

## Development Management Report

Responsible Officer: Tim Rogers

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### Summary of Application

<b><u>Application Number:</u></b> 20/03751/FUL	<b><u>Parish:</u></b>	Hope Bowdler
<b><u>Proposal:</u></b> Erection of an agricultural implement storage building		
<b><u>Site Address:</u></b> The Bungalow Ragdon Church Stretton Shropshire SY6 7EZ		
<b><u>Applicant:</u></b> Mrs Angela Morris		
<b><u>Case Officer:</u></b> Frank Whitley	<b><u>email :</u></b> planning.southern@shropshire.gov.uk	

**Grid Ref:** 345791 - 291551



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

**REPORT**

1.0	<b>THE PROPOSAL</b>
1.1	The application seeks planning permission for the erection of an agricultural implement storage building.
1.2	The development is effectively two joined buildings. The main part is to be two bay open fronted, box profile roof cladding, clad with dark stained timber above blockwork lower walls. It will be @4.3m high with a base of 9.1m x 9.1m.
1.3	Attached to the side is a smaller lean-to building with secure doors, dimensions 4.4m x 7.1m, maximum height @3m at the top of the roof slope.
1.4	<p>According to submitted floor plans, the building is to store agricultural machinery to include:</p> <ul style="list-style-type: none"> <li>• tractor, hay bob, bale trailer, grass topper, mower, hedge cutter, hay bailer</li> <li>• post driver, trailer, vintage tractor, kabota digger</li> </ul> <p>All the items listed above are already owned by the applicant.</p>
1.5	The application follows two previous applications for similar development: The first of these (18/00087/FUL) was for a significantly larger portal frame type building and was withdrawn in February 2018 due in part, to ecological concerns.
1.6	<p>The second application (18/03664/FUL) sought permission for the same building as before but was refused in September 2018 for the following reasons as per decision notice:</p> <p><i>1. The proposed agricultural building is considered as an unacceptable form of development of this scale and type within its edge of hamlet location adjacent to residential properties and away from any other agricultural buildings. The proposal is deemed to be visually inappropriate in its scale, general design and materials within its setting. Therefore, the proposal is deemed to conflict with the relevant policy framework provided by adopted Core Strategy and the adopted SAMDev Plan policies CS5; CS6; CS17 and MD12.</i></p> <p><i>2. The application site would be accessed via a new access leading off the lane through Radgon. Insufficient information has been provided to demonstrate that the access would be safe and accessible to all, and that it would not result in any adverse highway safety concerns, failing to comply with local policies CS6 and MD2 and the NPPF.</i></p> <p><i>3. Additional information is required to fully assess the Ecology matters that relate to this application, in the absence of this additional information as detailed within the objection comments from Shropshire Council Ecologist dated 23rd August 2018, it is not possible to conclude that the proposal will not cause an offence under The Conservation of Habitats and Species Regulations 2010. Therefore as it stands on the information submitted, the proposed does not comply with Shropshire Core Strategy Policy CS17 and SAMDev Policy MD12</i></p>

1.7	The current application is intended to address the previous reasons for refusal.
2.0	<b>SITE LOCATION/DESCRIPTION</b>
2.1	The settlement of Ragdon is on the southeast side of Ragleth Hill, close to the A49 and Church Stretton. Ragdon consists of a group of residential dwellings and former/existing farm buildings. Descending through Ragdon is a hard-surfaced public lane ending at Ragdon Farm.
2.2	On the western side of the lane is Ragdon Bungalow which has an associated rough pasture field to its rear of @1.25ha (figure excludes the Bungalow and immediate garden curtilage). Towards the top (north) of the field just below the public highway is a pond. From the pond, a watercourse visible as a ditch runs past the rear of the bungalow, and until recently met the lane between the Bungalow and Ragdon Manor opposite.
2.3	The proposed building is to be sited between Ragdon Bungalow and a public footpath just outside the south eastern boundary. The ground has already been prepared with hardcore, thus filling in that part of the existing ditch. The existing gated access from the lane has been widened and surfaced.
2.4	A pipe has been installed underneath the hardcore surface and it emerges at the lower corner of the site, nearest the lane. The pipe will therefore effectively act as a culvert under the proposed building to carry any water from the ditch.
2.5	@20m beyond the lane access for the proposed building, and on the opposite side of the road, is the domestic access for Ragdon Manor. The dwelling is not listed but appears to be an attractive farmhouse adjacent to a range of traditional and more modern farm buildings.
2.6	Ragdon is within the Shropshire Hills AONB.
3.0	<b>REASON FOR COMMITTEE DETERMINATION OF APPLICATION</b>
3.1	The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to officers. Further, the application has been considered by the Principal Planning Officer, Vice Chair and Chair of the Planning Committee, in conjunction with the views of the Locally elected Member and have taken the view the application should be determined by Committee.
4.0	<b>Community Representations</b>
	<b>Consultee Comments</b>
4.1	<b>Parish Council-</b> objection
	Eaton Under Heywood & Hope Bowdler Parish Council has considered this

application. This is the third time in two years that an application has been submitted. The background is relevant to our response.

The first application, 18/00087/FUL, was withdrawn shortly before the Parish Council was due to consider it. That application indicated the proposed building was required for the development of a business repairing agricultural machinery. The parish council enquired of the Planning Department on 7<sup>th</sup> February 2018 whether the application should include a Change of Use provision and were advised that a Change of Use application would indeed be needed. The application was withdrawn.

The application reappeared as 18/03664/FUL with the “agricultural repair business” element omitted. The applicant and her husband attended the parish council meeting on 17<sup>th</sup> September 2018 and gave assurances that the building was intended purely to store their own agricultural machinery and fodder for livestock. They were asked to explain why they needed such a large building when they have no known livestock and only a very small amount of land. No adequate response was given. The Parish Council objected to that application, detailing in its response the lack of information provided by the applicant, in particular to the highway’s issues - see letter dated 18<sup>th</sup> September 2018 attached. Shropshire Council refused planning for the application – see Mr Kilby’s decision notice dated 28<sup>th</sup> September 2018.

Upon receipt of the current application, 20/03751/FUL, the parish council noted:

1. The size of proposed agricultural building appears to be larger than before – see attached block plans and elevations submitted with 18/03664/FUL and compare with those submitted with the current application. No explanation is included as to why an even larger building is required than in the previous applications. We draw your attention to Mr Kilby’s statements about the previous building being “an unacceptable form of development ... in a hamlet location”. We support both Mr Kilby’s view and the recent public comments on the planning portal concerning the unacceptable visual intrusion this building will create in an unspoilt rural area: we note the observations made in a comment that the land is not being used for agricultural purposes.
2. Highways: We attach the Highways Advice Note given in application 18/03664/FUL.  
The Advice seeks information from the applicant. This requested advice was not given then, as far as we know, and is not given with this application. The 18/03664/FUL access centred on an existing field gate. This new application refers to the “existing access”, but that seems to the parish council to be misleading as in fact a brand-new access, gates and fencing has been built some metres beyond the original galvanised gate - see photographs taken by the parish council on 29<sup>th</sup> September 2020. We cannot see on the planning portal that any authorisation for the new access was sought or approved by Highways. The Highways issues raised in Mr Kilby’s planning decision of 2018 do not appear to have been met.

	<p>3. The proposed new area of hardstanding coupled with the proposed buildings and their frontage will reduce water absorption and, we fear, will create flooding from the water run-off from the hills. We also note that a watercourse which appeared on the two previous applications and was mentioned in the design and access statement has been omitted and the applicant's septic tank has not been shown. We understand the applicant may have filled in the watercourse as this proposed building will be sited on top of the watercourse. This course of action may well be putting the fresh water supply to a neighbouring property's bore hole in jeopardy of contamination. We trust a full SUDS survey will be carried out to discover, inter alia, what has happened to the watercourse, what effect it's possible destruction will have on neighbouring properties and to consider the flood risk impact of all the new hardstanding areas.</p> <p>4. We also trust that the concerns raised by the Shropshire Council Ecology team in the previous application will be pursued.</p> <p>In summary, Eaton Under Heywood and Hope Bowdler Parish Council objects in the strongest terms to this application. As a rural parish council we have to accept that farmers need buildings to house livestock and to store fodder and machinery and these essential buildings sometimes blight the surrounding countryside: that is something we have to live with. This applicant is not a farmer and has only a meagre amount of land, a minimal need for machinery and no known livestock. This proposed development is entirely inappropriate and unnecessary.</p>
4.2	<b>Drainage/SUDS-</b> no objection
	<p><b>Comments from the Flood and Water Senior Engineer, WSP for Shropshire Council:</b></p> <p><b>May 2021</b></p> <p>It has been established from the evidence supplied and from a meeting on site that given the lie of the land, water from the pond cannot flow past the septic tank and under the proposed building. Flow in the watercourse will not reach or pass the mid-section of the watercourse and thereafter will flow down the field.</p> <p>The existing septic tank is located on a ridge of high ground above the watercourse, where ground slopes to the west, east and south. The proposed 150mm pipe under the new building commences below the septic tank and due to the slope of the land will serve a very small area of contributing surface water flow.</p> <p>Whilst the 150mm pipe is of a sufficient size to convey any flow in the watercourse, given the slope of the existing ground from the septic tank, it is very unlikely to be impacted as a result of a blockage, with any exceedance flows being directed to the south away from the septic tank and the building.</p> <p>Details for dealing with the surface water runoff can be dealt with by a condition, as suggested:</p> <p>Prior to construction of the building a scheme of surface water drainage must be</p>

	<p>submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the building is occupied/brought into use (whichever is the sooner).</p> <p>Reason: To ensure satisfactory drainage of the site and to avoid flooding.</p> <p><b>December 2020</b></p> <p>1. The site was visited by the Land Drainage Officer and the Flood and Water Manager who confirmed that the section of piped watercourse passing under the installed foundation is acceptable. It was observed on site that due to the gradient of the watercourse from the pond, very little water would reach the installed pipe but is more likely to flow from the watercourse down the field to the south-west.</p> <p>2. Enabling excavation works for the proposed building appears to have already commenced. There is no evidence that the existing foul drainage field has been disturbed.</p> <p>3. No details of how the proposed building will be drained have been supplied. Percolation tests and soakaways should be designed in accordance with BRE Digest 365. Full details, calculations, dimensions and location plan 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.</p>
4.3	<b>Ecology-</b> no objection subject to conditions and informatives
	<p>The site has been surveyed in 2018 and 2020 newt survey season. In 2018 the site had a positive eDNA result, and in 2020 the site had a negative result.</p> <p>Wilkinson Associates has assessed the development and has concluded that works are very unlikely to cause an offence.</p> <p>There is a small ditch crossing the development area; this takes overflow drainage from the pond and exits the field in the south east corner. In July 2018 it was completely dry at the time of survey and supports vegetation which suggests it rarely holds water for any length of time.</p> <p>The proposed new access arrangements would affect only a fence and the immediately adjacent grassland. The pond, which is good quality for GCN is located in the same field as the proposed agricultural building but it is about 80m to the north and about 10m higher elevation.</p> <p>The field for the proposed building is of low biological value. Wilkinson Associates have recommended pond management. This is to include removal of excessive emergent marginal vegetation, maintaining adjacent terrestrial habitat around the pond and the creation of hibernaculum.</p>
4.4	<b>Highways-</b> no objection

**Initial comments received October 2020**

The proposed development appears broadly similar to that proposed under Planning Application 18/03664/FUL which was refused. As part of that planning application a new access was proposed and highway comments expressed concern at the location of the access in a narrow section of the lane and requested further information be provided.

The current application shows access in the same location as that proposed in the previous planning application but it is now marked as existing.

From a highways perspective, the applicant would need to demonstrate that access is suitable and that the largest vehicles associated with the proposed storage building can safely manoeuvre on and off the highway.

Gates for agricultural accesses should be set back a minimum distance of 12 metres from the adjoining carriageway edge and be made to open inwards only. Therefore, in order for the proposed development to be appropriately assessed, from a highways and transport perspective, the following information is required to be submitted, by the applicant:

- Full details of the access, including the layout, construction and sightlines to be submitted on an annotated scale drawing. The plans should also include details of the gradient of the access which should meet Shropshire Councils current standards.
- Drainage arrangement details will also need to be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway.
- The applicant should demonstrate by means of a tracking exercise that the access layout can accommodate the turning movements of a tractor and trailer or the largest vehicle associated with the development.
- Any gates provided to close the access should be set back a minimum distance of 12 metres from the edge of the adjoining carriageway and be made to open inwards only. A tractor and trailer or the largest vehicle associated with the development should be able to pull clear of the public highway while gates are opened and closed.
- Demonstrate by means of an annotated scale plan that turning for all vehicles associated with the development can be accommodated.

The red edged area on any further plans submitted should include access up to the edge of the public highway and should include visibility splays.

Any further plans submitted should provide any and all details necessary to assist with the appropriate determination from a Highways and Transport perspective. As well as, demonstrate that the vehicular access, associated visibility splays, parking and turning facilities are commensurate with the prevailing local highway conditions, in accordance with 'Manual for Streets 1 & 2'.

**Further comments received from Developing Highways Manager, December 2020.**

	<p>I have been contacted by agent regarding the above mentioned application. In response to the correspondence dated 23rd November 2020, I have reviewed the details of the application and the comment previously submitted by WSP on Shropshire Councils behalf. It would appear that the comments previously submitted were based on the desk top exercise and did not take into account the permitted alterations to the access.</p> <p>The agent has forwarded me a copy of the approved Section 184 application and layout drawing, I would consider that the access is sufficient to accommodate the proposed development and therefore Shropshire Council as Highway Authority raises no objection to the granting of consent.</p>
4.5	<b>Rights of Way-</b> no objection
	No comments to make on the application
4.6	<b>Shropshire Hills AONB Partnership-</b> standard advice only
4.7	<b>Public Comments</b>
	<p>9 Objections have been received in summary: Of these, objections from a neighbour also include correspondence from the Environment Agency – see Para 6.3.3 below</p> <ul style="list-style-type: none"> <li>• Will affect AONB and biodiversity</li> <li>• Risk of newts in pond</li> <li>• no wildlife enhancement</li> <li>• machinery business will harm countryside and peace/tranquility</li> <li>• previous applications withdrawn and refused- concerns not addressed in this application</li> <li>• concerns whether for private or commercial use</li> <li>• building is to be very large, out of scale with landscape and a visual intrusion</li> <li>• stream course has been filled in</li> <li>• risk of flooding and water run-off on road</li> <li>• could damage private water supply</li> <li>• impact on watercourse and septic tank just below the pond</li> <li>• is within AONB and will impact upon views from surrounding hills, eg Ragleth ( from open Spaces Society)</li> <li>• next to footpath</li> <li>• could be used for large tractors owners field is very small</li> <li>• risk that pond and/or ditch could overflow causing flooding over septic tank, polluting watercourse and neighbour's water supply</li> <li>• grass field is not baled or used for agriculture</li> <li>• access is on a steep hill and narrow lane on a bend, used regularly by walkers and Duke of Edinburgh children</li> <li>• inadequate ecology surveys and EDNA testing in pond</li> <li>• possibility of Fairy Shrimps in pond for which have not been tested</li> <li>• building out of character</li> <li>• proposed plan not accurate</li> <li>• profile of field has changed and watercourse illegally filled in</li> </ul>



	<p><b>A further objection has been received on behalf of The Ramblers.</b></p> <p>After a site visit this last week to ensure we had a correct understanding of the site, we must register an Objection to the Application on two grounds. Firstly, the nearly 5 metres high proposed structure will be extremely visible from Public Footpath 0533/10/1 coming from Chelmick as a walker ascends 300 metres up the hillside up from Rag Batch to Ragdon. The current used line of the footpath actually joins the road between Ragdon Farm and Ragdon Manor facing what would be the south end of the structure, which would be very overbearing. This is one of a series of footpaths that form a network around Ragdon and are extremely popular with walkers.</p> <p>Secondly, we have noted and observed on the ground what other objectors have remarked on, and was also commented on in previous Applications; the extra field entrance which was NOT granted Planning Permission, and the infilling of the stream course which occasionally flows from the pond some 100 metres up the field. Both of these acts are blatant disregard of Planning Policy.</p> <p>Unless and until the Applicant complies with Planning Policy and obtains the relevant permissions this Application should be rejected.</p>
	<p><b>A further 11 representations expressing support have been received, summarised as follows:</b></p> <ul style="list-style-type: none"> <li>• No reason for applicants not to have a building to keep equipment safe and secure</li> <li>• No financial impact or other burden to others</li> <li>• Building will not affect surrounding wildlife or environment</li> <li>• Building is for storage of secondhand harvest machinery and better under cover</li> <li>• Comment that as a regular walker in the area there will be no problem with this application</li> <li>• Ease of access for storage</li> <li>• Reasonable request from the applicants</li> <li>• Everyone should have the right to build in their own land</li> <li>• Planned design is in context with similar agricultural buildings and suitable for purpose</li> <li>• Applicants have valid reason for building requirement- machinery and hay would be spoiled outside</li> <li>• Gateway has already been approved and access is not an issue</li> <li>• Applicants baled hay 2 years ago and without covered storage would rot</li> <li>• No issue with size or look of the building</li> <li>• Building is very small and will enhance the look of its surroundings</li> <li>• Small amenity building would be of great benefit</li> </ul>
5.0	<b>THE MAIN ISSUES</b>
	Principle of development

	Siting, scale and design Drainage and surface water Highways Ecology Visual impact and landscaping
6.0	<b>OFFICER APPRAISAL</b>
6.1	<b>Principle of development</b>
6.1.1	Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise.
6.2.2	The NPPF states that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
6.2.3	The NPPF at Chapter 6 seeks to build a strong competitive economy, with particular emphasis on supporting a prosperous rural economy as set out in paras 83-84.
6.2.4	At the same time, the NPPF seeks to conserve and enhance the natural environment, for example by protecting and enhancing valued landscapes, and recognising the intrinsic character and beauty of the countryside, placing great weight on designated AONB.
6.2.5	Core Strategy Policy CS5 explains that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities.
6.2.6	MD7b of the SAMDev Plan goes further and explains that proposals for agricultural development will be permitted where it can be demonstrated that the development is of a size/scale and type which is consistent with its required agricultural purpose and the nature of the agricultural enterprise or business that it is intended to serve.
6.2.7	The agent has clarified the building and machinery are to be used entirely for the maintenance of the applicant's own land which is limited to the @1.25ha pasture field. To the limited extent it is relevant, there is no stated intention of using the machinery elsewhere eg for contracting purposes.
6.2.8	Concerns have been raised through representation that the applicant does not use the field for agricultural purposes, and there would therefore be no need for the building.
6.2.9	Officers comment that the field is permitted to be used for agricultural purposes. The applicant has stated the owners have taken at least one hay crop from the field and it is the intention to continue doing so. Historical aerial imagery illustrates clearly that the grass field has been cut (in 2018), presumably for the production of hay. This is a legitimate agricultural use, albeit on a reasonably

	small and informal scale. In that regard, it would not be considered unreasonable to have an appropriately sized building on the land to store machinery for use in connection with the management of the field. It is understood the hay is then sold. There is no proposal to store domestic items or house livestock in the building.																		
6.2.10	According to the requirements of MD7b, the principle of appropriate agricultural development is considered established, though is subject in this case to further main issues identified below.																		
6.2	<b>Siting, scale and design</b>																		
6.2.1	The NPPF seeks to achieve well designed places where good design is a key aspect of sustainable development.																		
6.2.2	Similarly, CS6 and MD2 together seek to secure sustainable design.																		
6.2.3	The proposed building is significantly smaller than previously under 18/00087/FUL (withdrawn), and 18/03664/FUL (refused).																		
6.2.4	The Parish Council consultation comment suggests the current proposal is for a larger building than before. By comparison, Table 1 illustrates dimensions of the proposed building which shows it is much smaller than before. These are maximum dimensions. Since the building has both a stepped roofline and footprint, the difference between the two would appear much greater than Table 1 illustrates.																		
6.2.5	<table border="1"> <thead> <tr> <th></th> <th>Previous</th> <th>Current</th> </tr> </thead> <tbody> <tr> <td>Height overall (m)</td> <td>5.0</td> <td>4.3</td> </tr> <tr> <td>Eaves height (m)</td> <td>4.1</td> <td>3.0</td> </tr> <tr> <td>Length (m)</td> <td>18.5</td> <td>13.5</td> </tr> <tr> <td>Width (m)</td> <td>10.6</td> <td>9.1</td> </tr> <tr> <td>Total Footprint (sqm)</td> <td>196</td> <td>114</td> </tr> </tbody> </table> <p><b>Table 1: Comparison of previous scheme (18/00087/FUL (withdrawn), and 18/03664/FUL (refused), against the current proposal</b></p>		Previous	Current	Height overall (m)	5.0	4.3	Eaves height (m)	4.1	3.0	Length (m)	18.5	13.5	Width (m)	10.6	9.1	Total Footprint (sqm)	196	114
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6.2.6	The building is to be constructed to typical agricultural design and materials, and is considered appropriate in size for small scale agricultural uses. The building is to be located adjacent to the road, close the applicant's dwelling and would integrate with the group comprising a significant number of existing buildings around Ragdon Manor, even taking into account the traditional character of the single storey barns immediately opposite.																		
6.2.7	The development would not appear isolated in the countryside setting, it relates closely to Ragdon Bungalow and the land to which it is associated. For these reasons Officers comment that positioning elsewhere in the field (as has been suggested) would make the building more conspicuous at higher ground levels and thus may bring additional landscape harm.																		
6.3	<b>Drainage and surface water</b>																		

6.3.1	The NPPF provides guidance on flooding in Chapter 14. Further, CS18 seeks to secure sustainable water management.
6.3.2	The site is in an area of generally lowest risk of flooding (Zone 1) according to Environment Agency Flood Maps. However there are plainly local concerns that development could increase the risk of flooding. It is understood the lane passing through Ragdon occasionally carries flowing water.
6.3.3	<p>Further, concerns have been raised by a neighbour that the watercourse from the pond has been obstructed by the laying of hardcore and installation of a piped culvert under the proposed building. From consultation discussions, it is understood that in general terms, the obstruction of a natural watercourse requires a licence (Ordinary Water Consent), and should have been sought in this particular instance. The opinion of the neighbour is that a watercourse of this type has been obstructed, and would lead to flooding, and/or contamination of the water table. The neighbour has supplied an email in representations from an Environment Agency Customer and Engagement Officer that according to its own map, there is a "watercourse" flowing from the pond. For the avoidance of doubt, the full text of the email from the Environment Agency is reproduced as follows.</p> <p><b><i>“Enquiry regarding: Ordinary Watercourse - Ragdon Manor, Ragdon, Church Stretton, Shropshire, ST6 7EZ</i></b></p> <p><i>Thank you for your enquiry which was received on 25/05/2021</i></p> <p><i>We respond to requests under the Freedom of Information Act 2000 and Environmental Information Regulations 2004.</i></p> <p><i>Please refer to <a href="#">Open Government Licence</a> which explains the permitted use of this information.</i></p> <p><b><i>Flood Management Risk - ordinary watercourse</i></b></p> <p><i>It is an ordinary watercourse that runs behind the property , which according to our maps starts at the nearby pond runs through the property and towards woodland.</i></p> <p><i>It is for the Lead Local Flood Authority to address these issues, but anyone constructing a culvert on an ordinary watercourse would require a consent from the Lead Local Flood Authority which is Shropshire Council.</i></p> <p><i>The council would have powers to take action if a culvert is constructed that is causing an increase in flooding.”</i></p> <p><i>Customer &amp; Engagement Officer</i></p> <p><i>West Midlands Area</i></p>



	<p><b>Figure 1: Illustration of ground levels along route of watercourse showing that the level of the piped culvert is 3.8m higher than the lowest level of the watercourse in its route from the pond. (The 150mm culvert pipe begins at the brick headwall, dashed blue line). The septic tank is not shown but its soakaway drains to the lower left corner of the image and not along the watercourse</b></p>
6.3.8	<p>Representations have been received raising concerns about potential local water supply contamination. A neighbouring borehole provides drinking water to Ragdon Manor. The borehole is located @10m beyond the east side of the lane, and within the curtilage of Ragdon Manor. Concerns are that if the applicant's septic tank alongside the Bungalow were flooded by the pond, it would in turn contaminate the borehole.</p>
6.3.9	<p>The immediate neighbour at Ragdon Manor has commissioned a report from Martin Hughes of Hughes Exploration and Environmental Ltd, of Leebotwood, Church Stretton. The report dated 10 October 2020 states:</p> <ul style="list-style-type: none"> <li>• <i>you are correct to be concerned that the proposed development will impact on your water supply.</i></li> <li>• <i>there is no record of an environmental seal having been installed and no evidence at the borehole to establish if, and to what depth, a seal was installed.</i></li> </ul>
6.3.10	<p>The report concludes:</p> <ul style="list-style-type: none"> <li>• <i>The concern is that with any interference to the water course, and the potential build-up of bacteria from the septic tank, combined with the unstable gritstone in the near surface portion of the borehole; there is the likelihood of contamination to the Ragdon Manor Water supply.</i></li> </ul>
6.3.11	<p>In response to the neighbour commissioned report, the Flood and Water Management Team has been consulted for opinion and responded as follows:</p> <p><i>It has been established from the evidence supplied and from a meeting on site that given the lie of the land, water from the pond cannot flow past the septic tank and under the proposed building. Flow in the watercourse will not reach or pass the mid-section of the watercourse and thereafter will flow down the field.</i></p> <p><i>The existing septic tank is located on a ridge of high ground above the watercourse, where ground slopes to the west, east and south. The proposed 150mm pipe under the new building commences below the septic tank and due to the slope of the land will serve a very small area of contributing surface water flow.</i></p> <p><i>Whilst the 150mm pipe is of a sufficient size to convey any flow in the watercourse, given the slope of the existing ground from the septic tank, it is very unlikely to be impacted as a result of a blockage, with any exceedance flows being directed to the south away from the septic tank and the building.</i></p>
6.3.12	<p>Members are again referred to the submitted Culverting and Watercourse Plan,</p>

	and the submitted plan which illustrates the position of the septic tank and soakaway for Ragdon Bungalow. It is evident that any contaminated water would flow into the field to the southwest, rather than towards the neighbour's borehole. For that reason, the Flood and Water Management team has raised no concern regarding the risk of contamination to the water supply of Ragdon Manor. Further, the case officer has discussed the matter with the Council's specialist dealing with private water supplies. She has confirmed that any deficiency in the borehole would be a matter for its owner to address and there is no prospect of an objection being raised to this application.
6.3.13	Concerns have also been raised by the occupiers of Ragdon Manor that a water supply pipe passes through the applicant's land. However no details of the route of the pipe have been provided, nor for what purpose it serves, given there is already a borehole. In any event such risk of harm would not amount to a reason for refusal and would otherwise be a civil matter between respective neighbours.
6.4	<b>Highways</b>
6.4.1	The NPPF at Para 108 seeks to secure safe and suitable access to development.
6.4.2	The lane descending through Ragdon is single vehicle width, though has passing places where necessary. There are two dwellings beyond Ragdon Bungalow, one being Ragdon Manor and the other being Ragdon Farmhouse where the public lane terminates. There is therefore no through traffic in Ragdon.
6.4.3	The agent has submitted in the application a copy of a Section 184 dated March 2019 which granted approval by Shropshire Council under the Highways Act to form a field access onto the public highway. The approved access corresponds with this planning application.
6.4.4	It appears that the initial comments made by WSP on behalf of Council Highways were based on a desk top assessment, without knowledge of the S184 agreement.
6.4.5	The Developing Highways Manager has since assessed the application and commented herself, taking account of the S184, the access as constructed and local circumstances. She has confirmed: <i>I would consider that the access is sufficient to accommodate the proposed development and therefore Shropshire Council as Highway Authority raises no objection to the granting of consent.</i>
6.5	<b>Ecology</b>
6.5.1	An ecological impact assessment (Ec IA) has been submitted based on a report dated July 2018. The site was again surveyed in June 2020.
6.5.2	The letter following the most recent survey states: <i>A previous eDNA survey carried out in 2018 returned a positive result. The previous survey was carried out earlier in the survey season (10th May 2018). The differing results between 2018 and 2020 may indicate that breeding was unsuccessful in 2020, as a late season survey should pick up larval DNA even if the adults have already left the pond. This might reflect a declining population or it</i>

	<i>could be related to the dry conditions experienced in 2020. GCN are a long-lived species, so it cannot be assumed that GCN are completely absent from the site, but rather it indicates that the condition of the pond is perhaps not currently optimal for successful breeding.</i>
6.5.3	The Ec IA concludes that construction and use of the proposed agricultural building would not have any potentially significant impacts on wildlife habitats or on protected/priority species, including GCN. It is recommended in the report that construction work can very likely proceed under non-licensed precautionary measures.
6.5.4	The Council's ecologist has assessed the Ec IA and is in agreement with conclusions. Conditions and informatives are recommended to ensure that development takes place in accordance with the submitted Ec IA. Further, controls are recommended in terms of lighting to safeguard bat habitat.
6.6	<b>Visual impact and landscaping</b>
6.6.1	Chapter 15 of the NPPF seeks to conserve and enhance the natural environment. Planning decisions should recognise the intrinsic beauty of the countryside. Further, great weight should be given to conserving and enhancing landscape and scenic beauty (eg AONB). The Core Strategy and SAMDev Plan take a similar approach through CS17 and MD12.
6.6.2	The development would be visible in some places (eg field gate entrances) from the unclassified road passing under Ragleth Hill, but is generally well screened by the intervening roadside hedge. Otherwise the development would be visible from public locations on Ragleth Hill, but in the context of existing buildings in Ragdon, and scattered development in the local area, the building would not appear unduly prominent. Nevertheless, there is considered scope for some screening on the western gable, which would offer additional ecological benefits. In that regard a landscaping scheme to break up the outline would be a desirable and proportionate requirement by condition.
7.0	<b>CONCLUSION</b>
7.1	Extensive consultation has been carried out, particularly with the Council's Drainage and Flood Risk Manager who has visited the site. Council specialists have confirmed the development would not cause any demonstrable harm to the water environment, highway network, nor ecological interests. The development is considered appropriate in scale, design and position taking account of the small-scale nature of the agricultural enterprise. It is considered reasonable for the machinery already owned and specified to be stored under cover. The development complies with the NPPF, the adopted Core Strategy and SAMDev Plans CS5, CS6, CS17, CS18, MD2, MD7b and MD12. Planning permission is recommended.
8.0	Risk Assessment and Opportunities Appraisal
8.1	Risk Management



	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul> <p>Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.</p>
8.2	Human Rights
	<p>Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
8.3	Equalities
	<p>The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.</p>
9.0	Financial Implications
	<p>There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the</p>

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.
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## 10. Background

### Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

MD7b - General Management of Development in the Countryside

MD12 - Natural Environment

### RELEVANT PLANNING HISTORY:

18/00087/FUL Erection of an agricultural implements store and new field access WDN 9th February 2018

18/03664/FUL Erection of an agricultural implements store and new field access REFUSE 28th September 2018

SS/1986/37/P/ Erection of an extension to existing dwelling and formation of vehicular access. PERCON 11th March 1986

## 11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=QGRJWHTDHBS00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Ecology Report
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Cabinet Member (Portfolio Holder)
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Councillor Ed Potter
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Local Member
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Cllr Cecilia Motley
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Appendices
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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 and drawings

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 above ground works taking place, a scheme of surface water drainage will be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the building is brought into use.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

4. The development shall not be brought into use until a landscaping and boundary treatment plan has been submitted to and approved in writing by the Local Planning Authority.

The plan shall include:

- a) Planting plans
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- d) Native species used are to be of local provenance (Shropshire or surrounding counties);
- e) Maintenance plan of existing and proposed trees and hedgerows

The plan shall be implemented as approved in the planting season during first use of the development , or if not possible, the first planting season following first use.

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

5. 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 development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust Interim Guidance: Recommendations to help

minimise the impact artificial lighting.

Reason: To minimise disturbance to bats, a European Protected Species

6. Development shall take place in accordance with the Letters dated 21st August 2020 and 18th January 2021, prepared by Wilkinson Associates Environmental Consultants, unless otherwise approved in writing by the Local Planning Authority. Works shall be overseen and undertaken where appropriate by a licensed, suitably qualified and experienced ecologist.

Reason: To ensure the protection of biodiversity in line with NPPF

7. The building hereby approved shall only be used for agricultural purposes, though excluding the accommodation of livestock, and manure storage.

Reason: In the interests of neighbouring residential amenity which could be harmed if the building were used for livestock.

### **Informatives**

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

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