

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

Date: Monday, 18 November 2024

Committee:
Southern Planning Committee

Date: Tuesday, 26 November 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 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](#)

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<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

Roy Aldcroft
Joyce Barrow
Gwilym Butler
Rachel Connolly
Cecilia Motley
Nigel Hartin
Kevin Pardy
Colin Taylor
Claire Wild
Paul Wynn

Your Committee Officer is:

Tim Ward Committee Officer

Tel: 01743 257713

Email: tim.ward@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive any apologies for absence.

2 Minutes (Pages 1 - 2)

To confirm the minutes of the Southern Planning Committee meeting held on 24 September 2024

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 12.00 pm on Wednesday 20 November 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 35 The Caravan Tong Forge Shifnal Shropshire TF11 8QD (24/01534/FUL) (Pages 3 - 28)

Change of use of land to Gypsy / Traveller Site consisting of four family pitches to include 4No. static caravans, 4No. touring caravans, 4No. amenity blocks with gravel drive and turning area

6 Proposed Quarry To The East Of Much Wenlock Road, Buildwas, Telford, Shropshire (24/02537/VAR) (Pages 29 - 50)

Application under Section 73 - application for the variation of Condition 12 of planning permission 19/05509/MAW regarding the phased extraction of sand and gravel, associated works and restoration, in order to achieve the dispatch of up to 300,000 tonnes of extracted mineral per calendar year

7 Neach Hill Neachley Lane Neachley Shifnal Shropshire (24/00025/FUL & 24/00026/LBC) (Pages 51 - 92)

Conversion of Grade II listed house to 12 bedroom hotel accommodation with associated landscaping and conservation works, erection of 46 bedroom hotel block and pool building to form spa, conversion of Coach House to additional guest accommodation, the repair and reinstatement of walled garden with new orangery and ancillary buildings, and construction of 58 residential units as enabling development to facilitate the conservation works.

8 West Bungalow Chirbury Montgomery Shropshire SY15 6BH (23/04608/REM) (Pages 93 - 110)

Approval of reserved matters (access appearance, landscaping, layout and scale) pursuant to 22/04842/OUT for the demolition of existing bungalow and erection of 2No. dwellings

9 Schedule of Appeals and Appeal Decisions (Pages 111 - 178)

10 Date of the Next Meeting

To note that the next meeting of the Southern Planning Committee will be held at 2.00 pm on Tuesday, 17 December 2024, in the Shrewsbury Room, Shirehall.



Committee and Date

Southern Planning Committee

22 October 2024

SOUTHERN PLANNING COMMITTEE

Minutes of the meeting held on 24 September 2024

2.00 - 2.36 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Tim Ward

Email: tim.ward@shropshire.gov.uk Tel: 01743 257713

Present

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

34 Apologies for Absence

Apologies for absence were received from Councillors Andy Boddington, Richard Huffer and Tony Parsons

Councillor Nigel Hartin substituted for Councillor Huffer and Councillor Kevin Pardy substituted for Councillor Parsons

35 Minutes

RESOLVED:

That the Minutes of the meeting of the Southern Planning Committee held on 23 July 2024 be approved as a correct record and signed by the Chairman.

36 Public Question Time

There were no questions from the public

37 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.

38 Development Land At Site Of Ironbridge Power Station, Buildwas Road, Ironbridge, Telford, Shropshire (24/01661/REM)

The Principal Planner introduced the application which was an application for the approval of reserved matters (appearance, landscaping, layout and scale) for Phase 1A residential development of 107No. dwellings pursuant to outline planning

permission 19/05560/OUT. and with reference to the drawings and photographs displayed, she drew Members' attention to the to the location, design and layout.

Members generally welcomed the design and layout of the proposals, especially the features which reflected the design of the Pump House

In response to a question the Developing Highways Manager confirmed that the bridge would be used as access during phases 1 and 2 of the development and after that the new access onto the Much Wenlock road would be used and that it was envisaged that the use of the bridge would be downgraded to pedestrian and cycle use and access for emergency services only.

In response to a question the Developing Highways Manager informed the meeting that there would be a raised area where the green corridor crossed the central roadway which would reduce the speed of traffic aiding the safety of pedestrians using the corridor. She added that there was a condition requiring the prior approval of any street furniture.

RESOLVED:

That in accordance with the Officer recommendation planning permission be granted subject to the conditions set out in Appendix 1, with delegation to officers to refine or amend conditions as required.

39 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 24 September 2024 be noted.

40 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, 22 October 2024 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:

AGENDA ITEM



Committee and date

Southern Planning Committee

26th November 2024

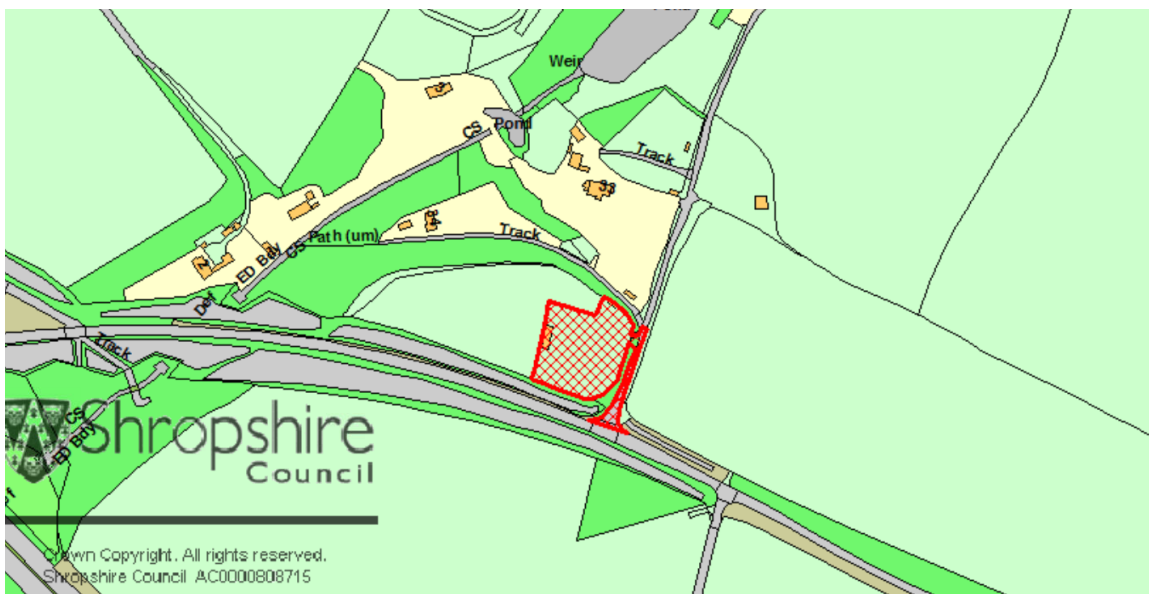
Development Management Report

Responsible Officer: Rachel Robinson, Executive Director Health Wellbeing and Prevention

Summary of Application

Application Number: 24/01534/FUL	Parish:	Tong
Proposal: Change of use of land to Gypsy / Traveller Site consisting of four family pitches to include 4No. static caravans, 4No. touring caravans, 4No. amenity blocks with gravel drive and turning area		
Site Address: 35 The Caravan Tong Forge Shifnal Shropshire TF11 8QD		
Applicant: Mrs E Quinn		
Case Officer: Mike Davies	email:	mike.davies.planning@shropshire.gov.uk

Grid Ref: 378244 - 307890



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Recommendation: - Refuse

Recommended reason for refusal

1. The proposal represents an inappropriate form of development which is harmful to the openness of Green Belt and rural landscape character of the countryside. The applicant has claimed that Very Special Circumstances exists based on the best interests of the children that attend Shifnal Primary School and personal circumstances however it is not considered that these material considerations outweigh the harm to the openness of Green Belt resulting from this development. Accordingly, the development is contrary to the Section 13 of NPPF, Policy E of DCLG Planning Policy for Travellers Sites (2015), Policies CS5 and CS12 of the Shropshire Core Strategy (2011) and Policy MD6 of the SAMDev Plan (2015).

REPORT

1.0 THE PROPOSAL

- 1.1 The proposal is a retrospective planning application for the siting of 4 static caravans and 4 touring caravans for an extended gypsy/traveller family. The proposals also include for the provision of 2 single day room buildings along with a twin day room building to provide washing, toilet and cooking facilities for the residents of each of the 4 pitches.
- 1.2 The proposals also include for a pony paddock on the east part of site as well as gates to the site access. A native hedgerow will be planted along the boundary between the pony paddock and the residential caravan site. The western part of the site has been substantially covered in hardstanding since first occupation by the applicant in late 2021.
- 1.3 A similar proposal (21/04533/FUL) on this site was refused on 17th May 2022 for the following reasons:
1. *The proposal represents an inappropriate form of development which would be harmful to the openness of Green Belt and rural landscape character of the countryside which is contrary to the Section 13 of NPPF, Policy E of DCLG Planning Policy for Travellers Sites (2015), Policies CS5 and CS12 of the Shropshire Core Strategy (2011).*
 2. *The proposal does not represent a sustainable form of development due to its isolated nature and it is therefore contrary to Section 2 of the NPPF, Policy B of DCLG Planning Policy for Travellers Sites (2015) and Policy CS12 of the Shropshire Core Strategy (2011).*

3. The proposal is located a considerable distance from the nearest settlement boundary contrary to Policy H of the DCLG Planning Policy for Travellers Sites (2015) and Policy CS12 of the Shropshire Core Strategy (2011).

4. The applicant has failed to undertaken an appropriate ecological impact assessment which is contrary to Paragraph 180 and 182 of the NPPF, Policies CS6 and CS17 of the Shropshire Core Strategy and Policy MD12 of the SAMDev Plan.

- 1.4 The revised application (22/05521/FUL) submitted contained substantially more information in relation to the personal circumstances of the appellant and their extended family the other site occupants which were not included with the previous submission.
- 1.5 In addition, the definition of Gypsy and Traveller has changed from that given in the PPTS (2015) as the recent Smith judgement determined that this was discriminatory on both disability and racial grounds and as such the definition should be altered to include those who could no longer travel due to being infirm or elderly.
- 1.6 Planning Permission was granted under 22/05521/FUL for a temporary period of one year which expired on 25th April 2024. The permission granted was also a personal consent to the applicant and named family members. The approval was also subject to several other conditions.
- 1.7 There are currently only three static caravans on site as opposed to the four previously granted temporary consent. The day rooms have not been constructed which is understandable given the previous approval was for a temporary period only.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is situated within the Green Belt at the junction of Stanton Road and Lizard Lane leading to RSN Commercials at Tong Forge. There is a hedgerow with a belt of trees around the perimeter of the site fronting on Stanton Road and Lizard Lane which is a restricted by-way. Public Footpath 0149/14/1 runs along the northern edge of the site.
- 2.2 The site is predominantly surrounded by agricultural fields with RSN commercials to the north. Access to the site is gained via a restricted by-way 0149/15/5 and as such whilst the by-way is a public highway and is maintainable at the public expense to a level commensurate with its public use – i.e. it is not publicly maintained to enable use by vehicles as there is no public right to do so.
- 2.3 The application makes various claims about the former use of the site, but offers

very little in the way of substantive evidence to support these. There are no records held by the Council that offer any substance to these claims and historic aerial photos of the site do not indicate the site is previously developed land as suggested by the applicant.

- 2.4 In any event even if the site was used at some point in the past as a contractor's compound in relation to the construction of the M54 motorway (1973-75), this would only have been a temporary use and since the use ceased the site has been reclaimed by nature leaving little evidence of any previous use which would support the claim that the site is previously developed land.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

- 3.1 The Parish Council have objected to the application and however the ward member has expressed support for the proposals. The officer recommendation does not differ from the views of the ward member and therefore whilst the matter can be determined under delegated powers, without the agreement of the Chair/Vice Chair of the Southern Planning Committee, it was considered that given the previous temporary permission granted that the final decision should be made by the Southern Planning Committee.

4.0 Community Representations

4.1 Consultee Comment

- 4.1.1 **Tong Parish Council (AI)** - Object to the proposals as they did to the original planning application on the following basis.

1. ****Compliance with Planning Policies:**** Paragraph 25 of the PPTS and the NPPF mandate strict limitations on new traveller site developments in open countryside, particularly those away from existing settlements or outside designated areas in the development plan. The proposed development in question conflicts with these policies.

2. ****Proximity to Existing Dwellings:**** The development is situated within 2.5 metres of the nearest dwelling's boundary and 60 metres from the dwelling itself. The site adjoins the boundary of another dwelling approximately 100 metres away, which is a Grade II listed building. Other properties are also in close proximity, contradicting the requirement to be away from existing settlements.

3. ****Irrelevance of Cited Cases:**** The applicant referenced three cases to support their application, all of which predate the 2023 update to the PPTS, rendering them invalid and irrelevant.

4. ****Violation of Planning Conditions:**** Shropshire Council's Decision Notice dated 25th April 2023 granted temporary permission for 12 months, explicitly stating the development must cease after this period. The applicant has continued residing on

the site beyond this date and installed an additional park home on 28th May, further breaching planning laws.

5. ****Significance of Recent Appeal Decision:**** The recent appeal decision (APP/L3245/W/23/3334142) dismissed a similar proposal within the Green Belt, reinforcing the government's commitment to protecting the Green Belt and countryside. Shropshire Council's Statement of Case highlights available alternative pitches within the county, indicating the applicant's site purchase was speculative for financial gain.

6. ****Conclusion:**** The temporary development has caused considerable harm to the Green Belt and encroachment into the countryside, as indicated by the 12-month licence granted by Shropshire Council.

- 4.1.2 **Shifnal Town Council** - Object as development contrary to green belt policy with no exceptional circumstances. Detrimental to highway safety. It is considered that there has been no material change in circumstances since the previous refusal of permission. Shifnal Town Council support the objections raised by Tong Parish Council.
- 4.1.3 **Highway Authority** - As the application seeks to renew a temporary approval there are no objections.
- 4.1.4 **Regulatory Services** - No comments
- 4.1.5 **County Arborist** - There is no objection to this application on arboricultural grounds, providing care is taken to ensure that damage to tree branches or roots is avoided during any approved development. This can most readily be achieved by locating any new structures, including any new service runs and drainage infrastructure, outside the canopy spread and root protection area of the trees and hedgerow shrubs bordering the northern, eastern and southern sides of the site.
- 4.1.6 **Local Lead Flood Authority** - Recommend a condition be imposed requiring the submission of site drainage details.
- 4.1.7 **County Ecologist** - A planning application on this site should also be accompanied by information demonstrating biodiversity losses and gains, utilising the DEFRA Small Sites Metric and with accompanying documentation in line with BS 8683:2021 Process for designing and implementing Biodiversity Net Gain and good practice guidance ie Biodiversity Net Gain Good Practice Principles for development, CIEEM, 2016. The development must demonstrate at least a 10% net gain in biodiversity.

The Ecological Assessment prepared by Camlad Ecology (July 2022) is satisfactory with the recommendations and mitigation proposed that supporting the findings of the assessment. No further survey work is required.

- 4.1.8 **SC Landscape Consultant** - have reviewed the application documents, representations, and we made a site visit in relation to a previous application for the proposed development on the 3 February 2022.

It is note that planning application 22/05521/FUL was granted full permission subject to conditions, including the permission applying for a limited 12 month period. We understand that the proposed application under consideration here will broadly result in the permanent retention of the scheme permitted under 22/05521/FUL.

The following landscape condition was included as part of the approval of application 22/05521/FUL:

7. Within 2 months of this permission a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority, which shall include: i) Existing and proposed levels or contours ii) Proposed and existing services above and below ground iii) Details of boundary treatments and hard surfaces iv) The location, size and species of all trees to be planted v) The location, size, species and density of all shrub and ground cover planting and vi) A schedule of implementation.

This condition was discharged via application 23/02757/DIS through the submission of drawings and specifications as below:

71349. 1008 rev A

71349.1007 rev B

Landscape and Planting Specification by Trevor Mennell Planting, July 2023

In our comments on previous application 22/05521/FUL we noted that the development, in the absence of mitigation, had led to adverse landscape effects, particularly at a site level. We further noted adverse visual effects associated with the visibility of the development from Stanton Lane, from Restricted Byway 0149/15/4, and from public footpath 0149/14/1, all of which border the site.

It is therefore considered that effective implementation of the landscape scheme of planning discharge 23/02757/DIS is important for the proposals to be considered acceptable in landscape and visual terms. To this end, we request that prior to determination, photographic evidence be provided for the successful implementation and on-going establishment of the approved landscape as per 23/02757/DIS, to include hedges, tree planting and wildflower seeding.

4.2 **Public Comments**

- 4.2.1 5 objections have been received in relation to the proposals these are based on the following grounds

- Contravention of Green Belt policy
- No Very Special Circumstances
- Detrimental to highway safety
- Previous approval expired on 25/04/2024 and site continues to be occupied in breach of permission
- Application is inaccurate and misleading in several respects
- Proposals conflict with development plan
- Conflicts with NPPF
- Certificate of ownership submitted with the application is inaccurate as the access way to the site is not in the applicants ownership
- The access is on a restricted bye-way which prohibits motorised vehicles from using it.
- There are restrictive covenants on the site which restrict the use of the site to agriculture and prevent the erection of structures.
- Enforcement action requiring the site to be vacated should be pursued

4.2.2 13 representations in support of the proposals have been received on the following grounds.

- Site will provide a permanent home for the family allowing the children to attend school
- The site is well kept and is an asset to the community
- The applicant and family are part of the Shifnal community

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and landscaping
Highways and Transportation
Residential Amenity
Ecology
Personal Circumstances
Conditions
Planning Balance

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Section 38(6) of the Town and Country Planning Act requires that applications should be determined in accordance with the up-to-date adopted development plan unless other material planning considerations indicate otherwise.

6.1.2 The relevant Development Plan Policies are provided within the Shropshire Core Strategy (2011); Site Allocations and Management of Development Plan (2015); Sustainable Design SPD (July 2011); and National Planning Policy Framework

(NPPF) (Dec 2023). The DCLG Planning policy for traveller sites' (August 2015) also needs to be taken into account in the context of these proposals. Those of relevance to the proposal are considered below as part of the appraisal.

- 6.1.3 The planning policy context for this development is that the site falls within the Green Belt. The National Planning Policy Framework advises at paragraph 152 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It continues at paragraph 153 stating:

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist until the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”

- 6.1.4 The change of use and structures to which this application relates constitute inappropriate development in the Green Belt, as confirmed by the DCLG ‘Planning policy for traveller sites’, August 2015, Policy E which relates specifically to Traveller Sites in Green Belt. It states at paragraph 16 that:

“Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.”

- 6.1.5 The applicant in their supporting statement claims that the site was originally used by the Department of Transport as a compound for when the M54 was being built. Having checked the historical records of Bridgnorth Council there is no site history relating to this site which supports this claim. In any event whether or not this use can be substantiated it would only have been for a temporary period during construction and it is evident from aerial photographic images that the site has been reclaimed by nature in the intervening period. Therefore, it is clear that any former use that could be attributed to the site had long since ceased, prior to the applicant occupying the site.

- 6.1.6 At Policy H (Decision taking) of the above DCLG policy document a number of issues are set out as relevant matters when considering applications for traveller sites. These are set out in paragraph 24 as:

- a) The existing level of local provision and need for sites
- b) The availability (or lack) of alternative accommodation for the applicants
- c) Other personal circumstances of the applicant
- d) That the locally specific criteria to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites

e) That they should determine applications for sites from any travellers and not just those with local connections.

6.1.7 However, at paragraph 16 the PPTS states “*Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.*”

6.1.8 There is a requirement under paragraph 25 of the DCLG policy for local planning authorities to very strictly limit new traveller sites in open countryside that are away from existing settlements or outside areas allocated in the development plan. It continues those sites in rural areas should respect the scale of, and not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure. Paragraph 26 states when considering applications local planning authorities should attach weight to the following matters:

- a) Effective use of previously developed (brownfield), untidy or derelict land
- b) Sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
- c) Promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
- d) Not enclosing a site with so much hard landscaping, high walls or fences that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

6.1.9 It continues at paragraph 27 by stating that where a local planning authority is unable to demonstrate an up to date 5-year supply of sites, that this would be a significant material consideration when considering applications for the grant of temporary planning permission. It clarifies however that there are some exceptions to this statement, which include where the proposal is on land designated as Green Belt.

6.1.10 Shropshire Core Strategy policy CS5 relates to the Countryside and Green Belt and seeks to restrict housing to house agricultural, forestry or other essential countryside workers and other affordable housing/accommodation to meet a local need in accordance with national planning policies and policies CS11 and CS12. It advises that there will be additional controls over development in the Green Belt in line with Government Guidance. SAMDev Plan policy MD6 also relates to the Green Belt, requiring it to be demonstrated that proposals do not conflict with the purposes of the Green Belt.

6.1.11 Shropshire Core Strategy Policy CS12 relates to Gypsy and Traveller provision and pre-dates both the National Planning Policy Framework (NPPF) and the August 2015 DCLG Planning policy for traveller sites. It states that sites would be allocated

to meet identified needs and would be supportive of suitable development proposals close to Shrewsbury, the Market Towns, and Community Hubs and clusters. The policy also indicates that suitable development proposals for small exception sites (under 5 pitches), where a strong local connection is demonstrated, may be acceptable under policy CS5 (Countryside and Green Belt). It was anticipated when the Core Strategy was adopted that the provision of new sites would be largely made in the Site Allocations and Management of Development (SAMDev) Plan. However, in the event the SAMDev Plan adopted in December 2015 does not include site allocations for this purpose. The matter was considered by the SAMDev Inspector in her October 2015 report at paragraphs 71 to 79 (Issue 3). It was the Inspector's conclusion that the Council will be able to demonstrate a five-year supply of pitches and sufficient supply for the remainder of the plan period, having regard to the expected turnover of pitches on Council owned sites. She stated that the evidence confirms that it is not necessary for the SAMDev Plan to make further provision to meet the accommodation needs of the gypsy and traveller community and travelling show persons.

- 6.1.12 The latest assessment of the need for gypsy and traveller pitches in Shropshire is the 2019 update. It summarises the need for gypsy and traveller pitches, transit pitches and travelling show person's plots in Shropshire as assessed in the Gypsy and Traveller Accommodation Assessment 2014 (updated January 2015), with the SAMDev Plan Inspector's Report (20th October 2015) providing additional clarification of baseline figures.

With respect to Residential Gypsy and traveller pitches this data shows an assessed need to 2019 of 165 pitches.

The current need (excluding turnover) = assessed need – assessed and additional supply since January 2015 = 11 Pitches.

The current need (including turnover) = assessed need – assessed and additional supply since January 2015 = - 24 pitches.

At the time of writing this report the Council has commissioned a Gypsy and Traveller Accommodation Assessment (GTAA) review, which will feed into the partial review of the SAMDev Plan to roll that document forward until 2036. A Green Belt review is also underway at the present time as part of the partial review of the SAMDev Plan.

- 6.1.13 The agent has submitted supporting information in relation to the children of the applicants being schooled locally and underlying health issues that other occupants of the site suffer from. The applicant has provided confidential information detailing their 'personal circumstances' in support of this planning application.
- 6.1.14 The Council's Gypsy Liaison Officer previously verified that the applicant and the occupiers of the site are all Travellers. He has knowledge of the family from when he worked for Telford and Wrekin Council. The immediate family of the applicants live Telford within a bricks and mortar property. He further advises: Shropshire Council has no vacant sites at present and Telford and Wrekin Council

do not have any pitches available either. A letter of support was previously submitted by Gypsy Liaison Officer at Telford and Wrekin Council in relation to the original application granted a temporary approval confirming the local connection and non-availability of alternative sites with their district.

- 6.1.15 The family moved onto this site in 2022 having acquired the site and have remained on the site since this time. On a recent visit to the site by officers it was observed that there are currently three mobile homes on the site.
- 6.1.16 The GTAA for Telford and Wrekin and that for South Staffs both show that there are shortfalls in site provision to be addressed.
- 6.1.17 The GTAA for South Staffs is dated January 2014 identifies a shortfall of 11 gypsy and traveller pitches over the period 2013/14 to 2017/18 and that, over the longer term for the Plan Period 2013/14 to 2027/28 that a total of 33 additional pitches are required.
- 6.1.18 The June 2016 Telford and Wrekin GTAA has identified a need for 32 gypsy and traveller pitches for the period 2014 to 2031. (The Telford and Wrekin Local Plan is currently at examination).
- 6.1.19 While taken on their own the latest Shropshire Council figures, when turnover is taken into account, indicate that there is no shortfall in provision in Shropshire, account needs to be taken of the geography of the Shifnal area, effectively bounded to the east and north by Authorities which both have a shortfall in provision, and the information provided by the Council's Gypsy Liaison Officer to the effect that there are no pitches available at present on Council operated sites to accommodate the applicants.
- 6.1.20 The above national planning policy and Development Policy context demonstrates that any shortfall in Shropshire to providing a 5-year supply of deliverable pitches, the condition of the land and the personal circumstances of the adults are unlikely to amount to very special circumstances sufficient to justify inappropriate development in the Green Belt. The weight to be accorded to the best interests of the child in addition to any other positive attributes that the site has for the use sought is considered in the Planning Balance section of the report below.
- 6.1.21 In addition to the issue of harm to the Green Belt caused by the inappropriateness of the proposed use and associated built development, consideration must also be given to whether a key characteristic of Green Belt – openness – would be harmed.
- 6.1.22 Openness is both a feature of the quantum of development and the visual impact of the proposal. (Court of Appeal judgement in *John Turner v SSCLG and East Dorset Council* [2016] EWCA Civ 466). In this case the structures comprising of four static caravans, three facilities buildings, four touring caravans and parked vehicles would, by their very presence, impact upon openness in comparison with previous

agricultural use of the land. However, all these items would be contained within large level plots and the visual impact would be limited due to the extent of the hedgerows surrounding the site and the proposed landscaping. The harm to openness is considered to be moderate but not significant in this case, but it is a matter to which weight must be attached. This factor is also included in the Planning Balance below. It is considered that a decision to permit this application would not need to be referred to the Secretary of State as a departure with reference to the relevant guidance.

- 6.1.23 A number of appeal decisions relating to G&T sites in Shropshire have been received since the temporary permission was granted for this site in April 2023 and there is a clear and consistent message emanating from these that whilst the current policy is permissive and several sites have been allowed in the countryside in the intervening period, this type of development in the Green Belt is inappropriate and appeal decisions have consistently adopted this approach.
- 6.1.24 The High Court earlier this year rejected an effort to overturn a planning inspector's refusal of a planning consent for caravan pitch in the Essex green belt, dismissing a claim that the claimant's human rights should have been given more weight in the decision-making process. (*Ward v Secretary of State for LH*). The judgment said the inspector had "explained why the interference was necessary, stating that the issue of inappropriateness in relation to the green belt, along with the resulting harm to the openness of the green belt, was so substantial that, in the wider public interest, it was not outweighed by 'the personal circumstances of the appellant and/or the other considerations'"
- 6.1.25 The inspector had also acknowledged in their decision that in a time-limited planning permission, "the bar would be set at a lesser level than that of a permanent permission. However, the harm to the green belt would still exist for the duration of the occupation of the site, which was contrary to the wider public interest in the protection of the green belt." This is precisely the scenario that we have in this case. At the time of granting the temporary permission the local plan review was much less advanced than at present and the policy position in relation to Gypsy and Traveller provision was much less clear. In addition, there was not a readily available alternative site.
- 6.2 Siting, scale and design of structure
 - 6.2.1 The application seeks consent for the siting of 4 static caravans and 4 touring caravans, along with 2 single day rooms and a twin day room. The site was previously a green field site which is supported by aerial photographic evidence from Google. Approximately half the site has now been covered in hardstanding.
 - 6.2.2 The applicant claims that the site is a previously developed site within the Green belt but aerial photographs of the site do not support this. The applicants has provided additional evidence with this application to renew the temporary permission on a permanent basis to support this claim that the site is Previously

Developed Land. However, the fact remains that there is no site history to suggest that it was anything other a green field and in any event nature had clearly reclaimed the site in the intervening years prior to the applicant moving onto the site.

- 6.2.3 Irrespective of whether or not the evidence available supports that it was previously developed land, it is clear that the site has been open in character for many years which is the most important characteristic of the Green Belt as its primary purpose is to prevent urban sprawl and the merging of settlements.
- 6.2.4 The site is situated in open countryside within the Green Belt. It is located away from the nearest settlements of Tong which lies on the eastern side of the by-pass (A41) and Shifnal which is located to the south of the M54. The development is not related directly to other development in the locality and will appear as an isolated feature in the landscape. The site is partially screened from Stanton Lane by a hedgerow and trees along the boundary with the highway. The site itself though is very open in character and performs an important role in the Green Belt. It is therefore considered that the proposal will result in substantial harm in terms of Green Belt and its purpose.
- 6.2.5 Policy CS12 advocates support for suitable development proposals for small exception sites (under 5 pitches) in accordance with Policy CS5, where a strong local connection can be demonstrated. In this particular case a local connection does exist and this is confirmed by the Council's G&T Liaison Officer. It is understood that the applicant and the extended family are based in the Telford area, but this is not supported by any evidence submitted in support of the proposals. In addition, the scale of development is significantly larger than that supported by Policy CS12 and no details have been provided in the application in relation to the existing/future occupants of the site except the named applicant.
- 6.2.6 The recent appeal allowed under APP/L3245/W/22/3300532 - Five Oak Stables, Coton, Whitchurch did not support the LPA's contention that the site was isolated or in an unsustainable location. In this case given the site is located closer to amenities in Shifnal than that of the Whitchurch site and having regard to the fact there are no major physical barriers preventing access to Shifnal it is not considered that reasons 2 and 3 related to the previous refusal of planning application 21/04533/FUL could be sustained at appeal. Policy B of the DCLG Planning Policy for Travellers sites makes it clear that the same considerations for sustainability of housing sites should be applied to Gypsy and Traveller sites however the appeal decision makes it clear that this needs to be considered pragmatically on a site by site basis given that G&T sites will often be located at the extremities of settlements.
- 6.3 Visual impact and landscaping
- 6.3.1 The primary function of the Green Belt is to protect the openness between settlements and prevent them merging into one another. The site was a green field

within the Green Belt prior to applicant moving onto site and introducing hardstanding, caravans and vehicles to the site. The site has substantially changed its appearance and character appearing more urban in form as a result of this unauthorised development.

- 6.3.2 The applicant has suggested that the site is screened by existing hedgerow and trees, but the interior of the site is still visible through these from Stanton Road. The development therefore presents an intrusion into the Green Belt which whilst screened to an extent nevertheless diminishes the openness of the site.
- 6.3.3 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale, density, pattern and design taking into account the local context and character. SAMDev policy MD2 requires development to respect locally distinctive or valued character and existing amenity value. Additional planting could be secured via condition to further screen the development from outside view. However, this would still fail to deal with the fundamental conflict with Green Belt policy.
- 6.4 Highways and Transportation
- 6.4.1 The NPPF, at section 9, seeks to promote sustainable transport. At paragraph 115 it states that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety."
- 6.4.2 Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced. It seeks to achieve safe development and pertinent matters to consider include ensuring the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated.
- 6.4.3 Concern about the suitability of the access onto Stanton Road has been raised by objectors. However, the Highway Authority do not share these concerns. The relatively low level of trips generated are not considered to have an unacceptable impact on highway safety which is the test set in paragraph 115 of the NPPF.
- 6.4.4 Stanton Road connects the settlement of Shifnal to the A41, however traffic volumes along this route are modest, with the B4379 and A464 acting as the primary routes through Shifnal.
- 6.4.5 The issue of motorised traffic using a restricted by-way has been raised by both the highway authority and the public rights of way officer. Given there is a commercial operation further up Lizard Lane along with residential properties, the by-way is already serving as an access to these properties. Whilst the applicant needs to satisfy themselves legally that they have access to the site, this is a civil matter and not a material planning consideration in this instance.

6.5 Residential Amenity

6.5.1 The site is largely surrounded by countryside with isolated residential properties in the locality. It is not considered that the development will have any significant adverse impact on the amenities of existing residents living in immediate proximity of the site.

6.5.2 The use itself is a primarily residential in nature and the application does not seek approval to undertake any business activities from the site itself. Whilst, vehicles connected with the businesses of the occupants of the site will be parked on site, business activity is likely to be conducted away from the site and therefore any impact on amenities is unlikely to be at a level which would not cause harm to amenities of nearby neighbours.

6.5.3 To safeguard the amenities of the immediate locality a condition was attached to temporary permission granted preventing business use being undertaken on the site. There have been no complaints to suggest this condition has been breached at any time during the occupation of the site by the applicant.

6.6 Ecology

6.6.1 The Ecological Assessment carried out by Camlad Ecology (July 2022) found no trees suitable for roosting bats on site. The vegetative boundaries and trees are considered suitable for nesting birds. Ponds within 250m were assessed for their suitability to support great crested newts. No impact is considered likely to newts.

6.6.2 An external lighting condition was imposed to control the impact of the development by keeping it to a low level to allow wildlife to continue to forage and commute around the surrounding area without interruption. The details required by this condition were subsequently discharged under 23/02757/DIS.

6.6.3 SC ecology require biodiversity net gains at the site in accordance with the NPPF and CS17. The installation of bat boxes and bird boxes will enhance the site for wildlife by providing additional roosting and nesting habitat. The proposals therefore satisfy the requirements of policies CS6 and CS17 of the Core Strategy and policy MD12 of the SAMDev Plan and again these details required by condition have now been discharged.

6.6.4 As this application relates to the renewal of a previous approval granted prior to bio-diversity net gain becoming mandatory this application is not subject to a 10% BNG uplift.

6.7 Personal Circumstances

6.7.1 The Council's Gipsy and Traveller Liaison Officer has indicated that the family have a local connection to Telford.

6.7.2 The application comprises a statement that sets out the personal circumstances of the occupants of each pitch in much more detail than the previous application and

on the basis of this additional information it should be easier to assess whether the personal circumstances put forward by the applicant are sufficient to outweigh other material planning considerations in this particular case.

- 6.7.3 The statement of personal circumstances is supported by two letters from the Headteacher at Shifnal Primary School which confirm that one child residing on the site started school on 4/10/2021, which another child attended between 4/10/2021 and 20/07/2022. The Education service have confirmed that two children attend Shifnal Primary School, with attendance being below 90%, although the school do have a positive relationship with the family. There are also two children of secondary school age years 9 and 11 who are home schooled and there is also a 1-year-old child on site.
- 6.7.4 The statement in support of the application also places significant emphasis on the ongoing health issues that several members of the extended family experience, but no corroborative evidence was submitted to support these claims. The agent was subsequently requested to supply evidence, and this has now been supplied with the health issues relating to occupants being verified by health professionals.
- 6.7.5 It is therefore considered that based on the personal circumstances advanced with the application relating to the schooling of children locally and underlying health conditions that a case can be made for the existence of 'very special circumstances' in this case based on personal circumstances. However, these need to be weighed in the planning balance against the inappropriateness of the development in the Green Belt.
- 6.8 Conditions
- 6.8.1 Several conditions requiring the submission of further details to be approved were attached to the temporary planning permission granted to the applicant for this site under 22/05521/FUL. These were submitted under application 23/02757/DIS which discharged details to satisfy conditions 7 (landscaping), 8 (bird & bat boxes), 9 (lighting), and 13 (drainage) on planning permission 22/05521/FUL. The remainder of the conditions imposed were compliance conditions not requiring further submissions.
- 6.9 Planning Balance
- 6.9.1 There is a presumption against inappropriate development in the Green Belt. The use of the land as a gypsy and traveller site is inappropriate development in the Green Belt and permission should only be granted if very special circumstances are identified. The NPPF advises at paragraph 153 that very special circumstances will not exist unless the harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. A key characteristic of Green Belts is openness, to which there would be moderate harm by the presence of structures and caravans on this land. Substantial weight must therefore be attached to the harm to the Green Belt caused by the development.

- 6.9.2 There are a number of other factors to weigh in the planning balance against this harm to the Green Belt, which are considered to be material planning considerations, and these are set out below:
- 6.9.3 It has been established that there is currently limited provision available on existing Shropshire Council sites (Craven Arms only) to accommodate Gypsy and Travellers and adjacent authorities in their GTAA assessments acknowledge under provision of sites. This must be tempered by paragraph 27 of the DCLG Planning Policy for traveller sites (DCLG 2015) which states that even if a LPA is not able to demonstrate a 5 year supply (Shropshire Council's position is that it has sufficient supply if turnover is taken into account), the absence of such a supply is not a significant material consideration where a proposal is within the Green Belt which is the case here.
- 6.9.4 Whilst it is not for individual planning applications to review Green Belt boundaries (Policy E DCLG 2015) the observation can be made that, with regard to the five purposes of the Green Belt set out in paragraph 134 of the NPPF, the site is located in open countryside within the designated Green Belt in the adopted development plan and it is not intended to release this site as part of the local plan review. The site plays an important role in checking unrestricted urban sprawl, acts as a buffer zone preventing neighbouring settlements merging and assists in preventing encroachment into the countryside. By tightly controlling development in the Green Belt this also encourages the redevelopment of brownfield sites. The site given its open nature plays an important part in the visual amenities and rural character of the area.
- 6.9.5 The applicant has been confirmed by the Council's Gypsy Liaison Officer to be Irish travellers, the applicant has also advanced forward personal circumstances to justify a relaxation in Green Belt policy, Policy E, paragraph 16 of DCLG 2015 advises that personal circumstances are unlikely to clearly outweigh the harm to the Green Belt. In granting the temporary approval previously it was made clear that the rationale for this was based on finding a more appropriate site outside of the Green Belt. It is considered that alternative sites are available north of the A5 which whilst based in the countryside is not within the Green Belt and as such given recent appeal decisions the LPA would look to support as a more appropriate location to that of the application site.
- 6.9.6 For the purposes of planning policy, the Annex 1: Glossary defines gypsies and travellers as "Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."
- 6.9.7 In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst

other relevant matters:

a) whether they previously led a nomadic habit of life
b) the reasons for ceasing their nomadic habit of life
c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances. However, a recent court of appeal decision declared the planning definition of 'Traveller' as discriminatory. The definition will now have to change to be more encompassing to include both those of the G&T community who travel and those that don't.

- 6.9.8 The application site is situated in open countryside away from the settlements of Tong and Shifnal. However, it is situated closer to Shifnal than the recent appeal allowed at Whitchurch and as such it is therefore considered to the previous reasons for refusal in relation to it being an isolated and an unsustainable location could no longer be sustained having regard to that decision. Paragraph 13 of Policy B of DCLG 2015 states that LPAs should ensure traveller sites are sustainable economically, socially and environmentally and should ensure that, among other matters which are listed, site locations ensure that children can attend school on a regular basis.
- 6.9.9 Weight must therefore be attached to the nature of the site and its connection to the settlement of Shifnal. The extended family members on the site comprises the applicants and their younger children, two older siblings who are married and an elderly relative who does not appear to be resident on site at the current time. The family have a demonstrable local connection to the Telford area, and it is therefore considered that, in the light of the contents of the DCLG Planning Policy for Gypsy Sites August 2015 (DCLG 2015), that the planning balance in this case would be such that no very special circumstances to outweigh the harm to the Green Belt have been advanced, which would justify a departure from the adopted Development Plan.
- 6.9.10 Whilst paragraph 13 of DCLG 2015 references the need to ensure that children can attend school on a regular basis. The contents of Policy E of DCLG 2015 relating to Traveller Sites in Green Belt is prefaced by "Subject to the best interests of the child..." The applicant at present has school aged children on site one of whom attends the local primary school and whilst another is registered to attend but does not at present. Whilst the applicants have stressed the importance to them of having a settled base so that their children, can attend the local school.
- 6.9.11 Were the application to be refused the applicants have indicated that they are likely to return to living on the road and which will lead to disruption of the education of the child (And their health care). Whilst it is considered that the future needs of the child are a material consideration relevant to the determination of this application. On balance this consideration, when coupled with the negative attributes of the site identified, cumulatively are not considered to amount to very special circumstances of sufficient weight to outweigh the harm to the Green Belt in this case.

- 6.9.12 The potential availability of alternative sites outside of the Green Belt in the county also means that by working in partnership with the applicant and third-party landowners the Council should be able to satisfactorily relocate the applicant and his family to a nearby alternative site outside of the Green Belt. Therefore, having regard to this change in circumstance the argument around 'very special circumstances' to justify this site becomes even less compelling.
- 6.9.13 Policy H of The DCLG Planning Policy for Travellers sites is clear that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Given the Green Belt designation of this site these other material considerations would have to constitute 'very special circumstances.' The case put forward by the applicant does not at present provide a compelling case as to why this site is required above any other and is essentially based on the site being in the ownership of the family. Clearly, many people own land in the Green Belt and all are subject to the same restrictions in terms of developing their land. To allow such a development as proposed would set an undesirable precedent and in the absence of any compelling evidence to the contrary as to why it is necessary to be located on this site as opposed to another more appropriate site it is clear that this proposal also conflicts with the spatial policies of the Development Plan, along with Policy CS12 of the Core Strategy which specifically relates to Gypsy and Traveller sites.
- 6.9.14 A recent appeal APP/L3245/W/20/3253805 for a single G&T pitch in the Green Belt at Beamish Lane at Albrighton was dismissed on the basis of the weight attached to the protection of Green Belt along with the site's isolation outweighing personal circumstances, a lack of provision and the best interests of the child. The characteristics of this application are similar in many ways to this dismissed appeal, although the personal circumstances of the applicant and the extended family have been articulated in more detail as part of the supporting case to the application. Similarly, an appeal APP/L3245/W/23/3334142 on the western side of Shifnal at Knowle Bank Farm, Priorslee Road also in the Green Belt for two G&T pitches was also dismissed.
- 6.9.15 However, more recently the Planning Inspectorate allowed an appeal for a G&T site in the countryside APP/L3245/W/22/3300532 at Five Oak Stables, Coton, Whitchurch SY13 3LQ. In this case the Inspector cited a lack of alternative provision as weighing in favour of the development. However, this site whilst having a countryside allocation was not Green Belt. Therefore, it is becoming increasingly clear from appeal decision that Green Belt sites are not acceptable for this type of development.
- 6.9.16 The lack of available Council managed sites in the southeast of the county and neighbouring districts, coupled with no future site allocations in the current or emerging local plan meant that there was a lack of alternative sites available at the time of the original application. On this basis a temporary permission was granted

to allow time to explore alternative sites whilst not taking account of the applicant's personal circumstances and connection to the local area.

- 6.9.17 The LPA approach has tended to be reactive in the past as situations have arose as opposed to being proactive by identifying and providing sites. At present there are limited alternative sites in the vicinity of Shifnal and as the settlement boundary is constrained by the Green Belt any proposals which come forward will always be subject to Green Belt policy considerations.
- 6.9.18 The nearest area of countryside outside of the Green Belt lies to the north of the A5 towards Sherrifhales and alternative sites have been identified here as potentially being more appropriate and viable than the current site which is the subject of this application. Recent appeal decisions certainly support the view that G&T pitches in countryside locations which are not Green Belt will be looked on more favourably.

7.0 **CONCLUSION**

- 7.1 As has been set out above, the site is situated within the Green Belt and as such the proposals are considered to be inappropriate development. The applicant has however advanced their personal circumstances to support the application as part of their argument in relation to 'Very Special Circumstances' existing in this case.
- 7.2 It is noted that in the recent appeal decision referenced above, the Planning Inspector conclusions referenced a lack of alternative sites as weighing in favour of the proposals. They also referenced that there were still unresolved objections relating to the G&T policy DP8 in the emerging local plan and that the examining inspectors' final comments were awaited. As such, there was uncertain as to whether policy DP8 will be adopted in its current form and so it was attributed limited weight.
- 7.3 However, in this case there are alternative sites which are available and situated outside of the Green Belt. Therefore, the argument around the need for the development in the Green Belt and 'very special circumstances' does not stand up to scrutiny. It is clear that the only reason this site has been chosen is due to the applicant acquiring it and not out of an overriding need to occupy this particular site. Alternative sites outside the Green Belt which are more appropriate exist and therefore there is no justification for granting a permanent planning permission for the continued use of the site for its current purpose.
- 7.4 The recent appeal decisions have steadfastly identified that G&T pitches in the Green Belt are inappropriate development whilst accepting that in the countryside they can be acceptable in the right circumstances. Around 85% of the county is located outside of the Green Belt however the area east of the River Severn and south of the A5 is designated Green Belt, this therefore covers the south east of the county which adjoins the Green Belt of South Staffordshire district.

- 7.5 With this in mind whilst the proposal is considered to be inappropriate development in the Green Belt and therefore contrary to both national and local planning policy. When the temporary approval was granted it was considered that there were extenuating circumstances relating to the personal circumstances of the applicant and the extended family (including the interests of the children and health issues), the lack of alternative provision in the south east of the county, the local plan review, which would weigh in favour of granting a temporary permission for a year. It is considered that this is no longer the case as alternative sites outside of the Green Belt have been identified.
- 7.6 As previously mentioned, this application is a renewal of a temporary permission which expired on 25th April 2024. It includes for a hardstanding area which has already been installed on site. Should planning permission be refused this is likely to be the subject of follow-on enforcement action to remove unauthorised development and return the site to its former condition. However, any enforcement notice would have to provide the applicants with a reasonable compliance period, and they would also have the right of appeal.
- 7.7 Therefore, having regard to the matters discussed above it is considered there are no longer any extenuating circumstances which would outweigh the harm to the Green Belt resulting from this development as an alternative provision outside of the Green Belt has been identified. Therefore, in light of this it is considered that the harm to the Green Belt resulting from these proposals outweighs the personal circumstances of the appellant and as such it is recommended that Planning Permission should be refused.
- 7.8 Having regard to the recommendation to refuse and the fact that this proposal is retrospective, it is further recommended that an enforcement notice be issued requiring the site to be vacated and reinstated to its former condition within a prescribed period of 6 months subject to the provisions of S.173a of the Act.

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.

10.0 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

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS12 - Gypsies and Traveller Provision

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

PPTS - Planning Policy for Traveller Sites

MD12 - Natural Environment

Settlement: S15 - Shifnal

SPD Sustainable Design Part 1

National Planning Policy Framework

RELEVANT PLANNING HISTORY:

21/04533/FUL Siting of 4No static caravans and 6No touring caravans on existing hardstanding by an extended Gypsy/Traveller family REFUSE 17th May 2022

22/03757/FUL Application under Section 73A of the Town And Country Planning Act 1990 for the change of use of land to Gypsy / Traveller Site consisting of four family pitches to include 4No. static caravans, 4No. touring caravans, 4No. amenity blocks with gravel drive and turning area (re-submission) DD 30th August 2022

22/05521/FUL Application under Section 73A of the Town And Country Planning Act 1990 for the change of use of land to Gypsy / Traveller Site consisting of four family pitches to include 4No. static caravans, 4No. touring caravans, 4No. amenity blocks with gravel drive and turning area (re-submission) GRANT 25th April 2023

23/02757/DIS Discharge of conditions 7 (landscaping), 8 (bird & bat boxes), 9 (lighting), and 13 (drainage) on planning permission 22/05521/FUL DISAPP 21st August 2023

24/01089/FUL Change from Temporary to Permanent Gypsy / Traveller Site following Planning Approval 22/05521/FUL for 4 no. family pitches APPRET

AGENDA ITEM

- 35 The Caravan

24/01123/VAR Application Reference Number: 22/05521/FUL Date of Decision:
25/03/2024

To make permission permanent
NA. APPRET

24/01534/FUL Change of use of land to Gypsy / Traveller Site consisting of four family pitches to include 4No. static caravans, 4No. touring caravans, 4No. amenity blocks with gravel drive and turning area PDE

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SC3M9WTDH6G00>

“AI can be used to support our work and to create content by bringing together or summarising responses to consultation. The report writer remains responsible for ensuring that the content of the report is factually accurate and that the use of AI is responsible and lawful.” All original documents remain unaltered on the planning register should you wish to view them in full.

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

Cabinet Member (Portfolio Holder) - Councillor Chris Schofield

Local Member

Cllr Ed Bird

AGENDA ITEM

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35 The Caravan

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AGENDA ITEM



Committee and date

Southern Planning Committee

26th November 2024

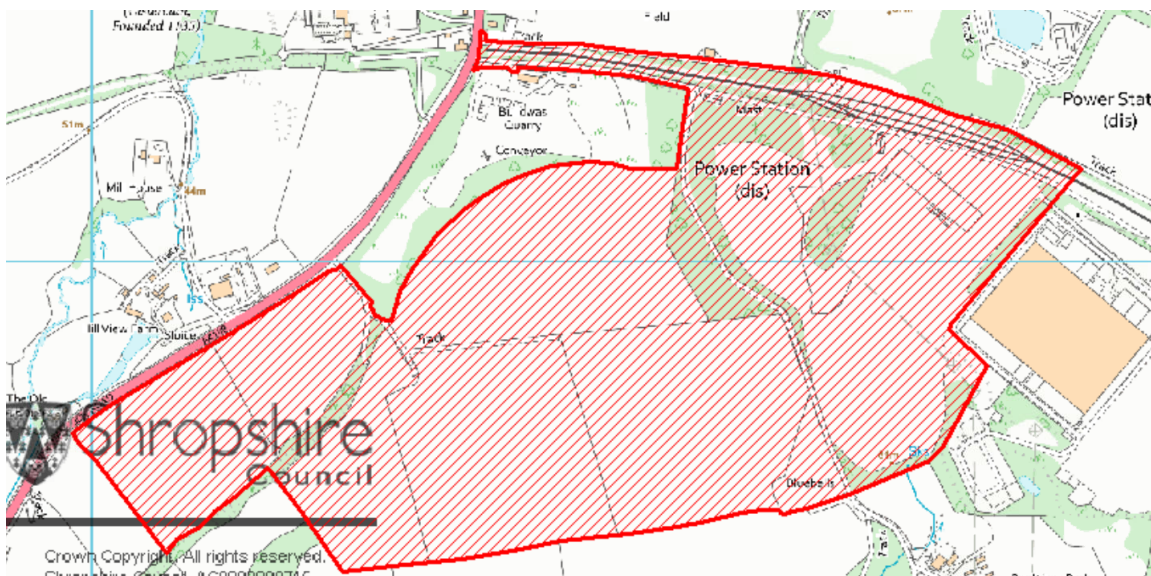
Development Management Report

Responsible Officer: Rachel Robinson, Executive Director Health Wellbeing and Prevention

Summary of Application

<u>Application Number:</u> 24/02537/VAR	<u>Parish:</u>	Buildwas
<u>Proposal:</u> Application under Section 73 - application for the variation of Condition 12 of planning permission 19/05509/MAW regarding the phased extraction of sand and gravel, associated works and restoration, in order to achieve the dispatch of up to 300,000 tonnes of extracted mineral per calendar year		
<u>Site Address:</u> Proposed Quarry To The East Of Much Wenlock Road, Buildwas, Telford, Shropshire		
<u>Applicant:</u> Mr T Hurdiss		
<u>Case Officer:</u> Mike Rigby	<u>email:</u> mike.rigby@shropshire.gov.uk	

Grid Ref: 364621 - 303994



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Recommendation:- APPROVAL subject to the additional conditions set out in Appendix 1 upon receipt of the signed unilateral undertaking, with delegation to officers for redrafting conditions attached to original permission.

REPORT

1.0 THE PROPOSAL

- 1.1 This is a Section 73 application for the variation of Condition 12 of planning permission 19/05509/MAW regarding the phased extraction of sand and gravel, associated works and restoration, in order to achieve the dispatch of up to 300,000 tonnes of extracted mineral per calendar year. The effect of the application would be to proceed with the extraction, processing and export of the mineral, as already permitted, but by road rather than by rail.
- 1.2 The original planning permission sits within a broader suite of consents with the purpose of redeveloping the former Ironbridge power station site.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The approved minerals extraction site (the application site) consists of land within and immediately to the west of the site of the former Ironbridge Power Station site. It covers an area of circa 49 hectares including agricultural fields and derelict brownfield land associated with the site of the former power station. The latter includes a rail siding which served the power station and an area of previously developed land that was used for the storage of coal, biofuel and ash.
- 2.2 The site is situated to the south of the former Buildwas Quarry site (the 'JPE site'). The A4169 Much Wenlock Road runs north to south along the application site's western boundary. The River Severn and Buildwas Road, which run east west, are to the north, separated from the application site by a sports field and a disused railway line.
- 2.3 The existing access to the application site is via a priority controlled T-junction with Buildwas Road and a road bridge over the River Severn.
- 2.4 The former Buildwas Quarry site (the JPE site) is accessed from a private road which runs along the northern boundary of the former quarry. Its access with the Much Wenlock Road is a simple priority controlled T-junction.
- 2.5 Much Wenlock Road links the villages of Buildwas to the north and Much Wenlock to the south and meets Buildwas Road at a T-junction 200m north of the existing JPE access.

2.6 For context, the former Power Station lies around 1km to the west of the historic town of Ironbridge and 5km to the southwest of Telford. It is also situated at the southwestern end of the Ironbridge Gorge, a UNESCO World Heritage Site, and associated Conservation Area. The latter are around 1km from the mineral application site.

2.7 The approved mineral working area is around 130m to the south of the Shropshire Hills AONB on the opposite side of the A4169. The buildings of Buildwas Abbey, which is a Scheduled Ancient Monument, are located around 280m to the northwest of the approved extraction area.

2.8 The closest dwelling is Crossing Cottage, which is situated on the A4169 opposite the existing JPE access.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

3.1 Call-in by Committee Chair

4.0 Consultation Responses

4.1 Statutory and Non-statutory Consultation

4.1.1 **Shropshire Hills AONB (National Landscape) Partnership.** Response: The SHAONB Partnership is a non-statutory consultee and does not have a role to study the detail of all planning applications affecting the AONB. With or without advice from the AONB Partnership, the planning authority has a legal duty to take into account the purposes of the AONB designation in making this decision, and should take account of planning policies which protect the AONB, and the statutory AONB Management Plan. Our standard response here does not indicate either an objection or no objection to the current application. The AONB Partnership in selected cases may make a further detailed response and take a considered position.

4.1.2 **Canal & River Trust.** Response: Makes no comment on the basis that the terms of the application fall outside their scope as a statutory consultee.

4.1.3 **Environment Agency.** Response: Has no comment to make on this application.

4.1.4 **Sport England.** Response: The application falls within neither their statutory nor non-statutory remits and they therefore provide no specific response on this application.

4.1.5 **Telford & Wrekin Council.** Response:

Local Highways Authority:

As a recap the County boundary lies at Holbrook Coppice on the A4169 so it is only to the north of here where any additional HGV movements associated with the Quarry will fall within our Borough. There is already a routing agreement in place to form a one-way rotation at Jiggers Bank Roundabout for HGVs accessing and exiting the M54, utilising the A5223 and A4169 corridors to ensure movements are

rationalised between both routes. These routes are higher order A roads and for that reason no technical objection can be made to not allow their use for what is a predicted 71 additional HGV movements on each across a usual day.

Ward Member – Cllr Healy:

The agreed HGV route must be adhered to, to protect the narrower roads of the Gorge and limit the impact on residential communities. If I understand TWC LHA comments correctly some traffic will go to Castlefields roundabout in which case, I would like to comment that the pedestrian crossing should be in place prior to the increase of HGV movements.

Just a side note, to install a pedestrian crossing on the east side of the roundabout would require a good length of pavement on both sides. Currently all pedestrians cross on the west side where there is pavement. A signalised crossing here makes more sense to me.

4.1.6 **National Highways.** Response: No objections to the variations of condition 12.

4.1.7 **Forestry Commission.** Response: No comments.

4.1.8 **Historic England.** Response: No advice offered.

4.1.9 **Ironbridge Gorge World Heritage Site Steering Group.** Response: Our remaining concerns to note are as follows:

We are disappointed that the withdrawal of Network Rail from this scheme now leads to all the movement of materials to be removed by road. This is particularly disappointing given that Network Rail was fully onboard when the project was initially proposed (as referenced in Network Rail's response to the original application as outlined in their email of 5 February 2020).

We would ask you to consider undertaking any necessary roadworks in the off season to avoid a negative impact on businesses in the Ironbridge Gorge, the majority of which are reliant on tourism.

We would ask Planners to ensure that there are arrangements for effective enforcement of restrictions on vehicles ignoring the designated routes in and out of the Gorge. Many of the roads outside of the designated routes are unstable and material damage would be likely to infrastructure and potentially property.

We are concerned that without firm mitigations on the timing of, and enforcement of specific routes for, the removal of materials, there will be a significant negative impact on the Outstanding Universal Value (OUV) of the Gorge. This risk of a negative impact on OUV is further exacerbated by the decision of Network Rail not to progress the rail line. We would encourage steps to be taken by the Council to ask Network Rail to reconsider this decision, whether for this project or for the general benefit of being able to reduce vehicle movements in the Gorge without limiting its

accessible to local residents and employees and regional, national and international visitors.

I would ask that the Planning Authority notes the basis on which the IGWHS Steering Group is responding, as outlined above. I would further ask that the Planning Authority note and take account of the residual concerns that the Steering Group has regarding the proposal and to take them fully into account in determining its decision.

- 4.1.10 **Councillor Claire Wild (Local Member).** Response: The current JPE planning consent should be legally terminated. All traffic movement from the former JPE site should cease immediately. The JPE permission did not have a routing agreement, and it is important that any approved routing agreement is adhered to. Conditions should be imposed that ensure every vehicle entering and leaving the site is logged and captured on CCTV, these logs should be available for inspection by the LA if requested. In addition, CCTV should be also installed at the junction of the site access and egress to ensure that any routing agreement is adhered to, also these movements should be logged and available for inspection by the LA when requested. This application will cause significant problems for the residents who live close by. I would ask for a box junction or similar at the access/egress of all the impacted properties so that the residents who live close by are able to enter and leave their properties safely at all times. With the works due to commence on the site access by Crossing Cottage, this application and also the imminent works to the Buildwas Bank junction I would ask that marshals are employed to assist local residents and that this is conditioned at least for the completion of the new access. The transport statement p4 para 1.8 refers to a Network Rail meeting in April, I am very interested in the possible option of a passenger train line and invite further comment from Harworth on this point.

I fully support the objections raised by the PC and local residents

- 4.1.11 **Buildwas Parish Council.** Response: BPC wishes to object to these proposals for the following reasons;
- The proposal for 300,000 tons of material being transported by road is significant and will cause a great deal of issues for the local community, due to the extra articulated lorry movements and real potential of a backlog of HGV's entering/exiting the site.
 - As part of the reserved matters application, it was agreed that structural improvements to the route of the railway were to be secured with Network Rail. While it is noted that Network Rail have requested that the developers provide a Basic Asset Protection Agreement before they will do any work in respect of developing the bridge strengthening project. This has not yet been actioned by the developer and this application to deviate from the initially desired prospect of moving sand and gravel by rail is not being considered at the appropriate time, it is our view that until the developer considers a Basic Asset Protection Agreement then this application should be refused.

- Noise from unladen trailers will undoubtedly cause concerns amongst local residents, particularly the early morning movements.
- Safety of road junction at bottom of bypass, also with the amount of equine stabling and the routes used for horse exercise would pose a safety challenge.
- In the early stages of the proposals, Shropshire Council guaranteed that the limit would be 100,000t/yr and this directly contravenes this "guarantee".
- We are concerned that all the forecasts are averaged out as if HGV movements will occur at regular intervals during the day. 12 hours has been used by the consultants (ADC Infrastructure) in some of their calculations. This to be disingenuous. At the very least, the assumptions need to be challenged.
- There is no account for much of the substrates being required early in a day on the sites to which it is to be delivered.
- There is no account for the difference between summer and winter delivery schedules and we know sites shut down for most of December and some of January. This will further distort the true nature of the number of HGV movements of sand and gravel at other times of the year.
- There appears to be no reference to power station development traffic arriving and leaving during building construction of the various phases and this should be part of the calculated extra volume of traffic movements during the time of mineral extraction from the site.
- The HGVs that move minerals from the quarry to the various onsite building site locations have to arrive and leave (daily?) This should be part of the extra volume of traffic movement calculations. The calculations address a had full of staff arriving and leaving site but no mention of these lorries.
- While there are only five reported incidents, this is plainly not representative of real situation, many of the more minor accidents go unreported, but there have been a significant number of accidents in the last 24 months which have been reported but appear to be omitted from the data being reviewed.
- Consideration should be given to the extra wear and tear that these proposals would have to our roads meaning the conditions will become poorer much quicker than from usual traffic movements. Transporting by road will also mean that neighbouring roads will be full of dust and debris.
- If minded to approve, Shropshire Council could include a condition that site management are responsible for road sweeping when required.

4.1.12 **Environmental Protection, SC Regulatory Services.** Response: Has no objection to the variation of condition sought.

4.1.13 **SC Landscape Consultant.** Response: We have reviewed the submitted planning statement and are of the view that the proposed changes to Condition 12 are unlikely to notably affect the outcome of the LVIA that formed part of application 19/05509/MAW. Consequently, we raise no objection to the proposed variation.

4.1.14 **SC Ecology.** Response: No comments to make on this application.

- 4.1.15 **SC Conservation.** Response: We have no comments to make on this VAR application relevant to historic environment matters.
- 4.1.16 **SC Drainage and SUDS.** Response: The proposals are unlikely to significantly increase flood risk and therefore are acceptable.
- 4.1.17 **SC Rights of Way.** Response: From checking the Definitive map of Public Rights of Way I can confirm that Footpaths 13, 14 & 16 will be affected by the work to be undertaken. A temporary closure application has already been submitted on behalf of the landowner which will temporarily close the three footpaths for the duration of the works. An alternative route is available which utilises the existing rights of way network.
- 4.1.18 **SC Archaeology.** Officers have no comments on this application in regard to archaeological matters.
- 4.1.19 **SC Highways.** Shropshire Council as Local Highway Authority raises no objection to the granting of consent, subject to a unilateral undertaking being entered into to ensure that the operation of the JPE Quarry ceases operation prior to the commencement of any mineral extraction and is not brought back into use. The submitted application has been assessed on this basis and is a key consideration in terms of determining the application from a highway perspective. This agreement should form part of the permission granted and be enforceable.

Shropshire Council as Local Highway Authority position remains that the preferred method of extraction of materials from site should be primarily via rail. However, it is acknowledged that at this time, this is not a viable option. We remain concerned with regard to the increase in vehicle movements as a result of this variation and on this basis would seek mitigation to offset the overall impact on the surrounding highway network. It is recommended that prior to commencement the applicant submit a Construction Management Plan that outlines measures to be put in place to mitigate the impact of the additional HGV movements on the surrounding highway network.

The obligations as set out within the outline permission granted only required the signalisation of the Much Wenlock Road junction prior to the 400th dwelling. The applicant has brought forward the installation of the signalised junction. All technical details with regard to the junction have now been agreed and a Section 278 agreement is under negotiation at the time of submission of these comments, but is likely to be in place before November 2024. On this basis it is considered that the applicant has taken reasonable measures to mitigate the impact of the development. In addition to the works on the A4169 Much Wenlock Road junction, we are also in negotiation with the applicant with regard to the early delivery of the works to Buildwas Road junction/Buildwas Bank/Much Wenlock Road junction. Works are not subject to a formal Section 278 agreement but an application has been made and preliminary road booking has been secured for March 2025, or at the end of the duration of the works to Much Wenlock Road junction.

Whilst it is acknowledged that the movement of HGV'S will increase as a result of the variation, based on the likely quantum of development the junction modelling results presented indicates that the northern site access T-junction would operate acceptably with the (wider) development fully built-out in the 2036 assessment year. Therefore, based on the above analysis, we are satisfied that the junction would also operate acceptably during the minerals extraction period.

Based on the latest phasing plan for the consented development, the applicants' transport consultant has tried to outline the likely number of vehicle movements in the morning and afternoon peak. Indicating that the number of vehicle movements will only reach a significant number towards the end of the mineral extraction period and the number of movements associated with the mineral extraction is minimal in comparison to other uses on the site.

Developmet traffic using the northern site access junction during the minerals extraction				
Land use	Phase	Units/proportion	Morning peak hour two-way trips	Evening peak hour two-way trips
Residential	<i>Phase 1 (2025)</i>	110	68	71
	<i>Phase 2a (2025)</i>	200	123	130
	<i>Phase 2b (2026)</i>	50	31	32
	<i>Phase 3 (2027)</i>	100	61	65
	<i>Phase 4 (2027)</i>	135	83	88
	Total	595	366	386
Employment	Phase 2b (2026)	100%	177	169
Local centre and primary school	Phase 3/4 (2027)	100%	90	64
Minerals extraction	Up to 2029	100%	12	12
Construction	-	100%	25	25
Total			670	656

Overall, in view of the likely number of additional vehicle movements as a result of the proposed variation, it is not considered that a highway objection could be sustained.

4.2 Public and Community Comments

- 4.2.1 The application has been advertised in the usual ways and 7 comments from the public have been received. Of these, 5 are objections and the remaining 2 are classified as neutral.
- 4.2.2 The 5 objections all centre around the additional road traffic that this proposal would generate and especially the environmental and safety impacts of that additional traffic. The neutral comments were reminders from both the Open Spaces Society and the Ramblers Association to ensure the protection of rights of way.

5.0 THE MAIN ISSUES

- 5.1.1 Planning permission for the mineral extraction has been granted. The single issue at

stake here is how that mineral is to be exported from site. The original planning application envisaged that the majority of the material would be exported from site via the existing railhead that previously served the Ironbridge Power Station. This application to vary condition 12 of permission no. 19/05509/MAW is made on the basis that the railhead is not going to be available by virtue of the fact that work required to strengthen the Albert Edward Bridge, which carries the railway over the River Severn, will not, counter to previous expectation, be carried out by its owner, Network Rail, in the foreseeable future.

- 5.1.2 The previously approved export of 300k tpa of sand and gravel by rail relied on the reopening of the former railway line that runs into the site. At the time that the minerals application was approved it was acknowledged that this would require Network Rail to undertake significant works to restore the Grade II listed Albert Edward Bridge and the line up to Madeley. Subsequently, Network Rail has confirmed that it does not have the funds or the economic drivers to commence the above works, hence the timescale for their delivery is at best long term and now uncertain.
- 5.1.3 Overall, the rail link upgrade will not be forthcoming before the mineral's permission expires, nor will it be provided in time for the approved extraction to progress in a timely manner relative to the agreed land profile for the strategic residential scheme. Indeed, it is possible that the works required to support heavy rail wagons may never be funded by Network Rail.
- 5.1.4 The removal of the mineral is an intrinsic element of the wider redevelopment of the former power station site, which requires a reduction of the current land level and the flattening out of the central knoll/ridge to create the development platform (for residential development). Importantly, the approved scheme responded to concerns raised by various consultees, taking suitable account of the setting of the 'AONB' ('National Landscape') and Buildwas Abbey, which is a Scheduled Ancient Monument (SAM). Indeed, a condition of the outline permission prevents any residential development in the area of the quarry area ahead of the approved extraction being completed.
- 5.1.5 The mineral yield created by the reduction in land level is also a benefit in itself in that it generates economic activity and helps Shropshire fulfil its role as an important producer of aggregates, including sand and gravel.
- 5.1.6 At issue here is whether the removal of the mineral by road rather than rail is acceptable.
- 5.1.7 The principal permission permits the extraction of 1.9 million tonnes of sand and gravel for up to 6 years post commencement. However, further approved details have established an intended 5-year extraction period. Since the initial grant of consent, it has been established that 600,000 tonnes of the mineral can be used on-

site as bulk fill and this is what is now proposed.

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The principle of this development has already been established. At issue is the acceptability of the export of the extracted mineral by road instead of rail, as currently permitted.

6.1.2 The council has consulted widely, and all the responses have been considered in forming this recommendation.

6.2 Key Judgments

6.2.1 The existing permission permits the removal of up to 400ktpa of sand and gravel from site for 5 years to a total of 1.9mt. Since then, it has been determined that the wider development can absorb a proportion of the total minerals won from the site, with 600,000 tonnes of the total to be used on-site as bulk fill, leaving 1.3mt to be exported. The applicant proposes that the mineral be exported at a maximum rate of up to 300,000tpa, by road, over a period of up to 4.5 years.

6.2.2 The existing consent for minerals extraction includes the provision of an intermediate upgrade to the existing access from Much Wenlock Road. The outline permission for the mixed-use scheme requires that intermediate access to be upgraded to a traffic signalled T-junction upon the occupation of the 400th dwelling. However, as outlined in the Transport Statement that accompanies this application, the applicant is proposing to deliver the traffic signal-controlled T-junction early, removing the need for the intermediate junction improvement with Much Wenlock Road. Construction has begun and the signalised junction is expected to be complete by March 2025.

6.2.3 The existing Section 106 Agreement relating to the minerals permission establishes a routing restriction which directs all quarry traffic up the Buildwas Bank Ironbridge by-pass and away from the Buildwas, Much Wenlock and Ironbridge roads. The Section 106 Agreement includes a clause which ensures that it will still have effect with any subsequent, varied permission secured via a Section 73 application. The HGVs that currently enter and leave the JPE recycling site have no such routing controls.

6.2.4 As HGV movements are clearly the principal consideration in respect of this application, it is crucial to consider the comments of Shropshire Highways. They raise in their consultation response, perhaps, the key issue in that the loss of the railhead as the principal means of transporting the mineral away from the site is regrettable. The existence of the railhead, with its connection to the rail network beyond the Albert Edward Bridge was a natural candidate for the removal of bulk mineral from the approved site. Rail-borne mineral transport relieves pressure on the local and strategic highway network and its use is preferred to road-borne transport. It was known at the time of the initial planning application for mineral extraction that

work to strengthen the Albert Edward Bridge would be required in order to facilitate such movements and that there was a realistic prospect that such works would be forthcoming. However, extensive discussions between Network Rail (the owner of the bridge and associated railway track), the council and the applicant have subsequently made clear that there is no prospect of that work taking place in the foreseeable future, if at all. This new reality has generated this application to amend the existing permission to enable the mineral to be removed from site by road.

6.2.5 While that new reality may indeed be widely viewed as regrettable, Highways do not object to the application provided the following occur:

1. That a Construction Management Plan be submitted, outlining measures to be put in place to mitigate the impact of the additional HGV movements on the surrounding highway network;
2. The signalisation of the Much Wenlock Road junction;
3. Early delivery of the works to Buildwas Road junction/Buildwas Bank/Much Wenlock Road junction;
4. That the applicant enters into a unilateral undertaking to bring to an end the permitted use of the JPE Quarry as a recycling centre.

6.2.6 Element 1, above, is a new requirement and could be conditioned if this application were permitted. Elements 2 and 3 are already planned as part of the wider redevelopment of the power station site and their early delivery has now been secured. Element 4 refers to a quarry (known as the JPE Quarry) which is now in the applicant's ownership. It is a worked-out sand and gravel quarry located immediately to the north of the permitted site. Though it has no further mineral reserves, it continues to operate as a construction materials recycling centre, with waste materials brought onto the site for reprocessing into secondary aggregates. These activities generate a level of vehicle traffic. In order to limit the overall traffic movements from activities in this area, the council has negotiated with the applicant a unilateral undertaking to cease these recycling activities at the JPE Quarry, which will instead be used to process the virgin material to be extracted from the permitted site, which is adjacent.

6.2.7 It is noted that none of the technical consultees have objected to the proposals being considered here.

6.2.8 The 5 public objections to the proposal, together with that of Buildwas Parish Council focus, understandably, on concerns surrounding the impact of additional road traffic, principally the environmental effects and road safety.

6.2.9 These have been carefully considered and key in that consideration is the fact that Highways believe that, with the 4 stipulations highlighted in 6.2.5 above, "the junction modelling results presented indicate that the northern site access T-junction would operate acceptably with the development fully built-out in the 2036 assessment year. Therefore, based on the above analysis, we are satisfied that the junction would also

operate acceptably during the minerals extraction period.” They conclude “it is not considered that a highway objection could be sustained.” The work to signalise the Much Wenlock Road junction is now underway and scheduled for completion in March 2025.

6.2.10 The comments and concerns of the Steering Group of the Ironbridge Gorge World Heritage Site are noted, including their disappointment at the loss of the rail-borne transport option. It should be further noted, however, that the failure to strengthen the Albert Edward Bridge does not preclude the use of the railway line for passenger transit, merely freight. Indeed, recent trials of a ‘very light rail’ passenger transit system have been undertaken as part of the wider redevelopment of Ironbridge Power Station. The further concerns expressed by the Steering Group would, in my opinion, be adequately addressed by the measures set out in 6.2.5 above.

6.2.11 The comments of Councillor Wild, the local member, are noted. The suggestions around the operation of the routing agreement are very pertinent and can be taken up as part of the consideration of a Construction Management Plan.

6.2.12 Concern has been expressed by local correspondents about the impact that the proposal would have on the cleanliness and condition of the local highway network. These are considerations that can be taken up as part of the consideration of a Construction Management Plan. Safety concerns would, in my view, be adequately addressed by the off-site highway improvements, the delivery of which has been brought forward and is now either underway or imminent.

6.3 Policy Considerations

6.3.1 For the purposes of this application, the adopted development plan comprises:
The Core Strategy 2006-2026 – adopted February 2011

The Site Allocations and Management of Development (SAMDev) Plan – adopted December 2015.

6.3.2. **The National Planning Policy Framework (NPPF)** and the emerging Development Plan also comprise material considerations.

6.3.2.1 The NPPF is a key material consideration with an overarching aim of achieving sustainable development. It establishes a presumption in favour of development that is in accordance with the development plan.

6.3.2.2 **Paragraph 8** sets out three elements of sustainable development which requires the planning system to fulfil a number of roles: economic, social and environmental. The NPPF sets out the Government’s policy and intentions to significantly and positively impact on the determination of planning applications, setting out a clear presumption in favour of sustainable development (**Paragraph 10**). **Paragraph 11** confirms that for decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.3.2.3 **Paragraphs 215 and 217** within the **minerals chapter** of the NPPF state that *'It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation'* and *'When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy'*. **Paragraph 216** seeks planning policies that safeguard mineral resources by defining Mineral Safeguarding Areas and stresses that certain identified mineral resources should not be sterilised by non-mineral development [e.g. housing]. The NPPF further advises (**Paragraph 217**) that *'Mineral Planning Authorities [MPAs] should ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and should take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality'*. **Paragraph 219** requires MPA's to plan for the future steady supply of aggregates by ensuring, amongst other matters, the maintenance of landbanks of at least 7 years for sand and gravel.

6.3.3. **Development Plan Policies**

6.3.3.1 Relevant adopted Development Plan policies in the determination of this Section 73 application are:

Shropshire Core Strategy

Policy CS5: Countryside and Green Belt - Supports minerals development in the countryside where such will not have unacceptable adverse environmental impacts.

Policy CS6: Sustainable Design and Development Principles - Requires designs of a high quality to respect and enhance local distinctiveness including residential development restoring, conserving and enhancing the natural, built and historic

environment taking account of local context and character, and those features which contribute to local character.

Policy CS8: Facilities, Services and Infrastructure Provision - Seeks the development of sustainable places including facilitating the timely provision of additional facilities, services and infrastructure to meet identified needs whether arising from new developments or existing community need, in locations that are appropriate and accessible.

Policy CS9: Infrastructure Contribution - Seeks the provision of relevant infrastructure at residential and employment developments to support the creation of sustainable communities.

Policy CS17: Environmental Networks - Seeks to identify, protect, enhance, expand and connect Shropshire's environmental assets including contributing to local distinctiveness and not harming AONBs (now called 'National Landscapes').

Policy CS20: Strategic Planning for Minerals. - Shropshire's important and finite mineral resources will be safeguarded to avoid unnecessary sterilisation and there will be a sustainable approach to mineral working which balances environmental considerations against the need to maintain an adequate and steady supply of minerals to meet the justifiable needs of the economy and society. It lists how this will be achieved including:

- Protecting Mineral Safeguarding Areas (MSA's) including requiring non-mineral development in these areas to avoid sterilising or unduly restricting the working of proven mineral resources.
- Maintaining landbanks of permitted reserves for aggregates consistent with the requirements of national policy guidance.
- Only supporting proposals for sand and gravel working outside the identified broad locations for future mineral working and existing permitted reserves, where this would prevent the sterilisation of resources, or where significant environmental benefits would be obtained, or where the proposed site would be significantly more acceptable overall than the SAMDev Plan allocated sites.

6.3.3.2 The Site Allocations and Management of Development (SAMDev)

Policy MD2: Sustainable Design - Requires development to be appropriate in various respects including visually, in relation to character including landform considerations, heritage and infrastructure capacity.

Policy MD5: Sites for Sand and Gravel Working - Sets out the approach for the release and timing of 3 allocated mineral sites and the approach to be taken for non-allocated sites. In terms of non-allocated sites/windfall sites (such as the one the

subject of this application) **Policy MD5(3)** sets out that:

Proposals for mineral working falling outside the allocated areas will be permitted where developers can demonstrate that:

- i The proposal would meet an unmet need or would prevent the sterilisation of the resource; and,
- ii The proposal would not prejudice the development of the allocated sites; or
- iii Significant environmental benefits would be obtained as a result of the exchange or surrender of existing permissions or the site might be significantly more acceptable overall than the allocated sites, and would offer significant environmental benefits

MD8: Infrastructure Provision - States that development should only take place where there is sufficient existing infrastructure capacity or where the development includes measures to address a specific capacity shortfall, and where a critical infrastructure shortfall is identified, appropriate phasing will be considered in order to make development acceptable.

MD12: The Natural Environment - Seeks the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration by various means.

MD13: The Historic Environment - States that Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored including ensuring that wherever possible, proposals avoid harm or loss of significance to designated or non-designated heritage assets, including their settings.

MD16: Mineral Safeguarding - States that applications for non-mineral development which fall within Mineral Safeguarding Areas (MSAs) and which could have the effect of sterilising mineral resources will not be granted unless:

- i The applicant can demonstrate that the mineral resource concerned is not of economic value; or
- ii The mineral can be extracted to prevent the unnecessary sterilisation of the resource prior to the development taking place without causing unacceptable adverse impacts on the environment and local community; or
- iii The development is exempt.

MD17: Managing the Development and Operation of Mineral Sites - States that applications for mineral development will be supported where applicants can demonstrate that potential adverse impacts on the local community and Shropshire's natural and historic environment can be satisfactorily controlled. It states that particular consideration will be given to a detailed list of issues (see full policy in Appendix 2) with the most relevant to this application being:

- Measures to protect people and the environment from adverse effects, including visual, noise, dust, vibration and traffic impacts;
- The site access and traffic movements, including the impact of heavy lorry traffic on the transport network and the potential to transport minerals by rail. Where opportunities to transport minerals by rail are not feasible there will be a preference for new mineral sites to be located where they can obtain satisfactory access to the Primary Route Network;
- Protecting, conserving and enhancing the significance of heritage assets including archaeology

6.3.4 **The Emerging Local Plan**

6.3.4.1 The Draft Shropshire Local Plan was first submitted for Examination in September 2021. To inform the next stage of its examination a 6-week consultation regarding various documents was undertaken, closing on 11th June 2024. The Inspector's letter of February 2024 indicates further Hearing Sessions are programmed for later in 2024. The NPPF states that local planning authorities may give weight to relevant policies in emerging plans. Given the stage that the emerging plan has reached it can be given only limited weight at the present time, albeit with greater weight being given to certain policies in certain circumstances, such as where allocated sites have been approved ahead of the plan being adopted. For example, **Emerging Policies S2, S12 and S20** support the development of the Former Ironbridge Power Station site (including associated uses and adjoining agricultural land) as a 140ha 'Strategic Settlement' for housing and economic development. As set out above, outline permission for this development was given in 2022.

6.3.4.2 The replacement policies for CS20, MD5 and M17 regarding mineral safeguarding and working in the emerging plan (**DSP16, DP29, DP30 and DP31**) are worded very similarly to the existing adopted policies and do not change their aims and assessment criteria in terms of sand and gravel sites. The application site also remains a non-allocated Mineral Safeguarded Area in the emerging Local Plan in spite of the extant minerals planning permission. Amongst other things, Emerging Policy DP28 supports sustainable transport including the provision of passenger rail services.

6.3.5 **Other Relevant Documents as Material Considerations**

6.3.5.1 The following documents are also relevant as are other documents cited specifically within the submitted technical reports:

- The National Planning Policy for Minerals (2014)
- Planning Practice Guidance on Air Quality
- Ironbridge Gorge World Heritage Site Supplementary Planning Document.

7.0 **CONCLUSION**

7.1 The removal of the mineral has an economic benefit beyond the important role that it plays, in landscape terms, in mitigating the impact of the residential development that will follow on the same, lowered, site.

7.2 Whilst, in planning terms, the transport of the mineral by rail would be preferable over road transport, there is no realistic prospect of that now being possible.

7.3 There are no policy reasons to refuse the application.

7.4 On this basis, the **RECOMMENDATION IS TO GRANT PERMISSION** as set out in the application subject to the following further conditions:-

1. No mineral is to be exported from the site until a Construction Management Plan has been submitted to and approved by the local planning authority, such plan to outline measures to be put in place to mitigate the impact of the additional HGV movements on the surrounding highway network and be followed at all times during the operation of the mineral extraction;
Reason: In order to minimise the impact on the local highway network.
2. No mineral is to be exported from the site until work to signalise the Much Wenlock Road junction has been completed and the signals are fully operational;
Reason: In order to minimise the impact on the local highway network.
3. No mineral is to be exported from the site until the approved works to Buildwas Road junction/Buildwas Bank/Much Wenlock Road junction have been completed and are fully operational;
Reason: In order to minimise the impact on the local highway network.
4. The total amount of mineral processed at the site in a calendar year (i.e. between 1st January and 31st December) under the terms of this permission shall not exceed 400,000 tonnes. Of this total, not more than 300,000 tonnes shall be dispatched from the site by road per calendar year. (i.e. between 1st January and 31st December).
Reason: In order to minimise the impact on the local highway network.
5. Written records of the tonnage of mineral produced from the Site shall be provided to the Local Planning Authority within one month of the end of each calendar year.
Reason: In order to minimise the impact on the local highway network.

The grant of permission is subject to the completion and signing of a Unilateral Undertaking to prevent the further import or export of material to or from the JPE Quarry, save for that won from the permitted site.

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.

AGENDA ITEM

Southern Planning Committee – 26th November 2024

Proposed Quarry To The East Of
Much Wenlock Road, Buildwas

10. RELEVANT PLANNING HISTORY:

19/05509/MAW Phased extraction and processing of sand and gravel including the erection of processing plant and ancillary infrastructure, temporary storage of minerals, utilisation of existing rail siding and creation of new access road on to Much Wenlock Road; restoration of the site GRANT 16th September 2022

19/05560/OUT Outline application (access for consideration comprising formation of two vehicular accesses off A4169 road) for the development of (up to) 1,000 dwellings; retirement village; employment land comprising classes B1(A), B1(C), B2 and B8; retail and other uses comprising classes A1, A2, A3, A4, A5, D1 and D2; allotments, sports pitches, a railway link, leisure uses, primary/nursery school, a park and ride facility, walking and cycling routes, and associated landscaping, drainage and infrastructure works GRANT 16th September 2022

23/00427/DIS Discharge of conditions 22c (noise mitigation plan), 23a (reversing alarm) and 24c (dust mitigation) on planning permission 19/05509/MAW DISAPP 3rd April 2023

23/00428/DIS Discharge of conditions 30 (fencing/boundary treatments), 35 (soil bunds), 36 (soil handling strategy) 44a (site restoration), 44b (interim restoration plan) and 45 (habitat management plan) on planning permission 19/05509/MAW DISAPP 3rd April 2023

23/01613/DIS Discharge of conditions 15 (water monitor scheme) and 27 (road and access design and construction) on planning permission 19/05509/MAW DISAPP 21st November 2023

24/02537/VAR Application under Section 73 application for the variation of Condition 12 of planning permission 19/05509/MAW regarding the phased extraction of sand and gravel, associated works and restoration, in order to achieve the dispatch of up to 300,000 tonnes of extracted mineral per calendar year PCO

11. Additional Information

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

[24/02537/VAR | Application under Section 73 application for the variation of Condition 12 of planning permission 19/05509/MAW regarding the phased extraction of sand and gravel, associated works and restoration, in order to achieve the dispatch of up to 300,000 tonnes of extracted mineral per calendar year | Proposed Quarry To The East Of Much Wenlock Road Buildwas Telford Shropshire](#)

Cabinet Member (Portfolio Holder) - Councillor Chris Schofield

Local Member

Cllr Claire Wild

Appendices

APPENDIX 1 - Conditions

AGENDA ITEM

Southern Planning Committee – 26th November 2024

Proposed Quarry To The East Of
Much Wenlock Road, Buildwas

APPENDIX 1

Conditions

Re-drafted conditions from original application

Additional conditions

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

1. No mineral is to be exported from the site until a Construction Management Plan has been submitted to and approved the local planning authority, such plan to outline measures to be put in place to mitigate the impact of the additional HGV movements on the surrounding highway network;
Reason: In order to minimise the impact on the local highway network.
2. No mineral is to be exported from the site until work to signalise the Much Wenlock Road junction has been completed and the signals are fully operational;
Reason: In order to minimise the impact on the local highway network.
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Reason: In order to minimise the impact on the local highway network.

The grant of permission is subject to the completion and signing of a Unilateral Undertaking to prevent the further import or export of material to or from the JPE Quarry, save for that won from the permitted site.

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

4. The total amount of mineral processed at the site in a calendar year (i.e. between 1st January and 31st December) under the terms of this permission shall not exceed 400,000 tonnes. Of this total, not more than 300,000 tonnes shall be dispatched from the site by road per calendar year. (i.e. between 1st January and 31st December).
Reason: In order to minimise the impact on the local highway network.
5. Written records of the tonnage of mineral produced from the Site shall be provided to the Local Planning Authority within one month of the end of each calendar year.
Reason: In order to minimise the impact on the local highway network.

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AGENDA ITEM



Committee and date

26th November 2024

Development Management Report

Responsible Officer: Rachel Robinson, Director of Health Wellbeing and Prevention

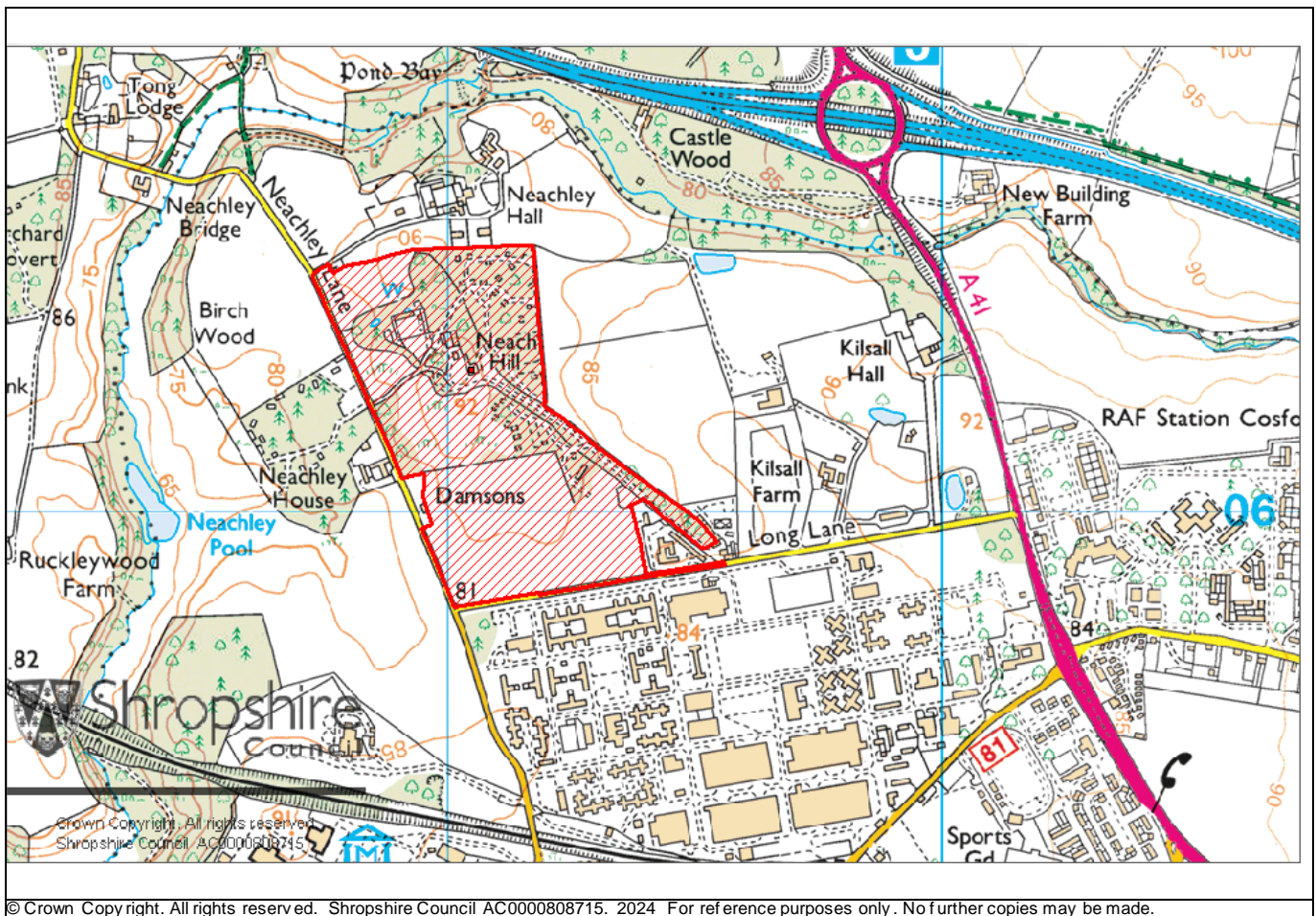
Summary of Application

Application Numbers: 24/00025/FUL & 24/00026/LBC	Parish:	Donington
Proposal: Conversion of Grade II listed house to 12 bedroom hotel accommodation with associated landscaping and conservation works, erection of 46 bedroom hotel block and pool building to form spa, conversion of Coach House to additional guest accommodation, the repair and reinstatement of walled garden with new orangery and ancillary buildings, and construction of 58 residential units as enabling development to facilitate the conservation works.		
Site Address: Neach Hill Neachley Lane Neachley Shifnal Shropshire		
Applicant: Nazmo Limited		
Case Officer: Sara Jones	email: sara.jones@shropshire.gov.uk	

Grid Ref: 379046 - 306288

- 26th November 2024

Neach Hill



Recommendation:-

A. Planning Application 24/00025/FUL

Recommended reasons for refusal:

1. The development represents inappropriate development in the Green Belt to which significant weight is attached to the harm by definition that this would cause. There would also be a harm to the openness of the Green Belt to which significant weight is also attached. Neach Hill House clearly needs urgent repair works and a beneficial use to secure its long-term future. However, the Statement of Significance, Heritage Impact Assessment (HIA) and Financial Information submitted have not been based on an accurate structural survey of the current condition of the existing buildings and surviving fabric, as such it is not possible to accurately assess and determine the impact the proposals will have upon the significance of the listed buildings. Furthermore the evidence available raises concerns that the level of structural intervention required to facilitate the proposed new use of Neach Hill House and the amount of historic fabric remaining internally is likely to have reached a point where there is more new work than original, which would not represent the appropriate conservation of the listed building but essentially a facsimile reconstruction, particularly in relation to internal fabric, architectural and decorative features, walls, floors and roof structure. The HIA underestimates

the impact of the proposed spa and hotel facilities and extensive development within the walled garden, which would harm the setting of the listed buildings (Neach Hill House, Coach House, Walled Garden) and character and legibility of the walled garden respectively and it fails to provide sufficient information, such as a comprehensive photomontage/visual impact assessment to evidence its conclusion in relation to setting impacts, such that the development would represent less than substantial harm. Overall, it is judged that the application has failed to demonstrate a robust case due to the lack of accurate up to date assessment of the listed building, its structural condition and significance, alongside appropriate market testing to define an optimum viable use for the site and that the public benefits outweigh the harm. Consequently, the development conflicts with Shropshire Core Strategy policy CS6, CS17 and Shropshire Council Site Allocations and Management of Development (SAMDev) Plan MD2, MD7a, MD6 and MD13, the Councils SPD Type and Affordability of Housing, Part 13 and 16 of the National Planning Framework and Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

2. The development would not, given the capacity constraints and existing conditions of the highway network, be accessible by a choice of travel modes and would lead to an increase in the use of private motor vehicles and is therefore not in a sustainable location. It has also not been demonstrated that safe access for all users can be achieved, nor that the designs of the site accesses reflect national guidance for safety based on the anticipated use. Accordingly, it is considered that the proposals fail to comply with adopted Shropshire Core Strategy policies CS5, CS6, the National Planning Policy Framework and would not assist in meeting the environmental objectives of sustainability.

3. The proposed commercial development has the potential to impact adversely on the residential amenity of the area with respect to noise and disturbance. Despite the assurances put forwards by the applicant the submitted scheme is insufficiently detailed at this stage to be able to make a thorough assessment of the impacts of the commercial development on the amenities of the occupiers of the nearby existing residential properties and to identify any appropriate mitigation measures, and the impact of such measures which may be required to make the development acceptable on the Heritage Assets. As such it is considered that insufficient detailed information has been submitted with this application to be able to conclude that the proposed development would not have an unacceptable impact on the existing residential amenity of the area, contrary to the requirements of adopted Shropshire Core Strategy policy CS6 and Shropshire Council Site Allocations and Management of Development (SAMDev) Plan MD2.

B. Planning Application 24/00026/LBC

Recommended reason for refusal:

1. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Local Planning Authority pay special regard to the desirability of preserving a listed building or its setting. Neach Hill House clearly needs urgent repair works and a beneficial use to secure its long-term future. However, the Statement of Significance, Heritage Impact Assessment and Financial Information submitted have not been based on an accurate

structural survey of the current condition of the existing buildings and surviving fabric, as such it is not possible to accurately assess and determine the impact the proposals will have upon the significance of the listed buildings. Furthermore the evidence available raises concerns that the level of structural intervention required to facilitate the proposed new use of Neach Hill House and the amount of historic fabric remaining internally is likely to have reached a point where there is more new work than original, which would not represent the appropriate conservation of the listed building but essentially a facsimile reconstruction, particularly in relation to internal fabric, architectural and decorative features, walls, floors and roof structure. Overall, it is judged that the requirement to robustly demonstrate the overwhelming public benefits that would outweigh the harm caused to heritage assets has not been met. The application has failed to demonstrate a robust case due to the lack of accurate up to date assessment of the listed building, its structural condition and significance, alongside appropriate market testing to define an optimum viable use for the site. Therefore, a full and robust case to justify harm to the setting of heritage assets. As such the information submitted to support this application is insufficient to demonstrate that the benefits of the development would be sufficient to outweigh the harm to the significance of the heritage assets. As such the scheme conflicts with Shropshire Core Strategy policy CS6, CS17 and Shropshire Council Site Allocations and Management of Development (SAMDev) Plan MD2, MD13, Part 16 of the National Planning Framework and Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

REPORT

1.0 THE PROPOSAL

1.1 This application for planning permission and listed building consent seeks permission for a mixed development including the renovation and conversions of Neach Hill House, Donington, to create a luxury high end bar, restaurant and 12 bedroom hotel; a spa, café and gym/sauna in the agricultural buildings known as Home Farm or 'Bottom Yard'; the erection of a new 46 bedroom block; the restoration of the WWII blast shelters in the House grounds and a development of 58 residential units.

The proposals can be summarised as follows:

- The renovation and conversion of Neach Hill House into a hotel to 12 bedroom suites on the first and second floors, a bar, restaurant and bistro.
- The House Farm or 'Bottom Yard' agricultural buildings will have the one intact barn retained with the other previously converted barn replaced with a new building to house the reception, café and spa.
- The construction of a new 46-bedroom accommodation building designed around a courtyard.

- The reinstatement of the Walled Garden to its full height to provide accommodation to service events such as corporate days and weddings.
 - The construction of 58 residential units of 2, 3, 4, 5, and 6 bedroom houses for both open market and rental occupancy
 - The creation of a glamping area in the woodland at the northern edge of the site.
 - A new access from the residential area onto Long Lane.
- 1.3 The development has been put forwards as ‘enabling development’ which is a term used to describe development which would not otherwise be permitted unless its cross-subsidising conservation, repair or refurbishment of assets with heritage or community value.
- 1.4 The applicant undertook pre-application communications in 2020, although it is noted that the scale and design of the proposals and the information submitted has been revised significantly from that submitted as part of that process. As part of that process the applicant was advised that the principle of enabling development to ensure the longevity of a heritage asset may, in some circumstances, justify a departure from the Development Plan, in view of the location of the site in the Green Belt additional public benefit would need to be demonstrated of sufficient weight to outweigh the harm by reason of inappropriateness and any other harm resulting from the proposed development.
- 1.5 The applicant contends that the proposals seek as their primary aim to conserve and repair the much-damaged Grade II listed Neach Hill House and bring it, and its associated buildings, back into active use. They also contend that they seek to restore the associated “Pleasure Ground,” and that the designed landscape is a non-designated heritage asset and a key part of the setting of the listed structures. Additionally, they propose to carry out conservation works to the WWII remains on the site, which they contend are also a non-designated Heritage Asset and of potentially national significance.
- 1.6 The applicants’ consultants TDR Heritage have undertaken a programme of research and consultation with stakeholders to understand how the proposed development could frame and deliver a meaningful set of public benefits over and above that of restoring in perpetuity the heritage asset which is Neach Hill House and its surrounding landscape. The public benefits put forwards by the applicant include:
- that the restoration and preservation of the House and grounds would be of public value;

- 26th November 2024

Neach Hill

- that tourists who visit the RAF Museum and airshow would be interested in the House's WWII story and its links to aviation history; and
- that local higher education providers are interested in helping to facilitate skills and training opportunities linked to the restoration of the House and grounds.

1.7 The applicant submits that the following could be secured as part of the development:

- specific projects to understand more about the history of the site and the WWII remains,
- open days around the site;
- woodland management volunteering;
- construction apprenticeships and work experience; and
- the opportunity for local communities to be involved in the Estate.

1.8 Neach Hill House has existing access off both Neachly Lane and Long Lane, which also provide access to the adjacent buildings within its grounds. The information submitted with the application states that the Long Lane entrance would be reopened as the formal access to the hotel complex and a one-way system operated within the grounds for hotel guests and service vehicles, with hotel guests and service vehicles entering via the existing Long Lane access point and departing from a newly formed 5.5m wide simple priority access on Neachly Lane. The new western access would also cater for entrance to the day spa as well as the events parking area.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site lies within the open Green Belt countryside north of the RAF Cosford site and some 2.6km to the northwest of Albrighton and 3.5km southeast of Shifnal. The M54 lies approximately 2km to the north and Cosford station lies 2km to the south.

2.2 The extant structures and buildings on the site comprise six discrete elements: the principal building and rear servant's wings that principally dates to c. 1814 with some alteration and additions in the 1870s; a U-shaped coach house, seemingly unaltered since c.1814; a complex of outbuildings/farmyard, known as 'Bottom Yard' of late 19th century date, which has undergone substantial alteration and is now largely domestic; the walled garden complex of c.1814, that combines an essentially new dwelling with the remains of a 19th century Bothie; the remains of the WWII/post war structures that occupy the east and south parkland, and finally the lodge which sits at the end of the overgrown avenue.

2.3 These structures sit within the remains of a designed landscape that comprises a parkland to the south, a mile long tree-lined avenue, and a mature garden punctuated with specimen species, including Cedar of Lebanon and Copper Beech. The garden includes a coherent network of sunken, stone edged paths, a knoll, dingle, east and west lawns and a haha.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 This application was taken to the Agenda Setting Meeting where the Planning Services Manager in consultation with the Chairman agreed that it represented a complex/major application which should be determined by the Planning Committee.

4.0 Community Representations

Consultee Comment – Summaries: (Full details of the consultee and public responses may be viewed on the Councils Public Access System)

4.1 SC Conservation – Comment:

It is considered that the application is substantially deficient in providing appropriate supporting evidence, justification and assessment of the proposed enabling development, as detailed above, in line with policies, guidance and legislation as outlined above, in particular Historic England's Guidance on Enabling Development GPA4. The proposals are considered to cause harm to the character, fabric and setting of the listed building. This harm would be of a less than substantial nature but none the less significant. The impact upon the Green Belt is outside of the remit of conservation but it is noted that Paragraphs 84(b) and 214 of the NPPF are relevant, where the application has not provided adequate evidence that the proposals represent the optimum viable use of the heritage asset or an appropriate enabling development scheme with benefits that would outweigh the disbenefits of the departure from Green Belt policy.

4.2 SC Highways – Recommend Refusal

Notwithstanding the further supporting information, it is considered that the fundamental highway concerns have not been addressed. It is the view of the Highway Authority as submitted the supporting information and methodology used to support the development has not satisfactorily demonstrated that the approach roads, adjoining junction and access arrangements are satisfactory to cater for the likely traffic generated by the proposed development.

Notwithstanding, the above, it is considered that the movement of the associated vehicles to and from the site would be likely to result in conditions detrimental to highway safety. Shropshire Council as Local Highway Authority cannot support the proposed development at this time.

4.3 **SC Landscape (Consultant) – Comment:**

With the exception of users of National Cycle Route 81, a promoted recreational route which coincides with Neachley Lane to the immediate west of the Site, residents at Damsons, Linden House and a collection of properties which adjoin the site boundary to the north, there are no other sensitive visual receptors whose views may be affected by the Proposed Development. The Site does not lie within the Shropshire Hills National Landscape and whilst it is noted that it lies within the Green Belt, this is a planning as opposed to a landscape designation as confirmed in the Landscape Institute's Technical Information Note 01/21 (GLVIA webinar Q&As) and Draft Technical Guidance Note 05/23 Notes and Clarifications on aspects of the 3rd Edition Guidelines on Landscape and Visual Impact Assessment (GLVIA3). As such, compliance with Green Belt policy should be addressed separately to any landscape and visual considerations.

4.4 **SC Trees** – Recommend conditions, to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

Accept the professional judgement of the arboricultural consultants and scheme architects that trees can be adequately protected from undue damage during development, in accordance with the recommendations of BS5837: 2012; and that thereafter they can be maintained in a satisfactory condition without conflict with built structures, in accordance with good arboricultural practise as recommended in BS3998: 2010.

Irrespective of the foregoing recommendations, the Tree Removal and Tree Protection Plans will need updating to take account of (be based upon) the amended (final) Site Plans registered on 10th September 2024.

4.5 **SC Archaeology** – Recommend refusal.

- A Level 1 survey of the Second World War remains associated with RAF Cosford should be submitted prior to any determination of this planning application in accordance with National Planning Policy Framework (NPPF) Section 200 (December 2023) and Policy MD13 of the SAMDev component of the Shropshire Local Plan.
- The archaeological evaluation, as recommended in our previous comments of 4 March 2024, could be completed post-determination of any planning permission.
- In respect of my former colleague's pre-application advice, which indicated that the archaeological investigations could form a condition of any planning consent granted, that this was subject to the results of the final Heritage Statement and Archaeological Desk-Based Assessment [HS-ADBA] (TDR, December 2023).

- 26th November 2024

Neach Hill

- 4.6 **SC Ecology** – Recommend conditions and informatives to ensure the protection of wildlife and to provide enhancements under NPPF, policy CS17 and MD12.

Advise that the scheme will also require a European Protected Species License (Bats) and therefore completion of the three tests.

Public Comments

- 4.7 **Donington with Boscobel Parish Council - Objects**

The Parish Council does not object to the development and conversion of the Grade II listed house into a hotel with a 46-bedroom block but does object to the 58 residential units as it considers it an unacceptable development in the Green Belt when there other local non-Green Belt is available. A lack of detail concerning infrastructure and accessibility have influenced its views.

- 4.8 **Tong Parish Council – Objects**

Whilst the application is not in Tong Parish it adjoins part of the Parish and as such we feel the residents of Tong would be greatly affected. Further, the proposal is not in Shropshire Council's Local Plan and does not comply with the Shropshire Council Green Belt policy. We feel the proposal to build 58 houses on prime Green Belt land is a decision far too onerous for an Officer of Shropshire Council to be expected to make and therefore request it be referred to the Southern Planning Committee for determination.

- 4.9 **Tong Parish Council – Objects (29.01.2024)**

Whilst not within Tong Parish the proposals would generate access traffic on Long Lane and Neachley Lane- both are prone to flooding and single track in part. 50% of Neachley Lane lies within Tong Parish.

The Hotel access is next to the entrance to an Industrial Estate and already the verges are almost totally destroyed by the size and volume of traffic.

The Green Belt acts as a buffer zone between Shifnal and Albrighton and must be protected from the development of 58 houses.

There have been 30 representations received objecting to the application which may be viewed in full on the Councils web site, summary below:

- Insufficient justification for significant development in the Green Belt – contrary to GB policy
- Enabling development is not designed to provide funding for owners who have neglected in their duty to maintain their listed building.
- Unsustainable location.

- Both Neachley Lane and Long Lane are narrow and single track in places, excessive speed and flooding is an existing issue. No street lighting or footpaths. Use as a “rat-run”.
- An Arboricultural Impact Assessment should be undertaken. Given the significance of the extent of trees on the site determination of the application without one would be premature.
- The restoration of the listed building and viable commercial use cannot in itself be an excuse for residential development not to be mitigated in other respects, for example impacts on social infrastructure and services. It is entirely inappropriate therefore for the application not to include affordable housing and to avoid Community Infrastructure Levy.
- The purported public benefits are overstated.
- No detail on public access to the parkland, which should be permanent and free.
- The historical and cultural benefits are minor and not what might be expected of any developer meaningfully engaging with its local community.
- The other socio-economic benefits are derisory and short lived.
- There should be commitments to local jobs in the operational phase of the development including employment and training opportunities.
- The residential development appears more suburban twee than 'model village' and offers little in the way of innovation or of sufficient consideration of local vernacular.
- The applicants' highways consultant should undertake monitoring rather than modelling which would reveal that the baseline assessment modelling of 1 - 2 vehicles every minute before the development to overly simplified. Whilst Neachley Lane and Long Lane are quiet much of the time there are distinct peak times (typically for civilian staff starting and leaving work at RAF Cosford where Long Lane and Neachley Lane are

used to arrive at the main gate on a left turn-in thereby shortcutting the queue to turn in right off Worcester Road.

- Much of the Long Lane hedgerow would need removing. If so, although the application was submitted before the BNG legislation came into force, nevertheless there should be a recommendation that the BNG metric is still applied.
- It is unrealistic to think that hotel guests and event attendees would choose to use public transport given the frequency of the services and length/difficulty of the walk along single-track unlit lanes with no footways and soft verges.
- Neachley Lane is part of National Cycle Route 81 which is regularly used by cyclists, pedestrians, dog walkers and joggers. The increased traffic would also affect the safety of these users, as well as create 'queued traffic areas' due to being unable to safely pass in a vehicle because of single lane width.
- In respect of noise/amenity request control of hours to 10.30pm based on rural location and proximity of residential receptors.
- Concern about loss of residential amenity for the occupiers of the existing dwellings which lie adjacent the entrance from vehicles lights and noise/disturbance.
- Increasing the number of people to the area would create interest from a criminal activity perspective, enticing burglaries from opportunist thieves or even anti-social behaviour that would negatively impact the area.
- Despite what is stated in the submission there has been no pre-application consultation with the local residents.
- Noise Consultants review applicants' submission (WBM Acoustic Consultants) – dated 18.06.2024. Summary / Conclusion
- WBM recommends that an objection be maintained to this application on the basis that detailed information about the significant design alteration (relocated dancefloor), along with the associated implications on cooling / ventilation building services and HVAC plant, has not been provided or

assessed. Information about the proposed relocated dancefloor, along with an updated noise assessment, must be provided so the proposed application can be adequately considered by the Local Authority.

- In addition, further information should be presented as to how use of the car park would be restricted at night, and a noise assessment provided for the day/evening use.

5.0 THE MAIN ISSUES

- Whether the proposal would amount to inappropriate development in the Green Belt;
- Principle – Housing Development
- The effect of the proposal on the openness of the Green Belt and the purposes of including land within it;
- Whether the proposal would preserve the special architectural and historic interest of the Heritage Assets and their setting, and whether the enabling development is justified.
- Public Benefits
- Visual impact and landscaping
- Access Arrangements/Impact on the highway network/safety
- Very Special Circumstances /Enabling Development/Planning Balance
- Design/Layout and Appearance – Residential Scheme
- Residential Amenity – Noise/disturbance
- Ecology

6.0 OFFICER APPRAISAL

- 6.1 Whether the proposal would amount to inappropriate development in the Green Belt**
- 6.1.1 The NPPF states that inappropriate development in the Green Belt is by definition harmful and should not be permitted except in very special circumstances. In principle, the conversion of the House to a hotel is consistent with paragraph 155 of the Framework concerning the re-use of buildings in the Green Belt provided that the buildings are of permanent and substantial construction. Paragraph 154 refers to the extension of buildings in the Green Belt and says these might not be inappropriate, provided it does not result in disproportionate additions over and above the size of the original building.
- 6.1.2 Officers consider that the proposed extension to the House to create the female WCs would not represent a disproportionate addition, however the extent of the reinstatement works are unclear.
- 6.1.3 In the light of the above, Officers conclude that the proposed extensions to the House would not represent a disproportionate addition compared to its existing size. However, there are issues with respect to the amount of structural intervention which would be required or exactly how much of the historic fabric would be retained as this is by no means certain and indeed whether the building is capable of the re-use without significant new build works which would amount to a re-build.
- 6.1.4 Turning to the proposed conversion of the Coach House to provide additional guest accommodation. Whilst the proposal involves no extensions to facilitate the use as proposed it is unclear from the information submitted with the application as to whether the building is capable of conversion or indeed whether the building is capable of the re-use without significant new build works which would amount to a re-build.
- 6.1.5 With respect to development of the Home Farm barns this involves retaining an existing built structure as a small part of the proposed Spa Hotel. Again, limited information has been submitted with respect to the amount of structural intervention which would be required or exactly how much of the historic fabric would be retained, however it is clear that the quantum of development proposed in order to implement this aspect of the scheme would in itself amount to disproportionate additions which would represent inappropriate development in the Green Belt.
- 6.1.6 Turning to the proposed development within the walled garden area of the site. The scheme proposes that the walls of the garden are to be reinstated and repaired to line through with the highest part (approximately 5 metres) of the existing wall along its northern boundary. This wall incorporates a two-storey dwelling, known as the Bothie, which is currently occupied as a separate dwelling. The Bothie and walled garden has been used in connection with a dog

breeding business which is currently being reduced/wound down, in accordance with application 24/00864/FUL.

- 6.1.7 Additionally, development within the walled garden area includes the erection of single storey structures following the removal of the existing lean-to structure and sheds to provide accommodation to service an events space, including office, kitchen and associated storage, guest facilities, indoor events space and staff accommodation. The information submitted also indicates that the open space within the walled garden would be filled by marquees. The proposed development within the walled garden area would, whilst contained within the walled garden, lead to erode the spatial qualities of the Green Belt within the space and result in significantly more activity than currently experienced in this part of the Green Belt. As such this aspect of the proposals would not preserve the openness of the Green Belt.
- 6.1.8 Furthermore, the Framework indicates that new buildings in the Green Belt should be regarded as inappropriate development unless they fall within one of the exceptions listed in paragraph 154. Accordingly, the construction of a new 46-bedroom accommodation building associated with the hotel use and the residential development of 58 houses constitutes inappropriate development in the Green Belt.
- 6.1.9 Whilst it is acknowledged that paragraph 154 (g) of the Framework states that the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), would represent appropriate development in Green Belt terms, this is caveated by the requirements for it to not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 6.1.9 Overall, the proposed development, when taken as a whole, constitutes inappropriate development and must be treated as such. Paragraphs 152-153 of the Framework explain that inappropriate development is, by definition, harmful to the Green Belt. It is therefore necessary to consider whether any other harm would be caused by the proposal, and then balance the other considerations against the totality of that harm.
- 6.2 Principle – Housing Development**
- 6.2.1 The site is located outside of any settlement which is appropriate for new housing development and so would be contrary to the Council's Housing Strategy as defined in the adopted Core Strategy and Site Allocation and Management of Development Plan (SAMDev).

- 26th November 2024

Neach Hill

6.2.3 Neachley is not identified as a Community Hub or indeed a settlement which is part of a Community Cluster and is therefore countryside for development management purposes where Core Strategy policy CS5 and, SAMDev policy MD6 and MD7a applies. These policies strictly control new market housing with the Green Belt Policy MD6 providing an additional policy layer that reflects the extra protection afforded to Green Belts. This aligns with the NPPF.

6.2.4 The scheme includes the erection of 58 residential units for both open market and market rental occupancy in a location which does not conform with the Councils Housing Strategy and conflicts with the policies associated with its Green Belt designation representing inappropriate development by definition and harming the openness of the Green Belt in this location.

6.3 The effect of the proposals on the openness of the Green Belt and the purposes of including land within it.

6.3.1 The NPPF makes it clear that the essential characteristic of Green Belts is their openness and permanence, so any reduction in these characteristics would be harmful.

6.3.2 The new dwellings and new hotel accommodation building would occupy a currently undeveloped area and would lead to a loss of openness in this part of the Green Belt. A further reduction in openness would arise from the extensions to the listed buildings/structures and the proposed glamping pods and associated facilities. Openness means freedom from development and is only partly concerned with visibility. Whilst the hotel development would be screened to some extent from public viewpoints the residential development would be readily visible from the public highway. The overall scheme would also lead to significantly more activity on the site than its current lawful use. Having regards also to the context of the surrounding development, which includes the historic large houses of Ruckley Grange, Tong Lodge and several isolated farms and dwellings, the M54 and the large buildings that are part of RAF Cosford and the RAF museum, Officers remain of the view that the development would represent a significant reduction in openness which must be given significant weight in the final balance.

6.3.3 Turning to the purposes of the Green Belt. The NPPF sets out the five purposes of the Green Belt as:

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

6.3.4 This site has been identified as making no contribution to this purpose as it does not lie adjacent to a large built-up area. Furthermore, the site would not relate to urban regeneration, therefore makes no contribution to purpose (a) and (e). It is also acknowledged that the development would not form part of the immediate setting of a historic town and as such would not conflict with purpose (d). However, the development would erode the openness of the site and in that regard lead to the perception that the westward growth of Cosford is narrowing the gap between Albrighton and Shifnal (as acknowledged in the Green Belt review document – Local Plan Examination 2018). As such harming purpose (b) and encroaching into the countryside, thus harming purpose (c).

6.3.5 **Glamping Pods**
As noted above the scheme includes the creation of a glamping area, to include 17 pods in the woodland at the northern edge of the site as part of the enabling scheme. Such development conflicts with Green Belt policy and in isolation the benefits of this element to the local tourism industry and economy scheme are minor and do not amount to 'very special circumstances' necessary to justify inappropriate development within the greenbelt.

6.4 Whether the proposal would preserve the special architectural and historic interest of the Heritage Assets and their setting, and whether the enabling development is justified.

6.4.1 Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) say that in considering whether to grant listed building consent for any works, special regard shall be paid to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

6.4.2 Paragraph 205 of the Framework says great weight should be given to the conservation of a heritage asset, and any harm to their significance should require clear and convincing justification. Significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting, and as heritage assets are irreplaceable any harm or loss should require clear and convincing justification. Development Plan policies CS6, CS17, MD2, MD13 reflect the statutory test in the Act and national policy in the Framework.

6.4.3 The application has been submitted on the grounds that unless it is cross-subsidised the conservation and repair or refurbishment of assets with conservation or community value would not otherwise occur.

6.4.4 There is limited specific guidance in the NPPF on enabling development, although it is evident that finding the optimal viable use of a heritage asset and securing its future may represent material considerations of significant weight and that Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning

policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies (paragraphs 84(b) and 214) . In addition, the NPPF (para.202) makes it clear that *where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.*

- 6.4.5 A useful tool against which to consider proposals is Historic England's 'Enabling Development and Heritage Assets' guidance. This makes it clear that heritage assets are irreplaceable and should be conserved in a manner appropriate to their significance, and that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Furthermore, proposals involving substantial harm to a designated heritage asset should be refused, unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh that harm, or a range of tests apply, including consideration of issues such as use and funding.

Significance - Neach Hill House

- 6.4.8 Neach Hill is a Grade II listed building described as follows:
'Country house, now partly used as antique showrooms. Circa 1830-40. Stucco; first floor sill band, corner pilasters reeded with central staff moulding, low pitched hipped slate roof with wide spreading eaves and moulded cornice projecting at the corners; two central axial ridge stacks, integral lateral stacks to left and right.

Three storeys; five architraved glazing bar sash windows, reduced proportions to top floor, blind to two right hand bays; French windows to left of central C20 door under Greek Doric porch with coupled columns and recessed niches. Right-hand return of two storeys as are the two right hand bays of the main façade internally.'

- 6.4.9 The Statement of Significance (SOS) states:
'Although a number of features have been stolen or damaged, the condition of the Main House does not diminish this significance and there is considerable potential for the reinstatement of lost features from further historic building and landscape archaeological investigation...In terms of architectural value, the principal building (and attached servants wings) are significant as a good example of a country gentleman's classically designed residence of the early 19th century which, although adapted and augmented in the 1870s, has remained largely unaltered'.

- 6.4.10 Conversely it also states:

'Its significance is impacted by the level of dereliction that has occurred, especially the substantial loss of the roof and many of the internal fixtures and fittings in the primary rooms.'

- 6.4.11 The Heritage Impact Assessment (HIA) states:
'Since 2014, the principal building has been vacant and is in 'very bad' condition following a period of illegal rave parties, fires, and being stripped of saleable assets, including its slates and roofing lead. The coach house is stable but is vacant and in 'poor' repair, but most of the other associated structures on the site have been much altered or damaged, with significant loss of historic fabric and character.'

'whilst many of the most significant fixtures and fittings, such as door surrounds, fireplaces and mantelpieces, have been lost, especially in the high-status ground floor rooms, considerable evidence for internal decoration of the principal rooms appears to remain. The drawing room, for example, has retained its original classical frieze, panelling and dado rail, together with the profile of the door pediment. The physical evidence suggests that much of the interior remained largely contemporary with the original construction of the building in the early 1800s.'

'For safety reasons, the building is currently inaccessible. However, limited internal photographs of the property provide some evidence for the interiors of the rooms and circulation spaces.'

- 6.4.12 The submitted Statement of Significance (SOS) dated March 2021 is 3 years out of date, and appears to be based on limited photos of the interior of the building of a much earlier date. The Heritage Impact Assessment (HIA) dated December 2023 uses photos from a variety of dates, some not indicated, the two internal photos used are labelled 2022 but appear to be inaccurately dated and are in fact of a much earlier date, the report gives a clear indication that no internal assessment has been made for health and safety reasons ('The principal building and wings cannot currently be accessed and the extent to which the internal (and some external) fabric remains intact is not known'.) It can be seen in the 2020 video, referenced below, that the elements of interior features mentioned as surviving are even at that time more deteriorated than stated in the SOS (2021) and HIA (2023). Considering the extensive further damage that has occurred to the building in this time, (as shown in the 2023 video), it is considered that the submitted reports do not reflect an accurate assessment of the current condition and significance of the listed building. It is therefore considered that the findings of the SOS and HIA cannot be fully evidenced.
- 6.4.13 The significance of Neach Hill is primarily derived from its architectural and historic interest as a Regency country house with attached servants' quarters. Due to the current dilapidated state of the principle listed building and lack of structural survey data, it is not possible to fully quantify remaining historic fabric

and therefore accurately assess the significance of the structure. Clearly in their original form the designed buildings were an example of early 19th century Regency architecture and provided architectural and historic interest in that regard. However, the loss of and damage to historic fabric has diminished the architectural and historic interest of the listed buildings, particularly the main house but also other curtilage listed structures.

- 6.4.14 The building retains some significance as a façade, currently retaining some primary external architectural features such as; sill band, corner pilasters, moulded cornice projecting at the corners (somewhat degraded/failing in places) and Greek Doric porch with coupled columns with recessed niches. It is unclear the condition of the remaining chimney stacks. Windows and doors appear to be lost or severely damaged but the openings remain legible. However, the longevity of these remaining external features is currently unclear due to the lack of structural survey.
- 6.4.15 It appears there may be little of the original internal fabric to preserve in terms of its decorative, architectural or historic interest therefore the evidence of special architectural and historic interest that led to the building being listed has been diminished.
- 6.4.16 In relation to the impact of the proposals the HIA concludes: *'the proposals to carry out the full restoration of the House and create new accommodation in the Coach House involve relatively little alteration to their historic fabric or appearance and will retain their historic character.'* It is unclear how this conclusion has been reached based on the current condition of the building and the level of rebuilding and reconstruction that would be required, but as referenced above it appears this assessment has not been based on up-to-date evidence.
- 6.4.17 The architect refers to the evidence of internal features to be retained, however, the financial appraisal provided makes reference to removal of ceilings, removal of wall plaster, removal of boarded floors and joists etc. The Quantity Surveyor also states: *'It has not been possible to determine the extent (if any) of salvageable roof timbers or feature plasterwork which has survived'*.
- 6.4.18 The submitted financial appraisal refers to a number of areas of removal of fabric, which indicates that even if there is any survival of these features there is clear understanding that they will be beyond repair.
- Remove plaster ceilings;
 - Remove wall plaster;
 - Remove timber boarded floors including joists;
 - Remove timber stair (ground to first floor) west wing;
 - Replace timber floor plate (ground floor)
 - Replace lintels

- 6.4.19 There is currently considered to be a lack of up-to-date structural survey of the existing buildings and surviving internal fabric to accurately assess and determine the impact the proposals will have upon the significance of the listed buildings. However, given the video evidence from 2023, the level of survival of historic fabric within the main house is limited. The collapse of the roof is now so extensive it appears to have led to the collapse of a substantial proportion of the internal floors and ceilings. Deterioration appears to have continued apace since the photos and drone survey provided in the application submission, with further decay and collapse likely being accelerated by water ingress, there appears to be evidence of widespread damp penetration and fungal growth. Whilst the shell of the building appears to be relatively intact, there is concern regarding saturation of the masonry, loss of lateral restraint and potential for further collapse of structural elements. There is concern regarding the level of structural intervention required to facilitate the proposed new use and the amount of historic fabric remaining internally. Some limited evidence may exist to produce replicas of historic features and architectural details, however, where there has been such neglect, collapse and dilapidation there is likely to be a point reached where there is more new work than original, which would not represent the appropriate conservation of the listed building but essentially a facsimile reconstruction, particularly in relation to internal fabric, architectural and decorative features, walls, floors and roof structure. In this regard Historic England Enabling Development Guidance states: *'Sometimes a heritage asset will have deteriorated so much that its full repair would involve substantial and possibly speculative reconstruction that may even harm the significance of what remains. The effect of the repairs on the asset's significance will need to be understood using the usual NPPF criteria (Chapter 16), before making a balanced judgment about the merits of enabling development.'*
- 6.4.20 Officers also conclude that the HIA underestimates the impact of the proposals upon the listed building and its setting. Of note is the substantial development proposed for the spa and hotel facilities within the immediate setting of the listed building, where the HIA concludes this would result in a relatively low impact upon the setting of the listed building. The overall scale of the proposed new buildings is extensive, appearing more than 3 times the footprint of the existing listed building. It is also noted that significant development within the walled garden will substantially reduce the inherent character and legibility of this area and the HIA appears to underestimate the impact of this. The HIA also states: *'The siting of the model village development has some impact on the designed landscape and historic buildings in terms of how they are experienced or understood in the context of their wider environment, however overall this impact is less than substantial.'* The HIA is lacking in any photomontage/visual impact assessment to evidence its conclusions in relation to setting impacts.
- 6.4.21 Taking the above into account paragraph 19 of GPA 4 is of relevance stating that: *'Ideally enabling development would not harm the heritage asset it is intended to conserve. In some circumstances it may be necessary to accept*

some harm if there are no reasonable alternative means of delivering or designing the scheme with less or no harm. As stated in paragraph 202 of the NPPF, local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies. Clearly there could be a tipping point at which the harm to the heritage asset's significance is so great as to make the exercise of securing its future self-defeating. It might then be better to accept the risk of further decay or loss until circumstances change.'

- 6.4.22 The proposed alterations to the listed building combined with uncertainty in relation to the amount of historic fabric remaining, the impact of the proposed new hotel and spa complex and new housing development would cumulatively fail to preserve the significance of the listed building.
- 6.4.23 **Significance - Coach House**
The coach house is a u-shaped building of brick with a hipped slate roof, some areas in a parlous state and having been recovered in asbestos sheeting. The coach house was an important part of the historic functioning of a country house and as such would hold historic and architectural interest. The building is noted to be in a 'poor' state of repair. There is no available structural survey information to understand whether the building is capable of conversion and reuse without substantial alteration. The scheme proposes the insertion of a second floor within the structure, it has not been fully evidenced how this will impact upon the existing fabric of the structure, particularly in relation to structural roof timbers and junctions at window and door openings. The proposed new hotel and spa building will dominate the setting of the coach house and therefore alter its historic setting and legibility in that regard.
- 6.4.24 **Significance – Bothy and Walled Garden**
The bothy was converted and heavily extended in the late 20th century more than doubling the existing footprint. The building looks to retain little historic fabric or character this has reduced the structures heritage significance, where it predominantly appears as a modern structure. The walled garden is not a fully extant structure but in fact less than 50% intact as confirmed in the HIA which also states: '*little of the walls remain and no evidence of distinguishing design features such as a central fountain are visible.*' There may be some benefits to repairing the remaining historic fabric, however there is concern with the amount of new work which may amount in reality to a facsimile reconstruction. The introduction of permanent and substantial semi permanent new structures within an historic walled garden would generally be considered inappropriate and harmful to the original character and open nature of this type of asset.
- 6.4.25 **Significance – Bottom Yard**
The site also includes later agricultural buildings known as Bottom Yard which reveal some further historic interest in plan form but have been very heavily

adapted and extended. The farmstead can be seen on 1st and 2nd edition OS mapping as a Full Regular Courtyard. The east range has been raised in height in the 20th century and the west range has been very heavily altered and now appears wholly domestic in character, with extensions and domestic garden area and boundary treatments within the former courtyard space. Structures to the north and south of the courtyard are either wholly lost or truncated. The essential form of the courtyard is still legible on a basic level, but the significance has been heavily impacted by the 20th century development. It is proposed to demolish the west range and retain and convert the east range to form part of the new hotel and spa building. Due to the heavily altered nature of the east range its historic significance has been substantially lost and the legibility of the farmstead has been diminished. The removal of this structure does not represent a significant loss of historic fabric but would result in the loss of the courtyard form. The new structures proposed in this location would be of an overwhelming scale that would dwarf the retained east range and remove any remnant legibility of the former farmstead courtyard.

6.4.26 **Significance – Parkland**

The landscape setting is thought to have been laid out sometime after the house and developed in the later 19th century with significant designed views to the south and east, although now overgrown some landscape features remain. Whilst the designed landscapes setting contributes to the overall artistic and historic interest of the listed complex, the current deteriorated state of the gardens does diminish this significance to some extent. The restoration of the landscaped gardens around the listed building would have a positive impact upon the setting of the listed building.

6.4.27 **Significance - WWII remains**

The site also has historic interest due to its use as a military depot during the World War II. These remains may have archaeological and historic interest, although not fully assessed and quantified at this stage. The HIA states: '*Further research is needed to establish if there is a correlation between the physical remains, which correspond with features shown on the 1965 maps, and the barrack buildings identified on a composite map of RAF Cosford's development (Francis, 2012)*'.

6.4.28 The Statement of Significance in the HS-ADBA (pages 33 and 34) has established that the Second World War remains, in east and south park areas, are of high historic and evidential (archaeological) value associated with their relationship to RAF Cosford and its role in the war. Whilst the HS-ADBA principally discusses the heritage significance of the upstanding surviving remains (brick-built bunkers), the potential for other structures associated with RAF Cosford's role during the Second World War to survive (either wholly or in part), and their heritage significance, has not yet been determined. The legible remains of any such structures could also contribute to the historic and evidential value of RAF Cosford's role in the Second World War. A conclusive

- 26th November 2024

Neach Hill

assessment of the survival and condition of these assets will determine an appropriate mitigation strategy.

- 6.4.29 The Councils Archaeological Advisor recommends that a Level 1 survey would be sufficient to determine the extent, condition, and survival of any such remains which would then allow for an appropriate mitigation strategy to be devised. This could include preservation, particularly where their survival contributes to the heritage significance of the wider site as well as the public benefit aims of the application, and/or archaeological recording prior to their removal. It is noted that a comparison of AM Drawing 4244/44 (an extract from fig 2 from Francis P 2011), suggests that the footprint of the expected buildings in the east park and south park extend across most of the proposed glamping area and the proposed hotel car park. Until the nature of any remains present can be determined, an assessment of the impact of development upon the heritage value of these assets cannot be satisfactorily determined.
- 6.4.30 It is acknowledged that the site conditions are not currently conducive for a Level 1 survey to be undertaken, however SC Archaeology recommend that a targeted Level 1 survey be completed, which focuses upon the area of the proposed glamping and the proposed hotel car park, and that it may be necessary to undertake the survey during the winter months when the vegetation has died back, and where targeted vegetation clearance could be undertaken, subject to ecological advice.
- 6.4.31 Initially the SC Archaeological Advisor recommended that a geophysical survey (magnetometry) was required prior to the determination of the application. However, after further consideration and whilst noting that the submitted HS-ADBA does not assess the potential for encountering currently unknown pre-19th century archaeological remains, notably on the site of the proposed residential development, SC Archaeology accept that the potential for currently unknown archaeological remains of high significance is likely to be low. In view of this, it is considered that a programme of archaeological works pertaining to the proposed residential development component of the application could be made a condition of any planning permission. Phase 1 of this programme of archaeological works should comprise a field evaluation of the proposed residential development site prior to construction commencing. The evaluation should comprise a geophysical survey followed by targeted trial trenching. The results of this phased evaluation would determine the need for and scope of an archaeological mitigation strategy, if deemed necessary.
- 6.4.32 **Impact of the new development - New hotel and spa block**
The footprint of the proposed new hotel and spa block is sprawling and approximately more than 3 times that of the existing listed buildings. The introduction of a new building of this scale within the curtilage of Neach Hill will undoubtedly impact upon the setting and significance of the listed and curtilage listed buildings. Topography and existing vegetation would go some way to

minimising intervisibility between the new structure and the main listed building, but setting is not simply a matter of visibility but rather the change to the historic context and relationship of this part of the site with the main listed house. It is acknowledged that the former farmstead is heavily altered which has diminished its legibility, however the new hotel and spa block will result in the loss the historic farmstead form and the historic relationship between this and the listed building will be severed.

6.4.33 The HIA concludes that *'In design terms, the new Spa building has made use of topography to minimise the impact on the principal building and coach house and its scale, massing and use of materials are in keeping with the site and its context and overall, it has the appearance of being subservient to the historic buildings'*. It is unclear how a structure 3 times the size can be determined to be subservient. The HIA does not include photo montages or viewpoints to evidence its conclusions.

6.4.34 There appears to be some reliance on existing vegetation for screening the new hotel and spa block development from the main listed house, however it is not considered best practice to rely on vegetation as a means of screening to mitigate harms caused to the setting of listed buildings, as the level of screening will alter depending on the time of year but also there may be limited control to retain the existing level of planting, particularly where this has been unmanaged as is the case here and may not represent planting with any significant longevity. Historic England guidance on the Setting of Heritage Assets is relevant in this regard and states: *'This should take account of local landscape character and seasonal and diurnal effects, such as changes to foliage and lighting. The permanence or longevity of screening in relation to the effect on the setting also requires consideration. Ephemeral features, such as hoardings, may be removed or changed during the duration of the development, as may woodland or hedgerows, unless they enjoy statutory protection. Management measures secured by legal agreements may be helpful in securing the long-term effect of screening.'* Therefore, there is some caution regarding relying on existing vegetation to provide screening in perpetuity.

6.4.35 **Impact of the new development - Construction of 58 residential dwellings**

Historically it is believed the main elevation of Neach Hill benefitted from designed views within the parkland landscape to and from the South. Whilst there are currently still some glimpsed views of Neach Hill from Long Lane, the landscape design intention is to restore these views to their historic design. The landscape statement states: *'The main house is only just visible from the southern boundaries through the trees and hedgerows. Undoubtedly the original design intention was to allow the house to be viewed from the south over the ha-ha and to afford uninterrupted views out therefrom. Views we seek to restore'*. However, the proposed new residential development will conflict with these

restored designed views to and from the listed building and will therefore be harmful in that regard.

6.4.36 In relation to the setting of heritage assets the HIA does not appear to have assessed the impact of the proposed new housing development on the Grade II listed Fulton Block lying directly opposite the site.

6.4.37 As noted at pre application stage the proposed housing would consist of 'less than substantial harm' on the upper end of the scale (as defined under paragraph 202 of the NPPF) as it would irreversibly affect the historic curtilage of the listed building where it would lie adjacent to the former principal entrance to the historic estate.

6.4.38 **Viability – Conservation Deficit**

The supporting documents state that if only the House were to be repaired and returned to its current use as a dwelling there would be a “conservation deficit” of £4,304,966. However, if the House is converted into the proposed hotel/leisure complex and 58 dwellings are constructed and sold/rented then there is an estimated surplus of £21,552 (which would not include any allowance for developers profit). It is also stated that the scheme would not be viable if it were to require affordable housing in accordance with the Councils policies or indeed a CIL financial contribution.

6.4.39 Whilst costings have been provided, there is a lack of evidence base for these costings, particularly in relation to the listed and curtilage listed structures, as no structural survey has been provided. It is noted that the architects themselves have undertaken a visual assessment of condition from the exterior of the building and using drone footage, however, no such condition survey has been submitted. It is queried when this condition survey was undertaken as the drone survey is dated to March 2021 and there has clearly been significant further structural failure in the intervening 3 years.

6.4.40 During the course of the application it has come to the attention of Officers that the building has been accessed by urban explorers, most recently in 2023 (<https://www.youtube.com/watch?v=QYCWA2PncU>) and 2020 (Chaos Manor // Shropshire // Now Derelict and Dangerous// Abandoned Places UK // ADTV - YouTube), where video evidence shows the condition of the building to be notably worse than that shown in the application documents and photos.

6.4.41 The application does not include any indication that the current structural integrity of the listed and curtilage listed buildings has been assessed by an appropriately qualified structural engineer, which is necessary given the condition of the buildings. A structural survey should be undertaken by a CARE accredited structural engineer and without this evidence the application is considered deficient.

6.4.42 Market Testing

The applicant contends that sufficient market analysis was carried out by engaging a local residential and commercial property company to assess the potential of the site, however all these options were found to be financially unsustainable and/or would cause harm to the Historic Asset. Furthermore the value of a single dwelling would lead to a substantial shortfall and there was no market for an apartment scheme or offices. The applicant also contends that, based on the Agents experience, a Trust would not be able to raise the funding required to restore the building without considerable external funding / Grant Aid or Enabling Development and that it is unlikely that the Trust would be able to get a sufficient return in order to ensure its long-term viability.

6.4.43 Historic England's guidance however requires clear evidence of market testing and exploration of other ownership options to have been undertaken and that this is not simply a valuation exercise but a marketing exercise.

6.4.44 Enabling development guidance is clear that market testing is a key primary step in the process - Flow chart - [historicengland.org.uk Flow chart - Initial key questions for establishing whether Enabling Development is appropriate before taking further action.](https://historicengland.org.uk/flow-chart-initial-key-questions-for-establishing-whether-enabling-development-is-appropriate-before-taking-further-action/)

6.4.45 Historic England Enabling Development Guidance gives clear advice on this issue:

'Enabling development is generally a solution of last resort and a new owner might be willing to approach the conservation deficit issue from a different perspective without the need for enabling development. This is not simply a valuation but a marketing exercise.'

6.4.46 *'It is not in the public interest to pursue enabling development if there are alternative means of delivering the same outcome for the heritage asset, such as other sources of public or private investment. It is an inherently inefficient way of raising money for the conservation of heritage assets, because it is likely that only a small percentage of the value of the new development is put towards the repairs and maintenance – the other percentage going on the costs of the enabling development.'*

6.4.47 *'It is often sensible to begin market testing early on in the process as the applicant will need to demonstrate that the asset was genuinely available for sale on the open market (see paragraphs 49 and 50 of Historic England's Good Practice Advice in Planning note 2: Managing Significance in Decision-Taking in the Historic Environment).'*

6.4.48 *'Market testing may be required to explore the possibility of different owners and/or different uses providing an alternative means of securing the heritage asset's future conservation. Whilst market experts can provide an insight into*

the likelihood of an alternative owner being found, which may be useful at an initial feasibility stage only proper and appropriate marketing can prove whether there is or is not a real purchaser who would be prepared to acquire the asset and secure its future conservation without requiring enabling development or at least a scheme with a less adverse impact. This does take time and effort but given the potentially significant and permanent adverse impacts of enabling development, the local planning authority may take the view it is worth being patient and painstaking in efforts to reduce or avoid enabling development altogether.'

6.4.49 Planning Practice Guidance states: '*Appropriate marketing is required to demonstrate that a heritage asset has no viable use in the circumstances set out in paragraph 195b of the National Planning Policy Framework. The aim of such marketing is to reach potential buyers who may be willing to find a viable use for the site that still provides for its conservation to some degree. If such a purchaser comes forward, there is no obligation to sell to them, but it will not have been demonstrated that the heritage asset has no viable use.'*

6.4.50 In the light of the above, the property is required to have been offered on the open market at an early stage of the enabling development process, which does not appear to have happened here. As such the application is therefore currently deficient in appropriate evidence of active marketing.

6.5 Public Benefits

6.5.1 In addition to the benefits to the historic environment put forwards by the applicant the supporting information includes an assessment of the benefits the proposed development could provide to the local community. The assessment identifies a range of activities proposed to be delivered as part of the development, arranged around three key themes relevant to the Neach Hill Estate heritage story and delivered during the construction and 'opening' phases. These activities include two specific projects to understand more about the history of the site and the WW2 remains, a WW2 shelter experience; interpretative displays and panels; Parkland waymarking; Open Days and Hard hat tours; Woodland management volunteering; Construction apprenticeships, work experience taster placements and Heritage construction skills masterclasses and the opportunity for local communities to hire space in a Nissan Hut.

6.5.2 These benefits are proposed to be delivered in two time periods, short term activities, which would take place during capital works delivery, an assumed period of 3 years and medium-term activities, which would take place in the 3 years after the hotel complex opens. This is proposed to then be reviewed at the end of year 3 in order to reflect on interest and uptake and refresh the public benefit package.

- 26th November 2024

Neach Hill

6.5.3 The proposed community and educational benefits put forwards whilst commendable are not directly related to planning and can be given only minimal weight in the determination of the application.

6.6 Visual impact and landscaping

6.6.1 The trees and woodland at the development site and across the wider Neach Hill House estate have remained largely unmanaged for many decades. The Councils Tree Officer advises that whilst some trees are in sound condition, (including the core historic trees at The Dingle and the sunken path serving it, and the lime avenue on the main drive up to the house) some decline in tree condition and mortality is evident in parts of the existing tree cohort. Large areas of self-set tree and woody shrub colonisation (sycamore, laurel, bamboo etc.) are also evident around buildings and across the wider site.

6.6.2 There are two Tree Preservation Orders (TPOs) in place at or near Neach Hill House. The principal TPO is the 1983 Bridgnorth District Neach Hill TPO which covers the Dingle, main house gardens and landscape setting and Lime Avenue. A 2022 TPO covers trees on adjacent private land at Linden House, a single lime close to the house and a line or avenue of hornbeam parallel to the driveway of the property.

6.6.3 The supporting documents submitted with this application includes a high-level landscape and visual baseline appraisal of the wider Neach Hill House estate, Appendix B: Landscape Proposals, together with an analysis of the historic landscape and proposed landscape masterplan. The applicant was requested to submit a BS5837 compliant tree survey and Arboricultural Impact Assessment for those trees potentially affected by the demolition or construction work, or installation of new utilities or drainage infrastructure.

6.6.4 In response to this a document (Appendix F: Arboricultural Report (Birch, 16th April 2024) has been submitted. This document seeks to describe the existing tree and woodland cover and summarise the impacts of the proposed development together with the measures to mitigate those impacts and protect retained trees and woody shrubs during demolition and construction activities; and makes recommendations regarding the management of retained and enhanced tree and woodland features, and proposals for a landscaping scheme.

6.6.5 This has been assessed by the SC Tree Officer who agrees with the approach adopted in the Report which purports to provide an assessment to *specifically inform operational planning for building restoration and development works at the location and to ensure that trees are fully considered in these processes where they may be affected by such works.*

6.6.6 The SC Tree Officer also advises that although the identified tree removals, whilst substantial in number, would not have a significant detrimental impact upon the overall arboreal nature of the site. Many of the trees to be removed are

in poor health and condition or have structural defects that compromise their viability. The Tree Team agrees with Birch that *'a balancing programme of resilient and landscape appropriate new tree planting is developed and implemented to complement the restoration and construction project and mitigate necessary removals'*. And with the ethos and approach recommended in the document Appendix B: Landscape Proposals (Landscape Design Statement, Barnes Walker, December 2023).

- 6.6.7 The SC Tree Officer accepts the professional judgement of the applicants arboricultural consultants that those trees initially identified as being in close proximity to the proposed new construction can be adequately protected from undue damage during development, in accordance with the recommendations of BS5837: 2012; and that thereafter they can be maintained in a satisfactory condition without conflict with built structures, in accordance with good arboricultural practise as recommended in BS3998: 2010. However, recommends conditions to require supplementary arboricultural inspection and specifications to be prepared for any necessary facilitation pruning works and any specialist design and construction techniques required for works within the root protection area of those specific trees and final method statement and tree protection plans.
- 6.6.8 The Councils Landscape Consultants advise that the landscape masterplan and palette of proposed materials, appear to be well considered and appropriate, and would bring about positive landscape change. Furthermore they advise that, with regard to the landscape and visual effects from within the wider environment, in the light of the distribution and limited number of potential visual receptors, the screening and visual enclosure provided by existing woodland/tree cover and the proposed mitigation including woodland planting along the southern end of Neachley Lane/National Cycle Route 81 and the belt of woodland understorey planting along Long Lane, the Councils Landscape Consultant advises that the proposed development is unlikely to give rise to unacceptable effects on landscape character or visual amenity beyond the boundaries of the Site.
- 6.6.9 Nevertheless, as discussed above the scheme would unduly harm the openness of the Green Belt.
- 6.7 Access Arrangements/Impact on the highway network/safety**
- 6.7.1 The scheme proposed would result in 12 bedrooms within the conversion of Neach Hill House, 2 bedrooms within the converted coach house, the erection of a further 46 bedrooms, and a residential development of 58 dwellings (2, 3, 4, 5, and 6 bedroom houses). The proposals also include conversion of Neach Hill to a bar and restaurant, hotel and spa, gym and swimming pool. 17 glamping pods, and walled garden development to provide facilities for weddings, corporate events for up to 150 people.

- 6.7.2 Any additional traffic makes increases the potential for conflict and therefore has an impact on safety. Long Lane and Neachley Lane are a single track lanes with informal passing places. These lanes are shared by both motor vehicles and by pedestrians, cyclists and equestrians. They are unlit with no footway provision. Whilst it is acknowledged that Long Lane benefits from a straight alignment providing good intervisibility, due to the lack of usable passing places and driver impatience, the verges are significantly damaged in numerous places along its length under the existing traffic flows. There is also evidence that the Long Lane and Neachley Lane suffers from flooding, including 220 metres east from the existing site entrance from Long Lane, at the junction with Neachley Lane and the northern section of Neachley Lane. There is also a bridleway (0122/12/1) approximately 210m to the northwest of the application site boundary, which heads north from Neachley Lane and runs into bridleway 0149/12/3. The bridleway is located just beyond the warning signs alerting drivers to the narrowing carriageway, double bend and the advice to “reduce speed now” as they approach. This bridleway connects to two other bridleways in the area known as “Nature’s Acre”. Neachley Lane is a typical country lane which meanders with several blind bends combined with vertical gradients. The National speed limit signs are present when entering Long Lane from the A41 and also when leaving the 30 mph speed limit in force in Cosford, near the railway station. From the north, the national speed limit starts when leaving Shifnal on Stanton Road. Neachley Lane is subject to the national speed limit of 60 mph as the 40 mph is a recommended maximum speed, not an actual speed limit supported by a Traffic Regulation Order.
- 6.7.3 Paragraph 114 of the NPPF confirms that applications for development should:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 6.7.4 Furthermore the Framework acknowledges that “*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*”(Para.115)
- 6.7.5 In this case the development would not, given the capacity constraints and existing conditions of the highway network, be accessible by a choice of travel modes and would lead to an increase in the use of private motor vehicles and is therefore not in a sustainable location. It has also not been demonstrated that

safe access for all users can be achieved, nor that the designs of the site accesses reflect national guidance for safety based on the anticipated use.

6.8 Very Special Circumstances /Enabling Development/Planning Balance

- 6.8.1 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, substantial weight is given to any harm to the Green Belt.
- 6.8.2 The supporting information seeks to compare this application to planning application 20/04521/FUL for the Air Ambulance Headquarters. This application was approved as very special circumstances existed which related to it being the optimum location for the northern base of the consolidated Midlands Air Ambulance and the substantial public benefit from the provision of this service.
- 6.8.3 As noted at pre application stage the proposed housing would consist of 'less than substantial harm' on the upper end of the scale (as defined under paragraph 202 of the NPPF) as it would irreversibly affect the historic curtilage of the listed building where it would lie adjacent to the former principal entrance to the historic estate.
- 6.8.4 Whilst in some circumstances enabling development could outweigh the harm to the Green Belt, it would need to be the minimum necessary in order to address the conservation deficit and to secure the long-term future of the assets. The application has grown in scope and scale since pre application stage where concerns were raised about the impacts.
- 6.8.5 The applicant has not in this case convincingly demonstrated why the development of a new hotel and 58 residential dwellings that is needed to fund the conservation of the asset would be a material consideration of such weight that it would clearly outweigh the combined harm such that very special circumstances existed.
- 6.8.6 In this regard and noted at pre application stage, is the requirement to robustly demonstrate the overwhelming public benefits that would outweigh the harm caused to setting and Green Belt. It is considered that the application has failed to demonstrate a robust case due to the lack of accurate up to date assessment of the listed buildings, their structural condition and significance, alongside appropriate market testing to define an optimum viable use for the site. Therefore, a full and robust case to justify harm to the setting of heritage assets and to the Green Belt has not been demonstrated.

6.9 Design/Layout and Appearance – Residential Scheme

- 6.9.1 The supporting documents submitted state that the proposed residential development has been designed to take the form of a model village and to have distinct character areas.

- 6.9.2 The scheme has been designed with two detached dwellings set either side of the entrance into the residential development to announce the entrance. Upon entering the development there is proposed to be a denser development of 21 homes to the east which aims to emulate a traditional Stable Yard and includes a varied streetscape of “*quirky and repetitive forms*”. To the west of the entrance the scheme proposes 19 homes which it identifies as The Home Farm. This consists of 19 dwellings a mix of three, four and five bed homes the design of which seek to evoke farm buildings ancillary to the traditional homestead. Beyond the Stable Yard there is an area of development described as The Village Green, which consists of 14 three and four bed roomed detached and semi-detached dwellings set around a green space and play area. Further to the north of the site is an area identified as “The Crescent”. This consists of 8 large 6 bed roomed detached dwellings arranged around a circular green space. A brick wall is proposed to encircle the crescent. This is described as a “*necklace unifying the streetscape and providing each house with privacy and a clear separation between the front and rear garden*”.
- 6.9.3 Officers note the eclectic mix of building designs but are generally content with the layout although it has not been demonstrated that the roads would be constructed to adoptable standards sufficient for the Councils Domestic Waste disposal service vehicles. Should the Committee be minded to grant planning permission clarification would need to be sort from the applicants regarding the domestic waste disposal arrangements.
- 6.10 **Residential Amenity – Noise/disturbance**
- 6.10.1 The application is accompanied by a Noise Assessment Report which examines the potential noise impact on the proposed residential dwellings, and which identifies that, in regard to road traffic noise, bedrooms which overlook Long Lane would require mitigation measures. Conditions could be attached to require appropriate measures.
- 6.10.2 It was also identified that the Midlands Air Ambulance has a new flying base to the southwest of the site, however it was found that only 6 flights operate from the base, and typically during the daytime only. While individual movements will be audible occasions, this is unlikely to cause an adverse impact at the proposed sensitive receptors.
- 6.10.3 Turning to the operations of the proposed hotel. The submitted Noise Assessment Report assumes erroneously that the planning application is an outline application and that a subsequent application for reserved matters would be required to be submitted. Nonetheless the assessment aims to examine the impacts of potential entertainment noise, focusing on events within the walled garden area. It identifies low and high-risk aspects, such as music within the marquee, and lack of sound insulation which underlines the necessity for further noise mitigation. The assessment also states typical noise mitigation measures which could include acoustic barriers, layout planning, marquee treatment, and

directional sound systems. However as acknowledged by the submitted report, *detailed information regarding the operational aspects of the venue is not fully known..... Therefore, specific detailed mitigation measures cannot be determined definitively.*

- 6.10.4 Specifically, with regards to the events to be hosted within the walled garden, the assessment states that it has been anticipated that there would be no more than 30 events per year, with up to 150 guests and that it is *unlikely that events would continue beyond 23:00hrs, primarily due to the potential impact on hotel residents, where hotel rooms will be located 50m from the Walled Garden.*
- 6.10.5 The Assessment acknowledges that the occupants of the nearest existing residential properties are likely to be the receptors most likely to be affected by noise from the proposed development that is Sedona/Four Winds, Neachley Lane (approx. 170 metres north of the walled garden) and The Old Dairy, Neachley Lane (approx..230 metres southwest of the walled garden).
- 6.10.6 The Report considers potential noise mitigation measures such as acoustic barriers, the strategic positioning of the dance floor and music area, the implementation of a specialist marquee, directional sound systems and limiting the usage times of the external areas.
- 6.10.7 The Report also acknowledges the potential for late-night noise from vehicle movements following events and weddings but contends that guests would be encouraged to stay at the hotel which would assist in mitigating the impact from late night movement of vehicles. However, it is reasonable to expect a significant portion of these rooms would be taken up by guests attending the venue to use the spa and hotel facilities independently of such events.
- 6.10.8 The proposed commercial development has the potential to impact adversely on the residential amenity of the area with respect to noise and disturbance. Despite the assurances put forwards by the applicant the submitted scheme is insufficiently detailed at this stage to be able to make a thorough assessment of the impacts of the commercial development on the amenities of the occupiers of the nearby existing residential properties and to identify any appropriate mitigation measures, and the impact of such measures which may be required to make the development acceptable on the Heritage Assets. As such it is considered that insufficient detailed information has been submitted with this application to be able to conclude that the proposed development would not have an unacceptable impact on the existing residential amenity of the area, contrary to the requirements of adopted development plan policies CS6 and MD2.
- 6.11 Ecology**
- 6.11.1 This application was submitted prior to the mandatory requirement for Biodiversity Net Gain to be triggered. However, this fact does not negate the

requirement of the existing development plan policies which requires all development to protect, restore and enhance the natural environment and to protect priority species and habitats. The NPPF also requires the planning decisions to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

- 6.11.2 Development proposals must firstly assess whether they are likely to affect a natural asset, using current accepted guidance and best practice. If a significant adverse effect is identified, then any social or economic benefits of the proposal must be clearly stated to enable a proper assessment of all aspects of the development.
- 6.11.3 In this case the SC Ecology Team has assessed the amended Ecological Assessment and have confirmed that the level of survey work is acceptable and recommended appropriate conditions to protect wildlife and deliver ecological enhancements. The Assessment has found that the main house, the stables and barn are all in use by roosting bats and therefore the proposed development works would have implications for bats and would need to take place under a European Protected Species Licence from Natural England. Accordingly, consideration and completion of the European Protected Species 3 tests matrix needs to be completed. The decision maker must Test 1 demonstrate that the development is *'in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment'*. Additionally Test 2 that there is *'no satisfactory alternative'* and Test 3 that the proposed activity *'not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range'*.
- 6.11.4 The SC Ecology Team are satisfied that the proposed development will not be detrimental to the maintenance of the populations of Common Pipistrelles, soprano pipistrelles, brown long-eared bats and potentially Natterer's and Brandt's bats at favourable conservation status within their natural range, provided that the recommended conditions are appropriately enforced.
- 6.11.5. Turning to Test 1 and 2, it is acknowledged that should the principle of the development be found acceptable, then the Committee will need to also consider whether these tests would be met i.e. that the buildings historic interest is worthy of regeneration and investment and whether the scheme would secure the longevity of these valuable buildings and ensure that they do not fall into disrepair. As the application relates specifically to the renovation of existing buildings of historic value, there is therefore no satisfactory alternative (Test 2).
- 6.12 Other Issues Raised**
- 6.12.1 The development plan policy CS11 seeks to ensure that all new open market housing development makes appropriate contributions to the provision of local

needs affordable housing having regard to the current prevailing target rate, set using the Shropshire Viability Index. For all sites of 5 dwellings and above, the provision of affordable housing is expected to be on site. The housing development is also required to contribute towards meeting the infrastructure needs resulting from new development across Shropshire and is calculated using the gross internal area of all CIL liable buildings within the development. The CIL charging rate depends on the location of the development within Shropshire.

6.12.2 The applicant contends that the development viability cannot afford to provide any affordable housing or meet the Councils CIL payments. The Councils usual practice upon receipt of a viability information/appraisal is to have an independent assessment undertaken on behalf of the Council and for the expense of this assessment to fall on the developer/agent in accordance with the Framework. However, in the light of the issues raised with the information used to inform the conservation deficit exercise, alongside the lack of an appropriate market testing to define an optimum viable use for the site, it would be unreasonable to require the applicant to fund a viability assessment at this stage.

6.12.3 The proposal has the potential to create a tourism attraction based on its architectural/historical interest and its association with RAF Cosford. It had a significant role in the Second World War as the base for the first school of technical training for engineers and airframe mechanics and there are remains of WWII blast shelter infrastructure. It is also accepted that there may be a market for a boutique type hotel within this rural part of Shropshire, on the M54 corridor in close proximity to the Black Country and with the links with RAF Cosford however this can be afforded only minimal weight in the planning balance.

7.0 CONCLUSION

7.1 The scheme represents inappropriate development in the Green Belt to which significant weight is attached to the harm by definition that this would cause. There would also be a harm to the openness of the Green Belt to which significant weight is also attached. Neach Hill House clearly needs urgent repair works and a beneficial use to secure its long-term future. It is also evident that the problems with vandalism, trespass and anti-social behaviour need to be addressed by the current owner. However, the Statement of Significance, Heritage Impact Assessment and Financial Information submitted have not been based on an accurate structural survey of the current condition of the existing buildings and surviving fabric, as such it is not possible to accurately assess and determine the impact the proposals will have upon the significance of the listed buildings.

7.2 Furthermore the evidence available raises concerns that the level of structural intervention required to facilitate the proposed new use of Neach Hill House and

the amount of historic fabric remaining internally is likely to have reached a point where there is more new work than original, which would not represent the appropriate conservation of the listed building but essentially a facsimile reconstruction, particularly in relation to internal fabric, architectural and decorative features, walls, floors and roof structure.

- 7.3 The HIA underestimates the impact of the proposed spa and hotel facilities and extensive development within the walled garden, which would harm the setting of the listed buildings (Neach Hill House, Coach House, Walled Garden) and character and legibility of the walled garden respectively.
- 7.4 In addition, whilst it is acknowledged that the agricultural buildings identified as Bottom Yard has been heavily adapted and its historic significance and legibility diminished, the scheme would by virtue of the overwhelming scale of the structures proposed in this location dwarf the retained east range and remove any remnant legibility of the former farmstead courtyard.
- 7.5 It remains to be established whether the barrack buildings identified on the composite plan were ever constructed and what if anything survives. It is noted that there is a potential for hazardous materials to be present such as asbestos, this would need to be fully assessed prior to understanding how the site would be suitable for any community archaeology.
- 7.6 Furthermore, the submitted HIA fails to provide sufficient information, such as a comprehensive photomontage/visual impact assessment to evidence its conclusion in relation to setting impacts, that the development would represent less than substantial harm.
- 7.7 Overall, it is judged that the requirement to robustly demonstrate the overwhelming public benefits that would outweigh the harm caused to setting and Green Belt has not been met. The application has failed to demonstrate a robust case due to the lack of accurate up to date assessment of the listed building, its structural condition and significance, alongside appropriate market testing to define an optimum viable use for the site. Therefore, a full and robust case to justify harm to the setting of heritage assets and to the Green Belt has not been demonstrated. As such the information submitted to support this application is insufficient to demonstrate that the benefits of the development would be sufficient to outweigh the harm to the Green Belt and the significance of the heritage assets. As such the scheme conflicts with Shropshire Core Strategy policy CS6 and Shropshire Council Site Allocations and Management of Development (SAMDev) Plan MD2, MD7a, MD6 and MD13, the Councils SPD Type and Affordability of Housing and Section 13 and 16 of the National Planning Framework.

- 7.8 The development would not, given the capacity constraints and existing conditions of the highway network, be accessible by a choice of travel modes and would lead to an increase in the use of private motor vehicles and is therefore not in a sustainable location. It has also not been demonstrated that safe access for all users can be achieved, nor that the designs of the site accesses reflect national guidance for safety based on the anticipated use. Accordingly, it is considered that the proposals fail to comply with adopted Shropshire Core Strategy policies CS5, CS6, the National Planning Policy Framework and would not assist in meeting the environmental objectives of sustainability.
- 7.9 In addition, the proposed commercial development has the potential to impact adversely on the residential amenity of the area with respect to noise and disturbance. Despite the assurances put forwards by the applicant the submitted scheme is insufficiently detailed at this stage to be able to make a thorough assessment of the impacts of the commercial development on the amenities of the occupiers of the nearby existing residential properties and to identify any appropriate mitigation measures, and the impact of such measures which may be required to make the development acceptable on the Heritage Assets. As such it is considered that insufficient detailed information has been submitted with this application to be able to conclude that the proposed development would not have an unacceptable impact on the existing residential amenity of the area, contrary to the requirements of adopted Shropshire Core Strategy policy CS6 and Shropshire Council Site Allocations and Management of Development (SAMDev) Plan MD2.

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

- 26th November 2024

Neach Hill

Central Government Guidance:

National Planning Policy Framework
National Planning Policy Guidance

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

CS1 - Strategic Approach
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS16 - Tourism, Culture and Leisure
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 MD7A - Managing Housing Development in the Countryside
MD7B - General Management of Development in the Countryside
MD11 - Tourism Facilities and Visitor Accommodation
MD12 - Natural Environment
MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

None

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S6R3VOTDMHS00>

List of Background Papers

Design and Access Statement - Arrol Architects
Heritage Impact Assessment - TDR Heritage
Public Benefits Report - TDR Heritage
Transport Statement - DTA Transportation Ltd
Landscape Assessment - Barnes Walker Ltd
Arboricultural Report - Arbor Vitae
Arboricultural Report – Additional Reporting – August 2024 – Birch
Ecological Impact Assessment (Rev A September 2024) - Arbor Vitae Environmental Ltd.
Drainage Report – Civia
Existing Road Drainage Assessment & Transport Statement - May 2024 - Civia & DTA Transportation Ltd.
Noise Assessment - SLR Consulting
Noise Rebuttal Note - SLR Acoustics Statement - May 2024

AGENDA ITEM

- 26th November 2024

Neach Hill

Hotel Viability - DV8 Designs
Costings/Viability - W Jones QS
Brickvale Developments Ltd Statement - May 2024

Cabinet Member (Portfolio Holder) - Councillor Chris Schofield

Local Member - Cllr Ed Bird

AGENDA ITEM

- 26th November 2024

Neach Hill

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AGENDA ITEM



Committee and date

Southern Planning Committee

26th November 2024

Development Management-Update Report

Responsible Officer: Rachel Robinson, Director of Health Wellbeing and Prevention

Summary of Application

<u>Application Number:</u> 23/04608/REM	<u>Parish:</u> Chirbury With Brompton
<u>Proposal:</u> Approval of reserved matters (access appearance, landscaping, layout and scale) pursuant to 22/04842/OUT for the demolition of existing bungalow and erection of 2No. dwellings	
<u>Site Address:</u> West Bungalow Chirbury Montgomery Shropshire SY15 6BH	
<u>Applicant:</u> Mr David Winch	
<u>Case Officer:</u> Dunya Fourie	<u>email:</u> dunya.fourie@shropshire.gov.uk

Grid Ref: 326222 - 298444



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Recommendation:- Approval subject to conditions.

UPDATE REPORT

1.0 Committee Resolution 23 July 2024

1.1 That the application be deferred to allow the applicant to address concerns and submit an alternative design, preferably as a single storey development.

1.2 Members felt that further discussions with the Heritage Team were required prior to resubmission to enable the application to be considered for approval.

2.0 Consultation

2.1 SC Conservation (Historic Environment)

30th September 2024

A HIA has been submitted which is noted. We do not wish to uphold a conservation objection in this instance.

22nd April 2024

Objection, the application is deficient in appropriate assessment of the impact upon heritage assets and the character and appearance of the area.

OFFICER APPRAISAL

3.0

3.1 Impact on the historic environment

3.2 In considering the proposal due regard to the following local and national policies, guidance and legislation has been taken; CS5 Countryside and Green Belt. CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, policies MD2, MD7a and MD13 of the Site Allocations and Management of Development (SAMDev), the National Planning Policy Framework (NPPF), Planning Practice Guidance and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

3.3 The key concern raised within public representations and by the Local Member regards the two storey dwelling blocking views through the site of the Grade I Listed St Michaels Church. Members determined to defer making a decision on this application until a Historic Impact Assessment had been received and the Conservation team had been consulted on the Assessment. Following this consultation, the historic environment confirmed they no longer upheld their objection. There are limited views of part of the Church from the public realm to the front of the site, these views are further disrupted by landscaping and existing development, planning officers consider that the two storey dwellings would not have an unacceptable adverse visual impact on the setting of the listed Church.

4.0 CONCLUSION

4.1 Officers have undertaken the requested review of the heritage issues as requested and detailed above. The other matters as discussed in the last committee report at Appendix 2 and concluded as follows:

The principle of two dwellings on the site is already established by the outline consent. Planning officers consider that the proposed layout, scale and appearance of the proposed two storey dwellings could be accommodated without appearing out of character of the existing residential development in the surrounding area or reducing the level of amenity currently enjoyed by occupiers of neighbouring dwellings.

The congestion associated with the nearby school, as raised by members of the public is noted, however the proposed layout with on site parking, is unlikely to exacerbate this issue, in accordance with the Developing Highway team, planning officers raise no objection to the proposed access and parking layout on highway safety grounds.

The landscaping as proposed and as required by the attached condition is sufficient.

5.0 Risk Assessment and Opportunities Appraisal

5.1 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.

5.2 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.

5.3 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.

6.0 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.

7. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY: _

AGENDA ITEM

Southern Planning Committee - 20th February 2024

West Bungalow

PREAPP/10/00222 Replace Weather Boarding PDDEV 3rd February 2010
22/04842/OUT Outline application for the demolition of existing bungalow and erection of 2No. dwellings (all matters reserved) GRANT 7th June 2023
23/04608/REM Approval of reserved matters (access appearance, landscaping, layout and scale) pursuant to 22/04842/OUT for the demolition of existing bungalow and erection of 2No. dwellings PCO
SS/1984/9/P/ Alterations and additions to existing dwelling. PERCON 30th January 1984

8. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S2ZU46TDKXW00>

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
--

Local Member

Cllr Mrs Heather Kidd

Appendices APPENDIX 1 - Conditions APPENDIX 2 – Committee Report 23 July 2024

APPENDIX 1

Conditions

Conditions

- Construction management plan; including parking vehicles
- Landscaping plan
- Materials of elevations to be approved
- Parking to remain in perpetuity

Informatives

- BNG

AGENDA ITEM

Committee and date

Southern Planning Committee

23rd July 2024

Development Management Report

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

Summary of Application

<u>Application Number:</u> 23/04608/REM	<u>Parish:</u>	Chirbury With Brompton
<u>Proposal:</u> Approval of reserved matters (access appearance, landscaping, layout and scale) pursuant to 22/04842/OUT for the demolition of existing bungalow and erection of 2No. dwellings		
<u>Site Address:</u> West Bungalow Chirbury Montgomery Shropshire SY15 6BH		
<u>Applicant:</u> Mr David Winch		
<u>Case Officer:</u> Dunya Fourie	<u>email:</u> dunya.fourie@shropshire.gov.uk	

Grid Ref: 326222 - 298444

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Recommendation:- Grant permission subject to conditions listed at appendix 1

REPORT

1.0	THE PROPOSAL
1.1	This application seeks approval for matters that were reserved for later consideration, this report should be read in conjunction with the report for the outline consent (22/04842/OUT). Consent has been granted to demolish the existing single storey dwelling. The roof design of the dwelling on plot 2 was amended while the application was pending and additional information was also provided in a planning statement.
1.2	<p>The reserved matters for consideration under this application are access, appearance, landscaping, layout and scale.</p> <ul style="list-style-type: none"> • Access; A new access would be created off the highway, the access is double width and would require a dropped kerb. The existing verge and footway would remain. • Appearance; the dwellings would comprise two detached units. • Landscaping; boundary hedging and shrubs are proposed to the front of the dwellings and it is proposed to turf the rear garden with closed boundary fencing and two fruit trees along the rear boundary. • Layout; two detached dwellings with access, parking and shared turning to the front of the dwellings and separate gardens to the rear. • Scale; 2 two storey detached dwellings are proposed, the dimensions of the dwellings are approximately 10m in depth, 7m in width and 8m in height.
2.0	SITE LOCATION/DESCRIPTION
2.1	The site comprises a residential plot of land which adjoins the B4386 towards Worthen.

AGENDA ITEM

Southern Planning Committee - 20th February 2024

West Bungalow

2.2	The site is outside of the conservation area, the boundary of the conservation area adjoins the rear of the site. St Michael's Church and associated tombs are Grade II Listed and are to the north west of the site, although the two sites are separated by a field, with over 20m between the two. The character of the surrounding area is predominantly residential with the village hall and primary school interspersed. The development site also lies south of the site of Chirbury Priory (HER PRN 02570), established in the 12th century, and includes the Medieval Church of St Michael (National Ref. 1055048) and the remains of a Scheduled Monument Compound Pier (National Ref. 1055050) thought to be part of the now demolished chapter house.
3.0	REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION
3.1	The outline application was called into Committee by the Local Member, Members at committee requested the reserved matters application also be a Committee decision, as detailed within the committee minutes.
4.0	Community Representations
4.1	Consultee Comment
4.1.1	<u>Highway Authority</u> No objection, the issues raised under the outline application have been addressed to the satisfaction of the Highway Authority.
4.1.2	<u>SC Conservation (Archaeology)</u> No objection subject to the inclusion of the recommended condition requiring a scheme of archaeological works.
4.1.3	<u>SC Conservation (Historic Environment)</u> 22 nd April Little additional information provided and plans and scheme little altered, previous comments still stand. 21 st November Objection, the application is deficient in appropriate assessment of the impact upon heritage assets and the character and appearance of the area.
4.1.4	<u>Tree Team</u> No objection, however insufficient tree and landscape scheme included with the application to allow proper assessment
4.2	Public Comments
4.2.1	The development was publicised via a site notice at the front of site and in the local paper (the Shropshire Star). Nine public representations were received in objection to the proposed development, the grounds for objection are summarised as follows:

AGENDA ITEM

Southern Planning Committee - 20th February 2024

West Bungalow

	<ul style="list-style-type: none"> • Two storey dwellings are out of character with the village • Obstruction of view of listed St Michael’s Church • Highway issues, multiple traffic movements onto the B4368, especially during school pick up and drop off times • Overdevelopment of the site • Two storey height of dwellings would appear overbearing • Loss of light and overlooking of neighbouring bungalow; Tara
4.2.2	<p><u>Cllr Kidd</u> Objection summarised as follows:</p> <ul style="list-style-type: none"> • Block view of listed Church • Just outside the conservation area, but should be sympathetic to the character of the conservation area • Overdevelopment of sensitive site • Loss of light for neighbour dwelling; Tara • Render finish out of character with village
4.2.3	<p><u>Chirbury and Brompton Parish Council</u> Objection to the proposal on the following grounds;</p> <ul style="list-style-type: none"> • Overdevelopment of site • Height of dwellings don’t fit with the existing street scene • Open fronted driveway for 6 cars is highway consideration • Overlooking to neighbouring dwellings • Loss of light and privacy
5.0	THE MAIN ISSUES
	<p>Impact on the character and appearance of the area Impact on highway safety Impact on the historic environment Impact on neighbour amenity Sustainable development</p>
6.0	OFFICER APPRAISAL
6.1	<p>Policies CS6 of the Core Strategy and MD2 of the SAMDev Plan are the main policies which set out how development should be designed and assessed when it comes to sustainability. Policy MD2 states development should respond to local design aspirations wherever possible, both in terms of visual appearance and function and references village design statements as a useful resource. Paragraph 2 of the policy</p>

	<p>is particularly relevant and points i-iv give a good indication of the benchmarks for sustainable development. The National Planning Policy Framework (NPPF) advises against preventing appropriate innovation or change and that development should be sympathetic to local character, including the surrounding built environment and landscape setting.</p>
6.2	<p>The findings from the survey carried out as part of the Chirbury and Brompton Parish Plan (2018-2021) was that Chirbury was desirable for housing and that 2/3bed properties were sought after.</p>
6.2.1	<p><u>Scale</u></p>
6.2.1	<p>The minutes of the committee decision on the outline application state that Members considered single storey properties would be more suitable on the site and wished this to be conveyed to the applicant. Officers provided the committee minutes to the applicant. The scheme remains for two storey properties and as such officers need to appraise the scheme before them.</p>
6.2.2	<p>The scale of the proposed dwellings is one area of objection from members of the public; the objections to the scale are two fold; referring to over development of the site and two storey dwellings being out of character with the scale of other surrounding buildings on the street. The cumulative frontage of the two dwellings would be not wider than that of the existing bungalow. The depth of the dwellings is long and extends well into the site. While it is noted that this would result in a greater area of the site being built on, the depth can be achieved and still maintain a reasonable garden area to the rear and off site parking and access to the front of the dwelling. The site is located centrally within Chirbury where there is a more urban layout, indeed it is not uncommon for dwellings to have curtilage areas similar to that proposed, the proposed block plan shows the layout of the site would not be dissimilar to other surrounding dwellings. The current layout provides a large rear garden area which appears larger than most of the surrounding dwellings. The width of the frontage would be visible from the public realm, the frontage remains similar in scale to the existing dwelling, the main bulk of the dwelling would extend to the rear and would not be fully visible from surrounding viewpoints. Officers consider that the dwellings could be accommodated without appearing cramped in relation to the context of the area. To give further context, the frontage of the site is approximately 3m narrower than the adjacent site (when measured at its widest point), these plots support semi detached dwellings with similar curtilage to the front and rear and the plot is slightly larger than plots within Smithy Gardens which have semi detached bungalows. While the proposed dwellings are not semi-detached, the surrounding context shows that two dwellings can be accommodated on the site.</p>
6.2.3	<p>Regarding the two storey height of the dwellings, there is a mixture of building heights immediately surrounding the site along this section of road. The adjacent Camlad</p>

6.2.4	<p>Cottages are two storey as is the redbrick dwelling at the entrance to Smithy Gardens and the properties close to the junction with the A490 are also two storey. The context of the immediate surrounding area does accommodate two storey dwellings and as such planning officers feel that the scale of the dwellings alone would not appear out of character.</p> <p><i>Overbearing, overshadowing and overlooking on the neighbouring dwelling; Tara</i></p> <p>The depth of the properties would have the greatest impact in terms of bulk and potential to appear overbearing, the proposed dwellings would be 3 metres higher than the ridge height of Tara and would be separated by curtilage and boundary treatment. The scaled streetscene plan provided by the agent shows the height difference, while different to that of the existing dwelling, the height of the dwellings alone would not appear overbearing. The siting of the dwellings further back into the site would bring the frontage of the dwellings more in line with that of Tara, the main bulk of the dwellings would therefore extend into the rear garden. This siting together and away from the adjoining boundary, approximately 3m between the side elevations, is sufficient for officers to be satisfied that the two storey dwellings could be accommodated without the bulk of the dwellings appearing overbearing on the occupiers of Tara. Permitted development rights were restricted via condition on the outline planning consent and as such the scale of the dwelling could not be increased without the approval of the planning authority.</p>
6.2.5	<p>Concern is raised within a public response regarding loss of privacy for the occupiers of Tara through overlooking of habitable rooms. The side elevation of the dwelling on plot 2 which would face Tara has a single window at first floor height, the height of this window would overlook the roof space of Tara, and furthermore this window would serve the upstairs bathroom and therefore would be finished in obscured glazing. The level of amenity enjoyed by the occupiers of Tara would not be reduced through overlooking by the proposed dwellings.</p>
6.2.6	<p>Overshadowing of the side windows and rear garden of Tara was also raised as a concern within the public response. The siting of the dwellings in line with Tara and the location of the habitable rooms would mean that the proposed dwelling would not reduce occupier amenity through overshadowing.</p>
6.3	
6.3.1	<p><u>Appearance</u></p> <p>Appearance, in particular the render finish on the upper elevations was raised as an area of concern by the Parish Council, planning officers agree and a condition of any forthcoming consent would require the building elevations to be brick, the exact type to be agreed in writing.</p>
6.4	
6.4.1	<p><u>Layout</u></p> <p>The layout of the site includes the features necessary to support new dwellings of the scale proposed and as such officers raise no objection to the layout of the site.</p>

6.5	The siting of the dwellings further off the street frontage, while different to that of the existing dwelling and other dwellings further along the street to the west, would bring the dwellings in line with neighbouring Tara and mitigate the bulk of the dwelling appearing overbearing.
6.5.1	<p><u>Highway impact of open fronted access</u></p> <p>The sustainability policies, as referenced above, refer to design being functional to achieve sustainability. Another main area of concern from the public was access; particularly whether additional vehicle movements from the proposed dwellings would exacerbate the existing congestion on this section of road during school pick up and drop off times. This is noted and officers understand from the representations that during these times there is a large number of vehicles parking on the street and footfall along the pavement. The existing dwelling has a car port which it appears would allow off road parking for one vehicle, if the existing dwelling had three bedrooms, based on current car ownership predictions, this could mean the dwelling could have up to 3 cars and utilise the unrestricted on street parking. In accordance with current parking standards, the proposed layout includes parking spaces for up to 3 cars to be parked within the site, this would arguably improve the current situation by potentially reducing the number of cars parked on the road. The cars would need to cross the pedestrian footway when entering and existing the site, cars entering and existing the highway are likely to be manoeuvring slowly, as such the planning officers and the Highway Authority consider that the proposed development is unlikely to have a significant adverse impact on the surrounding highway network.</p>
6.5.2	A condition of any forthcoming consent would require a construction management plan to be submitted and approved prior to works on the site commencing. The Plan would be required to demonstrate how the impact of the construction phase would be minimised.
6.6	<u>Impact on the historic environment</u>
6.6.1	In considering the proposal due regard to the following local and national policies, guidance and legislation has been taken; CS5 Countryside and Green Belt. CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, policies MD2, MD7a and MD13 of the Site Allocations and Management of Development (SAMDev), the National Planning Policy Framework (NPPF), Planning Practice Guidance and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
6.6.2	The boundary of the site adjoins St Michael's graveyard, because of the proximity to the graveyard and the potential for historic artifacts to be disturbed during ground works, a condition of the outline consent required a written scheme of investigation to be approved prior to any excavation work.
6.6.3	The key concern raised within public representations and by the Local Member regards the two storey dwelling blocking views through the site of the Grade I listed St Michaels Church. The Conservation team do not consider that the impact on the

AGENDA ITEM

Southern Planning Committee - 20th February 2024

West Bungalow

	<p>historic environment has been properly assessed and reviewed within a planning statement. There are snatched views through the site of the steeple of St Michaels Church and part of the roof plane. The Church and its setting is not visible from the site in its entirety, and any such existing views could be further restricted by a high rear boundary treatment and interrupted by the intervening roof profile of Smithy Gardens dwellings.</p>
6.6.4	<p>The planning statement submitted in April does discuss the impact of the development on archaeology and the conservation area, but fails to discuss the visual appearance of the dwellings on the listed church. Officers note this and the comments made by the Conservation Team, however given that there are very limited views of part of the Church from the public realm to the front of the site and these views are further disrupted by landscaping and existing development, it is considered that the two storey dwellings would not obstruct any significant views of the listed church.</p>
6.7	<p><u>Landscaping</u></p>
6.7.1	<p>The submitted scheme regarding landscaping is minimal, as raised by the Tree officer and whilst there is no objection to the proposal a robust soft landscaping scheme relevant to a small garden would be required and can be secured via condition.</p>
7.0	CONCLUSION
7.1	<p>The principle of two dwellings on the site is already established by the outline consent. Officers consider that the proposed layout, scale and appearance of the proposed two storey dwellings could be accommodated without appearing out of character with the existing residential development in the surrounding area or reducing the level of amenity currently enjoyed by occupiers of neighbouring dwellings.</p> <p>The congestion associated with the nearby school, as raised by members of the public is noted, however the proposed layout with on site parking, is unlikely to exacerbate this issue. in accordance with the Developing Highways team, planning officers raise no objection to the proposed access and parking layout on highway safety grounds.</p> <p>The landscaping as proposed and as required by the attached condition is sufficient.</p>
8.0	Risk Assessment and Opportunities Appraisal
8.1	Risk Management

	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> • As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry. • The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose. <p>Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.</p>
8.2	Human Rights
	<p>Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
8.3	Equalities
	<p>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.</p>
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

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RELEVANT PLANNING HISTORY:

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

Cabinet Member (Portfolio Holder) - Councillor Chris Schofield

Local Member

Cllr Mrs Heather Kidd

Appendices
APPENDIX 1

Conditions

STANDARD CONDITION(S)

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

1. Prior to commencement of development, details of the construction of the car park shown on the approved plans, including levels, drainage and details of the finished surface shall be submitted to and approved in writing by the local planning authority. Development shall be completed in accordance with the approved details prior to first occupation of the dwellings and the car parking spaces shall remain available for their designated use in perpetuity.

Reason: In the interests of highway safety and to accord with Shropshire's Core Strategy policy CS6 (2011) and SAMDev plan policy MD2 (2015)

2. Prior to commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period.

The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during demolition and construction; and
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interests of highway safety and to accord with Shropshire's Core Strategy policy CS6 (2011) and SAMDev policy MD2 (2015).

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

3. Prior to construction of the dwellings hereby approved, details of the red brick on the front

elevation shall be submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved details. Notwithstanding the submitted plans, the front elevation of the properties shall be constructed/finished in red brick only.
Reason: In the interests of visual amenity and to accord with Shropshire's Core Strategy policy CS6 (2011) and SAMDev plan policy MD2 (2015)

4. Prior to first occupation of the dwelling, a landscaping scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include the following:

- i) Indications of all trees within the site, including spread and species. Tree planting proposals in accordance with BS 8545;: 2014
- ii) Indications of all hedgerows within the site and identify which ones are to be retained and set out measures for their protection during construction
- iii) Planting plans, written specifications including cultivation
- iv) Implementation and maintenance plan

Reason: In the interests of biodiversity and the natural environment and to accord with Core Strategy policy CS6 (2011) and SAMDev policy MD2 (2015)

5. The approved landscaping works shall be carried out during the first planting season immediately following completion of the development hereby approved, the planting shall be maintained in accordance with the approved scheme.

Reason: In the interests of biodiversity and the natural habitat and to accord with Shropshire's Core Strategy policy CS6 (2011) and Site Allocation and Management of Development Plan policy MD2 (2015).

APPENDIX 1

Conditions

Conditions

- Construction management plan; including parking vehicles
- Landscaping plan
- Materials of elevations to be approved
- Parking to remain in perpetuity

Informatives

- BNG

AGENDA ITEM

Southern Planning Committee - 20th February 2024

West Bungalow

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Agenda Item 9

SCHEDULE OF APPEALS AS AT COMMITTEE 26th November 2023

LPA reference	23/05217/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Roger Bate
Proposal	Extension to existing outbuilding to create single occupancy assisted dwelling unit
Location	The Old House Hopstone Claverley Wolverhampton Shropshire WV5 7BW
Date of appeal	17.06.2024
Appeal method	Written representations – Fast Track
Date site visit	27.08.2024
Date of appeal decision	13.09.2024
Costs awarded	
Appeal decision	Dismissed

LPA reference	22/04355/FUL
Appeal against	Refusal (BEING RE-DETERMINED)
Committee or Del. Decision	Committee
Appellant	Econergy International Ltd
Proposal	Erection of an up to 30 MW Solar PV Array, comprising ground mounted solar PV panels, vehicular access, internal access tracks, landscaping and associated infrastructure, including security fencing, CCTV, client storage containers and grid connection infrastructure, including substation buildings and off-site cabling
Location	Proposed Solar Farm To The West Of Berrington Shrewsbury Shropshire
Date of appeal	Original date 23.11.23 Re-opened 18.09.24
Appeal method	Public Inquiry
Date site visit	
Date of appeal decision	26.03.24
Costs awarded	
Appeal decision	DISMISSED

LPA reference	23/04139/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr R Burgoyne
Proposal	Erection of 1 no. detached dwelling and detached single garage
Location	Proposed Dwelling At Land To The North Of Seifton House Seifton
Date of appeal	20.09.24
Appeal method	Written Reps
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	24/01837/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Law
Proposal	Erection of single storey rear extension and annex for dependant relative
Location	Wootton Lodge Duken Lane Wootton Six Ashes Bridgnorth Shropshire WV15 6EA
Date of appeal	23.09.2024
Appeal method	Written reps – Fast Track
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	23/05406/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr David Smith
Proposal	Erection of extension to dwelling (revised scheme)
Location	Curlew Cottage Rowe Lane Stanton Long Much Wenlock Shropshire TF13 6LS
Date of appeal	24.05.2024
Appeal method	Written representations – Fast Track
Date site visit	10.09.2024
Date of appeal decision	25.09.2024
Costs awarded	No
Appeal decision	Allowed

LPA reference	23/04035/FUL
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	M Nadeem
Proposal	Extension of existing water culvert
Location	Euro House Dale Street Craven Arms Shropshire SY7 9PA
Date of appeal	16.04.2024
Appeal method	Written representations
Date site visit	10.09.2024
Date of appeal decision	26.09.2024
Costs awarded	
Appeal decision	Dismissed

LPA reference	24/01328/CPE
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Sid Davies
Proposal	Application for a Lawful Development Certificate for the existing land outlined in red has been continuously used as residential garden for a period exceeding 10-years, the residential garden is associated with Whitehouse Farm Barn and associated Annex
Location	Whitehouse Farm Barn Netherton Lane Highley Shropshire WV16 6NJ
Date of appeal	07/10/2024
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	23/05416/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Nigel Philip
Proposal	Erection of 2No dwellings
Location	Proposed Dwelling NW Of Quatford Wood House Chapel Lane Quatford Bridgnorth Shropshire
Date of appeal	28.05.24
Appeal method	Written Reps
Date site visit	23.09.24
Date of appeal decision	14.10.24
Costs awarded	N/A
Appeal decision	Dismissed

LPA reference	24/02158/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs Tara and Gurpal Singh and Kaur
Proposal	Erection of a dwelling with detached double garage
Location	Proposed Dwelling Adjacent Enderby Cleobury Mortimer Shropshire
Date of appeal	18/10/2024
Appeal method	Written Representation
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	24/00764/VAR
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Bluefield Renewable Development Ltd
Proposal	Variation of Condition 2 (approved plans) and removal of Condition 17 (food production) of planning permission No. 22/02565/FUL
Location	Brick House Farm, Greete, Nr Ludlow SY8 3BZ
Date of appeal	31.07.2024
Appeal method	Written Reps
Date site visit	08.10.2024
Date of appeal decision	22.10.2024
Costs awarded	N/A
Appeal decision	Allowed

LPA reference	24/04358/COU
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs Thomas
Proposal	Change of use of public house to additional residential accommodation
Location	The Plough Inn, Wall Under Heywood
Date of appeal	12.03.24
Appeal method	Hearing
Date site visit	10.09.24
Date of appeal decision	22.10.24
Costs awarded	N/A
Appeal decision	Allowed

LPA reference	23/03722/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mrs K Gibbons
Proposal	Change of use of a Public House to a single residential dwelling (re-submission)
Location	The Swan Inn Knowle Sands Bridgnorth WV16 5JL
Date of appeal	24.07.24
Appeal method	Written Reps
Date site visit	23.09.24
Date of appeal decision	24.10.24
Costs awarded	Applicaition Refused
Appeal decision	Allowed

LPA reference	24/00115/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mrs K Gibbons
Proposal	Outline planning application for the replacement of a function room with a larger two storey building consisting of six one bedroom and six two bedroom apartments for a mixture of open market housing, affordable housing, pub letting and owner accommodation in currently redundant space between the pub and the rear car park with all matters reserved
Location	The Swan Inn Knowle Sands Bridgnorth WV16 5JL
Date of appeal	24.07.24
Appeal method	Written Reps
Date site visit	23.09.24
Date of appeal decision	24.10.24
Costs awarded	Applicaition Refused
Appeal decision	Refused

LPA reference	23/04331/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Philip Richmond and Katherine Cooper
Proposal	Change of use of dwelling and two log cabins to holiday let accommodation
Location	Caradoc Cottage All Stretton Church Stretton Shropshire SY6 7JN
Date of appeal	29/10/2024
Appeal method	Written representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	23/00525/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Eagle Mews Ltd
Proposal	Outline application for 4 self-build houses on vacant land adjacent to the former Eagles Inn (all matters reserved). Resubmission of 22/00283/OUT.
Location	The Eagles Inn 1 Harley Road Cressage Shrewsbury Shropshire SY5 6DF
Date of appeal	26/04/2024
Appeal method	Written representations
Date site visit	24/07/2024
Date of appeal decision	29/10/20204
Costs awarded	No
Appeal decision	Dismissed

LPA reference	24/02347/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Peter Blanchflower
Proposal	Alterations to garage roof
Location	Pipe House 43A Bridge Road Benthall Broseley Shropshire TF12 5RB
Date of appeal	29/10/2024
Appeal method	Written representations – Fast-track
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	24/02194/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mrs Sarah Powell
Proposal	Application under Section 73A of the Town and Country Planning Act 1990 for the erection of porch to front elevation
Location	Sandford Cottage 3 Powk Hall Cottages Pound Street Claverley Wolverhampton Shropshire WV5 7AD
Date of appeal	31/10/2024
Appeal method	Written Representation-Fast Track
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	23/04211/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Gary Smith
Proposal	Upgrade existing licensed caravan site from 5 to 10 pitches for caravans/motor homes together with construction of reception, toilet/shower block associated works
Location	Royal Oak Alveley Bridgnorth Shropshire WV15 6LL
Date of appeal	03.05.2024
Appeal method	Written representations
Date site visit	20.08.2024
Date of appeal decision	12.11.2024
Costs awarded	No
Appeal decision	Dismissed

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

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

Appeal Decision

Site visit made on 27 August 2024

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2024

Appeal Ref: APP/L3245/D/24/3340901

The Old House, Hillcrest Junction to Digbeth Lane, Hopstone, Claverley, Shropshire WV5 7BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Roger Bate against the decision of Shropshire Council.
 - The application Ref is 23/05127/FUL.
 - The development proposed is extension to existing outbuilding to create single occupancy assisted dwelling unit.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt, including the effect on the openness of the Green Belt;
- the effect of the proposal on protected species; and
- whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

3. The appeal site comprises a dwelling which is situated in the Green Belt. Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) (CS) relates to the countryside and Green Belt and states that within the Green Belt there will be additional control over new development in line with government guidance set out in PPG2. Though this policy refers to the now withdrawn PPG2 and not the National Planning Policy Framework (The Framework), both set out the general presumption against inappropriate development in the Green Belt. Policy MD6 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan

(2015) (SAMDP) further requires development to demonstrate that it does not conflict with the purposes of the Green Belt.

4. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
5. The proposal involves an extension to an existing outbuilding to create an assisted dwelling unit. Paragraph 154 of the Framework establishes that, within Green Belts the construction of new buildings is inappropriate, subject to a number of exceptions. One exception, at Paragraph 154 (c), relates to the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
6. The appellant maintains that the outbuilding subject of this appeal comprises 2 separate buildings that were joined at some point in the past. It is suggested that the 'original buildings' as separate entities ceased to exist and the building as it currently stands now comprises the 'original building'.
7. In the context of the Framework the glossary advises that 'original building' refers to a building as it stood on 01 July 1948 or as constructed if built after that date. The original outbuildings have been extended to form one large outbuilding through the incorporation of a link extension between the 2 structures. The fact that a larger, amalgamated building has been created through an extension does not alter how the buildings stood when they were constructed. Given this the extension of these buildings has not resulted in the creation of a new 'original building'. Thus, for the purposes of Paragraph 154 of the Framework, the term 'original building' refers to the buildings as originally constructed, and not the extended amalgamated structure which sits on the site today.
8. The Framework does not define what it means by 'disproportionate'. Thus, an assessment of whether the proposed extension would be a disproportionate addition is a matter of planning judgement. Whilst it is stated that the extension would have a smaller footprint than the existing building and a lower roof height, nonetheless with a footprint of approximately 65m² it would be of a considerable scale, and when seen in combination with the existing extensions would result in a disproportionate addition over and above the size of the original building, and indeed the building as it currently exists. Accordingly, the proposal would not meet the above exception. It would therefore be inappropriate development in the Green Belt.
9. The Framework, at Paragraph 142, sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Green Belt openness, as a matter of planning judgement, is capable of having both spatial and visual aspects.
10. The appeal property sits within a large plot and is enclosed to the north, east and west by wrought iron railings which permit clear views of the site from the surrounding area. The property is bordered to the west by a brick wall and gates, over which the outbuilding can clearly be seen.

11. The proposal would be sympathetic to the existing building in form and materials and would incorporate a set down from the ridge of the existing building. The extension would not increase the size of the residential curtilage of the host dwelling or result in a significant increase in activity at the appeal site.
12. Nonetheless, the proposal would comprise a sizeable extension. The increase in footprint would result in more of the Green Belt being built upon than at present, reducing the spatial aspect of its openness. The increased footprint would also have a greater visual impact on the openness of the Green Belt when compared with the more modest proportions of the existing building. This would be particularly perceptible in views from the neighbouring fields and properties. In this regard the building would reduce the openness of the site. In reaching this judgement account has been taken of a court judgement¹ where it was found that the concept of openness of the Green Belt was not narrowly limited to a volumetric approach.
13. Accordingly, it is concluded that the proposal would be inappropriate development and would cause harm to openness, thereby conflicting with the Framework, CS Policy CS5 and SAMDP Policy MD6. The Framework advises that inappropriate development in the Green Belt is by definition harmful and should not be approved except in very special circumstances.

Protected species

14. The Council state that, as the appeal proposal would involve the alteration and extension of a brick outbuilding, a bat survey is required. The proposal is not supported by a bat survey, and it is stated that there is insufficient information to demonstrate that protected species would not be adversely affected by the proposal.
15. On the evidence before me it appears that the building subject of this appeal was constructed between 2005 and 2008. At my site visit I observed that the building appears to be in good condition and in active use and did not appear to include any means by which bats could enter. I have not been presented with a compelling case which sets out why there is a reasonable likelihood that the building provides a habitat which supports bats. Thus, the proposal does not conflict with CS Policy CS17 which states that development should identify, protect, enhance and connect Shropshire's environmental assets. I also find no conflict with the Framework, which sets out the principles for the determination of planning applications to protect and enhance biodiversity.

Other considerations

16. The proposal is to provide accommodation for the appellant's elderly father who requires on-site care by the appellant. The appeal development would bring demonstrable social benefits for the appellant's family. Dismissing this appeal could lead to the intended future occupier of the unit being unable to find suitable accommodation to meet their personal circumstances which would have negative effects on the intended future occupier. I have therefore had due regard to the Public Sector Equality Duty (PSED)

¹ Turner [2016] EWCA Civ 466

contained in Section 149 of the Equality Act 2010, which specifies the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act.

17. It is stated that alterations and extensions to the host dwelling would require considerable disruption and layout changes to this listed building and that accommodation provided within a demountable structure such as a mobile home would have a detrimental visual impact on the host dwelling and the openness of the Green Belt. Given this, it is suggested that the appeal proposal represents the least harmful option in relation to the effect on the openness of the Green Belt and the setting and significance of the listed building.
18. However, there are no details before me of these alternatives to give substantial credence to in terms of their scale, siting and appearance and any harm to the openness of the Green Belt and/or the significance of the listed building resulting from a demountable structure would be temporary in nature. Therefore, from the information provided it has not been demonstrated that alternatives would have a greater impact on the openness of the Green Belt or that they would be more harmful to the significance of the host listed building. Given this, I attribute limited weight to these alternatives in my decision.
19. Whilst the proposed extension would support a family member, it has not been evidenced that alternatives could not meet the same aims in providing this accommodation, including the reuse of space within the host dwelling and existing outbuilding. Additionally, I am mindful of the advice contained in the Planning Practice Guidance that, in general, planning is concerned with land use in the public interest. It is probable that the proposal would remain long after the current personal circumstances cease to be material. Thus, in having due regard to the PSED, the harm caused by the appeal development in terms of the conflict with the well-established and legitimate planning purposes of Green Belt policy outweighs its benefits in terms of eliminating discrimination against persons with protected characteristics, advancing equality of opportunity for those persons and fostering good relations between them and others.
20. There would be economic benefits during construction. However, given the scale of the development this carries limited weight.

Other Matters

21. Statute requires that I pay special regard to the desirability of preserving a listed building or its setting². The Old House is grade II listed and its significance appears to lie in its aesthetic qualities. The proposal would retain the separation between the outbuilding and the host dwelling and the cultivated area which separates the 2 buildings. Thus, the proposed development would preserve the setting of this listed building. However, this lack of harm weighs neutrally, rather than in favour of the proposal.

² Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

22. The Council raised no objection to the proposal with regards to flooding, highway safety or the effect on the highway network. The appellant has expressed a willingness to incorporate a bat/ bird box. However, compliance with the relevant development plan policies on these matters would be required in any case. Thus, these matters weigh neutrally, rather than in favour of the proposal.

Planning Balance and Conclusion

23. I have found that the proposal would not result in harm to protected species. Nonetheless, it would result in inappropriate development in the Green Belt, which would, by definition, be harmful. The Framework indicates that such harm should be given substantial weight. I also give substantial weight to the adverse impact on the openness of the Green Belt.
24. For the reasons set out above, the harm to the Green Belt would not be clearly outweighed by the other considerations. Therefore, the very special circumstances required to justify a grant of planning permission have not been demonstrated.
25. The proposed development conflicts with the development plan and there are no material considerations, either individually or in combination, which outweigh the identified harm and associated development plan conflict. I therefore conclude that the appeal should be dismissed.

N Robinson

INSPECTOR

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Appeal Decision

Site visit made on 10 September 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th September 2024

Appeal Ref: APP/L3245/D/24/3339364

**Curlew Cottage, Rowe Lane, Stanton Long, Much Wenlock, Shropshire
TF13 6LS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr David Smith against the decision of Shropshire Council.
 - The application Ref is 23/05406/FUL.
 - The development proposed is erection of extension to dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of extension to dwelling at Curlew Cottage, Rowe Lane, Stanton Long, Much Wenlock, Shropshire TF13 6LS in accordance with the terms of the application, Ref 23/05406/FUL, 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: LGA 727D03 REV A As Proposed – Elevations; LGA 727D04 REV A As Proposed – Plans; LGA 727D05 REV B Site Plan; and LGA 727D06 REV B Location Plan.
 - 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.

Applications for costs

2. An application for costs was made by Mr David Smith against Shropshire Council. This application is the subject of a separate decision.

Preliminary Matters

3. The site has been subject to previous appeal decisions. A copy of the most recent, reference APP/L3245/D/23/3323663, relating to the erection of an extension to the dwelling, has been provided, which I have taken into account in my decision. Nonetheless I have reached my own findings based on the evidence that is before me.

4. Harm to the landscape and scenic beauty of the Shropshire Hills National Landscape, within which the appeal site lies, and which was formerly known as the Shropshire Hills Area of Outstanding Natural Beauty, did not form part of the reason for refusal. As the proposed extension would be located to the rear of the dwelling it would not be prominent in views from the highway, particularly as it would not require the removal of any roadside hedgerow. Consequently, the proposal would conserve the natural beauty of the area and therefore I have no grounds to disagree with the Council in this regard.

Main Issue

5. The main issue is the effect of the proposal on the significance of the host property, a non-designated heritage asset.

Reasons

6. The host property is a previously extended early nineteenth century, two-storey, semi-detached cottage of local stone and brick construction with a plain clay tiled pitched roof. The Council recognise it as a non-designated heritage asset (NDHA), and this was accepted by the Inspector in the previous appeal. Having carefully considered the evidence before me, I do not consider this to have been an unreasonable conclusion to reach.
7. The proposed extension would be added to the elevation that faces the rear garden space, which previously has been established as the principal elevation of the property. Based on my observations, I have no reason to disagree.
8. The principal elevation contains the main door into the cottage, centrally positioned beneath a lean-to canopy. The door is set between two ground floor windows of similar size and appearance, with two upper floor windows that vertically align. This gives the principal elevation a simple, symmetrical appearance which is emphasised and enhanced by the position of two brick chimneys within the roof. Such features contribute positively to the character and appearance of this NDHA, the significance of which is derived from its architectural and historic cottage character within a tranquil, rural location.
9. The proposed extension would be centrally positioned in front of the door and between the ground and upper floor windows. The proposed pitched plain clay tiled roof would reflect the appearance of the roof of the existing cottage and would sit comfortably below the eaves. The symmetrical appearance of the principal elevation would therefore be retained, and the large extent of glazing proposed would ensure that its original form would remain legible.
10. The extension would project further into the rear garden than the scheme that was dismissed in the previous appeal, and its depth would be broadly comparable to that of the original cottage. Nevertheless, its overall scale would amount to a modest and proportionate addition to the cottage, and the proposal would have a considerably reduced width and footprint when compared to the scheme dismissed in the previous appeal. Overall, the proposed extension would harmonise with the simple, original appearance of the cottage and, as such, would not harm, or lead to any material loss of significance of, this NDHA.

11. I therefore conclude that the appeal proposal would not harm the significance of the property as a NDHA. Consequently, it would accord with Policy CS6 of the Core Strategy and Policies MD2 and MD13 of the Site Allocations and Management of Development Plan which requires development to be of a high-quality design and seek to protect, conserve and enhance the historic context and character of heritage assets. It would also satisfy the requirements of section 16 of the National Planning Policy Framework, which is also concerned with the safeguarding of heritage assets.

Conditions

12. In addition to the standard condition which limits the lifespan of the planning permission I have included a condition that specifies the approved plans for the avoidance of doubt and in the interests of proper planning. A condition relating to matching materials is also necessary to ensure that the appearance of the new development would be satisfactory.

Conclusion

13. For the reasons given above, having regard to the development plan as a whole and all relevant material considerations, I conclude that the appeal should be allowed.

Elaine Moulton

INSPECTOR

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Appeal Decision

Site visit made on 10 September 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2024

Appeal Ref: APP/L3245/W/24/3338097

Abattoir, Dale Street, Craven Arms, Shropshire SY7 9PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr M Nadeem of Euro Quality Lambs against the decision of Shropshire Council.
 - The application Ref is 23/04035/FUL.
 - The development proposed is extension of existing water culvert.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would be acceptable in terms of flood risk.

Reasons

3. The appeal proposal is the culverting of an engineered channelled watercourse that crosses through a site, used by a meat processing firm, and flows on into the River Onny. It would extend an existing culvert over which Corvedale Road passes, and which continues partially into the lorry park which is part of the business premises. The proposed culvert would, by covering over an open watercourse, extend the lorry park.
4. The proposal is supported by a site-specific flood risk assessment (FRA) which indicates that the site is within Flood Zone 3a, an area at high risk of flooding. The FRA indicates that the proposed site usage, as a lorry park, places it into the 'Less Vulnerable' category and that an exception test will not be required. In effect, the FRA concludes that notwithstanding the risk of flooding that has been identified, the site is suitable for the intended use. This is not disputed by the Council, and there is no evidence before me that would lead me to disagree.
5. Nonetheless, paragraph 173 of the National Planning Policy Framework (the Framework) states that when determining any planning applications, it should be ensured that flood risk is not increased elsewhere. The FRA, however, does not consider the risk of flooding off site posed by the proposal. Furthermore, no detail is provided within the appeal documents as to how exceedance flows throughout the site would be addressed. Without such information it has not been demonstrated that the proposal would not result in flooding of land outside of the premises.

6. The appellant suggests that as the same controlled flow of water will run through the extended culvert as through the existing, it can be concluded that the proposal would not increase flood risk elsewhere. However, the Planning Practice Guidance¹ states that proposals to introduce new culverting are likely to have adverse impacts on flood risk, amongst other things, and the FRA does not provide any evidence to demonstrate otherwise in support of the appellant's conclusions.
7. Given such guidance, and in the absence of detailed information that demonstrates otherwise, I cannot be satisfied that the issue of flooding elsewhere would be capable of being satisfactorily mitigated. A reduction in the length of the culvert, as suggested by the appellant, would not alter my findings, as it would still need to be established that a shorter extension would not pose a flood risk off site.
8. I therefore find that as it has not been demonstrated that the proposal would not increase flood risk elsewhere, it is not acceptable in this regard. Consequently, the proposal would conflict with Policy CS18 of the Core Strategy which requires that developments reduce flood risks. It would also be contrary to the requirements of paragraph 173 of the Framework, as referred to above, and to Policy 6 of the Local Flood Risk Management Strategy that states that no person shall erect any culvert that would be likely to affect the flow of any ordinary watercourse.

Other Matters

9. The watercourse is a barrier that affects circulation and thereby adversely affects the ease and efficiency of the business operations that take place on the site. Nevertheless, whilst I acknowledge the benefits to the business that would arise from the proposal through the removal of the barrier and the extension of the lorry park, that does not justify development I have found to be unacceptable.
10. No compelling case has been presented to support the appellant's claim that the watercourse severely interferes with the free flow and safe operation of traffic on the highway or that demonstrates how the proposal would improve highway safety.
11. The appellant has indicated the intention to relocate the business in the future and highlighted that the redevelopment of the vacated site would provide an opportunity to reinstate the open watercourse. Whilst that may be the case, any increased risk of flooding elsewhere, even for a limited period, would still be unacceptable.
12. I acknowledge that the Council's ecological adviser has not raised objection to the proposal, subject to conditions. Accordingly, there is no basis upon which to conclude that the proposal would adversely affect protected species, reduce natural habitats or result in the fragmentation or loss of a wildlife corridor. Such a lack of harm in this respect is, however, a neutral factor and does not overcome the harm identified above.
13. It has been drawn to my attention of likelihood that the proposed works would require an Ordinary Watercourse Consent under the Land Drainage Act.

¹ Paragraph: 067 Reference ID: 7-067-20220825

Nonetheless, that regime is distinct from planning and such a requirement does not alter my findings.

Conclusion

14. The proposed development conflicts with the development plan as well as national guidance and legislation and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.

15. I therefore conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR

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Appeal Decision

Site visit made on 23 September 2024

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th October 2024

Appeal Ref: APP/L3245/W/24/3341420

**Quatford Wood House, Chapel Lane, Quatford, Bridgnorth, Shropshire
WV15 6QH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Nigel Philp against the decision of Shropshire Council.
 - The application Ref is 23/05416/FUL.
 - The development proposed is the erection of two detached dwellings.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposed development on the openness of the Green Belt;
 - the effect of the proposed access arrangement on highway safety with regard to users of Chapel Lane;
 - the effect of the proposed development on the character and appearance of the area, with specific reference to the Quatford Conservation Area (the QCA); and
 - if the proposed development is inappropriate, whether the harm by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

3. The appeal site is located within the Green Belt. New buildings in the Green Belt are inappropriate development which the Framework states is, by definition, harmful and should not be approved except in specific circumstances. The main parties agree that the exception relevant to the appeal site is whether or not the proposed development would constitute limited infilling in a village.

4. Policy CS5 of the Core Strategy¹ is broadly consistent with the Framework's approach to the protection of the Green Belt through resisting new development therein and supported by Policy MD7a of the SAMDev². Policy CS5 does, however, further restrict limited infilling to the Community Hubs and Community Clusters identified in Policy MD1 of the SAMDev. Quatford is not listed in Policy MD1 and as I have no substantive evidence before me to conclude this status has been proposed by Quatford Parish Council (as required by Policy MD1) this exception does not apply in this case. Whilst the supporting text to Policy MD1 indicates that the Community Hubs and Community Clusters have been designated primarily on the aspirations of those communities, it is unclear if these settlements constitute villages for the purposes of the Framework.
5. The Framework does not define the term, as a whole or in parts, limited infilling in a village. Nor does it preclude the use of additional restrictions on development in the Green Belt within local policies. However, the approach adopted in Policy CS5 of the Core Strategy does pre-empt, to a certain degree, any conclusions a decision maker may have as to whether or not a settlement is a village. On this basis, as concluded in the Wood Decision³, as the decision maker, it is necessary for me to have regard to the situation 'on the ground,' in addition to the relevant policies when determining if the appeal site is located in a village.
6. The settlement of Quatford straddles the A442 which connects the larger settlements of Bridgnorth and Kidderminster. The majority of development is located on the eastern side of the road, with the River Severn providing a natural barrier on its western side. Few buildings are sited close to the road and only a handful of roads provide access to development off the A442. As such, the edges of the settlement are hard to define on the ground.
7. However, the variations in the age, use and pattern of built form across the settlement, have led to the creation of areas with differing characters. The appeal site is located within the most northerly of these areas which comprises a cluster of development around Chapel Lane and the access to Quatford Grange. Due to the close relationship of the built form to these roads, combined with the architectural styles, features and materials present, this part of the settlement has a traditional and rural character.
8. In contrast, the most southerly part of the settlement is dominated by several large static caravan parks, accessed off both sides of the A442. Although some of the caravans are residential, nevertheless with their arrayed siting alongside looped access roads, these properties are, on the whole, indistinguishable from those used as holiday accommodation.
9. Between these caravan parks and the Quatford Grange access, a small group of dwellings is located, bookended by a public house and the church. Although centrally located, this area is physically and visually separated from other parts of the settlement. As a result, the features and characteristics of the dispersed pattern of development in Quatford create a disjointed settlement with the A442 being the only feature that connects them.

¹ Shropshire Local Development Framework: Adopted Core Strategy (the Core Strategy)

² Site Allocations and Management of Development (SAMDev) Plan

³ *Julian Wood v SSCLG, Gravesham Borough Council* [2015] EWCA Civ 195 (the Wood Decision)

10. Aside from the small Village Hall on Chapel Lane and a cattery near the Quatford Grange access, the other facilities in Quatford, including two roadside cafes, are located alongside the A442, near the caravan parks. These do not amount to a wealth of facilities and services which would meet the daily needs of the residents of Quatford. It would therefore be necessary for residents to travel to larger settlements, such as Bridgnorth. Although the A442 is served by a bus route with stops located close to its junction, the absence of pavements and the narrowness of Chapel Lane is likely to discourage most people from using public transport for everyday needs such as food shopping.
11. My attention has been drawn to the Norton Green decision⁴ where there was a dispute related to whether the settlement constituted a village. Whilst the Inspector in this case concluded that Norton Green is a village, I have not been provided with sufficient evidence to conclude it is comparable to the appeal scheme before me. Therefore, I give it no weight in my consideration of this appeal and have assessed the status of the settlement of Quatford based on the situation on the ground and taking all the above into account.
12. It is my planning judgment that, for the purposes of the Framework, the settlement of Quatford is not a village.
13. The appeal site comprises a small paddock between Highgate Cottage and the access drive to Quatford Wood House. The parking area and garden associated with Roccabrun Cottage are located opposite the site, although it does not extend the full length of the site's frontage. A mature hedgerow defines part of the site's boundary with the lane, whilst the remaining frontage is open, through which views across the site towards the fields beyond are possible. Nonetheless, the domestic boundary features, garden and parking areas to each side mean the site is experienced as being located between existing development. Therefore, the introduction of built form into this gap would amount to infilling for the purposes of the Framework. Together with the limited size of the proposed development in numerical terms and the small size of the site itself, the proposed development would amount to limited infilling.
14. Nevertheless, having assessed the site-specific circumstances on the ground, I do not consider that the appeal site is located in a village. Consequently, it would not meet the limited infilling in a village exception set out in the Framework and would constitute inappropriate development in the Green Belt which should not be approved except in very special circumstances. It would also conflict with Policy CS5 of the Core Strategy and policies MD1 and MD7a of the SAMDev which seek to direct the location of development towards specific settlements and control new buildings in the Green Belt.

Openness

15. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. The essential characteristics of the Green Belt are its openness and permanence. Openness has spatial and visual aspects. Given its undeveloped nature, the construction of two dwellings on the site and all the associated domestic features would result in the introduction of built development where there is presently none. This would result in a loss of the spatial aspect of openness, albeit to a modest degree.

⁴ APP/M3455/W/22/3299359

16. Combined with the changes in the topography of its surroundings, the lack of built form on the site permits views from Chapel Lane to the paddock land and wooded ridge behind. Whilst the appeal scheme has been designed to retain part of this view, nonetheless, the proposed dwellings would reduce its width and intrude upon the visual connection between the lane and open countryside. The retention of the existing hedgerow would provide limited screening given its lower height than the proposed dwellings. The proposed development would, therefore, lead to a permanent change to the visual aspect of the Green Belt.
17. I conclude that the proposed development would lead to some loss of openness, albeit localised and modest, which would be harmful to the Green Belt. It would, therefore, conflict with the fundamental aim of the Green Belt and its ability to serve its purpose of safeguarding the countryside from encroachment.

Highway safety

18. Chapel Lane is a narrow, single track unclassified road. There are no pavements on either side of the carriageway and vehicular passing points are limited to breaks in plot frontages and driveway entrances. Its meandering route between the built form restricts forward visibility. Therefore, should a driver encounter another vehicle or a pedestrian walking on the road, there would be limited time for the driver/pedestrian to stop and/or move safely out of the way.
19. Whilst highway safety was not determinative in the previously refused planning applications and dismissed appeals⁵ on the site, I have limited information demonstrating that the proposed access arrangements in these schemes are comparable to the case before me.
20. Concerning the appeal scheme, no visibility splays are indicated on the application plans. Given the curvature of the road, the proximity of the built form to the carriageway, the lack of pavements and the presence of tall boundary treatments near the site, I am unable to conclude with certainty that the appropriate visibility splays for the proposed access can be provided. As such, it has not been demonstrated that drivers exiting the site would have adequate visibility in either direction to see other road users and therefore avoid a collision.
21. The use of a pre-commencement condition requiring details of the visibility splays to be submitted and approved by the Council has been suggested as a means to overcome this concern. However, there is sufficient doubt regarding the ability of the appropriate visibility splays to be provided and I conclude that the proposed access arrangements would harm the safety of users of Chapel Lane. Although no specific Core Strategy or SAMDev policy is listed on the decision notice relating to this reason for refusal, I find conflict with Chapter 9 of the Framework which requires safe and suitable access to be achieved for all users.

⁵ Planning application ref: 14/00719/FUL and appeal ref: APP/L3245/A/14/2225478 and planning application ref: 15/03606/FUL and appeal ref: APP/L3245/A/16/3148172

Character and appearance

22. As the appeal site is located within the QCA I am required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The significance of the part of the QCA containing Chapel Lane, insofar as it relates to this appeal, is predominantly derived from the relationship of the built form to the narrow lane which rises and meanders away from the River Severn valley.
23. Although no particular architectural period or style dominates, the differing relationship of the buildings on each side of the lane is more distinctive. On the appeal site side of Chapel Lane, many of the dwellings abut the lane, with low walls further defining garden boundaries, thereby creating an intimate pattern of development. Where more modern buildings, including garages and the occasional dwelling, have been constructed, these are orientated towards the lane but set back to provide driveway space. Whilst this breaks the continuity of the treatment of the edge of the carriageway, the stepped nature of the built form permits views of the open paddocks to the rear.
24. In contrast, dwellings on the opposite side of Chapel Lane are more strongly influenced by the topography, with the built form set back and at a higher level to the lane. This provides a sense of space to this side of the lane.
25. Access to the proposed dwellings would be provided via a shared driveway off Chapel Lane, with the detached buildings orientated towards the site boundary with Highgate Cottage. Whilst the proposed layout has been designed to retain part of the visual connection between the road and open countryside, nevertheless, a shared driveway is not a feature I observed elsewhere along Chapel Lane. The development would, therefore, have a character which does not respond to either the intimately located cottages alongside the lane or the more dispersed and setback dwellings on the opposite side.
26. Moreover, the identical, albeit mirrored dwellings would be incongruous features within a street scene comprising individual or one-off building typologies. The orientation of the gable ends towards the lane and the use of architectural features and materials which respect the local vernacular would do little to alter the discordant effect of the proposed layout on the area. Despite the attempts to evolve previously refused schemes by combining traditional and modern designs the proposed development would be detrimental to the character and appearance of the area.
27. It would also fail to preserve the character or appearance of the QCA and would be harmful to its significance as a whole. Given the scale of the appeal scheme, the proposed development results in less than substantial harm to the significance of a designated heritage asset. I have attached great weight to the desirability of avoiding such a harmful effect. In these circumstances, the Framework states that this harm should be weighed against the public benefits of the proposed development.
28. The proposed development would provide some public benefits through the provision of two dwellings. Whilst of a size considered by the appellant to be preferable locally, the evidence before me indicates that the Council have a five-year supply of deliverable housing sites. Therefore, along with the scale of the proposed development, the public benefits it would provide are limited.

The proposed wildlife meadow and pond would provide environmental benefits by supporting local wildlife in the area. However, it is unclear if these areas would be accessible so as to amount to a public benefit.

29. Nevertheless, when considered in combination, the public benefits that would be derived from the proposed development would be small and I attribute limited weight to them. Consequently, they do not outweigh the great weight to be given to the harm to the QCA. As a result, the proposed development does not satisfy the requirements of the Act, the Framework and it conflicts with policies CS6 and CS17 of the Core Strategy and policies MD2 and MD13 of the SAMDev. In combination, these policies require development, amongst other things, to protect or conserve the features which contribute to the local character of the natural, built and historic environment.
30. I also find conflict with Chapters 12 and 16 of the Framework with respect to the need for new development to be sympathetic to the character and appearance of its surroundings, including the historic environment.

Other considerations

31. While some benefits have been highlighted in support of the proposed development, for the reasons given above, they attract limited weight in my decision.
32. Whether or not representatives of the Council undertook a site inspection is not a matter for this decision.

Green Belt Balance and Conclusion

33. The proposed development would be inappropriate development in the Green Belt and would result in a harmful loss of its openness, in both visual and spatial terms. The Framework requires that any harm to the Green Belt be given substantial weight. I have also found that the proposed access arrangement would harm the safety of users of Chapel Lane. Although the proposed development would result in less than substantial harm to the QCA, I have found that this harm is not outweighed by the public benefits of the appeal scheme.
34. The Framework indicates that inappropriate development should not be approved except in very special circumstances. Such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. As set out above, the other considerations would not clearly outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness and any other harm. Consequently, the very special circumstances required to justify a grant of planning permission have not been demonstrated.
35. The proposed development would conflict with the development plan when taken as a whole and material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

Juliet Rogers

INSPECTOR

Appeal Decision

Site visit made on 8 October 2024

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2024

Appeal Ref: APP/L3245/W/24/3348210

Land at Brick House Farm, Greete, Ludlow SY8 3BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Bluefield Renewable Developments Ltd against the decision of Shropshire Council.
- The application Ref is 24/00764/VAR.
- The application sought planning permission for the construction of a solar farm together with all associated works, equipment, necessary infrastructure and biodiversity enhancement areas without complying with conditions attached to planning permission Ref 22/02565/FUL, dated 21 October 2022.
- The conditions in dispute are Nos 2 and 17. Condition 2 states that: "Except as otherwise provided in the conditions attached to this permission or otherwise agreed in writing the operations hereby permitted shall be carried out strictly in accordance with the application form dated 30th May 2022 and the accompanying planning statement and supporting documents and plans, (as listed on the decision notice". Condition 17 states that "the four locations defined on the approved layout plan as 'food opportunity areas' shall be maintained free of solar arrays and shall be managed with the objective of producing food where practicable throughout the operational life of the solar farm hereby approved. Six months following site energisation/commissioning of the development a scheme detailing cultivation proposals for the food opportunity areas shall be submitted for the written approval of the Local Planning Authority, not to be unreasonably withheld, and the approved scheme shall be implemented in accordance with the approved details. The operator shall maintain an annual records of food production within the food opportunity areas, following the first year's harvest and this shall be made available for inspection by the Local Planning Authority within two months of any prior written request. In the event that any material changes are proposed to the previously agreed scheme within the food opportunity areas then such proposals shall be submitted for the prior written approval of the Local Planning Authority, not to be unreasonably withheld, and the amended proposals shall be implemented in accordance with the approved details".
- The reasons given for the conditions are: "To define the permission" [2] and "to preserve the use of Best and Most Versatile land within the Site for food production in accordance with Paragraph 174b of the NPPF or any

subsequent equivalent re-enactment of this national guidance (having regard also to draft policy DP26.k. of the emerging Shropshire Local Plan)" [17].

Decision

1. The appeal is allowed, and planning permission is granted for construction of a solar farm together with all associated works, equipment, necessary infrastructure and biodiversity enhancement areas at Land at Brick House Farm, Greete, Ludlow SY8 3BZ in accordance with the application Ref 24/00764/VAR, without compliance with condition number 17 previously imposed on planning permission Ref 22/02565/FUL, dated 21 October 2022 and subject to the conditions in the attached schedule.

Preliminary Matters

2. The approved solar farm is reported as providing 45MW of power. The Appellant states that the removal of condition 17 would provide the ability for the site to generate a further 5MW of power, but that the combined power output would not exceed 49.9MW. The Appellant has confirmed that the capacity of the site is governed by the grid offer that the Appellants received from the Distribution Network Operator (DNO) of 49.9MW. The Appellant informs that if electricity exported from the site exceeds this amount, the DNO will shut down the site. Furthermore, it is stated that the export capacity is controlled by the inverters, which ensure that the agreed capacity is not exceeded. On the basis of these details, I am satisfied that the proposal would comply with the threshold limits of the 1990 Town and Country Planning Act.
3. Since the original S73 application was refused by the Council, a subsequent application to vary the condition has been submitted and allowed. The Council explained that the S73 application the subject of this appeal was refused on the basis of a lack of information as to the extent of sheep grazing that could occur on site. The Council has asserted that the originally worded condition was limited and did not require arable use of the food opportunity areas, meaning that the developer could just have sheep grazing within these arable areas and comply with the condition. The Council states that a varied condition would instead apply to the whole site, would encourage greater agricultural use across the site as well as increased energy generation. It therefore allowed the S73 application with the condition replaced. The new condition required the submission of a scheme that would facilitate sheep grazing between the solar arrays across the entire site.

Main Issue

4. The main issue is whether the disputed condition is necessary and reasonable.

Reasons

5. The approved solar farm included, within its application site, both Grade 3a and 2 agricultural land. The Grade 2 land was largely within the site's Biodiversity Enhancement Areas and most of the 3a land was set aside in four food opportunity areas (FOAs). This resulted in 95% of the development excluding the Best and Most Versatile (BMV) agricultural land.

6. Condition 17 essentially requires the FOAs to be kept free of solar panels and used to produce food 'where practicable'. It required cultivation proposals to be submitted to the Council that would 'not be unreasonably withheld'. It also requires the applicant to provide a record of the harvest and submit this to the local planning authority upon request. The purpose of this condition is to ensure that the site's BMV land is maintained for arable farming. This objective was deemed to meet the requirements of the National Planning Policy Framework (the Framework), which seeks decisions to recognise the intrinsic character and beauty of the countryside and the benefits of BMV land. Furthermore footnote 62, seeks areas of poorer quality land to be preferred to those of higher quality.
7. However, the condition is rather vague and provides the applicant the opportunity of compliance by simply demonstrating that arable farming would not be practical and could simply be used for sheep grazing as has been more recently concluded by the Council.
8. Further, the retention of the FOAs and the requirement for proof that the land would be actively farmed oversteps the requirements of the local planning authority. The specific way agricultural land is used is not a matter that is subject to planning controls. As such, there would be nothing in planning terms to prevent the farmer using the fields that form the appeal site for the grazing of sheep at present or even leaving them fallow. Given this, the fact that the proposal would limit the ability to carry out any arable farming does not, in my view, mean that it results in the loss of agricultural land when it can still be used for other agricultural uses.
9. The affected land would not be lost but instead used for both the purpose of pastoral and solar farming for the duration of the life of the proposal. I do not find that the proposal would result in the loss of BMV land, and this would not therefore be justification for the refusal of permission.
10. During the operational period the land around the panels would be capable of being used for the grazing of sheep. As a result, most of the land would be able to be used for some agricultural purposes and it could be returned to arable farming at the expiry of the temporary period. Moreover, while the use of higher quality agricultural land is discouraged by the Framework, the proposal is for a temporary period of forty years.
11. The Council's revised version of the condition, forming part of a more recent decision, seeks the submission of a scheme to specify a programme of sustainable sheep-grazing. However, to require this to take place would be unreasonable as it would be dependant on a number of factors beyond the site operator's control. Thus, such a condition would be neither reasonable nor necessary. The agricultural land would not be permanently or irreversibly lost, particularly as pasture grazing would be capable of occurring between the solar panels.
12. Accordingly, I conclude for the above reasons the condition is neither necessary or reasonable and would not pass the tests of paragraph 56 of the Framework.
13. The proposed removal of condition 17 would also require some plans within the approved plans list (condition 2) to be adjusted. These relate to a revised

layout plan, landscape strategy and master site layout. These plans show the solar array extending onto the four areas previously shown as FOAs. These changes are relatively minor and would be a natural result of removing the condition, enabling the site to increase its benefits through the production of renewable energy.

14. The advice in the Planning Practice Guidance makes it clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. As I have only limited information before me about the status of the other conditions imposed on the original planning permission (21/03663/FUL), I shall impose them without condition 17 and an adjusted condition 2.
15. The more recent Council's decision to approve a variation to condition 17, rather than its deletion, has resulted in several other changes to the original decision notice. This includes the deletion of conditions 6) requiring details of a Tree Protection Plan and 15) requiring details of a programme of archaeological work. Also, the original condition 8) has been adjusted with respect to the replacement planting time frame, moving from 5 years to instead cover the lifetime of the development. The Council has not provided reasoning for any variations beyond those sought for and, as such, these may still have an effect for the purposes of this decision. As a result, I have imposed the original conditions in their unaltered form.
16. For the above reasons, the appeal is allowed subject to conditions.

Ben Plenty

INSPECTOR

Schedule of conditions

- 1) The development hereby approved shall be commenced within 3 years of the date of this permission. Such date shall be referred to hereinafter as 'the Commencement Date'.
- 2) Except as otherwise provided in the conditions attached to this permission or otherwise agreed in writing the operations hereby permitted shall be carried out strictly in accordance with the application form dated 30th May 2022 and the accompanying planning statement and supporting documents and plans, namely:

Documents / Reports: • Agricultural land classification report • Arboricultural Impact Assessment • Badger survey • Biodiversity metric • Biodiversity management plan • Construction traffic management plan (Updated 14/10/22) • Flood risk assessment • Glint and glare study • Heritage desk based assessment • Landscape and Visual Impact Assessment (amended) • Mineral reserves assessment • Noise assessment • Public attitudes survey • Applicant response to CPRE letter 18/9/22 and 17/10/22 • Applicant briefing note 5/09/22 • Agricultural consultant clarifications 7/10/22 • Applicant revised design cover email 7/10/22 • Access Strategy 17/10/22

Drawings: • P21-0442_01D Site location plan • P21-0442_07 Topography plan • BKH-DWG002 Engineering Layout Plan • P21-0442_05E Landscape Strategy • P21-0442_10D Master Site Layout • BKH-DWG004 Mounting system details • BKH-DWG005 Fencing details • BKH-DWG006.1 CCTV Layout • BKH-DWG006.2 CCTV details • BKH-DWG007.3 Inverter substation • 10069-E-SP-01 Electric design overall layout • 10069-E-ELV-01 2.4m high palisade fencing • 10069-E-SP-02 WPD 132kV Metering substation underground • 10069-E-ELV-02 WPD 25m Communications tower • 10069-E-GA-02 Customer switchroom • 10069-E-GA-06 Customer switchroom elevation • 10069-E-GA-05 DNO Switchroom elevation, and • 10069-E-GA-01 DNO switchroom.
- 3) This permission shall relate only to the land edged red on the site location plan (Reference P21-0442_01), hereinafter referred to as 'the Site'.
- 4) For the duration of the construction period all traffic associated with (the construction of) the development will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads unless approved in writing with the Local Planning Authority.
- 5) Prior to any construction works taking place and post construction a full condition survey shall be carried out on the route between the site access and the A49.
- 6) Where the approved plans and particulars indicate that construction work excavations or level changes are to take place close to or

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

- 7) No demolition ground clearance or construction works will commence until the Local Planning Authority has approved in writing that the approved Tree Protection Measures have been established in compliance with the final approved tree protection plan.
- 8) No development shall take place (including ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include: i. Planting plans, creation of wildlife habitats and features and ecological enhancements in accordance with the Biodiversity Management Plan by Avian Ecology. ii. Written specifications for establishment of planting and habitat creation; iii. Schedules of plants/seed mixes, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate; iv. Implementation timetables. Native species used are to be of local provenance (Shropshire or surrounding counties). The plan shall be carried out as approved.

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

- 9) All new planting within the Site shall be subject to aftercare / maintenance for a period of 5 years following planting, including weeding and replacement of failures.
- 10) All site clearance, development, landscaping and biodiversity enhancements shall occur strictly in accordance the Biodiversity Management Plan by Avian Ecology.
- 11) No development shall take place (including ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include: i. An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented; ii. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during

construction; iii. Requirements and proposals for any site lighting required during the construction phase; iv. A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season); v. The times during construction when an ecological clerk of works needs to be present on site to oversee works; vi. Pollution prevention measures. vii.

Identification of Persons responsible for:

- Compliance with legal consents relating to nature conservation;
- Compliance with planning conditions relating to nature conservation;
- Installation of physical protection measures during construction;
- Implementation of sensitive working practices during construction;
- Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
- Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.

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

- 12) Within 28 days prior to any pre-development site enabling works an inspection for badgers and otters shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence (further to that submitted in support of the approved planning consent), or a change in status, of badgers or otters is recorded during the pre-development survey then the ecologist shall submit a mitigation strategy for prior written approval that sets out appropriate actions to be taken during the construction stage. These measures will be implemented as approved.
- 13) Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. The submitted scheme shall be designed to take into account the advice on lighting set out in the Institution of Lighting Professionals and Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK (available at <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>). All external lighting shall be installed strictly in accordance with the specifications and locations set out on the plan, and thereafter retained for the lifetime of the development. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.
- 14) Fencing shall be provided strictly in accordance with the details shown on the approved fencing plan reference BKH-DWG005; Fencing Details. Site security shall be provided in accordance with the specifications detailed in the approved drawing reference BKH-DWG006.2 (CCTV Details) and drawing reference BKH-DWG006.1 (CCTV Layout).
- 15) No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in

accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.

- 16) Prior to the Commencement Date the operator shall submit for the approval of the Local Planning Authority a complaint procedures scheme for dealing with noise and other amenity related matters from the construction and operational phases of the development. The submitted scheme shall set out a system of response to verifiable complaints of noise received by the Local Planning Authority. This shall include:
 - i. Investigation of the complaint
 - ii. Reporting the results of the investigation to the Local Planning Authority and
 - iii. Implementation of any remedial actions agreed with the Authority within an agreed timescale.
- 17) All photovoltaic panels and other structures constructed in connection with the approved development shall be physically removed from the Site within 40 years of the date of the originally approved development, of 21 October 2022, and the Site shall be reinstated to agricultural fields. The Local Planning Authority shall be provided with not less than one month's notice in writing of the intended date for commencement of decommissioning works under the terms of this permission.

End of conditions



Appeal Decision

Hearing held on 10 September 2024

Site visit made on 10 September 2024

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2024

Appeal Ref: APP/L3245/W/23/3331859

Plough Inn, Wall-Under-Heywood, Church Stretton, Shropshire SY6 7DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Chris and Rosemary Thomas against the decision of Shropshire Council.
 - The application Ref is 22/04358/COU.
 - The development proposed is the change of use of public house to additional residential accommodation.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of public house to additional residential accommodation, at Plough Inn, Wall-Under-Heywood, Church Stretton, Shropshire SY6 7DS in accordance with the terms of the application Ref 22/04358/COU, 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: Location Plan – dated 09/22, and Block Plan – dated 09/22.

Preliminary Matters

2. Paragraph numbers taken from the December 2023 version of National Planning Policy Framework (Framework) are cited in this decision letter.

Main Issue

3. The main issue is the effect of the development on the vitality of the area and the quality of life of the local community.

Reasons

4. The Plough Inn Public House (the Plough), forms one of a small cluster of mainly residential properties, in an area known as Wall Under Heywood, which is within the parish of Rushby. During the hearing, the appellants confirmed that they traded from the Plough between 2015 and 2020 and that the pub has been closed since the Spring of 2020.

5. Wall Under Heywood is not identified as a settlement within either the Shropshire Council Core Strategy¹ (core strategy) or the Shropshire Council Allocations and Management of Development Plan² (the SAMDev). As such, the requirements of core strategy policy CS15 are not applicable. This was agreed at the hearing by the main parties, and I have reached the same view.
6. Collectively, core strategy policies CS6 and CS8 seek to protect existing facilities, services, and amenities that contribute to the quality of life of residents and visitors. This is unless it can be shown that provision is made for equivalent or improved provision, or, it can be demonstrated that the existing facility, service, or amenity is not viable over the long term. Within the explanation of core strategy policy CS8 it is confirmed facilities, services, and infrastructure include pubs.
7. Paragraphs 88 and 97 of the Framework share similarities with core strategy policies CS6 and CS8. They seek to; support the retention of accessible local services and community facilities such as public houses; guard against unnecessary loss of valued facilities and services; and ensure that established facilities are retained for the benefit of the community.
8. How compliance with core strategy policies CS6 and CS8 should be assessed is not specifically detailed within these policies. Nor has my attention been drawn to any supplementary planning documents or other guidance documents, that provide detailed advice on this matter. That being the case, my assessment of policy compliance must be made based on the evidence and information supplied.
9. I understand there has been a reduction in the number of pubs that are away from the main towns and villages in the wider area. However, it does not automatically follow that the closure of these other pubs would increase the demand for or the viability of the Plough.
10. The business accounts provided show that the Plough made a loss in the accounting years ending in 2015, 2016, 2018 and 2019. While a profit was recorded in the accounting year ending 2017, the small scale of such profit is dwarfed by the much larger losses reported in the other years between 2015 and 2019. Furthermore, had a sizable Government grant not been made to the business in 2020, then the business would also have made a loss in 2020.
11. The account information also shows reductions in sales turnover in each of the years between 2015 and 2020, and reductions in expenditure on wages/salaries between 2015 and 2018 - with no such expenditure being made in 2019 or 2020. Moreover, while the accounts show a modest Director salary was drawn in 2015, they also show that no such payments were made in subsequent years. Had wages/salaries been paid to the appellants over all the years they worked in the business, then the extent of the losses would no doubt be substantially higher than reported in the accounts. For these reasons, the account details demonstrate that the operation of the Plough has not been financially viable under the management of the appellants. This view was also expressed by the Council during the hearing.
12. No business account details have been provided for the years before the appellants took ownership of the Plough. However, and although anecdotal,

¹ Shropshire Council - Shropshire Local Development Framework: Adopted Core Strategy March 2011

² Shropshire Council - Allocations and Management of Development (SAMDev) Plan Adopted Plan 17/12/2015

during the hearing the appellants indicated that the Plough had a high turnover of managers and several different freeholder owners between 2003 and 2014. This account was not disputed by either the Council or those interested parties in attendance, and I therefore have no reason to doubt it. I appreciate that there are many reasons why tenancies or leases may end, and freeholds sold. However, such a large turnover of ownership and management in the years between 2003 and 2014, provides a strong indicator that the Plough was not viable and/or sufficiently profitable to warrant being retained.

13. The Plough is several miles from larger population centres which include Church Stretton and Much Wenlock. Both of which contain several pubs/eateries. As such, it is unlikely that those residing either in or close to those settlements would routinely choose to visit the Plough over those pubs and restaurants that are closer to them.
14. The evidence demonstrates that there is a range of visitor accommodation in the parish of Rushby, and that the wider Shropshire Hills National Landscape is a popular destination for tourists and visitors. Nevertheless, and albeit a snapshot in time, during my mid-week and late afternoon site visit, there wasn't a lot of passing traffic on the B4371 road to the front of the pub, and I have no reason to doubt that such traffic levels are typical. Furthermore, the public right of way on the opposite side of the road from the Plough did not appear to be well used. As such, and given the fairly remote location of the appeal site, only limited levels of passing and/or tourist custom could be reasonably expected to be generated.
15. Although not definitive, trip advisor reviews can be a useful indicator of customer satisfaction levels. The trip advisor reviews of the Plough are generally positive. That being the case, and even though my attention has been drawn to a limited number of reviews expressing poor experiences, it follows that most customers were made to feel welcome in the pub. Moreover, the appellants advised that, in their first years of management of the pub, it was open seven days a week. However, a decision was taken to reduce opening hours and days to those times when more customers could be reasonably be expected. This was a sensible business decision, which helped to reduce overheads. Even if there was a high turnover of staff, for the reasons given above, I cannot conclude that poor management led to the business being unviable.
16. During the hearing, interested parties confirmed that a range of regular groups and activities, as well as more occasional events such as quiz nights, take place within the nearby village hall (the village hall). Moreover, a well-attended monthly pop-up-pub has been established, which is also based in the village hall. Whatever motivated the opening of the pop-up-pub in January 2020, I do not doubt that its ongoing operation is harmful to the viability of the pub.
17. The monthly pop-up-pub is open less frequently and for less time than could reasonably and ordinarily be expected of an operational public house. Nevertheless, it provides a suitable alternative facility for individuals, groups, and organisations such as the local young farmers group, to regularly gather, socialise, and/or drink. It has been put to me that the parts of the village hall that the pup-up pub operates from, are taller and more echoey than the public rooms within the Plough. However, even if the village hall has a less intimate

atmosphere, I am satisfied that the monthly pop-up-pub provides a suitable alternative facility to the Plough.

18. Whether or not the market for licensed premises is generally buoyant and/or there is growing demand for such premises, it does not necessarily follow that demand for pubs in more remote locations is also buoyant. No specifically named market demand report has been provided. However, in a letter dated 10 March 2020, Sidney Phillips - a national property agency specialising in leisure and hospitality properties confirm that they marketed the Plough for sale as a public house, between early November 2019 and June 2020, at a price of £295,000. Furthermore, I have no reason to doubt the appellant's assertion that it continued to be so marketed until June 2020. Based on both the Sidney Phillips letter dated 23 June 2022 and the Council's agreement during the hearing to the valuation given within it, I accept that the price it was marketed for during this time was a realistic reflection of its value.
19. I have not been directed to any policy requirement or associated guidance indicating that the pub should have been marketed for a full year at a realistic price. Nevertheless, I am satisfied that the Plough was subject to a comprehensive marketing campaign, at a reasonable price and for a reasonable time. Despite several parties viewing the property between November 2019 and June 2020, the written evidence and the appellant's verbal comments indicate that no offers to purchase the property were made during that period. Consequently, I consider that the marketing exercise undertaken over 2019-2020 demonstrates a lack of demand for the property as a public house, at a reasonable price.
20. The evidence shows that parties have expressed interest in purchasing, leasing and/or renting the Plough, both before and after the marketing exercise previously referred to. Varying accounts have been provided for why none of this interest has translated to a change in ownership or management of the Plough. However, that the appellants have not been able to make the business financially viable over a period of several years, together with a high turnover of its prior management/ ownership, leads me to conclude that alternative ownership/management of the Plough would not be likely to make it a viable business.
21. The Plough has been designated as an Asset of Community Value. However, during the hearing, interested parties - including a representative of the Save the Plough Steering Committee, advised that were it for sale, the local community would not, currently, be interested in purchasing it. That being the case, the ACV designation does not lead me away from my previous findings in respect of the demand for and viability of the Plough.
22. For the reasons given, the proposed development would not cause harm to the vitality of the area or the quality of life of the local community. Consequently, it would comply with policies CS6 and CS8 of the core strategy, and it would not conflict with paragraphs 88 or 97 of the Framework.

Other Matters

23. Even if the population of Neenton is significantly less than the combined population of Wall under Heywood and Rushby, no compelling evidence has been presented demonstrating that the community-owned pub in Neenton is financially viable over the long term.

24. The appeal site is within the Shropshire Hills National Landscape, which is an Area of Outstanding Natural Beauty (AONB). In considering this appeal I must therefore have regard to my duty to seek to further the purpose of conserving and enhancing the natural beauty of the AONB.
25. As set out within the 'vision' section of the Shropshire Hills AONB Management Plan 2019-24, during the hearing, the Council advised that the special qualities of the National Landscape include its richness of geology, wildlife, and heritage, and its contribution to prosperity and well-being.
26. The development subject of this appeal does not include proposed alterations to either the exterior of the building or to the wider appeal site. That being the case, it would have a neutral effect on the special qualities of the Shropshire Hills National Landscape, and it would conserve the natural beauty of this area.

Conditions

27. The statutory condition specifying the time-period for the implementation of the permission is imposed. For certainty, a plans condition is also added identifying the plans to which the permission relates.

Conclusion

28. For the reasons given above, and having regard to the development plan as a whole and any other material considerations, I conclude that this appeal should be allowed.

V Simpson

INSPECTOR

Appearances

FOR THE APPELLANT:

Mr C Thomas	Appellant
Mrs R Thomas	Appellant
Mrs Gibbons	Representative of the appellant
Mr Edgar	Representative of the appellant

FOR THE COUNCIL:

Mrs D Fourie	Case Officer, Shropshire Council
Mrs M Star	Planning Officer, Shropshire Council

Continues on next page

INTERESTED PARTIES:

Mrs J Goss
Mr S Reed
Mr W Waddell
Mr Mark
Mr A Henderson
Mrs G Robinson
Mr P Nester
Mrs S McNicot
Mr J Walsh

End.



Appeal Decision

Site visit made on 23 September 2024

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2024

Appeal Ref: APP/L3245/W/24/3342722

The Swan Inn, Highley Road, Knowle Sands, Bridgnorth WV16 5JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by against the decision of Shropshire Council.
 - The application Ref is 23/03722/FUL.
 - The development proposed is the change of use of a public house to a single dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of a public house to a single dwelling at The Swan Inn, Highley Road, Knowle Sands, Bridgnorth WV16 5JL in accordance with the terms of the application, Ref 23/03722/FUL, and subject to the following condition:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.

Applications for Costs

2. Applications for costs have been made by Dr Kay Gibbons of Kay E Gibbons Holdings Ltd - The Swan Inn (the appellant) against Shropshire Council (the Council), and by the Council against the appellant. These are the subject of separate decisions.

Preliminary Matters

3. Since the Council determined the application, a new version of the National Planning Policy Framework (the Framework) came into effect. However, as the Framework's policy content insofar as it relates to the appeal scheme has not been significantly changed, I am satisfied no party would be prejudiced by determining the appeal accordingly.
4. In the banner head and formal decision above I have used the description of development as stated on the decision notice as this more succinctly reflects the proposed development.
5. A Viability Assessment (VA)¹ has been submitted by the appellant as part of the appeal. This was not before the Council at the time the planning application was determined. However, the Council have not disputed its contents and has confirmed that it provides sufficient evidence to substantiate the claim that the public house is not viable in the long term. I am therefore satisfied that no party will be prejudiced by taking the VA into account as part of my decision.

¹ Prepared by Thomas E. Teague (TET), dated January 2024

6. I have also dealt with another appeal² on this site. That appeal is the subject of a separate decision.

Main Issue

7. The main issue is the effect of the change of use on the quality of life of the local community, with particular regard to the provision of community facilities.

Reasons

8. The appeal site comprises a public house with several ensuite rooms providing bed and breakfast guest accommodation on the first floor and a further private apartment in the roof space. Externally the property has a terraced garden, patio and a covered space attached to the function room. A large area of hardstanding, used for car parking, is located at the rear of the site.
9. The appeal scheme comprises the change of use from a public house to a single dwelling, resulting in the permanent loss of an existing facility. To support such a change, Policy CS6 of the Core Strategy³ requires a clear demonstration that the existing facility is not viable over the long term unless the provision for an equivalent or improved facility can be made elsewhere. No alternative provision is proposed therefore the viability of the facility is a key determinative factor for compliance with Policy CS6.
10. The evidence before me indicates that the use of the building as a public house ceased in the spring of 2022. At the time of my visit, the property was not trading as a public house and given my observations of the numerous parts of the building in need of repair, renovation or replacement, it has not done so for some time. The property is also being marketed for sale.
11. The VA provides an indication of the potential turnover and operating profit the public house, combined with the guest accommodation, could realistically generate. This takes into account numerous site-specific factors including the size and type of accommodation within the property, its location and proximity to similar facilities, customer potential including those living in the nearby caravan parks, and poor accessibility for pedestrians and vehicles. Despite the current state of the licensed trade and hospitality sector, the VA does conclude that the business has the potential to achieve a positive FMOP⁴. However, this is on the proviso that the property is in a tradeable condition.
12. Whilst not verified by a structural report, the cracks in the exterior of the function room wall and various areas of hardstanding show signs of instability in the land. An internal inspection revealed the presence of numerous holes in the ceiling in publicly accessible areas as a result of water damage. Inside the function room, there is a damp and musty atmosphere. Similarly, the areas of warped flooring and the feeling of dampness within some parts of the bar area, particularly those with subterranean walls, indicate where water has infiltrated the building. The VA identifies leaks to several parts of the roof as the cause of this damage and I have no reason to dispute this.

² APP/L3245/W/24/3343807

³ Shropshire Local Development Framework: Adopted Core Strategy (the Core Strategy)

⁴ Fair Maintainable Operating Profit (FMOP)

13. Externally much of the wooden features require attention or replacement and the render is cracked and shows signs of rain damage. The steep driveway access from the B4555 to the elevated parking access has patchy areas of asphalt and the stairway from the car park down to the garden area is hazardous with loose paving slabs and railings. The VA also indicates that there are ongoing issues with the existing plumbing and electrical installations, although I have limited evidence before me to support this. Notwithstanding this, I see no reason to disagree with the author of the VA that the investment required to undertake the necessary works for the property to reach a tradeable condition as a public house would be significant.
14. Taking into account the FMOP calculated, the potential return on the required investment is unlikely to be an attractive proposition for prospective purchasers. Moreover, the level of risk attached to such an investment would be high. Consequently, the VA provides a clear demonstration that the existing facility is not viable over the long term.
15. Whilst suggested by an interested party, I have no reason to conclude that the business has been run into the ground, irrespective of the limited experience of the appellant in running a public house.
16. I conclude that the proposed change of use would not harm the quality of life of the local community, with particular regard to the provision of community facilities. It accords with policies CS5, CS6, CS8 and CS15 of the Core Strategy which seek to protect the existing facilities that contribute to the quality of life of residents and visitors in the countryside. These policies are broadly consistent with the Framework's approach to enabling the retention of local facilities, including public houses, by guarding against their unnecessary loss.

Conditions

17. In the interests of clarity and completeness, I have imposed the standard time limit condition for the commencement of development.
18. I have not imposed the standard plan condition, despite being recommended by the Council, as the development comprises a change of use only.

Conclusion

19. For the reasons given above, the appeal is allowed.

Juliet Rogers

INSPECTOR

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Costs Decision

Site visit made on 23 September 2024

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2024

Costs application in relation to Appeal Ref: APP/L3245/W/24/3342722 The Swan Inn, Highley Road, Knowle Sands, Bridgnorth WV16 5JL

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Shropshire Council (the Council) for a full award of costs against Dr Kay Gibbons of Kay Gibbons Holdings Ltd - The Swan Inn (the appellant).
 - The appeal was against the refusal of planning permission for the change of use of a public house to a single dwelling.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The Council asserts that the appellant behaved in an unreasonable way by not providing a Viability Assessment (VA) with the planning application on the site.
4. Policy CS6 of the Core Strategy¹ requires a clear demonstration that the existing facility is not viable over the long term. However, no detail or guidance is stipulated in the policy or its explanatory text as to how this should be achieved. Although a VA would be one way to demonstrate whether or not the public house is viable over the long term, it is not the only method.
5. Similarly, Policy CS8 of the Core Strategy seeks to protect and enhance existing facilities, services and amenities that contribute to the quality of life of residents and visitors, including public houses. Such a goal is reiterated in Policy CS18 where the protection and improvement of existing day-to-day services and facilities as part of the rebalancing of rural settlements is supported. However, aside from the encouragement of new services and facilities towards the ability of a settlement to act as a Community Hub or part of a Community Cluster, neither Policy CS8 nor Policy CS18 specify how this should be achieved.
6. From the various correspondence provided by both parties, it is evident that the applicant sought to establish what evidence was necessary to fulfil the requirements of Policy CS6, over and above the valuation of the property, other property valuations and sale figures already submitted. Whilst the Council did provide some guidance on what information was required, this was limited

¹ Shropshire Local Development Framework: Adopted Core Strategy (the Core Strategy)

in detail. As such, it is understandable that the appellant was unsure what was required and why the information already submitted was not sufficient. The need to seek further clarification and communication from the Council regarding this is not, in itself, unreasonable.

7. Even if the Freedom of Information (FOI) requests submitted by the appellant indirectly relate to the appeal site given its proximity to the B4555, the general right of access to information held by public authorities is covered by other legislation. Therefore, regardless of whether or not the appellant had a planning application lodged with the Council, their right to submit a FOI request remains. Doing so is not unreasonable behaviour.
8. Similarly, there is nothing to prevent someone from serving a purchase notice on the Council, even if an appeal against the refusal of planning permission has been lodged. Whilst it may be sensible to wait until the result of an appeal is known, the appellant's decision to serve the purchase notice does not constitute unreasonable behaviour.
9. Costs involved in submitting evidence in support of the appellant's other appeal² are set out within a separate costs decision.
10. Therefore, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Juliet Rogers

INSPECTOR

² APP/L3245/W/24/3342722



Appeal Decision

Site visit made on 23 September 2024

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2024

Appeal Ref: APP/L3245/W/24/3342722

The Swan Inn, Highley Road, Knowle Sands, Bridgnorth WV16 5JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Dr Kay Gibbons of Kay E Gibbons Holdings Ltd - The Swan Inn against the decision of Shropshire Council.
 - The application Ref is 24/00115/OUT.
 - The development proposed is the replacement of a function room with a larger two storey building consisting of six one bedroom and six two bedroom apartments for a mixture of open market housing, affordable housing, pub letting and owner accommodation in currently redundant space between the pub and the rear car park.
-

Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs has been made by Dr Kay Gibbons of Kay Gibbons Holdings Ltd – The Swan Inn against Shropshire Council. This is the subject of a separate decision.

Preliminary Matters

3. The appeal scheme is for outline planning permission with all matters reserved for future approval. Matters relating to layout, scale, appearance and landscaping are reserved for future approval. Therefore, I have treated details relating to access, layout, scale, appearance and landscaping submitted with the application, including on the plans, as indicative.
4. I have also dealt with another appeal on this site for the change of use of the public house to a single dwelling¹. That appeal is the subject of a separate decision.

Main Issues

5. The main issues are:
 - whether the appeal site is suitable for the proposal, with particular regard to the local development strategy on the location of development; and
 - the effect of the proposal on the character and appearance of the area.

¹ Appeal Ref: APP/L3245/W/24/3342722

Reasons

Location

6. The appeal site is located adjacent to the B4555 within the settlement of Knowle Sands. Although not referred to on the decision notice I am aware from another appeal in Shropshire that some types of new development are supported only in specific settlements, including those identified as Community Hubs and Community Clusters in Policy MD1 of the SAMDev². Knowle Sands is not listed as a Community Hub or Community Cluster and I have no substantive evidence before me to conclude this status has been proposed by the Parish Council (an exception required by Policy MD1). Beyond these hubs and clusters, and other larger settlements, new development is considered to be located in the countryside.
7. Therefore, for the purposes of the local development strategy, the appeal site is located in the countryside where development is strictly controlled by Policy CS5 of the Core Strategy³, reflecting the objectives of the National Planning Policy Framework (the Framework). Whilst open market housing is not precluded from the countryside, Policy MD7a of the SAMDev restricts new market housing to exception site dwellings and residential conversions. Neither of these circumstances apply in this case.
8. I conclude that the appeal site would not be suitable for the proposal, with particular regard to the local development strategy on the location of development. It would conflict with Policy CS5 of the Core Strategy and Policy MD7a of the SAMDev which support the strict control and management of development in the countryside.

Character and appearance

9. Matters relating to scale comprising height, width and length of the proposed built form are reserved for consideration at a later date although the number of apartments proposed is included in the description of development. The appeal site as shown on the Location Plan⁴ but excluding the existing access drive comprises sufficient area to accommodate the appeal scheme. Whilst the proposed built form footprint is not shown on the application, even for illustrative purposes, I have limited compelling evidence before me to conclude the appeal scheme would amount to overdevelopment on the site.
10. As scale and appearance are reserved matters, detailed plans and elevations are not required for the principle of development to be established. Therefore, the design of the proposed development is unknown, as is its relationship with the existing public house. Consequently, there is limited evidence for me to determine that the proposed built form would be of a disproportionate scale to the existing building on the site and/or would dominate the local setting. Even if I were to determine that the proposed built form would be clearly visible from the B4555 due to the slope of the site, this does not necessarily imply it would harm the character of the area.
11. I conclude that the proposed development would not harm the character and appearance of the area and complies with Policy CS6 of the Core Strategy

² Site Allocations and Management of Development (SAMDev) Plan

³ Shropshire Local Development Framework: Adopted Core Strategy (the Core Strategy)

⁴ Plan ref: TQRQM23244144649242

insofar as it relates to the incorporation of high-quality sustainable design principles. Policy MD2 of the SAMDev amplifies Policy CS6's design and development principles, amongst other aspects, by setting out how a development proposal is to be considered acceptable.

Other Matters

12. The proposed development would provide social and economic benefits from the provision of new homes, including two affordable housing units. However, I have no substantive evidence before me indicating that the Council is unable to demonstrate a five-year supply of deliverable housing sites or that there is a particular need in Knowle Sands for apartments. As such, I attach modest weight to the benefits which would be derived from the proposed development.
13. Whilst the implementation of a surface water drainage scheme which reduces the existing runoff onto the B4555 is proposed, no substantive evidence demonstrating how this can be achieved is before me. Similarly, given the in-principle nature of the proposals, any environmental benefits resulting from the incorporation of rainwater harvesting facilities into the development are undetermined. I therefore give any resultant public benefits limited weight.
14. The proposed development could provide the opportunity to improve the existing access arrangements on the site. However, given the proximity of the conservatory and the property immediately adjacent to the access with the B4555 carriageway, opportunities to enhance visibility at this location are significantly constrained. As no substantive details have been provided to demonstrate how improvements to the access could be achieved, I give them neutral weight in my decision.
15. Other public benefits including a local shop, heat recovery system, ultra-rapid EV charging points, and improved access including a disabled parking space and toilet facilities, alongside a reduced area for the public house are indicated in the Planning Statement. However, these are not included in the description of development and would be located beyond the redline site boundary, albeit on land within the ownership of the appellant. As there is no mechanism before me which provides certainty that these elements will be implemented, I attribute limited weight to the benefits that could be derived from them.
16. Moreover, given my decision on the other appeal to allow the change of use of the public house to a single dwelling, were I to allow this appeal, there remains the possibility that both developments or part thereof, could be implemented. This could lead to a development without the full range of public benefits set out above.
17. My attention has been drawn to a previous planning permission⁵ on the site. Even if this permission has not expired, I have limited substantive evidence before me which provides certainty of this status and the likelihood for it to be completed or, more crucially, the development it relates to, aside from an extract of a car park plan. Consequently, it is not a determinative factor in my decision.

⁵ Application ref: BR/FUL/00/0091

Conclusion

18. The proposed development would conflict with the development plan when taken as a whole and material considerations do not indicate that a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

Juliet Rogers

INSPECTOR



Costs Decision

Site visit made on 23 September 2024

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2024

Costs application in relation to Appeal Ref: APP/L3245/W/24/3343807 The Swan Inn, Highley Road, Knowle Sands, Bridgnorth WV16 5JL

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Dr Kay Gibbons of Kay Gibbons Holdings Ltd - The Swan Inn for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of planning permission for the replacement of a function room with a larger two storey building consisting of six one bedroom and six two bedroom apartments for a mixture of open market housing, affordable housing, pub letting and owner accommodation in currently redundant space between the pub and the rear car park.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant asserts that the Council behaved unreasonably by refusing to validate the planning application until a Viability Assessment (VA) had been submitted. Additionally, the lack of an Officer's Report when more extensive detail is provided in the Council's application for costs on another appeal¹ is viewed to have been unreasonable.
4. Whilst I have limited evidence before me regarding the Council's refusal to validate the outline planning application, neither has the Council's formally adopted local list of requirements for validation been provided. Therefore, I am unable to confirm if a VA is included on the local list. Nonetheless, as the outline planning application was refused on the principle of development in this location, the submission of the VA would not have altered the Council's in-principle refusal. The appeal could not, therefore, have been avoided.
5. The preparation of an Officer's Report is not a mandatory requirement, even if other planning consultants or architects dispute this, provided the reasons for the Council's decision are set out on the decision notice with relevant policies indicated. Although succinct, the Council's decision notice achieves this. Furthermore, the lack of a report on one planning application does not preclude the Council from preparing more extensive details on an application for costs.

¹ APP/L3245/W/24/3342722

6. I appreciate that the outcome of the planning application will be a disappointment to the applicant and I acknowledge that as a private individual, navigating the planning system is not easy. It is also evident that the applicant has undertaken a significant amount of additional work to support the proposed development during the appeal process which may have led to the loss of earnings from their main employment. However, whilst I do not agree with the Council's decision to conclude that the appeal scheme would harm the character and appearance of the area, the provision of open market homes in this location has not been justified. Furthermore, the public benefits which could be derived from the development have not been fully evidenced to conclude that they outweigh the proposed development's conflict with the local development strategy. Therefore, the appeal could not have been avoided.
7. The Council's actions during the processing of the application, whilst frustrating for the applicant, are not sufficient to conclude they acted in an unreasonable manner that led to the need to submit the appeal.
8. Even if the applicant felt desperate or that they had no other option, it remained their decision to submit Freedom of Information requests and serve a purchase notice on the Council. Moreover, these actions fall outside the remit of the determination of a planning application.
9. Therefore, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Juliet Rogers

INSPECTOR



Appeal Decision

Site visit made on 24 July 2024

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2024

Appeal Ref: APP/L3245/W/24/3341007

The Eagles Inn, Harley Road, Cressage, Shrewsbury SY5 6DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Eagle Mews Ltd against the decision of Shropshire Council.
 - The application Ref is 23/00525/OUT.
 - The development proposed is described as: 'Outline application for 4 self-build houses on vacant land adjacent to the former Eagles Inn (all matters reserved). Resubmission of 22/00283/OUT'.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been received from Eagle Mews Ltd against Shropshire Council.

Preliminary Matters

3. The planning application was submitted in outline form seeking approval for access with scale, layout, appearance and landscaping reserved for future consideration. I have dealt with the appeal on this basis and I have treated the submitted plans as being illustrative only, insofar as they relate to matters of scale, layout, appearance and landscaping.
4. The appeal site is located immediately adjacent to a Grade II listed building¹ referred to on the National Heritage List for England as, 'The Eagles Inn'. I have therefore had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. The former public house building has received planning permission² and listed building consent³ to be converted into two dwellings. Whilst there was no evidence of any works taking place when I visited the site, I am not provided with any information in respect of the implementation of those permissions.
6. The Council's third reason for refusal relates to highway safety. As access is reserved for later consideration, the Council does not wish to defend this reason for refusal. I therefore do not address this matter in the reasoning below.

¹ List Entry Number: 1375000.

² 20/02597/FUL, 21/02078/FUL.

³ 21/02123/LBC.

7. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. A direction of travel has been outlined within the Written Ministerial Statement (WMS), which proposes altering Council's housing targets and sets out that the Government's aspiration is to change planning policy to support the delivery of more housing.
8. These matters also form part of the draft Framework. The proposed changes to the Framework can only be given limited weight at this stage, given that no final document has been published. The main parties have been provided with an opportunity to comment on these documents and their responses have been taken into account, where received.

Main Issues:

9. The main issues are:
 - whether the appeal site is a suitable location for housing having regard to local and national policies; and
 - the effect of the proposed development on the special interest and significance of the adjacent Grade II listed building at The Eagles Inn, with particular regard to its setting.

Reasons

Location

10. The appeal site is the predominantly hardsurfaced car park serving a former public house. The public house and its car park are located in a prominent location within the centre of the village of Cressage.
11. Policies CS1 and CS3 of the Shropshire Core Strategy (2011) (the CS) seek to achieve managed, targeted growth by steering new market housing to both allocated and windfall sites within market towns and other 'key centres' in line with Policies MD1 and MD3 of the Site Allocations and Management of Development Plan (2015) (the SAMDev Plan).
12. CS Policy CS4 states that in rural areas, development, including housing, should be focused into identified Community Hubs and Community Clusters. The appeal site is not located within one of these settlements. Lying within a rural area outside of the Community Hubs, the appeal site is within the countryside for planning purposes. CS Policy CS5 and SAMDev Policy MD7a seek to strictly control new development in the countryside which should be limited to community uses, conversion of rural buildings, tourism development, and agriculture. New market housing is not supported by the policies.
13. Both parties have referred to the emerging Shropshire Local Plan 2016-2038 (ELP) in the appeal submissions. This has been submitted for examination to the Secretary of State. Paragraph 48 of the National Planning Policy Framework (the Framework) states that the weight given to relevant policies in emerging plans should be according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with the Framework.
14. As part of the ELP, the settlement of Cressage would become a Community Hub where residential development may be acceptable subject to all material

matters being addressed. The appeal site also forms part of an allocation for housing within the ELP (CES006). The ELP is at an advanced stage of preparation. However, I note from the evidence that there remain unresolved objections to housing policies, including the site's allocation for housing. Furthermore, the information with regard to the emerging policies is limited in the evidence before me. I have not been provided with copies of the relevant draft policies or the precise nature of the objections by either party. I therefore afford limited weight to the ELP in my determination of this appeal.

15. It is common ground that the Council is able to demonstrate a deliverable 5-year supply of housing sites, and so the policies most relevant for determining the appeal are not out-of-date in this regard. Moreover, whilst I note that the Policies in the CS pre-date the publication of the Framework, this states that existing policies should not be considered out-of-date simply because they were adopted prior to its publication. Similarly, the existence of an emerging plan is not reason to consider the current policies as out-of-date.
16. The appellant considers that the development plan is silent on the matter of self-build and custom housing. However, the Council is not required by the legislation to have specific policies for self-build although they are required to have policies that seek to meet the differing housing needs of the area. From the evidence before me, the relevant housing supply policies do allow, amongst other things, single plot developments within areas that the Council consider to be suitable locations as identified in Policies CS4 and CS5 of the CS and Policies MD1 and MD7a of the SAMDev. This assessment is supported by the Inspector's Decisions⁴ provided to me by the Council. Consequently, pertinent to the appeal, it is considered that the relevant local planning policies as defined within the adopted development plan remain up-to-date with regard to housing and contribute to achieving sustainable development.
17. The proposal is for four self-build plots. Much of the appellant's submission relates to the need for self-build plots and the Council's record on delivery in that regard. The Council has a duty under the Self Build and Custom Housing Act 2015 (the 2015 Act) to keep a register of persons who are interested in acquiring a self-build or custom-build plot, and to grant enough permissions to meet this demand. If insufficient permissions have been given to meet demand in accordance with the statutory duty, then this will be a material consideration in favour of granting permission.
18. Both parties set out that there were 129 applications to go on the register over the 3-year monitoring period between 31 October 2019 and 30 October 2022. During the same period, the Council's evidence indicates that it granted planning permissions for 288 open market self-build and custom build plots, and 37 affordable self-build and custom build plots. These figures therefore indicate that the Council granted more planning permissions for self-build and custom housebuilding than there were registrants on the register for the duration of the period.
19. However, the appellant considers that, because these permissions have no limitations on planning permissions restricting them to self-build, they have been incorrectly recorded as such. However, the legislation does not specify how such permissions should be recorded. The Council uses declarations that exempt self-build development from the community infrastructure levy

⁴ APP/L3245/W/19/3224985 and APP/L3245/W/20/3246734.

together with other sources of information to identify self-build permissions. This approach is supported by the legislation and the Planning Practice Guidance⁵ which also confirms that it is the responsibility of the relevant authority to ensure development permissions being counted meet the legislative requirements. I am therefore satisfied that the Council is meeting its responsibilities in this regard.

20. On the basis of the evidence and within the context of the Council's duties under the 2015 Act, I am satisfied that the Council has granted planning permission for enough serviced plots of land to meet the demand for self-build and custom housebuilding in the Council's area.
21. I have had regard to an Appeal Decision⁶ in Leicestershire referred to by the appellant. In that case the Local Authority was not meeting the demand for self-build and custom housebuilding within its area, based on its own figures. This therefore does not represent a parallel with the appeal proposal.
22. For the above reasons, I therefore conclude that the appeal site is not in a suitable location for new residential development having regard to local and national policies. The proposed development would therefore be contrary to Policies CS1 and CS5 of the CS and Policies MD1, MD3 and MD7a of the SAMDev Plan in this regard.

Listed Building

23. The Grade II listed building originated as a farmhouse, had become an alehouse by 1746, and was known as the Eagles Inn by 1823. I am provided with limited information with regard to its significance. Nonetheless, pertinent to the appeal, I consider the special interest and significance of the building derives from its architectural and historic interest as a multi-phase part timber-framed building, originating as a high-status building and evolving to become a focal point within the village as a public house.
24. Important contributors in these regards are the surviving historic fabric, indicative of the historic vernacular building traditions of the area, the legibility of its evolution over time and its prominence, sited on a large plot at the junction of two roads, indicative of its origins and focal point as a public house. Part of its prominence derives from its setting, within a large plot. The setting of a heritage asset is defined as the surroundings in which it is experienced, and its importance therefore lies in what it contributes to the significance of the heritage asset⁷.
25. Whilst the appeal site predominantly comprises of a modern hardsurfaced car park, it forms the immediate surroundings in which the listed building is experienced. Its open, undeveloped nature enhances the ability to appreciate the special interest and significance of the building. Moreover, the relatively expansive nature of this open space accentuates the prominence of the building as a focal point within the village. Due, in part, to this open setting, the building is visible in views on all of the approaching roads, including from a substantial distance on the approach from the south. Furthermore, whilst the appeal site is bounded by modern housing developments to two sides, its open

⁵ 038 Reference ID: 57-038-20210508.

⁶ APP/F2415/W/22/3303898.

⁷ National Planning Policy Framework – Glossary.

- and undeveloped nature provides a degree of separation between the historic building and this more recent development.
26. I am provided with very little information as to the historic use of the spaces around the building. Nonetheless, for the above reasons, the appeal site makes a key contribution to the significance of the asset.
 27. When considering the impact of a development on the significance of a designated heritage asset, the Framework also provides that great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be.
 28. The proposal is in outline with all matters reserved. As such, the illustrative layout, scale, appearance and landscaping of the development is not part of the scheme before me, and it is not possible to make assumptions regarding the detail of these aspects or any resulting impact. Nevertheless, the outline nature of the proposal does not prevent any consideration of the effect of the proposed development on the listed building.
 29. Whilst the car park is a sizeable plot, the construction of four dwellings would nonetheless likely represent a considerable amount of built form in the spaces around the listed building. I accept that it may be possible to locate dwellings within the site to retain some of the views of the listed building across the site. However, in the absence of full details to demonstrate otherwise, the development of the site for four dwellings would, by their very presence, considerably reduce the existing open nature of the site and the setting and separation it provides around the listed building. This could be exacerbated by features such as outbuildings, driveways and boundary treatments. The infilling of the visual separation around the listed building would additionally harm its significance, as well as the ability to appreciate this significance.
 30. Moreover, the lack of supporting information such as a detailed assessment of the significance of the Eagles Inn, or an appraisal of the historic importance and relevance of the appeal site to the listed building, severely limits my ability to conclude that the proposal would not adversely affect the special interest and significance of the asset.
 31. As such, for the above reasons, I conclude that the proposed development would have a harmful effect on the special interest of the Grade II listed building, The Eagles Inn, with particular regard to its setting. This would be contrary to the requirements of section 66(1) of the Act. As such, it would cause harm to the significance of this designated heritage asset.
 32. With reference to Paragraphs 207 and 208 of the Framework, in finding harm to a designated heritage asset, the magnitude of that harm should be assessed. Given the extent and nature of the proposal, I find that the harm in this instance would be less than substantial but, nevertheless, of considerable importance and weight. Under such circumstances, Paragraph 208 advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the asset's optimum viable use.
 33. The appellant considers that there would be heritage benefits from the redevelopment of the public house car park, however, given my conclusions with regard to lack of information and the harm that would ensue, I cannot conclude that the redevelopment would amount to a clear benefit.

34. I have also not been provided with any convincing evidence that the proposal would realistically constitute enabling development in relation to the heritage asset. In that regard, I note that planning permission and listed building consent has already been granted separately for conversion of the public house to two dwellings.
35. The proposal would provide four new homes on a brownfield site that would contribute, albeit modestly, to housing supply and to the local economy during the construction phase. It would also make a limited contribution to maintaining the vitality of rural communities and supporting services in nearby villages. Through the provision of four self-build plots, a form of development which is promoted by the Framework, the proposal would also contribute to the housing mix of the area. Together these amount to moderate public benefits that weigh in favour of the appeal scheme.
36. Nonetheless, collectively, the moderate weight I have attributed to recognised public benefits, is not sufficient to outweigh the considerable importance and weight I attach to the identified harm to the significance of the designated heritage asset.
37. The proposed development would have a harmful effect on the special interest and significance of the adjacent Grade II listed building at The Eagles Inn, with particular regard to its setting. This would be contrary to the requirements of section 66(1) of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment.
38. The harmful impact would also be contrary to CS Policies CS6 and CS17 and SAMDev Policies MD2 and MD13 which, together and amongst other things, seek to ensure new developments constitute high quality design that safeguards the historic environment and conserves and enhances heritage assets.

Planning Balance and Conclusion

39. As set out above, the WMS is a material consideration. This proposes altering Council's housing targets, and the appeal site would contribute to any additional requirement. The WMS sets out the Government's aspiration is to change planning policy to support the delivery of more housing. This also forms part of the draft Framework which makes reference to self-build and custom housing with regard to support for mixed tenure schemes.
40. The WMS weighs in favour of the appeal scheme. However, given the harm identified above, I have concluded that the provision of four self-build homes would not justify taking an approach contrary to the adopted development plan having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004 and the Framework. As such, there are no material considerations of such weight to outweigh the harm identified in relation to the Council's housing strategy and the listed building. The appeal is dismissed.

Paul Martinson

INSPECTOR



Appeal Decision

Site visit made on 20 August 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th November 2024

Appeal Ref: APP/L3245/W/24/3339673

Land adjacent to The Royal Oak, Alveley, Bridgnorth WV15 6LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Gary Smith against the decision of Shropshire Council.
 - The application Ref is 23/04211/FUL.
 - The development proposed is to upgrade existing licensed caravan site from 5 to 10 pitches for caravans / motorhomes together with construction of reception, toilet / shower block.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The above description of development is taken from the application form. However, the decision notice includes the words 'associated works'. This reflects the fact that there are other elements of the proposal requiring planning permission, including an access track and lighting columns. I have determined the appeal on the basis that these elements, which are clearly shown on the plans, form part of the scheme.
3. The National Planning Policy Framework (the Framework) was revised in December 2023. I am also aware of the consultation draft from July 2024. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. References to paragraph numbers in this decision relate to the December 2023 version of the Framework.

Main Issues

4. The main issues are:
 - a) whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - b) the effect of the proposal on the openness of the Green Belt;

- c) the effect of the proposed development on the character and appearance of the area; and
- d) whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

5. The site is located in the Green Belt as set out in policy CS5 of the Shropshire Core Strategy 2011 (SCS) and policy MD6 of the Shropshire Site Allocations and Management of Development Plan 2015 (SAMDev). The policies of the SCS pre-date the Framework in its earliest iteration and both development plan documents pre-date the current version of the Framework. Policy CS5 of the SCS does however reference the national policy that was applicable at the time of its adoption, stating that new development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt. My determination of this appeal is therefore made using the Framework as the starting point.
6. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraphs 154 and 155.
7. Exceptions include paragraph 154(b) for the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
8. The proposed development incorporates the erection of a reception and toilet and shower block building, an increase in the number of pitches from five to ten together with the formation of a new access track to formalise the pitch arrangement. This would all be set within the existing field which presently accommodates five pitches with no specific layout together with a small, previously converted, building containing a number of short-term holiday lets.
9. The appellant suggests that the development would not be inappropriate as it would be a form of outdoor recreation in accordance with the provisions of paragraph 154(b). In this regard, I note the existing use of the land for the siting of five caravans. The proposal is for additional pitches and an amenity block to provide toilets and showers. As a form of outdoor recreation that would comprise facilities in connection with this established use, the development would be not inappropriate. It would therefore meet the exception criteria of paragraph 154(b) of the Framework, but only as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

Effect on openness

10. Pursuant to policy CS5 of the SCS, it is national policy that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. The openness of the Green Belt has both spatial and visual dimensions.
11. Although the proposed building would not be especially large, it would still have the effect of reducing openness on the site, both visually and spatially. The proposal would introduce the potential for five additional caravans to be sited on the land. Although these, of themselves, would not be operational development; they would still have a detrimental impact upon the openness of the Green Belt when stationed on the site. This is especially the case when considering the other paraphernalia and activity that would be associated with them including parked vehicles, chairs and tables, awnings, lighting and the like. This would be a marked intensification of the existing use. Likewise, the access track, through the change in surfacing materials to the existing grassed area would also have an impact on openness.
12. I therefore conclude that the additional pitches and reception, toilet and shower block would harm the openness of the Green Belt in both a visual and spatial manner. They would, as a consequence of their failure to preserve the openness of the Green Belt, be inappropriate development and in conflict with policy CS5 of the SCS, policy MD6 of the SAMDev and the provisions of the Framework.

Character and appearance

13. The site is set within a fairly small field on the edge of the village of Alveley. Whilst the field itself is relatively flat it is set within gently rolling countryside. The land is screened by trees and hedges along its boundaries and because of the prevailing topography and this screening, it is not prominent in longer views. Whilst the boundary treatment does succeed in screening much of the site, it is not a perfect to all boundaries as certain areas of the hedging are more well developed than others. There are further gaps in the boundary treatment at the access to the site and through the various field gates. A landscaping condition could not resolve such concerns fully as it could not reconcile open areas used for access.
14. The proposed development would introduce additional urbanising form to this rural area. This would be the reception, toilet and shower block together with the additional caravans and associated chattels. Whilst I accept that the caravans and the like are liable to have a seasonal impact, invariably when screening would be at its greatest, there would nonetheless be an adverse effect on the countryside.
15. The development would be detrimental to the rural character and appearance of the area through the introduction of new built form, including the access track, light poles and additional activity including the siting of additional caravans. I therefore conclude that the proposal would be contrary to policy CS5 of the SCS, policy MD6 of the SAMDev and provisions of the Framework. These policies, when read together, require development to maintain and enhance countryside character.

Other considerations

16. Policies CS5 and CS16 of the SCS and policy MD11 of the SAMDev are supportive of small-scale economic development in the countryside, sustainable rural tourism, leisure and recreational activities. Despite the relative age of the SCS, its policies remains consistent with paragraph 88(c) of the Framework which promotes sustainable rural tourism and leisure developments which respect the character of the countryside.
17. In this regard I recognise the benefits of the proposed development, that it is an existing site that operates in connection with the adjacent pub that provides employment. Whilst the proposal may generate additional income, I do not have any substantive evidence to demonstrate that the pub would be unviable were this development not to go ahead. Judging by the level of local community support, it is a successful and well-liked operation. This is an important factor in determining the viability and success of a rural business. I further recognise the economic and social benefits of the proposal that would align with the objectives of paragraph 8 of the Framework.
18. I am mindful of the lack of objections from consultees, this however is a neutral consideration and weighs neither for, nor against, the proposal. I have further considered that the adverse effects of the development may be easily reversible as the mobile homes, by their very nature, are easily removed. Such arguments do not apply to the same extent insofar as it relates to the access track and lighting columns as these would be more permanent features.
19. In reaching my conclusions here I have had regard to the noteworthy level of support for the proposal that has been expressed by local residents. I have factored this support into my decision here.

Green Belt Balance and Conclusion

20. Paragraphs 152 and 153 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I have considered the appellant's representations relating to various Court Judgments and the manner in which they have been applied in relation to what amounts to an 'other consideration' or 'very special circumstances'¹.
21. I have concluded that the appeal scheme would be inappropriate development due to its effects on openness that would, by definition, harm the Green Belt. Paragraph 153 of the Framework requires substantial weight to be given to any harm to the Green Belt and accordingly I must do so here.

¹ Wychavon District Council v Secretary of State for Communities & Local Government & Ors (2008) EWCA Civ 692 (2008), Brentwood Borough Council v Secretary of State for the Environment (1996) 72 P & CR 61, Sullivan J in Basildon District Council, R (on the application of) v Temple (2004), Herba Foods Limited v Secretary of State for Communities and Local Government and Anor (2008) EWHC 3046 (Admin)

22. In this case, the other considerations, both individually and cumulatively, do not clearly outweigh the harm to the Green Belt and other harm that I have identified and for this reason the very special circumstances needed to justify inappropriate development in the Green Belt do not exist. The proposed development would conflict with the development plan taken as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For these reasons, the appeal is dismissed.

Nick Bowden

INSPECTOR

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