



Shropshire Council
Legal and Democratic Services
Guildhall,
Frankwell Quay,
Shrewsbury
SY3 8HQ

Date: Monday, 7 July 2025

Committee: Northern Planning Committee

Date: Tuesday, 15 July 2025

Time: 2.00 pm

Venue: The Shrewsbury Room, The Guildhall, Frankwell Quay, Shrewsbury, SY3 8H

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 Service Director – Legal, Governance and Planning

Members of the Committee

Julian Dean (Chairman)
Mark Owen (Vice Chairman)
Andy Davis
Rosemary Dartnall
Greg Ebbs
Brian Evans
Adam Fejfer
Gary Groves
Ed Potter
Rosie Radford
Carl Rowley

Substitute Members of the Committee

Caroline Bagnall
Thomas Clayton
Jamie Daniels
Craig Emery
Rhys Gratton
Nick Hignett
Alan Holford
Brendan Mallon
Vicky Moore
Wendy Owen

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

To confirm the Minutes of the meeting of the North Planning Committee held on 17th June 2025, 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 12 noon on Wednesday 9th July 2025.

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 Land Adjacent Former Tern Hill Quarry, Tern Hill, Market Drayton, Shropshire (24/03087/EIA) (Pages 1 - 26)

Mineral extraction of sand and gravel to form a northwest extension of the former Tern Hill Quarry with phased restoration using imported inert material to reinstate agricultural land after operations with solar development; site management, access and associated infrastructure

6 Proposed Residential Development Land Adjacent Holmleigh, 34 Shrewsbury Road, Hadnall, Shropshire (25/00908/FUL) (Pages 27 - 38)

Erection of 2No. dwellings and associated landscaping

7 Riverside Shopping Centre, Pride Hill, Shrewsbury, Shropshire (25/02137/AMP) (Pages 39 - 46)

Non Material Amendment for amendments to the approved staircase and lift shaft between the park area and Frankwell foot bridge, the relocation of internal plant equipment, addition of bullnose ends to steps and the relocation of 1 no. new tree attached to previously approved planning permission reference 24/03681/VAR - Variation of condition no. 2 (approved drawings) attached to planning permission 23/05402/FUL (as amended by 24/03682/AMP).

8 Appeals and Appeal Decisions (Pages 47 - 80)

9 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, 19th August 2025 in the Council Chamber, The Guildhall, Shrewsbury.

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Committee and date
Northern Planning Committee
15 th July 2025

Development Management Report

Responsible Officer: Tim Collard, Service Director - Legal and Governance

Summary of Application

<u>Application Number:</u> 24/03087/EIA	<u>Parish:</u>	Stoke Upon Tern
<u>Proposal:</u> Mineral extraction of sand and gravel to form a northwest extension of the former Tern Hill Quarry with phased restoration using imported inert material to reinstate agricultural land after operations with solar development; site management, access and associated infrastructure		
<u>Site Address:</u> Land Adjacent Former Tern Hill Quarry Tern Hill Market Drayton Shropshire		
<u>Applicant:</u> Grundon Sand And Gravel Ltd		
<u>Case Officer:</u> Kelvin Hall		<u>email:</u> kelvin.hall@shropshire.gov.uk

<u>Grid Ref:</u> 365140 - 330726
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REPORT

Recommendation: That delegated authority is given to the Planning Services Manager to grant planning permission subject to the completion of a Section 106 agreement and the conditions in Appendix 1 and for any minor changes to conditions as required.

1.0 THE PROPOSAL

- 1.1 This application seeks planning permission for a sand and gravel quarry on land adjacent to the former Tern Hill Quarry. It is proposed to extract approximately 1.2 million tonnes of sand and gravel from the site, over a period of 15 years at around 80,000 tonnes per annum. The land would be restored to back to similar ground levels through the importation of inert restoration materials, following which stripped soils would be reinstated and the land returned to agricultural use. Mineral extraction would progress across the site in phases such that extraction would only take place in one phase at a time. Once the full depth of extraction in each phase has been reached, infilling would commence in that phase, followed by final restoration. The proposal includes the installation of solar panels on part of the site, principally to provide power for the site, but also to supply electricity back to the grid. A site office and car parking areas would be sited at part of the site to support the operation. This would be removed at the end of the extraction and infilling operations.
- 1.2 The solar panels would be installed at the south-western corner of the site once those phases (1 and 2) have been restored) They would have a capacity of approximately 1.9MW and a maximum height of approximately 2.9 metres. A security fence of 2.4 metres height would be installed around the panels. Supporting structures would include a transformer to be located at the western side of the site, to a maximum height of 3 metres.
- 1.3 Pre-application engagement: The applicant has undertaken pre-application community engagement, which has included holding a consultation event in the local area; a separate meeting with local residents. In addition, they liaised with the Ministry of Defence and the Ministry of Justice in relation to the proximity of the site to the RAF facility and the young offender institution. The applicant also engaged with the Council's pre-application advice service. This is all in line with NPPF recommendations in order to identify potential issues at an early stage of the planning process.
- 1.4 Environmental Impact Assessment (EIA): Shropshire Council issued an EIA Screening Opinion in 2023, ref. 23/03098/SCR, which confirmed that the proposed development, due to factors such as its nature and scale, would need to be accompanied by an EIA. The planning application includes the required EIA documents. These include an Ecological Assessment; Hydrological Impact Assessment; Transport Statement; and Noise and Dust Assessments.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is located approximately 2.5km to the south of Market Drayton. It is approximately 17 hectares in size, comprising a relatively flat arable field. The site adjoins the boundary of the former Tern Hill Quarry to the south-east, where sand extraction ceased approximately ten years ago. The north-western boundary of the site is formed by a hedgerow beyond which is Warrant Road, a public highway. On the opposite side of this road is the Tern Hill airfield forming part of the RAFs Tern Hill base. To the north is a haulage yard and a number of dwellings, beyond which is the A41 trunk road. To the south is the HMP Stoke Heath, which is a HM prison and young offenders institution.

2.2 Access to the field is currently gained from Warrant Road to the west. It is proposed that this access would be stopped up and a revised access would be formed a few metres further to the north.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The application constitutes a major development; and the officer recommendation is contrary to the views of the parish council. The Planning Services Manager in consultation with the Chairman and Vice Chairman, and taking account of the views of the local Member, consider that a determination by Planning Committee is appropriate.

4.0 Community Representations

4.1 The comments below summarise the consultee responses and public representations that have been received. The full comments can be viewed on the Council's online planning register, at:
[Simple Search](#)

-Consultee Comments

4.1.1 Stoke upon Tern Parish Council Objects.

Traffic and Pedestrian Movements - The Parish Council considers that the proposed vehicle sizes and future movements are of concern as the southern end of Warrant Road extends down to Stoke on Tern and crosses over a very weak and narrow bridge. Therefore all vehicle movements from the site will need to turn right onto the A41 only.

However the existing junction of the A41 and Warrant Road is already 'not fit for purpose' and the additional traffic movements that this Application would generate would exacerbate this unless substantial highway infrastructure investments were included in the scheme. It is NOT considered that traffic management proposals alone would address this matter.

Such is the concern over the A41 that the Parish Council is a founder member of the A41 Campaign Group established with neighbouring parishes to secure traffic

movement changes and additional resources from the Highway Authority and Police and Crime Commissioner, specifically to address the speed and dangers along the A41, and the junctions associated with it. In terms of Warrant Road, the Parish Council has consistently, and over a long period of time, been raising concerns about the condition of the highway infrastructure on the road, and in particular its future capacity that would result from the developments along and adjoining the road that are already included in both the Neighbourhood Plan and SAMDEV local plan.

The footpath along Warrant Road alongside the airfield has deteriorated to such an extent that pedestrians are forced to walk in the highway and there is very real 'anecdotal' evidence of some dangerous near misses from people making their way to and from the bus stop on the A41. This is the only public transport connection to Shrewsbury and Market Drayton and beyond for pedestrians and is used by both parishioners and visitors to both the Prison and the leisure facilities at the Maurice Chandler Centre on Warrant Road.

Noise and Dust – The nature of this rural area has the potential to be significantly impacted by the proposed development, especially the nearby properties and the Prison under this Application as it is not considered that the hours of working nor the environmental screening mitigation are sufficient. Also the lack of a clear and specific link between the working and restoration phases also has the potential to result in large exposed areas of worked out land if the back-filling lags behind the excavation, which would give rise to further dust issues.

Additional concerns – The Planning Authority should give consideration and request a new planning application for the restoration of the site and solar developments from the applicant.

4.1.2 **Sutton upon Tern Parish Council** (adjacent Parish Council – boundary is A41) Objects.

The potential large increase in HGV movements are a real concern to the Parish Council. The Parish Council already know there have been issues at the junction on the A41 with accidents plus the road surface often breaks up due to existing farm and HGV traffic already. This will only make the situation worse if not addressed by the application as the plan shows 80 tonne plus loads per vehicle with 30 to 60 movements per day.

The transport assessment highlights the speed around the junction but concludes the average 50 to 54 mph is acceptable. Given the A41 issues with speeding this is an unacceptable increase in potential lethal accidents as has been evidenced through the A41 Campaign Group Chaired by Cllr Rob Gittins the local member covering Sutton upon Tern

If Shropshire Council are minded to grant permission the Parish Council would find it desirable that the 40 mph limit be moved to before the junction and that the

carriage way break up concerns/issues should be overcome and addressed.

Finally, the Parish Council would require a restriction order placed on HGV movements related to any permission if granted along Sutton Road opposite the Warrant Road junction. It is the Parish Council's experience that when there are major blockages elsewhere on the road network Sutton Road acts as a 'Satnav' alternative route, so will be really tempting for the HGV's from the site to head down Sutton Road if blockages do occur. Clearly No HGV signs would be needed and erected along this route with proper enforcement.

Until assurances can be made to the Parish Council on the above matters the Parish Council's position is to formally Object

The Parish Council further requests that the Police and Crime Commissioners (PCC) Office be asked for their observations on the highway concerns highlighted as the PCC's office has been involved in the A41 Campaign Group to help secure resources to address some of the traffic issues on the A41.

In view of both any potential site operational matters proposed and the potential site after use the Parish Council would also urge if Shropshire Council have not already done so to contact RAF Shawbury, in view of the fly zones in the area and asked to comment on the above application.

4.1.3 **Environment Agency** Recommends conditions.

We acknowledge that, since issue of the Hydrogeological and Hydrological Assessment, a further eight boreholes (twelve total) have been drilled on site, between depths of 8.74 m and 40.51 m, within the Chester Formation. Five boreholes proximal to the development within the Bridgnorth Sandstone Formation monitored by the Environment Agency (EA) have also been considered, ranging in depths of 4.47 m to 91.5 m. The EA third party boreholes have been used to determine a 5-to-10-year cyclical trend which shows a variation of 2 m. Smaller seasonal variations are also observed on and off site.

The EA boreholes within the Bridgnorth Formation reflect the wider groundwater flow direction to the west southwest, while on site boreholes show a local trend towards the southeast. It is confirmed that the maximum groundwater elevations at the site are between 72 mAOD and 75 mAOD. Hydraulic connection between the Chester and the Bridgnorth formations is assumed. Groundwater contours for the site are presented in Drawing 3347/TN/03 and 3347/TN/04.

Working depths are proposed in Drawing 3347/TN/05 which are based upon maximum groundwater elevations of 72 to 75 mAOD and include around 1 m unsaturated zone above this. Elevations proposed are highest to the west at 75.5 mAOD (for Phases 1, 2, and 10), and falls to 75.1 mAOD in the centre (Phases 3, 4, 8, and 9), and 74.9 mAOD in the east (Phases 5, 6, and 7), reflecting the falling groundwater elevations in the same direction.

The working depths proposed appear acceptable in principle. The applicant should operate the site to ensure working depths are not compromised. The development has been assessed and conceptualised on the basis that no subwater table operations are to occur. Any permissions granted should include relevant conditions to ensure the quarry is worked dry (above the groundwater table level).

We note that as the mineral is to be dry screened only, there will be no requirement for silt lagoons or other significant water related infrastructure on site.

It is recommended that conditions are imposed to cover the following matters:

- Working to adhere to phasing and depths as shown on submitted plans;
- Submission for Water Monitoring Scheme for approval
- Requirements for oils, fuels and chemicals storage

Pollution control

Site operators should incorporate pollution prevention measures to protect ground and surface water. Pollution prevention guidance can be viewed at: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

Restoration and Landfilling

We note that phased restoration to original ground levels is proposed aided by the importation of a similar quantity of inert materials with reinstatement to agriculture. The inert materials, which will “include surplus materials from local building projects are expected to be imported from approximately year 3 onwards to allow phased restoration back to agricultural uses part of which will include a solar array”...“using imported inert materials under an appropriate permit from the Environment Agency”. We also note that (section 3.1 of the HIA) overburden will be temporarily stored in perimeter bunds and subsequently used in the restoration of the previous extraction phase. We would confirm that a Permit for recovery/deposit/inert landfilling is required for the proposed restoration. We would recommend that the applicant contacts our National Permitting Service for further advice. The required Environmental Permit (EP) would control future landfilling/deposit for recovery operations along with associated emission to land air and water as part of that regulatory regime. A Bespoke EP may invoke additional mitigation measures such as engineering on site. The applicant is advised to contact the Environment Agency on 03708 506 506 for further advice. The applicant should be aware that there is no guarantee that a permit will be granted. Further guidance is at: Environmental permits - GOV.UK Environmental permitting: landfill sector technical guidance - GOV.UK Deposit for recovery operators: environmental permits - GOV.UK

Flood Risk and water quality enhancement

As confirmed in the ES, the site is located entirely within flood zone 1, which is low risk. We therefore have no comments to make on this element. Surface water quantity/control matters should be addressed your Floods Section.

After restoration, we note that clean surface water runoff will either infiltrate the

topsoil, the well-drained perimeter profile, or reach the existing waterbody to the east.

The EIA classifies the likelihood of surface water contamination as low, suggesting with a gentle slope and vegetation along the site boundary, any fine particles suspended in the run-off will be captured. Consequently, the risk of sediment being carried off-site by run-off is deemed to be low.

Further to our EIA scoping advice (extract below) we would encourage the applicant to include some small open waterbodies and/or swales to provide wider ecological (BNG) and water benefits into the wider restoration scheme. 'We would expect the restoration plan to include some enhancement for wildlife, including water based habitat, not just reinstatement for agriculture etc. We would lead and comment on those protected species within our remit and recommend that a restoration plan should be provided which includes wetland restoration, pool fringe habitat and potential for small pool creation and scrub habitat suitable for water based species etc'

4.1.4 SC Regulatory Services No objection.

Having reviewed the information provided with this application we have no objection to the principle of the scheme. However, due to the nature of this commercial enterprise there will be scrutiny on the impact of noise and dust on local residents. The consultants reports have offered mitigation measures to reduce noise and dust from the site and these should be conditioned to ensure the maximum protection to residents.

4.1.5 Historic England No specific comments.

4.1.6 SC Conservation No objection. There would be no harm caused to any designated heritage assets.

4.1.7 SC Archaeology Recommends a condition.

Part of the site was subject to an archaeological desk-based assessment and field walking survey in 2011 which recovered a number of small finds, including two small, probable prehistoric flint flakes, one of which has been burnt, a small piece of lead casting waste and a piece of clay tobacco pipe stem. Other than these four findspots there are currently no other historic environment records relating to the proposed development site. The historic field pattern indicates that the land was enclosed from former open heathland in the 18th or early 19th century, and both the Tithe Map and historic editions of the Ordnance survey map indicate that it was occupied by plantation woodland throughout most, if not all, of the 19th century.

The geophysical survey report concluded there was a lack of evidence of concentrated activity to suggest settlement or industrial foci within the proposed development site, however there is a caveat that the low background magnetic

susceptibility of the natural geology may have obscured some features. The cultural heritage assessment concludes there is low potential of archaeological remains within the site but note that the assessment is limited by the lack of archaeological work in the area. The direct impact on any potential archaeology would be adverse and permanent, due to the nature of mineral extraction.

Officers broadly concur with the assessments but consider the proposed development site to have low to moderate archaeological potential.

Recommendation: The geophysical survey report and cultural heritage assessment are sufficient to satisfy the requirements of Policy MD13 and NPPF paragraph 207 (heritage assessments). Thereafter, it is advised in relation to Policy MD13 of the Local Plan and the NPPF that a condition to secure phased programme of archaeological work be included on any planning permission for the proposed development. This should comprise a trial trenching evaluation of the site area (minimum 2% sample plus contingency) in the first instance, followed by a strip, map and record exercise if necessary.

The recommended condition is included in Appendix 1.

- 4.1.8 **MOD - Defence Infrastructure Organisation (DIO)** No objection subject to conditions.

Location and Safeguarding Zones

The site lies within statutory safeguarding zones for Tern Hill Airfield, which is operated by RAF Shawbury for helicopter aircrew training. It also falls within zones protecting the West Wide Area Multilateration (WAM) network, a technical asset used for air traffic management. The site is also partially within the statutory birdstrike safeguarding zone associated with RAF Shawbury.

Statutory Aerodrome Height and Technical Safeguarding Zones

Aerodromes are safeguarded to maintain aviation safety. The proposed development includes structures like security fences, solar panels, an office, a transformer and soil bunds. The bunds would have a maximum height of 2.5 – 3 metres. Further information is required to ensure that any potential effects of the development on the operation and capability of Tern Hill Airfield are identified. It is recommended that a planning condition is imposed to require the submission of a quarry management strategy for approval which identifies the various structures, both permanent and temporal, that might be erected.

Generic Aerodrome Safeguarding and Air Safety Issues

The Dust Assessment and Dust Management Plan do not consider the potential for dust to affect the operation of helicopters at Tern Hill Airfield. It is recommended that a planning condition is imposed to require the submission and approval of an updated Dust Management Plan to set out measures to control, prevent or suppress dust.

Statutory Birdstrike Safeguarding Zone.

The development may result in the creation of an environment attractive to those large and/or flocking bird species that may be hazardous to aviation safety, such as from soil stripping and storage, hedgerow planting and management of land around the solar panels. It is recommended that a condition is imposed to require the submission of a Site Management Plan for approval.

The recommended conditions are included in Appendix 1 below.

- 4.1.9 **Natural England** No site-specific comments provided. General advice provided as summarised below:

Biodiversity Net Gain in Minerals and Waste Sites: *Natural England expects all minerals and waste developments to deliver net gain; restoration should align with strategic landscape frameworks and local policy objectives.*

Restoration schemes must include: clear biodiversity net gain objectives; ecological links to existing habitats and green infrastructure; access to public rights of way where relevant.

Best and most versatile (BMV) agricultural land: *NPPF policies re BMV should be applied. Soil surveys may be required to inform planning decisions.*

Soils: *Advice on soil handling and management should be sought.*

Expansion of Extraction area: *Natural England would have no objection if the increase in extent would not directly impact designated sites (SSSIs, SPAs, SACs, Ramsar). Indirect impacts must be assessed and mitigated, including: groundwater; surface water; pollution from mineral washing; noise; lighting; dust; functionally linked land.*

Restoration: *Restoration may be to agriculture, semi-natural habitats or a mixture of the two.*

Aftercare and Long-Term Management: *Proposals should detail both short-term (5 years) and long-term management. Legal agreements (e.g. s106) should secure funding and responsibilities, including contingencies.*

Habitats Regulations Assessment (HRA): *Planning authorities must ensure no adverse effects on European sites.*

- 4.1.10 **SC Ecology** Recommends conditions.

Biodiversity Net Gain

A net gain of 18.92 (35.02%) habitat units and 3.05 (63.55%) hedgerow units will be provided on-site. As the BNG is considered to be significant, a s106 will be required to secure the BNG for 30 years. For a medium site (10-20ha) of moderate technical

difficulty, the BNG monitoring fee will be £19750.83.

The level of ecological survey work undertaken is satisfactory. Conditions are recommended to cover the following matters:

- Submission of a Construction Environmental Management Plan for approval*
- Requirement for work to be undertaken in accordance with the Ecological Appraisal, incorporating Biodiversity Net Gain Statement*

4.1.11 SC Landscape Recommends conditions.

We have reviewed the LVIA addendum (March 2025) by Felstone Consulting, along with the Advance Planting Plan (ref: LVIA-17), Cross Section of Site (ref: 0793/1/5H), and updated photography sheets.

We are content that the recommendations made in our previous review (October 2024) have been adequately addressed and that the LVIA may be relied upon to form a planning judgement.

Should the authority be minded to approve the application we recommend that conditions are imposed to require that the advance planting is implemented prior to the commencement of the development; and that a landscape implementation and maintenance plan is submitted for approval.

4.1.12 SC Trees Recommends conditions.

The additional arboricultural information which sets out why a greater than 15m root protection area (RPA) radius is not needed for sycamore tree Sy1 is accepted. The proposed methodology to improve ground conditions and reduce water deficit during operation around Sy1, by mulching with woodchip and watering through an irrigation system (to be installed), is also accepted. It is agreed that the final details can be provided in an arboricultural method statement, secured as a condition of planning permission.

The advance tree and hedge planting and gapping up which is proposed is considered beneficial and is supported. Whilst sufficient detail has been provided regarding the species, numbers, type and size of planting stock to be used, it is noted that final details are still required regarding means of planting for the hedging and a specification for the tree pits, along with details of mulching and support and protection for the planted hedging and trees. A programme of post-planting maintenance is also required.

Conditions have been recommended to require implementation of the tree protection measures; the submission of an Arboricultural Method Statement; and the submission of a landscaping scheme.

4.1.13 SC Highways Recommends conditions.

The proposal site is currently agricultural land. It is located within Stoke Heath, approximately 2km south east of Tern Hill. The proposals are for an extension to a former quarry off Warrant Road for mineral extraction of sand and gravel.

The Applicant proposes to extract a known sand resource from an area of approximately 17.2 hectares (42.5 Acres) of agricultural land situated on the western boundary of the former Tern Hill Quarry. It is proposed that 1.2 million tonnes of sand and gravel will be extracted on the basis 80,000 tonnes of material out per year and similar for inert materials for backfilling. The extraction would take place over ten phases with restoration to agricultural uses at approximately current ground levels with the use of imported inert restoration materials. It is proposed that the quarry would operate for 264 days a year and for 10 hours per day with operations expected to last 15 years.

Site Access and Road Network

It is proposed that the site will be accessed via a new priority junction with Warrant Road to the west of the site. Warrant Road is subject to the national speed limit with a width of 5.5m – 5.7m along the frontage of the site. To the north, Warrant Road forms a priority junction with the A41.

The TS includes details of a speed survey which was undertaken within the vicinity of the proposed access on Warrant Road in March 2023. This shows an 85th percentile speed of 54.7mph in the southbound direction and 50.7mph in the northbound direction. Visibility splays have therefore been shown commensurate with Manual for Streets 2 criteria, SC have reviewed the data within Appendix B and consider this acceptable. It is noted the 85th percentile speeds are lower than the national speed limit which Warrant Road is subject to.

Road Safety

Accident data has been obtained from Crashmap for the latest five year period along Warrant Road, within the vicinity of the proposed site access and the junction with the A41. The data shows that 4 PIA's occurred within the vicinity of the A41 junction, 3 serious and 1 slight. The TS states that these collisions involved cars with the slight PIA involving a motorcycle and car. Along Warrant Road, 1 slight PIA was recorded at the junction to the south of the proposed site within HMP Stoke Heath which included a cyclist and car. 3 of the accidents occurred in 2021 and 1 in 2020. The accident record does not identify a material highway safety concern in relation to the development proposals.

Sustainability

There is a footway on the western side of Warrant Road which links with an existing footway on the southern side of the A41. This leads to existing bus stops located on the A41. There are no formal facilities for cyclists in the vicinity of the site. The nearest bus stops to the site are approximately 1km to the north on the A41. These are served by bus route 64 which provides an hourly service between Hanley and Shrewsbury. It is considered that the site has limited access to sustainable travel.

Paragraph 3.11 in the TS states that “The majority of employees are expected to drive to and from work. Car sharing will be encouraged in order to reduce any traffic impact, and it is considered that traffic generation from employees is insignificant.” The planning application form shows that the proposals are expected to generate 5 full time positions and 6 part time positions. Therefore SC consider the impact of these trips as minimal however encourage the promotion of car sharing.

Parking

The proposals plan shows the provision of 12 car parking spaces including 1 disabled bay and 2 electric vehicle charge spaces. This provision is considered acceptable based on the proposed number of employees and allowance for visitors.

Proposed Access

The proposed site access arrangement is shown at Appendix D of the TS. It shows a 10m wide access with 12m radii. Visibility splays of 4.5m x 165m to the south and 4.5m x 186.6m to the north are shown. SC have reviewed the calculation sheet for the visibility splays and consider these acceptable and in line with acknowledged criteria.

Swept path analysis has been provided for a large tipper vehicle. This shows that a large tipper would be able to enter and exit the site in forward gear. SC have reviewed the swept path analysis and consider this acceptable. It is considered that a large tipper would also be able to adequately manoeuvre at the junction of Warrant Road and the A41.

It is noted that there is a wheel wash facility proposed within the site close to the proposed access. This provision is welcomed by the LHA.

Trip Generation

Table 5.1 in the TS shows that based on mineral extraction (20t per load) of 80,000 tonnes per annum and inert material for backfill (18t per load) of 80,000 tonnes this would result in a total of 64 daily HGV trips. These movements have been split across a 10 hour day which shows 8 HGV trips in the AM peak and 8 HGV trips in the PM peak. The TS states that these figures are robust as they do not consider the backloading of inert materials. In addition to the HGV trips, the site is expected to generate 20-30 light vehicle movements per day. The LHA have reviewed the trip generation and it is considered that the proposed traffic generation can be adequately accommodated on the local highway network.

It is recommended that conditions are imposed to require that the access, visibility splays and internal access road and parking areas are completed prior to commencement of mineral extraction; and that HGVs are routed to and from the A41.

4.1.14 SC Drainage No objections.

The proposals are unlikely to significantly increase flood risk and therefore are

acceptable.

4.1.15 **HMP Stoke Heath** Recommends conditions.

HMP Stoke Heath is an adult male, category C prison and Young Offenders Institution. The main vehicular access to the prison is via Warrant Road to the west of the site. The prison is located within an enclosed fence line with staff car parking located along the northern boundary of the establishment between the prison and the application site. The land surrounding the prison is predominantly greenfield, agricultural land. There are approximately 800 prisoners based at the establishment on a full-time basis and approximately 500 members of staff. The wide-ranging benefits that the proposed development would deliver are recognised, and the consultation and response to HMPPSs concerns that the applicant has undertaken is appreciated.

Noise: *The Noise Assessment identifies the prison as a sensitive noise receptor. The report confirms that the impact at any receptors is likely to be moderate/minor and that a good standard of amenity can be achieved. Mitigation is also proposed in the form of soil bunding on the application site. It is requested that operations do not take place on Saturdays until 9.00am to reflect the later wake-up time of prisoners at the weekend.*

Ongoing Communications: *HMPPS would welcome regular communications with the applicant and the operational team, particularly in the early stages of extraction, to ensure that any issues that arise are addressed at the earliest opportunity. It is recommended that an Operational Steering Group is set up to meet regularly to help to safeguard the effective functioning of the establishment whilst operations are ongoing.*

Dust Management: *It is recommended that a condition is imposed to require that the Dust Management Plan is adhered to.*

4.2. **-Public Comments**

4.2.1 The application has been advertised by site notice, and also in the local press as a major application. Three public objections have been received, on the following grounds:

- Too close to houses in Dutton Close
- Increased threat to safety and long term health of residents from pollution, noise, dust and traffic
- Impact on children with respiratory issues and elderly with heart conditions and asthma
- Already have regular accidents happening on Warrant Road
- Impact on wildlife

5.0 **THE MAIN ISSUES**

- 5.1
- Principle of development

- Site design
- Landscape and visual considerations; agricultural land quality
- Historic environment considerations
- Residential and local amenity considerations
- Highways and access considerations
- Ecology issues
- Pollution, flood risk and drainage considerations

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Applications for planning permission should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan policies relevant to the current proposal are discussed below. In addition to these, the National Planning Policy Framework (NPPF) sets out the Government's planning policies and this is a material consideration which should be taken into account in the determination of this application. Further national policy guidance is provided by National Planning Policy Guidance (NPPG).

6.1.2 Development Plan: The Development Plan for the area includes the Core Strategy, The SAMDev Plan and the Stoke upon Tern Neighbourhood Plan.

6.1.2 Minerals policy: Core Strategy policy CS20 seeks to ensure a sustainable approach to mineral working which balances environmental considerations against the need to maintain an adequate and steady supply of minerals. It indicates 'broad locations' for the future working of sand and gravel. The proposed site lies within one of these broad locations. SAMDev Plan policy MD5 states that the supply of sand and gravel should be provided in the first instance from existing permitted sites and then from allocated sites. The application site is not an allocated site, however part 3 of MD5 allows for other sites to come forward where it can be demonstrated that:

i. the proposal would meet an unmet need or would prevent the sterilisation of the resource; and,

ii. the proposal would not prejudice the development of the allocated sites;

or,

iii. significant environmental benefits would be obtained as a result of the exchange or surrender of existing permissions or the site might be significantly more acceptable overall than the allocated sites, and would offer significant environmental benefits.

6.1.3 In terms of i and ii above, the submitted Planning Statement sets out how the proposed development would meet an unmet need during the period of the current Development Plan. The allocation at Wood Lane, Ellesmere is currently operational. The other two allocations – at Gonsal Quarry and Morville Quarry – would not be expected to supply the same market area as the Tern Hill proposal. As such the current application would not prejudice the development of these allocated sites.

6.1.4 In terms of iii, the benefits of the proposal are discussed further below and include significant levels of biodiversity net gain and the provision of solar panels to offset

carbon emissions from the proposed operation and provide renewable electricity to the grid.

- 6.1.5 Waste infilling policies: SAMDev Plan policy MD15 states that proposals for new landfill sites will only be supported where: there is no viable alternative form of waste management higher up the waste hierarchy; it would provide a solution for waste generated in Shropshire or for cross boundary waste flows; the additional capacity generated would not prejudice the completion or restoration of existing landfill and landraising sites. National Planning Practice Guidance states that former mineral sites may also be restored as a landfill facility using suitable imported waste materials as an intermediate stage in restoration prior to an appropriate after use (NPPG Minerals, para. 045).
- 6.1.6 A Market Review report has been submitted with the planning application. This identifies that the main sources of inert waste arisings for the site would be Shropshire, Cheshire and Staffordshire. It has assessed existing landfill capacity within the proposed catchment area, and seeks to estimate the likely levels of inert waste which is likely to arise in the future. It concludes that there is a decline in landfill capacity for each of these counties, and that there is a clear need for additional inert fill capacity in north Shropshire and that the proposed site would make a significant contribution to meeting this need. It should be acknowledged that waste arisings fluctuate for a number of reasons, including the economic situation and the level of construction activity. However, based on the Market Review, Officers consider that the need for additional capacity has been demonstrated.
- 6.1.7 Stoke upon Tern Neighbourhood Plan: This also forms part of the Development Plan for this area. The Plan does not include any specific policies for the site. However policy D1 requires that new development must deliver good quality design. Policy BE1 supports development that contributes to diversification of the rural economy, subject to it respecting local character, residential amenity and highway safety. Policy NE1 supports net gains in biodiversity.
- 6.1.8 NPPF: The NPPF emphasises the importance of ensuring a sufficient supply of minerals to provide the infrastructure and buildings that the country needs (paragraph 222). In addition, paragraph 224 states that great weight should be given to the benefits of mineral extraction, including to the economy. The Council's Planning Policy team confirmed at pre-application advice stage that they view the proposal in a positive way as it meets current policies [and those of the emerging Local Plan if it is adopted after examination]. They highlighted that policy CS20 states "Priority will be given to environmentally acceptable restoration and aftercare proposals which can deliver targeted environmental or community benefits consistent with Policies CS8, CS17 and CS18". They noted at that time that the approach adopted in the existing Local Plan and the emerging draft is one that seeks to meet the requirements set out in the NPPF by relying heavily on windfall sites such as the current application.
- 6.1.9 Draft Local Plan: The draft Local Plan was submitted for Examination in 2021.

Following a number of public hearing sessions which were held following this, the Examination Inspectors advised that they have a number of concerns over the soundness of the draft Plan. In response to this it is the intention that it is withdrawn. Cabinet agreed on 12th February 2025 that the evidence base supporting the draft Local Plan is a material consideration in decision making on relevant planning applications, to support the implementation of the presumption in favour of sustainable development.

6.1.10 The soon-to-be withdrawn draft Local Plan does not propose to allocate any further land for mineral extraction. Instead, it proposes that there would be reliance on windfall sites. It proposes to do this by taking forward the existing adopted SAMDev Plan policy MD5. Notwithstanding the current intention to withdraw the draft Local Plan, the Council's intended policy direction reflects that of current adopted policy.

6.1.11 Planning policy situation summary:

In summary, the proposal would provide mineral which would support construction activities in the area; and provide an outlet for inert construction and other inert wastes arising locally. The proposal constitutes a windfall site for which there is policy support in principle subject to compliance with other Development Plan policies, and as a minerals site its location is not in conflict in principle with countryside protection policies such as Core Strategy policy CS5.

6.1.12 SAMDev Plan policy MD17 states that applications for minerals development will be supported where it can be demonstrated that potential adverse impacts can be satisfactorily controlled. In addition, paragraph 224 of the NPPF states that there should be no unacceptable adverse impacts on the environment; that emissions are controlled, mitigated or removed at source; and that restoration and aftercare is provided for at the earliest opportunity. These matters are discussed below.

6.2 **Site design**

6.2.1 The planning application is accompanied by an Environmental Statement which identifies the potential impacts of the mineral extraction and infilling operation. These include matters relating to groundwater resources; bird strike hazard; ecology; visual and amenity issues; and highway safety.

6.2.2 The design of the proposal incorporates the following to minimise these potential impacts:

- limiting extraction to above the groundwater level to avoid the creation of further water bodies, and negate bird strike risk;
- provision of buffer zones from residential properties to minimise disturbance and create ecological enhancement;
- phasing of operations so that only one area is being excavated at any one time.

6.2.3 The initial works would include advance boundary planting of trees and hedgerows, including along the north-western boundary and northern boundary. This work is for visual screening and also to provide some mitigation of potential noise and dust

impacts. Soil stripping would occur at the commencement of each phase, with soils then stored in temporary bunds. The mineral would be worked 'dry', i.e. above the level of the groundwater. Infilling would take place using inert materials, sourced from building projects in the local area. This would reinstate the excavated areas back to similar ground levels as existing. The long-term objective is that the land would be returned back to agricultural use.

6.2.4 The overall design of the site, including phasing, soil storage, and method of extraction is acceptable.

6.2.5 Solar panels: The proposed solar pv panels would cover an area of approximately 0.7 hectares at the south-western side of the site. These would be installed on a phased basis. They would provide electricity to power elements of the proposed quarrying operation such as the dry screener, offices and weighbridge. Any excess would be exported to the national grid.

6.2.6 Tree protection: The Council's Tree Officer raised concern over the potential impact of extraction operations on the root protection area of a category A sycamore tree which is situated within the site. In response the applicant has put forward a revised design which would afford additional protection to this tree, and this is now acceptable.

6.3 **Landscape and visual considerations; agricultural land quality**

6.3.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets.

6.3.2 The Landscape and Visual Impact Assessment has been updated to provide greater clarity on mitigation following comments from the Council's landscape consultant. In visual terms, the visibility of the quarry would be restricted by the existing vegetation around the site and the additional hedgerow planting that is proposed. The most significant visual impacts would be on those residents to the north, where these would be expected to be moderate adverse. These would become neutral after final restoration of the land. Mitigation would include temporary soil storage bunds, peripheral hedgerow planting, and hedgerow management to allow growth to 3 metres high. The applicant has confirmed that advanced planting would take place at the north and north-eastern boundaries of the site adjacent to the nearest dwellings, prior to the commencement of any mineral extraction operation, in order to provide maximum time for screening to develop. This can be required as part of a planning condition. In summary, the proposed development would have moderate adverse visual effects in relation to residential properties to the north and north-east. However the mitigation put forward is appropriate and it is not considered that these impacts would be unacceptable.

- 6.3.4 Agricultural land quality: The submitted agricultural land classification report includes the results of a site survey which confirms that all of the site is Grade 3a land quality. Best and most versatile (BMV) agricultural land is that which is classed as either Grade 1 (excellent), 2 (very good) or 3a (good). The proposal would therefore result in the temporary loss of BMV.
- 6.3.5 Paragraph 187 of the NPPF states that planning decisions should recognise the economic and other benefits of BMV agricultural land. In relation to the current application, the loss of BMV land is a disbenefit of the proposal. However, this would be offset by the economic benefits of working the mineral resource, and the temporary nature of the proposal. Once the land has been restored it would be returned to agricultural use. It is anticipated that the restoration and aftercare period would ensure that the land would be returned to the same quality as prior to mineral extraction.
- 6.4 **Historic environment considerations**
- 6.4.1 Core Strategy policies CS6 and CS17 and SAMDev Plan policies MD2 and MD13 require that development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design, and that harm or loss is avoided.
- 6.4.2 Archaeology: The submitted Cultural Heritage report includes the findings of an archaeological evaluation at the site and identifies the likely level of archaeological importance. Based upon this, the Council's Archaeology team consider that the site is likely to have low to moderate archaeological potential. They have recommended that a condition is imposed to require that further archaeological evaluation is undertaken in advance of the commencement of operations, with the extent of such work to be agreed with the Local Planning Authority. This is in line with NPPF guidance.
- 6.4.3 Built heritage: The Cultural Heritage Assessment acknowledges that there is a Grade II listed milestone situated at the junction of Warrant Road and the A41. The setting of the milestone is specifically related to the road it is associated with. The Assessment states that the proposed development would have no adverse effects upon the significance of the asset. The Council's Conservation Officer concurs with this.
- 6.5 **Residential and local amenity considerations**
- 6.5.1 Core Strategy policy CS6 seeks to safeguard residential and local amenity. Paragraph 198 of the NPPF requires that planning decisions ensure that development is appropriate for its location taking into account the likely effects of pollution on health and living conditions.
- 6.5.2 Noise: A noise assessment report has been submitted as part of the planning application. This takes into account soil bunds to a height of 3 metres which would form part of the site design, and the existing barrier along the boundary of the young offenders institution. Machinery to be used on site would include an excavator;

wheeled loaders; screening plant; HGVs for transportation; and tippers and dozers for infilling. The report states that the noise impact from the proposed activities would be 'slight' and therefore acceptable in planning terms.

- 6.5.3 Dust: The submitted Dust Assessment has looked at potential impacts in relation to particulate emissions. It has concluded that, subject to the site being operated in accordance with the Dust Management Plan, there would be a negligible impact for the majority of nearby receptors. It states that is the possibility of slight adverse effects during phases 7-9, i.e. those phases closest to residential receptors. It recommends additional dust suppression during these phases. Mitigation measures include seeding of soil storage bunds; and the use of water sprays on haul roads. A condition can be imposed to require that the Dust Management Plan is updated to include consideration of potential impacts on users of the adjacent airfield, as recommended by the MoD.
- 6.5.4 Hours of operation: It is recommended that a condition is imposed to define the permitted hours of operation of the proposed development to minimise local amenity impacts. In response to concerns of the HMPPS the applicant is agreeable to working not taking place until 9am on Saturdays, with no operations taking place on Sundays.
- 6.5.5 Glint and glare: A Glint and Glare Assessment has been undertaken to look at potential implications of the proposed solar panels on local land users such as residents, road users and aviation receptors. Mitigation is required to restrict impacts on road users of Warrant Road, and this includes allowing hedgerows to grow to 3 metres high along the western boundary of the site. The Assessment states that, after consultation with the Defence Infrastructure Organisation, the impacts on Tern Hill Airfield have been deemed acceptable.
- 6.5.6 Ongoing liaison with the local community: Given the nature and duration of the proposed development it is considered that it would be appropriate to require that a Liaison Group is set up to provide a suitable forum for discussing and addressing any issues which may arise. The Group would be composed of key local stakeholders which might include members of the parish councils, representatives of the HMPPS; the local Member; together with the applicant and Council officers as appropriate. Details of this can be agreed as part of a planning condition.
- 6.6 **Highways and access considerations**
- 6.6.1 The proposed access design is considered to be suitable for the intended type of vehicles and includes satisfactory visibility splays. It is anticipated that HGVs would approach the site via the A41 to the north, and then leave the site back towards the A41.
- 6.6.2 The Transport Assessment (TA) states that the combined total HGV movements of both the mineral extraction operation and the infilling operation could be 64 per day (32 in; 32 out). It states that these levels are likely to be lower than this, as there would be the opportunity for backfilling of loads to occur. The TA states that the

proposed development would result in a 2.9% increase in HGVs travelling from the site to the A41, and a 2.2% increase in HGVs travelling in the opposite direction.

- 6.6.3 The Council's Highways Officer has reviewed the TA and advises that the proposed level of traffic generation can be adequately accommodated on the local highway network. The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios. In relation to this test, Officers conclude that the proposal is acceptable in highways terms.
- 6.6.4 The concerns of the Parish Councils are acknowledged. In terms of HGV routing, this would be directly to/from the A41 to the north and this is the most direct route to the primary road network. It is not proposed that HGVs would travel to/from the south via Stoke on Tern. A condition can be imposed to require signage to be erected to direct drivers to turn right out of the quarry. The Highways Officer acknowledges the accident data in the area that has been included in the TA and confirms that this does not signify a material highway safety concern at the Warrant Road/A41 junction. The footway on the western side of Warrant Road does appear to be overgrown in places. However, this is a highways maintenance issue and would not warrant refusal of the current application.
- 6.7 **Ecology issues**
- 6.7.1 Core Strategy policy CS17 (Environmental Networks) seeks to protect and enhance the diversity, high quality and local character of the natural environment, and to avoid significant adverse impact on environmental assets. SAMDev Plan policies MD2 and MD12 require that development enhances, incorporates or restores natural assets.
- 6.7.2 Habitats and protected species: The Ecological Assessment which is based upon an ecological survey of the site concludes that the loss of the arable habitat would result in slight to moderate negative impact, but that this would be compensated for through the creation of new habitats and hedgerows.
- 6.7.3 The Ecological Assessment has not identified that the proposals would result in any direct impact on protected species, such as bats and great crested newts. The sycamore tree provides valuable foraging habitat for bats, and this tree would be retained. It has recommended a number of measures to minimise general disturbance, and a planning condition can require that these are adhered to. In addition, detailed measures for ecological protection can be agreed as part of a Construction Environmental Management Plan.
- 6.7.4 Biodiversity net gain (BNG): The statutory requirement is that developments provide 10% BNG. Ecological enhancement works would include the planting of new native hedgerow along the northern boundary of the site, and the creation of gorse shrub habitat elsewhere. This would result in a BNG of approximately 35%. As advised by the Council's Ecologist, the management and monitoring of this

would be secured through a Section 106 agreement.

6.8 Pollution, flood risk and drainage considerations

6.8.1 Core Strategy policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. SAMDev Plan policy MD2 requires that developments incorporate sustainable drainage techniques into site design.

6.8.2 The site is located within an area of low risk for flooding. Surface water would be managed such that it is prevented from discharging off site. The maximum depth of mineral extraction would be above the water table level and there would therefore be no impact on groundwater flows.

6.8.3 The infilling, or 'land recovery', element of the proposed would entail inert wastes only, i.e. materials such as bricks, construction and demolition wastes and uncontaminated soils. These materials would not result in pollution of water resources. As noted by the Environment Agency (EA), an Environmental Permit would be required from the EA for this infilling operation. This Permit would control the detailed elements of this operation, including the types of waste materials that could be imported and how the activity is managed. Paragraph 201 of the NPPF states that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions where these are subject to separate pollution control regimes. This is the case here. The infilling of the excavated areas with inert waste is acceptable in principle and the EA permitting regime would ensure that satisfactory pollution controls are in place.

7.0 PLANNING BALANCE AND CONCLUSION

7.1 The proposed sand and gravel quarry adjacent to the former Tern Hill Quarry represents an appropriate windfall opportunity for the supply of minerals to Shropshire and surrounding areas. The phased design of the site would help to minimise disturbance in the local area. The proposed phased restoration of the site using imported inert materials would facilitate an acceptable reinstatement of the site back to agricultural use. The potential impacts on the local area, which includes an RAF facility, a young offenders institution and dwellings, can be mitigated and minimised to an acceptable level through site management controls which can be secured by planning conditions. In terms of heritage assets, archaeological interest can be addressed through further evaluation work. The proposed route for HGVs directly to and from the A41 is acceptable in highways terms. There would be some impacts on the local area due to the nature of the proposal, such as from the visibility of the operation and additional traffic levels. However it is considered that these would be mitigated to an acceptable level when balanced against the benefits of the proposal. These benefits include the creation of five full time jobs directly, with a further six part-time indirect positions; a significant level of biodiversity net gain; and the provision of renewable energy from solar panels.

7.2 Officers conclude that the proposal is in line Development Plan and national

planning policy, and recommend that planning permission is granted subject to the completion of a Section 106 agreement and the imposition of planning conditions to cover the matters set out in Appendix 1.

8. Risk Assessment and Opportunities Appraisal

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.

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.

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. Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

Core Strategy and Saved Policies:

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

CS18 - Sustainable Water Management

CS20 - Strategic Planning for Minerals

MD2 - Sustainable Design

MD5 - Sites for Sand and Gravel Working

MD12 - Natural Environment

MD13 - Historic Environment

MD15 - Landfill and Land Raising Sites

MD 17 - Managing the Development and Operation of Mineral Sites

Relevant Planning History:

23/03098/SCR Environmental Impact Assessment Screening Opinion for proposed northwest extension to the former Tern Hill Quarry EIA 7th September 2023

23/04547/SCO Environmental Impact Assessment Scoping Opinion for proposed northwest extension to the former Tern Hill Quarry SCO 15th January 2024

SC/MN1997/0210/NS Extension of time to November 2007 for the extraction of sand under existing planning permission MN91/0030/NS PERMIT 31st December 1997

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SHW83RTD07V00>

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 David Walker

Local Member

Cllr Donna Edmunds

Appendices

APPENDIX 1 - Conditions

APPENDIX 1 – Section 106 agreement provisions and *Conditions*Section 106 provisions

Biodiversity Net Gain – management and monitoring

Planning Conditions

Commencement within three years

Approved plans

Notification of commencement of working in each phase

Time limit for cessation of mineral extraction

Time limit for completion of restoration works

Submission of details of boundary treatments for approval

Submission and implementation of WSI

Submission of quarry management strategy for approval

Submission of dust management plan for approval

Submission of details of soil management and storage scheme for approval

Submission of water monitoring scheme for approval

Submission of landscaping scheme for approval, to include specific matters requested by MOD

Submission of landscape implementation and maintenance plan for approval

Submission of Construction Environmental Management Plan for approval

Submission of details of HGV directional signs for approval

Submission of HGV routing and monitoring plan for approval

No development until advance planting has been completed

Submission of details of construction and treatment of soil bunds for approval

Tree protection measures to be implemented

Submission of Arboricultural Method Statement for approval

Submission of details of Quarry Liaison Group for approval

Adherence to Tree Protection Plan

Submission of restoration scheme for approval

Submission of aftercare scheme for approval

Completion of access, visibility splays and internal access and parking areas prior to commencement

Stopping up of existing field accesses to the site

HGV routing to and from the site via A41 only

Limit on tonnage of mineral to be exported per year

Records of tonnage of mineral to be kept and supplied on request

Hours of operation

Adherence to specified working depths

Oil, fuels and chemicals storage restrictions

Adherence to recommendations of Ecological Appraisal

Operations to accord with approved phasing and layout plans

Wheel cleaning system to be employed

Soil storage and mineral stockpiles shall not exceed 5 metres in height

No retail sales of sand or other materials from the site

No soils to be removed from the site

Removal of solar panels within 30 years



Committee and Date

Northern Planning Committee

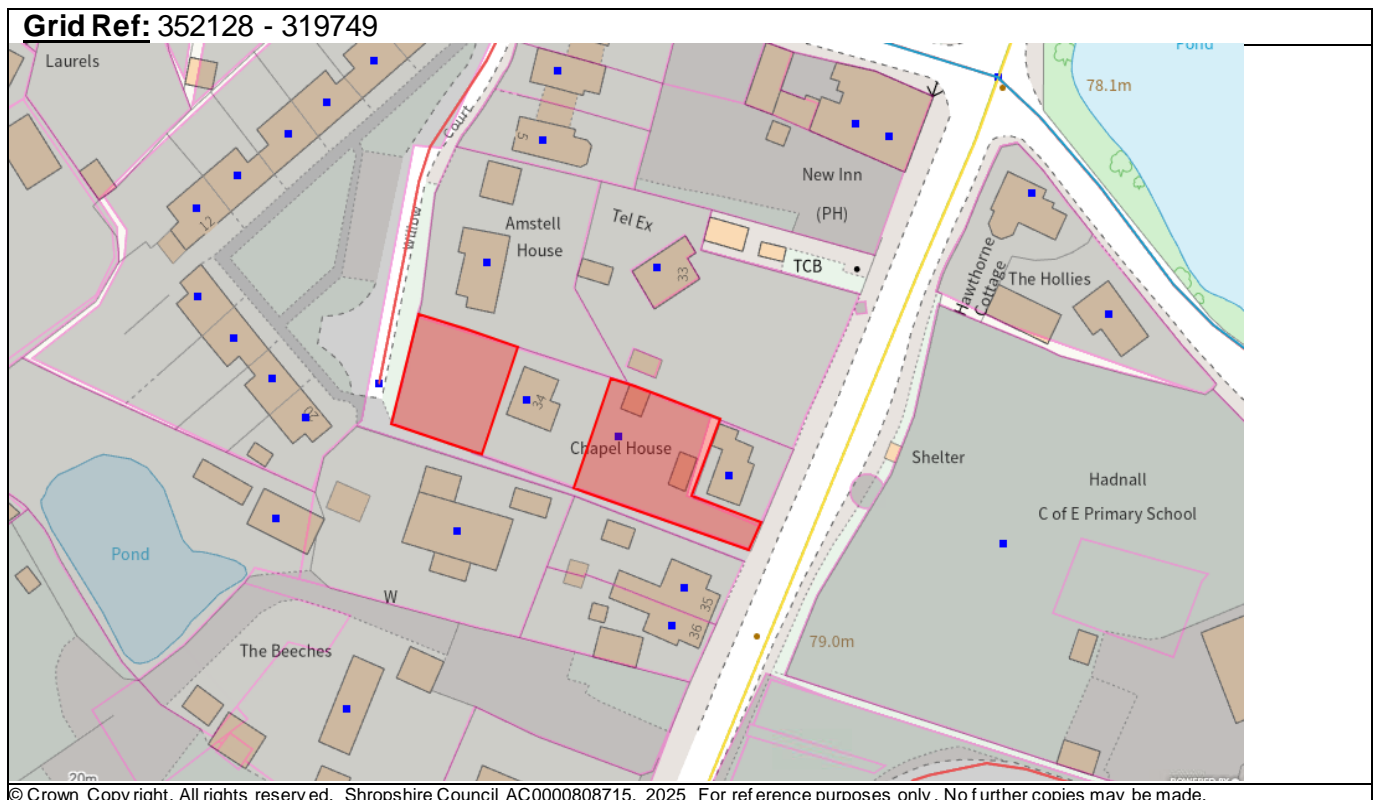
15th July 2025

Development Management Report

Responsible Officer: Tim Collard, Service Director - Legal and Governance

Summary of Application

<u>Application Number:</u> 25/00908/FUL	<u>Parish:</u>	Hadnall
<u>Proposal:</u> Erection of 2No. dwellings and associated landscaping		
<u>Site Address:</u> Proposed Residential Development Land Adjacent Holmleigh 34 Shrewsbury Road Hadnall Shropshire		
<u>Applicant:</u> Mssrs J Griffiths, N & G Pryce		
<u>Case Officer:</u> Melanie Williams	<u>email:</u> melanie.williams@shropshire.gov.uk	



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

REPORT

1.0 THE PROPOSAL

- 1.1 Erection of two dwellings (Plot 1 & Plot 2) and associated landscaping. The dwellings will be set on either side of Holmleigh (a detached 2 storey dwellinghouse).
- 1.2 Plot 1 is proposed as a 3-bed bungalow with kitchen/diner and lounge. It will be accessed off the adjacent Willow Court with parking arrangements to the south and private amenity space to the north and west.
- 1.3 Plot 2 is proposed as a 4-bed detached two storey dwelling which will mirror Holmleigh in terms of design and orientation.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site relates to two plots on either side of a 2 storey dwelling (Holmleigh) in Hadnall. The plots are surrounded by residential development with Plot 2 utilising the existing access from the A49 (Shrewsbury Road) running adjacent to the neighbouring property Chapel House and Plot 1 accessed from a neighbouring housing estate (Willow Court).

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council objects to the proposals. The officer recommendation is contrary to the views of the Parish Council. The matter was referred to the agenda-setting meeting at which it was agreed that the application should be determined by the Northern Planning Committee.

4.0 Community Representations

4.1 Consultee Comment-

- 4.1.1 Shropshire Council Highways:
No objection subject to conditions and informatives.
- 4.1.2 Shropshire Council Trees:
No objection subject to conditions
- 4.1.3 Shropshire Council Drainage:
No objection subject to informative
- 4.1.4 Shropshire Council Ecology:
No objection subject to conditions and informatives
BIODIVERSITY NET GAIN
A net gain of 0.04 (12.63%) habitat units and 0.15 (33.52%) hedgerow units will be provided onsite. The proposed BNG is not considered significant in a BNG and site context, therefore a s106 will not be required to secure the BNG for 30 years.
(Please note that a Biodiversity Gain Plan and Habitat Management and Monitoring

Plan will need to be submitted in order to discharge the General Biodiversity Gain Condition.)

4.1.5 Shropshire Council Landscape:

The proposals are well-described in the Design & Access Statement and Arboricultural Survey report. It is positive to see that a suitably qualified arboriculturist has been consulted as part of the design process.

4.2 Public Comment-

4.2.1 Hadnall Parish Council: **Object**

Hadnall Parish Council objects to this application on the following grounds:

- Under the existing Adopted Local Plan, Hadnall is designated Open Countryside and is therefore not identified as a settlement to accommodate market residential development. This means that there is no formalised development boundary, within which infill development could be approved.

- Further development should not be granted before the concerns regarding infrastructure (drainage and sewerage), put forward by Severn Trent's Asset Protection Team in response to 24/04834/FUL, have been agreed with Shropshire Council.

4.2.2 In addition to the above, one letter of **objection** has also been received citing the ongoing drainage issues.

5.0 THE MAIN ISSUES

Whether the proposed development represents sustainable development in respect of location and in consideration of the current 5 yr land supply of housing, without adversely impacting on neighbouring amenity or other relevant planning criteria such as Highways, Ecology, Drainage, Trees etc.

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The application site is located within the village of Hadnall. This settlement is not an identified Community Hub or Cluster within the adopted Development Plan, as a result there is no designated settlement boundary. The site is therefore, for planning policy purposes, within the countryside. The application, for open market housing, would conflict in principle with Development Plan policies including CS5 of the Core Strategy and MD1 and MD7a of the SAMDev Plan.

6.1.2 It is noted that a proposed development of four detached houses on land to the north-east was allowed on appeal in 2023 (ref: APP/L3245/W/22/3310764). In allowing the appeal, the Inspector acknowledged that the proposal conflicted with spatial strategy of the Development Plan, but determined that new dwellings would contribute to social and economic vitality to the benefit of the local community and that the site lacked a visual connection to the broader countryside. These factors are also applicable to the current proposal.

6.1.3 The Council published its most recent assessment of the housing land supply in

Shropshire, within the 'Five Year Housing Land Supply Statement (2024)' on the 13th February 2025. This assessment concludes that whilst a very significant supply of deliverable housing land exists in Shropshire of 9,902 dwellings, this falls around 667 dwellings short of a five year housing land supply, based on the new Local Housing Need, constituting a 4.68 years' supply of deliverable housing land.

- 6.1.4 Footnote 8 and paragraph 11 d) of the NPPF detail the implications of not having a five year housing land supply for decision-making, in the context of the application of the presumption in favour of sustainable development. Therefore paragraph 11 d) of the NPPF requires the decision-maker to apply more weight to the presumption in favour of sustainable development as a significant material consideration, when reaching a decision – i.e. the 'tilted balance'.
- 6.1.5 Officers acknowledge that whilst the site is located within the countryside as defined under the currently adopted Development Plan and therefore in conflict with the Development Plan's spatial strategy, it is in a sustainable location in a village which contains some local services and facilities in proximity, and within the general built-up area of the settlement. These factors weigh in favour of the proposal. Other relevant material considerations are discussed below.

6.2 Siting, scale and design

- 6.2.1 Plot 1 is proposed as a 3-bed bungalow to be accessed off the adjacent housing estate Willow Court. Willow Court is characterised by mainly single storey dwellings so the provision of a bungalow in this location will reflect the character of this location.
- 6.2.2 The plans for Plot 2 have been amended slightly during the course of the application removing the obscure glazing from the upper floor bedroom windows and re-arranging the fenestration detail on this floor to prevent any issues with regard neighbouring amenity.
- 6.2.3 Both plots have adequate internal and external amenity space provided and have been design to a standard in keeping with the surrounding street scene.
- 6.2.4 It is therefore considered that the scale and design of the properties is acceptable, and they would not have an adverse visual impact.

6.3 Residential Amenity

- 6.3.1 Having regard to the proposed orientation and design the proposed development will not result in any detrimental impact from causing an overbearing impact, loss of light or result in any noise disturbance to neighbouring properties.
- 6.3.2 As such the proposal is in accordance with policy CS6 of the Shropshire Core Strategy and SAMDev policy MD2 in terms of impact on any neighbouring properties.

6.4 Drainage

- 6.4.1 The Parish Council have objected due to the lack of adequate drainage facilities currently available within the village.

- 6.4.2 Severn Trent have previously stated that currently Hadnall does not have the capacity for further connections to the public sewer but that they hope to do so in future. Therefore, with larger housing development schemes they have been recommending a Grampian condition requiring no work to commence until after 2029. They have been consulted on this application but at this current time have not issued comment.
- 6.4.3 However as this is a development for 2 houses rather than a larger scheme it is considered that there may be other options available to the applicant in relation to drainage other than connecting to mains sewer, for example package treatment plants, septic tank etc. Therefore, instead of recommending refusal on these grounds it is considered that the following standard pre-commencement drainage condition would be satisfactory in managing surface and foul water drainage:
- 6.4.4 *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 (whichever is the sooner). Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.*
- 6.4.5 It is therefore felt that this matter can be addressed with planning conditions and satisfactory drainage can be attained. In addition the Council have been notified that the drainage issue within Hadnall has been prioritised by Severn Trent with a view to upgrading the infrastructure in the area in the near future.

7.0 CONCLUSION

- 7.1 The application is considered following publication of the revised National Planning Policy Framework in December 2024 and the adoption of a new national standard method for calculating housing need, intended to significantly boost housing delivery across England. Further to this and the recent uplift in local housing need for Shropshire, the Council is unable to demonstrate a five year supply of deliverable dwellings. The Council's policies on the amount and location of residential development are no longer regarded as up-to-date and a need has been identified to support sites beyond the boundaries of designated settlements in order to supplement the County's housing targets.
- 7.2 As such the tilted balance, as set out in paragraph 11 d) of the NPPF, is engaged and the decision maker is required to apply less weight to policies in the adopted Development Plan and more weight to the presumption in favour of sustainable development as a significant material consideration.
- 7.3 The proposal for two dwellings within Hadnall is contrary to policies of the Development Plan which restrict open market housing in the countryside. Nevertheless the site is in sustainable location with access to facilities nearby and the proposal would not result in an expansion of the limits of the village into open countryside.

- 7.4 On balance therefore, it is the judgement of Officers that there are no material considerations of sufficient weight that would demonstrably outweigh the presumption in favour of sustainable development. It is recommended that planning permission be granted subject to the conditions set out in Appendix 1.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of

defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:
CS1 - Strategic Approach
CS2 - Shrewsbury Development Strategy
CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD1 - Scale and Distribution of Development
MD2 - Sustainable Design
MD12 - Natural Environment

RELEVANT PLANNING HISTORY:
None.

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SSROZOTDGDD00>

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 David Walker
Local Member Cllr Brendan Mallon
Appendices APPENDIX 1 - Conditions

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

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

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

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

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

3. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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 (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

5. a) No works associated with the development will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a landscaping scheme, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape - Recommendations, or its current version, has been submitted to and approved in writing by the LPA. The approved scheme shall include details as relevant of ground preparation, planting pit specification and the trees and shrubs to be planted in association with the development (including species, locations or density and planting pattern, type of planting stock and size at planting), means of protection and support and measures for post-planting maintenance.

b) The approved landscaping scheme shall be implemented as specified and completed prior to first use of the development for its intended purpose, or otherwise in accordance with a phased programme of delivery to the written approval of the LPA. If within a period of five years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or, in the opinion of the LPA becomes seriously damaged or diseased, or is otherwise lost or destroyed, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

6. No development shall take place, including any works of demolition, until a Traffic Management Plan for construction traffic has been submitted to, and approved in writing by, the local planning authority, to include a community communication protocol. The approved Statement shall be adhered to throughout the construction period.

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

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

7. The visibility splays shown on Proposed Access Plan Drawing No. 3340/11 shall be set out in accordance with the splay lines shown. All growths and structures in front of these lines shall be lowered to and thereafter maintained at carriageway level prior to the dwelling being occupied and thereafter be maintained at all times free from any obstruction.

Reason: To provide a measure of visibility from the new access in both directions along the highway in the interests of highway safety.

8. The full width of the access onto Shrewsbury Road as detailed on Proposed Access Plan Drawing No. 3340/11 shall be provided and surfaced in a bound material for the first 15 metres from the adjoining carriageway edge.

Reason: In the interests of highway safety.

9. The access, parking and turning areas shall be satisfactorily completed and laid out in accordance with the Proposed Block Plan Drawing No. 3340/2a prior to the dwellings being occupied. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.

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

10. The access apron shall be constructed in accordance with Shropshire Councils specification currently in force for an access and shall be fully implemented prior to the dwelling being occupied.

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

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

11. In this condition 'retained tree' means an existing tree, woody shrub or hedge which is to

be retained in accordance with the approved plans and particulars; and any tree, woody shrub or hedge planted as a replacement for any 'retained tree':

- a) No retained tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the LPA. Any approved tree works shall be specified and carried out by a competent arborist in accordance British Standard 3998: 2010 Tree Work - Recommendations, or its current version.
- b) Prior to commencement of development, a scheme shall be submitted to the written approval of the LPA to safeguard trees, woody shrubs and hedges to be retained on and adjacent the site. The scheme shall be based upon a tree survey and Arboricultural Impact Assessment and include an Arboricultural Method Statement (AMS) and a Tree Protection Plan (TPP), prepared in accordance with and meeting the minimum tree protection requirements recommended in, British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction - Recommendations, or its current version. Any precommencement tree works and all tree protection measures detailed in the approved AMS and / or TPP shall be fully implemented to the written satisfaction of the LPA, before any development-related equipment, materials or machinery are brought onto the site.
- c) The development shall be implemented in accordance with the approved AMS and TPP. The approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site.
- d) All services and drainage infrastructure will be routed outside the Root Protection Areas indicated on the approved TPP or, where this is not possible, a detailed method statement and task specific TPP will be submitted and approved in writing by the LPA prior to any work commencing on site. Thereafter the development shall be carried out strictly in accordance with the approved method statement and tree protection plan.
- e) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a responsible person has been appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The LPA will be informed of the identity of said person.

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

12. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification, no access gates or other means of closure shall be erected within 5.5 metres of the highway boundary.

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

Informatives

1. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils SUDS Handbook which is available in the Related documents section on the councils website at: <https://shropshire.gov.uk/drainage-andflooding/development-responsibility-and-maintenance/sustainable-drainage-systems-handbook/>

The provisions of the Planning Practice Guidance, Flood Risk and Coastal Change, should also be followed.

Any proposed drainage system should follow the drainage hierarchy, with preference given to the use of soakaways. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1% Annual Exceedance Probability rainfall event plus an allowance of 40% for climate change. Flood water should not be affecting other buildings or infrastructure. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

Connection of new surface water drainage systems to existing drains / sewers should only be undertaken if infiltration techniques are not achievable.

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

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

Where a proposed surface water attenuation feature serves multiple properties, this feature should not be constructed within a private property boundary and be located in areas of public open space or shared access to allow future maintenance.

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

A mains foul drainage connection is indicated. Details of the S104 adoption / S106 connection agreement with the local water authority should be submitted for approval.

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

Appendix A2 - Surface Water Drainage Proforma for Minor Developments must be completed and together with associated drainage details, be submitted for approval.

2. Protection of Visibility Splays on Private Land

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

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

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

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

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

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

Mud on highway

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

No drainage to discharge to highway

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

Waste Collection

The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e., wheelie bins & recycling boxes).

Specific consideration must be given to kerbside collection points, to ensure that all visibility splays, accesses, junctions, pedestrian crossings, and all trafficked areas of highway (i.e., footways, cycle ways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety.

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

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Committee and date

Northern Planning Committee

15th July 2025

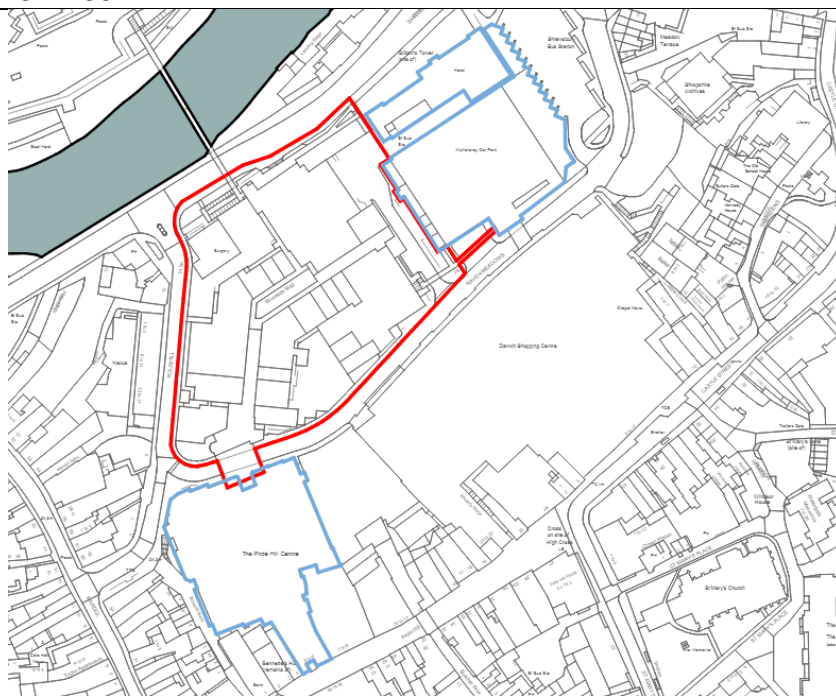
Development Management Report

Responsible Officer: Tim Collard, Service Director - Legal and Governance

Summary of Application

<u>Application Number:</u> 25/02137/AMP	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Non Material Amendment for amendments to the approved staircase and lift shaft between the park area and Frankwell foot bridge, the relocation of internal plant equipment, addition of bullnose ends to steps and the relocation of 1 no. new tree attached to previously approved planning permission reference 24/03681/VAR - Variation of condition no. 2 (approved drawings) attached to planning permission 23/05402/FUL (as amended by 24/03682/AMP).		
<u>Site Address:</u> Riverside Shopping Centre Pride Hill Shrewsbury Shropshire		
<u>Applicant:</u> C/O BNP Paribas Real Estate		
<u>Case Officer:</u> Ollie Thomas	<u>email:</u> ollie.thomas@shropshire.gov.uk	

Grid Ref: 349132 - 312736



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Recommendation:- GRANT permission, due to the proposed amendment being considered non-material when having regard to the effect of the original permission.

REPORT

1.0 THE PROPOSAL

1.1 This application is seeking permission for a non-material amendment to the previously approved planning application, ref 23/03681/VAR, to amend Condition 2 and the approved plans to show:

- Reconfigured staircase and lift shaft between the park area and Frankwell footbridge;
- Relocation of internal plant equipment;
- Addition of bullnose ends to terraced seating steps; and
- Relocation of 1no. new tree.

The amendments being sought are part of ongoing minor works to partially implement the scheme in incremental stages of construction.

1.2 The amendments being sought are as a result of the construction programme and certain elements of the park not being built-out in its entirety for an interim period, whilst other elements of the development await construction – namely the podium level platform. However, as the park area will be left in the state as shown on the amended plans, the applicants have sought permission to approve this, in effect, temporary arrangement.

1.3 The original full planning permission to which these amendments relate is ref: 23/05402/FUL which consented the following description of development:

"Demolition of the Riverside Shopping Centre and related activity, enabling works including boundary wall and the formation of a new public park following demolition, to include pocket gardens, event space and amphitheatre, accessible ramp, lift and staircase, flood attenuation and temporary meanwhile uses across the Site".

1.4 The application is submitted in accordance with Section 96A of the Town and Country Planning Act 1990, which confers power to the Local Planning Authority (LPA) to make non-material changes to planning permissions already granted.

2.0 SITE LOCATION/DESCRIPTION

2.1 Smithfield Riverside, as a whole is approximately 4 hectares and lies within the river loop, to the north-west of Shrewsbury's town centre. Smithfield Riverside is bound by the river to the north-west and the Darwin Shopping Centre and Pride Hill Shopping Centre to the south-east. The site that this application relates to is the far western end of Smithfield Riverside, comprising the former Riverside shopping centre, police station and GP surgery.

- 2.2 At the time of this application, demolition has been completed on the Riverside Shopping Centre, police station and GP surgery, in accordance with the original planning permission. Resultantly, the site is currently secured through hoarding whilst awaiting the creation of the park area, as the next phase of works.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This application does not meet the criteria for delegated decisions as set out in the Council's adopted 'Scheme of Delegation', given the application has been submitted by Shropshire Council to itself which also acts as the Local Planning Authority. The application is therefore presented to Planning Committee for determination.

4.0 Community Representations

- 4.1 As an application to make a non-material amendment is not an application for planning permission, the provisions relating to statutory consultation and publicity do not apply. The Local Planning Authority has discretion in whether and how they choose to inform other interested parties or seek their views.
- 4.2 As by definition the changes sought are non-material, the LPA has not carried out any consultation or publicity during the determination of this application.

5.0 THE MAIN ISSUES

Whether the proposed amendment is considered 'non-material' to the original grant of permission.

6.0 OFFICER APPRAISAL

6.1 Flexibility for planning permission

- 6.1.1 When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements. Notwithstanding, it is accepted that new issues may arise after planning permission has been granted. Where these modifications are less substantial, the planning system has provisions in place to make non-material amendments (and minor material amendments) to the original permission. Such amendments can take the form of revisiting planning conditions imposed on the original permission, imposing new conditions or altering the proposal description.
- 6.1.2 There is no statutory definition of 'non-material', instead it is dependent on the context of the overall scale of development and regard must be had to the effect of the change, together with any previous changes. It can therefore be said that if a change is to be considered as 'material', it must be of significance and conversely for a change to be 'non-material' where there is no resultant harm (in planning terms), this can be considered as lacking in materiality.

6.2 Significance and harm

- 6.2.1 The amended drawings show minor alterations to the hard/soft landscaped elements of the park and a slight increase (150mm) to the overall height of the lift shaft to accommodate the internal equipment and lift car. These alterations, whilst albeit an interim state, are non-material to the effect of the original permission, which was to provide a public park with areas of open space and improvements to pedestrian connectivity, alongside other works in respect of the redevelopment of this site.
- 6.2.2 The changes to the internal plant area, whilst affecting the internal part only and not 'development', are included for completeness as the plant area is now shown in a previously unused area as shown on the originally approved plans. The relocated plant area raises no concern in regard to technical/environmental matters, as the proposed area was a previously sealed off area.
- 6.2.3 The amendments to trees includes the relocation of 1no tree from the future phase to this part of the scheme, whilst a further 1no tree has been deferred to a later phase as its species and size does not relate to the planting typology elsewhere within this phase of works.
- 6.2.4 In this application seeking to amend a number of plans listed in accordance with Condition 2, all other conditions attached to the latest decision notice remain unaffected. The proposed amendments would not result in the inability to comply with any of those other conditions.
- 6.2.5 The above mentioned amendments do not result in any additional harm nor significance when compared with the material considerations determined at the time of granting the permission to which these amendments relate. Slight tweaks and alterations to previously approved plans is commonplace for a project of this scale and complexity (multiple phases and contractors and in a town-centre location).
- 6.3 The effect of the change on the original permission, as granted**
- 6.3.1 In determining the above judgment that the proposed change is neither of any significance or harm, when considered against the original planning permission. Therefore, this application can be approved.

7.0 CONCLUSION

- 7.1 The amended plans, to support the overall construction programme, is considered non-material, when having regard to the effect of the changes proposed, on the original planning permission as granted.
- 7.2 It is Officer's recommendation that permission be **GRANTED**.
- 7.3 It is Officers' view that in granting this application, no new conditions need imposing, or the deletion of existing conditions. Rather, Condition 2 attached to 24/03681/VAR will show for the amended plans to comprise 'approved plans'.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There is one principal risks associated with this recommendation as follows:

- 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.

The risk needs to be balanced against the risk of not proceeding to determine the application.

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 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 HISTORY:

PREAPP/11/01119 Proposed redevelopment of existing Shopping Centre PREAIP 7th June 2011

23/02123/FUL Building clearance, asbestos removal and partial demolition of Units 2, Units 44-48, and the pedestrian walkway canopy to make access for a geo-environmental ground investigation GRANT 31st July 2023

23/04914/SCR Screening Opinion for demolition of the Riverside Shopping Centre, walkways/bridges between the centre, Raven Meadows car park and Pride Hill Shopping Centre and enabling works to facilitate future development EAN 5th December 2023

23/05402/FUL Demolition of the Riverside Shopping Centre and related activity, enabling works including boundary wall and the formation of a new public park following demolition, to include pocket gardens, event space and amphitheatre, accessible ramp, lift and staircase, flood attenuation and temporary meanwhile uses across the Site. GRANT 22nd March 2024

24/02204/DIS Discharge of conditions 4 (demolition management plan), 5 (construction management plan), 9 (surface water pre-demolition) and 19 (hoarding details) relating to Planning Permission 23/05402/FUL DISAPP 16th August 2024

24/02508/DIS Discharge of conditions 8 (tree protection and arboricultural method statement) and 11 (flood warning and evacuation plan) relating to planning permission 23/05402/FUL DISAPP 19th July 2024

24/02631/DIS Discharge of Condition 3 (Written Scheme of Investigation) relating to Planning Permission 23/05402/FUL DISPAR 19th July 2024

24/02993/DIS Discharge of condition 7 (habitat management plan) relating to Planning Permission 23/05402/FUL DISAPP 2nd August 2024

24/03134/SCR Request for EIA screening opinion is made in support of an application under Section 73 of the Town & Country Planning Act 1990 to amend the previously consented scheme (ref. 23/05402/FUL). EAN 13th September 2024

24/03440/DIS Discharge of Condition 12 (Contamination) relating to Planning Permission 23/05402/FUL DISPAR 11th October 2024

24/03681/VAR Variation of condition no.2 (approved drawings) attached to planning permission 23/05402/FUL (as amended by 24/03682/AMP) GRANT 21st November 2024

24/03682/AMP Non material amendment to amend the proposal description to allow for the provision of public toilets relating to Planning Permission 23/05402/FUL GRANT 21st November 2024

24/04035/FUL Construction of a new two way road, junction arrangements at Smithfield Road and Raven Meadows, re-located bus lay-by on Smithfield Road, landscape works, servicing arrangements and associated highway works GRANT 21st February 2025

24/04166/DIS Discharge of Condition 3 (Archaeological Mitigation Strategy) of planning permission 23/05402/FUL DISPAR 6th November 2024

24/04476/EIA Outline planning permission (to include access) for the comprehensive mixed use redevelopment of the site comprising: Construction of a podium with undercroft car and cycle parking and ancillary uses, Creation of three plots on top of the podium - Plot 3 for office (Class E(g)(i)), hotel (Class C1) or residential (Class C3) and medical practice (Class E(e)) with associated ground (podium) level food and beverage retail (Class E(a)(b)(c)), Plot 5 for office, hotel or residential with associated ground (podium) level food and beverage retail, Plot 6 for residential, construction of a new road between Smithfield Road and Raven Meadows 'the Avenue', meanwhile uses, creation of new public realm and landscaping at ground and podium level, plant, servicing and other associated enabling and ancillary works. PDE

25/01190/DIS Discharge of Conditions 3(i) (Flood Warning Evacuation) and 4 (Flood risk strategy - outside of park) relating to Planning Permission 24/03681/VAR PCO

25/01985/DIS Discharge of Condition 13 (WSI) of planning permission 24/03681/VAR DISAPP 23rd June 2025

25/02150/DIS Discharge of Condition 5 (Remediation Method Statement and Discovery Strategy) of planning permission 24/03681/VAR PCO

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal= SXNJGNTDIII00>

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 David Walker
Local Member - Cllr Alex Wagner
Appendices – N/A



Committee and date
Northern Planning Committee
15 th July 2025

SCHEDULE OF APPEALS AS AT COMMITTEE 15TH JULY 2025

LPA reference	25/00753/AGR
Appeal against	Prior Approval required and Refused
Committee or Del. Decision	Delegated Decision
Appellant	Mr M Jarvis
Proposal	Agricultural storage/shelter building
Location	Proposed Agricultural Building North East Of Fitz Mytton Shrewsbury
Date of appeal	17.06.2025
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	24/04387/PMBPA
Appeal against	Refusal Prior Approval of PD Rights
Committee or Del. Decision	Delegated
Appellant	Mr Paul Rose
Proposal	Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to form one residential unit
Location	Little Ropes Hinstock
Date of appeal	18.06.2025
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	24/04616/FUL
Appeal against	Appeal against Refusal
Committee or Del. Decision	Delegated
Appellant	Mr James Owen
Proposal	Change of use to residential, all associated internal alterations and alterations to roof profile
Location	8B College Hill Shrewsbury
Date of appeal	19.06.2024
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	24/04617/LBC
Appeal against	Appeal against Refusal
Committee or Del. Decision	Delegated
Appellant	Mr James Owen
Proposal	Change of use to residential, all associated internal alterations and alterations to roof profile
Location	8B College Hill Shrewsbury
Date of appeal	19.06.2025
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

APPEALS DETERMINED

LPA reference	24/01205/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Ian Mottershaw
Proposal	Erection of a New Dwelling
Location	Coldridge Drive Shrewsbury Shropshire
Date of appeal	22.1.2025
Appeal method	Written Reps
Date site visit	23.4.2025
Date of appeal decision	16.5.25
Costs awarded	
Appeal decision	DISMISSED

LPA reference	23/04624/FUL
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Mr P Sutton
Proposal	Erection of a building for private horse riding practice and associated works, to include change of use of land. (Resubmission of Application Ref: 23/00910/FUL)
Location	Land To The South Of Nook Lane Weston Under Redcastle
Date of appeal	29.11.2024
Appeal method	Written Representation
Date site visit	29.04.2025
Date of appeal decision	10.06.2025
Costs awarded	
Appeal decision	ALLOWED

LPA reference	24/04636/PMBPA
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr And Mrs Mee
Proposal	Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to form two residential units
Location	Proposed Residential Barn Conversion SE Of Charity Farm Burlton Shrewsbury
Date of appeal	27.03.2025
Appeal method	Written Representations
Date site visit	
Date of appeal decision	24.06.2025
Costs awarded	
Appeal decision	DISMISSED

LPA reference	24/01005/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Ms Kathleen Roberts
Proposal	Change of use of land to a mixed use for the keeping of horses (existing) and use as a residential caravan site for an extended Gypsy family, with a total of 4 No. caravans, including the laying of hardstanding and erection of 4 No. amenity buildings
Location	Caravan At Heartlands Farm Northwood Ellesmere Shropshire SY12 0NQ
Date of appeal	02.01.2025
Appeal method	Hearing
Date site visit	5.6.25
Date of appeal decision	25.6.25
Costs awarded	
Appeal decision	DISMISSED

LPA reference	24/02257/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Glyn Jones
Proposal	Erection of 1No dwelling
Location	To The South Of Beehive Lane Shrewsbury
Date of appeal	06.04.2025
Appeal method	Written Representations
Date site visit	10.06.2025
Date of appeal decision	02.07.2025
Costs awarded	
Appeal decision	DISMISSED



Appeal Decision

Site visit made on 23 April 2025

by H Whitfield BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2025

Appeal Ref: APP/L3245/W/24/3357858

46 Coldridge Drive, Shrewsbury, Shropshire SY1 3YT

- 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 Ian Mottershaw against the decision of Shropshire Council.
 - The application Ref is 24/01205/FUL.
 - The development proposed is a new dwelling (C3).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address on the decision notice differs from that on the application form. There is no evidence that the appellant agreed to the change in address. I have therefore used the address from the application form in the banner heading above.
3. The Council has ticked that part of the site is subject to a Tree Preservation Order on its questionnaire. However, the Officer Report confirms that the mature Oak tree was removed in 2022 with the agreement of the Council¹, subject to the planting of a replacement tree in the first planting season following its removal. I did not observe any trees on the appeal site during my site visit.
4. The Council's Statement of Case refers to the examination of the draft Shropshire Local Plan (2016-2038) which took place in October 2024. I have not been supplied with a copy of the draft Local Plan. However, the Council has summarised the concerns raised by the Examining Inspectors, and I am advised that the Council's intention is to withdraw the Plan from examination. Whilst I am unaware of whether the formal withdrawal of the plan has taken place at the time of writing, the Council's submissions do not rely on any policies of this draft Plan and no such policies are before me. I have therefore based my decision on the current adopted Development Plan.

Main Issue

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

Reasons

6. The appeal site relates to a broadly rectangular piece of land to the rear of a parking court off Coldridge Drive which is part of the wider Herongate estate. The land lies to the south-west of 46 Coldridge Drive (No 46) and has been enclosed by a close

¹ LPA Reference: 22/01896/TPO

boarded fence. Residential properties abound the site on three sides and a footpath lies to the east which connects Coldridge Drive to Farmlodge Lane, which affords public views towards the appeal site. Properties to the south of the site off Farmlodge Lane are typically larger two-storey detached dwellings. However, properties on Coldridge Drive in the vicinity of the appeal site are predominately two-storey, short, terraced blocks or semi-detached dwellings with narrow frontages and varied garden sizes. These are occasionally interspersed with one and a half storey terraced blocks which typically feature gable fronted dormer windows cut into the eaves and cat-slide roofs to the rear.

7. There is a general regularity to the pattern of surrounding development. Properties are typically set back behind small front gardens or parking spaces on a broadly uniform alignment, albeit with staggered façades and varying ridge heights. Moreover, there is a general consistency of material palette and architectural detailing in the street scene where the terraces have narrow projecting gables, decorative timber porch canopies and chimneys. Overall, despite some variation, the area has a relatively uniform character and cohesive appearance, and this is clearly perceptible upon visiting the site, despite an absence of any character appraisal of the area having been undertaken by the Council.
8. In contrast, the appeal scheme proposes a one and a half storey, wide gable fronted detached dwelling with a steep pitched roof. The dwelling would be set back considerably from the adjacent terrace containing No 46, positioned to the rear of the parking court. Whilst the footprint of the dwelling and provision of a smaller house-type would not be uncharacteristic, the one and a half storey design with a wide gable frontage and steep pitched roof would directly contrast with surrounding development. The design of the dwelling also fails to incorporate architectural features that are characteristic of other properties in the street scene, as outlined above. The positioning of the dwelling at the rear of the parking court would also fail to respond to the surrounding pattern of development. This, coupled with the contrasting design, would result in an alien and incongruous form of development that would be an obvious anomaly, detracting from the quality of the area.
9. I note the appeal site is not publicly accessible and given the dwelling would be tucked behind No 46 which is at the bottom of the turning head, it would not be highly prominent in views to vehicles travelling along the road. However, the development would be clearly open to view by cars using the parking court and pedestrians using the footpath to the east which links Coldridge Drive with surrounding streets. Moreover, whilst there may be a greater variety of development and examples similar to the appeal scheme in the wider estate (which has incrementally developed over time), or within the town more generally, this is not reflective of the character of development immediately surrounding the site and the context within which this new dwelling would be viewed.
10. The appellant suggests that provision of a 2-bed dwelling with a smaller amenity space and at a lower price range would reflect the character of properties on Coldridge Drive. Whilst this may be the case, this does not overcome the harm I have identified as a result of the uncharacteristic design, form and positioning of the development. Nor does the assertion that the design has sought to preserve the living conditions of neighbouring properties. In addition, the absence of an adopted design guide for residential development or a character appraisal of the estate, weighs neither for, nor against, the scheme.

11. Therefore, for the reasons given above, I conclude that the development would be harmful to the character and appearance of the surrounding area. Consequently, it would conflict with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) (the Core Strategy) and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan (2015) (SAMDev Plan), insofar as they seek to secure high quality design that respects and enhances local distinctiveness, and development that takes account of the character and appearance of the surrounding area and responds appropriately to its surrounding context. The development is also contrary to paragraphs 131 and 135 of the National Planning Policy Framework (the Framework) where they seek to secure high quality design that is sympathetic to local character.

Other Matters

12. Reference has been made to the dwelling being affordable and for local people to rent, which the appellant states is in high demand. However, there is no substantive evidence before me to demonstrate this demand and how the proposed dwelling would align with the local housing need. Furthermore, there is no mechanism before me that would secure the dwelling for only local people to rent.
13. The dwelling would incorporate renewable energy technologies, sustainable building materials and construction techniques and would be designed to comply with building regulations in respect of accessibility. However, there is little in the evidence to suggest the development would be particularly innovative, or that it would go beyond the requirements of the development plan or other governing legislation in this regard and therefore these benefits are given limited weight in favour of the proposal. Furthermore, the availability of utility services connecting to the site is a neutral factor.
14. I note the appellant states the site has no viable alternative use and the development would improve the site's current untidy appearance. However, I am not persuaded that there would not be a less harmful way of repurposing the land and securing the same benefits.
15. I also note the appellant's concerns over the Council's handling of the application and how it has conducted its overall planning balance. However, this has no bearing on my consideration of this appeal and I have determined the case on its planning merits.

Planning Balance

16. The Council concedes that it cannot currently demonstrate a five-year supply of deliverable housing sites. The evidence indicates that the current supply is 4.73 years, which is a modest shortfall. Nonetheless, in this circumstance, paragraph 11(d) of the Framework is engaged. The evidence does not indicate that paragraph 11(d)(i) applies to the proposal. Therefore, I shall consider the proposal against the test in paragraph 11(d)(ii).
17. The development would result in harm to the character and appearance of the surrounding area, contrary to the aforementioned policies of the Core Strategy and SAMDev Plan, to which I attach significant weight. This is sufficient to bring the development into conflict with the development plan when read as a whole. Development that conflicts with the development plan should normally be refused unless material considerations indicate otherwise.

18. The development would provide a dwelling in an established residential area of Shrewsbury, reasonably close to services and facilities and would make efficient use of underutilised land. As a 2-bed dwelling on a smaller plot, the development could also cater for those seeking smaller units of accommodation. The development would therefore make a small but beneficial contribution to the choice of homes in the area and the supply of housing land; as well as providing social and economic benefits during construction and after occupation. Additional landscaping, including the planting of an Oak tree, would also provide minor biodiversity benefits. Housing delivery is supported by the Framework and, therefore, this benefit weighs in favour of the proposal. However, the contribution that would be made by a single dwelling would be modest and, therefore, the weight attached to these benefits is limited.
19. Overall, whilst there is a shortfall in the five-year housing land supply, in the specific circumstances of this case, the adverse impact of the development would significantly and demonstrably outweigh the benefits of the development when assessed against the policies of the Framework, when taken as a whole. Therefore, the presumption in favour of sustainable development does not apply.

Conclusion

20. The proposal conflicts with the development plan when considered as a whole and the material considerations do not indicate that a decision should be made other than in accordance with the development plan. Therefore, the appeal is dismissed.

H Whitfield

INSPECTOR



Appeal Decision

Site visit made on 29 April 2025

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2025

Appeal Ref: APP/L3245/W/24/3356499

Land to South of Nook Lane, Weston under Redcastle, Shropshire SY4 5LP

- 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 P Sutton against the decision of Shropshire Council.
 - The application Ref is 23/04624/FUL.
 - The development proposed is the erection of a building for private horse riding practice and associated works, to include change of use of land.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a building for private horse riding practice and associated works, to include change of use of land at Land to South of Nook Lane, Weston under Redcastle, Shropshire SY4 5LP in accordance with the terms of the application, Ref 23/04624/FUL, subject to the conditions set out in the schedule below.

Preliminary Matter

2. The description of development in the banner heading is taken from the application form, however, I have removed the superfluous text which state that the proposal is a resubmission of a previous application, as it does not describe an act of development.

Main Issue

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

Reasons

4. The appeal site comprises part of a larger parcel of pastureland enclosed by fencing and in part, well established hedgerows and mature trees. It lies between Miami Cottage, which fronts the A49 and the residential properties along Nook Lane. Aside from the presence of the stable building adjacent to the entrance to the site, which was under construction at the time of my visit, the land is otherwise open. The appeal site contributes positively to the surrounding area which is rural in character, comprising open fields and grassland, interspersed by areas of woodland and mature hedgerows, as well as scattered residential development.
5. The appeal scheme seeks the erection of a steel framed building to provide an indoor practice area for the exercising of horses, which the appellant indicates is the minimum size necessary to undertake the use proposed. The proposed equestrian building would have a rectangular footprint and be of a simple form,

with a shallow pitched roof, and would be constructed of dark green profiled sheeting to the walls and roof. The proposal also includes the reinforcement of the existing hedgerow planting to the southern and eastern boundaries of the site and the provision of a planted earth mound to 2 sides of the building.

6. The Landscape and Visual Impact Assessment¹ (LVIA) submitted as part of the application, sets out that the site falls within the Enclosed Lowland Heaths Landscape Type as defined within the Shropshire Landscape Typology report. The key characteristics of which include undulating lowland, planned woodland character and dispersed settlement pattern. The nature and appearance of the appeal site and its surroundings, comprising open fields, enclosed by mature hedgerows, along with pockets of mature trees and woodlands and scattered residential development accords with these characteristics.
7. While considerable in size, the building would be akin to an agricultural building in relation to its appearance, particularly its design and facing materials, and overall scale. Notwithstanding the extent of the site, it would appear as a functional building typical for this location. The building would be appropriately positioned set back from Nook Lane and adjacent to the side boundary of the site, on part of the site where it extends outwards, close to a group of mature trees which would provide a backdrop to the building. While a short distance from the stables at the entrance to the site, it would nonetheless be perceived within the context of the existing equestrian development at the site and the adjoining neighbouring detached dwelling, Miami Cottage.
8. Due to its height and size, there would be views of the proposed building from the nearby public rights of way and roads, including from the entrance to the site and field gate on Nook Lane. However, public views of the site are relatively localised in their extent and would be obscured to a degree by the existing trees and hedgerows to the site boundaries. In addition, the siting and modest area covered by the access track and bund, located in close relation to the existing and proposed built form at the site, mean these components of the scheme would not be conspicuous in the wider landscape. For these reasons, the proposed development would not appear unduly visually prominent and would be sympathetic to its rural setting. Thus, it would assimilate well within the landscape context and would not diminish the features which contribute positively to the landscape character of the area.
9. These findings reflect the LVIA, which concludes that the magnitude of change is considered to be Low, to Negligible given the size of the building and extent of the appeal site. While it found a Moderate Adverse Effect is likely to be experienced during some of the construction phase, particularly for residents close to the site, the overall, long-term landscape and visual impacts associated with the proposed development are considered Slight Adverse Effect to Neutral, given the site context and nature of the proposal.
10. For the foregoing reasons I therefore conclude that the proposal would not harm the character and appearance of the area. Accordingly, in that regard it would comply with the aims of Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy, adopted March 2011 (CS) which supports proposals for sustainable rural leisure and recreation in the countryside location,

¹ Landscape and Visual Impact Assessment Rev A by ProHort Limited dated February 2024

where they are appropriate to their location, and where they accord with the aims of Policies CS16 and CS17, which among other things, seek to protect local character, and Policy C6 of the CS which seeks high quality sustainable design which is appropriate to the local context and character. The proposal would also accord with those aims of Policies MD2 and MD12 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan, adopted December 2015, which require development proposals to contribute to and respect locally distinctive or valued character and avoid harm to landscape character.

Other Matters

11. While not referred to specifically in the refusal reason the Council's Statement of Case raises concern regarding the location of the development and in particular accessibility to it by means other than the private car, due to its distance from the nearest settlement. However, given the practice area would be for private use only, it would be unlikely to lead to a significant increase in the number of trips to and from the site, above those which already take place to the existing stables. Consequently, it would not give rise to any material harm in that regard.
12. In addition, the Council has expressed concern regarding the availability long term of the additional grazing land required to meet the minimum requirements for the 4 horses to be accommodated at the site, as a consequence of the appeal proposal. While I acknowledge that the supplementary grazing land nearby is rented by the appellant, there is no substantive evidence that this land, or alternative provision in the locality, would not continue to be available for such purposes to satisfy the relevant guidelines.
13. While there may be flooding issues in the vicinity of the appeal site, there is no compelling evidence that the proposal would exacerbate the situation.
14. Furthermore, given the proposed use of the facility for personal use by the appellant, which could be secured by a suitable planning condition, the Highway Authority has raised no objection to the proposal on highway safety grounds. There is no clear evidence to draw me to reach a different view. In addition, given the scale and siting of the building, together with the nature of the use and intervening landscaping, the proposal is unlikely to give rise to any significant effects upon the living conditions of the occupiers of neighbouring properties in terms of vibration, noise and disturbance, or loss of outlook, light or privacy.
15. Subject to planning conditions to secure a landscaping scheme, compliance with the mitigation and enhancement measures set out in the submitted Ecological Impact Assessment² (EIA), and the approval of an appropriate lighting scheme, the Council is satisfied that the proposal would not have an adverse impact upon wildlife, including protected species, and would provide suitable biodiversity enhancements. Based on the evidence before me, I have no reason to reach a different conclusion. The provision of a sensitive lighting scheme would also serve to ensure any external lighting of the building would not harm the living conditions of the occupiers of nearby properties.
16. My attention is drawn to other developments which have taken place at the site and nearby. Nonetheless, the proposal falls to be assessed on its own merits, based on the evidence before me.

² Ecological Impact Assessment by Susan Worsfold BSc dated October 2022

17. Hawkstone, a Grade I Heritage Park and Garden lies a short distance from the site. Having regard to the scale and nature of the development and its position relative to it, I am satisfied that the proposal would preserve the setting of the listed park and garden. Moreover, the Council has not indicated otherwise, and I have no reason to disagree.

Conditions

18. The Council has provided a list of suggested conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording. Conditions requiring the commencement of development within the relevant timeframe and the carrying out of development in accordance with the approved plans are necessary in the interests of clarity. The drawings include details of materials to be used in the construction of both the access track and the building, as such a separate condition specifying materials is not necessary.
19. To protect existing trees in the interests of the character and appearance of the area, a condition is necessary to ensure the implementation of the measures set out in the submitted Tree Protection Plan and Method Statement.
20. To minimise impacts on and to enhance biodiversity, including protected species, conditions are necessary to ensure the development is carried out in accordance with the submitted EIA and to agree details of bird and bat boxes to be installed. In relation to the latter, the Council's suggested condition includes a detailed list of requirements. I have omitted these so that the parties can agree the specific details when the condition is discharged. A condition to agree details of any external lighting is necessary to minimise disturbance to nocturnal wildlife.
21. It is necessary to impose a condition to secure details of a surface water drainage strategy to ensure the development does not exacerbate the risk of flooding. The suggested condition includes the need to carry out soakaway tests and refers to specific guidance; however, I have omitted this wording so that the parties can agree the precise requirements based upon relevant guidance and site circumstances at the time that the details are agreed. This is worded as a pre-commencement condition as surface water drainage is an integral part of the development that may affect how it is constructed.
22. In the interests of highway safety and the character and appearance of the area a condition is necessary to restrict the use of the building for the personal use of the appellant.

Conclusion

23. For the above reasons, the appeal is allowed.

E Worley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development shall be carried out in accordance with drawings numbers: 3058 D 01D Site Plan as Existing, 3058 D 02F Site Plan as Proposed and 3058 D 03E Proposed Building.
- 3) All trees shown to be retained on the approved plan shall be protected in accordance with the submitted Tree Condition Report Arboricultural Impact Assessment Tree Protection Plan and Method Statement by Arborist & Ecological Services Ltd dated 7 February 2023 and in accordance with BS 5837: 2012 'Trees in relation to Design, Demolition and Construction recommendations for tree protection'. The protective fence and temporary ground protection shall be erected prior to the commencement of the development hereby approved, including ground levelling, site preparation or construction. The protective fencing shall be maintained throughout the duration of the development.
- 4) All works in relation to the development hereby approved shall be carried out in full accordance with the mitigation and enhancement measures in Section 6 'Assessment of effects and Mitigation Measures' of the Ecological Impact Assessment by Susan Worsfold BSc dated October 2022.
- 5) Prior to first use of the building hereby approved details of bat and bird boxes to be installed on the site shall be submitted to and approved in writing by the local planning authority. The boxes shall be installed in accordance with the approved details prior to the first use of the building and shall be retained thereafter in perpetuity.
- 6) 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 such as bat and bird boxes and 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 in accordance with the approved details and thereafter retained for the lifetime of the development.
- 7) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The approved drainage scheme shall be completed in accordance with the approved details prior to the first use of the building and shall be managed and maintained thereafter in perpetuity.
- 8) Notwithstanding the details shown on the approved plans, no above ground works shall be commenced until full details of landscape works, including a timetable for implementation, have been submitted to and approved in writing by the local planning authority. The details shall include:
 - preparation and approval of a planting plan, specification and aftercare;

- proposed planting mound composition, dimensions and treatment to make it a suitable growing medium; and
- details of the completed landscape works previously approved for site including the planting of 50 trees and additional hedging

The landscape works shall be carried out in accordance with the approved plan/s, details. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the local planning authority, 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.

- 9) The development hereby approved shall be used for the private equestrian purposes only for the benefit of the landowner and shall not at any time be used for any business or commercial activities or public events.

*******end of conditions*******



Appeal Decision

Site visit made on 3 June 2025

by **N Bromley BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 June 2025

Appeal Ref: APP/L3245/W/25/3362586

Agricultural Barn, Charity Farm, Burlton SY4 5SX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant prior approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr & Mrs Gerry & Rachel Mee against the decision of Shropshire Council.
 - The application Ref is 24/04636/PMBPA.
 - The development proposed is described as “Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to form two residential units.”
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. In the banner heading above I have used the description of development taken from the Council’s decision notice and the appeal form, given that no description of development was referred to on the original application form.

Background and Main Issues

3. On 21 May 2024, Statutory Instrument 2024 No. 579 came into force amending Article 3(1), Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (the GPDO). Under the transitional arrangements, set out under Article 10, the developer may make a prior approval application in relation to the previously permitted development under Class Q until the end of 20 May 2025. The application confirms that the intention is to use the permitted development right as it stood prior to 21 May 2024. I have therefore dealt with the appeal on this basis.
4. Class Q of Part 3 of Schedule 2 to the GPDO states that development consisting of Q(a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule of the Use Classes Order; and Q(b) building operations reasonably necessary to convert the building, is permitted development.
5. The Council refused the application on the basis that the proposed development fails to accord with the restrictions contained within paragraph Q.1.(b)(i)(bb) and (d)(i), as well as paragraph Q.1(i), of the GPDO. These paragraphs relate to the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses; and building operations reasonably necessary for the building to function as a dwellinghouse. Also, whether the siting and

location of the building would result in an impractical and undesirable change of use to dwellinghouses, thereby not meeting the limitations specified under Q.2(e).

6. Based on the submissions of the main parties, there is no reason for me to believe that the other criteria of Class Q are not satisfied. Consequently, there is no need to give them further consideration in this decision.
7. Given the foregoing, the main issues are:
 - whether or not the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO, having regard to: (a) whether the cumulative floor space would exceed 465 square metres; and (b) the extent of building operations proposed and whether they are reasonably necessary for the building to function as dwellinghouses; and
 - if so, whether or not prior approval should be granted in respect of whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses).

Reasons

Whether the proposed development would be permitted development

Cumulative floorspace

8. The two dwellings would each have ground floor and first floor accommodation. The first floor would be provided by way of a mezzanine which would be accessed via an internal staircase.
9. There is disagreement between the main parties about whether the 'void' area above the ground floor open plan living, kitchen and dining area should be included in the floorspace calculations for the proposed accommodation or not. If the 'void' areas are included, then the Council calculate that the cumulative floorspace of the two 'larger' dwellinghouses would exceed 465 square metres. If the 'void' areas are not included, then the cumulative floorspace of the proposals would be approximately 384 square metres.
10. The submitted plans show that the proposed mezzanine for each proposed dwelling does not extend over each of the open plan living, kitchen and dining areas at ground floor. As such, the 'void' would be a vast open space. Accordingly, there would be no additional floorspace created by the 'void' and the cumulative floorspace of the proposals would not exceed 465 square metres.
11. For the reasons outlined, the proposals would meet the requirements set out at paragraph Q.1.(b)(i)(bb) and (d)(i) of the GPDO.

Building operations

12. The appeal building is a concrete portal frame building, which is clad externally with fibre cement sheets on the upper elevations, exposed galvanised steel sheets on the lower section, and a profile metal sheet roof. There is an open fronted storage element at one end of the building and a large door in the side gable at the other end.

13. The GPDO states at paragraph Q.1(i) that development under Class Q(b) is not permitted if it would consist of building operations other than the installation or replacement of windows, doors, roofs or exterior walls, or water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house.
14. The Planning Practice Guidance (the PPG)¹ advises that the right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. However, the PPG is clear that it is not the intention of the permitted development right to allow rebuilding work that would go beyond what is reasonably necessary for the conversion of the building to a residential use. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to benefit from the permitted development rights.
15. As established by the submitted Structural Report, the building is structurally sound and is capable of conversion by utilising the existing concrete structure, walls and roof. The lower sections of the building would be clad in timber. Windows and doors would also be inserted into the fabric of the building, including the introduction of a large, glazed window feature to infill the open fronted element of the building. The large door opening in the side gable would also be replaced with an expanse of glazing.
16. It is inevitable that internal works would be necessary to convert the building also. In particular, new internal insulated walls would be incorporated into the building and although the appellant has not identified the scale of works necessary, the PPG highlights that internal works are generally not development. Indeed, the PPG recognises that for the building to function as a dwelling it may be appropriate to carry out internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floorspace permitted, or internal walls, which are not prohibited by Class Q.
17. The works to convert the building would be modest and although the proposal introduces a number of new openings into the building, the amount of new windows, doors and skylights, in the context of the size of the building, would be proportionate. The proposed works would also be sympathetic to the appearance of the building and the rural character of the site and wider landscape.
18. Consequently, having regard to paragraph Q.1.(i) of the GPDO, the proposed works would comprise building operations reasonably necessary for the building to function as two dwellinghouses.
19. For the above reasons I conclude that the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Whether or not the building's location or siting render it impractical or undesirable for the use as dwellinghouses

20. As an arable farm the existing buildings are not in use for housing livestock. However, the location of the appeal scheme, immediately adjacent to buildings in agricultural use, on an active farm, would expose the future occupiers of the proposed dwellings to noise, and odour impacts from agricultural activities. The

¹ Paragraph: 105 Reference ID: 13-105-20180615

activities are likely to take place at any time of the day or night and for 7 days a week. That would remain were I to allow the appeal.

21. The PPG² states that 'impractical or undesirable' are not defined in the regulations, and the local planning authority should apply a reasonable ordinary dictionary meaning in making any judgment. Impractical reflects that the location and siting would 'not be sensible or realistic', and undesirable reflects that it would be 'harmful or objectionable'.
22. The PPG gives the example of a building on top of a hill with no road access, power source or other services is given as an instance where conversion may be considered impractical, and the example of the location of a building adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals is given as an example of a case where conversion may be undesirable. However, these examples are not a closed list of potential impractical and undesirable circumstances.
23. Paragraph W(10)(b) of Schedule 2, Part 3 of the GPDO requires that regard be had to the National Planning Policy Framework (the Framework) so far as relevant to the subject matter of the prior approval as if considering a planning application. Paragraph 135 of the Framework, amongst other things, states that decisions should ensure that developments promote health and well-being, with a high standard of amenity for existing and future users.
24. Even though the majority of the farming operations at Charity Farm are ran from the newly consented grain store, the other farm buildings would generate farm activities. Indeed, the adjacent buildings are a substantial size, and they are used for the storage of large farm vehicles, machinery and equipment, as well as other implements and associated agricultural products.
25. One of the proposed dwellings would have an outlook towards the existing agricultural buildings. The other dwelling would have a partial outlook over the farmyard and both proposed dwellings would have their external areas adjacent to the existing buildings and the access drive to the buildings that runs immediately to the front of the building to be converted.
26. Therefore, although average vehicle movements are currently identified as one daily movement from November to February, increased to two daily movements in March, April, May, June, July, September and October, with three daily movements in August, the proposed dwellings would be exposed to a reasonable level of noise and disturbance on a daily basis. Particularly the noise and vibrations generated by large farm vehicles travelling past the two dwellings. There would also be noise and disturbance from the general activities of an active agricultural use of the site. This could be increased should the use of the adjacent buildings further intensify in the future.
27. Noise and odour impacts are likely to be worsened in warmer summer months when future occupiers would be likely to be reliant upon open windows and spend more time in the associated external areas of the building.
28. Any landscaping, including native species, in the proposed gardens would also be nominal in the context of the size of the external areas. I am also not persuaded

² PPG Paragraph: 109 Reference ID: 13-109-20150305

that boundary treatments would provide suitable mitigation either, due to the proximity of the new dwellinghouses and the outdoor amenity areas with the adjacent buildings and access.

29. Furthermore, the central element of the building would be retained for agricultural storage purposes, with the two dwellings located either side. Not only would this result in an odd arrangement, but for similar reasons to those outlined above, the juxtaposition of the active agricultural use of this part of the building with the two dwellings would be undesirable.
30. The existence of the permitted development right under Class Q brings with it an acceptance that people would be living in buildings on existing farms. As such, some degree of impact from agricultural operations at the site is to be expected. Nonetheless, I am not satisfied, on the evidence before me that the appellant has robustly demonstrated that the existing agricultural operations of the site would not result in harm to the living conditions of future occupants of the appeal scheme.
31. Reference has been made to a neighbouring third-party property known as Sandstone Quart, to the rear of the appeal building. There is no doubt that the proximity of that property is close to the appeal building. However, very limited information has been provided of the circumstances of that case. Also, the main living areas and bedrooms of that neighbouring property do not appear to have a comparable outlook and relationship with agricultural buildings as the proposed dwellings would. In any event, whilst I acknowledge that consistency of decision making is important to ensure public confidence, I am not bound by previous decisions of the Council, and I have exercised my own judgement on the appeal proposal.
32. My attention has also been drawn to the holiday cottages operating at Charity Farm. Even so, the occupation of holiday cottages would be on a short-term basis. Therefore, the occupation of those units is not comparable to independent dwellinghouses whereby the occupiers would be exposed to noise and disturbance on a persistent, daily basis. Given this, the presence of those holiday cottages and the neighbouring property do not therefore lead me to reach a different conclusion on the appeal proposal. I have also had regard to the appeal decision and the other decisions by other Council's, but they have not changed my reasoning here.
33. Drawing my findings together, I conclude that the location and siting of the building makes it impractical and undesirable for the building to change to the proposed dwellinghouses, in terms of its effect on the living conditions of future occupiers. The proposed development would not therefore comply with paragraph Q.2(1)(e) of Schedule 2, Part 3, Class Q of the GPDO.

Conclusion

34. Given that the location of the appeal building makes it impractical and undesirable for residential use, the appeal proposal would not be permitted development. For the reasons given above the appeal should be dismissed.

N Bromley

INSPECTOR

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Appeal Decision

Hearing held on 5 June 2025

Site visit made on 5 June 2025

by **H Nicholls MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 June 2025

Appeal Ref: APP/L3245/W/24/3355842

Heartlands Farm, Northwood, Ellesmere, Shropshire SY12 0NQ

- 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 Ms Kathleen Roberts against the decision of Shropshire Council.
- The application Ref is 24/01005/FUL.
- The development proposed is change of use of land to a mixed use for the keeping of horses (existing) and use as a residential caravan site for an extended Gypsy family, with a total of 4 No. caravans, including the laying of hardstanding and erection of 4 No. amenity buildings.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development refers to the use of the land for residential purposes for the siting of up to 4 caravans. It was clarified at the hearing that there would be four pitches, each of which would accommodate only one caravan. As such, I am content that the description of development adequately reflects the nature of the proposal.
3. The ownership status of the site and relevant certificate of notice were updated prior to the hearing and thus, no prejudice has occurred to any interested party.
4. A unilateral undertaking was received on the 12 June 2025 in connection with recreational mitigation payments towards the Colemere Heritage Site as part of the Midlands Meres and Mosses Ramsar Site. I return to this further below.

Main Issues

5. The main issues in this appeal are:
 - a) whether the proposal would be at risk from flooding and whether it would be served by an adequate means of non-mains foul water drainage;
 - b) the need and supply considerations relating to Traveller pitches; and
 - c) the accommodation needs and other personal circumstances of the proposed occupiers.

Reasons

Flood Risk

6. The appeal site is a broadly rectangular area of around 0.4 hectares with an access lane that connects to an unclassified rural road known as Brookmill Lane.

The site is generally enclosed by post and rail fencing and is surrounded by additional grazing land with nearby blocks of stables and a horse exercise ménage. A stream runs in a north/ south direction around 75 metres from the edge of the appeal site and a further drainage channel runs to the north of the site. In a wider context, the site lies in close proximity to a cluster of dwellings, known locally as the area of Brookmill, and is around 1.5 km from the closest village of Penley. The town of Ellesmere is some 6 km to the south-west.

7. The proposal would involve the change of use of land to a mixed use to allow the continued keeping of horses but also the permanent residential occupation of the site by four members of an extended family within their own pitches. One large and three smaller amenity buildings would be provided alongside the pitches. The existing point of vehicular access would be utilised.
8. In terms of flood risk, the site falls partially within Flood Zones 1, 2 and 3. Due to the site's proximity and relationship to the watercourse, the area to the east and south-east largely falls within the lower risk Flood Zone 1. Though most of the area containing caravans and amenity buildings would fall within Flood Zone 1, the only access route to and from the site is affected by Flood Zones 2 and 3.
9. Policy CS18 of the Shropshire Adopted Core Strategy 2011 (CS) deals with flood risks and sustainable drainage. The Policy requires that planning proposals should be in accordance with the tests contained in 'PPS25' and have regard to the *Strategic Flood Risk Assessments* (SFRAs) for Shropshire. PPS25 is the now superseded Planning Policy Strategy 25: Flood Risk, though the tests it contained are now set out within the National Planning Policy Framework (the Framework) in any event. Policy MD2 of the *Site Allocations and Management of Development Plan* (adopted 2015) (SAMDev) also requires developments to integrate sustainable drainage systems as an integral part of good design so as to minimise the risk of flooding.
10. The Framework requires that a sequential risk-based approach should be applied to individual applications in areas known to be at risk now or in future from any form of flooding, the aim of which is to steer new development to areas with the lowest risk of flooding from any source. It goes on to state that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding and that the relevant SFRA will provide the basis for applying this test.
11. Paragraphs 175 of the Framework indicate that the sequential test should be applied except in situations where a site-specific flood risk assessment (FRA) demonstrates that no built development within the site boundary, including access or escape routes would be located on an area that would be at risk of flooding from any source, now and in the future, having regard to potential changes in flood risk. The exceptions to the requirement for the sequential test approach are set out in paragraph 176 and footnote 62; the effect of which indicate that the use of land for the siting of residential caravans is a situation where the sequential test approach shall be applied.
12. If in the event it can be satisfactorily concluded that it is not possible for development to be located in areas with a lower risk of flooding using the sequential test approach, the Framework indicates that the exception test may

need to be applied. To pass the exception test, both of the following should be satisfied:

“a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall”.

13. The nature of the proposal and the extent to which the site is within the higher risk flood zones necessitates the application of the sequential test. No evidence of testing has been submitted with the appeal proposal though the site-specific FRA¹ sets out that the sequential test is considered to be passed with the exception test no longer applicable. The conclusion in respect of the sequential test appears to have been reached on the basis that the caravans and buildings would be sited within Flood Zone 1. This is an incorrect assumption given the Framework’s clarification that the sequential approach should be applied where accesses and escape routes are within higher risk Flood Zones. The suggestion that the exceptions test is not applicable is not clarified further.
14. The submitted Statement of Common Ground (SoCG) sets out the parties’ agreement that the ‘built development’ would be located within Flood Zone 1 and outside of Flood Zones 2 and 3 with caravans and buildings at a floor level of at least 47.610m above datum (AOD). The SoCG does not explicitly note the Council’s agreement that the sequential test has been passed, but the reason for refusal focusses specifically on the lack of evidence to indicate that future occupants would be able to safely access and egress from the site during a peak flood event or that the proposed foul water drainage system would operate correctly during the same. There is no evidence of a systematic consideration of any sequentially preferential sites having been discounted and the appellant’s position at the hearing, clarified verbally, was that there are no allocated Gypsy and Traveller sites, no suitable alternative sites identified by the Council and thus, absent of any permissions for vacant sites, no suitable, sequentially preferable sites were considered reasonably available.
15. Even if I were to agree with the main parties and find that the site was the only one available for the development proposed, I do not agree that the exceptions test is no longer applicable. With regard to the sustainability benefits required under part a) of the exceptions test, the matters of need and the balance of benefits are assessed below. Part b) of the exception test is of particular relevance in this case and requires the development to be safe for its lifetime taking account of the vulnerability of its users and at least without increasing flood risk elsewhere.
16. The FRA states that because the finished floor level heights of the caravans would be above the 1 in 100 year plus climate change flood level, that safe refuge will be provided and no internal flooding would be anticipated. It also says that flood depths would be between 300mm and 600mm. However, there is limited evidence to clarify how the future occupants would be safe for the lifetime of the development on the basis of the regularity and predicted durations of flood events, the velocity and related depths of flood water and any other risks that would occur in trying to access or leave the site. How long occupants would need to postpone

¹ SNR ENG Ltd, May 2024

everyday activities, such as attending school, shopping or attending a place of work, to take refuge from such flood events is not clear. Nor is it clear to what level of risk the emergency services would be exposed in the event of a flood where the need to access the site were unavoidable.

17. It was suggested that a flood evacuation plan could form a requirement of a condition, particularly in the absence of a local flood warning system being in place. However, given the limited information on which to assume the personal safety of future occupiers during any flood event, such a condition could not make the development acceptable in planning terms. It is necessary to understand the possibility of evacuation and the way in which such could be assured to be reasonably safe before the detail of such a plan is left to the requirement of a planning condition.
18. The other suggestion was to secure a means of foul water drainage by way of a planning condition. This was because the submitted Drainage Strategy for a below-ground package treatment plant had not been proven capable of operating continually through a flood event in the event of submergence or becoming backfilled with flood water. The certainty of a continual power supply also appeared to be a matter of unspecified certainty. This is an aspect that could form the requirement of a pre-commencement planning condition as such a solution could be designed to take proper account of the various constraints.
19. However, even if it were possible to secure aspects in relation to foul drainage by way of condition, the submitted information does not provide me with the necessary confidence that the proposal would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, reducing flood risk overall. This would not be adequately addressed by means of a pre-commencement condition as there is no certainty that the proposal would be safe for its future occupiers. The exception test has not been passed in this regard.
20. Planning policy for traveller sites (2024) (PPTS) states in paragraph 13 g) that local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally and that policies do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans. This part of the PPTS relates to plan making rather than decision-making. However, if I apply this paragraph to the proposal, it would not meet it as it has not been demonstrated that the proposal, taken as a whole, would not be at high risk from flooding.
21. Whilst reference has been made to a previous temporary permission for the use of land for residential occupation, that use of land has since ceased and the flood risk constraints of the site and policy context have materially changed since then. As such, I attribute this aspect limited weight. The documents submitted at the hearing² which suggest that the site is at a low risk of flooding from surface water and ground water sources do not alter my findings above. Similarly, the examples of appeal decisions submitted by the appellant that cover this particular aspect are also of some age and do not direct me to a different conclusion.
22. In conclusion, it has not been demonstrated that the proposal would not be at risk from flooding and that the future occupiers of the site would be safe in the event

² Hearing documents 1 and 2

that flooding occurred. The proposal is therefore contrary to CS Policy CS18, Policy MD2 of the SAMDev. For similar reasons, the proposal does not accord with the flood risk expectations of the Framework.

Need and supply

23. Under the PPTS, Local Planning Authorities, in the production of its local plan, should identify and update annually, a supply of specific deliverable Traveller sites sufficient to provide 5 years' worth against their locally set target. When considering planning applications, where a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable Traveller sites, the provisions in Framework paragraph 11(d) apply.
24. The SoCG details that the most recently published consideration of need is the *Gypsy and Traveller Accommodation Assessment (GTAA) Update*, published in 2019, though the Council is in the process of preparing another GTAA to update this again. The 2019 GTAA Update indicated that there would be a cultural need for 113 pitches between 2016/2017 and 2037/2038.
25. The Council accepts that the 2019 GTAA Update is not a robust evaluation of current levels of need for Gypsy and Traveller pitches. Thus, the position is that it cannot demonstrate a five year supply of sites.
26. In terms of supply, over the same period, 27 permanent pitches have been granted permission since the 2019 baseline using the criteria-based CS policy CS12. The Council could not identify any available, suitable alternative pitches onto which the appellant and her extended family could relocate together.
27. In these circumstances, the tilted balance as per paragraph 11(d) of the Framework is engaged. I return to this below.

Personal circumstances

28. In terms of statutory duties and rights, the PSED³ requires that when carrying out its functions, a public authority must foster good relations between persons who share a relevant protected characteristic and persons who do not. The Human Rights Act⁴ establishes a right to respect for private and family life, his home and his correspondence. Article 3 of the United Nations Convention on the Rights of the Child requires a child's best interests to be a primary consideration, and no other consideration must be regarded as more important or given greater weight.
29. The appeal site is intended to be occupied by the appellant, her two sons and the appellant's sister, with their respective partners and dependent children (where relevant). The SoCG confirms that the Council's Liaison Officer knows of the appellant and has confirmed that she and her sons have Traveller status, such that their protected characteristic is not in dispute. It is confirmed that the family have a strong local connection to Shropshire under the requirements of CS Policy CS12 and that none have permanent pitches. Written evidence was also submitted in connection with the personal safety risks which have resulted in the appellant seeking the security of family around her. This particular evidence is not disputed by the Council and has been taken into consideration.

³ Public Sector Equality Duty under the Equality Act, 2010

⁴ Article 8 of the European Convention on Human Rights as enshrined in the Human Rights Act (1998)

30. Additional detail was provided verbally at the hearing that each of the respective family groups currently has unsuitable or accommodation on only a temporary basis. The reasons given related to overcrowding (current or imminent); being on an unsuitable transit site, or due to pitches only being available on a temporary basis. It was also confirmed that there are five dependent children that would move onto the appeal site, with enrolment into a relatively local school being the intention for at least some of these children.
31. There would be advantages for the general well-being of all members of the extended family through having a permanent settled base together, with reasonable access to amenities and schools. The dismissal of the appeal would leave the respective households without the certainty of accommodation being available on an ongoing basis. This is a disbenefit but given the potential risks of occupying the appeal site, I cannot conclude that the certainty of accommodation it offers would genuinely be in the best interests of the future adult occupants, let alone any respective children.

Other Matters

32. The appeal site is within influence of the Cole Mere part of the Midlands Meres and Mosses Phase 2 Ramsar Site (the Protected Site).
33. It cannot be ruled out that residential development in this location, both individually and cumulatively with other schemes, would have significant effects on the features of interest of the Protected Site due increased recreational use and other domestic activity. The Cole Mere Management Plan 2020-2025 contains mitigation measures to address increased recreational pressure through visitor management. This takes the form of a financial contribution per-bedroom, secured through an obligation under section 106 of the Town and Country Planning Act 1990. The parties do not dispute that this can be mitigated through contributions which the appellant has committed to pay by way of submitted unilateral undertaking.
34. As the circumstances that could have led to the granting of planning permission are not present, it is not necessary for me to ascertain the appropriateness and delivery of the mitigation. Consequently, as I am dismissing the appeal for other reasons, I have not taken this matter further.
35. Concerns have been raised about a wide range of issues, including potential effects on highway safety; character and appearance; biodiversity and overdominance of the local community. None of these aspects are in dispute between the main parties and I find no reason to disagree. However, as I am dismissing this appeal, I have not addressed these matters any further.

Planning Balance

36. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that development should be in accordance with the development plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 requires the authority to have regard to the provisions of the development plan, insofar as they are material to the application. There is conflict with the development plan with regard to flood risk.

37. The acknowledged inability of the Council to demonstrate a five year supply in Traveller pitches is a significant material consideration which engages the provisions of paragraph 11(d) of the Framework.
38. The provision of four pitches and absence of alternative sites are factors that weigh significantly in favour of the scheme. However, it has not been demonstrated that the proposal would not be at risk of flooding or that the occupiers would be safe over the lifetime of the development. Areas at risk of flooding are listed in Framework footnote 7 as areas where Framework policies can provide a strong reason for refusing the development proposed. In this case, I find that the risk of flooding is a strong reason for refusing the development proposed. Thus, the proposal does not constitute sustainable development under the terms of the Framework.
39. I find that the benefits indicated would not be sufficient to justify the proposal in light of the harm identified and would not justify a decision otherwise than in accordance with the development plan.
40. Given the harm I have found, a permanent planning permission is not appropriate. The appellant did not seek a temporary permission but I have considered whether such a permission would be a more proportionate response. However, it would not be suitable to allow either a temporary permission as it would potentially place the future occupiers' lives and property at risk, which, absent of evidence to the contrary, would not be mitigated. Though the personal circumstances of the appellant and her wider family have also been considered, granting a personal permission would not be an appropriate response for similar reasons.

Conclusion

41. For the reasons given above, the appeal should be dismissed.

H Nicholls

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Philip Brown	Agent, Philip Brown Associates Limited
Ms Kathleen Roberts	Appellant
Ms Marcia Jones	Landowner

FOR THE LOCAL PLANNING AUTHORITY:

Mr Mark Perry	Shropshire Council - Senior Planning Officer
Mr John Bellis	Shropshire Council – Drainage and Flood Risk Manager
Ms Emma Green	Shropshire Council – Planning Manager

INTERESTED PARTIES:

George Jones	Local resident
Ann Jones	Local resident
Matthew Bell	Local resident
Victoria Bell	Local resident
Guy Wellsbury	Local resident
Karen Bland	Welshampton & Lyneal Parish Council
Mike Piotrowski	Colliers
Daniel Howlett	Colliers
John Griffiths	Vice Chair Maelor South Community Council
Robin Peel	Local resident

HEARING DOCUMENTS:

Document 1	Extract from EA website mapping in re to surface water flood sources
Document 2	Extract from EA website mapping in re to ground water flood sources
Document 3	Heartlands Farm Transport Statement

DOCUMENTS RECEIVED AFTER THE HEARING:

Document 4	Email from Council in respect of varied/additional conditions
Document 5	Email from agent in connection with conditions
Document 6	Unilateral undertaking (UU) dated 12.06.2025

--- ENDS ----

Appeal Decision

Site visit made on 10 June 2025

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 July 2025

Appeal Ref: APP/L3245/W/25/3363602

Development Land between Longden Road and Beehive Lane, Shrewsbury, Shropshire SY3 7AE

- 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 Glyn Jones against the decision of Shropshire Council.
 - The application Ref is 24/02257/FUL.
 - The development proposed is 2 storey detached dwelling on land at Beehive Lane.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Subsequent to the publication of the revised National Planning Policy Framework (December 2014) (Framework), the Council considers that it is unable to demonstrate a five year supply of housing. The appellant refers to the Council's Five Year Housing Land Supply Statement (2024) which states a five year supply of 4.73 years. In the absence of robust evidence to the contrary, I have determined the appeal on that basis. Paragraph 11 d) of the Framework is therefore relevant. I return to this subsequently.

Main Issues

3. The main issues are:
 - the effect of the proposed development on highway safety; and
 - the effect of the proposal on the character and appearance of the local area bearing in mind the special attention that should be paid to the extent to which it would preserve or enhance the character or appearance of the Shrewsbury Conservation Area.

Reasons

Highway safety

4. The proposal includes improvements to the junction between Beehive Lane and Kingsland Road. This is due to restricted visibility of vehicles waiting to exit Beehive Lane, particularly from vehicles approaching on Kingsland Road from the east. The proposed improvements include bringing the kerb line further into Kingsland Road and alterations to road markings. The effect of this is said to make vehicles exiting Beehive Lane more visible and increase visibility splays from 2.4 x 19m to 2.4 x 21m. This represents a small improvement over the existing situation.

However, it is acknowledged to fall well below the Manual for Streets guidance for a distance of 2.4 x 43m for 30mph roads.

5. There is an uphill road gradient from the east which would likely slow vehicle speeds to a certain extent. However no substantive evidence is provided to confirm typical vehicle speeds. Moreover, combined with the bend in Kingsland Road, the presence of a number of junctions with other roads in the vicinity adds a layer of complexity to the road layout that would likely reduce road users' attention on the Beehive Lane junction. In that context, I am not persuaded that the small increase in visibility splay and the proposed addition of a cycle crossing sign would make a meaningful difference.
6. Beehive Lane already provides vehicular access for three dwellings and the appellant is said to have vehicular rights to access the site from Beehive Lane. Also, the increase in vehicle trips on Beehive Lane associated with the proposal would be relatively limited. Nonetheless, there would be more frequent use of the Beehive Lane junction in a locality where the accident records show there have been three collisions between vehicles and cyclists in the five year period. Also, it is acknowledged that this is an area frequently used by cyclists.
7. Therefore I conclude that the proposed road improvements would not be sufficient to overcome the highway safety concerns arising from increased use of the Beehive Lane/Kingsland Road junction. Consequently, the proposal would not be acceptable with respect to highway safety. It would thus conflict with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (Core Strategy). Amongst other matters, this requires that developments are designed to be safe.
8. The appellant's fallback position relates to their existing vehicular access to the appeal site. In the event of the appeal being unsuccessful it is reasonably likely that such vehicular use of Beehive Lane by the appellant would continue. Nonetheless, the frequency of such use, including for maintenance of their land, would likely be considerably less than that associated with a new dwelling. Consequently, it does not justify allowing a proposal that would be more harmful in highway safety terms.

Character and appearance

9. As the site is located within Shrewsbury Conservation Area (CA), section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the 1990 Act) applies. This requires that in deciding the appeal, I pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. It is not uncommon for there to be an absence of a conservation area appraisal for all or part of a Conservation Area.
10. Nonetheless, insofar as it relates to this appeal, I consider that the significance of the CA is primarily derived from its pattern of development, with the built form of the historic market town interspersed with rural open spaces. An extension to the CA after its original designation included the Kingsland Special Character Area in which the appeal site is located. The notice of designation of this CA extension (April 1981) refers to incorporating important open space in the area of the appeal site. Here, the Rad Brook Valley comprises important open space contributing to the openness of this part of the CA.

11. The appeal site is accessed from the lane which also serves as a public right of way (the PRoW). The PRoW runs along the northern boundary of the site and curves round to the south, following the boundary of the field in which the appeal site is located. In the vicinity of the appeal site, the PRoW has a distinctly rural character defined by its informal surface, narrow width without pavements, and mature vegetation alongside. Visibility of the appeal site from the PRoW is varied due to the presence of mature vegetation.
12. However, from the PRoW at the appeal site entrance, the site provides a pleasant view into the appeal site which comprises a downwards sloping, open field. It also allows views across the appeal site to the valley and trees beyond. The open character of the appeal site is also apparent through gaps in the vegetation at various points along the PRoW, including in the vicinity of the substation building. From there, the absence of built form within the appeal site contributes to a welcome sense of space with a distinctly rural character. In that context, the open character of the appeal site makes a positive contribution to the Kingsland Special Character Area and the significance of the CA as a whole.
13. The proposal is designed with the intention of integrating it with the landscape. As such, it would be positioned within a corner of the site such that much of the field in which it is located would remain undeveloped. There are other houses in the vicinity such that it would not appear isolated. The footprint of the appeal building would not be excessive relative to other large houses in the area, including a proposed dwelling at 19 Kennedy Road said to have recently been approved by the Council. Taken in isolation, the design of the proposed dwelling would also be acceptable and could achieve a high quality home. Furthermore, change in a Conservation Area does not always equate to harm. The landscape strategy has also been designed to minimise the extent of its formal garden and maximise the area of land that would remain naturalised, outside of the appeal site boundary.
14. Nevertheless, the appeal scheme would introduce considerable built form and some hard surfacing in relatively close proximity to the northern site boundary. As such, although the proposed dwelling would be set into lower ground relative to the PRoW there, the development would still be readily appreciable when viewed from the appeal site access. Despite the proposed modulated roof with two distinct hipped roofs, it would be of a scale and mass that would dominate in views from there, curtailing views through the site.
15. The land to remain undeveloped outside of the appeal site boundary would remain visible in views from the PRoW in the vicinity of the substation. However, the appeal building would also be a prominent feature from there, intruding on the undeveloped character of the wider site. Rather than improving the setting of Beehive Lane, this would have an urbanising effect on this part of the CA. Even with the proposed additional landscaping, the building would be a noticeable intrusion into the currently undeveloped, open field. This would be particularly noticeable in winter months when the effect of vegetation in filtering views would be considerably reduced relative to summer months. Whilst the character of the area may change in time due to factors such as increasingly mature boundary hedges and Ash die back, such changes would not diminish the openness of the appeal site, which is a key consideration here.
16. Therefore, the particular characteristics of the appeal site are such that the proposed built form and hard surfacing would result in a harmful loss of open

space. The removal of permitted development rights would not mitigate the harm arising from the proposal as submitted. Alterations to Beehive Lane through widening and cutting back vegetation would also likely have a somewhat urbanising effect, further detracting from its contribution to the rural character of this part of the CA. No substantive evidence indicates otherwise.

17. Although more convenient for the landowner to live on site, the case that they would be better able to maintain the surrounding land as a result is not persuasive. In any event, in the absence of a mechanism to secure such management over the long term, there is insufficient certainty that it would continue in the event of the appeal being allowed. I note that the appellant has sought to address previous reasons for refusal. Also, that the Council's landscape and conservation officers were satisfied that the proposal would be acceptable, subject to conditions. Nonetheless, for the above reasons, I find that the appeal scheme would fail to preserve the significance of the CA. Consequently, I give this harm considerable importance and weight in the planning balance.
18. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. The proposal would relate to a small part of the CA as a whole, and land around the appeal site would remain undeveloped. As such, I find the harm to be less than substantial, but nevertheless of considerable importance and weight. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
19. The proposal would provide one additional self-build dwelling within the settlement boundary. Given that the Council cannot demonstrate a five year supply of housing, the proposal would make a small contribution to addressing that shortfall. Small sites and windfall developments can make an important contribution to housing land supply in Shrewsbury and can be built out relatively quickly. The Framework seeks to boost significantly the supply of housing provision. The letter from Matthew Pennycook MP of the Ministry of Housing, Communities and Local Government (December 2024) to the Royal Town Planning Institute also reiterates the importance of the planning system in tackling the pressing need for new homes. Economic advantages would also arise from construction and occupation of the proposal. The proposed improvements to the Beehive Lane junction would be a small public benefit. The proposal could also deliver enhancements to biodiversity, albeit the nature and scale of those enhancements and how they could be secured is not before me. An absence of harm in respect of matters such as its effect on the living conditions of neighbours is a neutral consideration.
20. However, I find that the enduring environmental harm to the heritage asset would not be outweighed by the limited overall public benefits of the scheme. Therefore the proposal would fail to preserve the character and appearance of the CA. It would consequently conflict with policy CS6 and CS17 of the Core Strategy and policies MD2, MD12 and MD13 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (December 2015). Amongst other matters, these generally seek to ensure proposals are designed having regard to the character of their surroundings, including the natural and historic environment. It would also fail to satisfy the requirements of the 1990 Act and the Framework.

21. The appellant refers to another housing development (Former Builders Yard, Red Barn Lane) that was granted permission by the Council. Whilst not far from the appeal site, and also within the Kingsland Special Character Area and CA, that development site was identified as previously developed land and is much more enclosed than the appeal site. As such, evidence does not indicate that the Red Barn Lane site was comparable to the appeal site in terms of the nature of the site and its contribution to openness in this part of the CA. Therefore, the Council's reasoning for that decision, including in respect of the character of those building designs, does not alter my reasoning here. Similarly, other developments said to have been approved by the Council at 2 Beehive Lane and 7 Kennedy Road do not appear comparable in respect of their effect on open space.

Other Matters

22. Although the Council officers offered support for the proposal at pre-application stage, such advice is non-binding. In any event, the appeal must be determined afresh in light of the submitted evidence.
23. Given footnote 7 to Paragraph 11 d) i. of the Framework, and the harm I have identified to a heritage asset, this provides a strong reason for refusing the development. Consequently, consideration of whether any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits is not required.
24. The support for new housing in the development plan and the Framework is not at the expense of ensuring that developments are appropriately designed and integrate suitably with their surroundings. Consequently, the appeal scheme is contrary to the development plan as a whole and there are no material considerations, including the provisions of the Framework, that outweigh this finding. I note a small number of letters of support were submitted for this proposal. However this support is not sufficient to justify allowing the proposal given the harms I have identified.

Conclusion

25. Therefore, for the reasons given, the appeal scheme is unacceptable, and the appeal should be dismissed.

Rachel Hall

INSPECTOR

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