



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

Date: Monday, 10 June 2024

Committee: Northern Planning Committee

Date: Tuesday, 18 June 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](#)

The Council's procedure for holding Socially Distanced Planning Committees including the arrangements for public speaking can be found by clicking on this link:
<https://shropshire.gov.uk/planning/applications/planning-committees>

Tim Collard
Assistant Director – Legal and Governance

Members of the Committee

Joyce Barrow
Garry Burchett
Geoff Elnor
Ted Clarke
Steve Charmley
Julian Dean
Roger Evans
Nat Green
Alex Wagner
Vince Hunt (Vice Chairman)
Paul Wynn (Chairman)

Substitute Members of the Committee

Roy Aldcroft
Gerald Dakin
Steve Davenport
Mary Davies
David Evans
Julia Evans
Nick Hignett
Pamela Moseley
Ed Potter
Colin Taylor
David Vasmer

Your Committee Officer is:
Emily Marshall Committee Officer
Tel: 01743 257717

Email: emily.marshall@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive apologies for absence.

2 Minutes (Pages 1 - 6)

To confirm the Minutes of the meeting of the North Planning Committee held on 9th May 2024 and 14th May 2024, attached, marked 2.

Contact: Emily Marshall on 01743 257717

3 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 5.00 p.m. on Thursday, 13th June 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 Springfields, Rowton, Shrewsbury, Shropshire, SY5 9EJ (24/01161/FUL) (Pages 7 - 20)

Erection of replacement dwelling and car port following demolition of existing dwelling and outbuilding

6 8 Fimes Way, Wem, Shrewsbury, Shropshire, SY4 5YD (24/01044/FUL) (Pages 21 - 26)

Erection of rear single storey extension

7 Land Adjacent The Bryn, Rhosygadfa, Gobowen, Oswestry, Shropshire (24/01471/FUL) (Pages 27 - 40)

Change of use of non-domestic area into domestic area for parking and turning together with new vehicular access

8 Appeals and Appeal Decisions (Pages 41 - 98)

9 Exclusion of Public and Press

To consider a resolution under Section 100 (A) of the Local Government Act 1972 that the proceedings in relation to the following items shall not be conducted in public on the grounds that they involve the likely disclosure of exempt information as defined by the provisions of Schedule 12A of the Act.

10 Planning Enforcement Report (Pages 99 - 118)

The exempt report of the Assistant Director of Economy and Place is attached.

Contact Tracy Darke Tracy.Darke@shropshire.gov.uk

11 Date of the Next Meeting

To note that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday 18th July 2024 in the Shrewsbury Room, Shirehall, Shrewsbury.



<u>Committee and Date</u>
Northern Planning Committee
18 th June 2024

NORTHERN PLANNING COMMITTEE

Minutes of the meeting held on 9 May 2024

In the Council Chamber, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND

11.00 - 11.10 am

Responsible Officer: Emily Marshall

Email: emily.marshall@shropshire.gov.uk

Tel: 01743 257717

Present

Councillor Paul Wynn (Chairman) Joyce Barrow, Garry Burchett, Ted Clarke, Steve Charmley, Julian Dean, Geoff Elner, Roger Evans, Nat Green, Vince Hunt (Vice Chairman) and Alex Wagner

1 Election of Chairman

Nominations were received for Councillors Nat Green and Paul Wynn.

Following a vote it was **RESOLVED**:

That Councillor Paul Wynn be elected Chair of the Northern Planning Committee for the forthcoming municipal year

2 Apologies for Absence

There were no apologies for absence

3 Appointment of Vice-Chairman

Nominations were received for Councillors Nat Green and Vince Hunt.

Following a vote it was **RESOLVED**:

That Councillor Vince Hunt be appointed Vice-Chair of the Northern Planning Committee for the forthcoming municipal year

Signed (Chairman)

Date:

This page is intentionally left blank



Committee and Date

Northern Planning Committee

18th June 2024

NORTHERN PLANNING COMMITTEE

Minutes of the meeting held on 14 May 2024

In the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

2.00 - 3.45 pm

Responsible Officer: Emily Marshall

Email: emily.marshall@shropshire.gov.uk Tel: 01743 257717

Present

Councillor Paul Wynn (Chairman)

Councillors Joyce Barrow, Garry Burchett, Geoff Elner, Ted Clarke, Roger Evans, Nat Green, Vince Hunt (Vice Chairman) and Steve Davenport (Substitute) (substitute for Steve Charmley)

4 Apologies for Absence

Apologies for absence were received from Councillors Steve Charmley (substitute: Councillor Steve Davenport) and Julian Dean.

5 Minutes

RESOLVED:

That the Minutes of the meeting of the North Planning Committee held on 15th February 2024 and 5th March 2024 be approved as a correct record and signed by the Chairman.

6 Public Question Time

There were no public questions or petitions received.

7 Disclosable Pecuniary Interests

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

With reference to Agenda Item 5, Councillor Paul Wynn stated that as the local ward councillor for this application, he would make a statement and then withdraw from the meeting, taking no part in the debate or vote. Councillor Vince Hunt as Vice-Chairman would chair the meeting for this application.

8 Land To The South Of Nook Lane, Weston Under Redcastle, Shropshire (23/04624/FUL)

Councillor Vince Hunt Chaired the meeting for consideration of this application.

The Planning and Development Manager introduced the application for the erection of a building for private horse riding practice and associated works, to include change of use of land. (Resubmission of Application Ref: 23/00910/FUL) and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

The Council's Solicitor read a statement on behalf of Prees Parish Council against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Paul Wynn, as local ward councillor, made a statement and then left the room, took no part in the debate and did not vote on this item.

Mr Darryl Wright, Agent on behalf of the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In response to comments, the Planning and Development Manger reported an amendment to condition 7 and stated that it should refer to the planting of 50 trees and not 500 trees as stated in the condition at Appendix 1.

During the ensuing debate Members sympathised with the views of the parish council and the local ward councillor and commented that the application was finely balanced. Concern was expressed that the proposals were overdevelopment of a rural site and failed to respond to the character of the rural area.

RESOLVED:

That planning permission be refused, contrary to Officer's recommendation, for the following reason:

- On balance it is considered that the revised scheme is out of context with and failed to respond appropriately to the character of the rural locality by virtue of the siting, scale, design and layout. Members considered for these reasons the proposal did not overcome the previous reason for refusal.

9 Proposed Poultry Units, NW Of North Farm, Felton Butler, Montford Bridge Shropshire (17/05151/EIA)

The Principal Planning Officer introduced the application for the erection of four poultry rearing buildings, eight feed bins, biomass store and amenity building including landscaping and tree planting. Members' attention was drawn to the information contained within the Schedule of Additional letters. The Principal Planning Officer also summarised further representations, objecting to the proposal, that had been received after the Schedule of Additional Letters had been published. Members attention was also drawn to an additional letter of support that had been received from the NFU.

Mr Peter Geddes, on behalf of local residents spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Ed Potter, as local ward councillor, made a statement and then left the room, took no part in the debate and did not vote on this item.

Mr Richard Corbett, Agent on behalf of the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Having considered the submitted plans and listened to the comments made by all of the speakers, Members expressed their support for the proposal.

RESOLVED:

That delegated authority is granted to the Planning and Development Services Manager to grant planning permission subject to the conditions as set out in Appendix 2 of the planning officer's report, and any amendments considered necessary to these by the Planning and Development Services Manager.

10 Proposed Dwelling North Of Garth, Willow Street, Ellesmere, Shropshire (24/00342/FUL)

The Planning and Development Manager introduced the application for the Construction of new dwelling with alterations to existing access.

Councillor Amanda Weeks, on behalf of Ellesmere Town Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Geoff Elner as local ward councillor, made a statement and then left the room, took no part in the debate and did not vote on this item.

Mr Andrew Jones Agent on behalf of the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Having considered the submitted plans and listened to the comments made by all of the speakers, Members unanimously expressed their support for the proposal.

RESOLVED:

That planning permission be granted subject to the conditions as set out in Appendix 1.

11 Date of the Next Meeting

It was noted that the next meeting of the North Planning Committee would be held at 2.00 p.m. on Tuesday 18th June 2024 in the Shrewsbury/Oswestry Room, Shirehall, Shrewsbury.

Signed (Chairman)

Date:



Committee and Date
 Northern Planning Committee
 18th June 2024

Development Management Report

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

Summary of Application

Application Number: 24/01161/FUL	Parish:	Alberbury With Cardeston
Proposal: Erection of replacement dwelling and car port following demolition of existing dwelling and outbuilding		
Site Address: Springfields Rowton Shrewsbury Shropshire SY5 9EJ		
Applicant: TK And L Evans		
Case Officer: Sara Robinson	email: sara.robinson@shropshire.gov.uk	

Grid Ref: 336505 - 312477



© Crown Copyright. All rights reserved. Shropshire Council AC0000808715. 2023 For reference purposes only. No further copies may be made.

Recommendation:- Refusal

1. The proposed replacement dwelling is materially higher and significantly larger than the existing dwelling and is not sympathetic to the size, mass, character and appearance of the existing structure. In addition, the proposed new dwelling will not meet the policy objective of regulating the size of replacement properties in order to limit the tendency towards the provision of larger dwellings in the countryside.
2. The proposed design and scale for the dwelling does not satisfy SAMDev Policy MD7a Managing Housing Development in the Countryside or para 2.23 of SC Type and Affordability of Housing SPD. Moreover, the proposed replacement dwelling does not respond appropriately to the form of existing development and will be prominent in the rural landscape and have detrimental visual impact where the existing dwelling although of no historic significance in its relatively simple form contributes to the local character. Whilst an appropriately designed and slightly larger replacement dwelling may well be acceptable in principle, the proposed replacement dwelling will not conserve and enhance the built and natural environment or be appropriate in scale and design taking into account local character and context and that of the existing dwelling and would be contrary to SC Policies CS6 and 17 and SAMDev Policies MD2 and 13 and the NPPF.

REPORT**1.0 THE PROPOSAL**

- 1.1 The application seeks permission for the erection of a replacement dwelling and car port following demolition of existing dwelling and outbuilding at Springfield, Rowton.
- 1.2 The dwelling referred to as Springfield is a single storey bungalow. No existing plans of the bungalow have been submitted, however the bungalow measures approximately 15.2m in width and 8.3m in depth. The dwelling has a gross internal floor area of approximately 124.7m². An outbuilding is also located to the north west of the dwelling and would be demolished as part of the proposed development. This outbuilding appears agricultural in format and was associated to a previous dwelling on site which the current one replaced.
- 1.3 The replacement dwelling is proposed to be part single storey and part a two storey, three bedroom dwelling. The dwelling is proposed to be of a single storey L shape to include the car port, entrance hall, utility and open plan living and kitchen area with a link leading into an additional protruding two storey element which will include two bedrooms and a bathroom on the ground floor and a master bedroom with en-suite on the first floor. The car port (including covered walkway) will measure approximately 12.5m in width and 6.5m in depth and will reach a height to the ridge and eaves of approximately 5.4m and 2.7m respectively. The main central element is to measure approximately 6.25m in width and 19.7m in depth and will reach a height to the ridge and eaves of approximately 5.48m and

2.7m respectively. The link will measure approximately 3 m in width and 10.5m in depth and will reach a height of approximately 2.7m. The two-storey element will measure approximately 10.7m in width and 5.9m in depth and will reach a height to the ridge and eaves of approximately 6.5m and 4.4m respectively. It is proposed for the replacement dwelling to be finished in reclaimed Cardeston Stone and timber for the walls and the roof material is yet to be confirmed.

- 1.4 The proposed replacement dwelling is proposed to have an internal floor area of approximately 246.5m² (320m² including car port and walkway) which is approximately 97% increase on the original floor area (156% including car port and walkway).

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The development site is located adjacent to the dispersed settlement of Rowton, however is identified as Open Countryside within the SAMDev. The site is slightly detached from the neighbouring dwellings. It is noted that area is formed of a mix of two storey dwellings, storey and a half dwellings, as well as a bungalow to the south.
- 2.2 The site is bound by agricultural land to the north, east and west, and beyond the access track to the south are neighbouring residential dwellings.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 In this instance the application was called in within 21 days by the Local member. It was agreed at the committee draft agenda setting meeting that the application be taken before committee for determination.

4.0 Community Representations

Full comments can be found on the Shropshire Council website.

4.1 Consultee Comment

4.1.1 Drainage & SUDS - 28/03/2024

The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority. All correspondence/feedback must be directed through to Shropshire Council's Development Management Team.

Condition to secure scheme of surface and foul water drainage

Comments:

1. Further to the submitted drainage Technical Note and proforma, percolation tests and the sizing of the soakaways should be designed in accordance with

BRE Digest 365 to cater for a 1% Annual Exceedance Probability rainfall event plus an allowance of 40% for climate change. Flood water should not be affecting other buildings or infrastructure. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval. If soakaways are not feasible, drainage calculations to limit the discharge rate from the site

equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1% AEP rainfall event + 40% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

2. On the Pluvial Flood Map, the site is shown to be at risk of surface water flooding. The applicant should provide details on how the surface water runoff will be managed and to ensure that the finished floor level is set above any known flood level.

3. If non permeable surfacing is used on the driveways and parking areas which slope towards the highway, a drainage system to intercept water prior to flowing on to the public highway must be submitted for approval.

4.1.2 SC Highways - 05/04/2024

NO OBJECTION

24/01161/FUL Springfields, Paddock Lane, Rowton SY5 9EJ

Demolish Existing & Replace with New Dwelling & Car Port

Recommendation (Date: 05/04/2024)

Observations/Comments:

The existing access is to be utilised and will be unchanged. Parking provision is acceptable as is manoeuvrability. As this is a replacement dwelling there will be no intensification of the site therefore based upon the information contained within the above submitted statement it is considered that there are no sustainable Highway grounds upon which to base an objection.

4.1.3 SC Ecology - 12/04/2024

SC Ecology are happy that this application can be dealt with using the Standing Advice.

4.1.4 Affordable Housing - 15/04/2024

Site Allocation and Management of Development (SAMDev) Plan Adopted Plan Policy MD7a states replacement dwelling houses will only be permitted where the dwelling to be replaced is a permanent structure with an established continuing residential use. Replacement dwellings should not be materially larger and must occupy the same footprint unless it can be demonstrated why this should not be the case.. Guidance in respect to replacement dwellings is contained in the Supplementary Planning Document on the Type and Affordability of Housing at paragraph 2.23 it states that a replacement dwelling should be sympathetic to the size, mass, character and appearance of the original building. The proposed development is considered to be contrary to Policy MD7a.

4.2 Public Comments

4.2.1 Local Member - 02/04/2024

Site Allocation and Management of Development (SAMDev) Plan Adopted Plan Policy MD7a states replacement dwelling houses will only be permitted where the dwelling to be replaced is a permanent structure with an established continuing residential use. Replacement dwellings should not be materially larger and must occupy the same footprint unless it can be demonstrated why this should not be the case.. Guidance in respect to replacement dwellings is contained in the Supplementary Planning Document on the Type and Affordability of Housing at paragraph 2.23 it states that a replacement dwelling should be sympathetic to the size, mass, character and appearance of the original building. The proposed development is considered to be contrary to Policy MD7a.

4.2.2 Parish Council – 20/05/2024

The Parish Council strongly supports this application, which will result in a dwelling far superior in appearance to what was there before, benefiting the whole neighbourhood. There has been careful use of sympathetic materials, and the applicant has liaised with the Parish Council before this application was lodged. The Evans family provide much needed employment in the area and this development should be encouraged.

4.2.3 Following the display of a site notice for the period of 21 days, no public representations were received at the time of writing this report.

5.0 THE MAIN ISSUES

Planning History
Principle of development
Siting, scale and design of structure
Visual impact and landscaping
Highways
Ecology

6.0 OFFICER APPRAISAL

6.1 Planning History

6.1.1 PREAPP/24/00033 - Proposed replacement dwelling - Amendments Required 13/02/2024

6.1.2 PREAPP/23/00721 - Request for Site Visit with officer to discuss proposed re submission of refused application 23/01337/FUL Erection of replacement dwelling and car port following demolition of existing dwelling and outbuilding. (2 officers to attend) - Amendments needed 03/10/2023

6.1.3 23/01337/FUL - Erection of replacement dwelling and car port following demolition of existing dwelling and outbuilding - Refuse 21/07/2023

6.1.4 PREAPP/22/00382 - Replacement Dwelling - Amendments Required 15/09/2022

- 6.1.5 SA/76/0336 - Extension to front elevation to provide dining room. - Granted 02/06/1976
- 6.1.6 64/1498 - Erection of Farm dwelling on site of existing smallholding cottage and formation of vehicular access to rear road - Grant 14/05/1964
- 6.2 **Principle of development**
- 6.2.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.
- 6.2.2 Shropshire Core Strategy Policy CS6 seeks to ensure that all development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance, landscape character assessments and ecological strategies where appropriate;
- 6.2.3 Policy CS17: Environmental Networks is concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment and does not adversely affect the visual, ecological, geological, heritage or recreational values and function of these assets.
- 6.2.4 Policy MD2: Sustainable Design of the Site Allocations and Management of Development (SAMDev) Plan additionally seeks to achieve local aspirations for design where possible.
- 6.2.5 Section 7 of the National Planning Policy Framework reinforces these goals at a national level, by requiring development to display favourable design attributes which contribute positively to making places better for people, and which reinforce local distinctiveness.
- 6.2.6 Section 12 of the National Planning Policy Framework; Achieving well-designed places, reinforces these goals at a national level, by requiring design policies to reflect local aspirations ensuring developments are sympathetic to local character, visually attractive and establish a strong sense of place.

6.2.7 It is considered that the proposed development would result in a replacement dwelling and therefore the principal of the development is acceptable in this instance. The development would be acceptable subject to the assessment of siting, scale and design of structure, visual impact and landscaping as well as other relevant matters which are assessed in the report below;

6.3 **Siting, scale and design of structure**

6.3.1 The adopted development plan for Shropshire comprises the Local Development Framework (LDF) Core Strategy, the Supplementary Planning Document (SPD) on the Type and Affordability of Housing and the Site Allocations and Management of Development (SAMDev) Plan. Since the adoption of the Shropshire Core Strategy (March 2011) the National Planning Policy Framework (NPPF) has been published and is a material planning consideration in planning decisions. The NPPF has been further revised (2023) since the publication of the SPD and the adoption of the SAMDev Plan (2016).

6.3.2 It is noted that the site sits adjacent to the named settlement of Rowton. The proposed site falls outside any development boundary identified within Policy MD1 of the SC SAMDev policy and the current settlement policies of SAMDev. In terms of policy and for the purposes of the development plan, the development site is classified as within countryside, where new open market housing would not be permitted.

6.3.3 Policy CS5 states that new development in the countryside will be strictly controlled in accordance with national planning policies protecting the countryside, and with an overarching aim of maintaining and enhancing the vitality and character of the countryside. Policy CS11 is closely linked with the Strategic Approach (Policy CS1) and particularly with Policies CS4 and CS5, and together these aim to ensure that the development that does take place in the rural areas is of community benefit with local needs affordable housing a priority.

6.3.4 As regards replacement dwellings, the NPPF only makes comment in relation to proposals affecting the Green Belt, where para 145(d) indicates that the replacement of a building is an exception to the rule that the construction of new buildings is inappropriate in the Green Belt, provided that the new building is in the same use and not materially larger than the one it replaces.

6.3.5 SAMDev Policy MD7a, Managing Housing Development in the Countryside, indicates at 3. that replacement dwelling houses will only be permitted where the dwelling to be replaced is a permanent structure with an established continuing residential use. Replacement dwellings should not be materially larger and must occupy the same footprint unless it can be demonstrated why this should not be the case. Where the original dwelling had been previously extended or a larger replacement is approved, permitted development rights will normally be removed.

6.3.6 Explanatory para. 3.62 provides further detail as to the application of the policy. The control of replacement of dwellings in the countryside needs to be considered

in conjunction with general criteria which also highlight and address visual, heritage loss and other impacts associated with proposals for replacement buildings. In the case of residential properties, there is additionally the objective of regulating the size of replacement properties in order to limit the tendency towards the provision of larger dwellings in the countryside and to maintain a mix of dwelling types.

- 6.3.7 SAMDev Policy MD7b, general management of development in the countryside indicates that (2): proposals for the replacement of buildings which contribute to the local distinctiveness, landscape character and historic environment, will be resisted unless they are in accordance with policies MD2 and MD13. Any negative impacts associated with the potential loss of these buildings, will be weighed with the need for the replacement of damaged, substandard and inappropriate structures and the benefits of facilitating appropriate rural economic development.
- 6.3.8 Explanatory para. 3.66 indicates that proposals for replacement of dwellings can significantly impact on the character of the countryside and there is a need to ensure appropriate scale, design and location of new development.
- 6.3.9 The Adopted Type and Affordability of Housing Supplementary Planning Document provides further detail;
- At para. 2.20. the SPD states that the size of dwellings in the countryside can be of concern, as the market trend is towards providing larger and more expensive dwellings and this tends to exclude the less well-off...it is important to maintain and provide an appropriate stock of smaller, lower cost, market dwellings.
 - Para.2.22 indicates that rural replacement dwellings outside of settlements will only be permitted provided that the existing building has established and continuing residential use rights and has not been abandoned.
 - Para 2.23 reiterates that proposals for replacement rural dwellings must meet CS6 and 17. Regard will also be had to the NPPF and to the following: □- The visual impact of the replacement dwelling or existing dwelling plus extension on the surroundings and the need to respect the local character of the area, taking account of bulk, scale, height and external appearance of the resultant dwelling. □
 - A requirement to be sympathetic to the size, mass, character and appearance of the original building. A replacement dwelling should ordinarily be sited in the same position as the original dwelling. □
 - The existing balance of housing types and tenures in the local area, and the need to maintain a supply of smaller and less expensive properties in the local area that are suitable for the needs of many newly-forming households
- 6.3.10 The proposed replacement dwelling will sit partially on the footprint of the existing bungalow, however the orientation would be slightly different to that of the existing. It is noted that the development will extend over the footprint of the existing agricultural building. The footprint of the agricultural building cannot be

used to justify the increase in floor area of the proposed replacement dwelling as this does not form part of the domestic dwelling.

6.3.11 It was advised within the pre-application written advice that the proposed development could be a storey and a half as Policy MD7a states that; *Replacement dwellings should not be materially larger and must occupy the same footprint unless it can be demonstrated why this should not be the case. Where the original dwelling had been previously extended or a larger replacement is approved, permitted development rights will normally be removed.*

6.3.12 The NPPF states the following;
131. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

6.3.13 It is noted that the bungalow currently on site is of no special architectural merit, however, it is considered that the proposed development is not cohesive. The design and access statement has referred to some buildings within the vicinity, but does not refer to dwellings to the south-west of the site. If evidence of the previous cottage on site can be found it is considered that inspiration could be taken from this, which was more reflective of the surrounding area, although the existing dwelling on site is considered modest in scale.

6.3.14 The design and scale of the proposed dwelling is considerably larger than that of the existing bungalow and would not comply with relevant planning policies. The footprint of the outbuilding cannot be taken into consideration for the increase in floor area for the replacement dwelling. Consideration needs to be given to the design of surrounding properties and the scale and massing of the dwelling on site.

6.4 **Visual impact and landscaping**

6.4.1 It is noted that the replacement of a bungalow with a part single storey and part two storey dwelling will result in a visual impact. The proposed development is detached from the neighbouring dwellings and will result in a dwelling which is substantially larger than that existing and can be seen from the neighbouring highway.

6.4.2 In light of the above it is considered that the proposed development will result in an unacceptable visual impact, resulting in a dwelling significantly larger in scale and layout than the existing which is not in compliance with Policy on replacement dwellings in the open countryside.

6.5 Highways

- 6.5.1 The proposed development would result in an increase in occupation of the site and seeks the erection of a garage. The means of access would remain largely unchanged. SC Highways have been consulted as part of the proposed development due to the proposed alterations to the layout of the site.
- 6.5.2 SC Highways have raised no objections to the replacement property and the use of the existing access would be acceptable. However, the SC Highways team have requested a number of appropriately worded conditions and informative notes be attached to any grant of permission.
- 6.5.3 In light of the above, and subject to the inclusion of appropriately worded conditions and informative notes being attached to any grant of permission, it is considered that the proposed development complies with relevant planning policies.

6.6 Ecology

- 6.6.1 Para 174 of the NPPF indicates that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. SC Core Strategy 17 requires development to protect and enhance the diversity and high quality of Shropshire's natural Environment.
- 6.6.2 An Ecological Assessment undertaken by Arbor Vitae as well as an update Ecological Assessment have been submitted as part of the proposed development. The assessments conclude that the dwelling and barn provide 'negligible' potential for bat roosts and the barn provides the potential for nesting birds. The assessments include suggestions for mitigation and enhancements.
- 6.6.3 The SC Ecologist has reviewed the Ecological Assessment and has requested a number of conditions and informative notes to be attached to any grant of permission.
- 6.6.4 In light of the above, and subject to the inclusion of appropriately worded conditions and informative notes being attached to any grant of permission, it is considered that the proposed development complies with relevant planning policies.

7.0 CONCLUSION

- 7.1 The proposed replacement dwelling is materially higher and significantly larger than the existing dwelling and is not sympathetic to the size, mass, character and appearance of the existing structure. In addition, the proposed new dwelling will not meet the policy objective of regulating the size of replacement properties in

order to limit the tendency towards the provision of larger dwellings in the countryside.

7.2 The proposed design and scale for the dwelling does not satisfy SAMDev Policy MD7a Managing Housing Development in the Countryside or para 2.23 of SC Type and Affordability of Housing SPD. Moreover, the proposed replacement dwelling does not respond appropriately to the form of existing development and will be prominent in the rural landscape and have detrimental visual impact where the existing dwelling although of no historic significance in its relatively simple form contributes to the local character. Whilst an appropriately designed and slightly larger replacement dwelling may well be acceptable in principle, the proposed replacement dwelling will not conserve and enhance the built and natural environment or be appropriate in scale and design taking into account local character and context and that of the existing dwelling and would be contrary to SC Policies CS6 and 17 and SAMDev Policies MD2 and 13 and NPPF. As such refusal is recommended for the following reasons:

1. The proposed replacement dwelling is materially higher and significantly larger than the existing dwelling and is not sympathetic to the size, mass, character and appearance of the existing structure. In addition, the proposed new dwelling will not meet the policy objective of regulating the size of replacement properties in order to limit the tendency towards the provision of larger dwellings in the countryside.
2. The proposed design and scale of the dwelling does not satisfy SAMDev Policy MD7a Managing Housing Development in the Countryside or para 2.23 of SC Type and Affordability of Housing SPD. Moreover, the proposed replacement dwelling does not respond appropriately to the form of existing development and will be prominent in the rural landscape and have detrimental visual impact where the existing dwelling although of no historic significance in its relatively simple form contributes to the local character. Whilst an appropriately designed and slightly larger replacement dwelling may well be acceptable in principle, the proposed replacement dwelling will not conserve and enhance the built and natural environment or be appropriate in scale and design taking into account local character and context and that of the existing dwelling and would be contrary to SC Policies CS6 and 17 and SAMDev Policies MD2 and 13 and the NPPF.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written

representations, hearing or inquiry.

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

PREAPP/22/00382 Replacement dwelling PREAMD 15th September 2022

23/01337/FUL Erection of replacement dwelling and car port following demolition of existing dwelling and outbuilding REFUSE 21st July 2023

PREAPP/23/00721 Request for Site Visit with officer to discuss proposed re submission of refused application 23/01337/FUL Erection of replacement dwelling and car port following demolition of existing dwelling and outbuilding. (2 officers to attend) PREAMD 3rd October 2023

PREAPP/24/00033 Proposed replacement dwelling PREAMD 13th February 2024

24/01161/FUL Erection of replacement dwelling and car port following demolition of existing dwelling and outbuilding PCO

SA/76/0336 Extension to front elevation to provide dining room. PERCON 2nd June 1976

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SAPOVLTGDL200>

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 Potter
Appendices None

This page is intentionally left blank



Northern Planning Committee
18th June 2024.

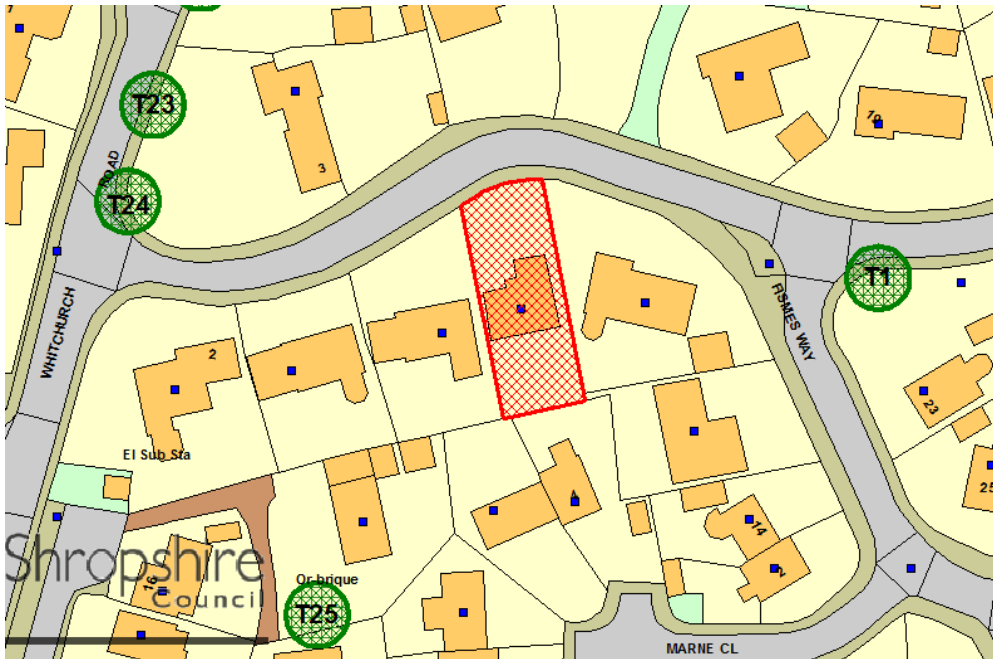
Development Management Report

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

Summary of Application

Application Number: 24/01044/FUL	Parish:	Wem Urban
Proposal: Erection of rear single storey extension		
Site Address: 8 Fismes Way Wem Shrewsbury Shropshire SY4 5YD		
Applicant: Mr Edward Towers		
Case Officer: Philip Mullineux	email: philip.mullineux@shropshire.gov.uk	

Grid Ref: 351657 - 329686



© Crown Copyright. All rights reserved. Shropshire Council AC0000808715. 2023 For reference purposes only. No further copies may be made.

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

REPORT

1.0	THE PROPOSAL
1.1	The application seeks planning permission for the erection of a rear single storey extension, to the dwelling known as 8 Fismes Way, Wem.
2.0	SITE LOCATION/DESCRIPTION
2.1	The dwelling is a detached dwelling which sits within the Wem development boundary, with neighbouring dwellings positioned to the east, south and west elevations of the site.
3.0	REASON FOR COMMITTEE DETERMINATION OF APPLICATION
3.1	The applicant is a Member, therefore, under the terms of the scheme of delegation to officers, as set out in Part 8 of the Council Constitution, the application must be referred to planning committee for determination.
4.0	COMMUNITY REPRESENTATIONS
4.1	- Consultee Comments
4.1.1	Wem Town Council Wem Town Council support the application as it will enhance the property and is in keeping with the built environment.
4.2	- Public Comments
4.2.1	This application was advertised via notice at the site, at the time of writing this report, one representation had been received in response to this publicity which supports the proposals.
5.0	THE MAIN ISSUES
5.1	<ul style="list-style-type: none"> • Principle of development • Siting, scale and design of structure • Impact on amenities
6.0	OFFICER APPRAISAL
6.1	Principle of development
6.1.1	The following policies are relevant in considering this proposal:

	<p><u>Shropshire Core Strategy</u> CS6: Sustainable Design and Development Principle CS17: Environmental Networks</p> <p><u>SAMDev Plan</u> MD2: Sustainable Design</p> <p><u>National Planning Policy Framework</u></p> <p>Details of these policies are available on the planning policy pages of the Shropshire Council website. http://shropshire.gov.uk/planning-policy/</p>
6.2	Siting, scale and design of structure
6.2.1	The siting, scale and design of the proposal are deemed acceptable as the proposals are subservient, sympathetic to the size, mass, character, and appearance of the original dwelling and are not deemed to interfere with the intended character and detail of the original dwelling.
6.2.2	Given that the single storey extension is to the rear of the property, no concerns are raised in relation to the proposed materials which consist of vertical cedar cladding with a standing seam zinc mono-pitch roof.
6.3	Impact of amenities
6.3.1	The proposals will not be visible from the street scene.
6.3.2	The proposals are not deemed to have a significant impact on neighbour amenities due to the single storey nature of the proposals.
7.0	CONCLUSION
7.1	The works are judged to be in scale and character with the original building and of no demonstrable harm in terms of visual impact. No significant harm is considered to arise to the neighbouring resident's amenity and the application therefore accords with the principal determining criteria of the relevant development plan policies including CS6 and MD2 and approval is recommended subject to the conditions as set out in appendix one.
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.

	<ul style="list-style-type: none"> 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 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
	<p>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.</p>

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS3 - The Market Towns and Other Key Centres
 CS6 - Sustainable Design and Development Principles
 CS17 - Environmental Networks
 MD2 - Sustainable Design
 MD12 - Natural Environment
 MD13 - Historic Environment
 Settlement: S17 - Wem
 SPD Sustainable Design Part 1
 National Planning Policy Framework

RELEVANT PLANNING HISTORY:

NS/78/01205/OUT Proposed residential development and construction of estate road GRANT
 26th April 1979
 NS/78/01205/DET Erection of 49 dwellings with garages, construction of estate roads and
 formation of vehicular and pedestrian access
 ALLOWED ON APPEAL 31.03.82 REFUSE 31st March 1982
 NS/78/01205/FUL Erection of 49 dwellings with private garages GRANT 31st March 1982
 NS/89/00227/FUL Erection of dwelling and private garage and formation of vehicular and
 pedestrian accesses (Plot 46). GRANT 10th April 1989
 24/01044/FUL Erection of rear single storey extension PDE

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SAAVIZTDGE600>

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 Peter Broomhall Cllr Edward Towers
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

2. The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.

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

3. The external materials shall be those as detailed on the submitted application form.

Reason: To ensure that the works harmonise with the existing development.

-



<p>Committee and Date</p> <p>Northern Planning Committee</p> <p>18th June 2024</p>
--

Development Management Report

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

Summary of Application

Application Number: 24/01471/FUL	Parish:	Selattyn And Gobowen
Proposal: Change of use of non-domestic area into domestic area for parking and turning together with new vehicular access		
Site Address: Land Adjacent The Bryn Rhosygadfa Gobowen Oswestry Shropshire		
Applicant: Mr Michael Davies		
Case Officer: Janet Davies	email: janet.davies@shropshire.gov.uk	

Grid Ref: 332029 - 334542

© Crown Copyright. All rights reserved. Shropshire Council AC0000808715. 2023 For reference purposes only. No further copies may be made.

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

REPORT

1.0 THE PROPOSAL

1.1 Planning consent is sought for the change of use of a non-domestic area into residential curtilage area for parking and turning together with new vehicular access at The Bryn, Rhosygadfa, Gobowen, Oswestry.

1.2 The application follows on from previous planning refusals on this site (22/01859/FUL, 23/02122/FUL) for a new vehicular access to replace the existing access, which also included for a proposed garage with storage facility. The latter is now removed from the current proposed scheme.

1.3 The refusal reason for the most recent application (23/02122/FUL) included the following justification:

'... the proposal site is located outside of the original domestic curtilage for the property and as such the proposal would result in an encroachment into presently undeveloped land, in contravention of both CS5 and CS17 of the Core Strategy which seek to control development in the countryside. The enlarged curtilage would undermine the vitality and character of the surrounding landscape, having a significant alteration to the site and its wider context; failing to sympathise and respect the surrounding built and natural environment as is required under CS6 and MD2....'

1.4 The previous 2023 application had included an entire field within the red line on the location plan, measuring approximately 7500msq.

1.5 The site area currently under consideration now relates to a smaller parcel of the field measuring around 440msq. This is confined to an area immediately adjacent to the existing building group.

2.0 SITE LOCATION/DESCRIPTION

2.1 The affected area of land and site of the proposed new access drive is located to the west of The Bryn, Rhosygadfa and affects an existing stretch of laurel hedge and to the far side of that an area of level, mown grassland.

2.2 The dwelling house is located close to the corner of two country lanes, one which leads to Gobowen and the other to Hindford. The front elevation of the property faces south. There is a small range of brick built agricultural buildings to the north and a more modern

agricultural building to the north-west. Access is currently gained via a drive between the new and old outbuildings. The property is isolated with no nearby neighbours and surrounded by agricultural land to the west and south.

3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

3.1 It is considered that material planning reasons have been raised by the Parish Council contrary to the officer recommendation. The application is therefore referred to Committee for determination in accordance with the Scheme of Delegation to Officers as set out in Part 8 of the Shropshire Council Constitution.

4.0 Consultee comments

4.1 SC Highways - No objection subject to the development being constructed in accordance with the approved details and recommended conditions and informative notes.

Further details are contained within the section entitled 'Highways' in the body of the report below.

4.2 SC Drainage – No objection. The development is unlikely to significantly increase flood risk and therefore offer the following informative:

Informative:

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

Shropshire Council will not permit new connections to the Highway Drainage network.

If non permeable surfacing is used on the driveways and parking areas which slope towards the highway, a drainage system to intercept water prior to flowing on to the public highway must be installed.

4.1 Public comments

4.1.1 Parish Council - The scale of the parking and turning area is considered out of proportion with the needs of a domestic property.

4.1.2 A further 4 support comments have been received, which in summary make the following points:

- This application is for the good and benefit of the local community, current owners and immediate neighbours and will enhance road safety in the area.

- Moving the entrance from near a blind bend and using the existing entrance as a passing place can only help with road safety and benefit pedestrians and vehicle users.
- Vehicles do not always use passing places and are disturbing the verges.
- The gravelled area where current entrance is should also be retained as a 'passing spot' for when vehicles come around the bend.
- Vehicles can get off the road, turn around and re-enter highway near blind corner facing forward.
- The comments from the Parish council do not refer to the change of entrance and are contradictory to previous applications. A house of this size will require significant turning areas for numerous vehicles, including maintenance, domestic and various trailers.

5.0 THE MAIN ISSUES

- Principle of Development
- Details of Proposal
- Highways
- Amenity Impact

6.0 OFFICER APPRAISAL

6.1 Principle of Development

6.1.1 Core Strategy policy CS5 of the adopted Core Strategy requires new development in the countryside to be strictly controlled for the protection and maintenance of the countryside's vitality and character.

6.1.2 Policy CS6 of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking account of the local context and character. The policy also advises that new development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. In addition to this, policy MD2 of the SAMDev builds on policy CS6 dealing with sustainable design principles.

6.1.3 Policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment, and does not adversely affect the visual, ecological, geological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors. Policy MD12 similarly seeks to protect the natural environment.

6.2 Details of Proposal

6.2.1 The application site is in an area of countryside where under Core

Strategy Policy CS5, new development will be strictly controlled. CS5 states that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits.

- 6.2.2 The proposal scheme involves the extension of the existing domestic curtilage to the west of the existing buildings. This involves the change of use of an area of level, mown grassland, currently forming part of a larger field, with vehicular access gained via a new 5m wide entrance off a straight section of road and necessitating removal of a portion of laurel hedge.
- 6.2.3 The area affected measures approximately 20m by 22m and would provide parking for 4 vehicles. Surface materials would be chippings to match the adjacent area.
- 6.2.4 The stated intention is to create an improved parking and turning area and safer access. The existing yard access to the east, between the outbuildings would be closed off as part of the proposal.

6.3 Highways

- 6.3.1 The Council's Highways team have been consulted on the proposal and observed that as with the earlier submission, the relocation of the property's access further to the west continues to move the point of access away from the sharp bend in the road and increases the line-of-sight traffic side, for the drivers of emerging vehicles. The proposal is considered to provide a highway benefit and is therefore supported.
- 6.3.2 It is advised however that the existing access apron within the highway verge be retained to continue to provide an informal passing opportunity for vehicles travelling along the rural unclassified road.
- 6.3.3 Based upon the information contained within the submitted application it is considered that, subject to the conditions listed being included on any approval, there are no sustainable Highway grounds upon which to base an objection.
- 6.3.4 Highways conditions are recommended to be attached to any planning consent in relation to access, parking, turning, access apron, closure of the existing vehicular access and gates.

6.4 Amenity Impact

- 6.4.1 Following concerns regarding the previous proposed garage building within an area of land deemed to be outside of the area of

the domestic curtilage. It was suggested to the agent that consideration might be given to including for the change of use of this land as residential curtilage. It was considered that the proposed extension to the curtilage in itself would not necessarily result in harmful impact upon visual amenity but that at that stage the addition of the then proposed garage on the scale proposed would be harmful within the rural context.

6.4.2 The previous 2023 application had included a much larger area showing the whole field as being within the red line on the location plan, measuring approximately 7500msq.

6.4.3 The enlarged curtilage of the previous application was deemed to result in a significant alteration to the site and its wider context and to represent encroachment into presently undeveloped land on a scale which was unjustified.

6.4.4 It is recognised that the site area, now currently under consideration at around 440msq is significantly reduced from that previously proposed and is confined to an area immediately adjacent to the existing building group. The proposed extended curtilage is deemed to be commensurate with the overall scale of the property and its associated buildings and the highways safety improvement is considered to be a community benefit which weigh in favour of the application.

7.0 CONCLUSION

7.1 The proposed change of use of land to domestic curtilage is deemed to be proportionate to the size of the dwellinghouse and its outbuildings and is not deemed to result in any significant encroachment into open countryside. Furthermore, the proposal is deemed to result in a betterment in terms of highways safety. The application is therefore recommended for approval in accordance with development plan policies CS5, CS6, CS17, MD2, MD12 subject to conditions as set out in appendix one attached to this report.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

12/00922/FUL Erection of a 2 storey extension to side elevation, single storey extension to side and rear elevations: including internal alterations GRANT 23rd April 2012

12/03391/AMP Non-material amendment to planning permission 12/00922/FUL (360mm reduction in width of the two storey extension and 300mm reduction in width of the side elevation single storey extension of lean-to) GRANT 20th August 2012

22/01859/FUL Proposed garages and first floor studio with storage facility, together with formation of new vehicular access to replace existing access REFUSE 4th July 2022

23/02122/FUL Proposed garages with storage facility, together with formation of new vehicular access to replace existing access (revised scheme) REFUSE 1st September 2023

24/01471/FUL Change of use of non-domestic area into domestic area for parking and turning together with new vehicular access PDE

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SBRXY5TD07V00>

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 Robert Macey Cllr Mark Jones
Appendices APPENDIX 1 - Conditions

APPENDIX 1**Conditions****STANDARD CONDITION(S)**

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

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

2. The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.

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

3. Vehicular access to the adjoining highway shall be limited to the new access shown on the approved plan 1210.356.BP1. The existing access opening shall be permanently stopped up across the highway boundary, by a permanent barrier/fence/wall/hedge within three months of the new access being brought into use. The existing access apron within the highway shall be retained.

Reason: To limit the number of accesses onto the highway in the interests of highway safety.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. No development shall be commenced until full details of landscape works have been approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

- a) Planting plans
- b) Schedules of plants, noting species, planting sizes and proposed numbers
- c) Implementation timetables.

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

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

5. The access apron shall be constructed in accordance with Shropshire Council's specification currently in force for an access and shall be fully implemented prior to the use commencing.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

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

6. The access, parking and turning areas shall be satisfactorily completed and laid out in accordance with the Site Block Plan Drawing No.1210.356.BP1 prior to the use commencing. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.

Reason: To ensure the formation and construction of a satisfactory access and parking facilities in the interests of highway safety

7. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification, no access gates or other means of closure shall be erected within 5.0 metres of the highway boundary.

Reason: To provide for the standing of parked vehicles clear of the highway carriageway in the interests of highway safety.

Informatives

1. The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.

2. This planning permission does not authorise the applicant to:
- construct any means of access over the publicly maintained highway (footway or verge) or
- carry out any works within the publicly maintained highway, or

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

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

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

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

3. The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

4. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

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

Shropshire Council will not permit new connections to the Highway Drainage network.

If non permeable surfacing is used on the driveways and parking areas which slope towards the highway, a drainage system to intercept water prior to flowing on to the public highway must be installed.

6. Nesting birds

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and scrub removal and/or conversion, renovation and demolition work in buildings [or other suitable nesting habitat] should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If

vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

[Netting of trees or hedges to prevent birds from nesting should be avoided by appropriate planning of work. See guidance at <https://cieem.net/cieem-and-rspb-advise-against-netting-on-hedges-and-trees/>.]

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

7. General site informative for wildlife protection

Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

[Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.]

-

This page is intentionally left blank



Committee and date
 Northern Planning Committee
 18th June 2024

SCHEDULE OF APPEALS AS AT COMMITTEE 18th June 2024

LPA reference	23/03106/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Ms Madeleine Cooper
Proposal	Erection of two storey rear extension
Location	38 Pountney Gardens Shrewsbury Shropshire
Date of appeal	14.11.2023
Appeal method	Householder
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	23/03538/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mr and Ms Oliver and Charlotte Waring and Roberts
Proposal	Rear extension to provide addition bedrooms.
Location	Glenthorne Mill Road Meole Brace Shrewsbury
Date of appeal	22.12.2023
Appeal method	Householder
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	23/01573/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mr And Mrs S And R Jones
Proposal	Proposed conversion of a World War II munitions bunker to a holiday let accommodation with associated parking
Location	Proposed Storage Building Conversion North West Of Shrawardine Shrewsbury
Date of appeal	27.03.2024
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	23/04441/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Paul Archer
Proposal	Proposed Redevelopment of Site of Former Transport Cafe to provide new cafe and facilities building with associated landscape works, trailer and car parking and servicing areas.
Location	Former Anvil Café Sandford Whitchurch
Date of appeal	27.02.2024
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	23/04127/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Victor Simpson
Proposal	Outline planning application (access landscaping and layout) for the construction of three 3 bed bungalows plus a Self-Build Plot
Location	Clubhouse Farm Church Street Hinstock
Date of appeal	03.05.2024
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	23/01286/DSA106
Appeal against	Refusal to Discharge Planning Obligation
Committee or Del. Decision	Delegated
Appellant	Mr R G Millerchip
Proposal	Discharge of S106 agreement attached to planning permission reference 14/03013/OUT
Location	Land Off Tilstock Close Tilstock Shropshire
Date of appeal	
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	23/05271/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr P Watson
Proposal	Extensions and alterations to create 4 dwellings, retention of existing dwellinghouse, and associated works
Location	21 Whitchurch Road, Shrewsbury, Shropshire
Date of appeal	28.05.2024
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	23/04841/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mr R Walker
Proposal	Erection of two storey extensions to rear and side utilising existing access from highway.
Location	Sandwell Cottage Cardeston Ford Shrewsbury
Date of appeal	22.05.2024
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	23/04842/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mr and Mrs R Walker
Proposal	Erection of two storey outbuilding to replace existing buildings and change of use to domestic curtilage
Location	Sandwell Cottage Cardeston Ford Shrewsbury SY5 9NG
Date of appeal	22.05.2024
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

APPEALS DETERMINED

LPA reference	23/00699/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr R Jones
Proposal	Erection of garage and change of use of land to extension of domestic curtilage
Location	2 Ivy Villas Criftins Ellesmere Shropshire SY12 9LY
Date of appeal	09.01.2024
Appeal method	Written Reps
Date site visit	5.3.24
Date of appeal decision	2.4.24
Costs awarded	
Appeal decision	DISMISSED

LPA reference	23/02118/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Miss Desi Koleva
Proposal	Application under Section 73A of the Town and Country Planning Act 1990 for the erection of a two storey side extension
Location	41 Roseway Shrewsbury Shropshire SY1 4HW
Date of appeal	1.11.23
Appeal method	Written Reps
Date site visit	5.3.24
Date of appeal decision	3.4.24
Costs awarded	
Appeal decision	ALLOWED

LPA reference	22/03538/DSA106
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr G A Guilford And Miss K Pugh
Proposal	Discharge of S106 Agreement attached to planning permission reference 12/02591/FUL
Location	Ashfield Cottage Chapel Lane Dudleston Heath
Date of appeal	16/11/2023
Appeal method	Written Representations
Date site visit	
Date of appeal decision	08.04.2024
Costs awarded	
Appeal decision	DISMISSED

LPA reference	23/02633/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mrs Margaret Mc Nulty
Proposal	Outline application for the erection of single dwelling and detached garage (all matters reserved)
Location	Proposed Dwelling West Of Honeyspot Farm Rosehill Road Stoke Heath
Date of appeal	05.12.2023
Appeal method	Written Representations
Date site visit	
Date of appeal decision	09.04.2024
Costs awarded	
Appeal decision	ALLOWED

LPA reference	22/05712/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Ms Anna lley
Proposal	Change of use of land to dog exercise area and erection of a building to provide indoor facility for dog daycare business (retrospective)
Location	Proposed Dog Daycare Centre North Of Forton Montford Bridge Shrewsbury
Date of appeal	08.06.2023
Appeal method	Written Representations
Date site visit	05.03.2024
Date of appeal decision	12.04.2024
Costs awarded	COSTS REFUSED
Appeal decision	ALLOWED

LPA reference	22/02097/DSA106
Appeal against	Refused to Discharge Planning Obligation
Committee or Del. Decision	Delegated Decision
Appellant	Mr J Hurdley
Proposal	Discharge of Section 106 for planning application number SA/08/1518/F subject to the provision of an affordable housing contribution
Location	Caus Farm Vron Gate Shrewsbury
Date of appeal	02.03.2023
Appeal method	Written Representations
Date site visit	04.10.2023
Date of appeal decision	12.12.2023
Costs awarded	
Appeal decision	ALLOWED

LPA reference	23/03106/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Ms Madeleine Cooper
Proposal	Erection of two storey rear extension
Location	38 Pountney Gardens Shrewsbury
Date of appeal	14.11.2023
Appeal method	Householder
Date site visit	09.04.2024
Date of appeal decision	17.04.2024
Costs awarded	
Appeal decision	DISMISSED

LPA reference	22/03822/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr William Lewis
Proposal	Erection of replacement dwelling with double garage and associated landscape works.
Location	Lower House Farm The Ridge Ellesmere Shropshire SY12 9HT
Date of appeal	24.10.2023
Appeal method	Written Reps
Date site visit	5.3.24
Date of appeal decision	23.4.24
Costs awarded	
Appeal decision	ALLOWED

LPA reference	23/03538/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mr and Ms Oliver and Charlotte Waring and Roberts
Proposal	Rear extension to provide addition bedrooms.
Location	Glenthorne Mill Road Meole Brace Shrewsbury
Date of appeal	22.12.2023
Appeal method	Householder
Date site visit	09.04.2024
Date of appeal decision	17.04.2024
Costs awarded	
Appeal decision	ALLOWED

LPA reference	23/02227/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Louis Tomkinson
Proposal	Construction of single local needs dwelling and garage including the provision of access
Location	West Of Orchard Cottage 6 Sandy Lane Pell Wall Market Drayton
Date of appeal	22.09.2023
Appeal method	Written Representations
Date site visit	30.04.2024
Date of appeal decision	30.05.2024
Costs awarded	
Appeal decision	DISMISSED

LPA reference	23/00573/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr J Owen
Proposal	Erection of two storey boat house, following the removal of the existing single storey boat house.
Location	Boat House, Water Lane, Shrewsbury
Date of appeal	05.10.2023
Appeal method	Written Representations
Date site visit	
Date of appeal decision	05.06.2024
Costs awarded	
Appeal decision	ALLOWED

This page is intentionally left blank



Appeal Decision

Site visit made on 5 March 2024

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 April 2024

Appeal Ref: APP/L3245/W/23/3331917

2 Ivy Villas, Criftins, Ellesmere, Shropshire SY12 9LY

- 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 Jones against the decision of Shropshire Council.
 - The application Ref is 23/00699/FUL.
 - The development proposed is extension of curtilage and erection of garage.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
3. The address on the application form includes reference to "Junction West Of Pentrehelin To Junction South Of Greenhill Bank". This is a description of the location, rather than part of the address. For this reason, I have omitted this from the banner heading. I also note that the decision notice and appeal form do not use this part of the address line either.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is immediately adjacent to the host property, 2 Ivy Villas, a semi-detached dwelling, located within the rural settlement of Criftins. The existing dwelling is located on the edge of the settlement with open fields beyond the side and rear boundaries. The settlement has a sedate and attractive appearance, and overall, the surrounding area has a prevailing rural character.
6. The existing buildings within the settlement are of a varying age, size, form, and appearance, primarily built up close to the narrow road edge. However, the host property and the adjoining neighbour are located away from the main group of buildings within the settlement. The dwellings are also set back from the road, with large parking areas to the frontage.

7. The proposed garage would be located on land beyond the residential garden of the host property and forms part of an agricultural field. The land has been fenced off on three sides with direct access from the host property.
8. While I acknowledge that the proposed garage would have an appropriate size and appearance for a domestic garage, the building would be located beyond the side boundary of the garden, on agricultural land. It would also occupy a prominent position set significantly forward of the pair of semi-detached dwellings. Therefore, the position of the proposed garage, on the edge of the settlement and on agricultural land, noticeably away from other buildings, would appear abrupt in the landscape.
9. In addition, the encroachment of residential development erodes the agricultural characteristics of the site and the surrounding rural setting, which would cause significant harm to its character and appearance.
10. Landscaping on the boundaries would help to soften the appearance of the proposed garage but it would not suitably mitigate the harm that I have identified, even if planting were allowed to grow to a reasonable height. Likewise, whilst the proposed facing materials are sympathetic to the rural setting, the proposal would appear as a domestic garage, which would sit uncomfortably in the context of the site and its surroundings. As such, it would be incongruous.
11. Although there are some buildings, including domestic outbuildings, nearby which are built up close to the road, these are located in a different part of the settlement. Having considered the design and layout of this proposal, and its effect on the character and appearance of this area, for the reasons given, I consider that there would be unacceptable harm. Given this, the examples provided by the appellant do not add weight in favour of the development. Accordingly, as I am required to do, I have determined the case before me on its own merits.
12. For the above reasons, I conclude that the proposed development would unacceptably harm the character and appearance of the area. It therefore conflicts with Policies CS5, CS6 and CS17 of the Shropshire Core Strategy and Policy MD2 of the Shropshire Site Allocations and Management of Development Plan, and the Type and Affordability of Housing Supplementary Planning Document, which together, and amongst other things, seek to ensure that development maintains and enhances countryside character; and respects and enhances local distinctiveness.
13. It would also fail to accord with the design objectives of the Framework which seeks to achieve well-designed and beautiful places.

Planning Balance and Conclusion

14. I understand that the existing garage to the side of the host property will be removed to allow a new extension to provide additional accommodation for an elderly relative to live at the property. While I have taken into account the desire of the existing occupants and their relative to live in close proximity to one another for caring and companionship purposes, this would be a private benefit and I therefore attach limited weight.
15. The proposed garage would provide parking for vehicles and storage for domestic outdoor equipment. New native hedge planting, as well as bat boxes

and bird nesting boxes and other ecology measures would help to improve biodiversity. I also note that the Parish Council have raised no objections. There also appears to be no flood risk concerns associated with the proposed development. However, these benefits would be limited by virtue of the scale of the proposed development.

16. Taking the above matters into consideration, the benefits would not outweigh the identified harm that I have found would be caused in relation to the character and appearance of the area.
17. Consequently, I conclude that the proposed development would conflict with the development plan as a whole. I have found no other material circumstances that would outweigh that conflict. As such, the appeal is dismissed.

N Bromley

INSPECTOR

This page is intentionally left blank



Appeal Decision

Site visit made on 5 March 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd April 2024

Appeal Ref: APP/L3245/W/23/3326063

41 Roseway, Shrewsbury, Shropshire, SY1 4HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Miss Desi Koleva against the decision of Shropshire Council.
 - The application Ref 23/02118/FUL was approved on 4 July 2023 and planning permission was granted subject to conditions.
 - The development permitted is a two storey side extension.
 - The condition in dispute is No 5 which states that: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to Schedule 2 Part 1 class A; AA; B; C; D; E shall be erected, constructed or carried out.
 - The reason given for the condition is: to maintain the scale, appearance and character of the development and to safeguard residential and / or visual amenities.
-

Decision

1. The appeal is allowed and planning permission Ref 23/02118/FUL for the erection of a two storey side extension at 41 Roseway, Shrewsbury, Shropshire SY1 4HW granted by Shropshire Council, is varied by deleting Condition 5 and imposing the following condition:
 - 1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification), no development relating to Schedule 2, Part 1, Class D shall be carried out on doors serving the front elevation of the host dwelling.

Background and Main Issue

2. Condition 5, as set out above, restricts a number of permitted development rights granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). The appellant disputes the need for this condition and therefore, the main issue is: Whether Condition 5 is necessary to protect the character and appearance of the surrounding area and the living conditions of occupiers at the appeal site.

Reasons

3. Roseway is characterised by short rows of largely uniform terraces set back from the road by gardens or parking areas. The appeal site contains an end of terrace two-storey dwelling that has been extended to the side under planning permission 23/02118/FUL. I understand that the dwelling originally had a single-storey garage to the side of the property and a small single-storey

extension to the rear. To the side of the appeal site is a public footpath from which views of the property and the approved extension are possible although, a tall boundary fence screens views of the ground floor along the footpath.

4. From the information before me, I understand that there were no restrictions on the permitted development rights set out in the GPDO through previous planning conditions or an Article 4. Prior to the granting of the above permission it appears, therefore, that Classes A, AA, B, C, D and E could have been carried out at the appeal site. Paragraph 54 of the National Planning Policy Framework (the Framework) states that clear justification is necessary to remove permitted development rights.
5. In this case, the justification given is, briefly, that by retaining the above permitted development rights (the rights) there is an unacceptable risk that the property could be extended to the detriment of the character and appearance of the surrounding area and the living conditions of the occupiers at the site through the loss of the garden space and the increase in the number of potential occupiers.

Class A

6. Class A could allow for the erection of single and two-storey extensions to the rear of the dwelling. Although it also covers side extensions, I do not consider that any opportunities for this remain. Any single storey extensions would be screened by the existing extension and the tall side boundary fence. I therefore do not find that they would affect the character or appearance of the area. Whilst two-storey extensions would more likely be visible, this would only be from the public footpath to the side of the site where the appreciation of uniformity is not present. It is not, therefore, necessary to restrict this class to protect the character and appearance of the surrounding area.
7. An extension under this Class would further reduce the rear external space which would affect its quality and contribution to the living conditions of the site's occupiers. However, the GPDO sets out that development under Class A cannot, when taken together with all other works beyond the footprint of the original dwelling, cover more than 50% of the dwelling's curtilage. I therefore find that the Framework has already considered the need to retain outside space to meet the typical needs of occupiers. As such, it is not necessary for additional controls to be attached for this purpose.

Class AA

8. Although additional floors could significantly alter the appearance of the host dwelling and the character and appearance of the surrounding area, this Class requires prior approval where such matters, along with the living conditions of neighbouring occupiers, are considered. The Council therefore already have control over this matter, and it is unnecessary to restrict this Class through a condition.

Class B

9. Although loft conversions may not be typical in the area, it has not been demonstrated that there are any controls to prevent them, through conditions or an Article 4, in this area. The approved extension may afford more roof space for a conversion that includes dormer windows, but Class B also restricts cumulative enlargements over 40 or 50 cubic metres. Given the roof has been

enlarged, I find that any potential extensions would necessarily be more limited as a result of this restriction. Consequently, I find that the appeal site is in a very similar situation as it was prior to the granting of the planning permission. It would not, therefore, be necessary to restrict Class B in order to protect character and appearance, and living conditions.

Class C

10. The provisions afforded by this class are more modest and, as with Class B above, it has not been demonstrated that there are any controls within the wider area. Given alterations to the surrounding rooves could be made, I do not find that any works under Class C would necessarily be unacceptable. Moreover, the approved extension has not so significantly altered the host property as to mean that works under Class C would be meaningfully different to those possible on neighbouring properties. I therefore find that it would not be necessary to restrict the provisions of this Class in order to protect character and appearance or living conditions.

Class D

11. This Class allows for the erection of a porch to serve any external doors. It is therefore possible that a porch could be erected to the front or rear of the dwelling. During my site visit I noted a number of porches to the front of properties in various styles and sizes. Any porches would, following the requirements of the GPDO, be very modest in scale, height and bulk. To the rear of the dwelling this would have no unacceptable impact on the character or appearance of the wider area. However, given that a porch has already been erected to the front of the dwelling, I find that a further extension under Class D would likely have an unacceptable impact on the character and appearance of the surrounding area.
12. Given the small scale of the porches afforded by Class D, if one were to be erected at the rear of the dwelling, it would not result in such a loss of garden space as to unacceptably affect the living conditions of the occupiers.
13. Nevertheless, given the potential impact of an additional porch to the front of the dwelling, I find it is necessary that a condition is imposed restricting this right with regards to the front elevation.

Class E

14. Outbuildings, such as sheds and garages, are typical features within rear gardens. The erection of a building permitted under Class E would therefore be unlikely to affect the character and appearance of the surrounding area. This is made more unlikely by the heights permitted under this Class which would mean any building would largely be screened by the side boundary fence and existing dwelling. As noted with Class A, this class requires 50% of the original dwelling's curtilage to be retained and so outside space would be retained for the use of occupiers.
15. Therefore, it is not necessary to restrict the provisions of this Class in order to protect the character and appearance of the surrounding area or living conditions of occupiers.

Other Matters

16. My attention has been drawn to two Council decisions¹ relating to proposals for two-storey side extensions and I note the comparisons made. However, I have not been provided with the full details and facts of these applications and decisions. Whilst other planning and appeal decisions are capable of being material considerations, all decisions turn on their own particular circumstances based on the facts and evidence before those decision-makers at the time. Therefore, I cannot make any meaningful comparisons to the appeal scheme before me, which I must consider on its own merits.

Conclusion

17. As set out above, it is not necessary to restrict permitted development Classes A, AA, B, C and E in order to protect the character and appearance of the surrounding area or the living conditions of occupiers. However, it is necessary to restrict the provisions of Class D with regard to the front elevation in order to protect the character and appearance of the surrounding area.

18. Therefore, for the reasons given above, I conclude that the appeal should succeed. I will vary the planning permission by deleting and replacing Condition 5.

Samuel Watson

INSPECTOR

¹ Planning permission references: 16/02787/FUL and 09/03682/FUL



Appeal Decision

Site visit made on 2 April 2024

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

an Inspector appointed by the Secretary of State

Decision date: 8 April 2024

Appeal Ref: APP/L3245/Q/23/3320693

Ashfield Cottage, Chapel Lane, Dudleston Heath, Ellesmere, Shropshire SY12 9LZ

- The appeal is made under Section 106B of the Town and Country Planning Act 1990 against a refusal to discharge a planning obligation.
 - The appeal is made by Mr G A Guilford and Miss K Pugh against the decision of Shropshire Council.
 - The development to which the planning obligation relates is the erection of an affordable dwelling and garden shed.
 - The planning obligation, dated 22 March 2013, was made between Shropshire Council and Guy Allan Guilford and Kaylee Pugh.
 - The application Ref 22/03538/DSA106, dated 27 July 2022, was refused by notice dated 3 November 2022.
 - The application sought to have the planning obligation discharged.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. Prior to my determination of this appeal, the Government published a revised National Planning Policy Framework (NPPF) on 19 December 2023 which replaced the previous version. I have taken into account the relevant provisions of the revised version in the determination of the appeal and any references to the NPPF in this decision relate to the revised document. In having regard to the matters that are most relevant to this appeal, there are no material changes to the NPPF of relevance to the substance of this appeal. Therefore, I am satisfied that no party to this appeal would be prejudiced by the changes to the national policy context.

Main Issue

3. The application sought discharge of the S106 Agreement and did not propose modifications. Therefore, the main consideration in this appeal is whether the obligations provided in the S106 Agreement no longer serve a useful purpose.

Background

4. The appeal property is located in the open countryside and just outside of the development limits of the settlement. The Council indicates that planning permission was originally granted on 25 March 2013 (Ref: 12/02591/FUL) for the erection of an affordable dwelling, subject to the disputed S106 Agreement, pursuant to the provisions of the Council's Single Plot Affordable Housing Policy

as set out in the Type and Affordability of Housing Supplementary Planning Document (2012) (SPD). This provides for affordable dwellings to be constructed in locations that would not otherwise be supported. The Council suggests that this typically relates to development for affordable units outside of development limits, as is the case with the appeal property.

5. The SPD indicates that an affordable dwelling should not exceed 100 square metres (sqm) gross internal floorspace and that the plot size should not exceed 0.1 hectares. The appeal property aligns with these requirements.
6. In abridged terms, the disputed S106 Agreement requires the occupation of the property as an affordable dwelling. It further requires that when the owner, and their successors in title, cease to occupy the dwelling that it shall be offered on the open market to a qualifying person for an affordable rent or to sell the dwelling in accordance with an affordable formula price. The formula price is defined in the S106 Agreement as the sum which is 60% of the open market value of the dwelling (excluding any extensions, conversions or alterations). Any sale over the formula price requires that 50% of the excess is paid to the Council to facilitate the provision of affordable housing.
7. The Council indicates that the dwelling has been lived in by the original applicant since its construction. It further contends that planning permission for the construction of the dwelling would not have been received in 2013 without the applicant being willing to enter into the S106 Agreement to provide a "community benefit". Such benefit is explained as being the provision of the affordable dwelling in the first instance which is then "recycled" and continues to contribute to the stock of affordable housing.
8. The application has been made under Section 106A of the Town and Country Planning Act 1990 (the Act) to enable the discharge of the planning obligations set out in the Section 106 Agreement dated 22 March 2013. Section 106A(6) of the Act provides that I may determine:
 - (a) that the planning obligation shall continue to have effect without modification;
 - (b) if the obligation no longer serves a useful purpose, that it shall be discharged.

Reasons

9. The Appellants indicate that the primary reason for having the S106 Agreement discharged is to enable the dwelling to be extended as the 60% of open market value does not enable sufficient funds to be borrowed to enable this in order to meet the needs of a growing family. Furthermore, it is contended that there are several new developments in the locality that are making provision for affordable housing. In particular, a new development at St Martins has 8 affordable homes and another new development at Ellesmere is proposed to have 16 affordable dwellings. As such, the Appellants contend that there is no justifiable need for the dwelling to remain as an affordable unit.
10. The Council's Affordable Housing Team have identified that there are 4 affordable homes on a site in Dudleston Heath and a further 2 new affordable homes in the planning stages. However, these are all 'build your own' affordable homes that will have owner occupiers so would not be available to meet any local need.

11. The Council identifies that at present there are 9 persons needing a low-cost home to own and a further 9 that are on the Housing Register awaiting a rented home in Dudleston itself and that this increases to 17 if the search is broadened out to the Ellesmere Rural Parish Area. Furthermore, in Ellesmere Urban Parish there are currently 2 affordable homes on site with a further 34 with planning approval, but the need in Ellesmere is currently 97 households awaiting an affordable home. In St Martins there are currently 14 new affordable dwellings on a site, with a current need of 48. The Council considers that this evidence clearly shows that, even if all the current single plot dwellings and new build dwellings are completed, there would remain a need for affordable homes in the area.
12. I have no reasons to doubt the evidence provided by the Council in relation to the need for affordable housing in the locality and the fact that supply is not meeting the identified demand. I am satisfied that there remains an unmet demand for affordable housing in the locality. Any reduction to the affordable stock would likely have a detrimental impact on existing and future provision.
13. Against the above background, I consider that the obligations provided in the S106 Agreement continue to serve a useful purpose by ensuring that the dwelling contributes towards affordable housing. Were the S106 Agreement to be discharged, the uplift in property value would likely reduce its affordability significantly should the property be sold or let at a later date. This would have an unacceptable impact on the provision of affordable housing in the locality, particularly in circumstances where there is a defined unmet demand.
14. Taking the above factors into account, I am not persuaded that there are any compelling and justifiable planning reasons to discharge the S106 Agreement. In this regard, the retention of the obligations would continue to serve a useful purpose and meet the tests set out in paragraph 57 of the NPPF.

Other matters

15. In coming to the above view, I have taken into account the personal circumstances of the Appellants with regard to the reasons that contribute to the desire to extend their home. I also note the Council's view that this 3-bedroom property with a gross internal floor area of 100 sqm would be sufficient for a household of 6 persons based on the Government's Technical Housing Standards – Nationally Described Space Standard (2015).
16. Whilst I have some sympathy with the Appellants' circumstances, the evidence provided in this appeal demonstrates that there is a compelling local need for the property to remain as an affordable dwelling. Such circumstances do not provide justifiable planning reasons to warrant the discharge of the Agreement.

Conclusion

17. For the above reasons, based on the evidence before me and all other matters raised, I conclude that the S106 Agreement continues to serve a useful planning purpose in that it provides an affordable dwelling in the locality. Accordingly, the appeal is dismissed and the planning obligation shall continue to have effect without modification.

Stephen Normington

INSPECTOR

This page is intentionally left blank



Appeal Decision

Site visit made on 5 March 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 April 2024

Appeal Ref: APP/L3245/W/23/3329859

Honeyspot Farm, Rosehill Road, Stoke Heath, Shropshire TF9 2JU

- 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 Mrs Margaret McNulty against the decision of Shropshire Council.
 - The application Ref is 23/02633/OUT.
 - The development proposed is the erection of single dwelling and detached garage.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of single dwelling and detached garage at Honeyspot Farm, Rosehill Road, Stoke Heath, Shropshire TF9 2JU in accordance with the terms of the application, Ref 23/02633/OUT, subject to the conditions in the attached schedule.

Preliminary Matters

2. The proposal before me has been made in outline with all matters, namely access, appearance, landscaping, layout and scale, reserved for a subsequent application. I understand from the appellant's case that the submitted drawings, in these respects, are for illustrative purposes only, I have considered them as such.

Main Issue

3. The main issue is whether the location of the appeal site is suitable for new residential development.

Reasons

4. Policy CS1 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011, the ACS) and Policy MD1 of the Shropshire Council Site Allocations and Management of Development Plan (December 2015, the SAMD) set out the Council's spatial strategy and hierarchy for residential development. This strategy states that development will be directed, in part, to Community Hubs such as the one the appeal site sits within; Stoke Heath. SAMD Policy S11.2(vi) states that Stoke Heath will support approximately 20-25 new dwellings over the plan period and SAMD Policy MD3 continues that if the development guideline numbers are exceeded additional considerations must be had.

5. I understand from the submissions before me that 69 houses have been granted approval and have either been, or are likely to be, delivered. It is clear, therefore, that the development would lead to this number further exceeding the guideline. I am mindful that this guideline is not a maximum and that it has already been significantly breached through previous developments.
6. The proposal would result in only a very modest additional breach of one dwelling. This would provide additional housing in accordance with the Government's aim to significantly increase the supply of housing, and would also provide modest social and economic benefits through the increased number of residents. Although I note the Council's concerns regarding the overstretching of local services, I have not been provided with any substantive evidence of this and consider that it is very unlikely one dwelling would unacceptably affect any services or facilities within the Community Hub. This is especially so given that 69 dwellings have already been approved. In light of the above the proposal complies with the additional considerations set out in SAMD Policy MD3 for Settlement Housing Guidelines.
7. Although the Council have referred to concerns over the goodwill of the community, it has not been demonstrated where this has been identified or how this relates to the policies of the development plan. I also note the local plan review, but I understand that it is in very early stages. As I cannot be certain that the plan would be implemented in the suggested form it has not been determinative in my considerations.
8. I recognise that the Council can demonstrate a five-year housing land supply. However, much like the Council's own housing numbers for Stoke Heath, this is not a cap. Consequently, and as I have found the proposal would comply with the development plan, the five-year housing land supply does not preclude me from finding the proposal to be acceptable.
9. In light of the above, the proposal would result in development that aligns with the locational strategy for residential development as set out within the development plan. As such, the proposal would comply with ACS Policies CS1 and CS4, and SAMD Policies MD1, MD3 and S11.2(vi). Amongst other matters, these policies set out the spatial strategy and hierarchy for residential development, including at Community Hubs.

Other Matters

10. The proposal would result in the modest loss of some undeveloped land at the edge of a larger field. From my observations on site, and the information before me, the area of land covered by the appeal site is not of any especial ecological importance. The proposal would reduce the contribution the site makes to the wider environment and habitats, but this could be mitigated through the planting typically associated with residential properties and the provision of additional habitat boxes. I recognise the potential for the site to provide a habitat for great crested newts, but I am content that any risk can be dealt with through a suitably worded condition.
11. Concerns have been raised that Rosehill Road is at risk of flooding and that the junction between the appeal site and the road can flood to a significant depth. However, I have not been provided with any demonstrable evidence to substantiate this. Nevertheless, given the proposal would likely reduce the area

of permeable surface at the site, a condition would be necessary to ensure any impact on flood risk would be minimised.

12. I note reference to a dog kennels near the appeal site, although its location is unclear, and I recognise that these can result in disruptive noise levels which could be detrimental to the living conditions of neighbouring occupiers. No evidence of any existing conflicts with the kennels have been provided. Given its siting close to existing dwellings, I find it unlikely that the proposed dwelling would be at any greater risk of adverse noise impacts than those existing nearby dwellings.
13. I do not find that the siting of a new dwelling at the appeal site would necessarily affect the living conditions of neighbouring occupiers with regard to loss of light or privacy, or through the creation of noise and light pollution. As this appeal is only at outline stage with all matters reserved it is not within the remit of this appeal to consider the effects of the detailed design which would be considered at the reserved matters stage. Similarly, the detailed design of the proposed access, parking and turning would be provided at the reserved matters stage.
14. The proposal will likely result in an increase in vehicular movements to and from the appeal site. These would include private motor vehicles. However, given its small scale, and relative to the existing number of dwellings in the area and those recently permitted, the proposal would not result in a significant or unacceptable increase in traffic or pollution levels.

Conditions

15. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability, I have made some changes to the wording.
16. For certainty, I have set out the reserved matters as well as the timescale for their submission and the commencement of works. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans.
17. As noted above flood risk at the site could increase given the likely reduction of permeable surface at the site as a result of the provision of a new dwelling. I therefore find it necessary to impose a condition requiring details of surface and foul water drainage to ensure any increase in risk is mitigated. Securing bat and bird boxes through a condition would also be necessary to mitigate the loss of the undeveloped green space and achieve habitat benefits. Similarly, it is necessary to restrict external lighting in order to minimise any disturbances to wildlife and their habitats.
18. Although, from the submissions before me, Great Crested Newts are unlikely to use the site or be directly affected by the development, there is still some residual risk. The method statement set out in the Eco Tech report would not be overly onerous on balance with the potential risk identified. A condition is therefore necessary requiring any works are carried out in accordance with this report.

Conclusion

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

Samuel Watson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: Location Plan 433-230p.
- 5) No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied.
- 6) No development shall commence until details of the provision of bat and bird boxes have first been submitted to and approved in writing by the Local Planning Authority. This shall, as a minimum, include 2 bat boxes and 4 bird nests or bricks. They shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. They shall thereafter be maintained for the lifetime of the development.
- 7) 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.
- 8) No development shall be carried out on site except where it is in accordance with the mitigation and enhancement measures for great crested newts set out in 'Appendix 1 - Method Statement' of the Great Crested Assessment by Eco Tech, dated July 2023.



Appeal Decision

Site visit made on 5 March 2024

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

an Inspector appointed by the Secretary of State

Decision date: 12 April 2024

Appeal Ref: APP/L3245/W/23/3323787

Land At Forton Airfield, Montford Bridge, Shrewsbury, Shropshire SY4 1AS

- 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 Shrewsbury Dog Daycare Limited against the decision of Shropshire Council.
 - The application Ref is 22/05712/FUL.
 - The development proposed is the change of use of land to dog exercise area and erection of a building to provide indoor facility for dog daycare business.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of land to dog exercise area and erection of a building to provide indoor facility for dog daycare business at Land At Forton Airfield, Montford Bridge, Shrewsbury, Shropshire SY4 1AS in accordance with the terms of the application, Ref 22/05712/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans numbered: 740.01, 740-02, and 740-03
 - 2) No dogs shall be delivered to, or collected from, the appeal site except where this is carried out by a member of staff associated with the dog daycare business.

Applications for costs

2. An application for costs was made by Shrewsbury Dog Daycare Limited against Shropshire Council. This application is the subject of a separate decision.

Preliminary Matters

3. At the time of my site visit the building had been built and the outside area of the site was being used for the exercising of dogs. The appeal therefore seeks retrospective permission for the development, and I have determined the appeal accordingly. Although there was also a caravan on site at the time of my visit, I understand from the submissions before me that this is not connected to the appeal scheme.
4. The description in the header above has been altered from that supplied by the appellant. The term 'retrospective' has been removed as this is not a descriptor of development and so is superfluous.

Main Issues

5. The main issues are:

- Whether the location of the appeal site is suitable for a dog daycare and exercising business; and,
- The effect of the development on the character and appearance of the surrounding area.

Reasons

6. The appeal site comprises a small area of land within the grounds of a former RAF airfield. The area still presents the former runways, a number of roads that would have served the airfield and other smaller concrete pads. Although these are collectively in a generally poor condition, they are readily visible features. The appeal site contains a small portion of one of the former airfield roads and a concrete pad, it is immediately adjacent to an area of trees to one side but is open to fields on the remaining sides. As part of the scheme the site has been surrounded by a tall boundary fence and a timber building has been erected on the concrete pad. There was also dog exercise and agility equipment across the site.

Suitability of Location

7. Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011, the ACS) sets out that development within the countryside can be supported where it maintains and enhances the vitality and sustainability of rural communities through economic and community benefits. The Policy goes on to pay particular regard to small-scale economic development that diversifies the rural economy. Although such diversification can relate to farms, on a plain reading of the policy this is not necessary.
8. In this case the development is a small business that would provide employment on site. The revenue going into a local business, and the employees it supports would benefit the local economy. Moreover, it would diversify the rural economy by introducing a new type of business in this location. I also find that there would be a degree of community benefit through the caring of dogs for their owners.
9. Although the development involves the movement of an existing business, rather than the creation of a new business, I do not find that this precludes the development from complying with the requirements set out under ACS Policy CS5. I am also mindful that it would not, due to the likely levels of noise generated, be appropriate for more residential areas.
10. If clients were to be required to drop-off and pick up their dogs this could lead to a significant increase in movements to and from the appeal site. Given its location it is likely clients would be reliant on private motor vehicles. However, I note that the appellant intends to make these journeys, instead of relying on clients. I find that this would limit the number of journeys to and from the site and could be controlled by way of a condition. I find that such a condition would meet the relevant tests and, in particular, could be enforced through random spot-checks by the Council and passive observations by any interested parties.

11. In light of the above, the appeal site is suitably located for the small-scale business set out in the appeal scheme. The development therefore complies with ACS Policy CS5 as outlined above.

Character and Appearance

12. The appeal building is a simple and timber clad structure located towards the rear of the appeal site. It is clear that the building is not designed to replicate the existing nearby building or the agricultural storage units typically associated with rural areas. However, I do not consider this building to appear as a dwelling or other domestic outbuilding. I find that in its siting the building appears as a modest site, or farm office. Furthermore, I consider the nearby trees and hedgerows would largely screen the site. Although some views may be possible from the nearby road, these would only be glimpses over, and softened by, the intervening hedgerows and trees. In these views the building would not be visually isolated as it would be seen in the context of the existing building further along the airfield road. The building does not, therefore, harm the character or appearance of its rural setting.
13. Given the nature of the fencing it would have a retiring appearance in more distant views and would largely be screened by the surrounding hedgerows and trees. I similarly find the small scale of any likely agility equipment would not be prominent or readily visible from public vantages. I do not, therefore, consider these features to unacceptably affect the character and appearance of the surrounding area.
14. The glossary of the National Planning Policy Framework (the Framework) describes previously developed land (PDL) as that which is, or was, occupied by a permanent structure including the curtilage of the developed land. However, it goes on to set out that not all of the curtilage should necessarily be considered as PDL, and nor should it be considered PDL where the remains of the structure has blended into the landscape.
15. In this case, the partial remains of the runways, airfield roads are still present and clearly visible against the landscape. Moreover, the site itself contains a concrete pad of a former building, and there is an existing, and sizeable, building near to the appeal site. I therefore consider that the appeal site consists of PDL and its curtilage.
16. In light of the above the development does not, by reason of its siting, scale or design, unacceptably affect the character and appearance of the surrounding area. The development therefore complies with ACS Policy CS5 and Policy MD2 of the Site Allocations and Management of Development Plan (the SAMD). Amongst other matters these seek for developments to contribute and respond positively to the local countryside character. Although the Council have also referenced SAMD Policy MD7b, I do not find that this policy is particularly relevant to the appeal before me as it only relates to re-use and agricultural buildings.

Other Matters

17. My attention has been drawn to a planning permission¹ for a dog daycare and exercise business and I note the comparisons made. However, I have not been provided with the full details and facts of the application. Whilst other planning

¹ Permission reference: 13/01096/FUL

decisions are capable of being material considerations, all decisions turn on their own particular circumstances based on the facts and evidence before those decision-makers at the time. Therefore, I cannot make any meaningful comparisons to the appeal scheme before me, which I must consider on its own merits.

Conditions

18. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability, I have made some changes to the wording.
19. As development has already commenced it is not necessary to impose a condition setting out the timescale for the commencement of development. However, a condition is necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans. A condition is also necessary, to ensure the development would not unacceptably increase the number of vehicular movements to and from the appeal site as set out above.
20. The Council have not justified why a condition would be necessary to limit the development to only being carried out for 5 years. I understand that the appellant has suggested a temporary condition for 5 years. However, when imposing conditions, I must be certain that they meet the six tests of the Framework. In this case, as the condition would not mitigate any identified harms, such a condition would be unnecessary and unreasonable.

Conclusion

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

Samuel Watson

INSPECTOR



Costs Decision

Site visit made on 5 March 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2024

Costs application in relation to Appeal Ref: APP/L3245/W/23/3323787 Land At Forton Airfield, Shropshire, Shrewsbury, SY4 1AS

- 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 Shrewsbury Dog Daycare Limited for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of planning permission for the change of use of land to dog exercise area and erection of a building to provide indoor facility for dog daycare business.
-

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 submits that the Council acted unreasonably as, although the appeal had been called in to Committee, it was determined under delegated powers. The applicant consider that the Committee would have granted planning permission and so this has led to wasted expense in the applicant needing to defend the scheme at appeal.
4. Although the applicant also refers to wasted expense stemming from the installation of panels, it is not clear what this refers to. It has not, therefore, been determinative in my considerations.
5. It is clear from the Council's submissions that while cases can be called to Committee by a member, Parish or Town Council they must meet one of a number of requirements to be heard at the Committee. In this case I understand that the Committee Chairman, Vice Chairman, Service Manager and Area Planning Manager agreed that there were no material planning issues that necessitated the Committee to determine the application. To this extent therefore, I do not find that the decision not to present the application to committee was unreasonable.
6. Furthermore, and although I note the support from one Committee Member and the Parish Council, I have not been provided with any substantive evidence to demonstrate that the Committee would have voted to grant planning permission. Whilst I found differently to the Council in my determination of the appeal, I cannot be certain that the Committee would have similarly reached a different decision.

7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Samuel Watson

INSPECTOR



Appeal Decision

Site visit made on 4 October 2023

by **S J Lee BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 December 2023

Appeal Ref: APP/L3245/Q/23/3317856

Caus Farm, Vron Gate, Shrewsbury SY5 9RH

- The appeal is made under Section 106B of the Town and Country Planning Act 1990 against a refusal to discharge a planning obligation.
 - The appeal is made by Mr John Hurdley against the decision of Shropshire Council.
 - The development to which the planning obligation relates is erection of a detached three-bedroom dwelling following the demolition of existing building.
 - The planning obligation, dated 1 June 2009, was made between Shropshire Council and Mr John Hurdley.
 - The application Ref 22/02097/DSA106, dated 3 May 2022, was refused by notice dated 7 September 2022.
 - The application sought to have the planning obligation discharged.
-

Decision

1. The appeal is allowed. The planning obligation, dated 1 June 2009, made between Shropshire Council and Mr John Hurdley, shall have effect subject to the modifications as set out below.

Background and Procedural Matters

2. The powers under Section 106A and 106B are to modify or discharge planning obligations (PO). In this case, the obligation restricts the occupation of the dwelling to the appellant, or their successor in title, as their main residence. If this occupation ceases, then the PO requires the dwelling to become an 'affordable dwelling', with several requirements about how this would be implemented.
3. The appellant has submitted a separate Section 106 agreement (s106), referred to as a 'deed of discharge' (the deed). The effect of this deed would be to require payment of a financial contribution in lieu of the original affordable housing requirement. As well as the financial contribution, once payment had been made, the deed would also discharge the original s106 agreement. As such, the deed does not technically vary or modify the original agreement. Rather, the two would need to be read alongside each other. Nevertheless, the *effect* of the deed would be to modify the original by allowing a financial contribution toward affordable housing instead of the occupancy restrictions. I am content that this is permitted under s106A. I have thus had regard to the deed in my decision as something that would effectively modify the original agreement.

Main Issue

4. The main issue is whether the planning obligation continues to serve a useful purpose and, if so, would it serve that purpose equally well if it had effect subject to the modifications set out in the 'deed of discharge'.

Reasons

5. The property in question is served off a long private road which also provides access to a small number of other dwellings and farm buildings. It is in what would be described as an isolated location in the countryside. National and local planning policy seek to resist housing development in such locations unless certain exceptions are met.
6. The evidence suggests that permission was granted for the dwelling exceptionally, having regard to the personal circumstances of the appellant. The PO does not provide any restriction based on the occupation or place of employment of the 'Owner'. The PO only requires that the dwelling is occupied by the Owner as their main residence.
7. Only if the Owner ceases to occupy the dwelling as their main residence shall it be offered on the open market for rent as an affordable dwelling, either by the Owner or a Housing Association (HA). My reading of the PO is that only if no HA is in a position to proceed with acquisition can it be offered for sale to the Council at the affordable housing rate and, if the Council do not wish to purchase, it may be offered for sale on the open market at the affordable housing rate as "defined in the Council's Local Plan".
8. Neither party has drawn my attention to anywhere in the Local Plan where the affordable housing rates are established. It appears therefore to be accepted by both parties that the agreement does not stipulate what the value of the affordable dwellings should be. This does not however negate the other requirement that the dwelling must be occupied by persons who are in need of affordable housing and who meet the other occupancy criteria, as set out in paragraph 5.3 of the Second Schedule of the agreement.
9. Policy MD7a of the Council's Site Allocations and Management of Development (SAMDev) Plan controls development in the countryside, including dwellings to house essential rural workers. Criterion 2c states that if a new dwelling is permitted and subsequently is no longer required as an essential rural workers' dwelling, it will be made available as an affordable dwelling, unless it can be demonstrated that it would not be suitable. It goes on to state that where unsuitability is demonstrated, a financial contribution to the provision of affordable housing will be required.
10. The property in question is not a rural worker's dwelling in the context of this policy. There is no restriction on the nature of the occupation or place of work of the occupants of the dwelling. Nevertheless, the evidence suggests that the dwelling was permitted on the basis of the appellant's local employment. The PO was consequently required because unrestricted market dwellings would not normally be permitted in this location. This is still the case now and the Council clearly seeks to secure an affordable housing 'fallback' position on dwellings it considers to be 'exceptional'. The situation here is therefore plainly analogous to what is set out in Policy MD7a, particularly in the Council seeking to ensure properties in such locations are retained as affordable dwellings in the longer term.
11. I have had regard to the perceived limitations of the PO in terms of not stipulating an affordable value. However, the PO still requires the dwelling to be made available to local people who are in need of an affordable dwelling. This is more than simply requiring a local connection; it relates to somebody in

affordable need and is, or is going to be employed, in the area. In this regard, while the onus would be on the Owner to sell at a price commensurate with the identified constraints. As such, I consider the PO could still continue to serve a useful purpose which is broadly consistent with the requirements of current local planning policy.

12. However, if Policy MD7a is of relevance to the issue of the principle of restricting occupancy of an 'isolated dwelling', then it also seems reasonable to also consider the provisions of the policy which allow for a financial contribution to be made in certain circumstances.
13. While there is no detailed evidence that any HA has been approached, the Council acknowledges that the property would not be suitable for transfer given its size, location and the lack of stipulation on values. In addition, there is no indication the Council would be interested in purchasing the property; indeed, the Council's Housing Enabling Team supported the removal of the obligation subject to the financial contribution. The Council also acknowledge that the dwelling is too large to be considered a 'single plot exception' under Council policy and that it is larger than what their own Type and Affordability of Housing SPD (2012) would consider suitable for an affordable dwelling.
14. Notwithstanding the lack of marketing, given the limitations set out above, I consider it would be still reasonable to conclude that the dwelling would not be considered as a 'suitable' affordable dwelling in the context of the policy. In these circumstances, the policy would allow a financial contribution to be made.
15. In this respect, I am content that the submitted deed meets the statutory planning obligation tests. It is necessary to make the development acceptable in planning terms. The financial contribution secured through the deed would assist in meeting the Council's affordable housing objectives and be compliant with current local policy. The contribution is clearly related to the development and appears to have been calculated in accordance with the relevant guidance. On that basis it is fairly and reasonably related in scale and kind to the development. The effect of the deed would be to ensure that the Council's policies in relation to dwellings in the countryside and affordable housing will continue to be met.
16. Therefore, I am content that the effect of the deed would effectively serve the same purpose as the original PO in terms of meeting policy requirements relating to homes in the countryside.

Conclusion

17. Accordingly, I conclude that the PO would continue to serve a useful purpose and would serve that purpose equally well if it had effect subject to the modifications established through the submitted deed of discharge.
18. On this basis, the appeal should be allowed.

S J Lee

INSPECTOR

This page is intentionally left blank



Appeal Decision

Site visit made on 9 April 2024

by John Whalley

an Inspector appointed by the Secretary of State

Decision date: 17th April 2024

Appeal ref: APP/L3245/D/23/3333104

38 Pountney Gardens, Belle Vue, Shrewsbury SY3 7LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal of planning permission.
 - The appeal is made by Ms Madeleine Cooper against the decision of Shropshire Council.
 - The application, ref. 23/03106/FUL, dated 17 July 2023, was refused by a notice dated 12 September 2023.
 - The development is: Erection of two storey rear extension.
-

Decision

1. The appeal is dismissed.

Main issue

2. The decision turns on the likely effect of the proposed rear extension works to the house at No. 38 on its closely neighbouring houses and on the character and appearance of the dwelling and its immediate surroundings.

Appeal proposal

3. The appeal property, No. 38 Pountney Gardens, is a 2 storey mid-terrace house in a row of red brick pitched roof houses extending from No. 22 to No. 44 fronting Pountney Gardens, a public road that ends at No. 44. The short rear gardens of Nos. 22 to 44 have pedestrian access onto a large private parking area that also serves access to a terrace of houses that back to Belle Vue Road to the east. Pountney Gardens lies within the Belle Vue Conservation Area.
4. The appeal concerns Ms Cooper's project extend her home by building a 2 storey extension approximately 5m wide and 4m deep on the rear of the house at No. 38 Pountney Gardens, Shrewsbury. There would be a larger kitchen and a W.C. on the ground floor, the existing 3 bedrooms would be converted to provide 2 larger bedrooms above.

Planning policy

5. The adopted Shropshire Council Site Allocations and Management of Development, (SAMDev), Plan Policy MD2 'Sustainable Design' and Core Strategy Policy CS6 'Sustainable Design and Development Principles' require development to be designed to a high quality by being sustainable in its design, inclusive and accessible in its environment and respecting and enhancing local distinctiveness. It is also required to preserve and enhance the amenity value

of the wider area to which it relates including the safeguarding of residential and local amenity.

Considerations

6. The Council said the scale and depth for the proposed 2 storey rear extension of the house at No. 38 would have an adverse effect on the visual character and appearance of the rear of the terrace. I agree with that broad assessment. The uniform rear elevations of the Nos. 22 to 44 terrace are readily seen from Belle Vue Road, not from passing traffic, but by users of the road's parking areas. The large appeal extension, extending for most of the width of the house by more than half its existing depth, would be readily seen as an incongruent and intrusive addition to the houses' rear elevations. The tighter restrictions on front extensions to dwellings generally apply to a lesser extent at their rear, but the Belle Vue Road terrace effectively fronts onto the car parking area. The main outlook from those houses looks towards the rear of the Pountney Gardens terrace. The discordancy of the appeal extension would be more evident to the users and those overlooking the car parking area.
7. The Appellant referred me to the Belle Vue Road terrace particularly to the central double bay house that projects from the line of the row. The resulting return each seems to subjugate the adjoining houses. However, that was the result of the original layout and build, not caused by a later addition that might have caused some disadvantage to its neighbours.
8. Possible daylight loss to the house on each side of No. 38 raised no Council objection. But I share their concern that the 2 storey rear extension alongside the boundary of No. 36 on one side and only about 1m from that of No. 40 to the other side would be likely to have an unpleasantly overbearing effect on the neighbouring houses amenity areas close to the rear walls of their homes. The occupants of No. 36 and No. 40 would experience a somewhat hemmed in feeling close to the back of their homes.
9. It was asserted that the appeal project would have been development permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 had it not been in a conservation area, land subject to Article 2(3) of the Order. It does not therefore fall to be assessed, but it was not shown how the limitations in Schedule 2 Part 1 Class A at A.1(h) or (i) of the Order would otherwise have been met.

Conclusion

10. I conclude that, whilst there is an understandable wish to extend and improve the accommodation at No. 38, it should not be done on a scale that is unacceptably detrimental and harmful to the character, form and context of the site and to neighbouring amenity. The proposed rear extension to No. 38 would be in material conflict with policy CS6 of the Shropshire Core Strategy and with policy MD02 of the SAMDev Plan.

John Whalley

INSPECTOR



Appeal Decision

Site visit made on 5 March 2024

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

an Inspector appointed by the Secretary of State

Decision date: 23 April 2024

Appeal Ref: APP/L3245/W/23/3321630

Lower House Farm, The Ridge, Ellesmere SY12 9HT

- 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 William Lewis against the decision of Shropshire Council.
 - The application Ref is 22/03822/FUL.
 - The development proposed is a replacement dwelling with double garage and associated landscape works.
-

Decision

1. The appeal is allowed and planning permission is granted for a replacement dwelling with double garage and associated landscape works at Lower House Farm, The Ridge, Ellesmere SY12 9HT in accordance with the terms of the application, Ref 22/03822/FUL, subject to the conditions set out in the schedule at the end of this decision.

Main Issue

2. The main issue is the effect of the proposal on a non-designated heritage asset and whether any harm would be justified.

Reasons

3. The appeal dwelling is a two-storey detached farmhouse set perpendicular to the road, it is located within a sizeable garden area with a large barn building and associated hardstanding. To the front of the dwelling are a group of former barns, that have been converted to dwellings, which form a C-shape with the host dwelling. The Council consider the appeal dwelling to be a non-designated heritage asset (NDHA) and I note that Cruck Lodge, one of the former barns, is a Grade II Listed Building.
4. The appeal dwelling is of some age, likely stemming from around 1800. Although I understand it was originally finished in brick, it has since been rendered in a mock timber style. It appears that the general form and layout of the host building has largely been retained although a rear conservatory has been added and the original windows have been replaced with PVC. Similarly, although internally there are examples of historic features and materials, the property has been altered with features having been removed or replaced with modern replicas. I note that Historic England have assessed the property and do not consider its historic interest or significance to be such that it would warrant listing.

5. I find that the significance and interest of the appeal dwelling stems, in part, from its relationship to the other former farm buildings and the legibility of this relationship. Further significance also stems from the materials of the dwelling's construction and the remaining legibility of its internal layout. However, I find it is the relationship between the buildings that provides the most interest and significance as the farmhouse has been extended and altered as set out above. I am mindful that historic buildings can change overtime, and this can contribute towards their significance by demonstrating the changing needs and tastes of time. However, I do not find any of the changes outlined above to be so unique or interesting as to add to the significance of the building.
6. Planning permission has been granted, reference 23/01844/FUL, for the extension and alteration of the dwelling. This permission would retain the original dwelling and extend it to the rear with a mixture of single and two-storey extensions that would replace the existing conservatory. The existing decorated render would also be replaced with a plain render. Internal changes would also be carried out and parts of the original rear wall would be removed. This permission, as such, grants alterations to the historic internal and external form and fabric of the building. Given the permission is extant and would achieve a similar outcome to the proposal before me; in that it would extend and alter the property to provide additional accommodation, I consider it likely to be carried out should this appeal not succeed.
7. It is therefore from this point that I consider the interest and significance of the building and whether it should be deemed a NDHA. Whilst Historic England may consider the building to not warrant listing, I still find it to carry a degree of heritage significance that merits some consideration. However, given the matters above, the significance of the building is limited. Therefore, whilst I consider the host dwelling to be a NDHA it is only of very modest significance as an asset.
8. The host dwelling is within the setting of Grade II Listed Cruck Lodge, a former barn associated with the dwelling, its name draws from its method of construction. I find that the significance of this half-timbered building stems from its age, the materials and method of its construction, and the extent to which its historic function and relationships are still legible.
9. The appeal proposal would result in the complete removal of the appeal dwelling, and the modern barn building. The dwelling would be replaced with a similarly styled building with an enlarged rear that largely reflects the extensions granted by the above planning permission. The proposed replacement would be set slightly further away from the road and would have a shallower pitch to the roof. The render would also not be replaced on the front elevation with red bricks forming the external finish. With regard to the form, fenestration, materials and appearance, the front elevation of the replacement dwelling, would bear resemblance to the original dwelling prior to its rendering.
10. To this extent, I find that the proposed replacement dwelling would retain the legibility of the historic functional and physical relationship between the host dwelling and the listed barn. This would be further protected by the appearance of the dwelling's frontage. I do not consider the differences between the granted and proposed rear extensions to be so significant as to unacceptably affect the setting of the barn.

11. The proposal would result in the complete loss of any historic interest currently retained within the host dwelling. However, as noted above, the extant permission would already remove a number of features, including the existing staircase. Moreover, I have not been made aware of any existing protections or controls covering the dwelling that would prevent works from removing features. Therefore, even if this appeal were to not succeed, the complete loss of internal features could still occur. Consequently, whilst the building is of some modest historic interest, I cannot be certain that this interest can be retained in perpetuity.
12. The dwelling's main, currently retained, feature of significance is its location and relationship to the Listed Building. All the other features, as noted above, have already been significantly eroded or easily could be without planning permission. As the proposed replacement dwelling would be sympathetic to the original dwelling in siting and appearance, I find that it would still present the current relationship in support of the Listed Building and the general history of the area. Consequently, and given my above findings, there would be no harm to stemming from the replacement of the NDHA as proposed before me.
13. In light of the above, the loss of the NDHA as part of the proposed scheme would not be unacceptable and would not harm the setting of the Grade II Listed Cruck Lodge. The proposal would, therefore, comply with Policies CS5, CS6 and CS17 of the The Adopted Core Strategy and Policies MD2, MD7a, MD13 of the Site Allocations and Management of Development Plan. These collectively, and amongst other matters, seek to protect the character and appearance of Shropshire's natural, built and historic landscape with particular reference to designated and non-designated heritage assets. The proposal would also comply with the National Planning Policy Framework (the Framework), in particular with regard to Sections 12 and 16. It would also comply with the guidance on replacement dwellings in the countryside set out within the Type and Affordability of Housing Supplementary Planning Document.

Other Matters

14. Due to the method of its construction, and lacking any substantive evidence to the contrary, it is very likely that the appeal dwelling is not of a high energy efficiency and indeed it is likely to not meet the current standards set out under other legislation for new dwellings. Therefore, whilst the dwelling may hold embodied energy as noted by the Council, I consider the replacement dwelling would, through its lifetime, save more energy than that lost by the demolition of the building.

Conditions

15. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability, I have made some changes to the wording.
16. For certainty, I have set out the timescale for the commencement of development. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans.

17. Given the sensitive siting of the proposal in close proximity to a Listed Building, it is necessary to impose a condition requiring that further details for a number of external features and materials are submitted. This shall ensure that the proposed dwelling would not unacceptably affect the setting of the Listed Building and that it would be sympathetic to the building it replaces.
18. Details of the existing and proposed landscaping would also be required to be submitted in order to ensure the character and appearance of the surrounding area is protected, along with any habitats and wildlife on site. These details would need to be submitted prior to any works, including demolition, as this could result in the loss of trees, planting or other features whose retention is desirable. Conditions are also necessary to ensure that proper mitigation and enhancements are secured for biodiversity on site, namely through; artificial roosts, following the Great Crested Newt recommendations and, a lighting plan.
19. In order to ensure that development is not overly sprawling across the site, and to protect the character and appearance of the area, a condition is necessary requiring the removal of the barn prior to the first use of the garage building. The rear room of the garage is proposed to be an office and so would be capable of being a habitable room. I do not find there would be a noticeable difference, with regard to character or amenity, should the room be used for other purposes ancillary to the domestic use of the site. However, it is likely that alternative, more commercial, uses would unacceptably affect the character and amenity of the site and its surroundings. Consequently, and whilst I have removed the restriction on "living accommodation", as it is not clear what the Council wishes to restrict by this, the rest of the condition is necessary.
20. The development plan is clear that rural buildings should not be excessively enlarged as this can have adverse impacts, including to the availability of a mix of dwelling types and sizes within the area. It is clear that where a dwelling is replaced and, in doing so enlarged, the permitted development rights set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) should be restricted. This would prevent further additions that would exceed the Council's strategy. In this case I consider that, in line with the Framework, the removal of some rights are clearly justified.

Conclusion

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

Samuel Watson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL-001, PL-002, PL-003, PL-007, PL-008, PL-009, Phase 2 Bat Activity Survey, and Preliminary Ecological Assessment.
- 3) Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
- 4) Details of the roof construction including details of eaves, undercloaks ridges, valleys and verges shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall be carried out in complete accordance with the approved details.
- 5) Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details.
- 6) Prior to its installation, full details of the roof lantern shall be submitted to and approved in writing by the Local Planning Authority. The installation of the windows shall be carried out in complete accordance with the approved details.
- 7) No development shall take place (including demolition, 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:
 - a. Planting plans, creation of wildlife habitats and features and ecological enhancements;
 - b. Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
 - c. Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
 - d. Native species used are to be of local provenance (Shropshire or surrounding counties);
 - e. Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
 - f. Implementation timetables.
 - g. Details of boundary treatments.The plan shall be carried out as approved. Any trees or shrubs which die or become seriously damaged or diseased within five years of completion of the development shall be replaced within 12 calendar months with trees of the same size and species.
- 8) The portal framed shed earmarked for demolition as part of the scheme shall be removed from the site in its entirety and the affected site area made good prior to the new garage building being brought into use.

- 9) Prior to first occupation / use of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.
- 10) Prior to first occupation / use of the buildings, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the GCN RAMMS, as set out in Appendix 3 of the Preliminary Ecological Assessment (Arbor Vitae, February 2022).
- 11) The garage hereby permitted shall only be used for purposes incidental to the enjoyment of the residential dwelling at Lower House Farm, The Ridge, Ellesmere.
- 12) Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification), the following development shall not be undertaken without express planning permission first being obtained from the Local Planning Authority:
 - a. extension to the dwelling
 - b. addition or alteration to the roof
 - c. erection of a porch
 - d. container for the storage of oil
 - e. fences, gates or walls
 - f. any windows or dormer windows



Appeal Decision

Site visit made on 9 April 2024

by John Whalley

an Inspector appointed by the Secretary of State

Decision date: 17th April 2024

Appeal ref: APP/L3245/D/23/3336029

Glenthorne, Mill Road, Meole Brace, Shrewsbury SY3 9JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal of planning permission.
 - The appeal is made by Mr and Ms Oliver and Charlotte Waring and Roberts against the decision of Shropshire Council.
 - The application, ref. 23/03538/FUL, dated 10 August 2023, was refused by a notice dated 19 October 2023.
 - The development is: Erection of rear extension to provide additional bedrooms.
-

Decision

1. The appeal is allowed and planning permission is granted for the Erection of rear extension to provide additional bedrooms at Glenthorne, Mill Road, Meole Brace, Shrewsbury SY3 9JT in accordance with application ref. 23/03538/FUL, dated 10 August 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location plan 748-01
 - Block plan 748-02
 - Existing south and north elevations 748-03
 - Existing side west elevation 748-04
 - Existing side east elevation 748-05
 - Existing cellar and ground floor plans 748-06
 - Existing first floor and attic plans 748-07
 - Proposed south and north elevations 748-08b
 - Proposed side west elevation 748-09b
 - Proposed side east elevation 748-10b
 - Proposed cellar and ground floor plans 748-11
 - Proposed first floor and attic plans 748-12b
 - Proposed site plan 748-13.

Main issue

2. The decision turns on the likely effect of the proposed rear extension works to the house Glenthorne on the amenities enjoyed by occupiers of neighbouring houses.

Appeal dwelling and proposed works

3. The appeal dwelling, Glenthorne, is a narrow detached late Victorian house on the north side of Mill Road. It stands in a row of houses built to a variety of sizes, designs and layouts.
4. The Appellants wish to enlarge their home at Glenthorne by building a full width 3 storey extension approximately 6m deep on the ground and first floors outwards from the original rear wall of the house and about 3.5m out on the second floor.
5. The stepped new rear extension appeal scheme would replace the existing short outrigger to provide a large new kitchen and W.C. on the ground floor with a large and a small bedroom on the first floor. The approximately half depth second floor extension of the existing loft would provide a 4th bedroom.

Considerations

6. Shropshire Council's planning policy, SAMDev Plan 2006 – 2026 Core Strategy policies CS6 and CS17 require development to protect and conserve the built, historic and natural environment and be appropriate in scale, density, pattern and design taking into account the local context and character. Plan policy MD2 requires that development contributes to and respects locally distinctive or valued character and existing amenity value.
7. The appeal property, Glenthorne, lies within the Meole Brace Conservation Area. A conservation area is an area "of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance", (s.69 Planning (Listed Buildings and Conservation Areas) Act 1990).
8. The Council's reason for refusing the rear extension to the dwelling said that by virtue of its scale, height, design and siting, it would have an adverse and unacceptable impact on the amenity, outlook and light of next door to the east. Two neighbours to the west said the extension would be high, characterless and incongruous.
9. The rear wall of Glenthorne is somewhat inset in relation to its close neighbours. The Appellants' scheme seeks match the depth of the rear outrigger extension to the house next door to the west, The Hollies, although the small single storey element of the appeal extension would project further. The Hollies 2 storey rear outrigger has a pitched roof incorporating an attic room. That outrigger somewhat dominates the rear amenity area of Glenthorne close to the house as does the considerable extent of the large house immediately beyond The Hollies, Norfolk House. In my view, neither of those houses would be adversely affected to any undue extent by the Appellants' proposed extension built to the same depth and similar height to that at The Hollies. They would not be overlooked, nor would they experience any excessive degree of overshadowing or loss of light.
10. The Council's reason for refusing to grant planning permission said occupiers of the neighbouring house immediately to the east, Summer Ville, would be adversely affected. They said earlier concerns about the extension and its effect upon the Conservation Area had been largely addressed by the current layout. But an objection remained over the impact of the extension scheme on

the amenity, outlook and light at the 2 bedrooms windows on the first floor of Summer Ville.

11. The 2 storey rear outrigger extension at Summer Ville is half the width of the house, built tight to the eastern boundary. The house also has a large wide single storey rear extension. As a result, there is not a sitting out area close to the original rear wall of the house that might have been enclosed by the appeal project. The only adverse effect of the Appellants' extension proposal might be a small reduction of light at first floor level at the rear wall of Summer Ville. Those windows already lose some light as a result of the narrow Summer Ville outrigger's position alongside. The appeal extension at Glenthorne would add slightly to that effect, but not, in my view, to a material extent such that planning permission should be withheld. The Council said the impact on amenity in terms of any loss of privacy would not be so adverse as to warrant refusal.
12. I conclude that whilst the appeal extension proposal might appear overly large to those in extended properties on each side, it would be an acceptable project that complies with Core Strategy Policy CS6, drawn up to safeguard residential and local amenity and with SAMDev Plan policy MD2, a policy that requires development to contribute to and respect existing amenity value. I also agree with the Council that the extension project, albeit of rather utilitarian design, would preserve the character and appearance of this part of the Meole Brace Conservation Area.

Conclusion

13. I conclude that the appeal should be allowed. Planning permission is granted subject to the general condition limiting the duration of the permission, (s.91 of the Act), and a condition to build in compliance with the submitted plans that define the project. The Council's suggested condition regarding a tree in the rear garden of Glenthorne is not essential to the grant of this permission.

John Whalley

INSPECTOR

This page is intentionally left blank



Appeal Decision

Site visit made on 30 April 2024

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

an Inspector appointed by the Secretary of State

Decision date: 30 May 2024

Appeal Ref: APP/L3245/W/23/3330024

Land adjacent to 6, Orchard Cottage, Sandy Lane, Pell Wall, Market Drayton TF9 2AE

- 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 Louis Tomkinson against the decision of Shropshire Council.
 - The application Ref is 23/02227/FUL.
 - The development proposed is the construction of single local needs dwelling including the provision of access.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the appeal site is suitable for a new dwelling; and,
 - The effect of the proposal on the character and appearance of the surrounding area.

Reasons

Whether suitable for a new dwelling

3. Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011, the ACS) sets out support for some development in the countryside. In particular, it permits development on appropriate sites where they maintain and enhance countryside vitality and character, and would improve the sustainability of rural communities through economic and community benefits. Both ACS Policy CS5 and Policy MD7a of the Shropshire Council Site Allocations and Management of Development Plan (December 2015, the SAMD) set out that residential development to meet local needs is also specifically supported where it would meet identified and evidenced needs.
4. ACS Policy CS5 is also clear that there is an expectation that such residential development will primarily take place within recognisable named settlements or be linked to existing development and business activity where appropriate. I have not been provided with any substantive details as to the location of Pell Wall. However, it is clear from the information before me and my observations on site that the appeal site is detached from any settlements and instead forms part of a small cluster of buildings. Therefore, irrespective of Pell Wall's status, I consider the site to be outside of any recognisable named settlements. It has

also not been demonstrated that the proposal would be linked to any development and business activity.

5. However, ACS Policy CS5 only states that this type of development is expected to primarily take place under these circumstances and so I consider it possible that it can take place even where it is outside of a settlement and is not related to the support of an existing business. Nevertheless, it would still be necessary to demonstrate that the proposal would meet an identified need and provide a benefit. The proposal would also need to improve the sustainability of rural communities with particular regard to economic and community benefits.
6. In this case, I have not been provided with any substantive evidence as to a local need for housing. I am mindful that the Government's objective is to significantly boost the supply of housing and proposal would provide one new dwelling. Nevertheless, without a need identified in this local area, such new housing should be located in accordance with the development plan as set out above.
7. The proposal would lead to a small and temporary economic benefit during the construction phase, as well as some very limited social and economic benefits resulting from future occupiers. However, as the site is outside of any identified settlements I consider that future occupiers would likely need to travel to Market Drayton for their daily needs. I therefore find that the proposal would not support any rural communities, either in an economic or social way. Moreover, given the nature of the road network and lack of any public transport future occupiers would be reliant on private motor vehicles to reach Market Drayton for services, facilities, education and employment.
8. Although the proposal would result in some very modest benefits, they would not be in line with the aims of the development plan and, moreover, the proposal would not meet an identified local need or improve the economic and community sustainability of any rural communities. The proposal would not, therefore comply with the Council's spatial strategy or the exceptions to it set out above.
9. Given the appeal site's location, and that it would not meet any exceptions within the development plan, I conclude that it is not within a suitable location for a new dwelling. It would therefore conflict with ACS Policy CS5 and SAMD Policy MD7a as set out above. The proposal would also conflict with Section 5 and Paragraph 82 of the National Planning Policy Framework (the Framework) which supports rural exception sites to meet identified local needs. It would also conflict with the guidance contained within the Type and Affordability of Housing Supplementary Planning Document with regard single, local needs housing.

Character and Appearance

10. As noted above, the appeal site forms part of a small cluster of buildings. These range from a dwelling and a small workshop or garage to much more significant utilitarian commercial warehouses. Although I did not see them during my site visit, I also understand that there are caravans and lodges associated with a holiday site to the rear of the appeal site. In all, these features present a varied character of independent buildings and uses. This is within an otherwise broadly agricultural, rural setting where development is predominantly only sporadic.

11. Into this setting, the proposal would introduce a design that would not reflect that of any of the surrounding buildings. However, given the lack of uniformity or similarity between the existing cluster, I consider that this would not be unacceptable. It would, nevertheless, be a somewhat prominent feature given its close proximity to the road. However, as it would be read within an existing domestic garden and amongst existing buildings it would not contribute to an unacceptable expansion or visual encroachment of domestic land or development. The small scale and height of the proposed dwelling would further help reduce the visual prominence of the building. Overall, I consider the proposal would not be detrimental to the surrounding character, appearance and landscape.
12. In light of the above, the proposed siting, design and scale of the proposed dwelling would not unacceptably affect the character and appearance of the immediate or wider surrounding area. The proposal would therefore comply with ACS Policies CS5 and CS6 and SAMD Policy MD2 which, amongst other matters, require that developments is of an appropriate scale and design that takes account of, and respects the, built environment and local distinctiveness. It would also comply with Paragraph 135 of the Framework which, amongst other matters, requires developments to be sympathetic to the local character, including the built environment, and to maintain a strong sense of place.

Other Matters

13. My attention has been drawn to several Council¹ decisions and an appeal decision² relating to proposals for exception sites and I note the comparisons made. I have not been provided with the full details and facts of these applications and decisions. However, having considered the available details, I find the examples are substantially different to the proposal before me with regard to their context and nature. In particular, it appears that there was sufficient evidence, before the Inspector at the time, to determine that Rye Bank was a settlement. Similarly, I note that Oreton was considered a Community Cluster where residential development, including open market housing, can be supported. It also appears a number of the decisions were supported with much more substantive information to establish an identified local need for housing. I am mindful the decision for the two log cabins adjacent to the current appeal site found the site to be close to settlements. However, I do not find the daily needs for such accommodation to be comparable.
14. Whilst other planning and appeal decisions are capable of being material considerations, all decisions turn on their own particular circumstances based on the facts and evidence before those decision-makers or Inspectors at the time. Therefore, and given the above, I cannot make any meaningful comparisons to the appeal scheme before me, which I must consider on its own merits.

Conclusion

15. The proposal would be contrary to and erode the Council's spatial strategy and would conflict with the development plan taken as a whole. There are no

¹ Council references: 19/04045/FUL, 22/00805/FUL, 22/01353/FUL, 22/03728/FUL, 22/03996/FUL, 22/04011/OUT, 22/04908/FUL and 22/05605/FUL

² Planning Inspectorate reference: APP/L3245/W/21/3275873

material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR



Appeal Decision

Site visit made on 25 March 2024

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th June 2024

Appeal Ref: APP/L3245/W/23/3330808

Boat House, Water Lane, Shrewsbury, Shropshire, SY3 8JQ

- 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 J Owen against the decision of Shropshire Council.
 - The application Ref is 23/00573/FUL.
 - The development proposed is described as “the proposed erection of replacement two storey boathouse.”
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of replacement two storey boathouse. at Boat House, Water Lane, Shrewsbury, Shropshire, SY3 8JQ in accordance with the terms of the application, Ref 23/00573/FUL, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Shrewsbury Conservation Area (CA) with particular regards to the Grade II registered Historic Park and Garden.

Reasons

3. The appeal site is located in the Shrewsbury CA. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the 1990 Act) requires that, in making decisions on planning applications and appeals within a CA, special attention is paid to the desirability of preserving or enhancing the character or appearance of the area. Paragraph 205 of the National Planning Policy Framework (the Framework) states that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.
4. The CA is mostly characterised by its historic street pattern and its wide range of listed and unlisted, historic, and modern buildings that reflect the development of Shrewsbury as a military, administrative and commercial centre. It also includes some handsome buildings which reflect the town’s development as a desirable place to live in the C18.
5. Due to its large scale the CA is divided into a number of special character areas. The appeal site is within the Frankwell Special Character Area, which is roughly north-west of the historic core of the town, and on the opposite side of the River Severn to the town centre. It is characterised by red brick buildings of a variety of sizes and styles, mostly set in elevated positions above the river.

- The gradual gradient down to the river is largely filled with green spaces, mature vegetation, and ancillary buildings.
6. The significance of the CA is derived from its diverse, mainly historic buildings and spaces, their relationships with one another, and the important specific contribution of each of its special character areas, which together illustrate its gradual development as a settlement.
 7. The appeal site is located in a prominent location on the banks of the River Severn. Clear views of the site are available from the Quarry Park, and Dingle Gardens Grade II Registered Historic Park and Garden (the Registered Park), a well-used public space on the opposite side of the river. I consider that the significance of the Registered Park is largely derived from its historic and aesthetic value and its link with Shrewsbury town, as an example of an C18 park and garden. It would have been well contained by walls, which have since been removed. The Dingle, towards the centre of the Registered Park is only visible as an area of trees, its sunken interior is not visible from the surrounding area.
 8. The appeal site is visible from Water Lane, a riverside footpath which the appeal site fronts on to. I noted on my site visit that the site is currently occupied by a single storey former boat house and landscaping which was somewhat neglected when I visited. This is in contrast to the well-maintained garden areas adjacent to the site.
 9. The proposed development would replace the existing boat house with a two-storey building with a contemporary triangular roof design. The design of the proposed development responds well to the surrounding area, utilising similar materials to nearby properties. The retention of landscaping would reduce the amount of the building that is visible in longer views. Additionally, from the Registered Park, it would be viewed against the backdrop of existing built development along Water Lane and New Street. The use of weathered steel cladding for the roof would reinforce the juxtaposition of the old and the new with other buildings in the area.
 10. Contemporary designed buildings are not uncommon in the area, examples being the Shrewsbury College buildings on the opposite bank of the river, immediately adjoining the Registered Park, and Theatre Severn to the east of the site. These buildings have a contemporary design and utilise interesting roof designs and materials that contrast positively with the more historic buildings nearby.
 11. Far from being a visually intrusive and discordant feature, the proposed development would be a clearly contemporary and attractive development. Whilst it would be visible from the public domain, and from within the Registered Park, and whilst there would be occasional longer views of it, given the character of the context of the area this would not be inappropriate. The size, scale, design, and appearance of the proposal is an appropriate high-quality design response, in proportion with its surroundings.
 12. Accordingly, the proposed development would preserve the CA and the setting of the Registered Park. The proposal would satisfy policies CS2, CS3, CS6 and CS17 of the Shropshire Council Local Development Framework Adopted Core Strategy (2011) and policies MD2, MD12, MD13 and S16 of the Shropshire Council Site Allocations and Management of Development Plan (2015)

(SAMDev). These together seek, amongst other things, to ensure that developments protect and enhance heritage, environmental and conservation assets and avoid harm or loss of significance to designated heritage assets. These policies are consistent with the Framework which seeks development to be sympathetic to local character and history.

Other Matters

13. During my site visit I noted that there were limited opportunities to park on New Street and Water Lane was restricted to pedestrian and cycle use. The proposed development is in a central location in Shrewsbury and easily accessed on foot or by bike from the surrounding area. Boats would be kept on and moved by foot to the river. Whilst I acknowledge concerns raised by local residents in relation to highway safety and parking, the site is in a sustainable location where users could easily walk or cycle. Furthermore, Frankwell Car Park is within walking distance to the site that could accommodate parking for future users.
14. I have had regard to the Council's Highways Officer who offers no objection to the proposal. Due to the sustainable location of the proposal and that it replaces an existing, albeit run down, use, I do not consider that the proposal would have a harmful impact on highway or pedestrian safety.
15. The appeal is supported by a Tree Survey, Arboricultural Impact Assessment, Method Statement and Tree Protection Plan. These note that the proposal will be constructed on the footprint of the existing building and in order to accommodate the increased height would require a crown lift of the eastern canopies of trees. The use of the existing footprint would aid in ensuring that the root systems of trees are not harmfully impacted on. The Council's Tree Officer is content that there would be limited impact on trees as a result of the proposal. In the absence of cogent evidence to the contrary I have no reason to disagree with the reports and consultation response that trees on the site will be safeguarded.
16. With regards to flooding and drainage, the proposed building will utilise the existing footprint therefore not significantly increasing the area of impermeable ground. Whilst the appeal site is within flood zone 3b, as the proposal is for a boat house this would be considered to be a water compatible use. A flood risk assessment (FRA) details flood mitigation measures. I am satisfied that, subject to the inclusion of a condition securing these measures that the proposal would not have a harmful impact on drainage and flooding.
17. A construction management plan will be conditioned to ensure that impacts on nearby residents during construction are managed. With regards to water safety, the boat house will utilise an existing jetty that can be used currently.

Conditions

18. The Council has provided a list of conditions. Timing and plans conditions are required in the interests of certainty. To protect highway safety and the living conditions of nearby residents a construction management plan should be provided. I consider that conditions regarding surface water drainage are necessary in order to ensure that surface water is appropriately managed for the lifetime of the development.

19. I consider that conditions regarding environmental management, external lighting, and bat and bird boxes are necessary in order to ensure that the biodiversity and environment of the area are safeguarded during construction and lifetime of the development. In order to safeguard the trees on and adjoining the site tree protection conditions are necessary.
20. Due to the location of the site within the CA, I consider that conditions relating to external materials, windows, doors, roof, and balcony details are necessary in order to preserve the character and appearance of the CA.
21. I have altered the wording of some condition in order to ensure compliance with the Planning Practice Guidance.

Conclusion

22. The appeal scheme would accord with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision otherwise. The appeal should therefore, subject to the conditions in the schedule below, be allowed.

Tamsin Law

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall not later than 3 years from the date of this permission.
2. The development hereby permitted shall be carried out strictly in accordance with the following approved plans: Location Plan and Proposed Block Plan 009; Proposed Plans - Ground Floor 020; Proposed Plans - Ground Floor 021; Proposed Plans - Roof 022; Proposed Elevations - South and East 023; and Proposed Elevations - North and West 024.
3. No development shall take place, until a Construction and Demolition Management Plan incorporating a method statement has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved management plan.
4. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved management plan.
5. No development shall take place until a scheme of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied.
6. No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped, or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority.
7. No development shall take place and no equipment, machinery or materials will be brought onto the site for the purposes of said development until all tree protection measures specified in the submitted Tree Protection Plan (TPP) have been fully implemented on site and the Local Planning Authority have been notified of this and given written confirmation that they are acceptable. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority.
8. All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.
9. Prior to the above ground works commencing samples and/or details of the roofing materials (including the roofline detail) and the materials to be used

in the construction of the external walls, balcony and hard surfacing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

10. Prior to their installation details of all external windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
11. Details of the balcony construction including materials shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall be carried out in complete accordance with the approved details.
12. Details of the roof construction including details of eaves, under cloaks, ridges, valleys, and verges shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall be carried out in complete accordance with the approved details.
13. Prior to use of the building, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:
 - A minimum of two external Woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
 - A minimum of one artificial nest of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design).
 - A minimum of three swift bricks. The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting.The boxes shall thereafter be maintained for the lifetime of the development.
14. Prior to the installation of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank