

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

Date: Monday, 8 January 2024

**Committee:**  
**Southern Planning Committee**

**Date:** Tuesday, 16 January 2024

**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](mailto: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**

Joyce Barrow  
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

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# 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 12 December 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 Thursday 11 January 2024

## 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 Retail Unit To The South Of Sheet Road Ludlow Shropshire (23/04457/FUL) (Pages 5 - 22)

Erection of a retail unit and associated works

## 6 Hare And Hounds Cruckton Shrewsbury Shropshire SY5 8PW (23/04167/FUL) (Pages 23 - 38)

Cross Subsidy Housing Scheme comprising of 4 No terraced affordable dwellings, a pair of semi-detached affordable dwellings, and 4 No detached open market dwellings with double garages.

## 7 Charlton Arms Hotel Ludford Ludlow Shropshire SY8 1PJ (23/03457/FUL & 23/03458/LBC) (Pages 39 - 50)

Alteration of existing first floor terrace to create two additional guest bedrooms with additional guest terrace above.

## 8 Euro House Dale Street Craven Arms Shropshire SY7 9PA (23/04035/FUL) (Pages 51 - 62)

Extension of existing water culvert

## 9 Proposed Residential Development Land To The East Of 5 Gravels Bank, Minsterley (23/04140/FUL) (Pages 63 - 80)

New 3 - bedroom single dwelling with detached garage and new lane access.

**10 Land To The North Of Small Heath Farmhouse Ashford Bank Claverley Shropshire (23/04577/VAR) (Pages 81 - 90)**

Variation of Condition No. 2 attached to planning permission 23/00967/FUL dated 12 October 2023 to amend plots 3 and 4 from one bed bungalows to two bed bungalows and add PV panels at all plots

**11 Schedule of Appeals and Appeal Decisions (Pages 91 - 108)**

**12 Date of the Next Meeting**

To note that the next meeting of the Southern Planning Committee will be held at 2.00 pm on Tuesday 20 February 2024 , in the Shirehall.



## Committee and Date

Southern Planning Committee

16 January 2024

## **SOUTHERN PLANNING COMMITTEE**

**Minutes of the meeting held on 12 December 2023**

**2.00 - 3.05 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND**

**Responsible Officer:** Tim Ward / Ashley Kendrick

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

### **Present**

Councillors David Evans (Chairman), Nick Hignett (Vice Chairman), Caroline Bagnall, Andy Boddington, Christian Lea, Hilary Luff, Nigel Lumby, Tony Parsons, Ed Potter, Robert Tindall and Nigel Hartin (Substitute) (substitute for Richard Huffer)

### **37 Apologies for Absence**

Apologies for absence were received from Councillor Richard Huffer.

Council Nigel Hartin substituted for Councillor Huffer

### **38 Minutes**

#### **RESOLVED:**

That the Minutes of the meeting of the Southern Planning Committee held on 14 November 2023 be approved as a correct record and signed by the Chairman.

### **39 Public Question Time**

There were no public questions

### **40 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.

### **41 Proposed Residential Barn Conversions To The South Of Acton Burnell (23/03726/FUL)**

The Area Planning Officer introduced the application which was an application for the Conversion of 2 barns, erection of 2 dwellings (on site of existing Dutch barns to be removed) and associated works and with reference to the drawings and photographs displayed, he drew Members' attention to the location and layout. He advised

Members that the application had been called in by the local member councillor Dan Morris who supported the application.

Dyanne Humphreys, (Agent), spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Members felt that the proposals to convert the barns were generally acceptable but that the proposed new dwellings would have an adverse effect on the setting of the adjacent heritage asset, the street scene and the conservation area and therefore the application in its present form could not be supported.

**RESOLVED:**

That in accordance with the officer recommendation planning permission be refused for the reasons set out in the report

**42 Proposed Residential Development Land To The South Of A456 Burford Shropshire (23/02796/FUL)**

The Principal Planner introduced the application which was an application for the erection of 40 dwellings, vehicular, pedestrian and cycle access from the A456, landscaping, open space, sustainable urban drainage system and associated infrastructure and with reference to the drawings and photographs displayed, she drew Members' attention to the to the location and layout. The Principal Planner drew members attention to the list of conditions set out in the schedule of late representations.

Councillor Bridget Thomas spoke on behalf of Burford Parish Council against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees

Luke Challenger, (Agent), spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Members welcomed the fact that the levels of affordable housing and biodiversity net gain were above those required by policy and that there was a good mix of housing types. Some Members expressed concern that there was not a requirement for a pedestrian crossing across the A456

**RESOLVED:**

That in accordance with the officer recommendation planning permission be approved subject to the conditions set out in the schedule of late representations and a section 106 agreement to secure affordable housing and a financial contribution towards highways works with delegation to officers to agree the final wording and terms.

**43 Proposed Affordable Dwelling At Land At Highclear Beaconhill Lane Monkhopton Bridgnorth Shropshire (23/04666/FUL)**

The Development Manager introduced the application which was an application for the erection of 1 No affordable dwelling with 3 bay garage and storage above, formation of vehicular access and installation of package treatment plant and with reference to the drawings and photographs displayed, she drew Members' attention to the to the location and proposed layout and elevations.

Members were advised that the applicant had recently submitted amended plans for the proposed garage which would create a two-bay single storey garage in place of the 3 bay 2 storey garage originally proposed. but that Officers had not had time to assess the new plans.

Councillor Robert Tindall, local Ward Councillor made a statement in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees, and then left the room.

William Pugh (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 an identified need for the dwelling and that Highclear constituted a settlement and thus the application was compliant with policy. Members welcomed the alterations to the design and scale of the garage proposed by the applicant

**RESOLVED:**

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

**44 Schedule of Appeals and Appeal Decisions**

**RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the southern area as at 12 December 2023 be noted.

**45 Date of the Next Meeting**

**RESOLVED:**

That it be noted that the next meeting of the Southern Planning Committee will be held at 2.00 pm on Tuesday, 16<sup>th</sup> January 2024 in the Shirehall.

Signed ..... (Chairman)

Date: .....



## AGENDA ITEM



Committee and date

**16th January 2024**

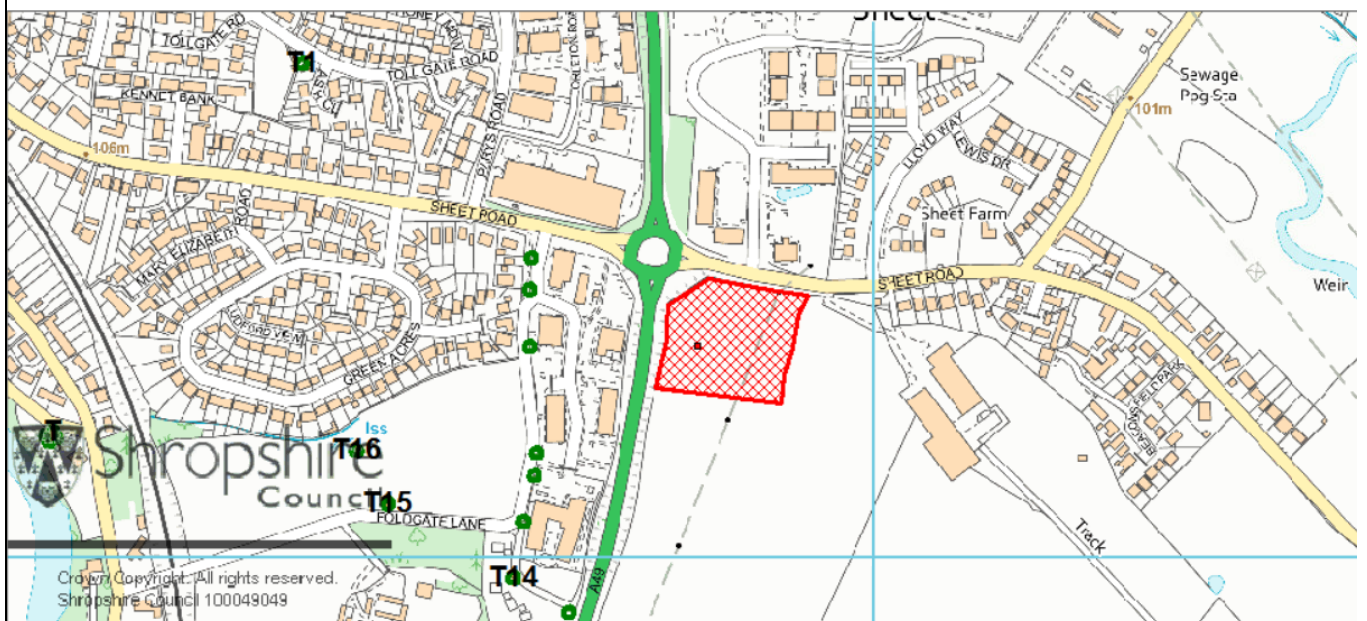
### Development Management Report

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

### Summary of Application

<b>Application Number:</b> 23/04457/FUL	<b>Parish:</b>	Ludford
<b>Proposal:</b> Erection of a retail unit and associated works		
<b>Site Address:</b> Proposed Retail Unit To The South Of Sheet Road Ludlow Shropshire		
<b>Applicant:</b> Avenbury Properties 2021		
<b>Case Officer:</b> Louise Evans	<b>email:</b> Louise.m.evans@shropshire.gov.uk	

**Grid Ref:** 352834 - 274200



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

## REPORT

### 1.0 THE PROPOSAL

- 1.1 The proposed development will provide a 2016.8sqm retail unit, with access from Sheet Road, 160 space car park to include 7 disabled persons parking bays, 7 parent and child parking bays, 8 electric vehicle charging bays, cycle rack, service yard, and landscaping.
- 1.2 This application is a resubmission following the withdrawal of the planning application 22/05682/FUL. The application was withdrawn to deal with outstanding issues in relation to the design of the building as well as providing additional information in connection with highway safety, archaeology and retail impact.
- 1.3 The current application is supported by a Design and Access Statement, Retail Impact Assessment and addendum, Transport Assessment and addendum, Travel Plan, Arboricultural Assessment, Geotechnical Report, Flood Risk Assessment, Heritage Impact Assessment, Preliminary Ecological Appraisal, Archaeological and Geophysics Report, a Landscape Assessment as well as a Landscape Plan.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is 1.17 Ha in area and forms the north-western corner of the ELR058 employment allocation in the development plan.
- 2.2 The site is located to the southeast of Ludlow adjacent to the A49 trunk road and its roundabout with Sheet Road.
- 2.3 To the north of the site is the existing Ludlow Eco-Park employment area and the mixed housing and employment allocation LUD034/ELR059, now developed.
- 2.4 The site is currently in agricultural production and sits elevated from the adjacent A49 highway.
- 2.5 The site is bound by existing hedgerows on its north and western boundaries which are intended to be retained in the development except to provide an access from Sheet Road.

### 3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

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3.1 It is a major application which in the view of the Planning Services Manager in consultation with the Chairman should be determined by the relevant Planning Committee.

## 4.0 Community Representations

### 4.1 Consultee Comment

#### 4.1.1 SC Conservation (Historic Environment)

10 Nov 2023: There are a number of Grade II listed buildings within 200-300 metres of the site and the edge of the Ludlow Steventon Conservation Area lies within 500 metres of the site, the Scheduled Ancient Monument of Caynam Camp Hillfort lies to the east. In its current form the application is deficient in sufficient supporting information and adequate assessment of the proposal.

#### 4.1.2 SC Archaeology (Historic Environment)

06 Nov 2023: Supporting assessments concluded that there is a medium potential for archaeological remains of Iron Age 'Romano-British' activity of medium heritage significance at the site. A condition is recommended for a phased programme of archaeological work. The proposed development site is also located 1.4km north east of the Scheduled Monument of Caynam Camp, a large univallate hillfort 700m north west of Caynam.

#### 4.1.3 Historic England (Midlands)

13 Nov 2023: Have made a no comment response

#### 4.1.4 SC Highways

02 Jan 2024: The submitted application addresses the highway issues raised in association with withdrawn application 22/05682/FUL. The access arrangement, parking provision and traffic assessment are all considered to be acceptable. Conditions requiring the submission of full engineering details and a construction management plan have been suggested.

#### 4.1.5 National Highways

09 Nov 2023: A holding objection waiting for further information on the geotechnical issues

23 Nov 2023: Recommend that conditions should be attached to any permission granted, to include a construction management plan, drainage and agreement of lighting proposals. The geotechnical issues are now resolved through the submission of further information.

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#### 4.1.6 SUDS

02 Nov 2023: The outline foul and surface water drainage strategy included in the Flood Risk Assessment dated October 2022 is acceptable. A condition requiring submission of a scheme of surface and foul water drainage has been recommended and comments relating to the detail of the full scheme have been provided.

16 Nov 2023: All drainage proposals, including all outfall pipes and point of discharge must be included within the red line boundary. The pipe sizes should be reviewed and confirmed by modelled volumetric and simulation calculations.

#### 4.1.7 SC Trees

10 Nov 2023: Consultation superseded

25 Nov 2023: No objection in principle on arboricultural grounds to the proposed development. Suitable care should be taken in the layout and design of the development, so as to avoid damaging boundary trees and hedgerows during any approved construction, and to create a sustainable juxtaposition between these features and built structures in the long term. Sufficient care should be taken in the design and layout of the development and its associated landscaping to ensure that sufficient rooting volume of good quality soil, allowing water infiltration and gaseous exchange between the soil and air, is available to sustain each planted tree to biological maturity and it is essential to design adequate planting pits from the outset in hard landscaped areas. Tree protection and landscaping conditions are recommended.

#### 4.1.8 SC Ecologist

08 Nov 2023: No objection. Conditions and informative notes have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

#### 4.1.9 SC Landscape Consultant

08 Nov 2023: The methodology of the assessment and the presentation of viewpoint photography does not adequately follow best practice guidance and is unlikely to produce reliable results. The LA includes a number of factual errors including the stated height of the building and that the landscape sketch scheme does not accurately reflect the proposed site plan.

## 4.2 **Public Comments**

- 4.2.1 Ludford Parish Council – maintain their concern and objection to the LUD54 allocation. Accept that the revised design is more suitable for this rural location.

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However, LPC continues to have concerns relating to highway issues. Particularly, the number of additional vehicles that will utilise the highway and junction in combination with other proposed and approved developments in the locality, as well as the accessibility of the development from approved residential development within the vicinity of the application site. LPC have requested to see the Stage 1 Road Safety Audit prior to supporting the application.

4.2.2 33 representations have been received. 20 in support of the application and 15 in objection.

4.2.3 The grounds of support are summarised as follows

- More competition will drive better shopping options for local people.
- The existing traffic issues and lack of parking in town make an out of town location preferable.
- Available existing buildings would clearly be unsuitable for M&S and there is no available site big enough for building and parking in town.
- The design is better than most new supermarkets - looks quite similar to Ludlow Farm Shop buildings.
- M&S are a highly reputable employer and will help improve employment options locally.
- Parking is a problem in Ludlow.
- New housing development requires more choice.
- It will contribute to the local trade and provides more options for locals.
- It is in keeping with the outskirts of the town.
- People travel to other towns to visit M & S and spend their money there instead.
- Agree with the findings of the Retail Impact Assessment.

4.2.4 The grounds of objection are summarised as follows

- Site does not need 'unlocking'
- More appropriate sites in town
- It will remove trade from Ludlow
- Ludlow does not need more supermarkets – already well catered for
- Design incongruous
- Additional retail unit on this green field site is not justifiable
- Existing employment site should be expanded before creating a new site
- Brownfield sites should be re-used
- The retail impact assessment does not fully take in to account the consequences of the new supermarket development in a similar out of town location

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- It is new development on green field land which will result in a significant carbon burden
- Many shops in Ludlow have closed already as they cant compete with supermarkets
- There is room for M&S in Ludlow - but not at the proposed site and not at any cost
- It will result in the death of independent traders
- It will exacerbate highway safety issues on an already treacherous A49
- The revised RIA underestimates the M&S's turnover; It overestimates the amount of trade drawn from outside the catchment; It continues to underestimate the amount of trade drawn from Tesco and the town centre, and the resultant impact on the town centre; It over estimates inflows to Tesco and M&S to suppress the real impact on the town centre; and It does not show the combined impact of the loss of direct trade and the loss of linked trips.

## 5.0 THE MAIN ISSUES

Principle of development  
Siting, scale and design  
Visual impact and landscaping  
Heritage impact  
Highway safety  
Ecology and trees

## 6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The proposed development would result in a retail unit being located on an allocated employment site intended to be safeguarded for industrial uses. The site is also located out of the town centre of Ludlow. This being the case, two principle matters must be considered, namely retail impact of the development (including a sequential test) and the impact of the loss of allocated employment land.

6.1.2 **Retail Impact:** Policy CS15 of the Core Strategy reflects the general town centre first approach of National Policy, requiring that applications for development outside of defined centres will be subject to the sequential test and will need to demonstrate that potential impacts would be within acceptable levels. This objective is also

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reflected in policy MD10b of the SAMDev Plan, confirming that the relevant threshold above which an impact assessment will be necessary in principal centres, such as Ludlow, is 300sqm.

- 6.1.3 The application has been supported by a Retail Impact Assessment (RIA). The report has undertaken a health check of Ludlow town centre which concludes that the centre performs well against key performance indicators, with a diverse mix of uses, including a balance of both independent and multiple businesses set in a highly accessible and attractive setting, catering for the needs of the local community as well as visitors.
- 6.1.4 Household surveys undertaken for the RIA identified that the most popular food shopping destinations in the Study Area include Tesco which holds a 25.1% marketshare (turnover of £22.24 million); and Aldi, which holds a 21.5% marketshare. The Household Survey suggests circa £20.5 million of convenience expenditure is currently being lost from the Study Area. The household survey results suggest the Aldi and Tesco stores within/on the edge of the town centre are both trading above company benchmark levels. The more recent out of centre Sainsburys on Duncow Road is trading below benchmark levels (Company benchmark level is an average of all existing stores for a particular operator, not an indicator of viability).
- 6.1.5 Taking account of likely trade diversion, (15% of trade from Tesco and 24% of trade from Aldi), the analysis shows that both Tesco and Aldi will continue to trade above benchmark levels once the proposed store is operational. In respect of Sainsburys, the store will continue to perform below benchmark estimates however, this is an out of centre store and is not protected in planning policy terms. Members should note that the RIA estimates that Sainsbury's Ludlow will still have a future turnover of £9.73 million at 2028 and that Mid-Counties Co-op, another out of centre store, will have a turnover of £2.87m at 2028, falling from £2.98m currently. The trade draws to the proposed M&S store are unlikely to lead to the closure of these stores.
- 6.1.6 The Retail Impact Assessment considers that the erection of a new food store will not affect the success of the town or market and that shopping patterns will not substantially alter as the retail offer in the town and from the market is different to the retail offer from the application proposal. The household survey results indicate that Ludlow's smaller town centre stores (excluding Tesco, Aldi and Sainsbury's) and the market perform a primarily top up function and are attracting trips that are distinctly separate from those visiting larger stores.
- 6.1.7 Overall, the Retail Impact Assessment estimates that the proposed development will divert some £1.8m (excluding potential loss from linked trips), which represents an impact of 4.1% of potential turnover from Ludlow town centre. Also taking account of

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the overall good health of the town centre against key performance indicators, the estimated impact is not at the significantly adverse threshold that policy seeks to avoid. Officers consider that the conclusions of the Retail Impact Assessment offer a robust position for decision making but members should note that the retail impact figure of 4.1% is an estimate based on assumptions and not an exact science.

- 6.1.8 **Sequential Test:** The sequential test is used in decision making to determine whether there is a more suitable and available site in-centre or at the edge of town centre.
- 6.1.9 The applicant identified 11 sites but excluded three sites because two are allocated for residential use at the Depot Fishmore Road and the Depot Riddings Road and the final site simply extends the allocated employment area that contains the application site. The applicant has therefore assessed the remaining 8 sites comprising 2 in-centre sites at Budgens Upper Galdeford and Station Drive Car Park, 3 edge of centre sites at Castle Street Car Park, Castle Street Garage (Former) and Gravel Hill Lower Galdeford, and 3 out of centre sites at the McConnell Weeping Cross Lane, East of Weeping Cross Lane and the Eco Park at The Sheet close to the application site. Members should note that the out of centre sites can only be considered where no sequentially preferable sites are identified at in-centre or edge of centre locations.
- 6.1.10 Taking account of the operational requirements of the proposed store, the following sites have been disregarded because Station Drive Car Park, Gravel Hill and Castle Street are in use. Weeping Cross Lane employment area also has the highest protection under MD9. There is a more desirable site for the proposed development on the Eco Park (north) but this is out of centre and not sequentially preferable to the application site which is also out of centre. It is recognised that the applicant chose not to locate their development on the Eco Park and this was a market choice about the scale and format of the proposed food store.
- 6.1.11 With regards to Budgens (former) and Castle Street Garage (former), these two sites are not considered to be wholly suitable alternative locations to the application site because neither are of a sufficient size to meet the prescribed needs of the development for retail floorspace and car parking.
- 6.1.12 The RIA concludes that there are no sequentially preferable sites available for the proposed store therefore satisfying the sequential test set out at NPPF para 91 and Core Strategy Policy CS15.
- 6.1.13 **Loss of allocated employment land:** The proposed development is located on the ELR058 employment allocation in the development plan. This is a 3.5 Ha site that



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has been allocated since 2015 for industrial uses. The proposed development would introduce a retail development onto this allocation.

- 6.1.14 Policy MD4 of the SAMDev plan requires such proposals to demonstrate that there are no other suitable development sites for the proposal, that the development will provide significant employment opportunities or other significant benefits for the sustainability of the community and the development will not adversely affect the range and choice of employment sites in terms of location, quality, type and size.
- 6.1.15 The sequential test undertaken within the RIA has confirmed that there are no other suitable development sites for the proposal. The Planning Statement submitted in support of the planning application has also indicated that the scheme would generate at least 70 additional jobs and that retail development generates twice the employment per square metre than industrial uses and four times the amount for warehousing.
- 6.1.16 With regards to the choice of employment sites, it must be noted that the site has been allocated since 2015 without development and that the Council is seeking to adopt a new development plan that will see the existing employment allocation being extended from 3.5 ha to 8 ha. The proposed 1.17ha site would result in a 33% loss of the current allocation and 14% loss from the proposed allocation. The proposal would, however, require the construction of a new suitable entrance off Sheet Road to serve the development and as such could possibly act as a catalyst for the remainder of the employment allocation if it were to be developed.
- 6.2 Siting, scale and design
- 6.2.1 The proposal is for a 2016.8sqm retail unit with car park and service yard. The building design has been revised from the earlier submission (22/05682/FUL) and whilst the building footprint has remained the same, the main elevation now incorporates a multi-gable main elevation incorporating buff brick and black cladding as opposed to the standard white, flat roof, generic M&S model. The design and access statement indicates that the scheme has been designed to be more in line with the neighbouring context and surrounding building typologies, with the appearance routed to a more localised approach.
- 6.2.2 There have been both positive and negative representations received in relation to the design of the building and it is recognised that this can be a subjective matter. Officers consider that the proposal has sufficiently embraced the opportunity for a contemporary design which has taken reference from and reinforced distinctive local characteristics and is compliant with policies CS6 and MD2 in this regard. Furthermore, the siting of the building within the development site is considered to

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be appropriate. It sufficiently addresses the main vantage points of Sheet Road and the A49 and has provided suitable infrastructure in the form of car parking and an access road to service the development in compliance with policy CS6.

### 6.3 Visual impact and landscaping

6.3.1 The application has been accompanied by a Landscape Appraisal which concludes that the proposed development will result in the loss of an existing arable field with no existing vegetative cover, other than the boundary planting to the north and west, being replaced with a building that takes up less than a quarter of the proposed site and ties in with the adjacent local character of the area. Therefore, with additional planting mitigation, it will reflect its surroundings and not have any significant effect on the immediate local character. Longer range views are also unlikely to be significantly affected.

6.3.2 It is evident that the Landscape Appraisal contains errors and whilst the comments from the Council's Landscape Consultant are acknowledged and the conclusions of the assessment cannot be solely relied upon for decision making, there is also no indication that the proposal would have a significant impact on landscape character or visual impact for any particular receptor.

6.3.3 It is also noted that the site is allocated for employment development where large-scale buildings, such as that proposed, have been anticipated in this location within the adopted development plan.

6.3.4 Landscaping within the development will be key to its successful integration and conditions have been suggested to ensure its appropriate implementation.

### 6.4 Heritage impact

6.4.1 The application has been accompanied by a Heritage Impact assessment which concludes that proposal will lead to less than substantial harm to the significance of the Caynham Camp scheduled monument with regards to its visual relationship with Ludlow Castle and St Lawrence Church. The proposal will be seen in the context of other development such as Ludlow Eco Park and the Ludford, Sheet and Rocks Green residential developments, and will not obscure direct views between the assets.

6.4.2 The development will also alter the setting of listed buildings within the vicinity of the site, in particular but not limited to Sheet House and Sheet Lodge which are located within 250 metres of the development site, by introducing development into an otherwise agricultural field. The HIA suggests that any impact upon the setting of

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these heritage assets will be mitigated by the carefully considered design of the proposal.

- 6.4.3 The site is located around 500 metres from the closest conservation area of Ludlow (Stevenson). Having given special regard to the setting of the conservation areas including the proximity to the proposed development, the intervisibility between them as well as the intervisibility from other public sites, officers are satisfied that there would be no harm to the settings of the conservation areas as a result of the proposed development.
- 6.4.4 Whilst it is acknowledged that the Council's Conservation Officer has concern with the terminology used within the supporting documents, specifically describing the development 'low-rise', as well as the level of justification behind the proposed design, this does not in itself suggest that the level of harm to any heritage asset would be greater than 'less than substantial'. Historic England have been consulted on the application and have provided no comment.
- 6.4.5 Without any evidence to the contrary, it is the officer's view that the overall 'less than substantial harm' conclusion reached within the Heritage Impact assessment is appropriate. In accordance with paragraph 208 of the NPPF, the 'less than substantial harm' should be weighed against the public benefits of the proposal, with great weight being given to the conservation of the heritage assets in line with paragraph 205 of the NPPF.
- 6.4.6 The application is also supported by an Archaeological Desk-Based Assessment and a geophysical survey report to assess the potential for previously unidentified archaeology. The Council's Archaeologist has recommended that a phased programme of archaeological work be made a condition of any planning permission for the proposed development. This would comprise an initial field evaluation in the form of trial trenching and, thereafter, further mitigation as appropriate.
- 6.4.7 Overall, it is recognised that there is a less than substantial harm to heritage assets but the public benefits of the proposal including providing employment, unlocking an employment site and meeting the needs of a growing community in a sustainable manner outweigh the identified harm in this instance.
- 6.5 Highway Safety
- 6.5.1 The site is proposed to be accessed via a newly created T junction off Sheet Road that will also service the remainder of the employment allocation in due course. The application has been accompanied a Transport Assessment and Travel Plan as well as individual responses to matters raised by the Council's highway engineers and

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those expressed by National Highways within the previous application (22/05682/FUL).

- 6.5.2 Ludford Parish Council's outstanding concern is that they have not seen the Stage 1 Road Safety Audit for the proposed access but this has been provided within Appendix 4 along with the designer's response at Appendix 5 of the Response to Shropshire Council Highway Comments produced by Connect Consultants dated 25<sup>th</sup> July 2023. Furthermore, the agent for the development has provided additional information regarding pedestrian connectivity with approved residential development.
- 6.5.3 It is concluded that sufficient evidence has been produced to demonstrate that the scheme can be accommodated at the proposed site without significant adverse highway impacts subject to the use of planning conditions to manage implementation.
- 6.6 Trees and Ecology
- 6.6.1 The site currently consists of arable land with species-poor hedgerows surrounding the north and west boundary which are intended to be retained as part of the development. Additional native tree and shrub planting is proposed within the landscaping scheme.
- 6.6.2 The application has been supported by a preliminary ecological appraisal which found no evidence of badgers but recommends a pre commencement check and a pond located within 90 metres of the site was considered to have 'Below Average' suitability for great crested newts but precautionary method statement has been recommended. Appropriate conditions have been suggested to ensure implementation.
- 6.6.3 A biodiversity net gain assessment has been conducted which concludes that the development will result in a net gain of 7.29% in habitat units and 46.02% in hedgerow units. A biodiversity enhancement condition is also proposed with regards to the provision of wildlife boxes.
- 6.6.4 A landscaping scheme has been submitted with the application which proposes new tree planting which would enhance the tree cover and biodiversity value of the site. Again, suitable conditions are proposed to ensure the appropriate retention of existing trees and hedgerows together with the appropriate planting of new trees.

## 7.0 CONCLUSION

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- 7.1 Taking into account the provisions of the recommended conditions, this proposal accords with the requirements of the current development plan as a whole including the need to protect the vitality and viability of town centres and to support appropriate retail and other economic development.
- 7.2 The development will bring forward a scheme with a positive appearance for the proposed location and includes appropriate infrastructure to service the scheme. Where necessary, additional information will be secured via planning conditions as recommended below.
- 7.3 The less than substantial harm to heritage assets is acknowledged but in the view of Officers, does not outweigh the public benefits of the proposal.
- 7.4 The proposed development has been assessed against locally adopted policies and the National Planning Policy Framework and is recommended for approval subject to the suggested planning conditions.

## **8.0 Risk Assessment and Opportunities Appraisal**

### **8.1 Risk Management**

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

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

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

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## 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

Relevant Planning Policies

National Planning Policy Framework

CS1 - Strategic Approach

CS3 - The Market Towns and Other Key Centres

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- CS4 - Community Hubs and Community Clusters
- CS5 - Countryside and Greenbelt
- CS6 - Sustainable Design and Development Principles
- CS7 - Communications and Transport
- CS8 - Facilities, Services and Infrastructure Provision
- CS9 - Infrastructure Contributions
- CS13 - Economic Development, Enterprise and Employment
- CS15 - Town and Rural Centres
- CS17 - Environmental Networks
- CS18 - Sustainable Water Management
- MD1 - Scale and Distribution of Development
- MD2 - Sustainable Design
- MD4 – Managing Employment Development
- MD10A - Managing Town Centre Development
- MD10B - Impact Assessments for Town and Rural Centres
- MD12 - Natural Environment
- MD13 – Historic Environment
- Settlement: S10 - Ludlow

RELEVANT PLANNING HISTORY:

22/05682/FUL Erection of retail unit with associated works to include access, car park including 8No electric vehicle charging bays, cycle rack, service yard, and landscaping WDN 19th May 2023

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S2FH17TDKPA00>

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 Chris Schofield
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Local Member
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# AGENDA ITEM

**- 16th January 2024**

Proposed Retail Unit To The  
South Of

Cllr Vivienne Parry

Appendices

APPENDIX 1 – Conditions to include



**- 16th January 2024**

Proposed Retail Unit To The  
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**APPENDIX 1**

**Conditions to include**

**STANDARD CONDITION(S)**

1. Time Limit
2. Accordance with the approved plans and documents

**CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

3. Submission and agreement of Construction Traffic Management Plan
4. Submission and agreement of Surface Water Drainage Scheme (A49 highway)
5. Submission and agreement of Archaeological Written Scheme of Investigation
6. Submission and agreement of foul and surface water drainage details (all of site)
7. Submission and agreement of Arboricultural Method Statement and Tree Protection Plan
8. Submission and agreement of tree planting scheme

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

9. Submission and agreement of highway engineering details
10. Implementation of Flood Risk Assessment and Drainage Strategy
11. Submission and agreement of Lighting strategy
12. Submission and agreement of wildlife boxes details and location
13. Submission of Badger Inspection
14. Implementation of mitigation and enhancement from Preliminary Ecological Appraisal
15. Roof and wall materials details agreement and implementation.

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

16. Restriction on sale of comparison goods to 10% of net floor area
17. Limitation on ancillary retail facilities

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## AGENDA ITEM



Committee and date
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### Development Management Report

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

#### Summary of Application

<b>Application Number:</b> 23/04167/FUL	<b>Parish:</b>	Pontesbury
<b>Proposal:</b> Cross Subsidy Housing Scheme comprising of 4 No terraced affordable dwellings, a pair of semi-detached affordable dwellings, and 4 No detached open market dwellings with double garages.		
<b>Site Address:</b> Hare And Hounds Cruckton Shrewsbury Shropshire SY5 8PW		
<b>Applicant:</b> Mr Andy Rutter		
<b>Case Officer:</b> Sara Jones	<b>email:</b> sara.jones@shropshire.gov.uk	

**Grid Ref:** 343243 - 310768



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## Recommendation:- Refuse

### Recommended reason for refusal

1. The site is not an allocated site for residential development and is contrary to the policies of the Core Strategy and the Council's SAMDev Plan as a whole. The site is not located within Cruckton and the development would be in open countryside where new open market housing is usually resisted. The scheme, which has been put forward as an exception site on the grounds of it being a cross-subsidy scheme, does not meet the guidelines as set out in the Council's adopted SPD - Type and Affordability of Housing, in respect of tenure and cross-subsidy. No material considerations have been identified that would overcome this non-compliance with the Adopted Local Plan which is up to date and should be given full weight. Furthermore the proposed development would unacceptably extend the built form into the undeveloped land to the rear of the site which cumulatively with the development running parallel to the highway and the garage ranges proposed currently under a separate application (23/04274/FUL) associated with the conversion scheme would have an urbanising impact which would harm the visual amenity and rural character of the area and the setting of the former Hare and Hounds PH, which represents a non-designated heritage asset. The public benefits of boosting of the supply of housing, the provision of discounted open market dwellings and the employment associated with the construction phase, would be modest and insufficient

to outweigh the adverse impact of the development on the undeveloped character and appearance of the area. The proposal is therefore contrary to policies CS1, CS4, CS5, CS6, CS11, CS17, MD1, MD2, MD3, MD7a and MD13 of the Local Plan, the Councils Type and Affordability of Housing SPD, as well as the overall aims and objectives in relationship to sustainable development as set out in the NPPF.

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application seeks permission for the erection of 10 dwellings on land adjacent the former Public House, which was known as the Hare & Hounds, which is in the process of being converted into 4 dwellings under planning permission 22/03783/VAR (which varied 21/017556/FUL).
- 1.2 The proposal is being put forward as a “cross subsidy scheme” comprising the erection of 4 detached open market houses with garages and 6 discounted sale homes (4 terraced dwellings and a pair of semi-detached dwellings).
- 1.3 The proposed 6 “affordable housing units” are proposed to be discounted market sale houses as defined in the NPPF Annex 2: Glossary c) i.e., sold at a discount of at least 20% below local market value. The “affordable housing units” are proposed to be discounted against market value in perpetuity and secured via a Section 106 agreement.
- 1.4 The scheme proposes the 4 detached dwellings to be sited on the roughly triangular shaped field to the rear of the site and for the remaining 6 affordable dwellings to be positioned parallel to the public highway set back behind their rear gardens.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site lies in the open countryside to the north and adjacent to the former Hare and Hounds PH which is situated to the north side of the B4386. The former Hare and Hounds PH is not listed but has been identified as of heritage value.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council has submitted a view which is contrary to the Officer recommendation. The Area Planning Manager in consultation with the Chairman has concluded that the application raises issues which warrant determination by the Planning Committee under the terms of Part 8 of the Council Constitution.

## 4.0 Community Representations

### Consultee Comment

- 4.1 SC Affordable Housing – Not supported  
Fails to meet the spatial policy requirements, given its isolation and lack of relationship with a settlement.  
There is no evidence to support this proposal as a subsidised exception site scheme. There would be an expectation that the affordable dwellings being subsidised would be affordable rented and not discounted sale as proposed in this instance.
- 4.2 SC Conservation – Comments:  
Note the conclusions in the submitted up-dated HIA however it is not considered that the information supplied with this application demonstrates that the estate vernacular design of the introduced new buildings in the general position of the lost outbuilding ranges west of the former public house (and beyond to the rear) are particularly appropriate within this context or would relate well and not dominate the original buildings being adaptively reused for residential purposes. Suggests that contextual street scene type drawings may assist in better understanding these visual relationships, however the very close proximity of the proposed buildings and potential overdevelopment of the area given that there are also now garage ranges proposed associated with the conversion scheme are noted.
- 4.3 SC Trees – No objection, recommends conditions.  
Advises that the information submitted with the application is appropriate and that the loss of a small number of low value trees (primarily on safety grounds) would not have a significant impact on the arboricultural resource or character of the site or the wider public amenity and can be compensated for through new planting.
- 4.4 SC Ecology – No objection, recommends conditions.  
Advises that the survey work undertaken is satisfactory.
- 4.5 SC Environmental Protection – Recommends condition requiring submission of a suitable construction management plan which includes measures to control noise and dust impact, should permission be granted to protect the amenity of the occupiers of the converted PH during the construction phase of the proposed development.
- 4.6 SC Drainage – Recommends condition requiring the submission of a detailed scheme of surface and foul water drainage.
- 4.7 SC Rights of Way – No comments.
- 4.8 SC Waste Management – Observes that:

A refuse vehicle tracking drawing of the vehicle manoeuvring the road would be useful to ensure that that the vehicle can access and turn on the estate. Bin collection points would need to be provided for the 4 plots accessed via a private drive (Plots 7 – 10).

#### 4.9 SC Highways – No objection.

Comment: The development seeks to utilise a new vehicular access now fully constructed and the access road is intended to remain private. In view of the surrounding highway network and former use of the site it is not considered that the impact of the development on the highway network would be severe.

### Public Comments

#### 4.10 Pontesbury Parish Council – Supports application. Comments made are summarised below:

- Both Shropshire Council and NPPF support a mix of housing to meet local need and maintain the vitality of rural communities which are the aims of this application.
- In recent years, in Pontesbury Parish, there has been a good provision for affordable homes, especially for rent, but there has been a glaring omission - little or no provision, especially in the Cruckton area for low cost, affordable homes for sale.
- Both the Pontesbury RHRP housing survey and the 2020 Pontesbury Neighbourhood Plan consultation identified a need for low cost affordable homes, especially 2-bedroom houses.
- The NPPF states support for rural exception sites which provide affordable housing to meet identified local needs by considering some market housing on site to help this.
- Whilst the existing cross-subsidy policy is primarily for rent, the revised Local Plan makes allowances for other than rented properties.
- Pontesbury Parish Council assume that the properties will remain affordable in perpetuity.

#### Location –

- The application site is adjacent to 4 houses, has several close neighbours, on a busy road & bus route.
- The site is not isolated nor remote and is a part of Cruckton settlement.
- Consider that the planning department is applying a narrow and incorrect definition of Cruckton settlement which has been contested by both local inhabitants and the Parish Council, and the view of this Parish Council has been agreed by Southern Planning Committee on three occasions. i.e. application - 19/01303/OUT, which was regarded as part of Cruckton by the Parish Council, whose view was upheld by the Planning Committee.

This site is further away from what the planning department erroneously regard as Cruckton, than this application.

#### Design –

- Considers that the design builds upon the character and identity of Cruckton by following Pontesbury Neighbourhood Plan policy and the recommendation of the NPPF to identify the special qualities of an area.
- The architecture takes inspiration from two neighbouring properties and the linear shape to the affordables acknowledges the shape of the former farm buildings.
- Recommends amendments.

#### Other Matters –

- To maintain historic links within Cruckton, recommends that some CIL money from Hare & Hounds developments be allocated to improving active travel between the site and Thieves Lane bridleway as per NP policy.
- An additional bus stop should be made to serve the development.

## 5.0 THE MAIN ISSUES

Principle of development/Suitability of the location  
Character and Appearance/Layout and Impact on the non-designated Heritage Asset  
Housing Need / Affordable Housing

## 6.0 OFFICER APPRAISAL

6.1 Principle of development/Suitability of the location

6.1.1 The development plan for the area includes the Shropshire Local Development Framework: Adopted Core Strategy (2011) (CS) and the Shropshire Council Site Allocations and Management of Development Plan (2015) (SAMDev). A draft Neighbourhood Plan for Pontesbury Parish has been subject of examination and referendum and was adopted by the Council on the 14<sup>th</sup> December and now forms part of the development plan.

6.1.2 Policy CS4 of the CS indicates that development in the rural area will be focused in Community Hubs and Community Clusters, and states that development outside of these Community Hubs and Community Clusters will not be allowed unless it complies with the requirements of Policy CS5 of the CS.

6.1.3 In order to provide for sustainable patterns of development Policy CS5 strictly controls development in the countryside (this being the rural area beyond Community Hubs and Community Clusters). However, the policy does allow for appropriate new development in the countryside where it maintains and enhances countryside vitality and character and improves the sustainability of rural communities. While Policy CS5 sets out a list of types of development that it



particularly relates to, it does not explicitly restrict market housing in the open countryside. One of the exceptions noted as being acceptable in open countryside is affordable housing to meet local housing need. Guidance relating to acceptable affordable housing in terms of location, scale and tenure is stipulated in the Supplementary Planning Document (SPD) on the Type and Affordability of Housing.

- 6.1.4 Policy MD7a of the SAMDev expands on and complements Policy CS5. It includes strict controls on market housing development in areas defined as countryside. Policy MD3 of the SAMDev recognises that windfall residential development, including on sites within the countryside, will play an important part in meeting Shropshire's housing needs. However, Policy MD3 requires proposals to comply with other relevant development plan policies, such as Policies CS4, CS5 and MD7a.
- 6.1.5 The application site is situated in the countryside for policy purposes. Cruckton is not identified as a Community Hub settlement or a settlement which is part of a Community Cluster within the adopted development plan. Therefore, the settlement of Cruckton is considered to be countryside in policy terms. As such, the proposal for new market housing would be in conflict with the development plan policies outlined above. Together these policies seek to direct development to the most accessible locations, protect the character of the countryside, and support the well-being and vitality of rural communities.
- 6.1.6 The site is located in a relatively isolated position, in that with the exception of the former PH currently under conversion to residential use and the public highway, the site is surrounded by open farmland and scattered dwellings and is located outside and a significant distance to the north of the recognised settlement of Cruckton. Whilst the development would have a relationship with the former PH residential conversion this would not constitute a settlement in its own right.
- 6.1.7 The Councils SPD (Type and Affordability of Housing) makes it clear that exception sites that do not lie in a settlement, constituting isolated or sporadic development, or which would adversely affect the landscape, local historic or rural character (for example due to an elevated, exposed or other prominent position) are not considered acceptable. The guidance acknowledges that, whilst each case is considered on its own merits, *A settlement always comprises a group of houses occupied by households from different families. The group becomes a settlement due to the number and proximity of the houses in the group. Although a matter of judgment in each case, particularly for settlements where the number is small or where the houses are dispersed, for example strung along a road, it is the combination of these two factors that determines whether the dwellings constitute a settlement.*

- 6.1.8 The SPD also acknowledges that recognisable settlements are also characterised by how local people refer to them and that it will usually (but not always) be named on the Ordnance Survey map.
- 6.1.9 With respect to the character of the settlement of Cruckton, the Officers opinion and that of the Parish Council and the Ward Member are not aligned. Officers are of the opinion that Cruckton is a small relatively tight knit settlement with a modest sphere of influence. Whilst the historic development of the settlement is noted, this is not unique in the sense that most settlements developed from agricultural activity. The nucleus of the settlement of Cruckton that is experienced today stems from the housing which was constructed in the settlement centre in the 1950's. Officers acknowledge that when looking at historic maps provided by the agent that the properties addressed as Cruckton were more dispersed than the settlement as it exists today. But even in the map provided by the applicant it is the nucleus around Cruckton Hall that is named as Cruckton. Notwithstanding the history of a settlement, local plan policy has to be applied to a settlement as it exists today, whether that be a small hamlet such as Cruckton or a larger village such as Ford or the town of Shrewsbury.
- 6.1.10 Whilst all the houses along Montgomery Road might have the name Cruckton in their address this does not mean that they are in the settlement of Cruckton. All buildings or sites have either a hamlet, village or town in their address and it is usually the nearest settlement, but this does not indicate that the site is situated within the settlement stated in the address but that it is associated with or near to that settlement.
- 6.1.11 Cruckton has evolved over the last 50 -100 years and whilst there has been some growth along the Montgomery Road the significant growth has been in the centre close to Cruckton Hall. The Farm shop along Montgomery Road is a 'Farm Shop' and not a 'Village shop' and it is considered by officers to be outside the settlement. Caravan sites, although having the name of a settlement in their address are usually located outside of a settlement and in the countryside, as is the case in Cruckton. Historically, public houses were located along transport routes and are not necessarily located within a settlement. The fact that Cruckton ploughing match is held along Montgomery Road is not evidence that Montgomery Road is part of Cruckton but more that it is in the countryside. A ploughing match would not usually be held in the confines of a village but on farmland outside of a village.
- 6.1.12 The agent has referred to the location of the former railway station to the north east of the site as being further evidence that this stretch of Montgomery Road is part of the settlement of Cruckton. Officers do not concur with this view as many (and probably the majority) of rural railway stations were not located within the village, but for obvious reasons had to be located alongside the railway line.

- 6.1.13 The type and affordability of housing SPD clearly states that sites that do not lie in a settlement, constituting isolated or sporadic development, are not considered acceptable. Officers consider that the proposed site (and any other site) along Montgomery Road would therefore not be a suitable site for new build residential development, affordable or otherwise.
- 6.1.14 Officers have always been consistent when considering this and other sites in and around Cruckton. Other applications for open market housing along Montgomery Road include an application in the garden of 'The Chestnuts' fronting the B4386 Montgomery Road (17/02589/OUT) which was refused by officers and dismissed at appeal by the Inspector who considered that the ribbon of development along Montgomery Road fell 'outside the reasonable limits of Cruckton' APP/L3245/W/17/3185134). In respect of single plot affordable dwellings that have been approved these have been either close to the centre of Cruckton, or located adjacent to and opposite Coppice Farm (16/03379/FUL and 17/05333/FUL respectively). An application for a site between the centre of Cruckton and Hanwood was refused as that site was not considered to be within or adjacent to the settlement (17/022333/FUL).
- 6.1.15 It is noted however that a single plot affordable dwelling was approved, contrary to Officer recommendation, some 200 metres to the northeast of the site, further away from the settlement of Cruckton (19/01303/OUT) by the Area Planning Committee (Central) where a majority of the Members resolved to grant permission on the grounds that the specific applicant had demonstrated housing need and a local connection and that, contrary to Officers recommendation, the proposed site could be considered to be within or adjacent to the named settlement of Cruckton.
- 6.1.16 Application 22/05217/FUL is referenced by the agent which it is contended supports this current application. This application, which approved the erection of 3 dwellings (two affordable rent and one discounted open market dwelling) also in the Parish of Pontesbury was also an exception site and was put forward as a cross subsidy scheme. However, this scheme was distinctly different from that proposed at the Hare & Hounds site as the site lies in an established residential area within the settlement and represents an infill plot.
- 6.1.17 For the reasons set out below, Officers do not consider that the proposed development would maintain the character of this section of the countryside. The proposed development is therefore contrary to Policies CS5 and MD7a.
- 6.1.18 The Pontesbury Neighbourhood Plan is now adopted and so weight can be applied to it in the decision making process. Neighbourhood Plans must align with the wider development plan, as is the case for the Pontesbury Neighbourhood Plan. The Pontesbury Neighbourhood Plan does not propose to change the status of Cruckton from countryside and does not provide any information contrary to officer's views regarding the extent of Cruckton.

- 6.1.19 It is noted that the Neighbourhood Plan Policy LAN2 specifically addresses circumstances within which development in or adjacent to Cruckton village will be supported, namely where it involves a residential conversion, with minimal alteration or rebuilding of heritage assets in accessible locations close to services and facilities; and development in or adjacent to Cruckton Village which respects the historic environment. This policy is specifically addressing the importance of and need for development to respect the heritage of the settlement. It does not impact on the role of the settlement within the development plan. Indeed, the justification to the policy makes specific reference to draft Policy SP10 of the draft Shropshire Local Plan, which addresses countryside in a manner similar to policies CS5 and MD7a of the adopted development plan.
- 6.1.10 The draft Shropshire Local Plan is at an advanced stage, with the examination currently ongoing. As such some limited weight can be applied to this document. Within the draft Shropshire Local Plan, the status of Cruckton is proposed to remain 'countryside' for policy purposes and the approach to countryside is proposed to remain generally consistent with that in the adopted development plan. Whilst a cross-subsidy policy is proposed, due to the officers' views on the location of this site, it would not be consistent with the requirements of this draft policy in any event. Furthermore, even if the site was considered consistent with this draft policy, it is considered that the weight applied to it would be insufficient to justify a departure from the adopted development plan.
- 6.1.21 The issue of local housing need and affordable housing is addressed in section 6.3 below.
- 6.2 Character and Appearance/Layout and Impact on the non-designated Heritage Asset
- 6.2.1 The Council has previously identified the former public house as a non-designated heritage asset. The application has been supported by a Heritage Impact Assessment which has been assessed by the SC Conservation Officer. It is acknowledged that the rural vernacular design of the dwellings proposed are not inherently unacceptable and the scheme layout broadly follows the pattern of the existing buildings where it runs parallel to the public highway, which reflects the general position of the historic lost building ranges.
- 6.2.2 However, the proposed development would unacceptably extend the built form into the undeveloped land to the rear of the site which cumulatively with the development running parallel to the highway and the garage ranges proposed associated with the conversion scheme under a separate application (23/04274/FUL) would have an urbanising impact which would harm the visual amenity and rural character of the area. In addition, this cumulative harm is judged to have an adverse impact on the setting of the non-designated heritage asset which amounts to "less than substantial harm" (NPPF paragraph 209 terms).

- 6.2.3 Therefore, in accordance with the NPPF the decision maker is required to weigh the harm against the public benefits of the proposals.
- 6.3 Housing Need / Affordable Housing
- 6.3.1 Exception sites are permitted in locations that would not normally obtain planning permission for new housing development. The exception is made where the development provides affordable housing for local need. There are several ways in which affordable homes on exception sites can be delivered. The Supplementary Planning Document (SPD) – Type and Affordability of Housing at Appendix G lists different mechanisms for the delivery of affordable housing, paragraph (8) Cross subsidised schemes are one such mechanism, whereby discounted market sale dwellings are used to subsidise (fund) affordable rented dwellings.
- 6.3.2 The guidance notes that one of the big challenges facing rural affordable housing, is how to bring forward local needs rented homes on exception sites with either no or limited public subsidy. Cross-subsidised guidance in the SPD notes that the properties for “rental on the exception site will normally be owned and managed by a Registered Provider and be intended to meet local housing needs.”
- 6.3.3 The proposal in this instance seeks to provide 4 full open market dwellings and 6 discounted sale dwellings. This is contrary to the guidance in the SPD which requires a proportion (no more than 50%) of the housing on the exception site to be a form of low cost home ownership of sufficient value to the developer to allow them to cross subsidise and develop on that same site, a proportion (no less than 50%) of local needs rented housing or other such affordable tenure as the Housing Enabling & Development Officer agrees to in writing. The cross-subsidy mechanism supports affordable rented tenure and not discounted sale tenure as currently proposed. Additionally, the cross-subsidy mechanism does not allow full market value properties.
- 6.3.4 The proposed affordable housing (6 discounted sale dwellings) does not comprise the required rented tenure and the tenure proposed has not been discussed or agreed with the Housing Enabling and Development Officer as specified in the SPD and would also conflict with the expectation that a scheme would be tenure blind i.e. that there would be an inability to differentiate between the tenures, which is clearly not the case in this instance. Furthermore, the submission references a discount of 20% for the discounted market sale dwellings (i.e. 80% of market value), which is contrary to the definition of discounted market sale in the NPPF, which references ‘at least’ 20% and based on local income and house prices. A reduction of 20% is unlikely to be deemed ‘affordable’ to local households.

- 6.3.5 In addition, no evidence has been submitted with this application to demonstrate that this is a cross-subsidy scheme, as the requirement in the SPD is that the sale value of the properties required to generate the necessary cross subsidy must not exceed 90% of their Open Market Value as determined by an average of no less than two written off plan valuations.
- 6.3.6 The agent and Parish Council contend that, whilst good provision has been made for affordable homes in the Parish, insufficient provision has been made for low cost, affordable homes for sale. The supporting information submitted with the application draws attention to the draft Pontesbury Neighbourhood Plan and its associated survey and public representations which the agent contends supports the provision of discounted sale housing. Within the Parish, Mount Close an exception site comprising 18 houses in Pontesbury is under construction with a view to complete and release of homes next year. The SC Affordable Housing Officer advises that this provision will satisfy an element of evidenced housing need, which weighs heavily towards the need for rented tenure.
- 6.3.7 The agent also references the Draft policy DP7 in the emerging Local Plan. The emerging Local Plan can be given limited weight in the determination of the application however this emerging policy also requires, amongst other criteria for the site to be within a settlement and where there are opportunities for future residents to access services and facilities by walking, cycling or public transport.
- 6.4 Other Matters
- 6.4.1 The access arrangements are considered acceptable, the access and driveway having been approved previously to meet adoptable standards. Suitable conditions could be attached to ensure that satisfactory drainage arrangements are achieved. Ecological interests can be safeguarded, together with appropriate landscaping provided to compensate for the loss of a small number of low value trees and protect the retained trees/hedgerows through planning conditions.
- 6.4.2 Notwithstanding the above should Members resolve to grant planning permission a legal obligation to secure the affordable units discounted against market value in perpetuity would be required.
- 6.5 Planning Balance
- 6.5.1 It is acknowledged that the proposed development would lead to social benefits through the delivery of 10 houses in a rural location, including 6 offered for sale at a discounted price. However, whilst there is a need for more affordable homes these should be in appropriate locations and not as here on a site which lacks a close relationship with a settlement and one which is judged to harm the open countryside and setting of the non-designated heritage asset. Furthermore, no evidence has been submitted with this application to demonstrate that this is a cross-subsidy scheme.

## 7.0 CONCLUSION

7.1 The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

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

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

### 8.2 Human Rights

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

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

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

### 8.3 Equalities

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

## 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

- CS1 - Strategic Approach
- CS3 - The Market Towns and Other Key Centres
- CS4 - Community Hubs and Community Clusters
- CS5 - Countryside and Greenbelt
- CS6 - Sustainable Design and Development Principles
- CS11 - Type and Affordability of housing
- CS17 - Environmental Networks
- CS18 - Sustainable Water Management
- MD1 - Scale and Distribution of Development
- MD2 - Sustainable Design



MD3 - Managing Housing Development  
MD7A - Managing Housing Development in the Countryside  
MD12 - Natural Environment  
MD13 - Historic Environment  
SPD Type and Affordability of Housing  
National Planning Policy Framework

RELEVANT PLANNING HISTORY:

14/02888/OUT Outline application for the erection of 6 residential dwellings to include access (existing public house to be retained and restored) WDN 17th December 2015  
21/01756/FUL Alterations and extensions in association with the proposed conversion of redundant fire damaged public house to provide four dwellings, construction of new access and driveway with parking area and provision of associated drainage treatment facilities. GRANT 9th November 2021  
22/03036/FUL Revised access and driveway arrangements (to adoptable standard) in relation to previous application ref 21/01756/FUL GRANT 21st October 2022  
22/03783/VAR Variation of Condition No. 2 attached to planning permission 21/01756/FUL dated 15 October 2021 GRANT 31st October 2022  
23/04274/FUL Erection of 4No. detached double garages to serve dwellings approved under reference 21/ 01756/FUL and 22/03783/VAR, dated 15th October 2021 PCO

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S1EFEZTDK9C00>

List of Background Papers Planning application reference 23/04167/FUL and plans and supplementary reports.
Cabinet Member (Portfolio Holder) - Councillor Chris Schofield
Local Member : Cllr Roger Evans
Appendices

# AGENDA ITEM

-	Hare And Hounds
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## AGENDA ITEM



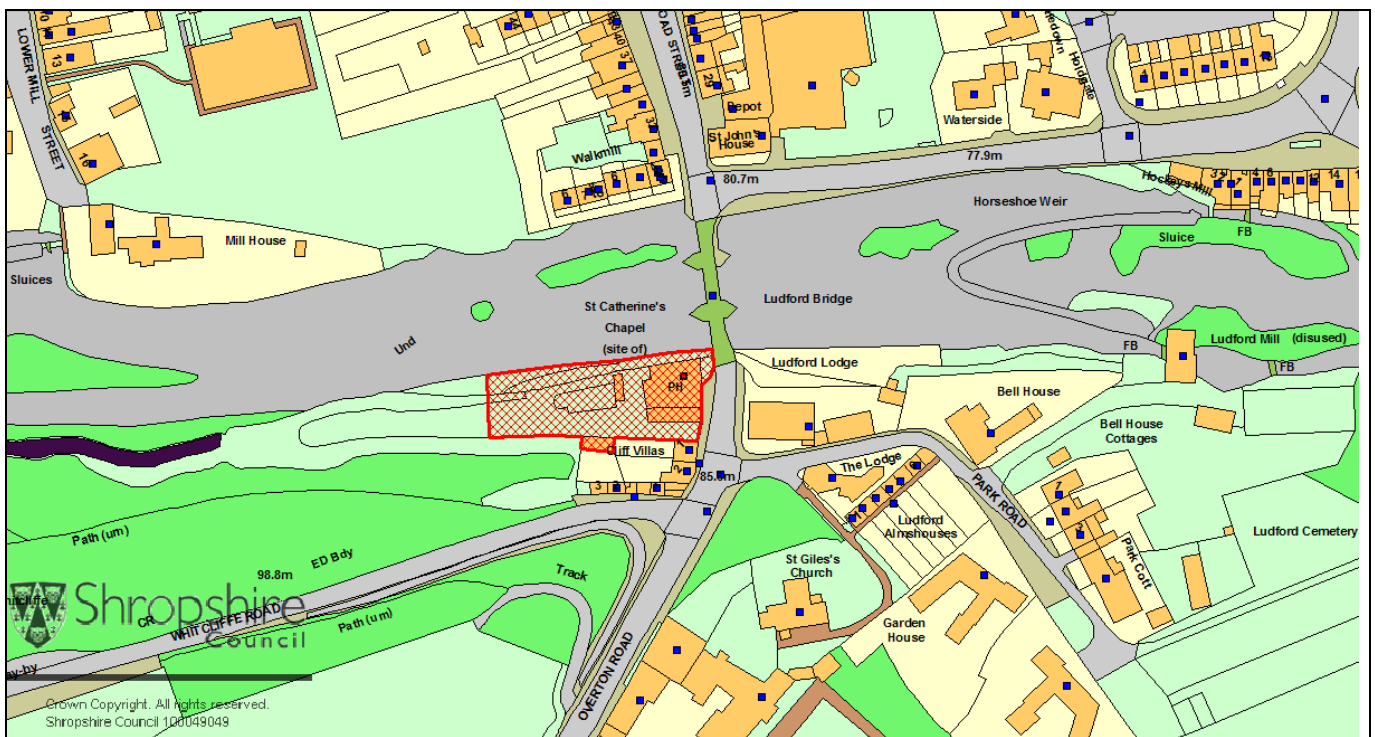
Committee and date
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### Development Management Report

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

#### Summary of Application

<b>Application Number:</b> 23/03457/FUL & 23/03458/LBC	<b>Parish:</b>	Ludford
<b>Proposal:</b> Alteration of existing first floor terrace to create two additional guest bedrooms with additional guest terrace above.		
<b>Site Address:</b> Charlton Arms Hotel Ludford Ludlow Shropshire SY8 1PJ		
<b>Applicant:</b> Mr Cedric Bosi		
<b>Case Officer:</b> Sara Jones	<b>email:</b> sara.jones@shropshire.gov.uk	
<b>Grid Ref:</b> 351249 - 274183		



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**Recommendation: - Grant Planning Permission and Listed Building Consent** subject to the conditions set out in Appendix 1.

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application proposes the erection of an extension over the existing first floor terrace to create two additional guest bedrooms at the Charlton Arms Hotel, Ludford, Ludlow. The proposal involves an extension of the existing modern addition constructed in 2005 where there is currently a conservatory and terrace area and would create a terrace at second floor level. The footprint of the building would remain unchanged.
- 1.2 The information submitted with the application states that the rationale for the extension stems from the demand for letting bedrooms exceeding that available within the current configuration of the Charlton Arms and that the existing first floor terrace is under used for much of the year with an awkward stair access and issues of water penetration into the building structure. The scheme therefore proposes to construct two additional bedrooms over the existing terrace and associated sitting area, creating a weatherproof enclosure. The proposal would also lead to the existing bedroom above having improved access onto the second-floor balcony.

## 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The Charlton Arms is an established public house business with restaurant and hotel accommodation. The building is Grade II listed dating back to the 18th Century, it has been extended and altered at various times during its history, the most recent significant alterations being at the beginning of this century comprising of contemporary glazed extensions and terraced balconies.
- 2.2 The building is located in the northeast corner of its plot, set immediately alongside Ludford Bridge which forms one of the main accesses into Ludlow from the South and is a Scheduled Monument and Grade I listed. The River Teme which flows along the east of the site is a Site of Special Scientific Interest (SSSI).
- 2.3 Vehicle access off Ludford Road is to the north of the site and leads to a gravelled car park. High stone cliffs bound the north of the site, above which lies the Whitcliffe, a public open space managed by the Shropshire Wildlife Trust. The site lies within the Ludlow Conservation Area.

## 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 In accordance with the constitution this application has been concluded by Committee Chair to be determined by planning committee due to objections from the parish councils based on material planning reasons which cannot reasonably be overcome by negotiation or the imposition of conditions and the team manager/principal planning officer in consultation with the Chair agrees that the parish council has raised material planning issues and that the application should be determined by committee.

## 4.0 Community Representations

### Consultee Comment

- 4.1 SC Archaeology – No comment.
- 4.2 SC Conservation – No objection  
Comments:  
The proposed extension is of a similar style and form to the existing extensions and will not adversely impact the historic fabric of the listed building. It would generally be read against the existing massing of the building. It is therefore considered that the proposed extension would not create any undue harm to the listed building or the conservation area in this instance.
- 4.3 SC Ecology – No objection, recommend conditions and informatives.

- 4.4 SC Drainage – No comment from the drainage and flood risk perspective, regarding this proposal as there are no proposed changes to the footprint of the building.

### **Public Comments**

- 4.5 Ludford Parish Council – Objects

#### Comments:

The public comments from both Ludlow Town Council (LTC) and the Civic Society are negative. They are consistent in the fact that the view from the town side of the Conservation Area will be harmed. This relates to the massing and overly horizontal elevation of the building as set against the rock face; as the proposed design alters the shape from a gentle tier to an uncompromising rectangular block. This in turn will overwhelm Ludford Bridge, the scheduled ancient monument, and the normally low level of the river. The Civic Society states that there will be a loss of the traditional building as the proposed extension overwhelms the listed elevation and Ludford Parish Council (LPC) agree. LPC feel that this planning application will remove the only viewing spot for true historic context of Ludlow Town.

In summary LPC has the following comments:-

1. The appearance of the listed building will be changed and lost forever.
2. The last alteration provided lower basement bedroom accommodation. This removed the open terrace and added greater weight to the overall design, with partitions, furniture etc.
3. The scale of the proposed development is inappropriate when set against the Whitcliffe rock face, the low flow level of the river and the open aspect of the site as seen from the bridge and the conservation area.
4. By removing the upper terrace a valuable public open space will also be lost.

LPC appreciates the economic mitigation from the applicant and welcomes an alternative plan.

- 4.6 Ludlow Town Council – Objects

#### Comments:

1. The north elevation is not a true representation of the current building.
2. The alterations damage the aesthetical view from the conservation area in Ludlow.

- 4.7 Ludlow Civic Society Planning Group -
- feels strongly that the project is overdeveloped and overwhelms the original building.
  - loses the quality of pavilion and terracing, instead becoming an overwhelming horizontally emphasised block.

- seen from the bridge, this proposal loses the sense of a traditional building in relation to the bridge as an ensemble of parts and overwhelms the bridge as an historic structure.
- suggests the proposal should be pulled away from the existing building and seen as an independent building or pavilion further down the car park.
- urges Shropshire Council to refuse consent.

## 5.0 THE MAIN ISSUES

Principle of development  
Visual Amenity & Impact on Heritage Assets  
Ecology  
Neighbour Amenity

## 6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The Charlton Arms Hotel is an established business which provides around 10 bedrooms, a restaurant, public bar and function suite and is approximately 350 metres from the centre of Ludlow. The National Planning Practice Framework (NPPF) requires the planning system should support strong, vibrant and healthy communities, foster well-designed, beautiful and safe places, with accessible services and support communities' health, social and cultural well-being.

6.1.2 Such national objectives are supported at the local level through Core Strategy policy CS8, which recognises that facilities, services and infrastructure have a direct effect on the quality of life of Shropshire's residents and this includes eating and drinking establishments. Plan policy CS15 seeks to ensure that the vitality and viability of Shropshire's town and rural centres are maintained and enhanced to 'support the delivery of appropriate comparison and convenience retail; office; leisure; entertainment and cultural facilities'.

6.1.3 In principle the proposal is judged to be acceptable as it would enhance the facilities available at this existing public house and would support the growth of the existing holiday room letting business which is of benefit economically and socially to the community and visitors to the area.

6.2 Visual Amenity & Impact on Heritage Assets

6.2.1 The Charlton Arms Hotel is situated within a prominent location and makes a significant contribution to the existing character and visual appearance of the area. It is within a particularly sensitive part of the historic environment.

6.2.2 Core Strategy policy CS6 seeks to ensure that proposals are appropriate in scale, density, pattern and design taking into account local context and character. SAMDev Plan policy MD2 provides further guidance on achieving

this objective requiring development to respect the local distinctive or valued character and existing amenity.

- 6.2.3 Policy CS17 is also concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's historic environment and does not adversely affect the heritage values and function of these assets. Furthermore, policy MD13 sets out criteria by which Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored. These policies are consistent with the guidance set out in National Planning Policy Framework (NPPF) with respect to the Historic Environment and the duty to have special regard to the desirability of preserving or enhancing the special interest of listed buildings and their settings.
- 6.2.4 Additionally, under Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 there is a duty placed on Local Authorities in exercising their statutory duty to have regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess. Section 72 of the same Act contains a similar obligation with regard to the desirability of preserving or enhancing the character or appearance of conservation areas and their setting in the exercise of statutory functions.
- 6.2.5 In considering the impact of the proposals upon heritage assets those of particular note are the Grade II listed Charlton Arms itself, Ludlow Conservation Area in which the property lies and the Scheduled Ancient Monument of Ludford Bridge (Grade I), which lies directly adjacent the site. The Charlton Arms was originally listed in 1954 and described as:  
*House, now inn. C19 front to C18 core. Roughcast; turnerised slate roof with gable to rear (rear pitch old plain tiles); brick end stack and stack to rear. L-shaped plan. 2-storeys and attic; 3-window range: 6/6 sashes and, to right, tripartite 2/2: 6/6: 2/2 sash, with 8/8 sash over. Entrance to centre left: C20 glazed door recessed in porch under chamfered stucco arch with stone band over; to left, C19, 8/8 sash; to right, canted bay with 2/2: 6/6: 2/2 sashes. Small wing to left, of brick, with 2/2 sashes and 2-light casement, under segmental arches. Rear elevation of rubble and roughcast; brick modillion eaves; plank shutter to attic; mullion and transom light to rear wing, and to south gable, over 6/6 sash. Front to Teme: semi-circular oriel, with 3 bowed 6/6 sashes, under lead roof; 2/2: 6/6: 2/2 sash to right, with 2 similar sashes over; brick modillion eaves. Fixed lights and casement to basement, and outshut to right.*
- 6.2.6 The NPPF states that applications should describe the significance of heritage assets and the potential impacts of a development on this significance. Accordingly, as part of the application the applicant has submitted a Heritage Statement.



- 6.2.7      The building was significantly extended to the rear in 2005. The works proposed as part of this application take the form of tiered additions to the first and second floor of the existing modern extension at the rear of the Charlton Arms. The scale and nature of the existing extensions forms a tiered addition in stone and glazing to the rear of the property which is clearly seen as a modern addition whilst respecting materials and finishes of the existing. The area which relates to the current proposal is already in use as a balcony seating area with balustrading and associated furniture and paraphernalia. The proposed extensions seek to enclose this area and create a tiered level above with a traditional gabled form to second floor. Whilst the built form will increase over first and second floor the overall massing is considered to sit well within the existing envelope and footprint of the modern additions and will generally be read against existing built form. The extensions do not project further than the existing footprint, the overhang having now been reduced and will be of recessive materials to provide subservience in that regard. Balustrading to second floor will be glazed to minimise the visual appearance and bulk of development at this level.
  
- 6.2.8      Taking into account the existing built form on site, the nature of which already obscures the rear elevation, the proposed additions are not considered to create any further unduly harmful impact upon the character and form of the listed building or its setting and will generally be read against existing built form and in association with existing modern extensions. The nature of views from within the Ludlow Conservation Area and Ludford Bridge are such that the existing extension provides a visual bulk to the rear of the public house which is seen as a modern and separate addition, the proposed extensions will sit within this footprint envelope and against existing built form, therefore the proposed extensions will not obscure any main views through the conservation area or within the setting of Ludford Bridge.’ Therefore, there would be no impact in this instance and in NPPF terms the proposals would not result in harm of a substantial or less than substantial nature to the significance of heritage assets.
  
- 6.3      Ecology
- 6.3.1      This application is supported by an Ecological Impact Assessment (Churton Ecology, June 2023) which has been assessed by the SC Ecology Team who have confirmed that they are content with the level of survey work and raise no objections to the proposals subject to appropriate conditions and informatives.
  
- 6.4      Neighbour Amenity
- 6.4.1      It is judged that given the distance separation and the intervening buildings the proposals would not unduly harm the existing residential amenity enjoyed by the occupiers of the nearby residential properties.
  
- 7.0      **CONCLUSION**

- 7.1 The proposed extension would not harm the historic fabric of the Listed Building and would have no impact on the significance of the Listed Building, the character and appearance of the Ludlow Conservation Area and setting of the listed building and adjacent Heritage Assets. The development would not harm the residential amenities of neighbouring dwellings and ecological interests can be satisfactorily addressed by the imposition of suitable conditions. The scheme is therefore considered to comply with policies CS6, CS17, MD2, MD12 and MD13 of the adopted Local Plan and to meet the requirements of the NPPF. In making this decision special regard has been given to section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The scheme therefore complies with the main objectives of the relevant development plan policy, and it is recommended that planning permission and listed building consent is granted.

## **8.0 Risk Assessment and Opportunities Appraisal**

### **8.1 Risk Management**

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

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

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

### **8.2 Human Rights**

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

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

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

### **8.3 Equalities**

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

### **9.0 Financial Implications**

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

## **10. Background**

### Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

Core Strategy and Site Allocations and Management of Development (SAMDev) Plan:

CS6 - Sustainable Design and Development Principles

CS8 - Facilities, Services and Infrastructure Provision

CS15 - Town and Rural Centres

CS16 - Tourism, Culture and Leisure

CS17 - Environmental Networks

MD2 - Sustainable Design

MD11 - Tourism Facilities and Accommodation

MD12 - Natural Environment

MD13 - Historic Environment

Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

RELEVANT PLANNING HISTORY:

11/03625/FUL Erection of 2 no. holiday lodges GRANT 13th December 2011  
11/03626/LBC Erection of 2 no. holiday lodges NPW 23rd August 2011  
HEPRE/17/00338 Extension of conservatory over existing patio area- grd II listed building  
LBCRQ 12th December 2017  
17/06004/FUL Enclosure of existing terrace to provide extension to restaurant GRANT 18th  
June 2018  
17/06005/LBC Enclosure of existing terrace to provide extension to restaurant affecting a  
Grade II Listed Building GRANT 18th June 2018  
18/03791/LBC Conversion of the existing function room and bar at basement level to letting  
accommodation; erection of a wooden pergola canopy over the riverside balcony affecting a  
Grade II Listed Building GRANT 10th October 2018  
18/04118/FUL Erection of a wooden pergola canopy over the existing riverside balcony.  
GRANT 26th October 2018  
23/00252/FUL Alteration of existing first floor terrace to create two additional guest bedrooms  
with additional guest terrace above and alterations to existing walkway along the riverside to  
create a customer terrace and serving facility WDN 12th April 2023  
23/00253/LBC Alteration of existing first floor terrace to create two additional guest bedrooms  
with additional guest terrace above and alterations to existing walkway along the riverside to  
create a customer terrace and serving facility affecting a Grade II Listed Building WDN 11th  
April 2023  
SS/1978/68/L/191 Conversion of cellar into a bar and extension to existing public bar.  
PERCON 10th March 1978  
SS/1978/68/P/ Conversion of cellar into a bar and extension to existing public bar. PERCON  
10th March 1978  
SS/1974/637/P/ Erection of fire escape. PERCON 1st July 1974  
SS/1974/637/L/1 Erection of fire escape. PERCON 1st July 1974  
SS/1/05/17208/LB Renovation and extension to existing public house/hotel; conversion of  
existing to form revised accommodation; demolition of single storey extensions and removal of  
cement render and make good stonework PERCON 6th September 2005  
SS/1/05/17207/F Renovation and extension to existing public house/hotel; conversion of  
existing to form revised accommodation; demolition of single storey extensions and removal of  
cement render and make good stonework PERCON 6th September 2005  
SS/1/05/17656/LB Amendment to existing planning approval to form back of house facilities  
beneath kitchen extension in construction void and to utilise river frontage for dining;  
amendments to windows of new bar and dining room. PERCON 8th December 2005  
SS/1/05/17655/F Amendment to existing planning approval to form back of house facilities  
beneath kitchen extension in construction void and to utilise river frontage for dining;  
amendments to windows of new bar and dining room. PERCON 8th December 2005  
SS/1/05/17580/LB Display of an externally illuminated advert (existing signage to be removed)  
PERCON 24th November 2005

# AGENDA ITEM

-

Charlton Arms Hotel

## 11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RXXJESTDJ4100>

List of Background Papers  
Planning application reference 23/03457/FUL and 23/03458/LBC, and plans and supplementary reports.

Cabinet Member (Portfolio Holder) - Councillor Chris Schofield

Local Member:  
Cllr Vivienne Parry

Appendices  
APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions to include

#### **STANDARD CONDITION(S)**

1. Time limit,
2. Accordance with the approved plans
3. All gutters, downpipes, soil and vent pipes and other external plumbing to be cast iron or cast aluminium.

#### **CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

4. Approval external material samples,
5. Approval of roof construction details including details of eaves, undercloaks ridges, valleys and verges
6. Approval of joinery details to include all external windows and doors and any other external joinery

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

7. Approval of Bat and Bird Boxes specification and location

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

8. Prior approval of any external lighting to demonstrate will not impact on ecological networks and/or sensitive features.

## AGENDA ITEM



Committee and date

16th January 2024

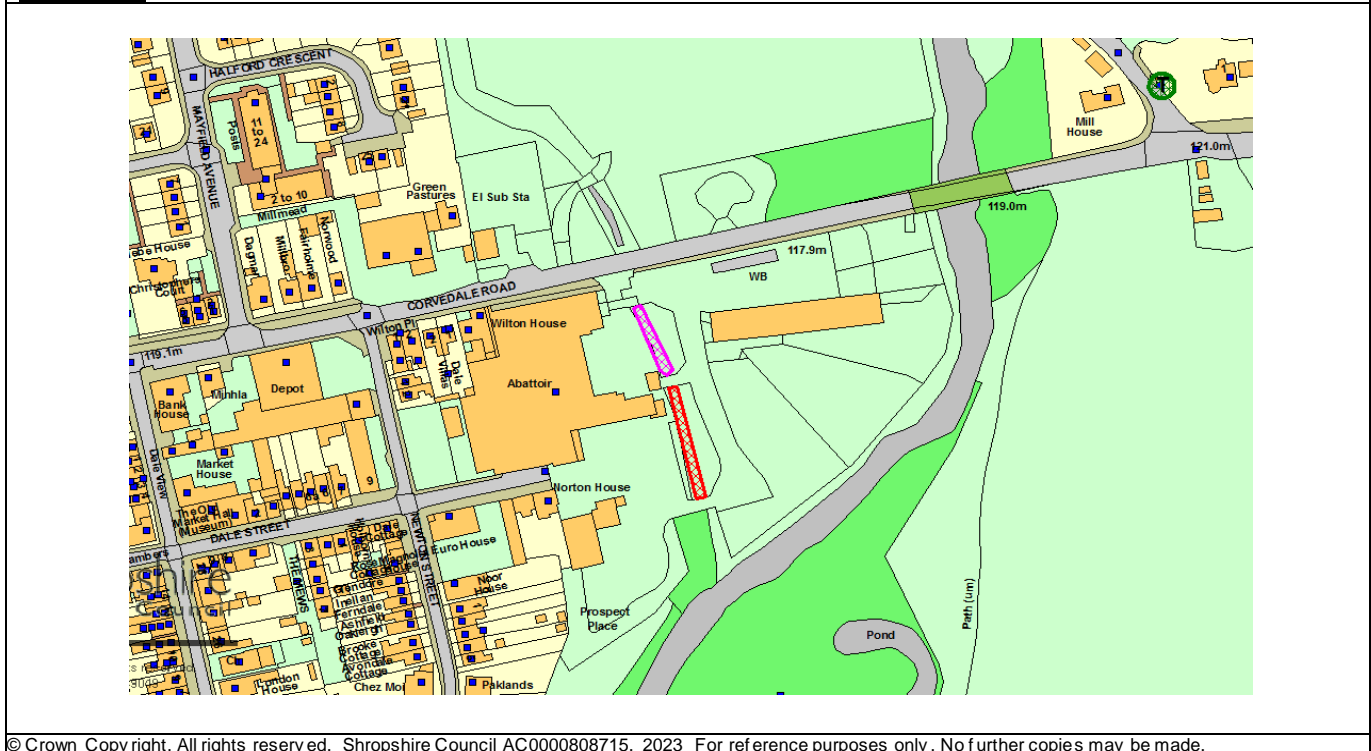
### Development Management Report

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

#### Summary of Application

<b>Application Number:</b> 23/04035/FUL	<b>Parish:</b>	Craven Arms
<b>Proposal:</b> Extension of existing water culvert		
<b>Site Address:</b> Euro House Dale Street Craven Arms Shropshire SY7 9PA		
<b>Applicant:</b> Euro Quality Lambs		
<b>Case Officer:</b> Elizabeth Attwood	<b>email:</b> elizabeth.attwood@shropshire.gov.uk	

**Grid Ref:** 343543 - 282757



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**Recommendation:- Refuse**

## Recommended reason for refusal

1. The proposed development contravenes the provisions of Shropshire Council's adopted Core Strategy 2011 policy CS18 (Sustainable Water Management), which seeks to prevent culverting of watercourses due to the potential for blockages and flooding grounds, Government guidance at paragraph 173 of the NPPF 2023 which seeks to ensure that planning applications do not lead to increased flood risk elsewhere and Policy 6 of the Council's Local Flood Risk Management Strategy which seeks to preserve watercourses in their natural state. The arguments advanced in respect of improved internal vehicular access/movement around the site, improved highway safety, no harm to biodiversity, the offer of a Unilateral Undertaking, and future redevelopment of the site do not outweigh the conflict with adopted planning policy in respect of watercourses. In addition, although the FRA identifies the flood risk to the existing site, it has not adequately considered the impacts of the proposed development in terms of flooding to third party land.

## REPORT

### 1.0 THE PROPOSAL

- 1.1 The proposal entails an engineering operation to culvert the watercourse for a length of up to 90 metres. Construction details are submitted showing a 1350mm diameter High Density Polyethylene (HDPE) pipe installed in granular material which is then covered with subbase material. The block plan shows that the culvert and the area either side of its embankment will also be infilled and surfaced with concrete.
- 1.2 The applicant has confirmed that the existing animal crossing bridge which is used to run the sheep from the lairage (storage/resting area prior to slaughter) to the abattoir is in a poor state and needs replacing. So, whilst this is being undertaken the plan is to culvert the full length of the open watercourse. The area will then be used to provide an improved HGV and forklift truck access/manoeuvring through the site (which is currently dissected by the watercourse), and to store and park containers/trailers.
- 1.3 This is the same proposal which was submitted under 21/03652/FUL. The application was withdrawn rather than be refused for several reasons, including;
- objections from the Council's Drainage team who advised that such schemes cannot be supported unless there is no reasonable alternative, e.g. where a new road or railway embankment is to cross a watercourse.
  - ecology issues.
  - the withdrawal of the associated Ordinary Watercourse Consent, rather than it be refused.



1.4 Application 22/02687/FUL for the same development was subsequently submitted and refused on 20.09.22 for the following reasons;

1. *The proposed development is considered unacceptable on the grounds that culverting the watercourse has the potential to result in blockages and flooding. This is not considered acceptable and contravenes the provisions of policy CS18 (Sustainable Water Management) requires that developments integrate measures for sustainable water management to reduce flood risk.*
2. *It is considered that the proposal should be accompanied by a site-specific flood risk assessment. Without a site-specific flood risk assessment the proposal cannot be assessed in relation to paragraphs 164 and 168 of the National Planning Policy Framework 2021 which are applicable for the proposed development which is in a flood risk area.*

## **2.0 SITE LOCATION/DESCRIPTION**

2.1 The planning application relates to a watercourse and its embankment which runs in a north/south direction through an abattoir premises. The area either side of watercourse is used for vehicle movements in connection with the abattoir. To the north the water course runs under the public highway (B4368). The River Onny is in close proximity to the south.

## **3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION**

3.1 In accordance with the constitution this application has been concluded by Committee Chair to be determined by planning committee due to objections from the parish councils based on material planning reasons which cannot reasonably be overcome by negotiation or the imposition of conditions and the team manager/principal planning officer in consultation with the Chair agrees that the parish council has raised material planning issues and that the application should be determined by committee.

## **4.0 Community Representations**

### **Consultee Comment**

Drainage & SUDS - Object in principle. In additional, although the FRA identifies the flood risk to the existing site, it has not adequately considered the impacts of the proposed development in terms of flooding to third party land.

SC Regulatory Services - no adverse comments.

SC Ecology - no objection subject to conditions and informatives to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

SC Highways DC - no Objection: in principle, it should be noted that the application has minor implications to the adopted highway. However, if the developer finds highway drainage connections within the proposed culvert, it will be the applicant's responsibility to notify SC highways authority with details and proposals.

### **Public Comments**

Craven Arms Town Council - objects to the application as it is against current Shropshire Council Policy.

A Site Notice has publicised the application; No representations have been received.

## **5.0 THE MAIN ISSUES**

Principle of development

Highway safety

Ecology

Other Matters

Ordinary Watercourse Consent (OWC) under the Land Drainage Act 1991

## **6.0 OFFICER APPRAISAL**

6.1 Principle of development

6.1.1 Government guidance at paragraph 173 of the NPPF 2023 states that;

*'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.'*

Shropshire Council Policy CS18 (Sustainable Water Management) states that;

*'Developments will integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within Shropshire, including groundwater resources, and provide opportunities to enhance biodiversity, health and recreation.'*

Inter alia, this includes;

- *New development improves development drainage by opening up existing culverts where appropriate.*

6.1.2 The supporting text of policy CS18 states at paragraph 7.16:

*Development can result in culverted watercourses which have the potential to become blocked by debris during periods of high river flows, reduce natural habitats, result in the fragmentation or loss of wildlife corridors and impact on green amenity space, reducing recreational opportunities, such as angling and walking. To minimise the impact development has upon the natural water environment, proposals which contribute to the artificial enclosure of watercourses will not be supported. [my emphasis] Where possible, development should contribute to the opening up of existing culverts to improve natural drainage and enhance and conserve Shropshire's water environment as an important asset, in accordance with the objectives of Policy CS17.*

- 6.1.3 The council's Drainage and Flood Risk Manager has advised that the Council does not promote culverting of watercourses. Further, that Ordinary Watercourse Consent is required from Shropshire Council for any works within the channel of the watercourse that will obstruct/affect the flow of the watercourse including temporary works. Thus, there are two separate statutory consents required for the proposed development, being The Town and Country Planning Act 1990 and the Drainage Act 1991.
- 6.1.4 The council's Drainage and Flood Risk Manager has also confirmed that he has made the applicant/agent aware on several occasions that although the Council may approve the construction of small sections of culverts to permit vehicle crossings, it will not support the proposed culverting of the entire length of the watercourse, as this is not in line with the Council policy. The suggestion that this culverting is temporary is also not accepted as although this site may be brought forward for redevelopment in the future, there is no guarantee when this will happen. The alternative option of diverting the watercourse in open channel has been discussed with the applicant, but they have not explored this to date, likewise the culverting of a like for like length of culvert to facilitate the replacement of the existing animal crossing bridge would also likely be supported. In addition, although the FRA identifies the flood risk to the existing site, it has not adequately considered the impacts of the proposed development in terms of flooding to third party land.
- 6.1.5 The council's Drainage and Flood Risk Manager has also offered to give advice on alternative schemes to facilitate improved vehicular access around the site. However, the agent has confirmed that the scheme as submitted is the only one for consideration.
- 6.2 Highway Safety

6.2.1 The Council's Highway Manager has confirmed that there are no objections in principle as the application only has minor implications to the adopted highway. The watercourse does not form part of the adopted highways and its assets, there are no proposals for any highway alterations, the existing HGV access associated with the site is adequate with suitable visibility splays. Therefore, from the highways and transport perspective there is no objection. Moreover, there have been no Personal Injury Accidents within the vicinity of the site.

## 6.3 Ecology

6.3.1 The water vole survey conducted by Churton Ecology (April 2022) found no signs of water vole during the site survey. No further surveys were recommended. SC Ecology has reviewed the information and plans submitted in association with the application and is happy with the survey work carried out. However, SC Ecology require biodiversity net gains at the site in accordance with the NPPF and policy CS17. Therefore, if approved the installation of a bat box and bird boxes to enhance the site for wildlife by providing additional roosting habitat, would be required.

## 6.4 Other Matters

6.4.1 Application 23/00520/FUL - Erection of a livestock lairage building, manure store, formation of vehicular access and internal access roads and infrastructure located at Newington Farm, Shrewsbury Road, Craven Arms was submitted by the same applicant/agent in early February 2023. It was refused on 01.12.23 for the following reasons:

- 1. Insufficient information has been submitted to demonstrate that a satisfactory means of access can be provided to the proposed development without causing a detriment to highway safety or the free flow of traffic along the A49. Specifically, the proposed junction does not conform to The Design Manual for Roads and Bridges (DMRB) and a departure from standard has not been agreed with National Highways. The proposed development therefore fails to accord with Shropshire's Core Strategy policies CS6 and CS8, and Site Allocation and Management of Development Plan policies MD2 and MD8.*
- 2. Insufficient information has been submitted to justify the proposed layout of the development and the implications it would have for a number of significant trees. Successful arboricultural and landscape compensation and mitigation are vital for the sustainable integration of development at this site. Considering the impact upon important trees within the site and the lack of a reasonable justification, mitigation or compensation, the scheme does not represent sustainable development and fails to accord with Shropshire's Core Strategy policies CS6 and CS17, and Site Allocation and Management of Development Plan policies MD2 and MD12.*

- 6.4.2 The agent has suggested a Unilateral Undertaking (UU) to ensure that the culvert is opened up again in the future when the applicant vacates the site, and the site is redeveloped as part of the role of Craven Arms as a Key Centre. Therefore, indicating that this a time limited proposal. However, the planning permission being applied for here is not being made on a temporary basis. Moreover, the above application (23/00520/FUL), which would facilitate the relocation of the abattoir, has recently been refused due to insufficient evidence, despite the passage of 10 months. The applicant has also advised that it may be 3-5 years before they relocate to Newington Farm, once planning permission for the replacement lairage building etc., is approved.
- 6.4.3 Therefore, despite the offer of a UU, the potential for timely re-opening and enhancement of the culvert as part of any future redevelopment and relocation of the abattoir is conjecture at this stage which could not be relied on for the purposes of the assessment of the acceptability of the current proposal.
- 6.4.4 The Council's Drainage and Flood Risk Manager has also advised that any works within the channel of the watercourse that could obstruct or affect the flow of the watercourse even on a temporary basis is not promoted. Again, this weighs against the arguments being put forward here in favour of the development.
- 6.5 Ordinary Watercourse Consent (OWC) under the Land Drainage Act 1991.
- 6.5.1 **Members are respectfully advised that even if they overturn officer recommendation for refusal and approve the application, it cannot be implemented. This is because the applicant will need to obtain an Ordinary Watercourse Consent (OWC) under the Land Drainage Act 1991.**
- 6.5.2 Shropshire Council in their capacity as Land Drainage Authority manage the Ordinary Watercourse Consenting process. The requirement for OWC is set out in Section 23 of the Land Drainage Act 1991. Shropshire Council are opposed to the culverting of entire lengths of watercourses. This policy is set out in the Council's Local Flood Risk Management Strategy Policy 6:

This policy relates to Section 23 of the Land Drainage Act 1991 and states that;

*No person shall:*

- *Erect any mill dam, weir or other like obstruction to the flow of any ordinary watercourse or raise or otherwise alter any such obstruction, or;*
- *Erect any culvert that would be likely to affect the flow of any ordinary watercourse or alter any culvert in a manner that would be likely to affect any such flow.*

6.5.3 In view of this, the Council seeks to preserve the natural state of land drainage systems and minimise the number of man-made alterations to watercourses. Any activity which may affect the flow of an ordinary watercourse will require our formal consent. This applies to both temporary and permanent works. The Council will, therefore, generally be opposed to the culverting of watercourses and the construction of 'in channel' structures, unless there is no reasonable alternative, e.g. where a new road or railway embankment is to cross a watercourse, the use of a culvert may be approved.

NB: Alternatives have been suggested to the applicant/agent, by the Drainage and Flood Risk Manager, however these have not been explored, and as noted in 6.1.5, the agent has confirmed that this is the only proposal to be considered.

6.5.4 As discussed on site with the applicant and his agent, the proposal to culvert the watercourse is to allow the storage of materials associated with the operation of the business and to improve access for HGV traffic and forklift truck movements. Whilst Shropshire Council, acting as the Land Drainage Authority, would not object to the amendment of the existing section of culverted watercourse at the entrance to the site (including the animal crossing bridge), they would not support the culverting of the entire length of the watercourse included in the current redline boundary. Accordingly, if the applicant submits this proposal for OWC, this would be refused.

6.5.5 Should the applicant wish to appeal this decision, the right of appeal for Shropshire Council withholding consent is set out in subsection 5 of Section 23 of the Land Drainage Act 1991, as noted below:

*(5) If any question arises under this section whether the consent of the drainage board concerned is unreasonably withheld, that question shall be referred to a single arbitrator to be agreed between the parties or, failing such agreement, to be appointed by the President of the Institution of Civil Engineers on the application of either party.*

6.5.6 Whilst it is within the applicant's right to appeal this decision, as the Council's position on the culverting of ordinary watercourses is clearly set out in our Local Flood Risk Management Strategy, and is consistent with policy of other LLFA's across the country, The Council's Drainage and Flood Risk Manager is therefore confident that any arbitrator would uphold the Council's decision, and dismiss the appeal.

6.5.7 The applicant/agent have also been made aware that if works to culvert the watercourse take place without OWC, Shropshire Council have the power to serve a Notice under Section 24 of the Land Drainage Act 1991 requiring them to abate the nuisance within a specified time. Should the applicant fail to comply with the Notice, then the Council may take the matter to Court. Alternatively, the Council may take steps themselves to abate the nuisance and recover the expenses incurred from the applicant.

## 7.0 CONCLUSION

Given the previous advice of the Council's Land Drainage Officer and the advice from the Council's Drainage and Flood Risk Manager it is considered that the proposal contravenes the provisions of Shropshire Council adopted Core Strategy 2011 policy CS18 (Sustainable Water Management), which seeks to prevent culverting of watercourses due to the potential for blockages and flooding grounds, Government guidance at paragraph 173 of the NPPF 2023 which seeks to ensure that planning applications do not lead to increased flood risk elsewhere and Policy 6 of the Council's Local Flood Risk Management Strategy which seeks to preserve watercourses in their natural state. The arguments advanced in respect of improved internal vehicular access/movement around the site, improved highway safety, no harm to biodiversity, the offer of a Unilateral Undertaking, and future redevelopment of the site do not outweigh the conflict with adopted planning policy in respect of watercourses. Therefore, it is recommended that the application is refused.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

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

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

### 8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced

against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

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

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

### 8.3 Equalities

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

### 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

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

Shropshire Core Strategy policies:  
CS6 Sustainable Design and Development Principles  
CS17 Environmental Networks  
CS18 Sustainable Water Management

SAMDev Plan  
MD2 Sustainable Design  
MD12 Natural Environment.

### RELEVANT PLANNING HISTORY:



# AGENDA ITEM

- 16th January 2024

Euro House

SS/1988/1134/P/ Use of land as a vehicle turning and parking area. PERCON 23rd January 1989

SS/1979/258/P/ Erection of extensions and formation of a vehicular access. PERCON 25th July 1979

SS/1976/498/O/ Erection of a slaughter hall extension and new lairage, formation of new vehicular access. PERCON 15th March 1977

SS/1976/498/R/ Erection of a slaughter hall extension and new lairage, formation of new vehicular access and alteration of existing vehicular access. PERCON 7th April 1978

SS/1976/475/P/ Installation of a 3000 gallon underground blood tank. PERCON 19th November 1976

SS/1976/458/P/ Erection of a Portakabin office unit. PERCON 28th October 1976

SS/1975/486/P/ Erection of an extension to existing abattoir complex to provide improved outloading facilities for meat. PERCON 8th January 1976

SS/1975/485/P/ Erection of an extension to existing abattoir complex to provide additional chilling accommodation for meat storage. PERCON 8th January 1976

21/03652/FUL Works to culvert a watercourse through factory grounds WDN 8th December 2021

22/02687/FUL Works to culvert a watercourse through factory grounds REFUSE 20th September 2022

## 11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S0XRLRTDK1P00>

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 Chris Schofield
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Local Member
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Cllr David Evans

Cllr Hilary Luff

Appendices
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Recommended reason for refusal;

1. The proposed development contravenes the provisions of Shropshire Council's adopted Core Strategy 2011 policy CS18 (Sustainable Water Management), which seeks to prevent culverting of watercourses due to the potential for blockages and flooding grounds, Government guidance at paragraph 173 of the NPPF 2023 which seeks to ensure that planning applications do not lead to increased flood risk elsewhere and Policy 6 of the Council's Local Flood Risk Management Strategy which seeks to preserve watercourses in their natural state. The arguments advanced in respect of improved internal vehicular access/movement around the site, improved highway safety, no harm to biodiversity, the offer of a Unilateral Undertaking, and future redevelopment of the site do not outweigh the conflict with adopted planning policy in respect of watercourses. In addition, although the FRA identifies the flood risk to the existing site, it has not adequately considered the impacts of the proposed development in terms of flooding to third party land.



1. The application site is in a prominent position close to the centre of Gravelbank, where its open outlook contributes to the distinctive character of the settlement in the Shropshire Hills AONB. Apart from interrupting public views to the southwest, development would create a visible, regular and linear pattern of development adjacent to the highway, contrasting to the existing pattern of development nearby, and contrary to CS6, MD2, CS17 and MD12. It is not considered that recent approval of two dwellings to the southeast by way of 18/04138/OUT sets sufficient precedent in favour of development. The housing guideline figures for the Parish according to S2.2(vii) are likely to have already been met. The provisions of MD3 do not add sufficient weight in favour of development because additional residential development over and above dwellings approved in Gravelbank since 2014 would have unacceptable cumulative impacts detrimental to the settlement and its character. The benefits of development do not outweigh the harm identified. For these reasons the development is also considered contrary to the NPPF, and to the Council's settlement strategy as set out in CS1, CS4 and MD1 of the adopted Core Strategy and adopted SAMDev Plan, which are up to date and given full weight. There are no other material considerations of sufficient weight in favour of development.

1.3 The previous refusal was turned down on appeal. The applicant advises that the current Full application for a single dwelling addresses the comments of the Inspector and is also consistent with previous planning approvals for 'infill' plots which have been issued over the past 20 years. Specifically, it is for one rather than 2 dwellings and is positioned at the northern end of the plot, thereby preserving views towards the Stiperstones.

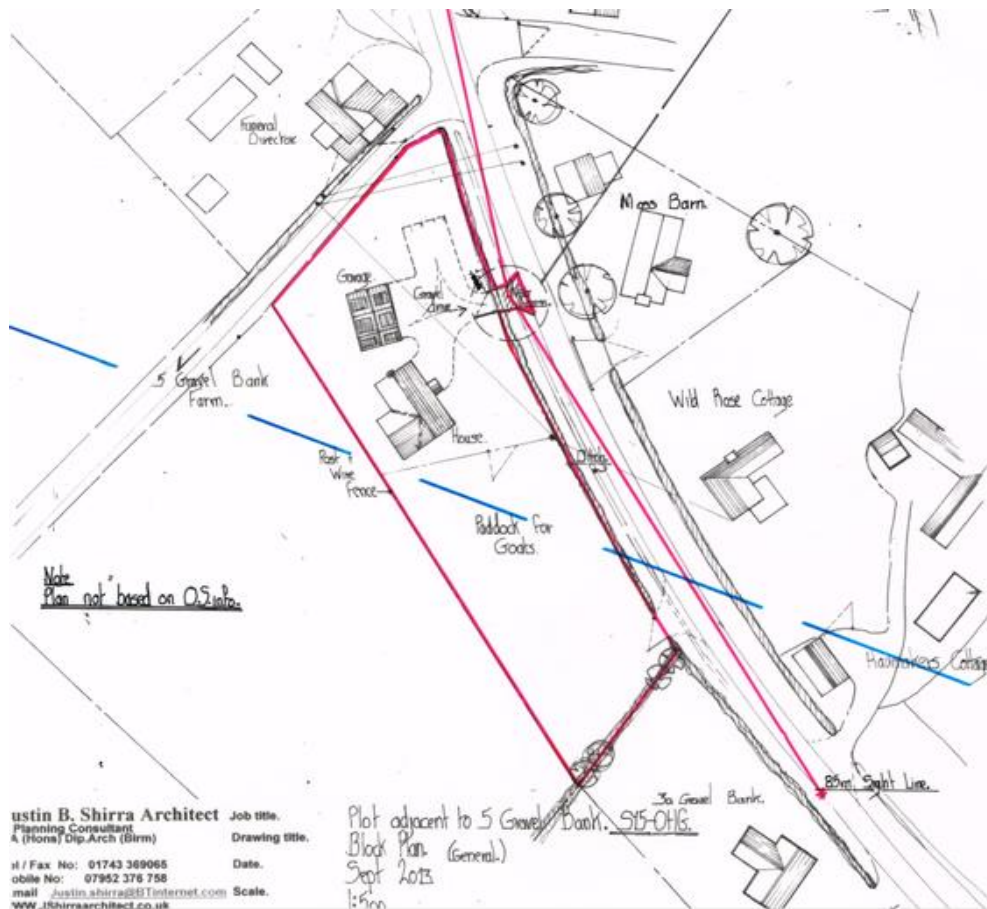


Figure 2 – Block Plan



**Figure 3 - Elevations**

- 1.4 The 2-storey property would be of traditional construction with slate roof and red brick walls. It would have an internal floor area of 195m<sup>2</sup>, including downstairs porch. A single floor detached double garage with ancillary garden storage would provide an additional area of 45m<sup>2</sup> (see Figures 2 and 3).
- 1.5 A new tarmac access would be created onto the public highway. This would comprise a 6m opening in current thin 1.8m high hedge. There would be a 3.5m wide permeable gravelled access track with an inward swinging gate set back 6m from the highway and a 1.9m wide grass verge. A 1m wide ditch would receive a reinforced drainage pipe, to allow water to flow under the verge crossing. A paved area for 3 wheelie bins would be provided at the road edge. Visibility splays of 140m to the north and 85m to the south would be provided. Details of foul and surface water management would be secured by condition.
- 2.0 SITE LOCATION/DESCRIPTION
- 2.1 Gravel Bank' comprises a scatter of residential properties on a shelf above Gravel in the Hope Valley, within the Shropshire Hills Area of Outstanding Natural Beauty (AONB). The application site is a 0.261 hectare strip of a paddock along the roadside, opposite the proposed entrance to another stone and rendered property named 'Rowan house and Moss cottage'. It is flanked by outbuildings used as holiday accommodation and a crafts/field study centre. There are further dwellings around the road junction. To the South of this site is 'No. 3 and 3a Gravel Bank' two very recent approved 3 bedroom dwellings currently being built.

2.2 The applicant's late father owned the adjoining plot known as 'The Farmstead' which has recently been put up for sale. The applicant has strong connections with the area having been raised at the Farmstead.

### 3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

3.1 Worthen with Shelve Parish Council has objected to the proposal's raising material planning reasons. Officers have a contrary view and consider that the Parish Council's concerns cannot reasonably be overcome by negotiation/imposition of condition. The Development Manager has confirmed in consultation with the Chair that the proposals meet the criteria for a committee determination.

### 4.0 COMMUNITY REPRESENTATIONS

4.1i. Worthen with Shelve Parish Council: Objection. Gravels Bank was a small settlement located in a protected historic landscape. It is considered that if consent is given for this application it would result in a negative visual impact on the character of the settlement. Gravels Bank sits within the AONB. The Natural Environment Policy (SAMDev Page 3 of 10 MD12) aims to provide a level of protection to Shropshire's natural assets, including trees, woodland, hedgerows and the Shropshire Hills AONB.

ii. This Parish Council does not consider that permitting this development would be compatible with protecting and enhancing the natural, built and historic environment. The proposed dwelling would have a material adverse visual impact on the landscape quality and character and setting of the Shropshire Hills AONB.

iii. It is considered that the housing guideline for the Community Cluster of Hope has already been exceeded. If this application is given approval this would result in an over delivery of 35 consents in the Hope ward.

iv. This parish will be open countryside when the emerging local plan is adopted. The provisions of MD3 do not add sufficient weight in favour of development because additional residential development over and above dwellings approved in Gravelsbank since 2014 would have unacceptable cumulative impacts detrimental to the settlement and its character.

v. It is noted that the highways officer will provide the necessary report. This Parish Council has concerns about the highway network in this location, based on many years of experience of local conditions and a consideration of the damage that would be done to the aesthetic of the AONB. This hamlet sits above the snow line and is often inaccessible during winter events. Indeed, the school bus cannot travel in this location due to ice and snow. There is a limited bus service in this location and no local school or shop. Any development in this area would be reliant on private vehicles to access services. It is not considered a sustainable development site.

4.2 SC Ecology: No objection. The level of survey work in the submitted Ecological Impact Assessment (Churton Ecology, November 2023) is acceptable. Conditions and informatives are recommended (included in Appendix 1).

4.3 SC Rights of Way: No objection. Footpath 28 runs along the track to the north-west of the proposed dwelling but won't be affected by the development.



- 4.4 SC Trees: No objection. The proposed development will not impact on significant trees or arboricultural features. However, landscape planting of trees forms an important element of a development of this type, and it is expected that a landscape planting scheme, that makes provision for the sustainable planting of tree species capable of becoming large canopy specimens at maturity, will form part of the development. It is recommended that a landscaping condition is attached to any planning permission granted (included in Appendix 1).
- 4.5 SC Affordable Homes: The application site falls below the threshold by which the Local Planning Authority are able to require a contribution towards affordable housing, therefore no affordable housing obligations would be applicable in this instance. On a separate note, the published 5 years land supply, indicates that that the number of residential completions within the Cluster that Gravels Bank is part amounts to 22 and with a further a further 12 with planning permission or prior approval. This significantly exceeds the SAMdev guideline figure of around 15 additional dwellings.
- 4.6i. SC Highways: The application is for the erection of a dwelling and formation of a new access on the eastern side of the unclassified road. The development follows on from the earlier refusal of consent under reference 20/03949/OUT, which was also subsequently dismissed at appeal.
- ii. The principle of the development in terms of the context, proposed access and parking arrangements are considered to be acceptable from the highway perspective. The proposed visibility splays are also considered to be satisfactory for the prevailing highway conditions.
- iii. It is noted that the formation of the new access apron involves the culverting of an established and well-defined ditch within the verge. Taking into account the scale of the culvert it would be advisable that a further consultation be undertaken with the Council's Flood and Water Management Team with respect to whether or not any further details and consents are required to culvert the ditch as shown/detailed on the submitted drawings no's 761-02 and 761-03 prior to the determination of the application.
- 4.7 SC Drainage: NO objection. This is a 'Minor Development' and the site is not located within the SuDS Consultation Area. The development is unlikely to significantly increase flood risk.

Public Comments: Seven public representations have been received, four in support, four objection and one neutral. Objectors raise the following points:

- Gravels Bank is over-developed. The original criteria for four dwellings is now exceed with seven new builds, 4 Airbnb and 2 holiday cottages. A new build, which will not be sympathetic to the area. Gravel Bank is no longer a little hamlet of the side of a hill.
- The Gravels Bank area has suffered the building of multiple new properties over recent years. Only 2 out of the 7 recently built new homes actually 'sit well' within the landscape and if this building as shown in the plans is resembling Number 3, it will become yet another out of place blight on the area.
- This latest application for a new development sits in a prominent position close to the single-track highway, and near to neighbouring properties. If built, it will be a

very visible property that has the potential to increase light pollution within the AONB. The same principles apply as for the previous refusal for 2 properties.

- Nearly all the new properties have been out of character with the area and are very much 'Townhouses' and oversized, sadly this new proposal seems to be in the same vein.
- The access plan has a small error in that it will be nearly directly opposite the Moss Barn access. The field is higher than the road, so proposed property would be in an elevated position.

Supporters raise the following points:

- A local family planning to build their forever home where they grew up, it will be a perfect finish to the horseshoe shape of houses that already stand, to which planning was obviously previously approved.
- Knowing the applicant, I feel it would be appropriate for him to build a family home in the place that he himself grew up.
- The Proposed dwelling is in keeping with the other developments within the hamlet and is being built on a piece of land that is infill between other existing properties so will have very little impact on the scenic view of gravels bank. The hamlet has already had a few new developments recently, so surely what is good for one must be good for all.

## 5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale, design of structure and visual impact
- Residential Amenity
- Ecology

## 6.0 OFFICER APPRAISAL

### 6.1 Planning policy

6.1.1 The adopted development plan for Shropshire is the Local Development Framework (LDF) Core Strategy and the Site Allocations and Management of Development (SAMDev) Plan. Significant weight is also to be attributed to the updated National Planning Policy Framework (NPPF).

6.1.2 Policy MD1 of the SAMDev Plan allows some housing in rural areas to be directed towards community hubs and clusters.. The settlement of Gravels Bank is in the Bishop's Castle Community Cluster which is referred to in SAMDev Policy S2. This advises that Bishop's Castle will provide the focus for development in this part of Shropshire for the period 2006-2026.

6.1.3 Policy S2.2 (vii) refers to the community cluster which includes Gravels Bank, advising that the housing guideline for the Cluster is around 15 additional dwellings over the period to 2026. The Worthen with Shelve Parish Council Local Implementation Plan expresses a preference for no more than 5 dwellings in any third of the Plan period and no more than 2 dwellings per site. The original criteria for four dwellings for Gravels Bank is now exceeded with seven new builds, 4 Airbnb and 2 holiday cottages. The Parish Council has objected to the current application on this basis. They also point out that Gravels Bank does not form part of any cluster in the emerging Shropshire Local

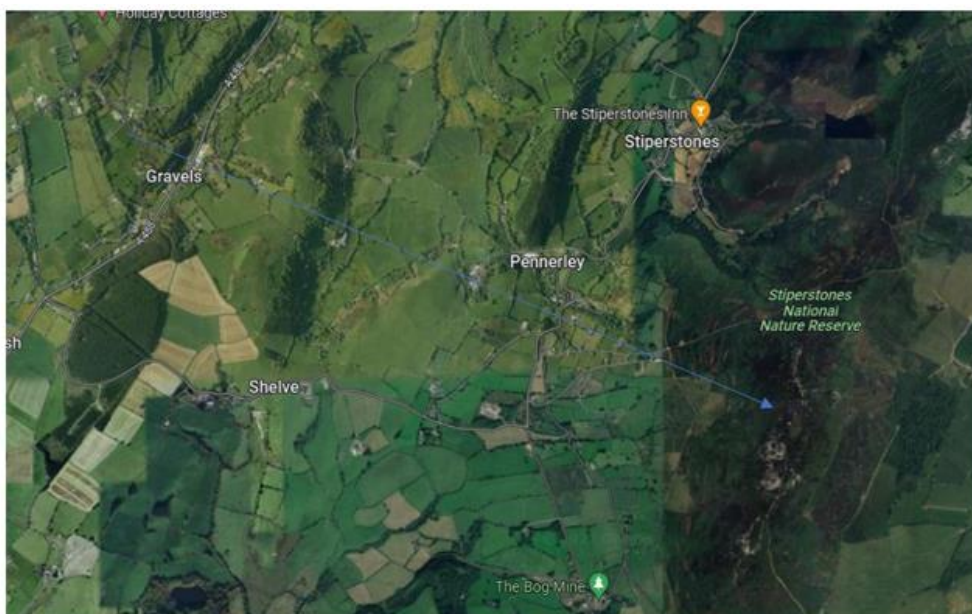


Plan. Whilst this indicates the direction of future planning policy no significant weight can be attributed to currently to this consideration.

- 6.1.4 SAMDev Policy MD3 relates to the delivery of housing development. The policy advises that the settlement housing guidelines in policies S1-S18 are a significant policy consideration. Where development would result in the number of completions plus outstanding permissions providing more dwellings than the guideline, decisions will have regard to:
- i. The increase in number of dwellings relative to the guideline; and
  - ii. The likelihood of delivery of the outstanding permissions; and
  - iii. Evidence of community support; and
  - iv. The benefits arising from the development; and
  - v. The presumption in favour of sustainable development
- 6.1.5 The fact that the settlement housing guidelines have been exceeded does not mean that the application should be automatically refused. Instead, it is necessary to assess the proposals against the 5 tests set out in Policy MD3 as listed above. The agent has stated in this regard that the settlement housing guidelines are not absolute maxima, and that this has been emphasised in appeal decisions elsewhere.
- 6.1.6 In terms of the first test seven new dwellings have been constructed at Gravels Bank within the SAMDev plan period. This compares with the 15 identified for the entire cluster and the four anticipated at Gravels Bank in the Worthen with Shelve Parish Council Local Implementation Plan. The increase in number of dwellings relative to the guideline weighs against the proposals but must be seen in the context of the other tests in MD3. The additional holiday let properties are not assessed against MD3 but are a material consideration in terms of the built form of the settlement and the implications for local infrastructure.
- 6.1.7 In terms of the second test the officer is not aware of any outstanding residential permissions in Gravels Bank which are capable of implementation.
- 6.1.8 In terms of the third test there is evidence of community support. Four letters of support have been received from the local community and it is recognised that the applicant has strong local connections having been raised in the adjoining property. Four letters of objection have also been received, principally on the basis that the guidelines for the settlement have already been exceeded. The agent has responded that two of these objections are from the same house where the occupants/owners have encountered issues with the Environment Agency which are not related to the current application. The agent advises that a third objection is not immediately local to the site and is linked to the Parish Council.
- 6.1.9 The agent understands that at the Parish Council meeting which discussed the application concerns were expressed that planning approvals have been granted locally and then the applicants have sold the properties against the spirit of the approval for local people. The agent confirms that the applicants for this application do intend to live in the property and that a condition within the deeds when the land was bequeathed states that the plot shall remain within the family.
- 6.1.10 In terms of the fourth test the NPPF states that all housing provides benefits. In this case these benefits are reinforced by facilitating a young family with strong local

connections to return to the area with their continued occupation supported by a condition of the deeds. This consideration addresses the concern of the Parish Council about selling-on to non-local people and weighs strongly in favour of the proposals.

- 6.1.11 In terms of the fifth and final test the proposals do not comply with Policy MD3 as the settlement housing guidelines for Gravels Bank have been exceeded. However, this does not mean that they are automatically unsustainable. It is necessary instead to assess whether the proposals represent sustainable development when considered against the policies of the Development Plan when taken as a whole, having regard also to national policy.
- 6.1.12 No evidence has been put forward in response to this application, or in the relevant Place Plan and Parish Plan that the increase in open market dwellings at Gravels Bank relative to the settlement guidelines has resulted in an unacceptable cumulative strain on local infrastructure. Nor has it been shown that the current proposals for a single dwelling would add in an unacceptable way to any demands on local infrastructure. In particular, there have been no objections to the current application from statutory consultees including the Highway Authority.
- 6.1.13 Electrical and telecommunications connections and mains water are located adjacent to the site. Foul water would be dispersed via a new bio disc treatment plant. Surface water would initially be channelled into a water storage area and then dispersed slowly so as not to add to flood water at times of heavy storms. A regular daily bus service between Shrewsbury and Bishops Castle exists on the A488 Hope Road. Hence, occupants would not be solely reliant on use of private motor vehicles.
- 6.1.14 The NPPF makes it clear that all housing development has benefits and these are strengthened by the fact that the proposals would deliver a 'forever home' for a young family with strong local connections and, additionally, with ongoing family tenure secured by a clause in the deeds. This consideration has the potential to allow the tests set in Policy MD3 to be met on balance, provided the other environmental and design considerations assessed in succeeding sections can be shown to be sustainable and policy compliant.



**Fig 3 – Siting in relation to Stiperstones**



**Fig 4 – Showing retained open view towards Stiperstones from house location**

## 6.2 Siting, scale, design of structure and visual impact

- 6.2.1 In terms of siting, figure 2 above indicates that the site is at the geographical centre of the hamlet and, as recognised by one supporter the proposed dwelling would complete a residential horseshoe when seen in combination with existing housing. The Inspector advises in Item 7 of the appeal decision that restricting the development to the current location would allow the proposals to fulfil the requirements for infill. Spatially therefore the proposals integrate acceptably with the existing settlement and cannot be said to represent isolated or sporadic development.
- 6.2.3 The agent states that the current proposals have taken account of the advice of the planning Inspector relating to the previous refusal of an outline application for 2 open market dwellings at the site. This concerns the need to maintain an open space and view across the valley from the ‘Devil’s Chair’ within the Stiperstones Nature Reserve. The new dwelling and detached garage would be located at the north end of the site so as to be screened by the intervening mature trees and high hedge and dwelling at ‘Moss Barn’ and Rowan House’. Positioning the proposed development behind current properties and established trees preserves current open space and the relationship of views towards the Devil’s Chair and the Stiperstones (see Figures 3 and 4).
- 6.2.3 The Placing of the house also considers the existing overhead power cables along with the need for privacy from the current property adjacent to the plot at the north which is also separated by the farm track.
- 6.2.4 The scale of this proposed 3-bedroom dwelling is comparable with existing neighbouring new dwellings 3 and 3a Gravels Bank and Mountain View and is smaller than Cherry House and other new dwellings in the immediate area adjacent to the crossroads. The proposal is considered to be sympathetic to other local buildings both new and old in its scale density and pattern, with significant space retained within the site and between the proposed and existing dwellings.
- 6.2.5 Whilst the new dwelling would be visible to some extent from adjacent properties, such views would be at an oblique angle and would be at least 30m away with fences, roads or lanes and high hedges and trees between. This, combined with sensitive placement of windows, means that the proposals would not cause shadowing, overlooking or an overbearing appearance. [OBJ]
- 6.2.6 In terms of design SAMDev Policy MD2: Sustainable design seeks to achieve local aspirations for design where possible. Section 12 of the National Planning Policy Framework 2023 deals with ‘Achieving well-designed and beautiful places’ also

reinforces these goals at a national level, advising that “Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

- 6.2.7 The traditional slate roof and red brick design of the proposed dwelling is considered appropriate for this location. The scale of the building is relatively large, with c200m<sup>2</sup> of internal space but is not inappropriate for this plot and location. In response to dialogue with the case officer the agent has agreed to introduce some render to the ground floor front and side elevations in order to break up the expanse of red brick. A condition requiring amended plans to be submitted is included in Appendix 1. Use of render is consistent with the local vernacular. It will reduce the perceived scale of the building and will add visual interest to any glimpse views available from the vicinity of the proposed site entrance.
- 6.2.8 Additionally, the applicant has agreed to accept a landscaping plan condition. A key objective would be to preserve the openness of views towards the Stiperstones. However, there is ample scope to break up the form of the building and further improve its integration into this central plot within the hamlet through sensitive tree and shrub placement.
- 6.2.9 In terms of access there is sufficient space to turn into and out of the site in forward gear. Highways have not objected.
- 6.2.10 The applicant advises that roof mounted solar panels and air source heat pumps would be specified to provide sustainable energy.

### 6.3 Residential Amenity

- 6.3.1 Policy CS6 of the Core Strategy and Policy MD2 of SAMDev indicates that new development should safeguard residential and local amenity. The relationships of the proposed dwelling to existing properties have been assessed and no unacceptably adverse issues in relation to residential amenity including overlooking or shading have been identified.

### 6.4 Ecology

- 6.4.1 Policy CS17 of the Core Strategy requires that any development should protect and enhance the diversity, high quality and local character of Shropshire’s natural environment in respect of protected species. SAMDev Policy MD12 also protects the county’s natural assets. An ecological survey advises that the site supports grassland of low biodiversity value which is not classed as a UK priority habitat. Native hedgerow is a UK priority habitat. The two hedgerows, along the south and east of the overall site are, therefore, considered to be important ecological features of the site/ the site’s area of influence.
- 6.4.2 The survey makes recommendations to minimise ecological impacts including [i) keeping hedgerow loss to a minimum ii) protecting hedgerows during construction works iii) working under Reasonable Avoidance Measures (for Great Crested Newt) iv) removing hedgerow outside the bird breeding season and v) having a sensitive lighting plan in the operational phase (for bats). SC Ecology has recommended conditions and is satisfied subject to these that that the proposals can be accepted.

## 6.5 Drainage

6.5.1 Whilst not objecting the Highway Authority has noted that formation of the new access apron involves the culverting of an established and well-defined ditch within the verge. They recommend that a further consultation is undertaken with the Council's Flood and Water Management Team with respect to whether or not any further details and consents are required to culvert the ditch.

6.5.2 The Council's land drainage team has indicated that ordinary drainage consent would be required in order to culvert the drainage ditch which the proposed site access would cross. However, the area of culverting is limited to 6m, and they have not required in this instance that such approval should be obtained in advance of any planning consent. A Grampian condition has been recommended which requires confirmation of the culverting consent prior to commencement of the development. The culverting would in this instance be a simple and limited engineering operation and at present there is no indication that such consent would not be forthcoming.

## 6.6 Residential Curtilage

6.6.1 Following discussion with officers the agent has agreed to submit a new block plan which makes it clear that the proposed goat paddock comprising the southern half of the site does not form part of the residential curtilage.

## 7.0 CONCLUSION

7.1.1 The application follows refusal of an earlier outline scheme for 2 dwellings at the site. It is considered that the amended proposals would not result in any unacceptable impacts to neighbouring properties or visual amenities, including within the AONB which are sufficiently adverse to justify refusal.

7.1.2 The concerns of the Parish Council and some local residents regarding the level of development in this hamlet are noted. However, in this instance the benefits of the proposals are considered sufficient to justify approval. Specifically, the proposals would provide a home for a young family with strong local connections at a site which has a positive spatial relationship to the centre of the settlement and neighbouring properties. Whilst the site is in a rural area it is on a regular bus route and has access to mains services. The design of the development is also considered to be acceptable.

7.1.3 It is not considered that approval of the current proposals would establish an unsustainable precedent for further building in the locality. Any future proposals would be assessed on their own merits at the time.

7.1.3 Overall it is concluded that the current proposals are sustainable and planning permission can be granted subject to the recommended conditions. Core Strategy Policy CS6, CS17, SAMDev Policy MD5a, MD12.

## 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

#### 10.1 Core Strategy:

##### 10.1.1 Core Strategy policies of relevance to the current proposals include:

- CS5: Countryside and Green Belt
- CS6: Sustainable Design and Development Principles

- CS7: Communications and Transport
- CS8: Facilities, services and infrastructure provision
- CS13: Economic Development, Enterprise and Employment
- CS17: Environmental Networks
- CS18: Sustainable water management.

#### 10.1.2 Site Management and Allocation of Development Document (SAMDEV)

Relevant policies include:

- MD2: Sustainable Design
- MD7b: General Management of Development in the Countryside
- MD8: Infrastructure Provision
- MD12: The Natural Environment
- MD13: The Historic Environment
- S2: Bishops Castle area.

#### 10.2 RELEVANT PLANNING HISTORY:

- 20/03949/OUT Outline application (All Matters Reserved) for the erection of 2 dwellings
- REFUSE 16th November 2020
- E

Appeal

- 21/02898/REF Outline application (All Matters Reserved) for the erection of 2 dwellings DISMIS 20th August 2021

#### 11. ADDITIONAL INFORMATION

List of Background Papers

23/04140/FUL - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S1AQIFTDK7S00>

Cabinet Member (Portfolio Holder) - Councillor Chris Schofield

Local Member - Cllr Heather Kidd

## **APPENDIX 1**

### **Conditions**

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

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

2. The development shall be carried out 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.

3. No development hereby approved shall commence until samples and/or details of the roofing materials and the materials to be used in the construction of the external walls, paving and other ground surfaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

4. No development hereby approved shall commence until a scheme to introduce render to the ground floor elevations have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

5. No development shall take place under the terms of this permission until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall detail the proposed hours for external working and the proposed parking and material storage arrangements during the construction phase. Construction works shall be managed in strict accordance with the Plan.

Reason: To protect the amenities of neighbouring residents during the construction phase.

#### Landscaping

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

Reason: To ensure that there is no nett loss of trees and help to integrate the development into the local environment.

#### Ecology

7. Prior to first occupation / use of the buildings, an appropriately qualified and experienced Ecological Clerk of Works shall provide a report to the Local Planning Authority demonstrating implementation of the avoidance measures and mitigation, as set out in sections 5.1.1 and 5.1.2 of the Ecological Impact Assessment (Churton Ecology, November 2023).

Reason: To demonstrate compliance with the bat and great crested newt avoidance measures and mitigation to ensure the protection of bats and great crested newts, which are European Protected Species.



8. Prior to first occupation / use of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:
- A minimum of 1 external woodcrete bat box or integrated bat brick, suitable for nursery or summer roosting for small crevice dwelling bat species.
  - A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific) and/or sparrows (32mm hole, terrace design).

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

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

9. 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 Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

10. No development hereby approved shall commence until details of surface and foul drainage provisions including calculations have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that the proposed dwelling is served by suitable surface and fould drainage provisions.

11. No development hereby approved shall commence until the developer has provided written confirmation to the Local Planning Authority that an ordinary drainage consent to culvert the site access as it passes over the roadside ditch has either been obtained or will be obtained or is not required.

Reason: To ensure that the appropriate drainage consent is in place where necessary before any works to culvert the ditch crossing the site access point are undertaken.

#### Advisory Notes

- i. *Wild Birds: The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or*

destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences. All vegetation clearance, tree removal and/or scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest. If during construction birds gain access to any of the buildings and begin nesting, work must cease until the young birds have fledged.

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

Highways:

- iii. This planning permission does not authorise the applicant to:

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

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details: <https://www.shropshire.gov.uk/roads-and-highways/road-network-management/application-forms-and-charges/>

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

- iv. The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
- v. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
- vi. The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e., wheelie bins & recycling boxes). Specific consideration must be given to kerbside collection points, to ensure that all visibility splays, accesses, junctions, pedestrian crossings, and all trafficked areas of highway (i.e., footways, cycle ways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety.

<https://shropshire.gov.uk/media/2241/supplementary-planning-guidance-domestic-waste-storage-and-collection.pdf>

- vii. *Drainage: A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's SUDS Handbook which is available in the Related documents section on the council's website at: <https://shropshire.gov.uk/drainage-and-flooding/development-responsibility-and-maintenance/sustainable-drainage-systems-handbook/>. The provisions of the Planning Practice Guidance, Flood Risk and Coastal Change, should also be followed.*

*Preference should be given to drainage measures which allow rainwater to soakaway naturally. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if infiltration techniques are not achievable.*

*Any proposed drainage system should follow the drainage hierarchy, with preference given to the use of soakaways. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.*

*Where a positive drainage connection is proposed, the rate of discharge from the site should be restricted to an appropriate rate as set out in the SuDS Handbook.*

*If main foul sewer is not available for connection, British Water 'Flows and Loads: 4' should be used to determine the Population Equivalent (PE) for the proposed development and the sizing of the septic tank or package treatment plant and drainage fields should be designed to cater for the correct number of persons and in accordance with the Building Regulations H2.*

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## AGENDA ITEM



Committee and date
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### Development Management Report

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

#### Summary of Application

<b>Application Number:</b> 23/04577/VAR	<b>Parish:</b> Claverley
<b>Proposal:</b> Variation of Condition No. 2 attached to planning permission 23/00967/FUL dated 12 October 2023 to amend plots 3 and 4 from one bed bungalows to two bed bungalows and add PV panels at all plots	
<b>Site Address:</b> Land To The North Of Small Heath Farmhouse Ashford Bank Claverley Shropshire	
<b>Applicant:</b> TC Homes Contracting Ltd	
<b>Case Officer:</b> Sara Jones	<b>email:</b> sara.jones@shropshire.gov.uk

**Grid Ref:** 379980 - 293336

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**Recommendation:-** that, subject to the receipt of amended supporting documents (Noise Assessment, Landscape and Mitigation Plan, and Aboricultural Impact Assessment) to reflect the revised layout, delegated authority be given to Officers to draft conditions as set out in Appendix 1 and to secure a Deed of Variation to the existing Section 106 Agreement.

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application seeks an amendment to planning permission 23/00967/FUL which was approved on 12<sup>th</sup> October 2023 under delegated powers. The amendment involves alterations to plots 3 and 4 to increase the accommodation from one bed bungalows to two bed bungalows, which will necessitate a modest reduction in the public open space provision. In addition, the proposed amendments include the addition of photovoltaic panels to the roofs of all the approved dwellings.
- 1.2 The extant planning permission allows for the erection of 12 affordable homes as an exception site in the Green Belt. The development consists of 10 single storey bungalows and 2 two storey houses, and includes 6 x 1 bed bungalows, 4 x 2 bed bungalows and 2 x 2 bed houses. As previously approved the 12 dwellings proposed for Claverley will be 6 low-cost home ownership (shared ownership or rent to buy) and 6 affordable rent capped at 80% market rent or local housing allowance (whichever is the lower).
- 1.3 The amended scheme would alter the mix of bungalows to 4 x 1 bed and 6 x 2 bed. At the time of writing this report the following documents are awaited which are being revised to accurately reflect the proposed amended layout of the scheme: Noise Assessment, Landscape and Mitigation Plan, and Aboricultural Impact Assessment.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located at Ashford Bank, Claverley and is 0.54 hectares in size. The site is located within the Green Belt on the eastern edge of the village and will be accessed from Aston Lane.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council has submitted a view which is contrary to the Officer recommendation. The Area Planning Manager in consultation with the Chairman has concluded that the application raises issues which warrant determination by the Planning Committee under the terms of Part 8 of the Council Constitution.

## 4.0 Community Representations

### Consultee Comment

SC Affordable Housing – Supports proposed amendment.

SC Conservation - No objection to the proposed amendments, where the PV panels should be of an appropriate specification, such as frameless and being matt black.

SC Drainage - No drainage details for application 23/00967/FUL were submitted for approval. However, the minor increase in drained area for plots 3 and 4 will have minimal effect on the flood risk arising from the site and are therefore acceptable.

### Public Comments

Claverley Parish Council - Objects

Summary Reasons:

#### Need

The mix of housing within the previously approved scheme was based on housing register figures (Feb 2022). No supporting evidence has been supplied with this variation application for an increase in two bed accommodation. If more two bed affordable housing is required Claverley this has been satisfied by a current affordable housing site on a brownfield site and 4 two bed affordable houses were granted approval by the Southern Area Planning Committee on 27th June 2023.

#### Drainage

Concern about the drainage details which have been submitted under application 23/04904/DIS in connection with the drainage condition attached to planning permission n 23/00967/FUL.

#### Ecology

Concern about the loss of the ancient roadside hedgerow (present on The "Plot of the Morfe estate map" 1613). The apparent mitigation for the loss of this ancient hedgerow was new planting in the development however 50% of the new hedgerows will be planted on the north side of a 1.8 m lap larch fence so restricting growth if not killing it. Formal garden plantings will not replace flora /fauna of an established hedgerow bank and hedge.

## 5.0 THE MAIN ISSUES

Principle of development

Affordable Housing

Visual impact, landscaping and ecology

Residential Amenity  
Drainage

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 This application seeks amendments to a previously approved extant scheme for a 100% affordable housing development which was compliant with national and local planning policy in principle. The principle of the development cannot therefore be revisited.

### 6.2 Affordable Housing

6.2.1 As at the time of the original application concern has been expressed about the need for additional affordable housing in the village of Claverley. It has been cited that previously approved affordable sites in the village have satisfied existing demand identified in the latest housing needs survey.

6.2.2 The Housing Register (as maintained by Shropshire Homepoint) provides continued evidence of housing need in Claverley. The Register (Nov 2023) confirms that there are 24 households which have requested Claverley as their first preference and of these, 20 households have at least one local connection. The housing need by bedroom is: 8 x 1 bedroom, 10 x 2 bed and 2 x 3 bed. Therefore, the proposed change from 2 x 1 bed bungalows to 2 x 2 bed bungalows continues to be supported by evidence of housing need.

### 6.3 Visual impact, landscaping and ecology

6.3.1 As noted above the amended scheme substitutes the approved 2 one bed bungalows with two 2 bed bungalows. These have been designed as those previously approved 2 bed bungalows on the site, with the exception that the amended scheme includes the installation of photovoltaic panels to the roof slopes of each dwelling within the overall scheme. The provision of photovoltaic panels is supported in principle in line with the policies supporting the provision of renewable energy provision. The applicant has also confirmed that the panels proposed to be used would be a black frameless version which would sit low on the roofline, without brackets so that they appear part of the roof. The SC Conservation Officer has raised no objections to the proposals.

6.3.2 The amended scheme would, it is acknowledged, involve a reduction in the total quantum of public open space (POS) within the scheme to 686 sqm, a reduction of 22 square metres, however the scheme would still provide sufficient POS to meet that required under policy MD2 i.e. 20 bed spaces x 30 sqm.

6.3.3 Turning to the concerns raised by the Parish Council in relation to the loss of roadside hedgerow to facilitate the safe access to the site. This remains as previously approved where appropriate conditions were attached to ensure



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Land To The North Of Small  
Heath Farmhouse

appropriate mitigation and compensation is delivered.

## 6.4 Residential Amenity

6.4.1 The amended scheme raises no significant residential amenity issues.

## 6.5 Drainage

6.5.1 As noted above the Parish Council raises concerns regarding the suitability of the proposed drainage arrangements which have been submitted in connection with condition No.6 attached to the extant planning permission. This matter is currently under consideration under a separate application and in consultation with the Councils Drainage Team. An appropriate condition is recommended to ensure that the drainage details are submitted and approved by the Local Planning Authority, as previously.

## 7.0 CONCLUSION

7.1 The amendments proposed to the extant planning permission are considered acceptable in principle and would not detract from the character and appearance of the development. The proposed amended scheme would not result in an adverse impact on the amenities of the adjacent occupiers or indeed, the future occupiers within the scheme. Overall, the proposed development accords with the adopted Development Plan and planning permission is recommended to be granted subject to the receipt of the amended documents listed at paragraph 1.3 above and appropriate conditions.

7.2 Any grant of planning approval will also be subject to a deed of variation to amend the existing S.106 agreement which requires the dwellings to remain affordable in perpetuity and provides for the long-term maintenance of public open space on site, to reflect the approved amended scheme.

## 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.

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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.

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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

# AGENDA ITEM

- Land To The North Of Small Heath Farmhouse

## Relevant Planning Policies

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

Core Strategy and Saved Policies:

CS1 - Strategic Approach

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD6 - Green Belt & Safeguarded Land

MD7A - Managing Housing Development in the Countryside

MD12 - Natural Environment

Settlement: S3 - Bridgnorth

SPD Type and Affordability of Housing

## RELEVANT PLANNING HISTORY:

PREAPP/22/00082 Proposed erection of 20no Affordable Homes (Phased Approach)

PREAMD 10th March 2022

23/00967/FUL Erection of 12no. affordable dwellings including associated works, vehicular access GRANT 12th October 2023

23/04904/DIS Discharge of conditions 4 (external materials), 6 (drainage scheme), 11 (bird/bat boxes) and 13 (on site construction) on planning permission 23/00967/FUL PCO

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S2SFHTTDKVU00>

List of Background Papers

Planning application reference 23/04577/VAR and plans and supplementary reports.

Cabinet Member (Portfolio Holder) - Councillor Chris Schofield

Local Member

Cllr Colin Taylor

# AGENDA ITEM

-	Land To The North Of Small Heath Farmhouse
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Appendices APPENDIX 1 - Conditions
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Land To The North Of Small  
Heath Farmhouse

## APPENDIX 1

### Conditions

#### **STANDARD CONDITION(S)**

1. Time limit,
2. Accordance with the approved plans

#### **CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

3. Construction Method Statement
4. Approval External materials
5. Hard and Soft Landscaping Details
6. Approval of Drainage Details
7. Implementation of tree works and tree protection measures

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

8. Implementation of noise mitigation measures
9. Implementation of landscaping scheme and areas of open space
10. Approval of Bat and Bird Boxes specification and location

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

11. Prior approval of any external lighting to demonstrate will not impact on ecological networks and/or sensitive features.
12. Withdrawal Permitted Development schedule 2 part 1 class A, B, E, to ensure that the dwelling remains of a size which is "affordable" to local people in housing need in accordance with the Council's adopted affordable housing policy.

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# AGENDA ITEM

-	Land To The North Of Small Heath Farmhouse
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## SCHEDULE OF APPEALS AS AT COMMITTEE 16<sup>th</sup> JANUARY 2024

<b>LPA reference</b>	22/04045/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Phil Brick
<b>Proposal</b>	Change of use of land to camp site with 56 Plots, new shower/toilet block, refuse area, and septic tank (amended scheme)
<b>Location</b>	Proposed Camp Site West Of Hurst Farm Morville Bridgnorth Shropshire
<b>Date of appeal</b>	04/12/2023
<b>Appeal method</b>	Written representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	22/01331/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mrs A Morris
<b>Proposal</b>	Erection of an agricultural implement storage building with hardstanding apron
<b>Location</b>	The Bungalow Ragdon Church Stretton Shropshire SY6 7EZ
<b>Date of appeal</b>	23.08.2023
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	07.11.2023
<b>Date of appeal decision</b>	07.12.2023
<b>Costs awarded</b>	N/A
<b>Appeal decision</b>	Allowed

<b>LPA reference</b>	23/02209/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr and Mrs Evans
<b>Proposal</b>	Single storey extension at rear of dwelling
<b>Location</b>	Stone House Hope Common Minsterley Shrewsbury Shropshire SY5 0HF
<b>Date of appeal</b>	08.08.2023
<b>Appeal method</b>	Fast Track
<b>Date site visit</b>	14.11.2023
<b>Date of appeal decision</b>	08.12.2023
<b>Costs awarded</b>	N/A
<b>Appeal decision</b>	Allowed

<b>LPA reference</b>	21-00040-out
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Kevin Bailey
<b>Proposal</b>	Outline application (all matters reserved) for the erection of three dwellings following demolition of all existing buildings
<b>Location</b>	Benthall Grange Benthall Lane Benthall Broseley Shropshire TF12 5RR
<b>Date of appeal</b>	24.08.2023
<b>Appeal method</b>	Written representations
<b>Date site visit</b>	07.11.2023
<b>Date of appeal decision</b>	08.12.2023
<b>Costs awarded</b>	n/a
<b>Appeal decision</b>	Dismissed



<b>LPA reference</b>	23/00912/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mrs Sandra Whitmore
<b>Proposal</b>	Erection of replacement dwelling (with retention of original building) and installation of package treatment plant
<b>Location</b>	Lyndas Field Cleobury Mortimer Shropshire DY14 9DX
<b>Date of appeal</b>	14.12.2023
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	23/02181/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Simon Alderson
<b>Proposal</b>	Construction of retaining wall to rear of garden bordering High House Lane, Albrighton
<b>Location</b>	Windy Ridge Beamish Lane Albrighton Wolverhampton Shropshire WV7 3JJ
<b>Date of appeal</b>	18.12.2023
<b>Appeal method</b>	Householder Fast Track
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

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## Appeal Decision

Site visit made on 7 November 2023

by **L C Hughes BA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 7 December 2023**

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### **Appeal Ref: APP/L3245/W/23/3321655**

### **The Bungalow, Ragdon Junction to Ragdon Farm, Shropshire SY6 7EZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs Angela Morris against the decision of Shropshire Council.
- The application Ref 22/01331/FUL, dated 17 March 2022, was refused by notice dated 27 January 2023.
- The development proposed is the erection of an agricultural implement storage building.

### **Decision**

1. The appeal is allowed and planning permission is granted for the erection of an agricultural implement storage building at The Bungalow, Ragdon Junction to Ragdon Farm, Shropshire SY6 7EZ in accordance with the terms of the application, Ref 22/01331/FUL, dated 17 March 2022, subject to the conditions set out in the attached schedule.

### **Preliminary Matters**

2. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became 'National Landscapes'. The legal designation and policy status of AONBs are unchanged.

### **Main Issue**

3. The main issue is the effect of the proposal on the character and appearance of the area which forms part of the Shropshire Hills National Landscape having regard to the siting, scale, and design of the proposed agricultural building.

### **Reasons**

4. The appeal site lies in the hamlet of Ragdon, which consists of a group of residential dwellings and farm buildings. The site is located within the Shropshire Hills National Landscape (formally AONB). Within such a designation there is a statutory requirement to have regard to the purpose of conserving and enhancing the natural beauty of the area, and a national policy expectation to give great weight to conserving and enhancing its natural beauty. I have determined the appeal with these duties and responsibilities in mind.
5. The proposal is for an agricultural implement storage building. Policy CS5 of the Shropshire Council Adopted Core Strategy (CS) highlights that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities, particularly where they relate, amongst other criterion, to agricultural related development.

6. Although not cited within the reasons for refusal on the decision notice, Shropshire Council Site Allocations and Management Plan (SamDev) Policy MD7b has been referenced in the Officer report and provided in the list of relevant policies with the appeal questionnaire. This policy explains that proposals for agricultural development will be permitted where it can be demonstrated that the development is of a size/scale and type which is consistent with its required agricultural purpose and the nature of the agricultural enterprise or business that it is intended to serve.
7. Concerns have been raised by interested parties that the proposed building is not necessary for any agricultural purpose. However, the property associated with the appeal has an agricultural holding number and it has been established that the field at the appeal site is used for agricultural purposes. Aerial photographs have highlighted that the field has been cut for the production of hay. This is a legitimate agricultural use, and the principle of an agricultural building at the site is therefore acceptable.
8. The submitted plans show that the proposed building would be 13.5m wide and 9.1m long. The Council's Officer's report details the barn would be approximately 4.3m high. A plan detailing the proposed layout for the farm machinery that would be stored in the proposed building was submitted as part of the planning application. I find that the size of the proposed agricultural building is appropriate and proportionate given the space required to store and access the machinery.
9. I saw from my site visit that Ragdon is picturesque and situated within a tranquil and attractive landscape. The hamlet comprises a small number of dwellings and other agricultural buildings, and in this regard the proposal would have an acceptable relationship with the existing pattern of development. Due to the nearby proximity of other agricultural buildings, I consider that it would not be out of context for the area, nor appear as incongruous.
10. I noted from my site visit that the proposed building would be visible from certain locations due to the open nature of the surrounding countryside, including Ragleth Hill and the nearby public rights of way which are enjoyed by many walkers and visitors to the area. However, it is not unreasonable for walkers and ramblers to observe agricultural buildings in a rural landscape, and the proposed development must be considered in the context of the existing buildings seen in the hamlet and the scattered development in the area.
11. The proposed building would be positioned close to and on lower ground than The Bungalow. Given the proposed buildings location in relation to The Bungalow, along with the fact that I have attached a condition to ensure appropriate landscaping to further screen views of the proposed development and break up the outline of the building, I consider that the building would be appropriately sited as it would not be isolated nor unduly prominent.
12. The proposed building would be constructed with green box profile roof cladding, clad with horizontal weather boarding with a dark stained finish, above blockwork lower walls. The design is functional but it would not look untypical of other agricultural buildings.
13. In my view, the siting, scale and design of the proposed agricultural building would respect the character of the hamlet and would not harm the character and appearance of the National Landscape. I therefore conclude that it would

comply with the relevant sections of Policies CS5, CS6 and CS17 of the CS which seek to protect the landscape, natural environment and local character and Policy MD12 of the SAMDev which seeks to protect the special qualities of the landscape.

### **Other Matters**

14. Drainage issues did not form part of the reason for refusal, which I have dealt with in the assessment above. Nevertheless, I acknowledge the strong concerns from interested parties regarding drainage issues and the likelihood of increased flood risk as a result of the proposal. However, I note that these matters were considered by the Council at the application stage, and that they accepted specialist technical evidence which indicated that a drainage scheme would be able to accommodate anticipated flows without increasing the local flood risk. Whilst I can fully understand the concerns of local residents, there is no compelling technical evidence that would lead me to a different conclusion to the Council on this matter. I have attached conditions to ensure that an appropriate drainage scheme is delivered and that the proposal can be effectively drained with no adverse effect on the existing foul drainage field.
15. It has been brought to my attention that previous applications for an agricultural building have been refused at this location, and the importance of consistency in decision making. However, I have considered this case on its merits, and with regard to local and national planning policies, and concluded that it would not cause harm for the reasons set out above.
16. I note concerns that the proposed agricultural building could be used at some point for commercial or residential purposes. Whilst I have no substantive evidence before me that this would be the case, and I have determined the appeal on the agricultural building proposed, I have included a condition which permits the development to be used solely for agricultural purposes.

### **Conditions**

17. I have had regard to the conditions suggested by the Council, as well as to national Planning Practice Guidance on conditions. In addition to the standard commencement condition, I have attached a condition specifying the approved plans in the interest of certainty.
18. In order to ensure the effective surface water drainage of the site and to minimise the risk of flooding, as well as to ensure that any maintenance of the proposed pipework can be undertaken, I have attached conditions relating to drainage. As these were in the officer's report and not in the schedule of conditions suggested by the Council, both parties have been notified and have confirmed that they agree with these conditions.
19. I have attached conditions requiring the submission and approval by the council of bat and bird boxes and external lighting so that the habitats of wildlife species are maintained and enhanced. I have also attached a condition requiring that the work is undertaken in accordance with the proposed mitigation and enhancement measures in respect of great crested newts, set out in the submitted documents, in order to safeguard this protected species.
20. I have attached conditions detailing the required colour of the roof, and specifying that the site is landscaped in accordance with the approved block plan, in order to protect the character of the landscape.

21. In order to prevent the use of the development for purposes which would be inappropriate in the location, I have attached a condition requiring the development to be used only for agricultural purposes.

### **Conclusion**

22. For the reasons given above, I conclude that the development would comply with the development plan as a whole and there are no other material considerations, including the Framework, to lead me to find otherwise than in accordance with it. As a result, the appeal is allowed.

*L C Hughes*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development shall be carried out in strict accordance with the following approved plans and drawings: 73828/20/01 – Location Plan; 73828/20/02 – Existing Block Plan; 73828/20/03 Rev A – Proposed Block Plan; 73828/20/04 Rev B – Proposed Floor Plan and Elevations; TB-OP-501:Rev E – Culverting Watercourse Plan.
3. No development shall take place until a drainage scheme demonstrating that the proposed surface water soakaway will be located/orientated so that it is a minimum of 15m from the existing drainage field and 5m from the proposed structure has been submitted to and approved in writing by the local planning authority. The approved surface water soakaway shall be provided in full in accordance with the approved scheme prior to the first use of the hereby approved building and it shall be retained and maintained for its intended use at all times thereafter.
4. No development shall take place until a drainage scheme demonstrating that the proposed 150mm diameter pipe associated with the outflow from the agricultural field reservoir will be diverted around the hereby approved building has been submitted to and approved in writing by the local planning authority. Any drainage scheme shall demonstrate a minimum of 3m development easement to allow future access and maintenance. The approved drainage scheme shall be implemented in full prior to the first use of the approved building and it shall be retained and maintained for its intended use at all times thereafter.
5. Prior to the first use of any part of the building, artificial roosting opportunities for bats and nesting opportunities for wild birds shall be provided at the site in accordance with full details of their types and positions, that have previously been submitted to and approved in writing by the local planning authority. These shall include:

- a minimum of two external Woodcrete bat boxes or integrated bat 'bricks' suitable for nursery or summer roosting by small crevice-dwelling UK bat species; and
- a minimum of two external nesting boxes or integrated 'bricks' suitable for sparrows (i.e. with 32mm entrance hole and terrace design), house martins (house martin nesting cups) and/or small birds (32mm entrance hole, standard design); and
- swifts (swift bricks or boxes with entrance holes no larger than 65 x 28 mm).

These shall be retained thereafter for the lifetime of the development.

6. Prior to the first use of any part of the building, a detailed external lighting scheme shall first be submitted to and approved in writing by the local planning authority. No external lighting shall be installed or provided on the site other than in strict accordance with the scheme, and shall be designed so as to take into account the guidance contained in the Bat Conservation Trust document 'Bats and Lighting in the UK'.
7. The development (including site clearance works) shall be carried out in strict accordance with the proposed mitigation and enhancement measures in respect of great crested newts, as set out in the submitted letters by Wilkinson Associates Environmental Consultants, dated 21 August 2020 and 18 January 2021.
8. The roof of the building hereby permitted shall be covered or finished externally with through-coloured/factory-finished material, in colour BS 12 B 29 ('Juniper Green'). This shall be retained thereafter for the lifetime of the development.
9. The site shall be landscaped in accordance with the approved block plan (drawing No. 73828/20/03 Rev. A). All planting shown thereon shall be completed by the end of the first planting season following the substantial completion or first use (whichever is the sooner) of the building hereby permitted. Any trees or plants which, within a period of five years from the date of planting, die, are removed, or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (England) (or any Order that replaces or re-enacts that Order) (with or without modification) as they relate to the changes of use of agricultural buildings, the development hereby permitted shall only be used for agricultural purposes as defined by Section 336(1) of the Town and Country Planning Act 1990, and for no other purpose whatsoever.

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# Appeal Decision

Site visit made on 14 November 2023

**by N Bromley BA Hons DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 08 December 2023**

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**Appeal Ref: APP/L3245/D/23/3326827**

**Stone House, Hope Common, Minsterley, Shropshire SY5 0HF**

**Easting: 333099, Northing: 300887**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Evans against the decision of Shropshire Council.
  - The application Ref 23/02209/FUL, dated 22 May 2023, was refused by notice dated 12 July 2023.
  - The development proposed is single storey extension at rear of dwelling.
- 

## Decision

1. The appeal is allowed and planning permission is granted for a single storey extension at rear of dwelling at Stone House, Hope Common, Minsterley, Shropshire, SY5 0HF, Easting: 333099, Northing: 300887, in accordance with the terms of the application, Ref 23/02209/FUL, dated 22 May 2023, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans, numbered: MNE2023-002 and MNE2023-006.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building or those specified on the approved plans.

## Preliminary Matters

2. The address on the application form includes reference to "*Track From Bentlawnt To Longhope Junction*". This is a description of the location, rather than part of the address. For this reason, I have omitted this from the banner heading. I also note that the decision notice and appeal form do not use this part of the address line either.
3. I observed at the time of the site visit that works had commenced and the proposed development was partially constructed. However, I have determined the appeal on the basis of the submitted plans and details.

## Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the host building.

## Reasons

5. Stone House is a modest detached, two storey cottage, located in the open countryside. The cottage occupies a spacious plot, set on a significantly lower ground level than the road above, which is lined by hedgerows, and results in views of the property from the road being limited.
6. The site falls within the Shropshire Hills National Landscape (formerly Area of Outstanding Natural Beauty). The Council has identified no harm to the National Landscape, and I am satisfied that due to the relatively modest scale, the proposal would conserve its landscape and scenic beauty.
7. Policies CS5 and CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (CS) and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev), together and amongst other things, seek development that is of a high-quality design, that has an appropriate scale and respects and enhances local distinctiveness.
8. The Council set out that guidance in the 'Type and Affordability of Housing Supplementary Planning Document' (SPD), identifies the importance of maintaining appropriate stock of smaller, lower cost, market dwellings in the countryside and the size of extensions to houses in the countryside should be controlled as this can otherwise create larger and larger dwellings.
9. The proposal would have a modest footprint and height, with minimal views from any public vantage points due to its position attached to the rear elevation of a recently constructed two-storey side extension. It would have a simple design and the discreet location, at the rear of the property, as well as its appropriate scale, would ensure that the proposal would not detract from the character and appearance of the original cottage. Furthermore, the use of appropriate facing materials would ensure that the proposal would have an acceptable appearance that assimilates well within the context of the existing extension and other buildings within the site.
10. While I acknowledge that the proposed single storey rear extension, along with the recent two storey extension would cumulatively increase the size of the original cottage markedly and result in a much larger dwelling than the original cottage, the proposed extension is small in itself. Therefore, the resultant development would not overwhelm the appearance of the original cottage and it would not result in an overly large dwelling in the countryside.
11. For the reasons outlined above, the proposal is acceptable, and would not result in harm to the character and appearance of the host building. Consequently, the proposal would accord with Policies CS5 and CS6 of the CS, Policy MD2 of the SAMDev and the principles set out in the SPD.

## Conditions

12. I have had regard to conditions suggested by the Council, as well as to the Framework and national Planning Practice Guidance. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. A condition to secure that external materials, relating to the proposal, are those specified on the approved plans, would also be necessary in the interests of safeguarding the character and appearance of the host property and surrounding area.

**Conclusion**

13. The proposed development would accord with the development plan, and there are no material considerations to lead me to determine the appeal other than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal is allowed.

*N Bromley*

INSPECTOR

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## Appeal Decision

Site visit made on 7 November 2023

**by L C Hughes BA (Hons) MTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8 December 2023**

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### **Appeal Ref: APP/L3245/W/22/3311368**

### **Benthall Grange, Benthall Lane, Benthall, Broseley, Shropshire TF12 5RR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Kelvin Bailey against the decision of Shropshire Council.
  - The application Ref 21/00040/OUT, dated 4 January 2021, was refused by notice dated 7 November 2022.
  - The development proposed is the erection of 3 four bedroom houses following demolition of existing workshops.
- 

### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. The application was made in outline form with all matters reserved for future consideration. Drawings were submitted with the application indicating the proposed dwellings' siting, design and layout. However, these are labelled as indicative only and I have considered them as such.
3. For clarity, I have taken the description from the application form as it adequately and simply describes the proposed development.
4. Part of the appeal site is the subject of a planning permission for three dwellings<sup>1</sup> that has been confirmed to be extant but has not been developed beyond lawful implementation.

### **Main Issue**

5. The main issue is whether or not the proposal accords with the council's housing strategy, with particular regard to its location.

### **Reasons**

6. The appeal site lies outside any defined development boundary, to the edge of the settlement of Benthall, and is located on an area of land which is used as a builder's yard and includes workshop units. The business is owned and operated by the appellant who resides at Benthall Grange. Benthall Grange is located immediately to the west of the site, and shares an access from the main road. The proposed scheme would incorporate a portion of the garden of Benthall Grange, which would allow for an alteration of the layout of the three dwellings from the extant planning permission. Both the appeal site and Benthall Grange are currently in the ownership of the appellant, and one of the proposed new dwellings would be for the use of the appellant and his wife.

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<sup>1</sup> Ref 14/02614/FUL (12 October 2015)

7. Benthall is located within the Broseley Place Plan area. Place Plans were developed to include a main centre (often a market town) and its surrounding smaller towns, villages and rural hinterland. These areas are functioning geographical areas, with strong linkages to and from the main town and the wider area. The Shropshire Council Site Allocations and Management of Development Plan (SAMDev) provides brief settlement policies for each Place Plan area. Although Benthall is within the Broseley Place Plan area, it is located outside the defined development boundary for Broseley.
8. Policy CS1 of the Shropshire Council Adopted Core Strategy (CS) sets a target of delivering a minimum of 27,500 dwellings over the plan period of 2006-2026. This is supported by Policy MD1 of the SAMDev which highlights that sustainable development will be supported in Shrewsbury, the Market Towns and Key Centres and the Community Hubs and Community Cluster Settlements.
9. SAMDev Policy S4 relates to Broseley Town. The policy states that over the plan period 2006-2026 around 200 dwellings are planned for Broseley. As mentioned earlier, whilst Benthall is within the Broseley Plan Place area, the appeal site is outside the defined development boundary for Broseley. Policy MD3 of the SAMDev indicates that additional sites may be allowed outside the development boundary, but only where the settlement housing guideline is unlikely to be met. Shropshire's Five Year Housing Land Supply Statement (2023)<sup>2</sup> indicates that as of March 2022 there have been 231 residential completions in Broseley, and a further 92 units have permission or prior approval, with a further 20 dwellings allocated. As such, the 200 dwelling figure for Broseley has already been met and exceeded, and the proposal would conflict with Policy MD3.
10. Policy CS4 of the CS establishes the framework for identifying Community Hubs and Community Clusters. SAMDev Policy S4:2 indicates that there are no Community Hub or Cluster Settlements in the Broseley area. As such, the settlement of Benthall is considered to be in open countryside for development plan purposes. Policy CS5 of the CS allows new development in the open countryside where it maintains and enhances countryside vitality and character and improves the sustainability of rural communities. It also provides a list of particular development types that this relates to including dwellings for essential workers, affordable housing to meet local need, and the conversion of rural buildings. The proposal would not fall into any of the identified examples.
11. Although Policy CS5 of the CS does not explicitly restrict new market housing in the countryside, Policy MD7a of the SAMDev is clear that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters. As the proposal is for open market residential development, it would fail to accord with Policies CS5 and MD7a.
12. The appeal site is located outside any defined development boundary, in the open countryside where housing development is strictly controlled. As such, the proposed development would not comply with the council's housing strategy, as embodied by Policies CS1, CS4 and CS5 of the CS and SAMDev Policies MD1, MD3, MD7a and S4. It also would be in conflict with the National Planning

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<sup>2</sup> Shropshire Council Five Year Housing Land Supply Statement – Data to 31 March 2022 (March 2023)

Policy Framework (the Framework) which seeks to ensure that the planning system is genuinely plan-led.

### **Other Matters**

13. The extant planning permission for the appeal site was considered acceptable despite being contrary to the council's housing strategy, due to two main reasons. Firstly, because the proposal would have removed the conflict between the employment use and neighbouring properties and secondly because of a financial contribution that had been secured towards affordable housing.
14. The proposal for three dwellings would be a more compatible use with surrounding properties than that which currently exists, and would remove any potential conflict between the builders yard and workshops with residential neighbours. This weighs in favour of the application, and I acknowledge the support that the appellant has received from neighbouring residents.
15. However, the policy context at the time meant that a financial contribution for affordable housing was required for development of this scale. This is no longer the case. When the original application was determined, the affordable housing contribution was given weight in the planning balance. As there is now no such requirement, no planning obligation has been submitted with this application to secure monies. As such, unlike with the previous scheme, I am unable to attach any positive weight to the benefits in terms of affordable housing provision.
16. The appellant has stated that the financial contributions required make the existing planning approval unviable. However, I have not been provided with any viability evidence to determine whether this is an accurate assessment. I therefore place very limited weight on this. The appellant has also indicated that a future application for reserved matters could be submitted with fewer units, or self-build units, which may make any financial contributions more affordable. However, the subject of this appeal is for three market units and I must determine the appeal with this quantum of development in mind.

### **Planning Balance**

17. The latest housing land supply position as set out in the Council's five year land supply statement is that it can demonstrate at least a five year supply of housing land. This is not contested by the appellant and I see no reason to disagree. As such, the housing policies of the adopted plan must be afforded full weight.
18. As I am unable to attach any positive weight to affordable housing conditions, which weighed heavily in favour of the previous permission, I find that on this occasion the benefits of allowing the proposed development, including removing the conflict between employment and residential uses, would not outweigh the conflict that would be caused to the Council's housing strategy.
19. Additionally, although the proposed development would be on a larger site than the extant permission, which would allow for an improved layout, and larger plots and gardens, I do not consider that this outweighs the conflict to the plan led housing strategy.

**Conclusion**

20. The proposal would not accord with the council's housing strategy and it would conflict with the development plan when taken as a whole. There are no material considerations which would indicate a decision other than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

*L C Hughes*

INSPECTOR