

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

Date: Monday, 8 July 2024

Committee: Northern Planning Committee

Date: Tuesday, 16 July 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 Elner
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
David Vasmer
Edward Towers

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 - 4)

To confirm the Minutes of the meeting of the North Planning Committee held on 18th June 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, 11th July 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 Colehurst Lake, Gorsty Lane, Colehurst, Market Drayton, Shropshire, TF9 2JD (24/01290/FUL) (Pages 5 - 18)

Change of use of existing steel frame barn and extension to provide disabled access holiday accommodation on ground floor and tea room at first floor, together with provision of four glamping pitches and a compost amenity building.

6 Spenford House, Loppington, Shrewsbury, Shropshire, SY4 5NG (24/01734/LBC) (Pages 19 - 28)

Removal of modern entrance porch and replace with oak enclosed porch.

7 Stone Grange Grinshill Shrewsbury Shropshire SY4 3BW (24/01938/FUL) (Pages 29 - 44)

Erection of a three bay detached garage with room over and conversion of outbuilding to gym/entertainment room

8 Stone Grange, Grinshill, Shrewsbury, Shropshire, SY4 3BW (24/01939/LBC) (Pages 45 - 60)

Erection of a three bay detached garage with room over and conversion of outbuilding to gym/entertainment room

9 Appeals and Appeal Decisions (Pages 61 - 102)

10 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 13th August 2024 in the Shrewsbury Room, Shirehall, Shrewsbury.



Committee and Date

Northern Planning Committee

16th July 2024

NORTHERN PLANNING COMMITTEE

Minutes of the meeting held on 18 June 2024

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

2.00 - 3.10 pm

Responsible Officer: Emily Marshall

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

Present

Councillor Paul Wynn (Chairman)

Councillors Garry Burchett, Geoff Elnor, Ted Clarke, Steve Charmley, Julian Dean, Roger Evans, Nat Green, Vince Hunt (Vice Chairman), Steve Davenport (Substitute) (substitute for Joyce Barrow) and Edward Towers (Substitute for Alex Wagner)

12 Apologies for Absence

Apologies for absence were received from Councillors Joyce Barrow (substitute: Councillor Steve Davenport) and Councillor Alex Wagner (substitute: Councillor Edward Towers).

13 Minutes

RESOLVED:

That the Minutes of the meeting of the North Planning Committee held on 9th May 2024 and 14th May 2024 be approved as a correct record and signed by the Chairman.

14 Public Question Time

There were no public questions or petitions received.

15 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 6, planning application 25/01044/FUL, Councillor Towers declared that as the property owner he would take no part in the debate or vote and would leave the meeting during consideration of this application.

16 Springfields, Rowton, Shrewsbury, Shropshire, SY5 9EJ (24/01161/FUL)

The Area Planning and Enforcement Officer introduced the application for the erection of replacement dwelling and construction of a new dwelling following demolition of existing dwelling

and outbuilding. Members were informed that the Local Member comments in the Officer's report were incorrect, the local member had in fact called in the application as he believed it complied with Shropshire Council Policy. The Area Planning and Enforcement Officer responded to comments made by the agent and confirmed that she had remeasured the existing building and proposed dwelling externally. The Committee were provided with confirmation of those measurements.

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 table, taking no part in the debate and did not vote on this item.

Mr Mike Lloyd, 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.

During the ensuing debate, Members expressed sympathy with the applicant however concerns remained in relation to the size of the proposed replacement dwelling. Having considered the submitted plans and listened to the comments made by all of the speakers, the majority of Members expressed their support for the officer's recommendation to refuse the application for the reasons outlined.

RESOLVED:

That planning permission be refused, in accordance with the officer's recommendation 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 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.

17 8 Fimes Way, Wem, Shrewsbury, Shropshire, SY4 5YD (24/01044/FUL)

In accordance with his declaration at minute 15, Councillor Edward Towers withdrew from the meeting during consideration of this application.

The Planning and Development Manager introduced the application for the erection of rear single storey extension.

Having considered the submitted plans Members unanimously expressed their support for the proposals.

RESOLVED:

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

18 Land Adjacent The Bryn, Rhosygadfa, Gobowen, Oswestry, Shropshire (24/01471/FUL)

The Planning and Development Manager introduced the application for the change of use of non-domestic area into domestic area for parking and turning together with new vehicular access. The Planning and Development Manager provided a verbal update on comments received from Shropshire Council's Ecology and informed the Committee that as a result of these comments it was now recommended that delegation be granted to officers to approve the application subject to Officer's being satisfied with the biodiversity net gain. The Planning and Development Manager also reported that it was recommended permitted development rights were removed from the area of land subject to this application. It was also reported that an additional letter of support had been received.

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

The Council's Solicitor read out a statement on behalf of Mr Mike Daives, agent on behalf of the applicant, in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

During the ensuing debate, members expressed their support for the proposals, accepting that the proposals would improve highways safety and welcomed the recommendation to remove permitted development rights.

In response to comments relating to the retention of a Willow Tree and general landscaping matters, The Planning and Development Manager explained that once the Biodiversity Net Gain had been approved, landscaping would be subject to condition.

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

RESOLVED:

That authority be delegated to the Planning Services Manager to grant planning permission subject to:

- The Conditions in Appendix 1 of the Officer's report;

- An additional condition to remove permitted development rights; and
- Officers being satisfied with Biodiversity Net Gain.

19 Appeals and Appeal Decisions

RESOLVED:

That the appeals and appeal decisions for the northern area be noted.

20 Exclusion of Public and Press

RESOLVED:

That 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.

21 Planning Enforcement Report

Members received the report of the Assistant Director of Economy and Place which updated them on the performance of the enforcement team and the outcome of recent significant decisions. It also provided an update on recent changes in legislation.

RESOLVED:

That the content of the report be noted

22 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, 16th July 2024 in the Shrewsbury/Oswestry Room, Shirehall, Shrewsbury.

Signed (Chairman)

Date:



North Planning Committee
16th July 2024

Development Management Report

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

Summary of Application

Application Number: 24/01290/FUL	Parish:	Sutton Upon Tern
Proposal: Change of use of existing steel frame barn and extension to provide disabled access holiday accommodation on ground floor and tea room at first floor, together with provision of four glamping pitches and a compost amenity building.		
Site Address: Colehurst Lake, Gorsty Lane, Colehurst, Market Drayton, Shropshire, TF9 2JD.		
Applicant: Ms Holly Mayer & Mr Nick Cooper		
Case Officer: Richard Denison	Email: richard.denison@shropshire.gov.uk	

Grid Ref: 366306 - 330473

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Recommendation: Refusal

1. The proposed disabled holiday accommodation and tearoom building is tantamount to a new building construction and will be located in open countryside and does not fall within or adjacent to any recognised settlement providing services or an established and viable tourism enterprise where accommodation or food and drink provision are required. As such the development would represent unsustainable development within the open countryside, conflicting with the Shropshire Core Strategy Policies CS5, CS6, CS8 and CS16 and SAMDev Plan policy MD11 as well as the overall aims and objectives of sustainable development as set out in the National Planning Policy Framework. There are no other material considerations which outweigh this conclusion in the overall planning balance.

REPORT

1.0 THE PROPOSAL

1.1 This application relates to the conversion and extension of an existing open sided portal frame barn to provide disabled holiday accommodation on ground floor and a tea room at first floor at Colehurst Lake.

1.2 The disabled holiday accommodation will provide a central hallway, kitchen, living/dining room, two bedrooms and a bathroom. The ground floor will also provide a disabled toilet, a shower and store room accessed externally. The tea room at first floor will be accessed via an external staircase and lift and will provide an open plan seating area with serving counter, a kitchen, a small office, a disabled accessible toilet, and an external balcony seating area.

1.3 The application also includes the regularisation of four glamping pitches and a compost amenity building.

1.4 The application has been accompanied by a Design & Access Statement and Planning Report; Preliminary Ecological Assessment; and a Highway & Transport Report including Access Arrangement Plan.

1.5 The application was not subject to any pre-application enquiry.

2.0 SITE LOCATION/DESCRIPTION

2.1 Colehurst Lake lies to the north of the A41 at Rosehill within 3.5 miles of Market Drayton and 4 miles from Hinstock. The entire site occupies 3.25 ha of which 0.26 ha is occupied by the pools. The grassland adjacent to the pool is generally well maintained with trees and dense woodland surrounding the site which on the northern side slopes gently uphill. The site is constrained by public highways on the eastern and the western boundaries with the pool being located on the southern boundary. There are residential properties in the vicinity but these are well dispersed and not directly adjacent to the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The local ward member Cllr Gittins has requested within 21 days that the application is considered at committee if a recommendation for refusal is made. This is based on the material planning reason that the proposed development meets policy objectives of Local Policies CS16 (Core Strategy) and MD11 (SAMDev Plan) as the development clearly supports a unique and successful tourism business as well as the fishery at the site. The development of the accessible holiday let and tea room would utilise an existing building and thus meet the objectives of CS16 and CS5. It is not considered that the development would adversely impact the character of the area.

3.2 The Parish Council also supports the application indicating that it will support the visitor economy within the parish and have provided a view contrary to the officers recommendation based on material planning reasons which cannot reasonably be overcome by negotiation or the imposition of planning conditions. The Planning Manager in consultation with the Committee Chairman agrees that material planning issues have been raised and that the application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 **Shropshire Council, Highways** - Revised details and a Highways and Transport Report has been submitted which has clarified the scale of the proposal and further assessed the approach route, access arrangement to the site. Whilst the development if permitted is likely to result in an increase in car borne traffic to the site visiting the café in particular, the number of covers to be catered for is stated as 15 with the opening of the café during certain periods during the week. On balance therefore it is considered that the change in traffic movements is unlikely to create 'severe harm' on the local highway to sustain an objection on highway safety grounds. If in the future the development is amended with an increased commercial use, then it would be necessary to reassess any potential implications this may have from the highway perspective and if necessary revise the highway advice on the principle of that development at that time. No objection is raised subject to safeguarding conditions regarding the provision of visibility splays; proposed access; parking and turning; and construction of access apron.

4.1.2 **Shropshire Council, Ecology** - Adequate survey work has been carried out and no objection is raised to the application subject to safeguarding conditions and informatives to ensure the protection of wildlife and to provide ecological enhancements under policies CS17 and MD12 of the local plan and the NPPF. Any external lighting to be installed on the site should be kept to a low level to allow wildlife to continue to forage and commute around the surrounding area. Biodiversity net gains at the site are required in accordance with the NPPF and CS17. Therefore, the installation of a bat box/integrated bat tube will enhance the site for wildlife by providing additional roosting habitat.

4.1.3 **Shropshire Council, Drainage** - No objection is raised subject to safeguarding condition regarding a scheme of foul and surface water drainage being approved.

4.1.4 **Sutton Upon Tern Parish Council** has no objections and positively encourage the development of this style of activity as part of the visitor economy within the parish. Shropshire Councils Highways however will be aware of ongoing discussions with the local member Councillor Rob Gittins around the improvement of the road past the property and into Colehurst and the Parish Council would wish to see these plans prioritised to further enhance the accessibility to this site and into Colehurst.

4.2 Public Comments

4.2.1 One letter of support has been received indicating that the development would benefit the local community and provide access for visitors to enjoy the natural surroundings on site and support the growth of a local business in the area.

5.0 THE MAIN ISSUES

- Background
- Policy & Principle of Development
- Design, Scale and Character
- Impact on Residential Amenity
- Highways
- Ecology
- Drainage

6.0 OFFICER APPRAISAL

6.1 Background

6.1.1 Colehurst Lake was originally granted planning permission in 1990 for the construction of a fishing pool (ref. NS/90/00344/FUL). Vehicular access improvements including the installation of access gates to a parking area were approved in 2008 (ref. NS/07/01986/FUL). A small timber clad building for agricultural use for the storage of equipment feed and on occasion animals was approved in 2013 (ref. 13/03288/FUL). Whilst outline planning permission was granted in 2015 and reserved matters in 2016 for the erection of a managers dwelling in connection with Colehurst Fishery (ref. 14/04148/OUT).

6.1.2 More recently planning permission was granted in 2018 for the change of use of land to the north of the lake to provide a small campsite including the change of use of the existing steel frame agricultural building to provide a toilet/shower amenity block, equipment store and recreation room in association with the Colehurst Fishery (ref. 17/05618/FUL). Condition 6 of the planning permission indicates that no more than eight camping pitches shall be provided in the interest of highway safety. The campsite has been established, although no works to the steel frame barn have been undertaken, although the planning permission remains extant. Colehurst Lake no longer provides day tickets for fishing and this is now only available to glamping guests.

6.1.3 The agent has indicated that the tourist accommodation at Colehurst Lake is proving popular, welcoming visitors from not just the local area, but from all over the UK. Since the campsite opened for business, there have been various challenges and other factors affecting growth of the business such as the

Covid-19 outbreak, resulting in closures and restrictions (during which time the owners received no financial support). There was further disruption while the owners focussed on building their own dwelling on the site.

- 6.1.4 Though camping was popular, the unpredictable British weather meant that a consistent offering to guests was not possible, effecting the viability of the business. The applicants have advised that the market is changing and that guests are seeking unique glamping style accommodation. Therefore, the applicant has decided to gradually change the offering and have slowly been amending the existing camping pitches with demountable unique glamping pods, affording a more consistent experience to the guest, regardless of the weather.
- 6.1.5 The temporary demountable pods are considered to meet the objectives of being 'mobile' and are in line with the definition of a caravan and the applicants wish to regularise the provision of the glamping units.
- 6.1.6 Colehurst Lake provides a quiet and secluded stay, it is very important to the applicant that the glamping pods and camping pitches are well spaced and that each group of guests have their own private area. The site is marketed with an emphasis on taking some quiet time out from guests' busy lives, enjoying the beautiful outside nature watching or with a campfire under the stars. The applicants take the responsibility of looking after the site and its natural inhabitants seriously and there is an abundance of wildlife which the owners wish to protect. They are currently in the process of adding in some new reedbeds to encourage more species of birds and leave areas of the site wild / untouched for natural habitats and also leave large areas of grass uncut to promote diverse plant and insect life.
- 6.1.7 The provision of a bespoke holiday unit for disabled anglers and holiday makers will allow the site to be more inclusive and would complement the existing accommodation and business. Whilst the first floor tea room would serve refreshments for guests and visitors and would be wheelchair accessible. The raised balcony and configuration of the seating would allow views overlooking the lake and surrounding landscape.
- 6.2 Policy & Principle of Development
- 6.2.1 Policy 6 'Building a Strong, Competitive Economy' of the National Planning Policy Framework indicates that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy policy should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.
- 6.2.2 Policy CS5 'Countryside and Green Belt' seeks to strictly control development in rural areas requiring economic development to maintain and enhance the countryside's character and vitality, and improve the sustainability of rural

areas. This policy allows for sustainable tourism, leisure and recreation proposals, which require a countryside location.

- 6.2.3 Policy CS8 'Facilities, Services and Infrastructure Provision' indicates that additional facilities, services and infrastructure will be facilitated in locations that are accessible, appropriate, and that meets identified needs.
- 6.2.4 Policy CS13 'Economic Development, Enterprise and Employment' plans positively to develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities. In rural areas it recognises the importance of supporting rural enterprise and diversification of the economy. Promoting a sustainable pattern of development in line with the spatial strategy will inevitably mean that most of the economic development that takes place in Shropshire will be concentrated in Shrewsbury, the Market Towns and Key Centres. However, in rural areas, in countryside away from settlements, it is important to recognise that small-scale economic development, agricultural and non-agricultural farm diversification schemes, green tourism and leisure are areas of economic activity for which policy provision needs to be made. In accordance with Policy CS5, any development proposals in the countryside should be consistent in their scale and impact with the character and quality of their location.
- 6.2.5 Policy CS16 'Tourism, Culture and Leisure' indicates that development would be supported for high quality visitor accommodation in accessible locations served by a range of services and facilities, which enhances the role of Shropshire as a tourist destination to stay. In rural areas, proposals must be of an appropriate scale and character for their surroundings, be close to or within settlements, or an established and viable tourism enterprise where accommodation is required.
- 6.2.6 Policy MD11 'Tourism Facilities and Visitor Accommodation' indicates that holiday let development which does not conform to the legal definition of a caravan will be resisted in the countryside following the approach to open market residential development in the countryside as indicated in policy CS5 of the Shropshire Core Strategy and policy MD7a of the SAMDev Plan.

Disabled Holiday Accommodation

- 6.2.6 Shropshire Council supports in principle the provision of disabled holiday accommodation which would meet the different needs of disabled peoples disabilities to prevent discrimination under the Equality Act 2010. However, this has to be balanced against local and national planning policy with regards to new dwellings in the countryside.
- 6.2.7 The proposed building to provide the disabled holiday accommodation and tea room would utilise and extend the existing portal frame building. Significant works will be required which will include altering the existing concrete base to provide foundations for the side walls and the installation of a damp proof membrane. The building will require side walls, a structural first floor, replacement insulated roof, and internal walls. The application has not been accompanied by a structural report to indicate whether the existing building

frame can support the additional loads. The existing building will also result in a large side extension which will increase the overall footprint and scale of the building by 50%. Whilst an external staircase and lift, together with a balcony will further increase the scale of the building. Officers consider that the building would in planning terms constitute a new build rather than conversion.

- 6.2.9 The site is not an established tourism attraction. It is acknowledged that the proposed development may contribute to the rural economy and to the role of Shropshire as a tourist destination in which to stay. However, these potential benefits are considered to be outweighed by the use of the site to provide a new permanent dwelling, albeit restricted, in the open countryside. This accommodation would be contrary to both local and national policy which aims to locate this type of development adjacent to existing settlements and/or close to existing tourism facilities.

Tea Room

- 6.2.10 The proposed tea room will not be located within or adjacent to any settlement and will be located in open countryside. The site is not accessible by foot or public transport, although officers appreciate that visitors staying on the camping and proposed glamping pitches may visit the tea room whilst staying. By reason of the sites distance away from existing settlements and the accessibility of the site by public transport, the location of the site would be heavily reliant on the car. The application has not been accompanied by a Business Plan or any justification provided for an identified need. As a result, as well as conflicting with Core Strategy Policies CS5 and CS8, the proposal also conflicts with Core Strategy Policy CS6 which seeks to ensure that proposals likely to generate traffic movements are located in accessible locations, where opportunities for walking, cycling and the use of public transport can be maximised and the need for car based travel reduced.

Glamping Pitches

- 6.2.11 The existing camp site currently provides five camping pitches with four proposed retrospective glamping pitches and is located 2.5km (as the crow flies) to the south of Market Drayton where there are a number of local facilities which visitors would utilise.
- 6.2.12 The site is just over 440 metres from the A41 which provides good access direct to Whitchurch to the north and Newport to the south, whilst the A53 provides direct access to Shrewsbury from the Tern Hill roundabout a short distance away. The siting of tourist accommodation will help towards the economic viability of the local economy, whilst a number of attractions are provided locally including Hawkstone Historic Park & Follies, Hawkstone Golf Club, Hodnet Hall Gardens, Wollerton Old Hall Garden, Market Drayton, Shropshire Union Canal, historic market town of Shrewsbury with a wide range of further attractions within 30 to 45 minutes journey.
- 6.2.13 The proposed four glamping pitches and compost amenity building will provide an increasing popular type of holiday accommodation on a relatively small scale which will help contribute to the applicants business. The proposed

glamping pods would fall within the size, mobility, and construction tests for a caravan and the principle is considered acceptable.

6.3 Design, Scale and Character

- 6.3.1 Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. This is reiterated in policy MD2 of the SAMDev Plan which indicates the development should contribute and respect the locally distinctive or valued character and existing amenity value.

Disabled Holiday Accommodation and Tea Room

- 6.3.2 The existing portal framed building is located directly opposite the existing hardstanding park area and measures approximately 10 metres wide by 6.5 metres deep. The proposed side extension on the southern elevation will increase the width of the building by a further 5 metres, whilst the external raised seating area will increase the width on the northern elevation by 2.5 metres.
- 6.3.3 The elevation plans have been annotated to indicate that the walls will be provided with brick work on ground floor and vertical cladding at first floor. The building has an existing fibre-cement corrugated roof and due to the low profile it is assumed some form of insulated metal cladding roof will be provided. An external stair case on the southern elevation will wrap around the rear corner of the proposed extension to provide pedestrian access to the first floor tea room, whilst an external lift will provide access for disabled customers. Access to the holiday let will be directly from the car park into a central hallway, whilst double doors into the lounge/dining room provides further access.
- 6.3.4 The proposed building will have an internal gross floor area of 170 sqm, with an eaves height of 5.6 metres and ridge height of 6.6 metres. The scale of the building will be similar to a large family detached dwelling. The building will be well screened from the country lane to the east and there are no public views of the site other than a glimpse from the site entrance. This view is of the side elevation and will include one ground floor door and two first floor windows, together with the external stair case. The scale of this view will be similar to the previously approved conversion application for the amenity block, equipment store and recreation room which remains extant (ref. 17/05618/FUL).
- 6.3.5 Officers consider that the proposed layout, scale, and appearance of the disabled holiday accommodation and tea room building will respect this rural landscape and will not be visually detrimental to the character of the local area. This would be subject to a condition regarding external materials being approved.

Glamping Pitches

- 6.3.6 Three of the proposed glamping pitches are located on the southern side of the existing lake, whilst one glamping pitch is located to the north east of the lake. Each of the glamping pitches are designed to be unique and offering

comfortable accommodation incorporating outside living space, decking areas, hot tubs, and BBQ/cooking facilities. The four glamping pitches provide the following accommodation:

Coots Cabin

Is a family fishing pod which is suitable for a family of four. The 'Tuff Pod' is an arched wood clad structure located adjacent to the Maylea Pool and has been open since October 2022.

Moorhens Nest

Is a modified Shepherds Hut suitable for two guests and is located amongst trees with a wooden decking jetty at the lake side. It has been open since March 2023.

Hansel and Gretel's House

This is an original Henry & Julius Ceaser summerhouse which is being carefully restored and converted into a two person cabin. The building arrived on a lorry and was lifted into place.

Kingfisher Watch

This is a tiny house on wheels which was driven to the site as a trailer. It is currently under refurbishment and will provide accommodation for two persons.

6.3.7 The proposed glamping pitches are located surrounding the lake side and are enclosed from any public views due to the surrounding woodland and hedgerows. All the structures are single storey with low roofs and constructed from natural materials which respect the rural landscape. The pitches are well spaced from one another to provide a private setting for each pitch.

6.3.8 Officers consider that the proposed layout, scale, and appearance of the glamping pitches and composting amenity building will respect this rural landscape and will not be visually detrimental to the character of the local area.

6.4 Impact on Residential Amenity

6.4.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. There are no immediate neighbouring properties and the site is well screened by existing mature woodland. Having regard to the layout, design, and scale of the disabled holiday accommodation and tea room, together with the location of the glamping pitches the proposed buildings will not result in any impact on residential amenity. The tea room will increase traffic along the country lane from the A41 and directly pass two bungalows, although due to the scale and restricted opening times this will not lead to any significant adverse impact from noise disturbance from vehicles. No objection has been received from local residents regarding impact on residential amenity.

6.5 Highways

6.5.1

Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should be designed to be safe and accessible to all.

- 6.5.2 The application has been accompanied by a Highway & Transport Report which has indicated that the site is accessed along Gorsty Lane which is an unclassified road from the A41. The lane is relatively straight, predominately single width with three passing places occurring at gateways and driveways. The junction bell mouth of Gorsty Lane with the A41 allows vehicles to enter and leave simultaneously.
- 6.5.3 The development will generate a small increase in traffic movements, but it is considered that these will not be sufficient to be detrimental to highway safety or the free flow of traffic along the unclassified road. Given the nature of the road traffic speeds are likely to be low. The business at Colehurst Lake has changed and day/night fishing tickets are no longer available with the glamping units only utilising the fishing lake.
- 6.5.4 The proposed tea room will be open between 10:00 hrs to 15:30 hrs Tuesday to Sunday with a maximum of 15 covers, but it is highly unlikely that these would be constantly at maximum capacity throughout the opening hours. It is also envisaged that customers will arrive either as a pair or in greater numbers, which would ultimately reduce vehicle numbers to the site to between 5-7 per hour. These movements would also fall outside of peak travelling times.
- 6.5.5 The tea room will employ 1-2 staff and there would be approximately 1-2 deliveries per week in a small lights goods vehicle. The existing access onto Gorsty Lane has adequate width and geometric layout to allow simultaneous entry and exit of all vehicles and has visibility splays of 2.4 metres by 43 metres which are commensurate with the speed of traffic along this stretch of road. The car parking area will provide 19 spaces (including one disabled space) with a large central manoeuvring area. The proposed access is considered to be safe and satisfactory in transportation terms and the development will not have a severe impact upon the local highway.
- 6.5.6 The Council Highways Officer has raised no objection to the application subject to safeguarding conditions regarding the provision of visibility splays; proposed access; parking and turning; and construction of access apron.

6.6 Ecology

- 6.6.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development will identify, protect, expand and connect Shropshire's environmental assets to create a multifunctional network and natural and historic resources. This will be achieved by ensuring that all development protects and enhances the diversity, high quality and local character of the natural environment and does not adversely affect the ecological value of the assets, their immediate surroundings or their connecting corridors. This is reiterated in national planning guidance in policy 15 'Conserving and Enhancing the Natural Environment' of the National Planning Policy Framework. This indicates that the planning system should contribute to and enhance the natural and local environment by protecting and

enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible.

6.6.2 The proposed site has been subject to previous ecology surveys, one in 2014 in relation to the managers dwelling, and one in 2018 in relation to the proposed storage barn. Both these surveys concluded that the proposals would have no impact on habitats of ecological significance or the conservation status of protected species. The existing portal framed barn has no side walls with a corrugated fibre-cement roof with skylights and will be extended onto an area currently surfaced with crushed stone and used for parking. A Preliminary Ecological Assessment has been submitted for this current application and has indicated that the barn is unsuitable habitat for roosting bats and there is no evidence of nesting birds. Three water bodies lie close to the site, but all support populations of fish and therefore have 'poor' suitability for Great Crested Newts. The site has also been assessed for the presence of water voles, but no evidence has been found and there is no evidence of badgers within 50 metres of the site. The proposed glamping pitches have all been sited on grass with no loss of habitat. The Preliminary Ecology Assessment recommends biodiversity enhancements through the installation of wildlife boxes including two general purpose bat boxes and two bird nest boxes.

6.6.3 The Council Ecology Officer has raised no objection to the application subject to safeguarding conditions regarding the biodiversity enhancements through the installation of wildlife boxes and control of external flood lighting.

6.7 Drainage

6.7.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity.

6.7.2 The application does not indicate the method of foul water drainage for the disabled holiday accommodation and tea room. However, the fishery managers dwelling approved in 2016 was provided with a package treatment plan and adequate ground conditions were available for soakaways. It is considered that either a package treatment plant or septic tank would be suitable as there is no available foul mains and could be provided within land to the north of the building.

6.7.3 The application indicates that surface water will be disposed of via soakaways and percolation test and soakaways should be designed in accordance with BRE Digest 365. No concerns have been raised regarding the suitability of the local ground conditions.

6.7.4 The Council Drainage Engineer has raised no objection to the application subject to a safeguarding condition regard foul and surface water drainage.

7.0 CONCLUSION

7.1 The principle for the proposed glamping pitches complies with Shropshire Core Strategy policy CS16 and SAMDev policy MD11, whilst the layout, scale, and

appearance will respect the rural landscape and will not be visually detrimental to the character of the local area.

7.2 The proposed layout, scale, and appearance of the disabled holiday accommodation and tea room building will also respect the rural landscape and will not be visually detrimental to the character of the local area. The use would not impact on residential amenity or any protected species and ecology, whilst adequate access and car parking will be provided. However, the proposed building is tantamount to a new build construction and will be located in open countryside and does not fall within or adjacent to any recognised settlement providing services or an established and viable tourism enterprise where accommodation or food and drink provision are required. As such the development would represent unsustainable development within the open countryside, conflicting with the Shropshire Core Strategy Policies CS5, CS6, CS8 and CS16 and SAMDev Plan policy MD11 as well as the overall aims and objectives of sustainable development as set out in the National Planning Policy Framework. There are no other material considerations which outweigh this conclusion in the overall planning balance.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 FINANCIAL IMPLICATIONS

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

10.0 BACKGROUND

10.1 Relevant Planning Policies

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

Central Government Guidance:
National Planning Policy Framework

Shropshire Council Core Strategy (February 2011):
CS5 : Countryside and Green Belt
CS6 : Sustainable Design and Development Principles
CS8 : Facilities, Services and Infrastructure Provision
CS13 : Economic Development, Enterprise and Employment
CS16 : Tourism, Culture and Leisure
CS17 : Environmental Networks
CS18 : Sustainable Water Management

Site Allocations and Management Development Plan (December 2016):
MD2 : Sustainable Design
MD7b : General Management of Development in the Countryside
MD11 Tourism Facilities and Visitor Accommodation
MD12 : Natural Environment

10.2 Relevant Planning History

17/05618/FUL - Change of use of land for camping including change of use of existing steel frame barn to accommodate toilet/shower block and recreation room in association with commercial fishery. Granted 9th March 2018.

16/00897/REM - Reserved matters application pursuant to outline application reference 14/04148/OUT for the erection of a managers dwelling and fishery office with detached double garage. Granted 24th June 2016.

14/04148/OUT - Outline application for erection of essential managers dwelling and fishery office on part of existing brownfield car park. Granted 2nd December 2015.

13/03288/FUL - Erection of a building required for agricultural use; storage of equipment feed and on occasion animals. Granted 28th October 2013.

NS/07/01986/FUL - Application Under Section 73a of the Town and Country Planning Act 1990 for the retention of replacement access gates. Granted 11th January 2008.

NS/90/00344/FUL - Construction of fishing pool including drainage, impounding of water and general operations to regrade pool surround (retrospective). Granted 2nd May 1990.

NS/90/00342/FUL - Consolidation and formation of a car parking area for anglers. Granted 2nd May 1990.

11.0 ADDITIONAL INFORMATION

List of Background Papers - Planning Application reference 24/01290/FUL

Cabinet Member (Portfolio Holder) - Cllr Chris Schofield

Local Member - Cllr Rob Gittins

Appendices - None



Northern Planning Committee

16th July 2024

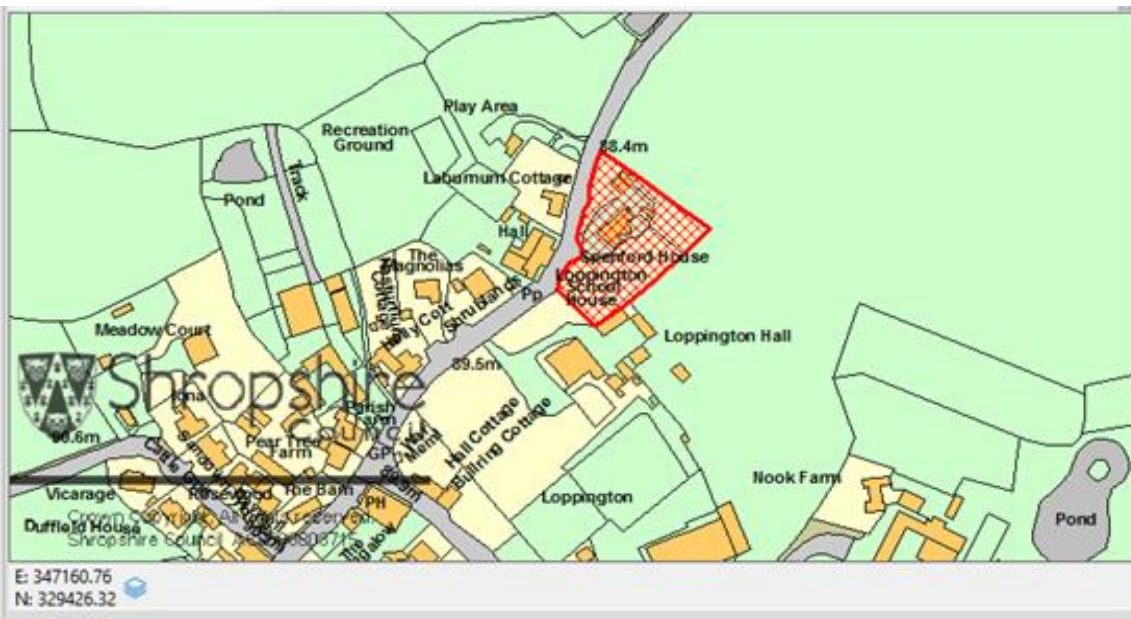
Development Management Report

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

Summary of Application

Application Number: 24/01734/LBC	Parish:	Loppington
Proposal: Removal of modern entrance porch and replace with oak enclosed porch.		
Site Address: Spenford House Loppington Shrewsbury Shropshire SY4 5NG		
Applicant: Miss Kerrie Griffin		
Case Officer: Ruth Hitchen	email:	historic.environment@shropshire.gov.uk

Grid Ref: 347170 - 329466



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

The proposed work will not cause harm to the significance of Spensford House and will enhance the living space in this part of the property by providing some protection from drafts and weather on this elevation. Officers consider the proposal to accord with the Core Strategy Policies CS6 and 17, Adopted SAMDev policies MD2, MD13, the NPPF and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Legislatively neither Section 66 or 72 of the above Act are engaged as it considered no harm will be caused to the significance of the host designated heritage asset or the designated heritage asset that is Loppington Conservation Area.

In coming to this conclusion due regard to the desirability of preserving the building, the features of special architectural or historic interest which it possesses, has been made in line with Section 66 and the preserve of the character or appearance of the Conservation Area in line with 72 of the above Act.

REPORT

1.0 THE PROPOSAL

- 1.1 This application is requesting permission to remove the existing porch which is sited on the front (southwest) elevation. The existing porch is made of timber which appears to have been recycled from elsewhere, under a clay tile roof.
- 1.2 The proposed replacement porch is larger and is enclosed, using timber framing and painted infill panels under a tile roof. The size and location of the porch was amended during the consideration of refused applications 23/04622/FUL and 23/04623/LBC to that which is shown in this current application.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Spensford House is sited on the north eastern edge of the village of Loppington on the B4397 to the west of the market town of Wem. Being on the edge of the village, the property is viewed within a predominantly rural verdant landscape setting. There are a host of other Grade II listed buildings adjacent and opposite the site.
- 2.2 The property is within the Loppington Conservation Area which was designated in 1985 as a recognition of its historic and architectural interest and character.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 It is considered that the Parish Council have raised material planning considerations that warrant the application being considered by Committee.

4.0 Community Representations

4.1 Consultee Comment

- 4.2 Loppington Parish Council – The Parish Council objects to the proposal due to the increased size when compared with the existing which they consider to be an inappropriate change to the exterior of the Listed Building. This change is considered to also impact on the Loppington Conservation Area as in their opinion the changes will mean that it will no longer contribute positively to the character and appearance of the conservation area.

In addition the Parish Council refer, in their comments, to the submitted drawings showing other proposed alterations to the listed building which were part of the refused applications 23/04622/FUL and 23/04623/LBC and are concerned by this and respectfully suggest that the plans should not be approved as part of any consent. Further to this the Parish Council suggest that the submitted drawings do not properly define the extent of demolition, proposal or replacement structures scale, size, design detail and materials or the impact on the historic fabric.

- 4.2 SC Conservation – no objection. (Author of the report).

4.3 Public Comments

- 4.4 None received at the time of writing this report.

5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale and design of proposed porch
- Visual impact on designated heritage assets

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The fact that the building is Grade II listed and within a conservation area does not preclude any form of alteration to the existing dwelling. The existing porch; whilst appearing to have been there for some time, is constructed of a mixture of used recycled timber and some newer materials. Officers consider that it has limited historic or architectural merit and overall is considered neutral when assessing whether it contributes to the significance of the designated heritage assets. Its removal is therefore not considered to cause harm to the significance of the host designated heritage asset or the conservation area.

6.2 Siting, scale and design of proposed porch

- 6.2.1 As indicated above in paragraph 1.2 the siting, scale and design of the proposed porch had previously been amended during negotiations on previously refused applications which included a raft of alterations to Spenford House. The porch, as part of those applications and as amended (23/04622/FUL and 23/04623/LBC), was considered acceptable and was not an item that contributed to the overall refusal. The increased size and visual design are considered acceptable and the finer details of design ie eaves, verge, timber frame, joinery etc will be covered by condition which will require discharge prior to the new porch being erected.

6.3 **Visual impact on designated heritage assets**

- 6.3.1 As noted above in paragraph 6.2.1 Officers consider that although there will change to the visual appearance of the building and a building within the Loppington Conservation Area no harm will arise as a result of the proposal.

7.0 **CONCLUSION**

The proposed work will not cause harm to the significance of Spensford House and will enhance the living space in this part of the property by providing some protection from drafts and weather on this elevation. Officers consider the proposal to accord with the Core Strategy Policies CS6 and 17, Adopted SAMDev policies MD2, MD13, the NPPF and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Legislatively neither Section 66 or 72 of the above Act are engaged as it considered no harm will be caused to the significance of the host designated heritage asset or the designated heritage asset that is Loppington Conservation Area.

In coming to this conclusion due regard to the desirability of preserving the building, the features of special architectural or historic interest which it possesses, has been made in line with section 66 and the preserve of the character or appearance of the Conservation Area in line with section 72 of the above Act.

8.0 **Risk Assessment and Opportunities Appraisal**

8.1 **Risk Management**

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

NPPF – National Planning Policy Framework

Core Strategy and Saved Policies:

CS6 – Sustainable Design and Development Principles

CS17 – Environmental Networks

Sites Allocation Management of Development:

MD13 - Historic Environment

***Submission Local Plan (2016-2038)**

SP1 The Shropshire Test

SP5 High Quality Design

DP23 Conserving and Enhancing the Historic Environment

*The Submission Local Plan has now been agreed at Full Council and submitted to the Secretary of State, where limited weight is afforded to the relevant policies until the plan is examined by the Planning Inspectorate and fully adopted by Full Council.

RELEVANT PLANNING HISTORY:

15/00287/LBC Repairs to the south east gable: to remove existing brickwork external wall reinstate the timber frame at ground floor level and repair/replacement of infill panels above GRANT 27th March 2015

23/00177/LBC Retention of works carried out to south east gable involving dismantling and replacement of timber frame elements and infill panels affecting a Grade II Listed Building GRANT 13th March 2023

23/02292/TCA To fell to ground level 1no. Cherry & trim up to 0.5m to retain shape approx. 5no. Conifers within Loppington Conservation Area (Amended 30/06/23) CBR 13th July 2023

23/02301/FUL Alterations to existing gateway to revert back to original hedge line and replace gates for wooden electric to create a safer entrance and boundary and re-arrangement of existing modern stud work to first floor level WDN 10th July 2023

23/02305/LBC Internal works to existing building to create an en-suite bathroom and a walk in wardrobe to bedroom 2. GRANT 16th August 2023

23/02369/TPO Crown and height reduction by the overall secondary branch length reduction of approximately 3 - 5m of 1no. Sycamore & overall secondary branch length reduction of 2 - 5m (around 20% overall crown) taken to suitable growing points of 1no. Yew protected by the Shropshire Council (Loppington Village North) TPO 2014 (Ref. SC/00207/14) (Amended 30/06/23) GRANT 21st July 2023

23/03618/LBC Removal of C20th partitions formation of new partitions to create bathroom and en suite. Removal of C20th staircase and opening up of 2 no original door openings. GRANT 19th October 2023

23/04622/FUL Erection of single storey extension to rear entrance and extension to the rear elevation with balcony above following demolition of existing with internal alterations, conversion of existing garage into annex and erection of 3 bay garage with artist studio/accommodation above and new entrance and driveway REFUSE 20th February 2024

23/04623/LBC Erection of single storey extension to rear entrance and extension to the rear elevation with balcony above following demolition of existing with internal alterations, conversion of existing garage into annex and erection of 3 bay garage with artist studio/accommodation above and new entrance and driveway REFUSE 20th February 2024

24/01729/FUL Formation of new entrance and driveway APPRET

24/01734/LBC Removal of modern entrance porch and replace with oak enclosed porch. PCO

24/01905/LBC Removal of crumbling chimney, re-opening of old first floor door/window careful removal of brickwork replace with opening inward windows with glass on exterior for safety. Removal of 3 floor joists to be able to access the loft for storage as current hatch unsafe and fit

staircase PCO

24/01906/LBC Repositioning of staircase and creation of a bathroom involving: removal of existing door and partition at ground floor adjacent to existing stairs, removal of existing stairs and flooring over with onsite reclamation, insertion of partition walls to new bathroom created, formation of new door from proposed bathroom into adjacent bedroom 3, removal of existing shower room and partitions and floor joists to new stair location and installation of new stairs.

PCO

24/01917/LBC Removal of modern plasterboard ceiling to expose the original timbers and insulate the roof in between the roof joists PCO

24/01918/LBC Erection of a replacement orangery with balcony at first floor to rear following removal of existing PCO

24/01919/LBC Removing existing 20th century lean-to and replacing it with a single storey side extension which will provide a shower room and WC disabled access and a log store. PCO

24/01985/LBC Replacement windows PCO

NS/92/00335/LBC DEMOLITION OF EXISTING TIMBER LEAN-TO AND ERECTION OF CONSERVATORY INVOLVING REMOVAL OF WINDOW AND FORMATION OF DOORWAY PER 1st February 1993

NS/92/00336/FULC PROPOSED ERECTION OF CONSERVATORY TO REPLACE EXISTING TIMBER LEAN-TO PER 15th February 1993

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SCTJRKTDHIA00>

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 Brian Williams
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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (As amended).

2. Notwithstanding the details shown on the approved plans the development hereby permitted is limited to that specified in the description of development, ie: 'Removal of modern entrance porch and replace with oak framed enclosed porch.' This consent does not therefore authorise any other works or development shown on the approved plans.

Reason: For the avoidance of doubt and to ensure that the development applied for is carried out in accordance with the approved plans and details and to ensure the satisfactory preservation of the Heritage Asset. The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.

3. All gutters, downpipes, soil and vent pipes and other external plumbing shall be of cast iron or cast aluminium.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

4. The new porch structure shall be scribed around historic and architectural features ie timber framing etc when making connection to the existing building.

Reason: To ensure the satisfactory preservation of the Heritage Asset.

5. All new external and internal work and finishes, and work of making good shall match existing original work adjacent, in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved.

Reason: To ensure satisfactory preservation of this Heritage Asset.

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

6. Before the relevant parts of the work are commenced, details of roofing materials, including ridge materials and detailing, together with the method of ventilating the roof voids and the method of fixing these items, shall be submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: To ensure satisfactory preservation of the Heritage Asset.

7. Details of the timber frame material and roof construction including details of connections to the existing building, eaves, undercloaks ridges, verges, framing section sizes and configuration shall be submitted to and approved in writing by the Local Planning Authority before the construction of the proposed porch commences. The development shall be carried out in complete accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the

Heritage Asset.

8. Prior to the commencement of the relevant work details of the materials to be used for the proposed infill panels to the porch, together with 1:10 sections of the panel makeup shall be submitted to and approved in writing by the Local Planning Authority before this work commences.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

9. 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.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

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Northern Planning Committee
 July 16th 2024

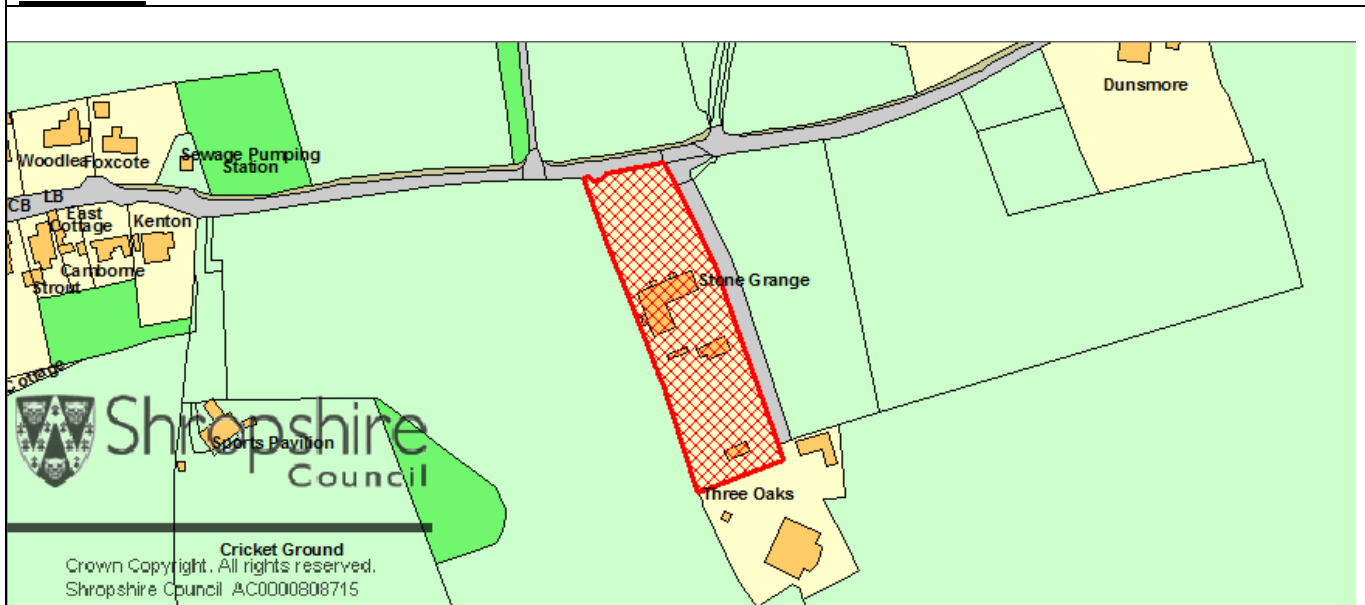
Development Management Report

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

Summary of Application

Application Number: 24/01938/FUL	Parish:	Grinshill
Proposal: Erection of a three bay detached garage with room over and conversion of outbuilding to gym/entertainment room		
Site Address: Stone Grange Grinshill Shrewsbury Shropshire SY4 3BW		
Applicant: Mr and Mrs Philip Cotter		
Case Officer: Jane Preece	email: jane.preece@shropshire.gov.uk	

Grid Ref: 352522 - 323387



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Recommendation:- Refusal:

1. The proposed two storey building will sit forward of the main grade II* listed building it is intended to serve (Stone Grange) and occupies a prominent location in relation to the site context. Taking into account this site context in combination with the scale, height and fenestration details of the proposed building (including the dormer windows) then it is considered by the Local Planning Authority that the proposed development would not be visually subservient to the principal grade II* listed building but rather will create an overly dominant feature that will not only adversely impact upon the visual character, appearance and setting of the listed building would further partially obscure the ability to view this important designated heritage asset from the road (particularly the from the north east approach) and cause harm to the significance of this designated heritage asset. No clear and convincing justification for any harm to the designated heritage asset has been provided. Further, it is considered that the harm would not be outweighed by any public benefits arising from development. Accordingly, it is considered that the proposal fails to comply with the requirements of adopted Shropshire Core Strategy policies CS5, CS6 and CS17; Site Allocation and Management of Development (SAMDev) Plan policies MD2 and MD13; the Council's SPD on the Type and Affordability of Housing; Section 16 of the National Planning Policy Framework and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. No ecology assessment/s, report/s or survey work has been submitted with the application. In the absence of adequate ecological information, or any information to enable the Council to conclude that such ecological information would not be required, then it is considered that the proposal is unacceptable in that inadequate ecological information has been submitted with the application to allow the impact of the development on statutorily protected species and the natural environment to be fully considered and assessed. Further, in the absence of adequate ecological information, it is not possible to conclude that the proposal will not cause unacceptable harm to protected species. Accordingly, the proposal is considered contrary to policies CS6 and CS17 of the adopted Shropshire Core Strategy 2011; policy MD12 of Site Allocations and Management of Development (SAMDev) Plan 2015 and the National Planning Policy Framework in relation to the requirement to conserve, protect and enhance the natural environment and safeguard protected species.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the 'Erection of a three bay detached garage with room over and conversion of outbuilding to gym/entertainment room'
- 1.2 No pre-application advice has been sought. It set out in the submitted Planning & Heritage Statement (PHS) that the agent deemed it unnecessary to take advice prior to the submission.
- 1.3 A concurrent application for listed building consent for the same proposals is under consideration, reference 24/01939/LBC.

Detached garage with room over

- 1.4 The proposed detached garage is to be sited forward of the host dwelling and at right angles with it, on the east side of the property frontage and less than 5 m from the listed dwelling. The proposed detached garage will provide three open bays and the footprint will measure approximately 10.5 m x 6 m. To accommodate the 'room over' the building will also be two storey, accessed via an enclosed staircase, and will have a dual pitched roof, which is approximately 3.2 m high to the eaves and 6.7 m high to the ridge (with gable parapets rising above these heights). The use of the 'room over' is denoted on the submitted plans as a home office, to include a kitchen area and a shower room. However, with the submitted PHS the detached garage is referred to as a '3 bay garage with accommodation' and it is stated that '... A staff bedsit is to be incorporated in the roof of the garage ...'
- 1.5 Natural light to the first floor is to be provided by three dormer windows within the west elevation (double casement with dual pitched roofs) and (what appears to be) a floor to ceiling triple pane window arrangement in the north elevation. A further vertical single pane window is shown within the south elevation which will light the enclosed staircase. Proposed building materials include Grinshill white ashlar, red facing brick, wood cladding and roof tiles. The dormer cheek and fascia external material appears unspecified.

Outbuilding conversion

- 1.6 The outbuilding proposed for conversion is an existing single storey garage/garden store outbuilding, positioned at the rear of the host dwelling and on the eastern side of the plot. It is distanced approximately 22.5 m back from the rear of the listed dwelling, with the garage doors in the south elevation. The proposals are to rework the existing single storey building to form a gym/summer entertainment space with a separate small kitchen and WC. No new external openings are proposed. The existing garage doors are to be replaced with glazing.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Stone Grange is an early 17th century grade II* listed building, originally constructed for Shrewsbury School. The property comprises a large detached dwelling and associated curtilage, situated on the edge of the village of Grinshill.

The dwelling is constructed in local Grinshill ashlar sandstone under a plain tiled roof and its frontage is orientated to face the road (north). The curtilage is bounded by a mix of trees, hedges and stone walling with open fields to the sides (east and west). To the rear, within the former grounds of the dwelling, a new dwelling has been constructed and is now in separate ownership from Stone Grange. That dwelling is accessed via an access lane running parallel with the eastern boundary of Stone Grange. That access was approved in April 2013 (under application reference 12/01057/FUL) together with an outbuilding at the southern end.

Within the curtilage of Stone Grange there are currently no outbuildings forward of the principal front face of the dwelling. There is a single storey garage/garden store outbuilding to the rear east which is the outbuilding proposed for conversion as part of this application. The existing outbuilding is of Grinshill stone under a tile roof. It is stated in the submitted PHS as likely mid C19th construction and altered in the C20th.

There is a further detached, single storey, garden room positioned at the southern end of the garden, which was granted consent in October 2018 (under references 18/03133/FUL and 18/03134/LBC).

Members will note that within section 4.1.2 the Council's Conservation Officer refers to a recent kitchen extension. That extension was granted consent in September 2015 (under references 15/03322/FUL and 15/03323/LBC). It is single storey and positioned off the rear (south) elevation of the original dwelling. A single storey lean-to extension has since been approved and added to the west elevation of the kitchen extension, to provide a utility, which was granted consent in March 2022 (under references 22/00530/FUL and 22/00531/LBC).

All the existing structures described above are evident in the map extract included within this report and listed in the relevant planning history section.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The Parish Council have submitted comments of support and the officer recommendation is for refusal. The Development Manager in consultation with the committee chair/vice chair and the Local Member agrees that the Parish Council has raised material planning issues and that the application should be referred to committee for consideration.

4.0 **Community Representations Summary**

4.1 **Consultee Comments**

4.1.1 **SC Archaeology** – Background to Recommendation: Site is in Grinshill, a settlement with early medieval origins recorded in Domesday Survey of 11th century. Proposed development is erection of garage to NE of Stone Grange, a Grade II* listed building built for Shrewsbury School in early 17th century and with mid-late 19th century alterations and extensions.

In watching brief during 2016 groundworks to south of Stone Grange, previously unknown vaulted brick structure, likely source of water from 19th century, was recorded. It is possible further as-yet unknown archaeological remains exist within site. Site is considered to have low to moderate archaeological potential.

RECOMMENDATION: In view of above, and in line with Paragraph 200 of NPPF and SAMDev Policy MD13, recommend programme of archaeological work be

made condition of any planning permission for proposed development. This should comprise an archaeological watching brief during excavation of footings and any necessary services for new garage. An appropriate condition of any such consent would be: -

Suggested Conditions:

No development approved by this permission shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

4.1.2 SC Conservation – Stone Grange Grade II* listed. Therefore careful consideration required as to alteration or new buildings in its setting.

Property was built for Shrewsbury School. Dated 1631, although list description suggests could be marginally early. Has later additions and alterations. Built from yellow/grey Grinshill sandstone under tile roof.

Stone Grange sits within large plot. Plot was once larger, but part has been developed approximately 10 years ago to provide swimming pool building which was later changed into dwelling.

Historically were no structures beyond front line of dwelling. View of house from roadside appears little changed. Therefore, have concern with location of proposed garage, and its overall height, as this will partially obscure ability to view Stone Grange from NE approach on High Street.

Further consideration required as to how all buildings here are used, and whether first floor accommodation could be located somewhere else to bring height of proposed building down. Repurposing of existing outbuilding/garage is to provide further domestic use where an existing, more recent, kitchen extension could provide garden related entertaining space and retain this building for gym and office, rather than two storey building at frontage.

Recommendation: Express concern regarding proposal and consider; as submitted it will cause harm to significance of designated heritage asset and there is insufficient clear and convincing justification for this harm (paragraphs 206 and 206 of NPPF). In addition, cannot see there is any public benefit arising from scheme, as required by paragraph 208 of NPPF and MD13 of SamDev. Therefore, identified harm cannot be outweighed when tests are applied, and given that great weight is applied by application of Section 66 (1) of Planning (Conservation Area & Listed Building) Act 1990 to this consideration, harm does not outweigh any public benefit of scheme.

- 4.1.3 **Historic England** – Proposal affects curtilage of Stone Grange, listed II* and a designation of 'more than special interest'. Building was constructed in 1631 for Shrewsbury School, constructed in local Grinshill sandstone.

Are concerns with proposed scale and height of new outbuilding. Is not considered it would be visually subservient to principal grade II* listed building and therefore would cause harm to its setting. Proposed provision of first floor and inclusion of overly domestic fenestration details, including dormer windows to what is supposed to be an ancillary outbuilding, would also contribute to such harm. Therefore, is considered such harm would consist of 'less than substantial harm' (on lower end of scale), with no demonstrable public benefit.

Recommendation

Where development proposal will lead to less than substantial harm to significance of designated heritage asset, this harm should be weighed against public benefits of proposal including, where appropriate, securing its optimum viable use (paragraph 208).

Historic England has concerns regarding applications on heritage grounds. Consider issues and safeguards outlined in our advice need to be addressed for applications to meet requirements of paragraphs 204, 206 and 208 of NPPF.

In determining the applications LPA should bear in mind statutory duty of Sections 16(2) and 66(1) of Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to have special regard to desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Also, Section 38(6) of Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with development plan unless material considerations indicate otherwise. Is noted LPA has relevant local development plan policies that include historic environment, including policies CS6 and CS17 of Core Strategy and policies MD2 and MD13 of SAMDev.

4.2 **Public Comments**

- 4.2.1 **Grinshill Parish Council** - Three councillors visited Stone Grange on Monday 24th June 2024 to inspect and discuss the proposals outlined in the above planning application.

Garage

Noted that the style of the building was tastefully designed and much in sympathy with the construction of the main house, being largely to be built of Grinshill sandstone, dormer windows - reflecting those of the house – and stone verge parapets.

Councillors thought that the hedge on the eastern boundary of the proposed garage would have to be removed to accommodate the new building. As such it was considered that the eastern elevation should be faced in Grinshill sandstone in keeping with all other buildings on site. It is understood that the first floor will be used for office accommodation but to change it to residential might require planning consent or be subject to certain conditions being met.

Gym

It was considered that the installation of Bifold doors in place of the up and over doors would greatly improve the appearance of the building.

Council fully supports the application.

4.2.2 Public representations – No comments received.

NB: One public objection has been submitted in respect of the concurrent listed building consent application, which has three elements to the objection regarding the proposed new garage, ie i) the excessive height of the proposed building, ii) the use of brick to the east and south elevations out of character with Stone Grange and other houses in the vicinity and iii) visual impact where the new building will block view of Stone Grange from east and significantly alter character of frontal view of Stone Grange.

5.0 THE MAIN ISSUES

- Policy and principle of development
- Siting, scale, design and impact on heritage asset/historic environment
- Impact on neighbours/residential amenity
- Impact on natural environment
- Drainage and flood risk

6.0 OFFICER APPRAISAL

6.1 Policy and principle of development

6.1.1 Stone Grange occupies a countryside location for development plan purposes and is a grade II* listed building. Grade II* buildings are particularly important buildings of more than special interest (and amount to approximately 5.8% of all listed buildings in England).

6.1.2 In brief the application proposes the erection of a new, two storey building at the front of the existing listed dwelling to provide a 3 bay detached garage with ancillary residential accommodation above, together with the conversion of the existing garage/garden store building located to the rear of the listed dwelling, to

form a gym/entertainment room. The proposals are otherwise described in more detail in section 1.0 above.

- 6.1.3 The proposals fall to be assessed against Shropshire Core Strategy policies CS5, CS6 and CS17; SAMDev policies MD2, MD12 and MD13; the Council's SPD on the Type and Affordability of Housing and the National Planning Policy Framework (NPPF), including sections 12 'Achieving well designed and beautiful places'; 15 'Conserving and enhancing the natural environment' and 16 'Conserving and enhancing the historic environment'.
- 6.1.4 To provide ancillary domestic outbuildings is considered acceptable in principle under adopted policies, providing the proposals are of an appropriate siting, scale and design and do not adversely affect designated heritage assets, the historic and natural environment or that of neighbouring and local amenity. Further, in terms of securing ongoing residential use ancillary and incidental to the host dwelling, that appropriate planning conditions can be put in place.
- 6.1.5 In considering the application legislative consideration is also to be given to Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 – where the Act requires that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'
- 6.2 Siting, scale, design and impact on heritage asset/historic environment**
- 6.2.1 The national guidance contained in Section 16 of the NPPF and the requirements set out in Shropshire Core Strategy Policies CS6 and CS17 and SAMDev Plan policies MD2 and MD13 all seek to ensure that, amongst other things, all development is designed to a high quality which protects and enhances the historic environment and is appropriate in siting, layout, scale and design, taking into account the local context and character and those features which contribute to local character, and will not adversely impact upon or affect visual character.
- 6.2.2 In considering the application consideration is also to be given to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires the LPA to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.2.3 Having regard to the above and the grade II* listed status of Stone Grange, the application has been considered in consultation with the Council's Historic Environment Team and Historic England.
- Archaeology
- 6.2.4 In relation to archaeology, the Council's Archaeologist, advises that the site has low to moderate archaeological potential. Therefore, in line with paragraph 200

of the NPPF and adopted SAMDev Plan policy MD13 it is recommended that a pre-commencement condition be imposed on any consent issued to secure a programme of archaeological work. The recommended pre-commencement condition wording is given in section 4.1.1 above. With this recommended pre-commencement condition in place on any consent that may be granted, it is considered that the proposal is capable of compliance with planning policies in relation to archaeology.

Standing built heritage asset

- 6.2.5 As to the standing built heritage asset of Stone Grange, there is concern with the proposed new garage building and the impact the structure will have on the character and appearance of the grade II* listed building and its setting. Whilst the support of the Parish Council in terms of the style and design of the proposed building is noted, both the Council's Conservation Officer and Historic England have submitted comments of concern. In essence there is concern with the siting of the proposed building forward of the principal listed building in combination with the scale, height and fenestration details of the new structure - whereby it is considered the proposed building would not be visually subservient to the principal grade II* listed building and would further partially obscure the ability to view this important heritage asset from the road (particularly the from the north east approach). Therefore the proposed development would cause harm to the setting and significance of the grade II* listed building.
- 6.2.6 There is a further objection from a local resident echoing the above concerns, in addition to objecting to the use of red brick as walling material to the south and east elevations - which is considered out of keeping both with Stone Grange and other houses visible in the vicinity. At this conjecture officers would also point out that the Parish Council are not in agreement with the use of brick and highlight that, (presumably due to the proximity of the proposed building to the boundary) they consider that the boundary hedge will need to be removed, which would add to the visual impact.
- 6.2.7 Given the foregoing, it is agreed that in the proposed development would cause harm to the setting and significance of the grade II* listed building for the reasons and comments as discussed and that the level of harm is assessed to be less than substantial. In the absence of any clear and convincing justification to demonstrate otherwise (as required under paragraph 206 of the NPPF) it is considered that the less than substantial harm identified is unacceptable and is not considered to be outweighed by any public benefits arising from the proposal (paragraph 208 of the NPPF refers). Further, bearing in mind the requirements of paragraph 205 of the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, great weight should be given to a designated heritage asset's conservation, preservation and setting irrespective of the level harm. As such and when assessed overall it is considered that the proposal fails to comply with the requirements of local and national planning policies and legislation concerned with safeguarding the historic environment.

6.3 **Impact on neighbours/residential amenity**

6.3.1 Policies CS6 and CS17 of the Core Strategy and the Council's Housing SPD refer to the need to safeguard residential and local amenity and recognise the importance of ensuring that developments do not have unacceptable consequences for neighbours. In this context the property has only one adjoining neighbour to the south. It is not considered that the proposal will cause any undue harm to their residential amenity. The focus is rather the impact on local amenity in terms of adverse visual and heritage impact as discussed in section 6.2 above.

6.4 **Impact on natural environment**

6.4.1 The NPPF, adopted Core Strategy Policies CS6 and CS17 and SAMDev policy MD12 state that all development should protect the natural environment whilst enhancing environmental assets.

6.4.2 The existing building to be converted is of an age and sited within 200 m of pockets of woodland. Therefore, it is considered that the proposals trigger the need for the application to be accompanied by an Ecology Assessment. The site is also within a buffer zone of the Shropshire Environmental Network. However, the application is not accompanied by any ecology reports, assessments or surveys; nor any other information to enable the Council to conclude that no such information would be required. Therefore, in the absence of such information then it is not possible for officers to conclude that the proposal will not cause unacceptable harm to protected species or the natural environment and the application is not planning policy compliant in this regard.

6.5 **Drainage and flood risk**

6.5.1 Core Strategy Policy CS18 and the NPPF require that development will integrate measures for sustainable water management to reduce flood risk and avoid an adverse impact on water quality.

6.5.2 The site does not lie with the SUDs consultation area and the proposed development is considered unlikely to significantly increase flood risk. Therefore, there are no objections or issues raised in relation to drainage and flood risk. In the event of an approval, it is therefore recommended that an informative be attached to any consent granted, setting out the requirements in relation to sustainable drainage and surface water disposal.

6.6 **Community Infrastructure Levy (CIL)**

6.6.1 Developments involving listed buildings are liable for CIL if an extension/annex of more than 100sqm is created. No completed CIL form accompanies the application. It is the responsibility of the applicant to ensure that they comply with the National CIL Regulations, including understanding how the CIL regulations apply to a specific development proposal and submitting all relevant information.

7.0 CONCLUSION

7.1 Having regard to all the foregoing it is considered that the proposals the subject of the application, on balance and when assessed as a whole, are contrary to prevailing planning policies and legislation concerned with safeguarding the historic and natural environment and refusal is recommended for the following reason(s):

7.2 Refusal is therefore recommended, for the following reason/s:

1. The proposed two storey building will sit forward of the main grade II* listed building it is intended to serve (Stone Grange) and occupies a prominent location in relation to the site context. Taking into account this site context in combination with the scale, height and fenestration details of the proposed building (including the dormer windows) then it is considered by the Local Planning Authority that the proposed development would not be visually subservient to the principal grade II* listed building but rather will create an overly dominant feature that will not only adversely impact upon the visual character, appearance and setting of the listed building would further partially obscure the ability to view this important designated heritage asset from the road (particularly the from the north east approach) and cause harm to the significance of this designated heritage asset. No clear and convincing justification for any harm to the designated heritage asset has been provided. Further, it is considered that the harm would not be outweighed by any public benefits arising from development. Accordingly, it is considered that the proposal fails to comply with the requirements of adopted Shropshire Core Strategy policies CS5, CS6 and CS17; Site Allocation and Management of Development (SAMDev) Plan policies MD2 and MD13; the Council's SPD on the Type and Affordability of Housing; Section 16 of the National Planning Policy Framework and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. No ecology assessment/s, report/s or survey work has been submitted with the application. In the absence of adequate ecological information, or any information to enable the Council to conclude that such ecological information would not be required, then it is considered that the proposal is unacceptable in that inadequate ecological information has been submitted with the application to allow the impact of the development on statutorily protected species and the natural environment to be fully considered and assessed. Further, in the absence of adequate ecological information, it is not possible to conclude that the proposal will not cause unacceptable harm to protected species. Accordingly, the proposal is considered contrary to policies CS6 and CS17 of the adopted Shropshire Core Strategy 2011; policy MD12 of Site Allocations and Management of Development (SAMDev) Plan 2015 and the National Planning Policy Framework in relation to the requirement to conserve, protect and enhance the natural environment and safeguard protected species.

7.3 In considering the application due regard has been given to the following planning policies as relevant: Shropshire Core Strategy CS1, CS5, CS6, CS9,

CS17 and CS18; Site Allocations and Management of Development (SAMDev) Plan policies MD2, MD7B, MD12, MD13 and S17; the Council's SPDs on the Type and Affordability of Housing and Sustainable Design, the National Planning Policy Framework and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

National Planning Policy Framework

CS1 - Strategic Approach

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS9 - Infrastructure Contributions

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

MD7B - General Management of Development in the Countryside

MD12 - Natural Environment

MD13 - Historic Environment

Settlement: S17 - Wem

SPD Type and Affordability of Housing

SPD Sustainable Design Part 1

RELEVANT PLANNING HISTORY:

NS/06/00235/LBC Internal works involving removal and replacement of stud partition walls, works to fireplaces, replacement of doors CONAPP 28th March 2006

NS/07/00097/LBC Proposed alterations to staircase CONAPP 12th March 2007

NS/08/00210/LBC Proposed Swimming Pool CONAPP 15th April 2008

NS/08/00214/FUL Proposed Swimming Pool CONAPP 19th March 2008

10/01832/AMP Proposed non-material amendment to previously approved planning permission Ref NS/08/00214/FUL for 4 no. ensuite rooms GRANT 18th May 2010

NS/84/00770/LBC Construction of first floor fire escape including removal of part of existing pitched roof to outbuildings, replacement with flat roof and erection of entrance porch, and internal alterations (including partial demolition) to form new rooms and provide two additional staircases to second floor. GRLBC

NS/84/00769/FUL conversion of existing dwelling from private residence into private house for elderly, including construction of first floor fire escape and entrance porch extension. GRANT 12/00253/FUL Erection of an indoor swimming pool GRANT 22nd March 2012
12/00254/LBC Listed Building application for the erection of an indoor swimming pool GRANT 4th April 2012
12/01007/FUL Erection of outbuilding with formation of new vehicular access - SEE CASE NOTE AND NEW APPLICATION 12/01057/FUL NPW 13th March 2012
12/01057/FUL Erection of outbuilding with formation of new vehicular access GRANT 4th April 2013
12/01058/LBC Creation of a new access way and erection of an ancillary building - LBC not required. Agent has been told this. NPW 13th March 2012
NS/08/02270/FUL Proposed internal alterations and demolition of outbuildings GRANT 17th March 1984
PREAPP/14/00216 Proposed erection of dwelling PREAMD 4th June 2014
14/02820/FUL Erection of a new dwelling NPW 2nd September 2014
14/04322/FUL Erection of 1No dwelling, formation of vehicular access and installation of septic tank GRANT 28th April 2015
15/03322/FUL Demolition of an existing single storey outbuilding on the south elevation and erection of a replacement single storey kitchen extension GRANT 30th September 2015
15/03323/LBC Demolition of an existing single storey outbuilding on the south elevation and erection of a replacement single storey kitchen extension affecting a Grade II* Listed Building GRANT 30th September 2015
15/04511/AMP Non material amendment to reposition the proposed building to avoid root protection area to existing tree of Planning Permission 12/01057/FUL GRANT 30th November 2015
15/05543/DIS Discharge of Conditions 1 (Time Limit), 2 (Approved plans), 3 (Programme of Archaeological Work), 4 (Materials), 5 (Exterior pipes), 6 (Roof Construction), 7 (Heads and Sills), 8 (Mortar), 9 (Joinery), 10 (Architectural features), 11 (Schedule of Architectural features) and 12 (Construction work) planning permission 15/03323/LBC GRANT 25th October 2016
15/05544/DIS Discharge of Conditions 1 (Time limit), 2 (approved plans and 3 (Scheme of investigation) of planning permission 15/03322/FUL GRANT 24th October 2016
18/03133/FUL Erection of detached garden room GRANT 8th October 2018
18/03134/LBC Erection of a garden room affecting a grade II star listed building GRANT 8th October 2018
22/00530/FUL Erection of single storey lean-to extension on the west elevation GRANT 31st March 2022
22/00531/LBC Erection of single storey lean-to extension on the west elevation affecting a Grade II* Listed Building GRANT 31st March 2022
22/02228/DIS Discharge of Condition 3 (Joinery) relating to Planning Permission 22/00530/FUL DISAPP 29th June 2022
24/01938/FUL Erection of a three bay detached garage with room over and conversion of outbuilding to gym/entertainment room PCO
24/01939/LBC Erection of a three bay detached garage with room over and conversion of outbuilding to gym/entertainment room PCO
NS/97/00248/LBC TAKING DOWN AND REBUILDING OF 3 NO. CHIMNEY STACKS (RETROSPECTIVE APPLICATION) CONAPP 2nd May 1997

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SDLBQPTDHTI00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) - Councillor Chris Schofield
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Local Member Cllr Simon Jones

Appendices

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Northern Planning Committee
16th July 2024

Development Management Report

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

Summary of Application

Application Number: 24/01939/LBC	Parish:	Grinshill
Proposal: Erection of a three bay detached garage with room over and conversion of outbuilding to gym/entertainment room		
Site Address: Stone Grange Grinshill Shrewsbury Shropshire SY4 3BW		
Applicant: Mr and Mrs Philip Cotter		
Case Officer: Jane Preece	email: jane.preece@shropshire.gov.uk	

Grid Ref: 352522 - 323387

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Recommendation:- Refuse

1. The proposed two storey building will sit forward of the main grade II* listed building it is intended to serve (Stone Grange) and occupies a prominent location in relation to the site context. Taking into account this site context in combination with the scale, height and fenestration details of the proposed building (including the dormer windows) then it is considered by the Local Planning Authority that the proposed development would not be visually subservient to the principal grade II* listed building but rather will create an overly dominant feature that will not only adversely impact upon the visual character, appearance and setting of the listed building would further partially obscure the ability to view this important designated heritage asset from the road (particularly the from the north east approach) and cause harm to the significance of this designated heritage asset. No clear and convincing justification for any harm to the designated heritage asset has been provided. Further, it is considered that the harm would not be outweighed by any public benefits arising from development. Accordingly, it is considered that the proposal fails to comply with the requirements of adopted Shropshire Core Strategy policies CS5, CS6 and CS17; Site Allocation and Management of Development (SAMDev) Plan policies MD2 and MD13; the Council's SPD on the Type and Affordability of Housing; Section 16 of the National Planning Policy Framework and Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. No ecology assessment/s, report/s or survey work has been submitted with the application. In the absence of adequate ecological information, or any information to enable the Council to conclude that such ecological information would not be required, then it is considered that the proposal is unacceptable in that inadequate ecological information has been submitted with the application to allow the impact of the development on statutorily protected species and the natural environment to be fully considered and assessed. Further, in the absence of adequate ecological information, it is not possible to conclude that the proposal will not cause unacceptable harm to protected species. Accordingly, the proposal is considered contrary to policies CS6 and CS17 of the adopted Shropshire Core Strategy 2011; policy MD12 of Site Allocations and Management of Development (SAMDev) Plan 2015 and the National Planning Policy Framework in relation to the requirement to conserve, protect and enhance the natural environment and safeguard protected species.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks listed building consent for the 'Erection of a three bay detached garage with room over and conversion of outbuilding to gym/entertainment room'
- 1.2 No pre-application advice has been sought. It set out in the submitted Planning & Heritage Statement (PHS) that the agent deemed it unnecessary to take advice prior to the submission.
- 1.3 Whilst the erection of a small free standing building in the grounds of a residential listed building may not require listed building consent, due to the size, scale and

proximity of the proposed new garage building the agent has presumably deemed it necessary to apply for listed building consent for the new structure as an alteration and extension to the listed building which is likely to affect its character as a building of special architectural or historical interest, in addition to the proposed conversion works that affect the existing curtilage listed outbuilding. Hence the submitted application seeks listed building consent for the 'Erection of a three bay detached garage with room over and conversion of outbuilding to gym/entertainment room'. The application for listed building consent is therefore to be determined on this basis and the description of development as applied for.

- 1.4 A concurrent application for planning permission is under consideration, reference 24/01938/FUL.

Detached garage with room over

- 1.5 The proposed detached garage is to be sited forward of the host dwelling and at right angles with it, on the east side of the property frontage and less than 5 m from the listed dwelling. The proposed detached garage will provide three open bays and the footprint will measure approximately 10.5 m x 6 m. To accommodate the 'room over' the building will also be two storey, accessed via an enclosed staircase, and will have a dual pitched roof, which is approximately 3.2 m high to the eaves and 6.7 m high to the ridge (with gable parapets rising above these heights). The use of the 'room over' is denoted on the submitted plans as a home office, to include a kitchen area and a shower room. However, with the submitted PHS the detached garage is referred to as a '3 bay garage with accommodation' and it is stated that '... A staff bedsit is to be incorporated in the roof of the garage ...'
- 1.6 Natural light to the first floor is to be provided by three dormer windows within the west elevation (double casement with dual pitched roofs) and (what appears to be) a floor to ceiling triple pane window arrangement in the north elevation. A further single vertical pane window is shown within the south elevation which will light the enclosed staircase. Proposed building materials include Grinshill white ashlar, facing brick, wood cladding and roof tiles. The dormer cheek and fascia external material appears unspecified.
- Outbuilding conversion
- 1.7 The outbuilding proposed for conversion is an existing single storey garage/garden store outbuilding, positioned at the rear of the host dwelling and on the eastern side of the plot. It is distanced approximately 22.5 m back from the rear of the listed dwelling, with the garage doors in the south elevation. The proposals are to rework the existing single storey building to form a gym/summer entertainment space with a separate small kitchen and WC. No new external openings are proposed. The existing garage doors are to be replaced with glazing.

2.0 **SITE LOCATION/DESCRIPTION**

- 2.1 Stone Grange is an early 17th century grade II* listed building, originally constructed for Shrewsbury School. The property comprises a large detached dwelling and associated curtilage, situated on the edge of the village of Grinshill.

The dwelling is constructed in local Grinshill ashlar sandstone under a plain tiled roof and its frontage is orientated to face the road (north). The curtilage is bounded by a mix of trees, hedges and stone walling with open fields to the sides (east and west). To the rear, within the former grounds of the dwelling, a new dwelling has been constructed and is now in separate ownership from Stone Grange. That dwelling is accessed via an access lane running parallel with the western boundary of Stone Grange. That access was approved in April 2013 (under application reference 12/01057/FUL) together with an outbuilding at the southern end.

Within the curtilage of Stone Grange there are currently no outbuildings forward of the principal front face of the dwelling. There is a single storey garage/garden store outbuilding to the rear east which is the outbuilding proposed for conversion as part of this application. The existing outbuilding is of Grinshill stone under a tile roof. It is stated in the submitted DAS as likely mid C19th construction and altered in the C20th.

There is a further detached, single storey, garden room positioned at the southern end of the garden, which was granted consent (under references 18/03133/FUL and 18/03134/LBC) in October 2018.

Members will note that within section 4.1.2 the Council's Conservation Officer refers to a recent kitchen extension. That extension was granted consent in September 2015 (under references 15/03322/FUL and 15/03323/LBC). It is single storey and positioned off the rear (south) elevation of the original dwelling. A single storey lean-to extension has since been approved and added to the west elevation of the kitchen extension, to provide a utility, which was granted consent (under references 22/00530/FUL and 22/00531/LBC) in March 2022.

All the existing structures described above are evident in the map extract included within this report and listed in the relevant planning history section.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The Parish Council have submitted comments of support and the officer recommendation is for refusal. The Development Manager in consultation with the committee chair/vice chair and the Local Member agrees that the Parish Council has raised material planning issues and that the application should be referred to committee for consideration.

4.0 **Community Representations Summary**

4.1 **Consultee Comments**

- 4.1.1 **SC Archaeology** – Background to Recommendation: Site is in Grinshill, a settlement with early medieval origins recorded in Domesday Survey of 11th century. Proposed development is erection of garage to NE of Stone Grange, a Grade II* listed building built for Shrewsbury School in early 17th century and with mid-late 19th century alterations and extensions.

In watching brief during 2016 groundworks to south of Stone Grange, previously unknown vaulted brick structure, likely source of water from 19th century, was recorded. Is possible further as-yet unknown archaeological remains exist within site. Site is considered to have low to moderate archaeological potential.

RECOMMENDATION: In view of above, and in line with Paragraph 200 of NPPF and SAMDev Policy MD13, recommend programme of archaeological work be made condition of any planning permission for proposed development. This should comprise an archaeological watching brief during excavation of footings and any necessary services for new garage. An appropriate condition of any such consent would be: -

Suggested Conditions:

No development approved by this permission shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

- 4.1.2 **SC Conservation** – Stone Grange Grade II* listed. Therefore careful consideration required as to alteration or new buildings in its setting.

Property was built for Shrewsbury School. Dated 1631, although list description suggests could be marginally early. Has later additions and alterations. Built from yellow/grey Grinshill sandstone under tile roof.

Stone Grange sits within large plot. Plot was once larger, but part has been developed approximately 10 years ago to provide swimming pool building which was later changed into dwelling.

Historically were no structures beyond front line of dwelling. View of house from roadside appears little changed. Therefore, have concern with location of proposed garage, and its overall height, as this will partially obscure ability to view Stone Grange from NE approach on High Street.

Further consideration required as to how all buildings here are used, and whether first floor accommodation could be located somewhere else to bring height of proposed building down. Repurposing of existing outbuilding/garage is to provide further domestic use where an existing, more recent, kitchen extension could

provide garden related entertaining space and retain this building for gym and office, rather than two storey building at frontage.

Recommendation: Express concern regarding proposal and consider; as submitted it will cause harm to significance of designated heritage asset and there is insufficient clear and convincing justification for this harm (paragraphs 206 and 206 of NPPF). In addition, cannot see there is any public benefit arising from scheme, as required by paragraph 208 of NPPF and MD13 of SamDev. Therefore, identified harm cannot be outweighed when tests are applied, and given that great weight is applied by application of Section 66 (1) of Planning (Conservation Area & Listed Building) Act 1990 to this consideration, harm does not outweigh any public benefit of scheme.

- 4.1.3 **Historic England** – Proposal affects curtilage of Stone Grange, listed II* and a designation of 'more than special interest'. Building was constructed in 1631 for Shrewsbury School, constructed in local Grinshill sandstone.

Are concerns with proposed scale and height of new outbuilding. Is not considered it would be visually subservient to principal grade II* listed building and therefore would cause harm to its setting. Proposed provision of first floor and inclusion of overly domestic fenestration details, including dormer windows to what is supposed to be an ancillary outbuilding, would also contribute to such harm. Therefore, is considered such harm would consist of 'less than substantial harm' (on lower end of scale), with no demonstrable public benefit.

Recommendation

Where development proposal will lead to less than substantial harm to significance of designated heritage asset, this harm should be weighed against public benefits of proposal including, where appropriate, securing its optimum viable use (paragraph 208).

Historic England has concerns regarding applications on heritage grounds. Consider issues and safeguards outlined in our advice need to be addressed for applications to meet requirements of paragraphs 204, 206 and 208 of NPPF.

In determining the applications LPA should bear in mind statutory duty of Sections 16(2) and 66(1) of Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to have special regard to desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Also, Section 38(6) of Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with development plan unless material considerations indicate otherwise. Is noted LPA has relevant local development plan policies that include historic environment, including policies CS6 and CS17 of Core Strategy and policies MD2 and MD13 of SAMDev.

- 4.2 **Public Comments**

- 4.2.1 **Grinshill Parish Council** - Three councillors visited Stone Grange on Monday 24th June 2024 to inspect and discuss the proposals outlined in the above planning application.

Garage

Noted that the style of the building was tastefully designed and much in sympathy with the construction of the main house, being largely to be built of Grinshill sandstone, dormer windows - reflecting those of the house – and stone verge parapets.

Councillors thought that the hedge on the eastern boundary of the proposed garage would have to be removed to accommodate the new building. As such it was considered that the eastern elevation should be faced in Grinshill sandstone in keeping with all other buildings on site. It is understood that the first floor will be used for office accommodation but to change it to residential might require planning consent or be subject to certain conditions being met.

Gym

It was considered that the installation of Bifold doors in place of the up and over doors would greatly improve the appearance of the building.

Council fully supports the application.

- 4.2.2 **Public representations** – One representation of objection has been received. The main points of objection raised include:

- height (6.7 metres) of new garage building is excessive
- external materials; east and south elevations are to be finished in red brick, completely out of character with appearance of Stone Grange and all other houses visible in vicinity
- visual impact of garage building on view of the Grade 2 listed front facade of Stone Grange and view from road. Stone Grange is most significant building in Grinshill with noble and unique appearance, clearly visible to pedestrians/drivers travelling along High Street. Proposed garage building will block view of Stone Grange from east and significantly alter character of frontal view of Stone Grange.

5.0 **THE MAIN ISSUES**

- Impact on heritage asset/historic environment
- Impact on natural environment

6.0 **OFFICER APPRAISAL**

6.1 Policy and legislation

- 6.1.1 Stone Grange occupies a countryside location in the parish of Grinshill and is a grade II* listed building. Grade II* buildings are particularly important buildings of more than special interest (and amount to approximately 5.8% of all listed buildings in England).
- 6.1.2 In brief the application proposes the erection of a new, two storey building at the front of the existing listed dwelling to provide a 3 bay detached garage with ancillary residential accommodation above, together with the conversion of the existing garage/garden store building located to the rear of the listed dwelling, to form a gym/entertainment room. The proposals are otherwise described in more detail in section 1.0 above.
- 6.1.3 The proposals fall to be assessed against Shropshire Core Strategy policies CS6 and CS17; SAMDev policies MD2, MD12 and MD13 and the National Planning Policy Framework (NPPF), including in particular sections 15 'Conserving and enhancing the natural environment' and 16 'Conserving and enhancing the historic environment'. In combination these prevailing policies require, amongst other things, development proposals to be of an appropriate siting, scale and design and to not adversely affect designated heritage assets, the historic and natural environment.
- 6.1.4 In considering the application legislative consideration is also to be given to Sections 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 – where the Act requires that 'In considering whether to grant listed building consent for any works the local planning authority ...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

6.2 Siting, scale, design and impact on heritage asset/historic environment

- 6.2.1 The national guidance contained in Section 16 of the NPPF and the requirements set out in Shropshire Core Strategy Policies CS6 and CS17 and SAMDev Plan policies MD2 and MD13 all seek to ensure that, amongst other things, all development is designed to a high quality which protects and enhances the historic environment and is appropriate in siting, layout, scale and design, taking into account the local context and character and those features which contribute to local character, and will not adversely impact upon or affect visual character.
- 6.2.2 In considering the application consideration is also to be given to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires the LPA to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.2.3 Having regard to the above and the grade II* listed status of Stone Grange, the application has been considered in consultation with the Council's Historic Environment Team and Historic England.

Archaeology

- 6.2.4 In relation to archaeology, the Council's Archaeologist, advises that the site has low to moderate archaeological potential. Therefore, in line with paragraph 200 of the NPPF and adopted SAMDev Plan policy MD13 it is recommended that a pre-commencement condition be imposed on any consent issued to secure a programme of archaeological work. The recommended pre-commencement condition wording is given in section 4.1.1 above. With this recommended pre-commencement archaeology condition in place on any associated planning permission that may be granted under the concurrent planning application reference 24/01938/FUL, then it is considered that the proposal is capable of compliance with planning policies in relation to archaeology.

Standing built heritage asset

- 6.2.5 As to this listed building consent application and the standing built heritage asset of Stone Grange, likewise to the concurrent planning application there is concern with the proposed new garage building and the impact the structure will have on the character and appearance of the grade II* listed building and its setting. Whilst the support of the Parish Council in terms of the style and design of the proposed building is noted, both the Council's Conservation Officer and Historic England have submitted comments of concern. In essence there is concern with the siting of the proposed building forward of the listed building in combination with the scale, height and fenestration details. It is considered the proposed building would not be visually subservient to the principal grade II* listed building; that it would partially obscure the ability to view this important heritage asset from the road (particularly the from the north east approach on High Street) and therefore that it would cause harm to the setting and significance of Stone Grange. The concern that the provision of the first floor and the inclusion of overly domestic fenestration details, including the dormer windows to what is supposed to be an ancillary outbuilding, is also acknowledged as contributing to such harm.
- 6.2.6 There is a further objection from a local resident echoing the above concern, in addition to objecting to the use of red brick as walling material to the south and east elevations - which is considered out of keeping both with Stone Grange and other houses visible in the vicinity. At this conjecture officers would also point out that the Parish Council are not in agreement with the use of brick and highlight that, (presumably due to the proximity of the proposed building to the boundary) they consider that the boundary hedge will need to be removed, which would add to the visual impact.
- 6.2.7 Given the foregoing discussion and comments, it is agreed that in this case harm has been identified to the significance of the existing designated heritage asset for the reasons as commented upon by the Council's Senior Conservation Officer and Historic England and that harm is confirmed to be less than substantial harm. In the absence of an adequate evidence, clear and convincing justification to demonstrate otherwise (as required under paragraph 206 of the NPPF) it is considered that the identified harm is unacceptable and is not considered to be

outweighed by any public benefits arising from the proposal (paragraph 208 of the NPPF refers). Further, bearing in mind the requirements of paragraph 205 of the NPPF and Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, great weight should be given to a designated heritage asset's conservation, preservation and setting irrespective of the level harm. As such it is considered that the proposal fails to comply with the requirements of local and national planning policies and legislation concerned with safeguarding the historic environment.

6.3 **Impact on natural environment**

6.3.1 The NPPF, adopted Core Strategy Policies CS6 and CS17 and SAMDev policy MD12 state that all development should protect the natural environment whilst enhancing environmental assets.

6.3.2 The existing building to be converted is of an age and sited within 200 m of pockets of woodland. Therefore, it is considered that the proposals trigger the need for the application to be accompanied by an Ecology Assessment. The Council's guidance is clear that in these situations protected species surveys will be sought by Shropshire Council in support of Listed Building Consent applications as well as planning applications. The site is also within a buffer zone of the Shropshire Environmental Network. However, the application is not accompanied by any ecology reports, assessments or surveys; nor any other information to enable the Council to conclude that no such information would be required. Therefore, in the absence of such information then it is not possible for officers to conclude that the proposal will not cause unacceptable harm to protected species or the natural environment and the application is not planning policy compliant in this regard.

7.0 **CONCLUSION**

7.1 Having regard to all the foregoing it is considered that the proposals the subject of the application, on balance and when assessed as a whole, are contrary to prevailing planning policies and legislation concerned with safeguarding the historic environment and refusal is recommended for the following reason(s):

7.2 1. The proposed two storey building will sit forward of the main grade II* listed building it is intended to serve (Stone Grange) and occupies a prominent location in relation to the site context. Taking into account this site context in combination with the scale, height and fenestration details of the proposed building (including the dormer windows) then it is considered by the Local Planning Authority that the proposed development would not be visually subservient to the principal grade II* listed building but rather will create an overly dominant feature that will not only adversely impact upon the visual character, appearance and setting of the listed building would further partially obscure the ability to view this important designated heritage asset from the road (particularly the from the north east approach) and cause harm to the significance of this designated heritage asset. No clear and convincing justification for any harm to the designated heritage asset has been provided. Further, it is considered that the harm would not be outweighed by any public benefits arising from development. Accordingly, it is considered that the proposal fails to comply with the requirements of adopted

Shropshire Core Strategy policies CS5, CS6 and CS17; Site Allocation and Management of Development (SAMDev) Plan policies MD2 and MD13; the Council's SPD on the Type and Affordability of Housing; Section 16 of the National Planning Policy Framework and Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. No ecology assessment/s, report/s or survey work has been submitted with the application. In the absence of adequate ecological information, or any information to enable the Council to conclude that such ecological information would not be required, then it is considered that the proposal is unacceptable in that inadequate ecological information has been submitted with the application to allow the impact of the development on statutorily protected species and the natural environment to be fully considered and assessed. Further, in the absence of adequate ecological information, it is not possible to conclude that the proposal will not cause unacceptable harm to protected species. Accordingly, the proposal is considered contrary to policies CS6 and CS17 of the adopted Shropshire Core Strategy 2011; policy MD12 of Site Allocations and Management of Development (SAMDev) Plan 2015 and the National Planning Policy Framework in relation to the requirement to conserve, protect and enhance the natural environment and safeguard protected species.

7.3 In considering the application due regard has been given to the following planning policies as relevant: Shropshire Core Strategy CS5, CS6 and CS17; Site Allocations and Management of Development (SAMDev) Plan policies MD2, MD12 and MD13, the National Planning Policy Framework and Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks
MD2 - Sustainable Design
MD12 - Natural Environment

MD13 - Historic Environment
National Planning Policy Framework

RELEVANT PLANNING HISTORY:

NS/06/00235/LBC Internal works involving removal and replacement of stud partition walls, works to fireplaces, replacement of doors CONAPP 28th March 2006
NS/07/00097/LBC Proposed alterations to staircase CONAPP 12th March 2007
NS/08/00210/LBC Proposed Swimming Pool CONAPP 15th April 2008
NS/08/00214/FUL Proposed Swimming Pool CONAPP 19th March 2008
10/01832/AMP Proposed non-material amendment to previously approved planning permission Ref NS/08/00214/FUL for 4 no. ensuite rooms GRANT 18th May 2010
NS/84/00770/LBC Construction of first floor fire escape including removal of part of existing pitched roof to outbuildings, replacement with flat roof and erection of entrance porch, and internal alterations (including partial demolition) to form new rooms and provide two additional staircases to second floor. GRLBC
NS/84/00769/FUL conversion of existing dwelling from private residence into private house for elderly, including construction of first floor fire escape and entrance porch extension. GRANT 12/00253/FUL Erection of an indoor swimming pool GRANT 22nd March 2012
12/00254/LBC Listed Building application for the erection of an indoor swimming pool GRANT 4th April 2012
12/01007/FUL Erection of outbuilding with formation of new vehicular access - SEE CASE NOTE AND NEW APPLICATION 12/01057/FUL NPW 13th March 2012
12/01057/FUL Erection of outbuilding with formation of new vehicular access GRANT 4th April 2013
12/01058/LBC Creation of a new access way and erection of an ancillary building - LBC not required. Agent has been told this. NPW 13th March 2012
NS/08/02270/FUL Proposed internal alterations and demolition of outbuildings GRANT 17th March 1984
PREAPP/14/00216 Proposed erection of dwelling PREAMD 4th June 2014
14/02820/FUL Erection of a new dwelling NPW 2nd September 2014
14/04322/FUL Erection of 1No dwelling, formation of vehicular access and installation of septic tank GRANT 28th April 2015
15/03322/FUL Demolition of an existing single storey outbuilding on the south elevation and erection of a replacement single storey kitchen extension GRANT 30th September 2015
15/03323/LBC Demolition of an existing single storey outbuilding on the south elevation and erection of a replacement single storey kitchen extension affecting a Grade II* Listed Building GRANT 30th September 2015
15/04511/AMP Non material amendment to reposition the proposed building to avoid root protection area to existing tree of Planning Permission 12/01057/FUL GRANT 30th November 2015
15/05543/DIS Discharge of Conditions 1 (Time Limit, 2 (Approved plans), 3 (Programme of Archaeological Work), 4 (Materials), 5 (Exterior pipes), 6 (Roof Construction), 7 (Heads and Sills), 8 (Mortar), 9 (Joinery), 10 (Architectural features), 11 (Schedule of Architectural features) and 12 (Construction work) planning permission 15/03323/LBC GRANT 25th October 2016
15/05544/DIS Discharge of Conditions 1 (Time limit), 2 (approved plans and 3 (Scheme of investigation) of planning permission 15/03322/FUL GRANT 24th October 2016
18/03133/FUL Erection of detached garden room GRANT 8th October 2018

18/03134/LBC Erection of a garden room affecting a grade II star listed building GRANT 8th October 2018
 22/00530/FUL Erection of single storey lean-to extension on the west elevation GRANT 31st March 2022
 22/00531/LBC Erection of single storey lean-to extension on the west elevation affecting a Grade II* Listed Building GRANT 31st March 2022
 22/02228/DIS Discharge of Condition 3 (Joinery) relating to Planning Permission 22/00530/FUL DISAPP 29th June 2022
 24/01938/FUL Erection of a three bay detached garage with room over and conversion of outbuilding to gym/entertainment room PCO
 24/01939/LBC Erection of a three bay detached garage with room over and conversion of outbuilding to gym/entertainment room PCO
 NS/97/00248/LBC TAKING DOWN AND REBUILDING OF 3 NO. CHIMNEY STACKS (RETROSPECTIVE APPLICATION) CONAPP 2nd May 1997

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SDLBQQTDHTJ00>

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 Simon Jones
Appendices

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Committee and date
 Northern Planning Committee
 16th July 2024

SCHEDULE OF APPEALS AS AT COMMITTEE 16th July 2024

LPA reference	23/04741/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	C & E Evans & Evans
Proposal	Proposed construction of 2No. local needs dwellings including provision of access, parking and garaging (re-submission)
Location	Proposed Residential Development Land North Of Stepliss Winnington Halfway House Shropshire
Date of appeal	16.05.2024
Appeal method	Hearing
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	23/04604/AGR
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Antony Pugh
Proposal	Erection of an agricultural building for the storage of hay and machinery
Location	Lacon House Saulton Road Saulton Wem
Date of appeal	28.04.2026
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	23/00936/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	MRS. S. CATMUR & MRS. B ROBERTS
Proposal	Outline application for the erection of six single-storey dwellings to include layout and scale
Location	Land North Top Street Whittington
Date of appeal	28.06.2024
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	24/00379/CPE
Appeal against	Refused to Grant Certificate of Lawful Use or Development
Committee or Del. Decision	Delegated Decision
Appellant	Mr K Niblett
Proposal	Lawful development certificate for existing use of land as C3 residential use
Location	Site Of Former Green Lane Cottage (Land North Of Greenfields And Hydrotherapy Centre) Green Lane Bings Heath Astley
Date of appeal	10.06.2024
Appeal method	Inquiry
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	23/04121/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mr Mark Knight
Proposal	Erection of end of terrace two bedroom dwelling with off street parking (Resubmission)
Location	17 New Park Road Shrewsbury
Date of appeal	08.05.2024
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

APPEALS DETERMINED

LPA reference	22/03724/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Russell Harrison
Proposal	Renovation and extension of existing two storey retail unit, to provide a retail arcade at ground floor level and 9No residential apartments to the existing first floor and a two storey extension to the rear of the site (revised scheme)
Location	13 - 17 High Street Whitchurch SY13 1AX
Date of appeal	18.07.02023
Appeal method	Written Representation
Date site visit	05.03.2024
Date of appeal decision	14.06.2024
Costs awarded	
Appeal decision	DISMISSED

LPA reference	23/04743/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Richard Hall
Proposal	Two storey side extension
Location	Mayfield Breaden Heath Ellesmere
Date of appeal	02.04.2024
Appeal method	Written Representations
Date site visit	
Date of appeal decision	17.06.2024
Costs awarded	
Appeal decision	DISMISSED

LPA reference	23/00765/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Minster Care
Proposal	Proposed demolition of existing care home wing and proposed new build care home wing
Location	Bicton Heath House Knowsley Drive Bicton Heath Shrewsbury
Date of appeal	26.07.2023
Appeal method	Written Representations
Date site visit	05.06.2024
Date of appeal decision	01.07.2024
Costs awarded	COSTS PARTIALLY ALLOWED
Appeal decision	ALLOWED

LPA reference	23/01904/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Humphrey
Proposal	Outline Application for the Erection of a detached bungalow and garage following demolition of the existing workshop building (all matters reserved)
Location	Northcote Aston Square Aston Oswestry Shropshire SY11 4LR
Date of appeal	05.03.2024
Appeal method	Written Reps
Date site visit	25.6.2024
Date of appeal decision	05.07.24
Costs awarded	
Appeal decision	DISMISSED



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: 14 June 2024

Appeal Ref: APP/L3245/W/23/3326193

13-17 High Street, Whitchurch, Shropshire SY13 1AX

- 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 Russell Harrison against the decision of Shropshire Council.
 - The application Ref is 22/03724/FUL.
 - The development proposed is Renovation and extension of existing two storey retail unit, to provide a retail arcade at ground floor level and 9 no residential apartments to the existing first floor and a two story extension to the rear of the site.
-

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 Council has raised an additional concern in their Statement of Case about the lack of a bedroom window in one of the proposed apartments. Whilst this has not been raised previously, the appellant has had an opportunity to provide comments on the matter. My decision will reflect these concerns and I am satisfied that no party's interests have been prejudiced by taking this approach.
4. The Council have also provided a copy of a recent appeal decision¹ that was issued after the appeal was submitted. Given that the decision could not have been submitted with the Council's Statement of Case it was accepted as late evidence. The appellant was given the opportunity to comment on the decision in relation to this appeal. As such I am satisfied that the parties would not be prejudiced by this approach.
5. The appeal site lies within the Whitchurch Conservation Area (CA), and there are also a number of listed buildings within the area. In particular, the site is located adjacent to the Whitchurch Heritage Centre, which is a Grade II listed building. The main parties have identified harm to the CA and the setting of the WHC. These harms did not form a reason for refusal but Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 apply

¹ Appeal Ref: APP/L3245/W/23/3325077

to the appeal. Hence, given my statutory duties it is necessary for me to undertake my own consideration of any effects to the setting of listed buildings and the character and appearance of the CA. Therefore, the effects on the designated heritage assets form a further main issue for the appeal.

Main Issues

6. The main issues are:

- the effect of the proposal on the living conditions of the neighbouring occupiers of a flat known as The Bakehouse, with particular regard to privacy;
- whether the proposal would provide acceptable living conditions for future occupiers, with particular reference to outlook;
- whether the proposal would preserve or enhance the character or appearance of the CA and the setting of adjacent listed buildings, and in the event that any harm is identified, whether that harm would be outweighed by any public benefits of the proposal; and
- the effect of parking associated with the proposal on local parking stress and the living conditions of nearby residential occupiers, with particular reference to disturbance.

Reasons

7. The appeal site is located within Whitchurch town centre and is currently occupied by a two storey commercial building that fronts on to High Street. The ground floor of the building has an active shop front and associated storage at first floor. The rear of the building includes flat roof extensions and a large service yard accessed via St Mary's Street.
8. A retail arcade comprising seven units operates at ground floor. Residential apartments are proposed on the upper floors, with a large two storey extension, which would have a contemporary design, proposed to the rear. The extension would provide additional residential apartments at ground floor and first floor.

Living conditions of neighbouring occupiers

9. A large first floor dormer style window is proposed within the two storey extension. The proposed window is large and would be the main window to an open plan dining, lounge, and kitchen of an apartment. The window would have an outlook towards a number of windows in the rear elevation of a neighbouring building known as, The Bakehouse.
10. The Council have identified that a first floor window in the rear elevation of The Bakehouse, serves a residential flat. The parties have been unable to establish what internal rooms the window currently serves, but due to the size and position of the window, it is likely to serve a habitable room of the flat.
11. While I acknowledge that the appellant suggests that the distance between the two windows is 13 metres, the juxtaposition of the two facing windows would allow clear intervisibility between the two. Consequently, due to the size and position of the proposed window, it would result in an unacceptable loss of

- privacy to the occupiers of the residential accommodation within The Bakehouse.
12. The appellant has suggested that the dormer window could be fitted with obscure glazing. However, the window serves a habitable room and would not be a satisfactory solution in terms of the outlook from these windows. In addition, there is a suggestion that the design of the proposed dormer window could be amended to avoid a direct outlook from the window towards the neighbouring first floor window. While a sketch plan has been submitted, full details and elevation plans, have not. Therefore, a proper assessment is not possible. In any event, as I am required to do, I have determined the appeal on the plans before me.
 13. An elevated pedestrian walkway is proposed that would serve a number of the proposed apartments. The walkway would also be in close proximity to the first floor window in the rear elevation of The Bakehouse. The low level wall would allow future occupiers of the apartments to look into that first-floor window. Views into the window would be unrestricted and would result in an unacceptable loss of privacy to the occupiers of the flat.
 14. The appellant has again suggested that various design measures could be incorporated into the scheme, above the low level wall, which could prevent overlooking of neighbouring windows from the walkway. Whilst this maybe the case, full details and plans to show the position, size and appearance of an alternative design have not been submitted. Therefore, on the evidence before me, I cannot be certain that an appropriate design could be achieved. Nevertheless, as I am required to do, I have determined the appeal on the plans before me.
 15. I acknowledge that the appeal site is located in a town centre location whereby the interfacing distances between windows of residential accommodation may be less than in other areas. I also note the examples provided by the appellant of separation distances between properties on St Mary's Street and St John's Street which have windows directly onto pavements used by the public. However, I am mindful that the proposed private walkway could attract future occupants to stand on the walkway for longer periods of time compared to a public street. In particular, this part of the walkway has an outlook over the proposed public realm area which would increase the likelihood of future occupiers standing on this part of the walkway to enjoy the outlook. This could be for extended periods of time, which would be different to pedestrian movements on a street. Therefore, these examples have not eased my concern that harm would arise in this case.
 16. Consequently, for the reasons given, I conclude on this main issue that the proposed development would cause unacceptable harm to the living conditions of the occupiers of The Bakehouse, with particular regard to privacy. Therefore, the proposal would fail to accord with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) (CS), Policy MD3 of the Shropshire Council Site Allocations and Management of Development Plan (2015) (SAMDev), and the Framework, which together and amongst other things, seek to ensure that new development respects the living conditions of current and future occupiers.

Living conditions of future occupiers

17. The Council identify in their appeal statement that the only bedroom to one of the apartments appears to be served by a roof light only. The appellant has subsequently confirmed that the bedroom is only served by a roof light and no other windows are proposed for the bedroom.
18. The roof light would provide natural light to the bedroom but the size and height above floor level would offer a limited and unsatisfactory outlook for its future occupants.
19. In addition, the only windows that serve the open plan dining, lounge, and kitchen of that apartment would also face towards and be in close proximity to a solid wall of The Bakehouse building. Therefore, the outlook from habitable windows of the apartment would be oppressive, and the juxtaposition between the windows and the solid wall would be unsatisfactory for the future occupants, even when taking into account the town centre location.
20. A kitchen of an adjoining apartment would also be served only by a roof light. However, the bedroom and lounge area would have windows that have an outlook over High Street. Therefore, I am satisfied that, overall, the apartment provides satisfactory outlook and living conditions for future occupants.
21. Given the above, I conclude on this main issue that the proposal fails to provide satisfactory living conditions for future occupiers with particular reference to outlook. As such, the proposal would conflict with Policy CS6 of the CS, Policy MD3 of the SAMDev, and the Framework, which together and amongst other things, seek to ensure that new development respects the living conditions of current and future occupiers.

Heritage Assets

22. The Framework states that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. It also advises that any harm or loss to designated heritage assets should require clear and convincing justification.
23. The significance of the CA, from my assessment of the evidence and the site, is primarily derived from the many buildings of architectural and historic interest, some of which are grade II listed, in a vibrant town centre setting, particularly along High Street.
24. The buildings are primarily terrace buildings, arranged in a dense form, with well-established and consistent building lines. The scale and mass of buildings is varied but they have simple built profiles, staggered roof lines and shallow pitched roof spans, which have a uniform, historic aesthetic.
25. The appearance of buildings along High Street and St Mary's Street range in age and architectural style, with very few examples of modern buildings. The building materials are homogeneous, with a prominence of painted timber framed frontages along High Street. Buildings along St Marys have a prominence of facing red brickwork, painted brickwork, and render, with no other variances. Windows and doors on buildings are symmetrically arranged and are broadly consistent in terms of their vertical shape. When combined, these features are an attractive component of the CA and contribute towards its significance.

26. The appeal site fronts on to High Street and the ground floor has a large shop front, with the first floor characterised by a patterned timber frame façade, which includes a pitched gable feature above a bay window. The building, with its attractive front façade, contributes to the special interest of the CA.
27. The rear of the building primarily serves as a parking area and service yard for the retail uses of the ground floor. The rear of the building includes a number of unattractive functional extensions, and the open yard area allows uninterrupted views of the rear of the building from within the CA. As such, the unsightly appearance of the rear of the building has a limited contribution to the character and appearance of the CA.
28. Many of the neighbouring listed buildings front onto High Street, including 19 and 19a Bluegate, 'The Old Shop', 9 High Street and 25 High Street. The Whitchurch Heritage Centre (the Heritage Centre)², is located adjacent to the rear of the appeal site. According to its listing entry, it is a former Wesleyan chapel, which dates to the eighteenth century. It is a two storey building with a rendered façade and a hipped slate roof. The Heritage Centre derives a great deal of its significance from its appearance and its historic interest as a former chapel. The roads and open areas around the building allow its historic character and appearance to be appreciated. Therefore, those spaces make a meaningful contribution towards the building's setting, and the significance it derives from it.

Effect to Heritage Assets

29. The proposal would have an expansive footprint that projects significantly from the rear elevation of the host building. It is made up of a series of interconnecting structures, which vary in height, depth, and massing, while having a combination of flat, pitched, and asymmetrical roof profiles. The combined footprint and scale of the proposal would result in a building that would be highly dominant. Moreover, the various elements of the structure would appear noticeably at odds with the more uniform scale and massing of buildings close by.
30. Where the proposal addresses St Marys Street and St Johns Street, it would have twin gables that would sharply contrast with the traditional frontage dwellings opposite, as these mainly have ridge lines parallel to the street.
31. The shape, style, arrangement, and the frame colour of windows is somewhat disjointed when viewed within the context of the more uniform and symmetrical window placements in the buildings nearby, particularly those along St Marys Street. The mix of materials on the elevations of the proposed development also appears inharmonious and fussy. In addition, the use of protruding brickwork and banding is at odds with the more uniform bonding and patterns found on adjacent buildings that have brick exteriors.
32. The contemporary design would contrast harmfully with the scale, mass, and appearance of the existing buildings along St Marys Street and St Johns Street. Therefore, I do not consider that the replacement of the existing extensions and the redevelopment of the site with a significantly larger, contemporary, and visually dominant building would preserve or enhance the character and

² List Entry Number: 1055955

appearance of the CA. Consequently, I give this harm considerable importance and weight.

33. The improvements to the shop front at ground floor would not harm the setting of the neighbouring listed buildings that front High Street. Likewise, the proposed extensions at the rear of the building, despite being substantial, would not be viewed within the context of High Street and the setting of the listed buildings would be preserved.
34. In contrast, the siting and scale of the proposed development would result in the Heritage Centre being hidden from certain viewpoints along St Marys Road. However, I note the comments of the Council's Conservation Officer, as well as historic mapping, which indicates that the setting of the Heritage Centre has changed over time, and the land was previously densely covered with buildings which were located at the back edge of the pavement. The proposed development would re-introduce buildings on to the land and I am satisfied that the juxtaposition of the proposals, its form and position, would preserve the aspects within the listed Heritage Centre's setting that contribute towards its significance.

Public Benefits and Findings

35. The Framework advises at paragraph 205 that great weight should be given to the CA's conservation. Significance can be harmed or lost through alteration of the heritage asset. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. For the reasons set out above, I consider that harm has been caused to the significance of the CA.
36. Accordingly, while less than the 'substantial harm' referred to in paragraph 207 of the Framework, the harm to the CA is nevertheless a matter of considerable importance and weight in this case. That harm is less than substantial due to the scale and nature of the development, while also acknowledging the visual improvements to the existing shop front and the removal of the existing extensions at the rear. As such, in accordance with paragraph 208 of the Framework, this harm should be weighed against the public benefits of the development including, where appropriate, securing its optimum viable use.
37. The redevelopment of the building to provide a mixed use retail and residential development would help to support the role of the town centre and contribute to boosting the supply of new housing, as referenced in the Framework, in an accessible town centre location. The retail units contribute to the economy of the town centre and results in an increase to the number of smaller retail units, which adds to the variety of services on offer.
38. The proposal would also add to the size, mix and choice of housing in the area and the occupation of the apartments would provide social and economic benefits to local services and amenities. There would also be social and economic benefits to local services during the construction phase. I therefore attach moderate weight to these benefits.
39. Taking the above stated benefits together, while there would be moderate public benefits associated with the regeneration of the site and the provision of housing and retail premises in the town centre, these are insufficient to outweigh the harm I have identified.

40. Even though I have found there to be no harm to the setting of neighbouring listed buildings, including the Heritage Centre, I find that the proposal would fail to preserve the character and appearance of the CA, the desirability of which the Act requires that special attention is paid. It would therefore have a harmful effect on the area's character and appearance and conflict with Policy MD13 of the SAMDev. This requires proposals to avoid harm to the significance of designated heritage assets. The proposal would also fail to accord with Paragraph 203 of the Framework where it requires development to take account of the desirability of sustaining and enhancing the significance of heritage assets.

Parking

41. No off street parking provision is proposed within the site for future occupiers. This is not uncommon for many new residential developments within town centre locations.
42. The appeal site has access to a wide range of services and amenities on foot and by bicycle, as well as public transport opportunities nearby. Therefore, future occupiers of the proposed development would be encouraged to use alternative modes of transport, as opposed to a reliance on a private motor vehicle. Any future occupiers who choose to have a motor vehicle would need to seek parking provision elsewhere.
43. The submitted Highway & Transport Report and car parking survey (the Survey), conclude that no on-site parking is justified in this town centre location and ample parking is available both on adjacent streets and within the public carparks, which would meet the likely parking demands of the proposed development.
44. The appeal site is located within walking distance of public car parks, which would provide off street parking provision. The town centre location, even within a predominantly rural county, would also encourage future occupants to use alternative modes of travel, walking and cycling to access services and amenities. This could lead to low levels of car ownership and minimise disturbance caused by any demand for car parking on nearby streets.
45. I acknowledge that nine apartments could increase demand for on street car parking. This would be exacerbated by the loss of the existing on site parking spaces associated with the retail uses on the site. However, there are likely to be reasonable levels of activity in this town centre location during the day, at night and during weekends. Therefore, it is not clear, on the evidence before me, how increased parking demand would result in unacceptable disturbance to the amenities of neighbouring occupiers.
46. In addition, notwithstanding that the Survey was only carried out during a two-hour period on a Friday evening, the Highway Authority have not objected to the lack of proposed parking, nor have they highlighted that the proposed development would unacceptably exacerbate an on-street parking problem on nearby streets. Indeed, the Council have also not raised highway safety concerns in respect of on street parking.
47. The Council have submitted a recent appeal decision, which they consider to be highly pertinent to this case because the matter of parking provision in a town centre location was a key consideration in that case. However, that recent

appeal decision relates to a different town centre, and I have not been provided with substantive details about the proximity of that development to local parking opportunities, as well as neighbouring properties. As such, I have come to my own judgement based on the specific context of this appeal site, my observations, and the evidence before me.

48. Consequently, for the above reasons, I conclude on this main issue that the proposal would not result in unsatisfactory local parking stress and the living conditions of nearby residential occupiers would not be harmed, with particular reference to disturbance. As such, the proposal would not conflict with Policy CS6 of the CS, Policy MD3 of the SAMDev, and the Framework, which together and amongst other things, seek to ensure that new development respects the living conditions of current and future occupiers.

Other Matters

49. The appellant raises concerns about pre application advice that was received from the Council and fundamental concerns with the proposed development that were not previously raised. However, this does not affect my consideration of the planning merits of the proposed development.

Conclusion

50. The proposed development would harm the significance and fail to preserve or enhance the character or appearance of the Whitchurch Conservation Area. There are no public benefits sufficient enough to outweigh the harm I have identified. The scheme would also result in harm to the living conditions of nearby residential occupiers and the future occupiers of one of the apartments.
51. Consequently, I conclude that the proposed development would conflict with the development plan as a whole and there are no material considerations, including the Framework, that indicate that the development should be determined otherwise than in accordance with it. For these reasons, the appeal is dismissed.

N Bromley

INSPECTOR



Appeal Decision

Site visit made on 23 May 2024

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th June 2024

Appeal Ref: APP/L3245/D/24/3340161

Mayfield, Breaden Heath, Ellesmere, Shropshire, SY13 2LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Richard Hall against the decision of Shropshire Council.
- The application Ref 23/04743/FUL dated 8 December 2023, was refused by notice dated 19 December 2023.
- The development proposed is 2 storey side extension to existing dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

i) Whether the proposal would result in an oversized house type to the plot within a rural area and whether this would then impact upon the maintenance of a supply of smaller, less expensive properties and retention of a mix of house sizes in accordance with the aims of Local Plan policy, and;

ii) Whether the design and scale would respect that of the existing dwelling.

Reasons

Whether the proposal would result in an oversized house type to the plot within a rural area and whether this would then impact upon the maintenance of a supply of smaller, less expensive properties and retention of a mix of house sizes

3. The appeal site is a detached, two storey, dwelling which both parties confirm as having been constructed following planning permission having been granted for a replacement dwelling (in 2016) under reference 15/05487/FUL. The host dwelling is located within a large plot with access being gained via a long track leading from the main highway through Breadon Heath. The proposal seeks to extend the dwelling by way of a part two storey, part single storey side extension which would provide a principal bedroom suite, with a walk-in wardrobe, ensuite and a substantial balcony area and, on the ground floor, further living space and some general reconfiguration.
4. The Type and Affordability of Housing Supplementary Planning Document 2012 (SPD) notes with regard to house extensions in paragraph 2.20, that the size of dwellings in the countryside can be of concern, as the market trend is towards providing larger and more expensive dwellings which tends to exclude the less well off, including those who need to live and work in rural areas. The SPD goes on to outline that it is also important to maintain and provide an

appropriate stock of smaller, lower cost, market dwellings. In relation to replacement dwellings, which the appeal site was, the SPD (which was in force at the time the replacement dwelling was approved) outlines that permitted development rights will generally be removed from replacement dwellings in rural areas. The SPD also outlines that in general, multiple successive extensions to dwellings should normally be avoided with the objective of preventing the creation of excessively large properties, where the extensions are often unsympathetic to the character and appearance of the original dwelling or the surrounding area.

5. I note the Council's comments, that the appellant would have been fully aware of the policies and limitations due to the previous application, however, I have no evidence before me given the passage of time since the approval in 2016, that this application is specifically aimed to circumvent and undermine the restrictive replacement dwelling policies. I have, therefore, considered the case on its own merits, taking into account the evidence and Local Plan policies before me at the point of determination.
6. The existing dwelling, according to the existing floor plans, benefits from an open plan kitchen and dining area, separate snug as well as a utility and wet room on the ground floor. The first-floor benefits from three bedrooms and a family bathroom. The existing dwelling, as a replacement dwelling, is already what I would consider to be a larger dwelling which stands in a large plot. As a result of this I consider it highly unlikely that the existing dwelling could be considered to be classified as a smaller, lower cost, market dwelling which is likely to be affordable for the less well off, including those who need to live and work in rural areas, or for the needs of many newly forming households.
7. Whilst it is not the place of this appeal to determine whether something would be permitted development, it is still acknowledged, as submitted by the appellant, that the host property would likely have opportunities for extension which would be beyond the control of the Council insofar as it complies with the limitations of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO), Schedule 2, Part 1, Class A. Whilst I note the appellant outlines potential for extension under the larger homes provisions of up to 8m as a ground floor rear extension, this would still, of course be subject to a prior approval process which, at the point of determination of this appeal, has not been achieved or approved. I place very limited weight upon the utilisation of Class E of the GDPO as, ultimately, for such outbuildings to be considered permitted development they must still be incidental to the enjoyment of the dwelling house and not be something which has been constructed, in terms of size and/or floor area, as a result of the unrestrained whim of an occupier.
8. Moving on from above I find it notable that permitted development rights were not removed as part of the approval under reference 15/05487/FUL and this, combined with the overall size and likely value of the property (in so far as it is unlikely to be lower cost in terms of the aims of policy and the guidance set out within the SPD), in principle, means that I do not find that extension of the host dwelling in some form would necessarily automatically conflict with the overarching objectives of protecting and/or maintaining a of supply of smaller, less expensive, properties and retention of a mix of houses as is the aim of the adopted policy. This is given the fact that the appeal site is unlikely to be fairly considered as a smaller, less expensive, property as it stands taking into

account the dwelling itself and the plot within which it stands in a rural area. Furthermore, I do not find that the proposal would introduce an oversized house type to the plot in the literal sense given that the dwelling, with the proposed extension, would still occupy a limited proportion of the overall plot within which it stands in purely mathematical terms.

9. Whilst I acknowledge that the host dwelling was approved, as a replacement dwelling for a small rural cottage, it is not realistically small in terms of floor area as a three-bedroom, five person, dwelling with a floor area in the region of 125 sq./m in an extensive plot. In turn I do not find that the potential for extension, in principle, is unacceptable to some extent taking into account the objectives of the Local Plan and SPD (in so far as it seeks to maintain a supply of smaller, less expensive, properties) and also taking into account that the property still benefits from permitted development rights. The latter, in turn, is a material consideration as I acknowledge it provides the appellant with opportunity, to some extent, to enlarge the property within the scope of the GDPO fully beyond the control of the Council in some circumstances.
10. The principle of extension, in this case, I find would not conflict with the overarching objectives of Site Allocations and Management of Development (SAMDev) Plan 2015 Policy MD7a, Core Strategy 2011 (CS) Policy CS11 or the guidance and objectives of the SPD.

Whether the design and scale would respect that of the existing dwelling

11. The host dwelling is, as existing, a well-proportioned rural dwelling which provides accommodation, as it stands, as outlined above in paragraph 6. The proposed extension would add a new two storey "wing" to its west elevation which would also incorporate a flat roof section with a balcony extending to the north. I do not find that the design and scale of the extension would respect that of the host dwelling. Whilst I acknowledge there is no firm guidance on the size, mass or scale of extensions, it is generally accepted that extensions should be visually subservient to the host dwelling and in this case, whilst set back behind the front gable, the extension would still match the remainder of the front elevation and would have no set down from the existing ridge height.
12. The proposal would not, clearly, read as a later and subservient extension to the host dwelling. I find that this would, in turn, impact negatively upon the character of the host dwelling which still retains the appearance of an appropriately designed rural dwelling. It should be kept in mind that character and appearance (and visual impact) are separate matters and whilst the proposal would be largely screened from residential receptors as well as the users of local roads and public highways, this does not overcome impact to the character of the host dwelling itself taking into account its existing design and qualities. I acknowledge that the dwelling has sought to replicate the established height and materials to achieve a balance to the existing dwelling, however, I find it would not be subservient and would to a large extent, leave the original dwelling (as it stands today) largely illegible within the context of the overall dwelling which would stand as a result of the proposals. The proposal would not be sympathetic to the size, mass, character and appearance of the host dwelling.
13. The dwelling is noted to have been designed to lifetime homes standards with a view to being able to raise a family and the appellant's statement outlines that the need for the extension is due to the appellant's (unspecified) changed

needs. As outlined above, in the context of the first main issue, I do not find that the principle of some form of extension to the host dwelling would automatically be unacceptable for the reasons outlined. Extensions may well be needed to accommodate the needs of a family and I do not find that the Local Plan Policies specifically seek to punish, or force to move, local families from their existing dwellings but in this case the extension proposed does not respect the host dwelling.

14. The proposals that are before me would add a principal bedroom suite, with a walk-in wardrobe and ensuite and a substantial balcony area. On the ground floor, further living space would be provided but at first floor the proposal would add a notable principal bedroom suite as outlined and overall, I am not persuaded that the proposal as submitted represents what would necessarily be for extended family living as is the reasoning provided for the proposal. I acknowledge the appellant's local connections, service and background, set out within the statement of case and understand that an extension is sought to adapt the changing lifestyle needs of the occupants, however, for the reasons I have set out I do not find that the proposal is respectful of the host dwelling and, taking into account the level of accommodation which would be provided, I do not find that this is likely the only scale of or design of extension which could appropriately accommodate the changing lifestyle needs of the appellant.
15. As a result of design and scale I find that the proposal would be contrary to SAMDev Policy MD2 which requires, for a proposal to be acceptable under CS Policy CS6, that it responds appropriately to the form and layout of existing development and reflecting locally characteristic architectural design and details as well as taking account of scale and proportion.

Conclusion

16. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR



Appeal Decision

Site visit made on 5 June 2024

by **Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE**

an Inspector appointed by the Secretary of State

Decision date: 1st July 2024

Appeal Ref: APP/L3245/W/23/3326630

Bicton Heath House, Knowsley Drive, Bicton Heath, Shrewsbury SY3 5DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Field, Minster Care against the decision of Shropshire Council.
 - The application Ref 23/00765/FUL, dated 20 February 2023, was refused by notice dated 23 June 2023.
 - The development proposed is the demolition of existing care home wing and proposed new build care home wing.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing care home wing and proposed new build care home wing at Bicton Heath House, Knowsley Drive, Bicton Heath, Shrewsbury SY3 5DH in accordance with the terms of application Ref 23/00765/FUL, dated 20 February 2023, subject to the attached schedule of conditions.

Application for costs

2. An application for costs was made by Minster Care against Shropshire Council. This application is the subject of a separate Decision.

Procedural matters/Background

3. The Council granted planning permission in 2021 for the "Erection of single storey and two storey extensions and reconfiguration of existing building to create a total of 29 bedrooms with en-suites; to include some demolition" (Ref. 21/01030/FUL) (2021 permission). This was a resubmission of previous planning permissions which had lapsed. I have no evidence to suggest that this permission has been implemented or that it remains otherwise than extant.
4. Prior to my determination of this appeal, the Council granted planning permission on 7 February 2024 for "Proposed demolition of existing care home wing and proposed new build care home wing (resubmission)" (Ref. 23/03972/FUL) (2024 permission). The approved development has a similar footprint and site layout to the appeal scheme and is of similar scale and mass. However, the fundamental difference with the appeal scheme is that the approved development has a different roof form which comprises a series of pitched roofs. I have no evidence to suggest that this permission has been implemented.

5. In my view, the above extant planning permissions constitute 'fallback' schemes and their relevance, where appropriate, is considered later in this Decision.

Main Issues

6. The main issues are:
- The effect of the proposed development on the character and appearance of the surrounding area.
 - The effect of the proposed development on the living conditions of prospective occupants with particular regard to open space.
 - The effect of the proposed development on the living conditions of the occupants of nearby dwellings with particular regard to overlooking and loss of privacy.
 - The effect of the proposed development on existing trees within the site.
 - The effect of the proposed development on highway safety and the living conditions of nearby residents with particular regard to parking provision.
 - The effect of the proposed development on the special interest of the non-designated heritage asset.

Reasons

Character and appearance

7. The appeal site comprises an existing care home located in a predominantly residential area and accessed off a cul-de-sac. The surrounding properties comprise predominantly detached two storey dwellings having pitched roofs with some bungalows on Knowsley Drive. A private car park is located to the east and separated from the appeal site by well-established hedgerow planting and fencing. Owing to the juxtaposition with surrounding development and existing boundary features, substantial views of the site are mainly restricted to those from the cul-de-sac forming Knowsley Drive.
8. The care home currently has 50 beds, across two sections comprising the 'main house' (which is the subject of the appeal proposal) and a relatively modern rear extension block. The 'main house' has 22 bedrooms and is identified by the Council as a non-designated heritage asset. The proposed development would involve the demolition of the 'main house' and the construction of a predominantly two storey replacement building with some single storey elements.
9. The proposed replacement building would provide 30 ensuite bedrooms and ancillary facilities including lounge rooms and would incorporate amenity spaces both as first floor terraces and shared external amenity space at ground level. The building would be constructed of red brick with some timber cladding and would have flat roofs, some of which would be provided as 'green' roofs. Overall, the design would comprise a modern contemporary building.
10. The Council considers that the appeal proposal would constitute overdevelopment and result in a built form having a cramped and dominating appearance.

11. In my view, the appeal site is sufficiently large to accommodate a building of the scale and mass of the appeal proposal without the development appearing cramped. The appeal proposal would result in predominantly extending to the front of the 'main house' into the existing car park area whilst still retaining car-parking provision. Moreover, the proposal would have a very similar footprint, scale and mass to the building approved as part of the 2024 permission with the material difference being the replacement of the flat roofs with pitched roofs. Whilst there would be some incursion of built development towards the western site boundary this would not be of a scale that would cause an appearance of overdevelopment.
12. Whilst I recognise that each proposal has to be considered on its own individual planning merits, the Council has previously accepted a redevelopment scheme at the site which has a very similar footprint, scale and mass to the appeal proposal before me. In these circumstances, I have no other substantive evidence to suggest that there are material considerations in the appeal proposal which would result in a cramped form of development beyond that which the Council has found acceptable in the 2024 permission.
13. The materials proposed to be used in the construction of the development are influenced by the local vernacular. Although the use of flat roofs are not a predominant feature in the locality, in this case they serve to reduce the height of the structure than would otherwise be the case with an alternative roof form. Furthermore, given the limited views of the appeal site from public vantage points and its juxtaposition with surrounding development, I do not consider that the use of flat roofs in this case would be materially detrimental to the character and appearance of the surrounding area.
14. In initial views of the appeal site on the approach from Knowsley Drive, the façade of the 'main house' is prominent but on closer approach it is apparent that the northern façade displays a number of haphazard extensions. The contemporary style of the proposed building would exhibit a more homogenous appearance and, for similar reasons as above, the juxtaposition with residential surrounding development would not cause its appearance to materially conflict with the character of the surrounding area.
15. As a consequence of the above, I am satisfied that the proposal would not constitute cramped and overdevelopment of the site. Furthermore, the contemporary design and use of flat roofs in this case would not cause material harm to the character and appearance of the site or the surrounding area. As such there would be no conflict with the relevant provisions of Policy CS6 of the Shropshire Core Strategy (Core Strategy) or Policy MD2 of the Site Allocations and Management of Development (SAMDev) Plan 2015.

Living conditions - prospective occupants

16. The Council indicates that the proposed development would not provide a satisfactory level of private amenity space and on-site open space for use by the current and prospective occupants of the care home. In particular, Policy MD2 of the SAMDev requires that open space of at least 30 square metres (sqm) per person should be provided to meet the local needs in terms of function and quality.
17. The Appellant considers that Policy MD2 is applicable to residential development and does not strictly apply to a care home setting. Furthermore,

my attention has been drawn to a High Court Challenge, R (Fraser) v Shropshire Council [2021] EWHC 31 (Admin), which related to the application of Policy MD2. The Court held that a scheme which does not provide the required 30 sqm of amenity space per person can nonetheless fully comply with the policy. The overarching test is whether the scheme provides a suitable amount of amenity space, and this involves a planning judgment to be made.

18. The Appellant suggest that the appeal proposal would provide 616 sqm of garden space with an additional 36 sqm provided in the external first floor balconies, bringing the total outdoor amenity space to 652 sqm. This is approximately a 6% decrease on the current provision. However, I accept the Appellant's view that the proposal would result in a significant improvement to the internal amenity space of the care home which would include a quiet lounge, dining room and secondary lounge on each floor. In addition, the prospective occupants would benefit from larger bedroom and ensuite bathrooms. External views from bedrooms would also be improved by the provision of larger windows which would likely be a benefit over the existing situation.
19. I am mindful that the 2021 permission would provide for 29 ensuite bedrooms with similar levels of open space to that which would be provided in the appeal proposal. Furthermore, the 2024 permission, which has a very similar layout and footprint to the appeal proposal, would provide for 30 bedrooms and has a similar amount of outdoor and internal amenity space. Therefore, the Council has previously accepted redevelopment schemes at the appeal site which provide a lower amount of amenity space to that referred to in Policy MD2.
20. In considering the amount of open space provided in the appeal scheme, the nature of the use must be taken into account. The Appellant indicates that the care home provides care for a mix of younger adults with mental health conditions and older residents with dementia, many of whom need close supervision and may have mobility issues. The use of the external amenity areas is co-ordinated to cater for variations in medication times, mealtimes and group activities. As such, not all residents would be able to use the external amenity areas at any one time.
21. Residents would not likely be seeking active open space but rather areas of social space which can provide places to sit and have some interaction with staff, other residents and visitors. Many would need assistance to access external areas. In this context, it is reasonable to conclude that a lower level of outdoor space would be acceptable.
22. Whilst the quantum of external amenity space would be slightly less than existing, the appeal proposals would result in predominantly extending the front of the building into the existing car park area and would not materially impact on the availability of external amenity space. The submitted landscaping plan demonstrates that there would be a degree of improvement to the quality of the external areas. Furthermore, there would be significant improvement in the quality of internal amenity space.
23. Taking into account the nature of the use and the improvements to internal amenity areas that would be provided, on balance, I am of the view that the amount of amenity space proposed would provide adequate living conditions for future residents and would represent a considerable improvement in the quality of such space beyond the current situation. Consequently, I do not

consider that the appeal scheme would materially conflict with the provisions of Policy MD2 of the SAMDev.

Living conditions – nearby residents

24. The existing building has a relatively large, two storey extension positioned to the front of the main entrance building (non-designated heritage asset) which would be retained as part of the extant 2021 permission. Although there are no windows on the western elevation of this extension it is positioned close to the site boundary with properties on Foxley Grove. The Appellant indicates that in parts the extension is less than 10m away from the façade of the nearest dwelling on Foxley Grove.
25. The appeal proposal would result in a flat roof single-storey element of the scheme being positioned close to the western site boundary with the nearest property on Foxley Grove with the 2-storey element being located further away to the east. The two storey elements of the appeal scheme would be set further back from the site boundary than the existing buildings. In my view, the appeal scheme would reduce any potential overbearing impact of the existing situation and that which may result as a consequence of an implementation of the 2021 permission.
26. On the western elevation there would be two windows at first floor level serving bedrooms 18 and 19. However, due to the orientation of existing dwellings on Foxley Grove, there would be no direct overlooking of the windows of the nearest properties. In this regard, the Appellant indicates that a separation distance of over 20m would be achieved and I have no evidence to suggest that this may be incorrect. Other windows at first floor level would serve a corridor and would be obscurely glazed. In addition, tree planting is proposed along the western boundary which would provide a degree of screening and negate opportunities for overlooking.
27. It is inevitable that there would be the potential for some degree of overlooking into the gardens of the nearest residential properties. However, I do not consider that this would be of any greater extent than would reasonably be typically expected to occur between residential properties in a suburban environment such as that in which the appeal site is located. As such, any overlooking of the gardens, would not cause a loss of privacy of an extent that would warrant the dismissal of this appeal on such ground.
28. Overall, I do not consider that the appeal proposal would result in any material overlooking or loss of privacy that would be of an extent to cause demonstrable harm to the living conditions of occupants of nearby residential properties. As such, there would be no conflict with the provisions of Policy CS6 of the Core Strategy, Policy MD2 of the SAMDev and paragraph 2.15 of the Type and Affordability of Housing, Supplementary Planning Document (2012).

Effect on trees

29. The submitted Arboricultural Impact Assessment (AIA) and Tree Survey demonstrate that the proposed development would require the removal of four individual trees. Two of these are identified as category B (moderate value) and two are category C (low value). I have no evidence to suggest that these trees are the subject of a Tree Preservation Order.

30. The Council's Tree Officer raised no objection to the proposed development but recognised that the loss of these trees would have a moderate impact on tree resource on the site and the wider area which would affect canopy levels and the amenity value provided by the trees. The Tree Officer identified that these concerns could be compensated through new planting but commented that the submitted landscaping plan did not show sufficient details of the proposed replacement planting.
31. The Appellant has submitted a tree planting scheme and planting schedule which identifies that nine replacement trees would be planted at a planting height of between three and four metres. In my view, the proposed planting adequately compensates for the loss of the four trees. Furthermore, given the proposed planting height, the replacement trees would make a significant visual contribution to the character of the site and surrounding area from the date of planting.
32. The Council has also raised concerns regarding proposed works within the Root Protection Area (RPA) of trees T4 and T6. The Appellant identifies that the RPA of these trees already consists of hardstanding which will be resurfaced as part of the proposed development. The AIA identifies that the original sub-base in the location of these trees will be re-utilised and, as such, there will be no need for any excavations within the roots and no likely damage to the trees.
33. Taking into account the evidence provided in the AIA, I consider that a suitable planning condition could be imposed requiring the submission of a method statement for the works proposed in the vicinity of the RPA and that appropriate arboricultural supervision is employed during the period of such works. Subject to the imposition of such condition, I am satisfied that the proposed development would have no material adverse impact on the RPA of trees T4 and T6.
34. The Council also raised concerns that the routing of the proposed drainage infrastructure would have a detrimental effect on the RPA of trees on the site. The AIA sets out that preferably works to install utility apparatus and drainage should be routed outside the RPA but if this is not possible then trenchless insertion methods or the use of hand tools, together with arboricultural supervision, would minimise any risk of root damage.
35. In my view, the use of the above methods to instal drainage systems within the proximity of RPAs is common on construction projects. I also note that the Council's Tree Officer did not raise any significant concerns regarding the proposed drainage installation. Furthermore, an appropriately worded planning condition could be imposed requiring the details of such works and securing arboricultural supervision during the relevant construction period.
36. Taking the above factors into account, I consider that the proposed replanting scheme would adequately compensate for the loss of the four trees and that appropriate measures can be employed, secured by an appropriate planning condition, to protect the integrity of the root system of trees that are to be retained. As such, there would be no material conflict with the provisions of Policies CS6, CS17 and CS18 of the Core Strategy and Policies MD2 and MD12 of the SAMDev.

Highway safety and parking provision

37. The Appellant indicates that there are currently 8 car parking spaces available within the appeal site. The proposal would increase the on-site parking provision to 13 spaces. The Appellant also indicates that the Council has no known policy requirements regarding the design and number of car parking spaces for a care home land use.
38. The Council has not drawn my attention to any particular car parking requirements that would be applicable to the development proposed, nor do I have any evidence that the current care home use results in cars having to frequently park on the nearby residential streets.
39. The submitted evidence suggests that the proposal would not require any additional staff during the daytime but would require one additional member of staff to be employed for night time duties. The Highways Supporting Statement (HSS) has considered the impact on car parking as a consequence of the additional proposed bedrooms using the TRICS Database. This identifies that the proposal would have a minimal impact on car parking requirement with a maximum of 1 to 2 additional vehicles spread across the working day.
40. Taking the above factors into account, I am satisfied that the proposed additional 5 car parking spaces would be sufficient to meet the likely increase in parking demand arising from the proposed development. Furthermore, the proposal would provide a degree of betterment in terms of the overall availability of car parking spaces from the number that currently exists.
41. Turning to traffic generation on the local highway network, the HSS demonstrates that the proposal would result in no increase in two-way trips on the AM peak (08.00 to 09.00) and would generate one additional trip during the PM peak (17.00 to 18.00). The HSS also identifies that the proposed uplift of eight care-home bedrooms is calculated as generating a total of 3 two-way trips in the busiest interpeak hours (14:00 to 15:00 and 15:00 to 16:00). This equates to an additional vehicle on the local highway network every 20 minutes and I accept the Appellant's view that this would result in a negligible impact on the local highway network.
42. Swept path analysis drawings demonstrate that the proposed layout provides satisfactory manoeuvring space for use by refuse collection and servicing vehicles.
43. I have no contrary evidence to suggest that the analysis contained within the HSS may be incorrect. In my view, the proposal would have negligible impact on the local highway network and would provide sufficient parking provision to accommodate the likely increase in parking demand arising from the additional eight bedrooms. Furthermore, I do not consider that the proposal would result in any demonstrable increase in on-street parking demand on the nearby residential area.
44. As a consequence of the above, the proposal would not be materially detrimental to highway safety or the free flow of traffic on the local highway network. As such, there would be no conflict with Policy CS6 of the Core Strategy.

Non-designated heritage asset

45. The part of the existing care home which is proposed to be demolished dates back to the mid-19th Century and is identified by the Council as a non-designated heritage asset. The proposal would result in a total loss of heritage significance of the building.
46. The submitted Heritage Statement identifies that, although the core of the building survives as a former country villa, the building has been significantly altered, including the façade and much of the interior. In particular, the former appearance of the north elevation has been largely altered to remove nearly all the intended faux-Medieval character. There is piecemeal survival of traditional features.
47. The Heritage Statement concludes that the current building is the shell of a 19th century former villa, with occasional survival of some traditional features of common type and materials. The building is considered to hold only a limited amount of evidential architectural interest and the Heritage Statement identifies that a low level of heritage significance remains. Overall, the proposal is considered to result in Less than Substantial Harm to the non-designated heritage asset, but this is a the very lowest part of that spectrum.
48. Paragraph 209 of the National Planning Policy Framework (the Framework) identifies that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Furthermore, Policy MD13 of the SAMDev identifies that proposals which are likely to have an adverse effect on the significance of a non-designated heritage asset will only be permitted if it can be clearly demonstrated that the public benefits of the proposal outweigh the adverse effect.
49. The appeal proposal will result in the complete loss of the non-designated heritage asset. Therefore, in accordance with the national and local policy background set out above it is necessary for me to consider, in the planning balance below, the public benefits of the proposed development in coming to a balanced judgement regarding the scale of any harm or loss and the significance of the heritage asset.

Other matters

50. I have taken into account the concerns of Shrewsbury Town Council, Shrewsbury Civic Society and local residents regarding, amongst other things, the loss of the designated heritage asset, loss of trees, loss of privacy, impact on wildlife, noise and disturbance from construction works and the effect on drainage infrastructure. Some of these matters have been considered above or can be made the subject of an appropriate planning condition which is considered below. Although the remaining matters have been carefully considered, they do not alter the main issues which have been identified as the basis for the determination of this appeal, particularly in circumstances where the Council's reasons for the refusal of planning permission does not identify any objection to the appeal scheme for these other reasons.
51. My attention has also been drawn to a recent appeal decision for redevelopment of a site at Market Drayton to provide a circa 60 bed care home (Ref. APP/L3245/W/23/3323546). However, I do not have full details of the

nature of the proposals or all of the circumstances and material considerations that were relevant to the determination of that appeal. Consequently, I cannot be sure that this is wholly representative of the circumstances in this appeal. In any case, this has not led me to a different conclusion on the main issues of this appeal which I have determined on its own merits.

Planning Balance

52. I have found that the proposed development would not be materially harmful to the character and appearance of the surrounding area, would not have a significant detrimental impact on the living conditions of the occupants of nearby residential properties and would make adequate provision for the parking of cars associated with the use of the extended care home. In addition, I am satisfied that the proposal would make adequate provision of internal and external amenity space for the use of the existing and prospective future occupants of the care home.
53. The proposed development would considerably improve the quality of accommodation for residents of the care home and provide significant benefits to residents and staff by virtue of the proposed purpose designed and built building that would provide enhanced facilities. It would provide the opportunity to improve the quality of the care that residents would experience. These are public benefits of the proposal to which I attach significant weight.
54. The proposal would result in the complete loss of the special interest of the non-designated heritage asset. However, the submitted Heritage Statement assesses the heritage significance of the building as low. In coming to a balanced judgement, and in the absence of any other material planning harm, I am of the view that the loss of the non-designated heritage asset is demonstrably outweighed by the public benefits of the proposed development. As such, the appeal should be allowed.

Conditions

55. I have considered the proposed planning conditions, including a number of pre-commencement conditions, that have been provided by the Council. I have considered these against the advice given in paragraph 56 of the Framework and the guidance contained in the section on 'Use of Planning Conditions' in the Planning Practice Guidance (PPG). Where necessary I have amended them in the interests of clarity, precision, conciseness or enforceability.
56. In addition to the standard time limit, I have imposed a condition (No. 2) relating to the approved plans in the interests of certainty. A condition is necessary requiring the submission and implementation of a Construction Method Statement in order to protect the living conditions of existing residents of the care home and the occupants of nearby properties (No. 3).
57. Also in the interests of protecting the living conditions of the occupants of nearby properties, a condition is necessary requiring the windows on the western elevation that are defined as 'windows to be obscured' to be retained as such (No. 13). However, the Council's suggested condition refers to a plan reference that does not appear to have been submitted by the Appellant in the appeal before me, nor does it appear to form part of the suite of plans submitted as part of the application on which the Council made its decision. Consequently, I have amended the suggested condition.

58. In order to ensure that surface and foul water can be adequately drained, a condition is necessary requiring the submission and implementation of a foul and surface water drainage scheme (No. 4).
59. In order to protect the character and appearance of the surrounding area, a condition is necessary requiring the submission of details of roofing and external wall materials (No. 5). For the same reason, a condition is necessary requiring the submission and implementation of details of hard and soft landscaping (No. 10)
60. Conditions are necessary to protect the integrity and health of trees that are to be retained and to ensure that appropriate arboricultural supervision is available both prior to, and during, the demolition and construction works (Nos. 6, 7 and 8).
61. A condition is necessary to ensure that an appropriate photographic survey of the internal and external features of the non-designated heritage asset is undertaken in order to record the historic fabric of the building prior to development (No. 9).
62. Conditions are also necessary to ensure the provision of roosting and nesting opportunities for bats and the submission and implementation of details of external lighting to minimise disturbance to bats (Nos. 11 and 12).

Conclusion

63. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be allowed.

Stephen Normington

INSPECTOR

CONDITIONS SCHEDULE

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed below.
 - Arbtech AIA 01 (based on 30810-NMA-110-Pr) Tree Planting Scheme
 - 30810-NNA-1110-P01 Proposed Ground Floor Plan
 - 30810-NNA-1125-P01 Proposed Ground Floor Plan Southern Wing
 - 30810-NNA-1130-P01 Proposed First Floor Plan Southern Wing
 - 30810-NNA-1105-PR-P01 Demolition Plan
 - 30810-NNA-1155-P01 Proposed Elevations Southern Wing
 - 30810-NNA-1120-P01 Proposed Roof Plan
 - 30810-NNA-1100-P02 Proposed Site Plan
 - 30810-NNA-1000-P02 Location Plan
 - 30810-NNA-PR-1115 REV P02 Proposed First Floor Plan
 - 30810-NNA-PR-1150 REV P02 Proposed Elevations and 3D Views
- 3) Prior to the commencement of the development, including any works of demolition, a Construction Method Statement shall have been submitted to, and approved in writing by, the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) measures to prevent the deposition of mud and dirt on the surrounding roads;
 - vi) measures to control the emission of dust and dirt during demolition and construction;
 - vii) measures to control the emission of noise during demolition and construction;
 - viii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - ix) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the demolition and construction period for the development.
- 4) No development shall take place until a scheme of foul drainage 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 occupied/brought into use (which ever is the sooner).

- 5) Prior to the commencement of above ground works, 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.
- 6) No development shall commence until a method statement for the protection of trees and their roots during demolition and construction work has been submitted and approved in writing by the local planning authority. The submitted statement should include details of the foundation design and installation method of below ground construction works and drainage and any other infrastructure. The development hereby permitted shall be undertaken in accordance with the approved method statement.
- 7) No ground clearance, demolition, or construction work shall commence until a scheme has been submitted to and approved in writing by the local planning authority to safeguard trees to be retained on site as part of the development. The approved scheme shall be implemented in full prior to the commencement of any demolition, construction or ground clearance and thereafter retained on site for the duration of the construction works.
- 8) Prior to the commencement of the development, including demolition works, a suitably qualified tree specialist shall be appointed to undertake supervision and monitoring of the tree protection works at pre-commencement stage and throughout the construction period as outlined in the method statement and submit to the local planning authority a satisfactory completion statement to demonstrate compliance with the approved tree protection measures.
- 9) No development approved by this permission shall commence until an appropriate photographic survey (Level 2 minimum), as defined in English Heritage's guidance 'Understanding Historic Buildings: A Guide to Good Recording Practice') of the interior/exterior of the non-designated heritage asset has been submitted to and approved in writing by the local planning authority.
- 10) No above ground works shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The details of the soft landscaping works shall make provision for the implementation of the details set out on Plan No. Arbtech AIA 01 (based on 30810-NMA-110-Pr) Tree Planting Scheme. The landscape works shall be carried out in full compliance with the approved plan, schedule and time scales. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.
- 11) Prior to first occupation/use of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the local planning authority. The following boxes shall be erected on the site:

- A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.

- A minimum of 6 swift bricks. Swift bricks should be positioned: 1) Out of direct sunlight; 2) At the highest possible position in the building's wall; 3) In clusters of at least three; 4) 50 to 100cm apart; 5) Not directly above windows; 6) With a clear flightpath to the entrance; and 7) North or east/west aspects preferred. (See <https://www.swiftconservation.org/Leaflet%204%20-%20Swift%20Nest%20Bricks%20-%20installation%20%26%20suppliers-small.pdf>)

- A minimum of 1 artificial nest, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific).

- A minimum of 1 artificial nests of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design).

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

- 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 by planning condition No. 11). 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) Prior to the commencement of the development details shall have been submitted to and approved in writing by the local planning authority showing the location and design details of the windows in the western elevation that are to be obscured. Such windows shall be permanently formed as a fixed light and glazed with obscure glass, with a transparency level of no less than 3, and shall thereafter be retained for the lifetime of the development. Other than as shown in the approved details, no further windows or other openings shall be formed above ground floor level in that elevation.

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Costs Decision

Site visit made on 5 June 2024

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

an Inspector appointed by the Secretary of State

Decision date: 1st July 2024

Costs application in relation to Appeal Ref: APP/L3245/W/23/3326630 Bicton Heath House, Knowsley Drive, Bicton Heath, Shrewsbury SY3 5DH

- 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 Minster Care for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of planning permission for the demolition of existing care home wing and proposed new build care home wing.
-

Decision

1. The application for an award of costs is partially allowed, in the terms set out below.

Procedural matter

2. Prior to my determination of this appeal, the Council granted planning permission on 7 February 2024 for "Proposed demolition of existing care home wing and proposed new build care home wing (resubmission)" (Ref. 23/03972/FUL) (2024 permission). The approved development has a similar footprint, internal layout and site layout to the appeal scheme and is of similar scale and mass. It also provides the same number of bedrooms and the same level of open space and car parking, the same loss of the designated heritage asset and provides for the same tree planting and drainage proposals.
3. The fundamental difference with the appeal scheme is that the approved development has a different roof form which comprises a series of pitched roofs but most of the other elements of the scheme are very similar to the appeal proposals. The granting of the 2024 permission is therefore relevant to my consideration of this application for an award of costs.

Reasons

4. The Planning Practice Guidance (PPG) advises that all parties are expected to behave reasonably to support an efficient and timely process. Where a party has behaved unreasonably and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs irrespective of the outcome of the appeal.
5. The planning application which was the subject of this appeal was refused by the Council for six reasons. These relate to the provision of on-site amenity space, tree impacts, car parking arrangements, design of the proposed new building, impact on neighbouring properties and the loss of a non-designated

heritage asset. The basis of the Appellant's application for an award of full costs is that, although the 2024 permission featured a different design, the principle of the loss of the existing building, provision of on-site open space, replacement tree planting and car parking provision were overcome in the revised application leading to the 2024 permission.

6. The Appellant contends that the Council continued to defend the relevant reasons for the refusal of planning permission in the appeal despite them being resolved as part of the revised application. Consequently, the Appellant considers that the appeal should only have focussed on the material differences in the design of the proposed building. As such, the Appellant contends that the Council has acted unreasonably in defending the other reasons for the refusal of planning permission in the appeal which has resulted in unnecessary expense being incurred.
7. In order to consider the individual merits of the Appellant's claim for an award of full costs it is necessary for me to consider each of the Council's reasons for the refusal of planning permission in turn, which I do below.

Reason for Refusal 1

8. The Appellant acknowledges that at the point the Council determined the appeal application there were few reasons put forward to support the contention that the proposal provided sufficient open space, albeit less than the requirements of Policy MD2 of the Site Allocations and Management of Development (SAMDev) Plan 2015. However, further supportive information was provided as part of the 2024 permission with particular regard to the quantity and quality of external and internal amenity areas and the manner which these areas would be used by residents of the care home. The Council accepted that this information was sufficient to enable compliance with Policy MD2 in the determination of the 2024 permission.
9. As part of the Appellant's Statement of Case in this appeal, submitted in July 2023, a considerable amount of the supportive information used in the 2024 permission submission was included. In my consideration of the appeal, I found that there are no material differences in the quantity, quality and usage of the external and internal amenity areas between the appeal proposals and that proposed in the 2024 permission.
10. Furthermore, the Council had also previously granted planning permission (Ref. 21/01030/FUL) (2021 permission) to extend the care home to provide for 29 ensuite bedrooms with similar levels of open space to that which would be provided in the appeal proposal. I have no evidence of the supporting information that may have been provided in that application which enabled the Council to confirm that there was no conflict with the provisions of Policy MD2. In any event, the 2021 permission is fundamentally a different design of development to that proposed in this appeal and the 2024 permission. However, it is entirely apparent that the Council had accepted on two occasions that a quantity of amenity space that was less than the 30 square metres (sqm) per person amount prescribed in Policy MD2 could be acceptable.
11. At the time the appeal application was determined by the Council it is clear to me that there was some deficiency in the supporting information to clearly explain how the amenity areas would be used by the residents of the care home. Against that background, I consider that it was reasonable for the

- Council to refuse planning permission on the grounds of conflict with the provisions of Policy MD2. Therefore, the submission of the appeal with regard to Reason for Refusal 1 could not have been avoided.
12. However, the Council determined the 2024 permission on 7 February 2024, some three weeks before the date (28 February 2024) of the Council's Statement of Case in this appeal. There are no material differences in the external and internal amenity areas between the appeal proposals and the 2024 permission. Therefore, in my view, the Council were fully aware that it had accepted that the amount of amenity space to be provided would be sufficient prior to the submission of its Statement of Case.
 13. However, the Council continued to defend Reason for Refusal 1 throughout the appeal despite the knowledge that the amenity space proposed had been deemed to be acceptable in the 2024 permission and that the similar supporting information had been provided in the Appellant's Statement of Case.
 14. My attention has also been drawn to a High Court Challenge, R (Fraser) v Shropshire Council [2021] EWHC 31 (Admin), which related to the application of Policy MD2. Although this is a material consideration to which I have made reference to in my Appeal Decision, it is not possible for me to draw any firm conclusions on the extent to which the Council may, or may not, have taken this into account in the consideration of the planning application. In any event, I am clear that at the time the Council determined the appeal application it did not have sufficient evidence as to why it was not necessary for the open space standards in Policy MD2 to be met.
 15. Against the above background, in my view, there was no reasonable basis for the Council to continue to defend Reason for Refusal No. 1 in the appeal following the determination of the 2024 permission. Therefore, with regard to this reason for refusal, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that an award of costs is justified. However, given the timing of events outlined above, such costs should be limited to those incurred only after the date that the Council determined the 2024 permission.

Reason for Refusal 2

16. The appeal planning application included a Landscaping Plan showing the position of new tree planting. However, the plan did not include details of tree species or planting heights. The Council's Tree Officer identified that the appeal proposals would have a moderate impact on tree resource which would affect canopy cover levels and public amenity to some degree. The Officer further identified that these impacts could be compensated for through new planting on the site but requested "full details of proposed tree species, planting stock, soil resource etc. to allow for an assessment on the sustainability and viability of on-site compensation planting".
17. In my view, the concerns expressed by the Tree Officer were not unreasonable given the close relationship of the appeal site with residential properties and the lack of such information on the Landscaping Plan. The Appellant contends that the submission of such details could have been made the subject of a planning condition and, in any event, the Council proceeded to determine the planning application without providing an opportunity for additional information to be provided.

18. In my view, there was nothing procedurally wrong in the Council's approach and position with regard to Reason for Refusal 2. There were justifiable planning grounds why further details of the planting were necessary and I consider, in these circumstances, that it would not be appropriate for such details to be deferred to a planning condition.
19. The evidence suggests that the comments from the Council's Tree Officer were provided on 29 March 2023 and were available to view online. As the planning application was not determined until 23 June 2023, I consider that the Appellant had ample time and opportunity to respond to the Tree Officer's comments. Therefore, I do not consider that there are any sustainable grounds to suggest that the appeal could have been avoided with regard to Reason for Refusal 2.
20. However, as part of the Appellant's Statement of Case further planting details were submitted in the form of a Tree Planting Scheme. This scheme was also submitted as part of the 2024 permission application. In determining the 2024 permission the Council considered that the submitted information was sufficient to enable it to deem that the information satisfactorily addressed the previously raised concerns in respect of trees.
21. Against this background, there was no justifiable basis for the Council to continue to defend Reason for Refusal 2 in the appeal following the determination of the 2024 permission. Therefore, the Appellant had no option other than to continue to contest this aspect of the Council's case in the appeal.
22. Consequently, in having to continue to contest Reason for Refusal 2, the Appellant has been faced with unnecessary expense. Therefore, with regard to this reason for refusal, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that an award of costs is justified. However, given the timing of events outlined above, such costs should be limited to those incurred only after the date that the Council determined the 2024 permission.

Reason for Refusal 3

23. In the application for an award of costs the Appellant has not submitted any material evidence to suggest that the Council's assertion that the proposal would constitute overdevelopment and result in a cramped and dominating appearance may have been unreasonable. In addition, no evidence in respect of this application for an award of costs has been submitted in respect of the Council's assertion that the proposal would result in overlooking of residential properties to the west.
24. Although there is little difference, if any, in external and internal layout and the footprint of the appeal proposal in comparison to the 2024 permission, there is a fundamental change in the design of the roof. The change to the roof between the two schemes is material and of such significance to suggest that it was entirely reasonable for the Council to come to a different conclusion on the appeal proposal and the 2024 permission.
25. The extent to which a proposed development impacts on the character and appearance of an area and may cause overlooking of an extent to warrant the refusal of planning permission is a matter of subjective planning judgement guided by policies contained within the development plan.

26. In my view, the Council properly considered the proposed development against the relevant policies contained within the Shropshire Council Core Strategy and the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan. It is a matter for the decision maker to consider the effect of new development on the character and appearance of an area and the extent to which overlooking may be caused and to the weight to be attached to these matters in that decision. Just because I found differently to the Council on these matters does not mean to say that it was wrong in its approach or subjective judgement regarding the consideration of the impact on character and appearance and the harm that overlooking may cause.
27. I have found that the Council had reasonable concerns about the harm to the character and appearance of the surrounding area and the effect on the living conditions of the occupants of nearby residential properties to the west of the site which justified its decision. Therefore, in my view, the appeal could not have been avoided.

Reason for Refusal 4

28. Although the Appellant has not provided detailed comments on this reason for the refusal of planning permission, it is nonetheless referred to several times in the general comments contained within the application for an award of costs. It is therefore incumbent on me to consider whether the Council's defence of this reason for refusal in the appeal constituted unreasonable behaviour.
29. The appeal proposal identifies that 13 car parking spaces would be provided, the same number as those proposed in the 2024 permission. Furthermore, I have no evidence to suggest that there are any material differences in the layout of the car parking spaces between the two schemes.
30. I accept that when the Council determined the appeal application it considered that insufficient information had been provided to demonstrate that adequate provision had been made to accommodate the likely parking demand and avoid the need for vehicles parking in the surrounding residential areas. In my view, this was a reasonable conclusion as there was little supporting evidence on parking and potential highway safety impacts submitted with the planning application. Therefore, I consider that the appeal could not have been avoided with regard to these matters.
31. However, as part of the Appellant's Statement of Case, a 'Highways Supporting Statement', dated 21 July 2023, was submitted to demonstrate that the proposed level of parking provision, 13 spaces, would be adequate to accommodate the likely demand and that there would be no other material impacts on the surrounding highway network. The same 'Highways Supporting Statement' was submitted with the 2024 permission application. In determining the revised application, the Council raised no objections to the level of parking provision, the parking layout nor did it raise any other matters in relation to highway safety.
32. Although the Council's Statement of Case made little comment on Reason for Refusal 4, it nonetheless did not identify that the evidence submitted in the appeal had satisfactorily addressed the car parking issue to the extent that it was no longer in a position to continue to defend this reason for refusal in the subsequent appeal proceedings.

33. It seems clear to me that the Council had accepted, well before my determination of the appeal, that the level of parking provision was appropriate based on very similar evidence, if not the same, that accompanied the Appellant's Statement of Case. Therefore, against this background, there was no justifiable basis for the Council continuing to defend Reason for Refusal 4 in the appeal following the determination of the 2024 permission.
34. Whilst I accept that the Council made little comment on this matter, it nonetheless did not identify that it was no longer in a position to defend Reason for Refusal 4 in the appeal in light of the previous acceptance of the submitted evidence in the 2024 permission. Therefore, the Appellant had no option other than to continue to contest those aspects of the Council's case in the appeal.
35. Consequently, in having to continue to contest Reason for Refusal 4, the Appellant has been faced with unnecessary expense. Therefore, with regard to this reason for refusal, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that an award of costs is justified. However, given the timing of events outlined above, such costs should be limited to those incurred only after the date that the Council determined the 2024 permission.

Reason for Refusal 5

36. The Council considered that insufficient details had been submitted to determine the effect of drainage installation on the root protection areas (RPA) of trees to be retained. An Arboricultural Impact Assessment (AIA) dated 27 February 2023 was submitted with the appeal planning application. The same Assessment was also submitted with the 2024 permission application.
37. The Assessment includes details of how works within the RPA could be undertaken without compromising the integrity of trees. However, the Council considered that these details were generic and not specific to the appeal proposal. As such the Council considered that this was not a matter that could be dealt with by the imposition of a planning condition.
38. Notwithstanding the Council's approach in the appeal scheme, in the determination of the 2024 permission I have no evidence to suggest that any further detailed information was submitted to supplement that contained within the AIA. The Council's Cost Response refers to further information but I have no evidence of what this may have been and the Appellant is also silent on this matter.
39. In the determination of the 2024 permission, the Council imposed a planning condition requiring the submission of a method statement for the protection of trees and their roots during demolition and construction. In the determination of the appeal, I found that the AIA was a suitable basis to consider the matter but I also imposed a similar planning condition.
40. On the basis of the evidence before me, I am unaware of any other material evidence that was submitted in the consideration of the 2024 permission to that which was submitted with the planning application which is the subject of this appeal. There was no justifiable basis for adopting a different approach in the consideration of the 2024 permission to that in the appeal application when the relevant supporting evidence was essentially the same. In my view, the

RPA matter was entirely capable of being dealt with by means of an appropriate condition which is exactly what the Council did in the consideration of the 2024 permission.

41. Consequently, in having to contest Reason for Refusal 5, the Appellant has been faced with unnecessary expense. Therefore, with regard to this reason for refusal, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that an award of costs is justified.

Reason for Refusal 6

42. The Appellant considers in that determining the appeal application, the Council did not appropriately weigh the benefits of the proposal against the loss of the non-designated heritage asset, which is contended to be of very low level of heritage significance. As such, the Appellant contends that the Council failed to correctly apply the provisions of Policy MD13 of the SAMDev.
43. The appeal application was accompanied by a Heritage Statement. The same statement was submitted with the 2024 permission application. In terms of the benefits of the proposal, there is no material difference between the planning benefits to care provision that would ensue between the two schemes.
44. The Council suggests that further documents were submitted in the 2024 permission application to address the previous reasons for refusal but I have no evidence to suggest what these may have been, if any, in relation to Reason for Refusal 6.
45. On the basis of the evidence before me, it does appear that the Council adopted a different approach to the weighting of the benefits of the proposal in the consideration of the appeal proposals to that in the determination of the 2024 permission, even though the underlying evidence base was predominantly the same.
46. However, I accept the Council's assertion that in making a planning decision the weight to be applied to material considerations is a matter for the decision maker. The Council has suggested that there were material differences in the supporting information that demonstrated the benefits of the proposals between the two schemes. Whilst I have no evidence to indicate the nature or content of such additional supporting information, I have no contrary evidence to suggest that the Council's contention that additional supporting evidence in the 2024 permission application was provided may be incorrect.
47. On this basis, I have to accept that the Council, as decision maker, applied the weight it considered appropriate at the time to the planning benefits based on the evidence that was before it also at the time. Although the Appellant contends that the amenity benefits of the appeal proposal are set out in the Design and Access Statement, I do not consider that this document provides an authoritative basis to correlate the benefits of the development design to care need benefits.
48. I recognise that there may be some potential concerns regarding the consistency of the Council's decision making on these schemes with regard to heritage impact. However, on the basis of the evidence before me, I am unable to reach a substantiated conclusion that the Council applied inappropriate weighting in relation to the material benefits of the appeal

scheme when considered against the provisions of paragraph 209 of the National Planning Policy Framework and Policy MD13 of the SAMDev. Therefore, in my view, the appeal on this matter could not have been avoided.

Conclusion

49. With regard to Reasons for Refusal 3 and 6, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.
50. With regard to Reasons 1, 2 and 4, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated. With regard to these matters, a partial award of costs is justified but such costs should be limited to those incurred only after the date (7 February 2024) that the Council determined the 2024 permission.
51. With regard to Reason for Refusal 5, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and a partial award of costs is justified.

Costs Order

52. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Shropshire Council shall pay Minster Care the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred in contesting those aspects of the Appellant's case in the appeal that related to Reason 5 of the refusal of planning permission and those costs incurred from 7 February 2024 only in continuing to contest those aspects of the Appellant's case in the appeal that related to Reasons 1, 2 and 4 of the refusal of planning permission, as set out on the Council's Decision Notice.
53. The Appellant is now invited to submit to the Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Stephen Normington

INSPECTOR



Appeal Decision

Site visit made on 25 June 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th July 2024

Appeal Ref: APP/L3245/W/23/3331170

Northcote, Aston Square, Aston, Oswestry, Shropshire SY11 4LR

- 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 Mr Humphrey against the decision of Shropshire Council.
 - The application Ref is 23/01904/OUT.
 - The development proposed is erection of a detached bungalow following demolition of the existing workshop building.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline, with all matters reserved. I have therefore taken any details pertaining to the reserved matters, as shown on the submitted drawings, to be for indicative purposes only.

Main Issue

3. The main issue is whether the appeal site is suitable for the proposed development, having regard to local and national policy.

Reasons

4. The appeal site is in the hamlet of Aston Square. It adjoins a small cluster of dwellings beyond which are buildings set sporadically within the wider surroundings. The site contains a single storey corrugated iron-clad building, formerly used as a workshop, and an associated vehicle ramp and hard surfacing.
5. Policy CS5 of the Core Strategy (CS) allows new development in the open countryside only where it maintains and enhances countryside vitality and character and would improve the sustainability of rural communities through economic and community benefits.
6. Policy MD7a of the Site Allocations and Management of Development Plan (SAMDev) states that, further to CS Policies CS5 and CS11, new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres, Community Hubs and Community Clusters. It indicates that suitably designed and located exception site dwellings and residential conversions will be positively considered where they meet evidenced local housing needs and other relevant policy requirements.

7. There is no robust evidence before me that demonstrates that the appeal site is in a Community Hub or Community Cluster or that it is for anything other than an open market dwelling. Consequently, the proposal fails to accord with CS Policy CS5 and SAMDev Policy MD7a as it is not in a location identified for new market housing.
8. Oswestry, the nearest settlement to the appeal site containing shops and services, would be accessed, in part, along unlit roads subject to the national speed limit and without a footway. As a result, it is unlikely that the occupants of the proposal would walk to Oswestry, particularly during times of darkness and inclement weather. The speed of vehicles along the route is likely to be off-putting for all but the most competent and confident cyclists. Furthermore, there is no evidence before me that the occupants would have access to a frequent bus service from nearby bus stops, thereby providing a realistic alternative mode of transport. Consequently, the future occupants would be highly dependent on the use of private cars for their day-to-day needs.
9. The National Planning Policy Framework (the Framework) highlights, at paragraph 83, that to promote sustainable development in rural areas, housing should be located where it will enhance and maintain the vitality of rural communities. In view of the accessibility concerns I have identified, the benefits of the proposal due to the support it would give to services in a nearby settlement would be minimal.
10. Accordingly, for the reasons given above, I conclude that the appeal site is not suitable for the proposed development and is contrary to CS Policies CS5, CS6 and CS17, SAMDev Policies MD2 and MD7a and the Framework.
11. The reason for refusal also refers to the Type and Affordability of Housing Supplementary Planning Document. However, no evidence has been presented that would lead me to conclude that the proposal is contrary to the guidance set out within it.

Other considerations

12. I have had due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010. This sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic (in this case disability) and people who do not share it.
13. The proposed dwelling would provide purpose-built accommodation that could meet the accessibility needs of the appellant at ground floor level in a location where he has lived for a long period of time. However, this is set against the harm arising from the appeal site being poorly related to the settlements identified for growth and the associated conflict with the overall Development Plan. Furthermore, it has not been satisfactorily demonstrated that, if the appeal were dismissed, that there are no other appropriate alternatives to provide accessible accommodation for the appellant. Therefore, dismissal of the appeal is a proportionate response.
14. The proposal would, through the delivery of an additional housing unit, contribute towards the Frameworks aim to boost the supply of housing. It would also add to the mix and type locally available. However, the Council state that it has a five-year housing land supply, which is not disputed by the

appellant. As such there is nothing before me to suggest that current policy is not providing enough housing to meet the requirements for the area. I therefore attach limited weight to the provision of one dwelling as proposed. Benefits to the local economy would also be limited due to the small scale of the scheme.

15. The proposal would result in the removal of a building and an associated structure that are in a relatively poor state of repair and are utilitarian in appearance. Consequently, the appeal site currently does not positively contribute to the open rural setting. Nonetheless, the proposed dwelling is likely to have a greater scale and massing than what is currently on site and would introduce domestic paraphernalia and activity. Therefore, whilst the site adjoins other dwellings and is previously developed land, the proposal would represent an unacceptable encroachment into the open countryside that would have a detrimental effect on the local landscape character.
16. The appellant has referred to SAMDev Policy MD3, which states that planning permission will be granted for sustainable development on unallocated sites, and its explanatory text which explains that windfall housing development is important. However, even if I were to find that SAMDev Policy MD3 offers some support for the proposal, this would not outweigh the policy conflict that I have identified.

Other Matters

17. There has been some support of the appeal proposal, including from Oswestry Rural Parish Council. However, such public support does not justify the harm identified.

Conclusion

18. The development conflicts with the development plan when considered as a whole and there are no other considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
19. I therefore conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR

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