



Appeal Decisions

Hearing Held on 16 May 2018

Site visits made on 15 and 16 May 2018

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2018

Appeal A Ref: APP/L3245/W/17/3188617

Barn adjacent The Cottage, Lee, Ellesmere SY12 9AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ben Pocock of Dukescroft Limited against the decision of Shropshire Council.
 - The application Ref 17/03208/FUL, dated 3 July 2017, was refused by notice dated 11 September 2017.
 - The development proposed is erection of a single detached dwelling together with ancillary works.
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Appeal B Ref: APP/L3245/W/17/3189268

Barn adjacent The Cottage, Lee, Ellesmere SY12 9AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ben Pocock of Dukescroft Limited against the decision of Shropshire Council.
 - The application Ref 17/01566/FUL, dated 30 March 2017, was refused by notice dated 20 June 2017.
 - The development proposed is change of use of agricultural land to residential use, construction of two bay carport/garage, realignment of existing track, reuse of outbuilding as garden store, installation of additional cladding and external flue on existing barn, all to be used in connection with permitted barn conversion.
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Appeal C Ref: APP/L3245/W/18/3194193

Barn adjacent The Cottage, Lee, Ellesmere SY12 9AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ben Pocock of Dukescroft Limited against the decision of Shropshire Council.
 - The application Ref 17/04613/FUL, dated 20 September 2017, was refused by notice dated 10 January 2018.
 - The development proposed is erection of a single detached dwelling together with ancillary works.
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Decisions

1. Appeal A is allowed and planning permission is granted for the erection of a single detached dwelling together with ancillary works at Barn adjacent The Cottage, Lee, Ellesmere SY12 9AE in accordance with the terms of the application, Ref Ref 17/03208/FUL, dated 3 July 2017, subject to the conditions in the attached schedule.

2. Appeal B is allowed and planning permission is granted for change of use of agricultural land to residential use, construction of two bay carport/garage, realignment of existing track, reuse of outbuilding as garden store, installation of additional cladding and external flue on existing barn, all to be used in connection with permitted barn conversion at Barn adjacent The Cottage, Lee, Ellesmere SY12 9AE in accordance with the terms of the application, Ref 17/01566/FUL, dated 30 March 2017, subject to the conditions in the attached schedule.
3. Appeal C is allowed and planning permission is granted for the erection of a single detached dwelling together with ancillary works at Barn adjacent The Cottage, Lee, Ellesmere SY12 9AE in accordance with the terms of the application, Ref 17/04613/FUL, dated 20 September 2017, subject to the conditions in the attached schedule.

Application for costs

4. At the Hearing an application for costs was made by Mr Ben Pocock of Dukescroft Limited against Shropshire Council. This application is the subject of a separate Decision.

Background

5. In 2015 the Council considered an application for prior approval under Schedule 1, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) for the change of use from agricultural to residential use¹ 'the prior approval scheme'. The Council formed a view that prior approval was not required based on the evidence before them. I understand that the prior approval scheme relates to a Dutch barn, which is referred to by the main parties in the evidence. Subsequent to this, a certificate of lawful development (LDC) for issued by the Council for the replacement of existing infill wall panels with new infill wall panels with the external appearance and dimensions remaining unaffected² 'the LDC'. The LDC relates to the Dutch barn.

Procedural Matters

6. As set out there are three appeals on this site. The schemes subject of Appeals A and C have been made under Section 73A of the Town and Country Planning Act 1990 (as amended) 'the Act'. Works have taken place, although none were taking place at the time of my visits. I shall turn to this matter in greater detail later in my decision, but cladding has not been applied to each elevation; the garage, balcony and staircase (Appeal A) have not been erected; the window and doors openings have not been installed; and the inside of the building is not complete. The works which have taken place accord with the schemes subject of Appeals A and C.
7. Appeal B differs as it relates to various development to be used in connection with the prior approval scheme and the LDC. Despite this difference, the scheme subject of Appeal B differs only in terms of its design to the schemes subject of Appeals A and C. I have considered each proposal on its own merits. However, to avoid duplication I have dealt with the three schemes together, except where otherwise indicated.

¹ Ref: 15/02591/PMBPA

² Ref: 16/03788/CPL

8. A signed and complete Unilateral Undertaking (UU) was submitted at the hearing by the appellant in respect of Appeals A and C. I shall turn to this later in my decision.
9. At the Hearing there was discussion about a suggested planning condition relating to the plans for each appeal, if I were minded to allow any of the appeals. As the suggested planning condition was not specific to each appeal, I asked the parties, without prejudice to their respective cases, to submit an agreed version of a plans condition specific to each appeal by 17:00 on 18 May 2018. I have had regard to the submitted conditions in arriving at my decision.
10. The Council, after the hearing was closed, submitted further evidence. I had not invited this evidence either at the hearing or at any point afterwards. Even so, as it related to discussions which took place at the hearing, I accepted this evidence. In the interests of fairness, the appellant and interested parties were given seven working days to comment on the Council's submissions. I have had regard to all the evidence submitted in my determination of the appeals.

Main Issues

11. The first main issue for Appeals A and C is whether the development would accord with development plan policies relating to the location of development in the administrative area of Shropshire. In terms of Appeals A and B there is a main issue relating to the effect of the proposal on the character and appearance of the area. Also, for Appeal B, there is a main issue of whether or not the building is capable of being converted for residential purposes, having regard to works undertaken, permitted development and planning application Ref: 15/02591/PMBPA.

Reasons

12. The appeal site is generally flat with a slight slope down from the site entrance on the western boundary towards the east of the site where a two storey steel framed building is sited. Two other buildings are on the site: a concrete frame single storey building and a steel-clad timber frame single storey building. A concrete water butt and a steel-clad timber-framed single storey building have been removed from site. An access track runs between the site's entrance and the two storey building. The site is bound by mature trees and hedgerows, especially along the site's southern boundary next to open pasture land.
13. The Cottage, a detached two storey residential property is to the north. The Cottage and the site are sandwiched between the C1031/25 and an unclassified road which adjoins the site's western boundary. The two roads form a junction to the north of The Cottage. Fields are to the east, west and south.

Location

14. Policy MD1 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan December 2015 (SAMDev) states that sustainable development will be supported in Community Cluster settlements, having regard to Policies CS2, CS3 and CS4 of the Adopted Core Strategy (ACS) and to the principles and development guidelines set out in Settlement Policies S1-S18 and Policies MD3 and MD4 in the SAMDev. Policy MD1 identifies that Tetchill, Lee and Whitemere are a Community Cluster settlement in the Ellesmere Area. Tetchill is roughly to the west of Lee, while Whitemere is to the north-east.

15. SAMDev Policy S8.2(iv) explains that developing by infilling, groups of houses and conversions may be acceptable on suitable sites within the development boundary identified on the Policies Map. In Lee and Whitemere development will be limited to single infill plots and conversions. The proposals are for an open market residential dwelling.
16. There is no development boundary for Lee. As such, judgement is required to determine if the site is within the settlement of Lee. The Council contend that the settlement of Lee consists of a nucleus of properties to the north of the appeal site, which roughly start 320 metres away. This nucleus is not defined, but it does lie to the south of a sign identifying the village of Lee.
17. Underlying the Council's concern with the proposals is the potential harm to the settlements pattern, form and character. The Type and Affordability of Housing Supplementary Planning Document (SPD) offers advice about settlements. I acknowledge the SPD in this regard applies to exception sites, but it is a useful guide in terms of setting out the Council's thinking on settlements.
18. A settlement is a relationship between different properties; the limits of the settlement are defined by where the relationship peters out. To the south of the nucleus are intermittent pockets of development, which include farmsteads, residential properties and Lee Bridges Methodist Church. Shortly after the church is a sign which identifies the village of Lee. Open fields are between each pocket, which reflects the rural pattern, form and character of Lee.
19. The Council sought to distinguish the nucleus from the farmsteads to the south of the site, by saying the latter qualify as rural exception sites. However, they did not provide any evidence to support their claim. Added to this, I heard evidence that there are three farmsteads within the nucleus itself. This reflects the rural character of Lee. The Council accepted the farmsteads may have been in situ for some time. Furthermore, they could not explain why they should not be considered to be part of Lee, other than due to their distance from the nucleus.
20. The local population, including the Parish Council explain that they consider the extent of the settlement to be between the two village signs. I understand this view to be primarily based on a social and physical relationship. There is little evidence about an economic relationship before me. While the local community are not the decision makers in determining the extent of a settlement, they do offer a valuable insight, and thus they are a contributing factor, given that they are often best placed with local knowledge. The village signs are not in themselves a definitive extent of Lee, but they are part of the evidence that is before me.
21. I was informed at the hearing that Lee is an ancient settlement. I have little reason to doubt this, given the built form in the area to the north and south of the site and the historic maps for the area near to the site itself. As a result, it is very likely that there will have been, and will continue to be, social interaction between people living in the area either side of the appeal site, regardless of the outcome of the appeals.
22. The Council submitted that the outlying clusters of development ought to be ignored for purposes of characterisation. While, the development plan post-dates development in the area, settlements evolve over time and they are subject to change. Lee peters out to the east and west once away from the

C1031/25. Except Ellesmere College to the north, the northern extent of the nucleus marks the upper most part of Lee in this direction. I agree that postal addresses cannot be a determinative factor, due to the need to direct mail regardless of whether it is or isn't in a settlement, but the Council's view of Lee is to narrow. The physical and social relationship of Lee peters out to the south of the church. While there are gaps between the nucleus and outlying pockets of development, this is not uncommon in rural areas. As such, Lee is a dispersed rural settlement of loose-knit properties. On the round, the site is within the settlement of Lee.

23. If I determined that the site is within Lee, the parties accepted that ACS Policy CS5 would not apply as it relates to development in the countryside. Instead, they agreed that the proposals need to satisfy policies CS4 and S8.2(iv). The latter states that development in Lee will be limited to single infill plots and conversions. As both appeals are to erect a single detached dwelling, I shall explore if the schemes relate to a single infill plot.
24. The main parties agree that there is no definition of the term 'infill' provided in the development plan, any other Council document or in national policy and guidance. They both refer to a general approach to infilling which they consider to be a small gap within an otherwise built-up frontage or group of houses.
25. Agricultural buildings have and still populate the site, which is bound by mature trees and hedgerows. There is a large physical and visual gap to farmsteads to the south. Nevertheless, this is a characteristic of the settlement of Lee. A location next to a side road will not always preclude the definition of a site as being an infill site. Owing to the site's position between the side road and the C1031/25 it does physically and visually infill this space, and there would not be any encroachment beyond those roads or outside of the existing boundaries to the north and south. The schemes would re-use the site. A reduction of built form on the site compared to the agricultural use would result in some gains to the openness of the land, while the scale of the plot and built form would broadly reflect the character of built form in Lee. Moreover, a residential dwelling on the land would relate well to The Cottage. As such, the site is not physically isolated. The proposals would also be limited to a single infill plot.
26. My attention has been drawn by the appellant to other sites where new dwellings have been granted planning permission by the Council since the adoption of the development plan. I have also had regard to the appeal decision in Perthly referred to by the Council³. I have noted the decisions taken, and I recognise the Council's concerns about a precedent being set in terms of my interpretation of infill, but, I have made a site specific judgement based on the evidence presented. It would be for the Council in the first instance to decide any future development proposals having regard to the evidence before them.
27. In the Community Cluster, SAMDev Policy S8.2(iv) explains that there is a housing guideline of around 20 dwellings across the cluster. The Council's '5 Year Housing Land Supply Statement' details that as 'as of March 2017, the Community Cluster has delivered 5 completions, with an extra 14 sites benefitting from deliverable permission. The prior approval scheme is included in this figure. Even if this figure should be revised down to account for the Council's position on the prior approval scheme, the number of houses that

³ Appeal Decision Ref: APP/L3245/W/17/3189136

could potentially be built, if all implemented, would still be below the housing guideline. As such, the proposals are not be contrary to this figure, and a single extra dwelling is of a scale that is appropriate to the character of Lee and its environs. I accept that the plan period has some way to go, but the National Planning Policy Framework (the Framework) does seek to boost significantly the supply of housing, and the housing guidance is very much that, a guideline of around 20 dwellings.

28. The proposals would help bring about the rural re-balance of rural communities that is advocated in Policies CS1 and CS4. This would be achieved by future occupants helping shape the local community; the modest provision of a family dwelling; contributions to trades, supply chains, local services and facilities; and making the most effective use of land as required by ACS Policy CS6.
29. For these reasons, I conclude, on this issue that the schemes subject of Appeals A and C accord with ACS Policies CS1, CS4, CS6, SAMDev Policies MD1, MD2, and S8.2(iv) together with Framework paragraph 55. Collectively, these, among other things, limit development in the Community Cluster of Lee to single infill plots that is of a scale and design sympathetic to the character of the settlement and its environs. There would also be no conflict with ACS Policies CS5 and SAMDev Policies MD7a and MD7b as they apply to development in the countryside.

Character and appearance

30. It was an agreed point that the site has an inherent agricultural setting. While there are buildings on the site, the character and appearance of the site and its surroundings is semi-rural. Views of the site are available from the roads either side of the site only. They do vary due to the mature vegetation on the site and the presence of The Cottage.
31. The Council recognise that the schemes subject of Appeals A and B aim to reflect the site's agricultural context. Despite this, it is their view that the changes proposed through Appeals A and B, collectively amount to a domestic character and appearance, which would not be in keeping with the site's context and not achieve the appellant's design aims. Even so, the site is next to an existing residential property and there are others in the nearby area.
32. In refusing planning permission for Appeal B, the Council considered the scheme to have an unnecessary large curtilage, which would lead to an over domestication of the site. The size and layout of the curtilage proposed in Appeal B is, however, no different to those subject of Appeal A and C. The Council accepted in determining the planning application that is now subject of Appeal C that the scale of the curtilage was not harmful, having regard to the site's location, boundary screening and proposed landscape measures. No concern was expressed with the curtilage in Appeal A. The Council also accept that they do not have any concerns with the domestic activity that would inevitably go hand in hand with a residential dwelling, in terms of Appeal A and C. Suitable planning conditions could also control future development and obtain hard and soft landscaping to mitigate the effects of the proposals. These conditions are suggested as part of Appeals A and B. Given this, I find that no harm would arise from the curtilage proposed in Appeal B.
33. Much of the Council's concern with Appeals A and B relates to the proposed double berth garage which is identical in both schemes. While the plans are

- not conclusive that it would be built independently, the Council's reference to ACS Policy CS5 carries little weight in this case, given the policy, in respect of design, refers to heritage assets, which the appeal site is not. Furthermore, the scheme subject of Appeal A proposes a new dwelling and not a conversion.
34. However, it is still necessary to achieve high quality design given the great importance the Framework places on it in paragraph 56. The design does also need to have regard to the site's local context and character.
 35. The proposed garage would achieve this through the proposed use of materials, which reflect previous structures and a current building; and its scale which would be subservient to the dwelling, and form a transition to The Cottage. The design of the garage would also tie in with the dwelling. It would be modest, and an expected provision of a family sized dwelling.
 36. The balcony and granary style external staircase proposed as part of Appeal A would be new features in the area, but their scale, massing, design and appearance would broadly reflect the dwelling that they would form part of. They would be relatively small parts of the scheme that would not stand out to passers-by, and they would add interest. Despite the Council's concerns, the scheme subject of Appeal A would address the site's agricultural context and embrace an opportunity for a contemporary design solution, while taking reference from, and reinforcing local characteristics to create a positive sense of place, as explained by SAMDev Policy MD2.
 37. In questioning, the Council agreed that the window and door openings which form part of Appeal C were acceptable, despite their contemporary take on a Dutch barn. Although contemporary design can have a time and place, on this occasion, such an approach, in respect of Appeals A and B would not harm the character and appearance of the site and its surroundings as the majority of the openings would be viewed in the full context of the site and the barn.
 38. Each elevation would be finished with cladding. Cladding would differ to the typical brick finish applied to residential dwellings in Lee, but it is not an uncommon finish on agricultural buildings. Due to the site's context, the proposed cladding for Appeals A and B is acceptable.
 39. While, Appeal C may have, in comparison, a simpler vernacular that reflects the site's former setting and character, and the site would take on a more domestic nature, I do not agree with the Council that the collective changes proposed as part of Appeals A and B would be harmful to the character and appearance of the site and its surroundings.
 40. For the reasons set out above, I conclude that the schemes subject of Appeals A and B would not conflict with ACS Policies CS5, CS6 and CS17, SAMDev Policies MD2, MD7a, MD7b and MD12 and Framework paragraph 56. Jointly, these seek, among other things, development to be of high quality design that respects local distinctiveness, local character, and the landscape.

Conversion

41. The appellant confirmed at the hearing that the prior approval scheme has been commenced, although they recognise that it must be completed within a period of three years starting with the prior approval date in accordance with the GPDO and the plan approved by the Council. They also confirmed that the LDC scheme has been carried out.

42. In addition to the prior approval scheme and the LDC, various works have been undertaken by the appellant. A summary of the works was provided by the appellant, which include: the replacement of internal floors at ground and first floors; the replacement of the roof; the renewal of water supply and drainage systems; replacement of exterior and interior walls between the steel frame; and work to the base of each of the steel columns which had become corroded at their base. A membrane has been attached to each elevation. Cladding, whether this be that which formed part of the prior approval scheme or as proposed under the appeals would be attached to the membrane.
43. The appellant considers various works undertaken outside the remit of the prior approval scheme and the LDC do not constitute 'development' under section 55(2)(a) of the Act. On this basis, it is the appellant's view that there is a fallback position which justifies the occupation of the Dutch barn as a dwellinghouse. I have been invited by the appellant to attach this significant weight in respect of Appeal B.
44. In determining the prior approval scheme, the Council were giving their view on whether its own "prior approval" would be required for the specified details of Class Q of the GPDO. It was not within the Council's gift to decide whether the development in question was, in fact, permitted development, but for the conversion to be permitted development it needs to fit within the remit of Class Q. The appellant has proceeded on site on the basis that the works are permitted development.
45. It is put by the Council's that the collective works undertaken mean that the prior approval scheme cannot be relied upon by the appellant as they amount to a 'fresh build' and not a conversion. The Hibbitt⁴ judgement and an appeal decision at Leedes Farm⁵ provide the context for the Council's opinion that it is a fresh build. A photograph shows that the Dutch barn was stripped back to its steel frame and roof, with each elevation removed after the Council's consideration of the prior approval and LDC. The Council also submit that the LDC was made on the basis of the building being used for agriculture as stated on the application form submitted at that time. Thus, the Council attach no weight to the fallback position presented.
46. The Council are correct in terms of the content of the LDC application form, but there is no restriction on the certificate issued by the Council following their decision that the works would fit within Section 55(2)(a)(ii) of the Act. There is no evidence to suggest that the appellant has carried out works outside the remit of the LDC.
47. At the hearing the appellant explained the extent of the works to the steel frame. In short, they consider these works to be repairs, which is a view supported in an email from a structural engineer. I have no contrasting substantive structural evidence before me to disagree with this view. Equally, the Council did not request or have before them a structural survey when they considered whether the building was structurally sound and capable of conversion under Class Q of the GPDO. The Council came to their own judgment on the prior approval scheme insofar as determining whether the extent of building operations set out on the plans accompanying that

⁴ Hibbitt and Another v Secretary of State for Communities and Local Government & Rushcliffe Borough Council [2016] EWHC 2853

⁵ Appeal Decision Ref: APP/W3520/W/17/3188380

submission. While, this is the case, and ultimately whether the Council felt that a structural survey was required to assist them, the lack of one does not help matters now or the arguments advanced by either party as it forms uncertainty as a survey would have provided a clear starting point. This is unlike the information available in the Leedes Farm appeal.

48. Added to this, there is no structural survey before me now other than the email about the works to the steel columns. On this basis, even accounting for the Doe Lane appeal decision⁶, I do not have the evidence before me which persuades me one way or another whether the Dutch barn can be converted or it amounts to a fresh build. But, even if I were to accept the Council's arguments, the appellant in terms of Appeal B is relying on a building to be used as a dwelling of the same size, design and in the same location as that subject of Appeal C. There is also no difference between Appeals A and B in terms of the additional development proposed in Appeal B. Thus, even if I were to treat Appeal B as a new building, it would be acceptable in any event, given my findings on the other main issues.

Other matters

49. Points were made by both parties at the start of the hearing around allegations made by the Council that the appellant had been deliberately deceitful⁷. I understand the Council's position, given that there is a need for public confidence in the planning system, but this is a serious allegation, which stems from the site's planning history and one which should not be made lightly. Based on the evidence before me, I am not convinced that deceit has actually occurred. There has been considerable dialogue between the parties through a number of applications, and the appellant's intentions throughout seem to me to be clear enough. Although there is a need to assess each planning application on its own merits, having regard to the relevant considerations presented, I do, however, consider that a structural survey would have helped all concerned at the outset.
50. ACS Policy CS11 seeks to ensure that all new open market housing development makes appropriate contributions to the provision of local needs affordable housing having regard to the current prevailing target rate. The parties accepted, however, that this policy was not consistent with the written ministerial statement of 28 November 2014, which sets higher thresholds for affordable housing contributions. While, the parties accepted that there was a need to provide affordable housing, the appeal schemes fall well below the ministerial statement thresholds.
51. In any event, the UU as submitted would provide for an affordable housing contribution of £9,000. There was no dispute between the parties that this sum would accord with the SPD. I have no reason to disagree. Framework paragraph 204 and Regulation 122(2) of the Community Infrastructure Levy Regulations (CIL) outline planning obligations must meet the three tests. At the hearing, both parties agreed that the UU would not be necessary to make the development acceptable in planning terms. Moreover, the Council could not provide details how many separate developments had contributed to this pot, but did accept that it was very likely to be more than five. As such, I have not

⁶ Appeal Decision Ref: APP/F2605/W/17/3179670

⁷ Secretary of State for Communities and Local Government and another v Welwyn Hatfield Borough Council [2011] UKSC 15

afforded the UU any weight and the payment which the UU allows for irrespective of my findings on this matter has not had any bearing on my decisions.

Conclusion and Conditions

52. I have had regard to the planning conditions that were suggested by the Council and the appellant's comments. Where necessary I have re-ordered the conditions, amended the wording to ensure consistency with Framework paragraph 206 and consolidated the conditions where possible. I have, as agreed with the parties, altered the timescales so that the requirements of each condition imposed on each appeal can be met.
53. I have imposed a plans condition for each appeal in the interests of certainty. For each appeal I have imposed a condition to secure details of the materials to be used in the interests of the character and appearance of the area. I have also imposed a condition so that appropriate drainage and surface water connections are made in the interest of the environment. For each appeal, I have imposed a condition to secure details of hard and soft landscaping, in the interests of the character and appearance of the area. A lighting condition has been imposed for each appeal so that any external lighting does not affect ecology on the site and in the surrounding area, given its rural nature.
54. For each appeal I have imposed an amalgamated version of conditions for bat, bird and barn owl boxes in the interests of providing net biodiversity gains to halt the overall decline in biodiversity. In the interests of highway safety, I have imposed a condition to secure a visibility splay for each appeal, given the site's location on a bend and the existing hedgerow which restricts visibility to the north. In the interests of the safety of vehicles using the site and those on the highway, I have imposed a condition about surfacing for each appeal.
55. After discussion at the hearing, I have imposed a condition for each of the appeals to secure an assessment of potential contamination, and appropriate remediation if necessary. This is in the interests of the environment and the living conditions of future occupants. The Planning Practice Guidance⁸ explains that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. While I have imposed such a condition for each of the appeals, I have changed the number of restrictions so the condition would not result in blanket removals of freedoms for small-scale domestic alterations. The conditions, as imposed, would ensure future extensions and buildings incidental to the dwellinghouse are erected in a controlled manner in the interests of the character and appearance of the area. I have not imposed a condition about the access, parking and turning areas as this duplicates the plans condition.
56. For the reasons set out above, I conclude that Appeals A, B and C should be allowed.

Andrew McGlone

INSPECTOR

⁸ Ref ID: 21a-017-20140306

SCHEDULE OF CONDITIONS

Appeal A

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: LEE008b; LEE0010b; LEE009b; LEE005; and LEE007.

Appeal B

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: LEE008a; LEE0010a; LEE009a; LEE005; and LEE007.

Appeal C

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: LEE008b; LEE0010c; LEE009c; LEE005; and LEE007.

Appeals A, B and C

- 2) Within 3 months of the date of this decision samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted in writing to the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 3) Within 3 months of the date of this decision a scheme of foul drainage, and surface water drainage shall be submitted to the Local Planning Authority in writing. The approved scheme shall be implemented before the development is first occupied.
- 4) Within 3 months of the date of this decision full details of both hard and soft landscape proposals shall be submitted to the Local Planning Authority in writing. These details shall include, as appropriate:
 - Proposed finished levels or contours;
 - Means of enclosure;
 - Hard surfacing materials;
 - Indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the duration of development;
 - Proposed planting plans; and
 - Written specifications (including cultivation and other operations associated with plant and grass establishment).

The approved works shall be carried out in the first planting and seeding seasons following the first occupation of the dwelling hereby permitted, the completion of the development, or in accordance with the timetable agreed with the Local Planning Authority. 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 be replaced in the next planting season with others of a similar size and species.

- 5) a) No equipment, machinery or materials shall be brought onto the site for the purposes of the development hereby permitted until all the tree and hedgerow protection measures have been implemented on site and the Local

Planning Authority have been notified of this and given written confirmation that they are acceptable. All approved tree and hedgerow protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority.

b) All services will be routed outside the Root Protection Areas indicated on the tree and hedgerow protection measures or, where this is not possible, a detailed method statement and task specific tree protection plan will be submitted in writing to the Local Planning Authority within 28 days of this decision. The development shall be carried out in accordance with the approved details before the dwelling hereby permitted is first occupied.

- 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, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development
- 7) Within 28 days of the date of this decision the makes, models and locations of bat, bird and barn owl boxes shall be submitted to the Local Planning Authority for their approval. The following boxes shall be erected on the site:
 - A minimum of 1 external woodcrete bat box or integrated bat brick, suitable for nursery or summer roosting for small crevice dwelling bat species;
 - A minimum of 4 artificial nests, of either integrated brick design or external box design, suitable for starlings, house sparrows, swifts and/or house martins; and
 - A minimum of 1 nesting barn owl box in accordance with plan Ref: LEE008b).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The scheme of works, as approved, shall be approved and be carried out in accordance with the approved details before the dwelling hereby permitted is first occupied and thereafter retained for the lifetime of the development.

- 8) Visibility splays shall be provided at the access point at a point measured 2.4 metres back from the carriageway edge along the centreline of the access extending to the extremities of the site road frontage in both directions from the access along the highway. All growths and structures in front of these lines shall be lowered to and maintained at a height not exceeding 0.9 metres above the level of the highway carriageway and shall be fully implemented prior to the dwelling being first occupied.

- 9) The access apron shall be constructed in accordance with the Councils specification as follows; 20mm thickness of 6mm aggregate surface course, 40mm thickness of 20mm aggregate binder course, 200mm thickness of MOT type 1 sub-base and shall be implemented prior to the dwelling being first occupied.
- 10) Within 3 months of the date of this decision an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the Local Planning Authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the Local Planning Authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the Local Planning Authority within 28 days of the report being completed and approved in writing by the Local Planning Authority.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to Schedule 2, Part 1, Class A and E shall be erected, constructed or carried out other than those expressly authorised by this permission.

END OF SCHEDULE

FOR THE APPELLANT:

Stuart Thomas
Ben Pocock

Berrys
Dukescroft Limited

FOR THE LOCAL PLANNING AUTHORITY:

Philip Mullineux
Ollie Thomas
Melanie Durant

Shropshire Council
Shropshire Council
Shropshire Council

INTERESTED PERSONS:

Councillor Brian Williams
Robin Pocock
John Baker

Shropshire Council
Appellant's father
Resident

DOCUMENTS

- 1 3 x A3 Adopted Policies Map 2015
- 2 Appeal Decision Ref: APP/L3245/W/17/3189136
- 3 Plan Ref: Lee003
- 4 Appeal Decision Ref: APP/F2605/W/17/3179670