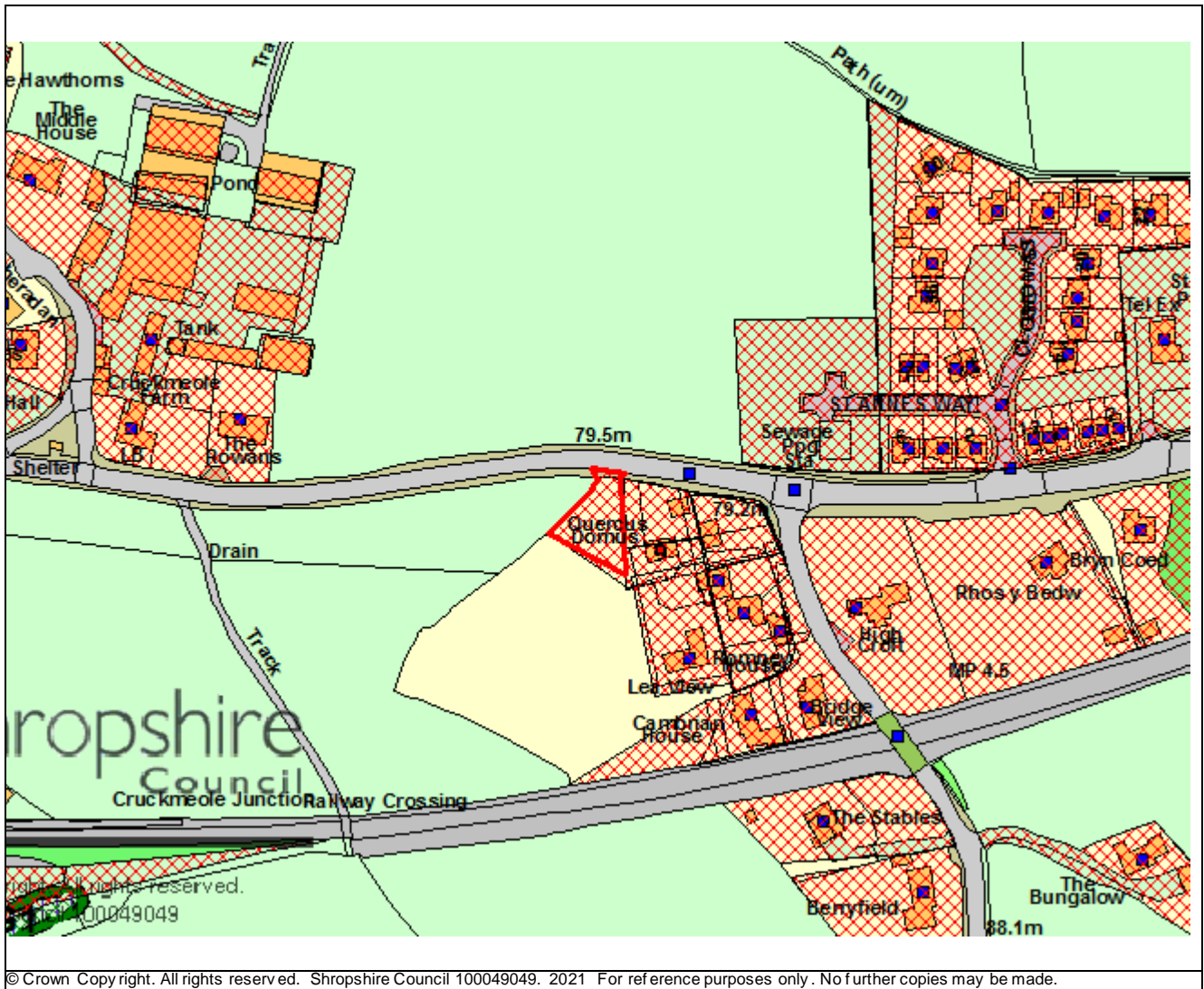
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| Item |
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Development Management Report

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

Summary of Application

| | | |
|---------------------------------------------------------------------------------------------------------|---------------------------------|------------|
| Application Number: 23/02219/FUL | Parish: | Pontesbury |
| Proposal: Change of use of agricultural land to residential and reinstatement of existing access | | |
| Site Address: Quercus Domus, Pound Lane, Hanwood, Shrewsbury, SY5 8JR | | |
| Applicant: Mr Jack Goodall | | |
| Case Officer: Jacob Collett | email | : |
| | jacob.collett@shropshire.gov.uk | |
| Grid Ref: 343402- 309355 | | |
| | | |



Recommendation:- Refuse

REPORT

1.0 THE PROPOSAL

The submitted application proposes the change of use of agricultural land to facilitate a new access off the A488.

The original two-bedroom dwelling was first approved as a single plot exception site in 2013 (13/01656/FUL) Since this permission an application was made under 18/04951/VAR to remove condition 8 which limited the internal floorspace to 100sqm. This was refused, and then appealed. The appeal was upheld with the inspector also removing conditions 9 &10 which dealt with the removal of permitted development rights and use of the garage respectively. The inspector's position was that the section 106 upheld the affordable status of the dwelling, not

the restriction in size. It is noted that this was in context of the building size not the plot size, an important difference. An application to extend the dwelling was also approved by planning committee under 23/01602/FUL.

In 2021 another application was submitted under 21/03707/VAR for the variation of condition 2 to allow amendment to the detached garage. This was refused at planning committee and subsequently appealed. The appeal was upheld.

2.0 SITE LOCATION/DESCRIPTION

The application relates to a two storey (affordable) dwelling set to the west of a property called Romney House close to the junction of Pound Lane and the A488 in the western part of Hanwood to the South-West of Shrewsbury. The property shares an access with Romney House which is off Pound Lane and there are no other immediate neighbours.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

3.1 In accordance with the 'Scheme of Delegation' as the applicant indirectly reports to the Assistant Director of Place the application must be determined by planning committee.

4.0 Community Representations

A Site notice was displayed at the Site on the 12th June 2023

Pontesbury Parish Council

:Pontesbury Parish Council oppose this application because in several incidences the information presented is incorrect or misleading, particularly with regard to the position of the proposed entrance, which is sited West of the existing entrance, therefore this is in essence a new access.

The application is also retrospective, in that the agricultural land is already in use as a garden amenity area, currently there is a wooden boundary fence which is not shown on the plan. The proposed access is on a dangerous bend, a most dangerous location. Visibility splays as stated are incorrect. There is currently a safe existing access off Pound Lane and there appears to be no good reason to have a second access on a dangerous road.

The Parish Council are opposed to the extension of the garden into good agricultural land, such an extension would be contrary to the emerging Neighbourhood Plan.

SC Highways

The proposal seeks to change the land use to the west of the property to residential curtilage and to reopen a former vehicle access to the site. With regard to the former, highway raise no objection. In relation to the later, the site

is currently accessed via a shared access off Pound Lane and approval for that dwelling was based upon the current access arrangements.

With regard to the assertion that the proposed direct access onto the A488 is to reopen a former access, Highways would question the existence and planning history of there being an established access. Google Street View images suggest that there was no filed access in existence in 2009, but in 2016, 2017 and 2021 field gates are shown on the images. It is unclear of the history of this field access or its planning status. It is noted that the Parish Council have raised highway safety concerns and Highways would agree with the concerns raised.

The site access is located immediately adjacent to the west of the 30 mph speed limit which changes to 60mph and therefore drivers would tend to accelerate out of the 30mph travelling in a westerly direction. Whilst it would appear that adequate visibility is achievable in a easterly direction from the access, in a westerly direction visibility is restricted by the adjacent field boundary hedge and horizontal alignment of the carriageway and considered well below the standards set out in both DMRB and Manual for Streets 2. The presence of solid double lines is a key indicator that forward visibility is inadequate.

It is considered therefore that the reopening of the proposed access raises significant highway safety concerns and without any compelling evidence of the status of the alleged former access, Highways are opposed to the access being created to serve the property and where a safer and adequate means of access is available via Pound Lane. Moreover, in connection with the development of the dwelling under a previous consent, Highways would not have been supportive of establishing a direct access to the property via the A488 to serve the dwelling constructed.

Highways therefore recommend permission is refused

5.0 THE MAIN ISSUES

Principle of development

6.0 OFFICER APPRAISAL

Principle of Development

The proposed development compromises two components, the first being the new access.

The application suggests the access is the reinstatement of an existing, however this is queried. A field gate does exist and has done since 2016 based on google map evidence, but the formal planning status of this is not defined where no approval has been issued by Shropshire Council. The access is therefore considered as a new proposal. In agreement with the highways officer the access location is unsafe where there is a lack of sufficient visibility for the road speed. This represents a reason for refusal. The dwelling remains to have sufficient access from Pound Lane.

The second consideration is the conversion of agricultural land to residential use.

The proposed change of use of existing agricultural land to domestic land of the size proposed (circa 300sqm) and not in association with any other development is not supported in principle. The proposal is determined to be contrary to Shropshire Councils adopted policies.

Adopted policies C5 and MD7b outline support for development that respect the local context and character where maintenance of the countryside setting is paramount

Considering the sites existing plot size, location and the overall setting it is concluded that the loss of countryside land within the rural landscape is unnecessary and a need for the change of use has not been demonstrated in any way other than for individual benefit. The residential land extension will result in an unusually shaped field and domestication of the countryside alongside associated domestic paraphernalia on the land. There is already sufficient amenity space for the dwelling. These incremental additions into the countryside for no weighted justification are considered harmful to its vitality through continued erosion. Furthermore, the scheme will provide no benefits to the existing landscape or local setting and will result in adverse harm to the rural setting. The proposed change of use is also not proposed in association with any other development that would result in any wider economic or societal benefits which would provide weighting in its favour.

The site is subject to a section 106 agreement. Previous appeal decisions have clarified that conditions restricting the size of the dwelling are inappropriate where different sizes of affordable dwellings are needed, and it is the section 106 which maintains the affordability. However, it is not considered this applies to the overall plot size where there is sufficient amenity space for the dwellings current size and when including the recent extension addition. An extension of residential land would make the dwelling less affordable, contrary to the original permission. Therefore, support for the domestic land extension would compromise the section 106 in maintaining the site as an affordable dwelling and the original approved boundary should be maintained in perpetuity.

7.0 CONCLUSION

It is recommended that the application is refused. The recommended refusal reasons are:

The change of use would lead to the inappropriate domestication of the open countryside. The formalisation of a new access and subsequent use of the land will cause harm to the rural character setting where the residential impact of the site will be significantly increased and intensified through the introduction of domestic paraphernalia. The resultant dwellings plot would also not be reflective of the layout or form of the dwellings adjacent where its protrusion is harmful.

Consequently, the proposal is contrary to the NPPF, Core Strategy Policies CS5, CS6 and SamDevs policies MD2 and MD7b.

The proposal to increase the plot size of the local needs affordable dwelling has not been justified in this instance, where it would compromise the affordability of the dwelling which is in part maintained through its plot size, defined within the section 106. There is also sufficient amenity space for an affordable dwelling without needing further extension. This is contrary to Core Strategy Policies CS4, CS5, & CS11 and SAMDev Policies MD3 & MD7a and the Adopted Shropshire Local Development Framework Type and Affordability of Housing Supplementary Planning Document (SPD).

Visibility is restricted from the proposed access onto the A488 in an easterly direction due to the adjacent field boundary and horizontal alignment of the highway carriageway. The formation and use of the proposed access to serve the dwelling would lead to conditions detrimental to highway safety.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

MD2 – Sustainable Development

MD7B - General Management of Development in the Countryside

National Planning Policy Framework

RELEVANT PLANNING HISTORY:

PREAPP/12/00448 Erection of a dwelling NPW 22nd April 2013

PREAPP/12/00454 Single plot exception site PREAIP 13th November 2012

13/01656/FUL Erection of a 2-bed affordable dwelling and detached double garage

GRANT 18th June 2014

14/04658/DIS Discharge of Conditions 3 (External Materials), 4 (Boundary Treatments), 5 (Foul & Surface Water) and 6a (Land Contamination) on Planning Permission 13/01656/FUL for the erection of a 2-bed affordable dwelling and detached double garage DISAPP 25th November 2014
 18/04951/VAR Removal of Condition No.8 (gross internal floor area) attached to planning permission 13/01656/FUL - Erection of a 2-bed affordable dwelling and detached double garage REFUSE 20th December 2018
 20/00996/DSA106 Discharge of S106 agreement attached to planning permission reference 13/01656/FUL WDN 11th November 2020
 21/03707/VAR Variation of condition 2. to allow for amendments to the existing garage. REFUSE 14th December 2021
 23/01602/FUL Erection of two storey extension and alterations PDE
 23/02219/FUL Change of use of agricultural land to residential and reinstatement of existing access PCO

Appeal

19/02711/REF Removal of Condition No.8 (gross internal floor area) attached to planning permission 13/01656/FUL - Erection of a 2-bed affordable dwelling and detached double garage ALLOW 6th June 2019

Appeal

22/03015/REF Variation of condition 2. to allow for amendments to the existing garage. ALLOW 30th March 2023

1. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RT0LE2TDG7400>

| |
|-------------------------------------------------------------------------------------------------------------------------------------------|
| List of Background Papers (This MUST be completed for all reports, but does not include if containing exempt or confidential information) |
| Cabinet Member (Portfolio Holder) - Councillor Richard Marshall |
| Local Member |
| Cllr Roger Evans |
| Appendices APPENDIX 1 - Conditions |

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

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

Informatives

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

Agenda Item 8

SCHEDULE OF APPEALS AS AT COMMITTEE 25th July 2023

| | |
|-----------------------------------|-------------------------------------------------------------------------------------|
| LPA reference | 23/03150/PAPD |
| Appeal against | Refusal |
| Committee or Del. Decision | Delegated |
| Appellant | Mrs S ODell |
| Proposal | Erection of a pole barn, silo (8 ton) building and poly-tunnel for agricultural use |
| Location | Land North Of B4364 Wheathill Shropshire |
| Date of appeal | 26.06.2023 |
| Appeal method | Written representations |
| Date site visit | |
| Date of appeal decision | |
| Costs awarded | |
| Appeal decision | |

| | |
|-----------------------------------|--------------------------------------------------------------------------------------------|
| LPA reference | 22/04717/ADV |
| Appeal against | Refusal |
| Committee or Del. Decision | Delegated |
| Appellant | Carol Golcher Imperial Bricks |
| Proposal | Installation of 2no non-illuminated freestanding signs (retrospective) |
| Location | Imperial Bricks Crowgreaves Farm Crowgreaves Bridgnorth Shropshire WV15 5LT |
| Date of appeal | 20/06/2023 |
| Appeal method | |
| Date site visit | |
| Date of appeal decision | |
| Costs awarded | |
| Appeal decision | |

| | |
|-----------------------------------|----------------------------------------------------------------------------------------------------------------|
| LPA reference | 22/04510/FUL |
| Appeal against | Refusal |
| Committee or Del. Decision | Delegated |
| Appellant | Rebecca Impson Greanleaf |
| Proposal | Erection of extension and alterations to existing bungalow including the creation of first floor accommodation |
| Location | Marsh Bungalow Marshbrook Church Stretton Shropshire SY6 6RQ |
| Date of appeal | 26.06.2023 |
| Appeal method | Householder Fast Track |
| Date site visit | |
| Date of appeal decision | |
| Costs awarded | |
| Appeal decision | |

| | |
|-----------------------------------|------------------------------------------------------------------------------------------------|
| LPA reference | 22/04795/FUL |
| Appeal against | Refusal |
| Committee or Del. Decision | Delegated |
| Appellant | Mr Gillon Crow |
| Proposal | Erection of a detached three bedroom dwelling, new vehicular access and associated landscaping |
| Location | SW of Reabrook Villa, Hookagate, SHREWSBURY, SY5 8BE |
| Date of appeal | 29.06.2023 |
| Appeal method | Written Representations |
| Date site visit | |
| Date of appeal decision | |
| Costs awarded | |
| Appeal decision | |

| | |
|-----------------------------------|-------------------------------------------------------------------------------------|
| LPA reference | 22/05252/AGR |
| Appeal against | Refusal |
| Committee or Del. Decision | Delegated |
| Appellant | Mrs S O'Dell |
| Proposal | Erection of a pole barn, silo (8 ton) building and poly-tunnel for agricultural use |
| Location | Land North Of B4364 Wheathill Shropshire |
| Date of appeal | 26.06.2023 |
| Appeal method | Written representations |
| Date site visit | |
| Date of appeal decision | 03/07/2023 |
| Costs awarded | |
| Appeal decision | Appeal withdrawn |

| | |
|-----------------------------------|---------------------------------------------------------------------------------------|
| LPA reference | 23/00292/FUL |
| Appeal against | Refusal |
| Committee or Del. Decision | Delegated |
| Appellant | David Smith |
| Proposal | Erection of single storey extension |
| Location | Curlew Cottage Rowe Lane Stanton Long Much Wenlock Shropshire TF13 6LS |
| Date of appeal | 05.07.2023 |
| Appeal method | Written representations |
| Date site visit | |
| Date of appeal decision | |
| Costs awarded | |
| Appeal decision | |

| | |
|-----------------------------------|------------------------------------------------------------------------------------|
| LPA reference | 22/05591/FUL |
| Appeal against | Refusal |
| Committee or Del. Decision | Delegated |
| Appellant | Mr S Phillips |
| Proposal | Two storey side extension. |
| Location | The Wheatlands 3 Lanes End Farlow Kidderminster Shropshire DY14 0RH |
| Date of appeal | 05.07.2023 |
| Appeal method | Written representations |
| Date site visit | |
| Date of appeal decision | |
| Costs awarded | |
| Appeal decision | |

| | |
|-----------------------------------|----------------------------------------------------------------------------------------------------------------|
| LPA reference | 22/03012/OUT |
| Appeal against | Refusal |
| Committee or Del. Decision | Delegated |
| Appellant | Mrs Karen Giles |
| Proposal | Outline application for proposed residential development of 4no. semi detached dwelling (all matters reserved) |
| Location | Proposed Residential Development Land N Of B4368 At Beacon Hill Monkhopton Bridgnorth Shropshire |
| Date of appeal | 28.02.2023 |
| Appeal method | Written representations |
| Date site visit | 26.06.2023 |
| Date of appeal decision | 06.07.2023 |
| Costs awarded | |
| Appeal decision | Dismissed |

| | |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| LPA reference | 22/02151/FUL |
| Appeal against | Refusal |
| Committee or Del. Decision | Committee |
| Appellant | Ledwyche Solar Limited |
| Proposal | Formation of solar farm including installation of solar panels, construction compound, security fencing, CCTV cameras, an internal access track, underground cabling, invertors, substations, grid connection and other ancillary development |
| Location | Proposed Solar Farm To The East Of Squirrel Lane Ledwyche Shropshire |
| Date of appeal | 17.03.2023 |
| Appeal method | Hearing |
| Date site visit | |
| Date of appeal decision | 07.07.2023 |
| Costs awarded | |
| Appeal decision | Allowed |

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Appeal Decision

Site visit made on 26 June 2023

by **Ben Plenty BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6th July 2023

Appeal Ref: APP/L3245/W/22/3313904

Land off B4368, Beacon Hill, Monkhoppton, Shropshire WV16 6SA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Salop Street Homes Limited against the decision of Shropshire Council.
 - The application Ref 22/03012/OUT, dated 18 July 2022, was refused by notice dated 4 October 2022.
 - The development proposed is an outline application for proposed residential development of four semi-detached dwellings on the frontage (non greenbelt) of the land with the rear to remain as greenbelt.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application has been made in outline form with all matters reserved. The application form describes the proposed dwelling as having a minimum of 4 bedrooms. An indicative site layout plan is provided showing the dwellings arranged in a linear form following the pattern of adjacent housing. This provides a useful illustration of one way that the site might be developed. However, as all matters are reserved, I have afforded only limited weight to this. I shall consider the appeal on this basis.
3. The Council has indicated that its Local Plan is currently under review. The Emerging Local Plan is subject to examination and the Council has received the Inspector's interim report. Paragraph 48 of the Framework enables me to ascribe weight to an emerging policy based on its stage of adoption, whether it is subject to unresolved objection and the degree of consistency with the Framework. The Council has stated that the emerging plan intends to exclude Acton Round as a community cluster and return it to open countryside for policy purposes. However, due to its early stage, I have afforded limited weight to this revised policy.

Main Issues

4. The main issues are:
 - whether the site would be a suitable location for housing in consideration of the Council's spatial housing strategy and national policies,
 - the effect of the proposal on matters of drainage,
 - the effect of the proposal on ecological matters, and

- the effect of the proposal on trees.

Reasons

Suitability of location

5. The Shropshire Core Strategy [2011] (CS) establishes the Council's approach to the distribution of housing across the borough. CS policy CS1 seeks to focus housing within Shrewsbury, accommodating around 25% of its residential development over the plan period. Smaller scale development is targeted towards its market towns and other Key Centres accommodating around 40% of new housing. Rural areas would receive the remaining 35% through a 'rural rebalance strategy' focusing on community hubs and clusters. Outside of village boundaries new development is limited to development for economic diversification and those that would meet the needs of local communities for affordable housing. This spatial housing approach is consistent with the aims and objectives of the National Planning Policy Framework that seeks to locate new development in locations that can gain access to infrastructure and facilities.
6. Policy MD1 of the Council's Site Allocations and Management of Development [2015] (SAMDev) Plan, relates to the scale and distribution of development. This states that over the plan period, up to 2026, sufficient land will be made available to accommodate the housing requirement of the CS. It states that the policy supports the deliver of sustainable development within Shrewsbury, the Market Towns, Key Centres and the Community Hubs and Community Cluster Settlements as defined by Schedule MD1.1. The appeal site is adjacent to dwellings within Monkhopton, which together with Acton Round, Aston Eyre, Moreville and Upton Cressage (or Cressett), form the Acton Round Cluster Settlement by this schedule.
7. SAMDev policy S3.2(iii) establishes a Settlement Housing Guideline (SHG) of 15 dwellings as being a suitable and proportionate requirement for housing within this rural area. This is to take the form of infilling and conversion to form small groups of dwellings within or immediately adjoining the settlements. The Acton Round Cluster has been subject to 16 completions and 15 that have gained planning permission since 2011. Consequently, the Council can demonstrate that the SHG for this cluster has been met within the plan period.
8. In terms of the delivery of housing development, SAMDev policy MD3 explains the operation of SHG. This states that where new proposed housing would exceed the number of completions and planning approvals within a given Community Cluster, this would need to satisfy five criteria. These require regard to be had to the increase in number, the likelihood of delivery of outstanding permissions, any benefits of the scheme, the impact of the development and the presumption in favour of sustainable development.
9. Monkhopton is a small hamlet, with a church but no other local facilities. As such, future occupiers would be heavily reliant on the private car to access goods and services, placing the site in an area with poor accessibility. However, the site is between dwellings. Therefore, the proposal would connect an existing linear form of development, and despite its relatively long width, would be an infill plot.

10. However, four further dwellings within the parish would further over deliver the already exceeded requirement in the area, forming a greater conflict with the requirements of the SHG. This is only a guideline and paragraph 74 of the Framework, in seeking a 5-year supply of housing, does not place a ceiling on further housing. Nonetheless, it is appropriate to direct most new growth to larger centres. The proposed housing would further exceed the SHG requirement and whilst already exceeded, this alone would not be sufficient justification to breach it further and no further justification has been provided.
11. The Appellant indicates that the proposal would be for affordable housing. However, this statement is in contradiction with the application form which states the units would be open market dwellings, and no legal mechanism has been provided to secure it as a particular house type. The provision of new housing would be a benefit in the delivery of more homes, although this would apply to any housing within the district. Moreover, the scheme is not welcomed by the parish council indicating the scheme would not deliver a type of housing that is required by the local community. The scheme would deliver an economic benefit to the area through construction employment and in supporting local rural businesses through increased spending in the area. Overall, these benefits would be limited and weigh only moderately in favour of the proposal.
12. Accordingly, having failed to meet the five criteria of SAMDev MD3 the proposal would not represent a suitable location for housing. Consequently, the proposal would conflict with CS policy CS4, and SAMDev policies MD1, MD3 and S3.2 for the above reasons.

Drainage matters

13. The proposal has been submitted without any drainage details. The application form explains that the proposed drainage strategy would include a soakaway to limit off-site discharge rates. The Appellant explains that these details would be provided in due course if outline consent was granted.
14. CS Policies CS6 and CS18 relate to drainage and sustainable design. Whilst the Council has sought drainage details prior to the determination of the proposal, neither the policies nor its explanatory text, state that such details will be required prior to the granting of planning permission. The site is alongside a highway and adjacent to existing housing and not in an especially remote location to access utilities. It is also of sufficient size to accommodate on site surface water storage to prevent discharge rates that would increase offsite flooding, and I note that the Council's drainage officer takes a similar view. As such, there appears to be no clear reason, in evidence, why this matter could not be addressed through the imposition of a suitably worded condition had I been minded to allow the appeal.
15. As such, subject to the required details being provided by condition, the proposal would be capable of delivering a sustainable drainage solution. Consequently, the proposal would accord with CS policies CS6 and CS18 and the Framework. These require development, *inter alia*, to be designed to a high quality using sustainable design principles and include an appropriate sustainable drainage system.

Effect on ecology

16. The site consists of a field, enclosed by hedging, with a woodland covering a large part of its centre. Consequently, the site is likely to contain a diverse range of wildlife habitats, both within the trees and hedges and in ground cover. No ecological assessment has been submitted in support of the proposal.
17. Due to the natural character of the site, it would be necessary for the proposal to be supported by a preliminary ecological appraisal. This would be necessary for the Appellant to demonstrate that the proposal could prevent significant harm to biodiversity as sought by paragraph 180 of the Framework.
18. Although bird and bat boxes are offered as part of the proposal, the evidence does not demonstrate that this provision would adequately off-set the potential loss of ecological habitat that would occur by the proposed vegetative clearance. Whilst the Appellant states that an ecological report could be submitted if consent is granted, this matter is a material consideration that must be resolved at the outline stage as it may affect the principle of development.
19. Accordingly, the proposal would comply with CS policy CS17 and SAMDev policy MD12 and the Framework, in regard to ecological matters. These seek, among other matters, for development to protect and enhance the diversity, high quality and natural character of the area and to refuse development where the applicant has failed to demonstrate that a proposal would not have a significant adverse effect on priority species and habitats.

Tree issues

20. The site includes a substantial wooded area. Whilst the submitted layout plan is purely indicative, this demonstrates that a coherent arrangement of dwellings on site would require a sizeable section of this woodland to be removed. As this has amenity and biodiversity value a tree survey is required to determine the value of the woodland and devise suitable mitigation if the principle of development is agreed.
21. New trees are proposed to be planted. Nevertheless, there would be limited space on site to accommodate substantial new planting once account is had for the footprint of the dwellings and provision of gardens.
22. Furthermore, the proposed access road onto the highway would be close to a mature oak tree which may be affected by root damage through the construction of the access drive. Accordingly, the proposal fails to demonstrate that it would not result in harm to trees, direct and indirect, because of construction works. Furthermore, the anticipated reduction of tree stock on site is not off-set by suitable mitigation to outweigh the identified likely harm.
23. Consequently, the proposal would conflict with CS policy CS17 and SAMDev policies MD2 and MD12, with respect to arboricultural interests. These seek to refuse development, among other matters, where an applicant has failed to demonstrate that a proposal would not have a significant adverse effect on important woodlands, trees and hedges.

Other Matters

24. The Council's latest housing figures demonstrate that the rural housing target of 35% is not being achieved, being around 32%. Nonetheless, this under provision is not reflective of housing growth within the Acton Round Cluster where its delivery is exceeding the plan requirement by a significant level. Furthermore, the Council is delivering a greater number of dwellings in its urban areas than was envisaged by the Plan. As a result, despite the rural undersupply it has maintained a 5 year housing land supply position, at 5.64 years. Therefore, whilst the Framework seeks to significantly boost the supply of housing, there is no compelling reason to support housing within this rural location and this policy context.
25. Being a small site, the dwellings could be delivered relatively quickly. However, this rapid delivery would be hampered due to the proposal being in outline form only, requiring reserved matters to be designed, submitted and agreed before development can commence.
26. The Appellant suggests that in contrast to existing and approved housing in the Community Cluster, the proposal would provide affordable family accommodation. However, existing housing in the area, including the adjacent semi-detached housing, includes relatively compact dwellings that are smaller and would be more suitable for families than the detached open market dwellings proposed on the appeal site. Moreover, the proposal is not presented as a rural exception site that is promoted by the local community as meeting a local need.
27. Reference has been made to the absence of small affordable housing units approved as part of the Haughton Ridge development. However, the Appellant has not demonstrated that the proposal would be substantially different to this due to the size of dwellings proposed.
28. The proposed dwellings are stated to include solar panels, air source heat pumps, and superior insulation. Such provision is welcomed, but this would only convey moderate weight in favour of the scheme.

Conclusion

29. The proposal would deliver four open market family homes within an infill plot, adjacent to existing housing and that would provide some limited economic benefits. In contrast, the proposal would conflict with the Council's Settlement Housing Guidelines in a rural location with poor accessibility. Furthermore, the evidence fails to demonstrate that the proposal would not result in adverse effects on ecological and arboricultural matters to the disbenefit of the local environment.
30. The proposal would undermine the Council spatial housing policies and would conflict with the development plan when taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Ben Plenty

INSPECTOR

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Appeal Decision

Hearing held on 6 June 2023

Site visits made on 5 and 21 June 2023

by J Woolcock BNatRes MURP DipLaw MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2023

Appeal Ref: APP/L3245/W/23/3314982

Land to the East of Squirrel Lane, Ledwyche, Ludlow, Shropshire SY8 4JX

- 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 Ledwyche Solar Limited against the decision of Shropshire Council.
 - The application Ref: 22/02151/FUL, dated 27 April 2022, was refused by notice dated 13 October 2022.
 - The development proposed is the formation of a solar farm including installation of solar panels, security fencing, CCTV cameras, an internal access track, underground cabling, invertors, substations, grid connection, environmental enhancement measures and other ancillary development.
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Decision

1. The appeal is allowed and planning permission is granted for the formation of a solar farm including installation of solar panels, security fencing, CCTV cameras, an internal access track, underground cabling, invertors, substations, grid connection, environmental enhancement measures and other ancillary development at Land to the East of Squirrel Lane, Ludlow, Shropshire SY8 4JX in accordance with the terms of the application, Ref: 22/02151/FUL, dated 27 April 2022, and the plans submitted with it, subject to the conditions set out in the Schedule of Conditions attached to this decision.

Preliminary matters

2. The planning application was refused by Shropshire Council against the recommendation of its officers for conditional approval. The reason for refusal states that; "The application would result in the loss of best and most versatile agricultural land and would have an adverse effect on the setting of the AONB and public rights of way and hence would be contrary to paragraph 174B of the NPPF, Core Strategy Policy CS6 (and accompanying explanatory paragraphs) and policy DP26 of the emerging Shropshire Local Plan."
3. I made unaccompanied visits to the site and the locality on 5 and 21 June 2023. The latter with the benefit of the site visit itinerary agreed by the parties at the Hearing.¹ The 28.5 ha appeal site comprises two arable fields located between Ludlow and the Shropshire Hills Area of Outstanding Natural Beauty (AONB). There is an existing 10.5 ha solar farm at Henley located on the opposite side of Squirrel Lane and to the west of the appeal site.

¹ HD6.

4. Western Power Distribution indicated that the Ludlow substation had available capacity for up to 12 MW to be connected. The proposed solar farm would supply electricity to the national grid via a grid connection at Ludlow substation and would operate for 40 years. The arrays of solar panels would be 3 m above ground level except in the south-western part of the site where their height would be limited to 2.1 m. Supporting infrastructure would include inverters (2.6 m high), transformers (3.2 m high), switchgear enclosure (3.2 m high), substations (4.4 m high), communications building (4.4 m high) and a storage building (3.2 m high). Security would be provided by a 2 m high deer fence and a remote camera surveillance system. The proposed development would be accessed from Squirrel Lane, which joins the A4117 to the north of the appeal site. A new access track some 700 m long would be formed within the site.
5. The development plan for the area includes the Core Strategy, March 2011 (CS) and Site Allocations and Management of Development Plan, adopted in December 2015 (SAMDP). The Draft Shropshire Local Plan 2016-2038 was submitted to the Secretary of State in September 2021 (eLP). There are no objections to Policy DP26.2k of the eLP concerning large scale ground mounted solar photovoltaic solar farms. This policy largely reflects national policy and guidance. Policy DP26 refers to Policy DP18 regarding the use of agricultural land.
6. The appeal site is not subject to any specific landscape or environmental designations. However, CS Policy CS5 states that new development will be strictly controlled in accordance with national planning policies protecting the countryside. CS Policy CS6 seeks to create sustainable places with high quality development to achieve an environment that respects and enhances local distinctiveness and which mitigates and adapts to climate change. It adds that all development should ensure, amongst other things, that it; (1) protects, restores, conserves and enhances the natural and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance, landscape character assessments and ecological strategies, and (2) makes the most effective use of land and safeguards natural resources including high quality agricultural land, soil and water.
7. I have had regard to the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) and taken into account the Landscape Institute's *Guidance for Landscape and Visual Impact Assessment* Third Edition (GLVIA3). Prior to the Hearing I requested the parties to include in the Statement of Common Ground their views about; (1) application of guidance in the PPG and GLVIA3 about cumulative impact assessment of large scale solar energy schemes, and (2) grid connection constraints/opportunities in the locality and in Shropshire.²
8. The appeal site is not included in the siting possibilities map produced by Zero Carbon Shropshire for ground mounted solar development.³ The filters applied to identify siting possibilities excluded grade 1 and 2 quality agricultural land. At the time the appeal site was identified as grade 2 land in this strategic level assessment. A more detailed and site-specific assessment is now available.

² Statement of Common Ground with Appendix 1: Additional matters raised by the Inspector (SoCG).

³ HD1.

The weight that the site possibilities map attracts is also limited by the fact that the document was not subject to formal public consultation other than a webinar.

Main issues

9. The main issues in this appeal are the effects of the proposed development on; (1) the character, appearance and amenity of the area, and (2) agricultural land, and whether the benefits of the proposed development would outweigh any harm having regard to relevant local and national policy.

Reasons

Landscape character

10. The appeal site lies within National Character Area:65 Shropshire Hills where a landscape of rugged hills contrasts with mixed agriculture in intervening valleys. In the County landscape character assessment, the majority of the site is within the Estate Farmlands Landscape Character Type (LCT). The northern part of the appeal site lies within the Principal Settled Farmlands LCT. The Pasture Hills LCT and the Upland Smallholdings LCT are further to the east.
11. The Estate Farmlands LCT is characterised as gently rolling lowland and valley floor landscapes with an ordered pattern of fields and woods creating framed views within medium to large scale landscapes with a strong rural character. During the construction period impacts on the rural landscape would be localised and temporary. When operational the solar arrays and associated infrastructure would be utilitarian structures in this countryside location. The metal and glass panels, along with their regular arrangement in long rows, would be out of keeping with the character of the area. The colour and texture of the panels would not be typical of the largely agricultural context, and so the proposed development would introduce a discordant element into the local landscape.
12. The appellant's finding of a very low magnitude of impact for the wider Estate Farmlands LCT understates the likely effect on landscape character. With medium sensitivity to the development proposed, and with a medium magnitude of effect, I consider that the proposal would have an adverse effect on the Estate Farmlands LCT of moderate significance.
13. The Principal Settled Farmlands LCT is a settled lowland landscape with scattered mixed farms in a medium scale landscape with predominantly filtered views. The proposed solar farm would have a limited effect on the key characteristics of this LCT, resulting in an adverse effect of minor/moderate significance. The elements of the Pasture Hills LCT combine to form small-medium scale landscapes, which offer filtered views through hedgerows and trees. Given the topography and restricted views the proposed development would have a minor effect on this LCT. The Upland Smallholdings LCT comprises the fringes of high moorland, largely within the AONB. The key characteristics of this LCT are its prominent sloping topography and small hedged pasture fields. Given the separation distance and limited intervisibility the proposed development would have a negligible impact on these landscape characteristics.
14. Overall, I find that the proposal would have an adverse effect on the landscape resource of moderate/minor significance.

Visual effects

15. The nearest parts of the AONB lie about 1.4 km to the north, and about 2.5 km to the east, of the appeal site. The appellant's Zone of Theoretical Visibility indicates the possibility of views from the AONB to the appeal site from the north (in the vicinity of Tar Grove) and from the north-east (in the vicinity of Farden). However, intervening vegetation prevents views of the appeal site from the Tar Grove area. Views from the AONB to the north-east of the proposed development are considered later in this section.
16. The eastern side of Squirrel Lane has a mature hedgerow that would, with appropriate management and infill planting, provide effective screening of the proposed solar farm in views from the lane. The same would apply to the southern boundary of the appeal site in views from Public Right of Way (PRoW) 0508/6Y/1, where there is a woodland belt. There would be brief views through gateways and in winter there would be the possibility of heavily filtered views into parts of the appeal site from these public routes, but these would be limited and not likely to result in any significant visual harm. The land rises up to the south and east of PRoW 0508/6Y/1, where Ledwyche Covert and the local topography effectively restricts views into the appeal site.
17. PRoW 0508/36/1 to the north of the appeal site extends eastward from the northern corner of the site towards Snitton. Views from the lower part of this footpath could be screened by mitigation planting. However, the land rises to the east and part of the solar farm would be visible from a section of about 270 m of this footpath at a distance ranging from 270 m to 540 m. Mitigation planting would in time filter and soften the impact of views from PRoW 0508/36/1 and reduce the adverse visual impact from moderate to minor significance.
18. There would also be some views of the solar farm from Snitton Lane and the PRoW network on elevated land at Snittongate, some 1.5 km to 2 km from the appeal site. It was apparent at my site visits that the northern and western parts of the proposed development would be seen as a linear feature appearing above intervening tree belts and below the line of trees along part of Squirrel Lane. The solar panels would be seen with a further tree belt and urban development in Ludlow beyond. These views also take in the National Grid interconnector substation on Squirrel Lane, business units and a park-and-ride carpark at Eco Park and a new housing development at Murchison Place, all beyond a tree belt to the south of the appeal site. Parts of the Henley solar farm are just discernible from some vantage points in this locality.
19. Further to the north-east the land rises higher up towards Farden Lane and the AONB near St Paul's Parish Church at Knowbury. Views of the proposed solar farm would be possible at a distance of about 2 km to 2.5 km from vantage points in the locality, including short sections of the Shropshire Way, some of which are within the AONB. However, the parts of the solar farm visible from these viewpoints would occupy only a small part of the expansive panorama looking across the valley towards Mortimer Forest and the hills beyond Ludlow.
20. The east/west orientation of the array of solar panels would to some extent soften the visual impact of the development in views from the north-east. It would mostly be the side or rear of the panels that would be visible, creating a noticeable change in tone and texture from the wider context of arable fields and woodland belts. However, the largely grey or darker tones would be

contained within the existing pattern of fields and woodland, which would limit the adverse visual impact in distant views. Nonetheless, given the sensitivity of receptors using the PRoW and enjoying the AONB, I consider that the views of the proposed development from the north-east would have an adverse visual impact of moderate/minor significance.

21. Taking all of the above into account, I consider that the proposed development would have an adverse effect on the visual amenity of the area of moderate/minor significance.

Setting of the AONB

22. The AONB has the highest status of protection in relation to landscape and scenic beauty. The NPPF adds that development within the setting of the AONB should be sensitively located and designed to avoid or minimise adverse impacts on the AONB. Policy P1 viii) of the AONB management plan states that development in the area around the AONB should be assessed for its impacts on the special qualities of the AONB itself, and also take account of the special qualities and landscape quality of the setting of the AONB. Measures to consider and mitigate such impacts should include; care over orientation, site layout, height and scale of structures and buildings; consideration of the landscape, land uses and heritage assets around and beyond the development site; careful use of colours, materials and nonreflective surfaces; restraint and care in the use of lighting.
23. The special qualities of the AONB include panoramic views that extend from, across and into the AONB, as well as unspoilt views. The rationale for the AONB in the management plan is that small and appropriate scale renewable energy generation can be accommodated within the landscape, drawing on the area's natural resources without harming its special qualities. It adds that larger scale installations should be outside the AONB.⁴
24. Views from the AONB are considered in the previous section of this decision. The proposal would not affect any views across the AONB. There are some vantage points near and to the west of the appeal site where it would be possible to see some of the proposed solar farm with parts of the AONB on the higher ground in the background. The most significant of these views would be from more elevated vantage points within and to the west of Ludlow where the solar farm would comprise a small element in distant views towards the AONB. The proposed development would not have an unacceptable adverse impact on views into the AONB.
25. The appeal site is part of the gently rolling lowland and valley floor landscape that is some distance from the AONB. It does not form part of the fringe slopes that rise up towards the AONB. In views from the AONB and its higher fringes the appeal site has a greater association with the nearby built development and infrastructure within Ludlow than it does with the AONB. It was apparent from my site visits that in these distant views the countryside to the immediate east of Ludlow makes a negligible contribution to the setting of the AONB. Notwithstanding that parts of the proposed development would be visible from some vantage points within the AONB and its setting, I find that the appeal scheme would have a negligible impact on the setting of the AONB. The

⁴ HD4.

proposed development would not conflict with NPPF paragraph 176 or the AONB management plan.

Cumulative impact

26. In assessing cumulative impact GLVIA3 draws a distinction between focussing primarily on the additional effects of the main project under consideration, or on the combined effects of the past, present and future proposals together with the new project.⁵ Incremental changes might not individually result in significant harm given the baseline, but cumulatively could result in a substantially different landscape and significantly diminish the visual quality of the area, compared to that which originally existed. It seems to me that whether the additional or combined effects should be assessed depends largely on the overall quality and importance of the original landscape and to what extent it warrants safeguarding.
27. Considering the quality of the landscape prior to the construction of the Henley solar farm, the area to the east of Ludlow was largely rural and characterised by arable fields interspersed with pockets of woodland. There is nothing to indicate that this area was recognised as having any specific characteristics or features over and above those that exist more generally in the open countryside of Shropshire. I find nothing in this case to justify applying a combined effects assessment and so have focussed on the additional effects of the appeal scheme.
28. There is an outstanding application for a 56.5 ha solar farm at Rock Farm to the immediate west of Henley solar farm and within some 340 m of the appeal site.⁶ The effects of the Rock Farm scheme would need to be assessed having regard to the relevant baseline at the time that application is determined. That is not a matter for me in dealing with the current appeal. Nevertheless, the PPG advises that the information to inform landscape and visual impact assessments can usefully include applications received.⁷ I have, therefore, taken both the Henley scheme and the Rock Farm application into account in assessing cumulative impact, and had regard to both in undertaking my site visits.⁸
29. The addition of the appeal scheme to a baseline that included the Henley and Rock Farm solar farms would adversely affect the fabric of the landscape to some extent because of the nature and scale of the development proposed for the appeal site. However, key characteristics of the landscape, including the field pattern and scattered woodland, would remain as significant landscape receptors. The additional effect of the appeal scheme would cumulatively have some impact on landscape character, but it would not result in the creation of a different landscape character type or sub-type. I consider that the addition of the appeal scheme to a landscape that included the existing Henley and proposed Rock Farm schemes would result in a cumulative landscape effect of

⁵ GLVIA3 paragraph 7.18.

⁶ Bitterley Parish Council Statement and paragraph 10 SoCG Appendix 1.

⁷ First bullet point of Paragraph: 023 Reference ID: 5-023-20140306. This refers to windfarms, but Paragraph: 013 Reference ID: 5-013-20150327 states that; "The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero."

⁸ Paragraph 8 of Appendix 1 to the SoCG provides that the Inspector will be able to assess cumulative effects at the site visit.

minor significance over and above that which would result from the appeal scheme itself.

30. Cumulative visual effects can be either combined, where the observer can see two or more developments from one viewpoint, or sequential in that the observer would have to move to another viewpoint to see the development.⁹ It was apparent from my site visits that opportunities to see both the appeal site and the Henley solar farm from one viewpoint are very limited. Such combined visual effects of the appeal scheme with the Rock Farm proposal would also be restricted by the local topography and woodland. However, it would be possible to see parts of these schemes from the same viewpoint at various locations on the higher land to the north-east, in the vicinity of Farden. The cumulative combined visual effect would be limited given the considerable viewing distances and wide panoramic view from these elevated viewpoints.
31. Receptors using Squirrel Lane would see glimpses of Henley solar farm to the south-west along parts of the lane, and from different parts of the lane would occasionally see glimpses of the appeal scheme to the south-east, resulting in an adverse sequential cumulative visual effect of slight significance. As receptors moved around the locality via other local roads and PRoW there would also be some limited opportunities to experience sequential cumulative visual effects. However, it was apparent from my site visits that these would be occasional rather than frequent given the distances and time lapses between appearances. The latter particularly so for walkers taking time to move between viewpoints.
32. I find that the addition of the appeal scheme with other development in the locality would result in a cumulative visual effect of minor significance over and above that which would result from the appeal scheme itself.

Agricultural land

33. There is local concern that the classification of the appeal site as 95% grade 3a agricultural land understates the quality of the land and its capacity to produce arable crops. However, there is no convincing evidence to dispute the assessment agreed between the appellant and Shropshire Council.¹⁰ Grade 3a land is included in the definition of best and most versatile agricultural land for the purposes of applying national policy.¹¹
34. I am satisfied that the appellant's site selection process reasonably takes into account relevant grid connection, environmental and heritage constraints, along with agricultural land quality considerations.¹² The main soil types within the search area for the proposed development, with the exception of land within the AONB, are predominantly grades 2 and 3a. The scheme proposes that the appeal site would remain in agricultural use, insofar as sheep would graze between the solar arrays. The change from arable to pasture would improve soil health. The reduction in the application of nitrogen fertiliser over

⁹ Table 7.1 GLVIA3.

¹⁰ SoCG paragraph 6.1.

¹¹ NPPF paragraph 174 b) provides that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, recognising the economic and other benefits of the best and most versatile agricultural land. Footnote 58, albeit in a reference to plans, 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.

¹² Section 2.2 of the appellant's Planning Design and Access Statement April 2022 states that a 5 km search area was identified around the substation.

the 40-year period would reduce the risk of excessive nutrients leaching into Ledwyche Brook. It is also proposed that the site would be fully reinstated to a sole agricultural use when the solar farm ceased to operate. Sheep grazing and restoration of the site are both matters that could be addressed by the imposition of planning conditions.

35. The proposed development would be a significant farm diversification that would generate a secure and stable income for the Estate. Nevertheless, taking 27 ha of best and most versatile land out of arable production for 40 years would have an adverse economic impact on local agricultural productivity. The Estate owners of the appeal site consider that less intensive farming of the solar farm site would free up resources to work other parts of the Estate more efficiently. But no detail was adduced at the Hearing to indicate how any such benefits could be quantified or secured. This argument attracts little weight.
36. Taking all these matters into account, I consider that underutilising a significant area of grade 3a best and most versatile agricultural land for such a long period would result in an adverse effect of moderate significance.

Renewable energy

37. Shropshire Council declared a climate emergency in 2018. The proposed development would contribute 12 MW to the generating capacity of Shropshire and would support the transition to a low carbon future. This is an important consideration in determining this appeal.
38. The main parties agree that grid capacity forms a significant constraint to the location of solar farms both nationally and in Shropshire, but acknowledge that the presence of a suitable grid connection should not on its own be sufficient to override all other considerations and establish an imperative to approve a solar farm development.¹³ Nevertheless, given the constraints on grid capacity it is important to take advantage of available capacity where solar photovoltaic development is or can be made acceptable.
39. Mitigating climate change and moving to a low carbon economy are included as objectives in achieving sustainable development in the NPPF. I consider that the renewable energy benefits of the proposed development should be given substantial weight in favour of allowing the appeal.

Other matters

40. The proposal includes planting trees and new hedgerows (170 m and 260 m), along with a wildflower meadow (1.5 ha), that would, with appropriate management, result in a biodiversity net gain. Subject to the imposition of appropriate planning conditions the scheme would result in a biodiversity benefit of minor significance.
41. There is local concern about the effects of construction traffic on Squirrel Lane and especially for the listed bridge to the south of the appeal site. The lane is narrow with limited passing places and the bridge has been damaged by vehicles in the past. There are other legislative provisions to impose restrictions on vehicles using the public highway, and to repair highway damage. I am satisfied that these other regulatory regimes are capable of

¹³ SoCG Appendix 1 paragraphs 12 and 13.

regulating the relevant highway issues in this case. In the circumstances that apply here, construction traffic could be reasonably controlled by means of an approved construction traffic management plan.

42. The proposed solar farm would cause no harm to the setting of the heritage assets at Henley Hall because of the 250 m separation distance and intervening mature tree belt.¹⁴ Archaeology is a matter that could be addressed here by the imposition of a planning condition. I concur with the main parties that the proposal would not harm other heritage assets or their setting.¹⁵
43. The nearest dwelling would be some 120 m from the proposed solar panels. With landscaping the scheme would have a negligible effect on views from nearby dwellings. The evidence indicates that the scheme would not have an unacceptable adverse effect on the residential amenity of the occupiers of dwellings in the locality, or neighbouring land uses, by reason of glint or glare.
44. Third parties raised issues about the likely effects of the proposed development on recreation, drainage and noise. Local concern about negative impacts on the recreational benefits of the area and tourism are not supported by substantive evidence. A SuDS type drainage system within the site is proposed to reduce the rate of run-off to the adjacent water course. The evidence before me indicates that noise is a matter that could be reasonably addressed by the imposition of appropriate planning conditions.
45. I was referred to other decisions for solar farms, but do not find these very helpful because much depends on the particular circumstances in those cases. I have determined this appeal on its own merits. I have taken into account all other matters raised in the evidence but have found nothing to outweigh the main considerations that lead to my conclusions.

Planning balance and policy

46. Paragraph 174 b) of the NPPF provides that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside. Given my findings about landscape, visual and cumulative effects, I consider that overall, the proposed development would have an adverse effect on the character and appearance of the area of moderate/minor significance. This harm would endure for the 40-year operational lifetime of the proposed development and should be given moderate weight. The harm I have identified to agricultural productivity is of moderate significance and should attract moderate weight.
47. The minor benefits of the scheme to biodiversity should be given slight weight in the planning balance given that the site would be restored to full agricultural use after 40 years. The benefits of renewable energy and contribution to climate change mitigation attract substantial weight given local and national policy support. In my judgement, the planning balance here falls in favour of the proposal.

¹⁴ The heritage assets at Henley Hall include a grade II listed historic park and 5 grade II listed buildings.

¹⁵ SoCG paragraph 6.2.

48. Subject to the imposition of appropriate planning conditions, I find no conflict with CS Policy CS5 about the countryside. The scheme would comply with CS Policy CS6 because it would assist in mitigating climate change while respecting local distinctiveness. It would also accord with eLP Policy DP26. Given my finding about the planning balance in this case, I find no conflict with eLP Policy DP18, which states that development should avoid best and most versatile agricultural land wherever possible, unless the need for and benefit of the development justifies the scale and nature of the loss.

Conditions

49. Bitterley Parish Council suggested a number of additional conditions to those agreed by the appellant and the local planning authority if planning permission was granted. These were discussed at the without-prejudice discussion about conditions at the Hearing. Revised suggested conditions were agreed between the appellant and the local planning authority.¹⁶ Some of the wording of the suggested conditions would need to be amended in the interests of precision and enforceability.
50. In addition to the standard commencement condition, it would be necessary to define the permission and ensure the development was carried out in accordance with the approved plans (Conditions 1-3). A revised Construction Traffic Management Plan would be required, and a haul route prescribed, in the interests of highway safety (Conditions 4 and 5). Landscape and biodiversity conditions, including approval of a Tree Protection Plan as insufficient details are included in Appendix 2B Biodiversity Management Plan, would be necessary to safeguard the local environment (Conditions 6-9 and 11).
51. A Construction Environmental Management Plan would need to be approved, to include noise mitigation, in the interests of the amenity of the area (Condition 10). Lighting would need to be controlled to safeguard wildlife (Condition 12). Fencing should be specified in the interests of the appearance of the area (Condition 13). An archaeology condition would deal adequately with local heritage considerations (Condition 14).
52. Provisions for a complaints procedure and a local community liaison group would be necessary to monitor the construction and operation of the solar farm (Conditions 15 and 16). Securing continued agricultural use of the site by grazing sheep would be necessary to accord with the scheme that was considered at the Hearing (Condition 17). The PPG provides 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 (Condition 18). The scheme proposes a sustainable drainage system (SuDS) but details would need to be approved (Condition 19).

¹⁶ HD5.

Conclusion

53. I find that the planning balance falls in favour of the proposed development, and that the appeal scheme would accord with the development plan taken as a whole. The impacts of the proposal can be made acceptable with the imposition of conditions and so the scheme would comply with paragraph 158 b) of the NPPF. I consider that the proposed solar farm gains support from the NPPF taken as a whole. For the reasons given I conclude that the appeal should succeed.

J Woolcock

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Gwion Lewis KC Landmark Chambers
John Ingham CMLI Director Stephenson Halliday
Alastair Field Director Reading Agricultural Consultants
Euan Hutchison MRTPI Associate Director Locogen
Stefano D'Ambrosio Solicitor
Richard Hillum Aukera Ltd
Nick Lumsden farmer

FOR SHROPSHIRE COUNCIL:

Grahame French Principal Planning Officer
Louise Evans Principal Planning Officer
Cllr Clare Wild
Cllr Andy Boddington

INTERESTED PARTIES:

Cllr Katharine Wheeler Bitterley Parish Council
Cllr Alison Holman Bitterley Parish Council

DOCUMENTS SUBMITTED AT THE HEARING

HD1 Zero Carbon Shropshire Plan 2021 and email dated 6 June 2023 concerning public consultation/adoption of the plan citing
<https://shropshire.maps.arcgis.com/apps/webappviewer/index.html?id=e3b884cad4965a0462242a1bc62c0>

and

https://zerocarbonschropshire.org/support-us/energy/renewable_energy_mapping_project/

HD2 Nature Scot Guidance – Assessing the cumulative landscape and visual impact of onshore wind energy developments
<https://www.nature.scot/doc/guidance-assessing-cumulative-landscape-and-visual-impact-onshore-wind-energy-developments>)

HD3 Cllr Wild's written statement

HD4 Shropshire Hills AONB Management Plan 2019-2024

HD5 Additional conditions discussed at Hearing – wording agreed by appellant and Shropshire Council

HD6 Site visit itinerary

SCHEDULE OF CONDITIONS (1-19)

1. The development hereby permitted shall be commenced within 3 years of the date of this permission. This date is referred to hereinafter as 'the Commencement Date'. Written notification of the date when electricity is first exported from the solar farm hereby permitted to the electricity grid shall be submitted to the local planning authority no later than 14 days after the event. This date is referred to hereinafter as 'the First Export Date'.
2. Except as otherwise provided in the conditions attached to this permission the development hereby permitted shall be carried out in accordance with the application form dated 27 April 2022 and the accompanying planning statement and supporting documents and plans, including Drawing Nos.7325-DRW DES-0001 to 0012 and Drawing No.7325-DRW PROP-0013.
3. This permission shall relate only to the land edged red on Ledwyche Solar Farm Location Plan Drawing No.7325-DRW-PROP-0002-Location plan-v2.0, hereinafter referred to as 'the Site'.
4. No development shall take place until a revised Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The revised CTMP shall include details of how traffic will be managed along Squirrel Lane to minimise the risk of vehicles meeting with construction traffic and for the assessment and repair if necessary of any damage to the highway network. Construction shall be carried out in accordance with the approved CTMP.
5. The sole access to and from the Site during the construction and decommissioning periods shall be by means of the route shown on the approved plan titled Ledwyche Solar Farm Proposed Haul Route Figure 5.1 Drawing No.NEO00940/010I/B contained within the Construction Management Plan by Neo Environmental.
6. No development shall take place (including ground works and vegetation clearance) until a Tree Protection Plan has been submitted to and approved in writing by the local planning authority. The Tree Protection Plan shall provide for all trees on the Site to be retained throughout the construction phase and protected throughout the works in accordance with BS5837: Trees and Development. The approved measures shall be implemented in full prior to the commencement of any development related activities on site, and they shall thereafter be maintained for the duration of the site works. No material variation shall be made from the approved Tree Protection Plan without the prior written approval of the local planning authority. No development hereby permitted, including ground disturbance, siting of plant, equipment, buildings or bunds, shall take place within 2 metres of any hedgerow, without the prior written approval of the local planning authority. Where the approved Tree Protection Plan indicates that construction work is to take place within the Root Protection Area of any retained trees, large shrubs or hedges, prior to the commencement of any development works, an Arboricultural Method Statement (AMS) detailing how any approved construction works will be carried out, shall be submitted to and approved in writing by the local planning authority. The AMS shall include details about when and how the works will take place and be

managed; and how the trees, shrubs and hedges will be protected during such a process. The AMS shall be implemented in accordance with the approved details.

7. No development shall take place (including ground works and vegetation clearance) until a Landscape and Ecological Mitigation Plan has been submitted to and approved in writing by the local planning authority. The plan shall include:
 - i. Planting plans, creation of wildlife habitats and features and ecological enhancements in accordance with Appendix 2B Biodiversity Management Plan (Neo Environmental, January 2022);
 - ii. Written specifications for the establishment of planting and habitat creation;
 - iii. Schedules of plants/seed mixes, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
 - iv. Implementation timetables.

Native species used are to be of local provenance (Shropshire or surrounding counties). The plan shall be carried out as approved. 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 approval in writing by 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 this Condition has been completed.

8. All new planting within the Site shall be subject to aftercare and maintenance for a period of 5 years following planting, including weeding and replacement of failures.
9. All Site clearance, development, landscaping and biodiversity enhancements shall occur strictly in accordance with Appendix 2B Biodiversity Management Plan (Neo Environmental, January 2022).
10. No development shall take place (including ground works and vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include:
 - i. An appropriately scaled plan showing Wildlife/Habitat Protection Zones where construction activities are restricted and 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 and to avoid the bird nesting season;
 - v. The times during construction when an ecological clerk of works needs to be present on site to oversee works;

- vi. Pollution prevention measures, including noise mitigation;
- vii. Identification of persons responsible for compliance with legal consents relating to nature conservation, compliance with planning conditions relating to nature conservation, installation of physical protection measures during construction, implementation of sensitive working practices during construction, regular inspection and maintenance of physical protection measures and monitoring of working practices during construction, along with provision of training and information about the importance of Wildlife Protection Zones to all construction personnel on site.

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

11. Within 28 days prior to any pre-development site enabling works an inspection for badgers and otters shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the local planning authority prior to any development taking place. If new evidence, or a change in status, of badgers or otters is recorded during the pre-development survey then the ecologist shall submit a mitigation strategy, including a timetable for implementation, for prior written approval by the local planning authority that sets out appropriate actions to be taken during the construction stage. The mitigation strategy shall be implemented as approved.
12. Prior to the erection of any external lighting on the Site, a lighting plan shall be submitted to and approved in writing by the local planning authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. The submitted scheme shall be designed to take into account the advice on lighting set out in the Institution of Lighting Professionals and Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK (available at <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificiallighting/>). All external lighting shall be installed strictly in accordance with the specifications and locations set out on the approved plan, and shall thereafter be retained for the lifetime of the development. Under no circumstances shall any other external lighting be installed without prior written approval from the local planning authority.
13. Fencing shall be provided strictly in accordance with the details shown on the approved fencing plan Drawing No.DES-0009 v1.0 Deer Fence. Site security shall be provided in accordance with the specifications detailed in the approved Drawing No.DES-0003 v1.0 CCTV Pole.
14. No development shall take place until the developer, 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. This written scheme shall be approved in writing by the local planning authority prior to the commencement of works.

15. Prior to the Commencement Date the developer shall submit for the written approval of the local planning authority a Complaint Procedure Scheme for dealing with noise and other amenity related matters. The submitted scheme shall set out a system of response to verifiable complaints received by the local planning authority. This shall include:
- i. Investigation of the complaint;
 - ii. Reporting the results of the investigation to the local planning authority;
 - iii. Implementation of any remedial actions approved by the local planning authority within an approved timescale. The approved scheme shall be adhered to for the lifetime of the development hereby permitted.
16. Prior to the Commencement Date the developer shall convene a local Community Liaison Group (CLG) to consist of representatives on behalf of the developer, Bitterley Parish Council and the local planning authority. The CLG shall meet virtually or physically at intervals to be agreed by CLG members during the construction of the solar farm hereby permitted and then during the first five years of its operational life. The CLG shall facilitate dialogue and interaction between the developer and the local community, with a main focus on assisting the local planning authority to monitor the implementation of this permission, including:
- i. The approved Construction Traffic Management Plan (Condition 4);
 - ii. The approved Landscape and Ecological Mitigation Plan (Condition 7) and the related aftercare/maintenance condition (Condition 8);
 - iii. The approved Biodiversity Management Plan (Condition 9);
 - iv. The approved Construction Environmental Management Plan (Condition 10), and ;
 - v. The approved Complaint Procedure Scheme (Condition 15).
 - vi. The approved SuDS scheme (Condition 19)
17. Prior to the Commencement Date the developer shall submit for the approval in writing of the local planning authority a scheme setting out the measures which shall be undertaken to facilitate sustainable sheep-grazing between the solar arrays, including grass sward specification and potential stocking type and density, for the duration of the operational life of the development. The scheme shall be implemented in accordance with the approved details and confirmation that the approved measures are being implemented shall be provided to the local planning authority upon prior written request.
18. The development hereby permitted shall be removed from the Site if the solar farm is no longer in use or after a period of 40 years from the First Export Date, whichever occurs earlier. No later than 6 months before the end of the 40-year period from the First Export Date, or within 6 months of the solar farm being no longer in use, a decommissioning and site restoration scheme, including a timetable for its implementation, shall be submitted for the written approval of the local planning authority. The scheme shall make provision for the removal of the solar panels and associated works approved under this permission, and for the reinstatement of the land within the Site so that with aftercare it is of the same grade of agricultural quality as when this permission was granted. The scheme shall include details of how traffic will be managed

along Squirrel Lane to minimise the risk of vehicles meeting with decommissioning traffic and for the assessment and repair if necessary of any damage to the highway network. The scheme, as approved, shall be implemented in accordance with the approved details.

19.No development shall take place until a sustainable drainage scheme (SuDS) has been submitted to and approved in writing by the local planning authority. The SuDS scheme shall:

- i. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. Include a timetable for its implementation; and,
- iii. Provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The sustainable drainage scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

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