

Development Management Report

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

Summary of Application

Application Number: 20/00821/OUT	Parish:	Sheriffhales
Proposal: Outline application (access for consideration) for residential development		
Site Address: Manor Farm Sheriffhales Shropshire TF11 8QY		
Applicant: Meadow Farm Ltd		
Case Officer: Richard Fortune	email : planning.southern@shropshire.gov.uk	

Grid Ref: 375601 - 312067



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Recommendation:- Refuse.

Recommended Reasons for refusal

1. With the exception of the proposed conversion of two traditional farm buildings to residential dwellings, the proposed development would be predominantly new-build open market housing. Sheriffhales is not identified as a location for new build open market housing by the adopted Development Plan comprising of the Shropshire Core Strategy and Site Allocations and Management of Development (SAMDev) Plan, whose housing policies are up-to-date in the context of paragraph 11 of the National Planning Policy Framework (2021) due to Shropshire Council currently being able to demonstrate a housing land supply of in excess of five years. It has not been claimed that the dwellings are required to house essential countryside workers or that they would be affordable dwellings to meet an identified need. There are no other material considerations, which include the cessation of pig farm use of the existing buildings, that would be sufficient to justify the scale of new build residential development proposed as a departure from the Development Plan. The proposal is therefore contrary to the Development Plan housing strategy set out in Core Strategy policies CS1 and CS5 and SAMDev Plan policies MD1; MD3 and MD7a.

2. Whilst acknowledging that the proposed development would make a small contribution economically and socially by boosting housing supply, and would result in the cessation of the current farming activity on the application site, these public benefits are not material considerations sufficient to outweigh the permanent harm to the landscape setting of the Sheriffhales Conservation Area and nearby listed buildings which would result from the extent of plots subdivision and loss of woodland planting that would be required to accommodate the number of dwellings set out in the supporting information and shown on the indicative site plan. The proposed development would also therefore be contrary to Core Strategy policies CS6 and CS17, SAMDev Plan policies MD2, MD12 and MD13 and would fail to satisfy the environmental objective of sustainable development set out in the National Planning Policy Framework.

REPORT

1.0 THE PROPOSAL

- 1.1 This is an outline with matters relating to appearance, landscaping, layout and scale reserved for later approval. Access is a matter for which approval is sought as part of the outline application. The description of development given by the agent on the planning application form is "...residential development following the relocation of the existing farm to a greenfield site." That new farm proposal is the subject of the separate report elsewhere on this agenda (ref 20/00820/FUL) and is an intensive pig rearing agricultural business. The application site for the proposed residential development also includes an existing equestrian enterprise and the relocation of that enterprise is the subject of planning application 20/00822/FUL.
- 1.2 There is a degree of inter-dependence with the decision taken on application 20/00820/FUL in the consideration of this proposal. Should application 20/00820/FUL be refused, then the supporting case put forward by the agent for this residential development application fails, as there would then be no development which it is proposed the housing development would 'enable' through

providing the funding. However, if application 20/00820/FUL is approved, it does not follow that a consent should be automatically forthcoming for the proposed residential development, as the source of funding for the new pig farm.

- 1.3 The application form states that a total of 31 market houses are proposed. An illustrative site layout drawing has been submitted showing how this number of units could be accommodated on the site. This illustrative plan shows four existing large farm buildings would be demolished, with two smaller, more traditional brick buildings retained and converted into five dwellings. The other 26 units to make up the envisaged total would be new-build and a mix of detached and semi-detached dwellings, providing a mix of three, four and five bedroomed accommodation. There would be a landscaped area of public open space in the centre of the southern half of the site, with an existing pool retained and landscaped at the northern end of the site, with a further area of public open space.
- 1.4 The existing farm access point onto the public highway would be used by the proposed residential development. A package treatment plant is proposed for foul drainage, with a sustainable drainage system proposed for surface water.
- 1.5 The agent advises in the supporting statement that the type of farming operation being carried out at Manor Farm is deemed to be a statutory nuisance in terms of odour having a detrimental impact upon the amenity of local residents. They state that it has been recommended by the Court that the farming enterprise is relocated away from the existing site to a more appropriate location, well away from residential properties. (The applicants' proposals for a relocated farm are those contained in planning application 20/00820/FUL). It is proposed that the residential redevelopment of the existing farmyard site would be 'enabling' development to fund the relocation of a purpose-built pig rear facility on as new greenfield site on the farm holding. The re-location of the equestrian activity would be privately funded by the applicant and not related in that respect to this housing proposal.
- 1.5 The application as originally submitted was accompanied by a Planning Statement; Ecological Survey; Tree Report; Heritage Impact Assessment and a confidential financial scoping valuation. During the course of the consideration of this application a more detailed confidential feasibility appraisal; a Transport Statement; revised Heritage Impact Statement and a Landscape and Visual Impact Assessment have been submitted.

2.0 **SITE LOCATION/DESCRIPTION**

- 2.1 The application site is some 2.54 hectares and currently contains a group of agricultural livestock buildings and buildings used of equine/livery purposes. The site is bounded to the by an unclassified, largely single track road, with agricultural land on the opposite side of the lane to the south, to the west and to the north. To the east are residential properties and the older core of Sheriffhales village which includes the grade 2* St Marys Church and the primary school. The vehicular access to the site from the B4379 road to the east is through this older part of the

village via Church Lane or The Rock. The site is immediately to the west of the Sheriffhales Conservation Area which, in addition to the Church, contains other designated heritage assets including the immediately adjacent grade 2 listed Manor House.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This is a complex application raising material planning considerations which the Planning Services Manager, in consultation with the Chairman and Vice Chairman, consider should be determined by the South Planning Committee.

4.0 Community Representations

- Consultee Comments

Where consultees have submitted more than one set of comments, the latest are listed first below in order to show whether any previous concerns have been addressed by amendments/new information. Please note also that the revised National Planning Policy Framework was published on 20th July 2021 which has changed some of the paragraph numbers quoted by Consultees).

- 4.1 Sheriffhales Parish Council (04.03.2021) - Object:
Sheriffhales Parish Council objected to this application on 18 May 2020. A further response by the Council was submitted on 17 January 2021 following submission of a Transport Statement commissioned for the Developers.

A number of other reports and comments from the public and Consultees have also now been received. Planning proposal 20/00821 is an enabling development allegedly to finance the relocation of the existing Pig Rearing Unit to a new location further away from the centre of Sheriffhales (see 20/00820) and additionally to support relocation of the Equestrian business operated from the same site (see 20/00822) . We understand the Pre-application assessment resulted in these 2 additional planning applications being submitted and all 3 being considered together. The effects of these three planning applications also need to be considered collectively as the negative impacts on our community are very considerable and contrary to the planning policy position for a rural community of CS5 status.

With respect to this particular Planning application we note the response from English Heritage advising referral to appropriate Officers Opinion and the detailed response provided by SC Conservation (historic environment) submitted 15 February updating their initial submission last year.

We quote " ...the proposed quantum and layout of the new build is still of considerable concern ,especially with regards to the loss of rural agricultural character and appearance to the immediate historic farmstead as well as the wider historic landscape/historic parkland where it would dilute its significance as well as the overall setting of the principal listed farmhouse and the adjacent conservation

area. The loss of woodland to the west is also a concern with regards to setting of the site and also potential views into the site ..."

We note a Heritage Impact assessment has been commissioned and now submitted. The conclusions of the applicants report are that the farm is no longer fit for purpose and the traditional barns can no longer be retained. Further, that development for residential use is the optimum viable use. The report considers that the principle of residential development and conversion of heritage assets is sustainable development with indirect impacts being considered neutral provided careful design and layout is undertaken. SPC absolutely refute these conclusions and highlight that no significant or clear evidence is provided to support these assessments.

We note that the Farm buildings can and are still used for farming activity and Equestrian work and note that Farming activity is currently undertaken and managed by the applicant.

The report does not make clear the very close association of some of the Heritage asserts in question with the Sheriffhales Manor immediately adjacent and negative impacts resulting from the large residential development proposed.

A Landscape and Visual Assessment Report commissioned by the applicant was submitted on 2 February. It's conclusions 8.2 accept there will be direct impacts on landscape and landscape character but assert these impacts will not be significant despite the proposed housing development representing a huge growth in housing units within the locality . Paragraph 8.3 asserts that if designed appropriately redevelopment with housing as suggested in Figure 2.2 could represent betterment to the Conservation area.

Again SPC absolutely refute these assertions which are not supported by evidence within the report.

The Parish Council has already responded to the Transport Statement and associated Traffic Calming and Parking Feasibility study submitted in November which we believe evidences the significant negative effect throughout the Conservation area and Village that this development will cause should it go ahead.

No substantive evidence to support setting aside the NPPF or Shropshire Councils own Planning Policy framework in any of these or associated reports and submissions is provided .

The Parish Council remains of the view there is no evidence to support setting aside national and local planning policy and no " special case or exceptional circumstances " has been evidenced SPC has no option other than to continue to Object to this application for all of the reasons set out in our various responses and continue to hold the view if the application were approved it would result in very significant harm and loss of character to the local area and community.

4.1.2 Sheriffhales Parish Council (17.01.2021) - Comments on Transport Assessment:
- report weakened by only considering the residential development proposal and

not all three related applications.

- do not agree there are no safety concerns with using both Church Lane and The Rock for the projected increase in traffic arising from the development.

-There is already a significant traffic speeding issue on The Rock which narrows towards the B4379 junction and traffic currently must stop on the steep hill down to the centre of the village to allow safe passing. There is no footway or space for one on this road. More pedestrian traffic uses Church Lane which has limited footway availability but does have traffic generated by the Village playing field entranceway and is congested at school times.

-The statement that narrow sections of either road provide an element of traffic calming is surprising and certainly not accepted as the reality on the ground. In addition we would agree that increasing congestion on these roads is a highly likely impact and clearly undesirable.

-The visibility at the crossroads junction at the top of The Rock is significantly restricted to the North. Vehicles travelling south towards Shifnal accelerate out of the village across this junction. Sightlines at the top of Church Lane South are not optimal and the traffic calming in place on the B4379 just to the north of this junction directs traffic into the middle of the road here. The B4379 is increasingly busy at all times of day but particularly early mornings, school times and at the end of the working day. Traffic using this route has increased since traffic lighting the B4379 A5 junction. The data on collisions in the centre of the village does not record the fatal traffic accident that occurred over 5 years ago and in part resulted in the traffic calming now introduced.

-We have concern that the car ownership, number of journeys generated, and infrastructure impact is underestimated given trends in car ownership, type of housing being considered and distance to services.

-We have noted that no modelling of impacts should the scale of the Residential development or the size of Pig Unit change is included in the report.

-The data as presented does not suggest the housing development supports the national or Shropshire's sustainability agenda or indeed benefits our community locally.

-Feel the trip vehicle rates are an underestimate.

-The modelled increases of traffic density on The Rock and Church Lane arising from the development at a split of 70%/30% are not realistic and are presumably based on assumptions relating to traffic flows to the B4379 north and south from the development not just School or Village Hall activity. We remain concerned that safety and congestion on both roads will increase.

-The suggested routes from the development increase the use of Church Lane considerably. It is unclear how much an off-road parking solution would mitigate road congestion in the area around the school. Traffic is still generated on both roads out of the area even if congestion due to Parking is reduced.

-With the proposed parking bay there would still be a need for vehicles to turn and children arriving or leaving by car still need to walk through a congested area.

-The total volume of traffic using Church Lane and The Rock is not mitigated in any way by this proposal. It further creates an additional congested area and further nuisance to residents and indirectly impacts the conservation area appearance.

- 4.1.3 Sheriffhales Parish Council (13.05.2020) -- Object:
Comments from Sheriffhales Parish Council on this application
1.Introduction and General Comment

This is one of three applications , (20 /00821/OUT , 20/00820/FUL , 20/00822/FUL) which are to a degree inter related and are intended to enable and finance the movement of an existing Pig rearing unit currently based within the Manor Farm to a different site.

The Pig rearing unit has been subject to enforcement notices from Shropshire Council relating to nuisance arising from its current operation although these do not necessarily require the business to relocate. A separate application has been submitted proposing a new site for the Pig rearing unit.

In addition, this application requires the relocation of Equestrian Stabling undertaken by a separate company that is also on the current Farm site. There is no necessity to relocate the Equestrian business from an "environmental nuisance" perspective but we assume this is being done to give a greater footprint for the proposed residential scheme. The costs of relocation of the Equestrian business are not intended to be enabled by this application. This cannot be verified due to the absence of a detailed financial appraisal.

The Planning application supporting statement provided with this application notes in section 1.1 that this application is contrary to national and local planning policies. We note the conclusions of Pre- application discussions between the applicant and Shropshire Council PREAPP/18/00212 were submitted on 11 July 2019. The Parish Council was not given an opportunity to participate in these discussions.

We are disappointed this Outline Application has been Validated and submitted with so much material information unavailable to assist us in our response. The Outline development proposals are clearly major and contrary to normal national and local Planning policy. We note that no attempt by the Applicants to engage Publicly with the Community has been undertaken.

2. Specific Objections and concerns:

A. Planning Policy and Enabling case

It is clear this application is contrary to national and local planning policy and consequently the default position should be to refuse the application.

To try and avoid refusal the applicant must demonstrate and evidence "very special circumstances

". It appears the applicant is trying to persuade the planning authority firstly that there is an overriding need to relocate the pig business, second to accept this has to be funded by setting aside national and local planning policy, and third to allow a major housing development on the current site of the existing pig unit, the remainder of the farm yard and the site of the equestrian business. We do not agree these matters equate to very special circumstances for a number of reasons. Why should a private business, that has been found to be the source of an environmental nuisance be able to force through its relocation to a new site and fund that relocation through completely overriding national and local planning policy. If the applicants argument is accepted in this case does it mean any business failing to comply with its environmental obligations can seek to address this by seeking relocation to another site and secure funding of this through residential development of their existing site even where this would be contrary to planning policy?

In addition, if cases like this are approved what is to stop the business selling on its

new asset in the future?

Crucially even if you are minded considering the potential for very special circumstances being demonstrated no detailed financial appraisal has been submitted. It is impossible therefore to know the costs of relocating the pig business and compare this with the estimated return generated by the residential development. It is also not clear why other means of funding the Pig Unit relocation have been rejected in favour of the housing option. The farm of which the Pig Rearing Unit is a part can still function as a Farm.

B. Sustainability and Development

The application notes in 4.4 of the planning application Supporting Statement recognizes Sheriffhales is not identified as a settlement to receive future housing growth and Shropshire Council policy CS5 would prevent residential development at this site as it is contrary to national and local planning policy. The applicants argue the development provides benefits great enough to outweigh the Policy restriction of CS5 and as such local and national policy should be set aside. The applicants have not submitted any evidence that convincingly substantiates this is the case.

C. Environmental context

The Court Order obtained by Shropshire Council requires the nuisance to stop not the Farm to close or the pig unit to relocate The Council has chosen not to use all of its powers of enforcement in accordance with the Environmental Protection 1990 No evidence has been provided to demonstrate the "only solution " to enable the pig business to operate within the terms of its environmental obligations is through its relocation to another site.

D. Design and Access Statement

A Planning application supporting statement is provided. This document does not satisfy the Planning Policy requirements of a Design and Access statement. For example, Section 3.3 of the document titled "Access" provides 4 lines of text only and implies no difficulty from using the existing Farm entrance. Section 3.2 "Design" notes that no detailed design will be provided at this stage. This is not acceptable given the location itself, listed housing in the vicinity and historical significance of the location. A test of sustainability requires more information than provided and should be available at this early stage in planning.

E. Transport statement

No Transport Statement is provided at all. A description of the highway network in the vicinity of the site or a description of the travel characteristics locally would have shown the significant impacts this development and the traffic associated with it would have on the existing road network, village and school and the impacts on an area that at times are congested. No sustainable Public transport links exist, and the development does not enhance site accessibility by sustainable travel in any way. There is already significant local concern in relation to the effects of increased traffic on the way the School operates and the effects on local traffic pinch points of the expected increase in traffic. We note there will be significant traffic implications during construction given the size of the Highway and Location. We note that the traffic generated by the Equestrian business will also still be routed past the development and School and not mitigated in any way by this

development.

F. Landscape and Visual Impact assessments

No Landscape or Visual Impact assessments have been included in the submitted material. These are required.

G. Heritage Assessment and Impact.

A Heritage impact assessment is provided by the applicant. The document is unsatisfactory. The applicant asserts in 4.3.3 the proposed heritage assets will not be harmed, and the development will provide an improvement to the setting and village as a whole. It provides no expert assessment of the impact of the development on nearby Heritage Assets as required in NPPF 189,193 and195. Additionally, no information sufficient to assess the design, siting, layout, and landscaping is provided and consequently the further evaluations required cannot be done. We are aware considerable potential harm to nearby Heritage assets and effects within the Conservation area are likely. This is a significant weakness in the application for development.

H. Validation Dates

We note the application was validated on 23 April 2020. At the time of writing only 4 out of 7 Consultee responses had apparently been received with only one fully available and a second partially available on the Planning Portal. It is not clear why Shropshire Council have not allowed more time for these responses to be published and why they are unavailable.

3. Summary and Conclusion

Due to all the reasons set out above Sheriffhales Parish Council has had no option other than to Object strongly to this application and recommend its refusal. It is clearly contrary to national and local planning policy. We do not accept that "very special circumstances" have been evidenced or demonstrated satisfactorily. We do not accept that alternative solutions may not be available to the existing pig business meeting its environmental obligations. The scale of the development is completely unacceptable and will change the character of the Sheriffhales Village by introducing a very significant growth in housing numbers on a site immediately adjacent to listed buildings and a conservation area. There are no significant benefits to the parish or village and a clear detriment to our community. Crucial information normally needed for evaluation has not been provided. As set out above there are serious concerns regarding transport and highway safety, sustainability, landscape and heritage. We believe disruption to carefully constructed National Policy and Shropshire Councils own detailed framework of Planning Policy is undesirable. The very significant concern amongst local residents in respect of this application is reflected in submissions to the Planning Portal.

4.2 SC Highways (24.03.2021) - No Objection:

The Local Highway Authority are aware of multiple objections received for this

application, with highway concerns being included within a large proportion of those objections. Firstly, it should be noted that the above application is an 'outline application' with access arrangements the only consideration, the scale and layout will be considered as a reserve matter. However, due to the size of the site and the indicative site layout plan that was provided, the Local Highway Authority asked that the applicant submit a transport statement in order to determine whether a residential development of the size shown on the indicative site layout plan, would have a detrimental effect on the adopted highway in the vicinity of the site.

A transport statement was subsequently provided and showed that the vehicular trips generated by a development of similar size, wouldn't have a detrimental effect on the adopted highway in the vicinity of the site, in capacity terms. Consideration also should be given to the existing use of the site in terms of the number and type of trips the site typically generates. Whilst the site is currently operating as a pig rearing unit, it does have an established agricultural use and the existing use could potentially be diversified and potentially generate additional vehicle movements. It should be noted that this is not the applicants intention but should form part of the consideration from a Highways perspective.

Whilst the proposed residential development is likely to generate additional vehicle movements in the morning and afternoon peak, the type of trips generated are likely to be more sustainable. However, both the applicant and Local Highway Authority are in agreement that various off-site highway works would be necessary to improve pedestrian connectivity from the site into Sheriffhales village, improve the 'gateway features' at the vehicular access point into the village and would also be necessary to improve the existing situation in and around the entrance to the Primary School and Village Hall, at school drop off/pick up times. The necessary works have been included within the relevant conditions outlined below and are detailed on submitted drawing SA29727-BRY-ST-PL-C-0001.

The Local Highway Authority had requested that a swept path analysis of a Council refuse vehicle was to be provided which showed that it could manoeuvre accordingly via the proposed access. This information is yet to be provided, however, due to both the private and adopted highway land available, the Local Highway Authority believe if amendments are necessary then they would be easily achievable.

We therefore ask for the following conditions to be attached to any permission granted;

1) Visibility Splays (Condition)

Before the development is brought into use, visibility splays of a depth of 2.4 metres and a length of 43 metres from the centre point of the junction of the access road with the public highway shall be provided and thereafter be kept

clear of all obstructions to visibility over a height of 600mm above the adjacent carriageway level.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

2) Development Access (Condition)

Before the development is brought into use details of the geometric layout of the proposed vehicular access, including swept path analysis of a Council refuse vehicle, is submitted and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved plans and fully implemented prior to the first occupation of any dwelling within the development.

Reason: To ensure the development is completed to the required standards for future adoption.

3) On-site Construction

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works

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

4) Details of off-site highway works

Development shall not take place until a detailed design for:

- a) Localised road widening works,
- b) Three gateway/traffic calming features for the approaches into

Sheriffhales village (along Church Lane and The Rock),

- c) Pedestrian links (where applicable) from the development into Sheriffhales village and from the proposed road widening works (lay-by) to the entrance with Sheriffhales Primary School,
- d) And any other associated engineering works,

have been submitted and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved plans and fully implemented prior to the first occupation of any dwelling within the development.

3) Works on, within or abutting the public highway (Informative)

This planning permission does not authorise the applicant to:

- carry out any works within the publicly maintained highway, or
- construct any means of access over the publicly maintained highway (footway or verge) 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.

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.

5) S278 (Informative)

The applicant is to be aware that the works that fall within the existing highway will need to be secured via Legal Agreement with the Local Highway Authority under S.278 Highways Act 1980.

6) Note

The internal layout proposals are purely indicative at this stage and aren't subject to Highways approval.

In addition to the above, in accordance with the details submitted it is requested that a Section 106 contribution of £10,000 towards the relocation of the existing 30mph signs and potential amendments to the 'School Keep Clear' markings and the associated road markings, in the vicinity of the access into Sheriffhales Primary

School. The monies will cover the costs associated to the relocation of the signs themselves, any necessary lining works and the amendments to the associated Traffic Regulation Orders. The monies are to be paid upon the commencement of development, indexed and any unspent monies after 5 years refunded to the applicant.

4.2.1 SC Highways (19.05.2020) - Comment:

The Local Highway Authority ask that a robust Transport Statement is provided which in turn outlines, in detail, the highway impact of the residential development proposals. The Transport Statement will need to demonstrate that the proposals wouldn't have a negative impact on the adopted highway in the vicinity of the site. The LHA would expect the Transport Statement to provide an overview of the existing agricultural operations, in terms of current vehicle movements. Provide an indication of the likely vehicular movements generated by a residential development (worst case scenario, 34 new dwellings) and assessment of the surround Highway infrastructure, to include pedestrian facilities and visibility at surrounding junctions. The LHA would also require further justification for providing a visibility splay of 2.4m by 43 metres, as access is a matter to be determined.

The LHA appreciate that the application is outline with only access to be determined, however due to the level of detail provided within the supporting information we feel justified in the request for a Transport Statement to be provided and feel it is necessary in order to further justify development at this location.

4.2.2 SC Highways (14.05.2020) - Comment:

In order for the proposals to gain Highways support, the access will need to amended so that there is a width of 5m provided for a minimum distance of 5m back. That's in order to allow two vehicles to pass comfortably at the access into the development. The applicant has also indicated within the Design and Access statement that the development will be put forward for adoption in the future (if approval is obviously granted). Baring that in mind, the applicant needs to undertake a tracking exercise which shows that a Council refuse vehicle can manoeuvre in and out of the access accordingly.

4.3 SC Archaeology (24.04.2020) - No comments to make.

4.4 SC Conservation (15.02.2021) - Objection:

These comments supplement those previously submitted on 24/4/20, where there was objection with regards to the lack of a Heritage Impact Assessment (HIA), in accordance with paragraphs 189-190 of the NPPF, Historic England guidance GPA3 and HEAN12, along with policy MD13 of SAMDev. This is required in order to assess the setting of the Sheriffhales Conservation Area, Lilleshall Registered Park and Garden (grade II), Manor Farm (grade II listed) and St Mary's Church (grade II* listed). Whilst the conversion of the historic curtilage listed barns is supported in principle, there is concern with regards to the urban layout of the new build residential properties.

As per 20/00820/FUL it is acknowledged that the moving of the existing pig farm operation would have some benefits including the overall setting of the existing farmstead. The concluding statement in the HIA is noted where it is considered to be 'neutral' change and the Landscape Report states that there is no 'direct impact' with 'no further loss of significance'. However the proposed quantum and layout of the new build is still of considerable concern, especially with regards to the loss of rural, agricultural character and appearance to the immediate historic farmstead as well as the wider historic landscape/historic parkland where it would dilute its significance as well as the overall setting of the principal listed farmhouse and the adjacent conservation area. The loss of the woodland to the west is also concern with regards to setting of the site and also potential views into the site. As previously stated, new build footprint could follow that of the historic demolished units where this may be considered, though there is concern to the proposed suburban layout and the effective urbanisation of this site.

Therefore, the proposal is still considered to consist of 'less than substantial harm' as defined under paragraph 196 of the NPPF. Whilst objection is withdrawn with regards to the lack of a HIA, it is upheld overall where is considered to be contrary to 127, 130 (taking account of character and quality of the existing area), 189-190 (setting of adjacent listed buildings along with historic context as mentioned in above paragraph), 192-194 and 196 of the NPPF, principles C1, C2, I1, I2 and I3 of the National Design Guide, policies CS6 and CS17 of the Core Strategy, policies MD2 and MD13 of SAMDev along with the principles set out in the Sheriffhales Conservation Area Appraisal that states the significance of the Lilleshall Hall Registered Park and Garden and the formal approach to Lilleshall Hall.

4.4.1 SC Conservation (24.04.2020) - Objection:

Sheriffhales Manor to the east is grade II listed and would have served as the principal farmhouse with the associated farmstead that contains curtilage listed barns. Whilst Sheriffhales Manor lies within the Sheriffhales Conservation Area, the principal farmstead just lies outside of the boundary to the west. The farmstead is recorded on the Historic Environment Record (HER) as part of the Historic Farmsteads Characterisation Project. The remaining historic barns are constructed in red brick with plain clay tiles. In terms of the existing east-west range adjacent Sheriffhales Manor farmhouse, this would have formed part of an 'E' range with three barns projecting southwards which have subsequently been demolished and replaced with the existing post-war structures. Sheriffhales Manor also forms part of a historic private thoroughfare as part of the southern approach to Lilleshall Hall (grade II* listed) where this historic farmstead would have formed part of the wider historic estate of the Duke of Sutherland.

In considering the proposal due regard to the following local and national policies and guidance has been taken, when applicable: policies CS5, CS6 and CS17 of the Core Strategy and policies MD2 and MD13 of SAMDev, and with national policies and guidance, National Planning Policy Framework (NPPF) revised and published in February 2019 and the relevant Planning Practice Guidance. Sections 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended). Account should also be made to the Historic England document 'The Adaptive Reuse of Traditional Farm Building (HEAN9), along with the

Sheriffhales Conservation Area Appraisal.

There are no principle concerns/objection to the conversion of the existing curtilage listed barns along with the demolition of the post-war structures (plots 22-23 and 24-26), subject to appropriate proposed elevations as part of any forthcoming Reserved Matters application where there should be minimal alteration to the existing fabric such as new openings etc. The conversion of the curtilage listed barns shall require Listed Building Consent. Also a Structural Survey shall be required for any future Reserved Matters application in order to determine whether the respective barns are capable of conversion without any substantial rebuilding, in accordance with policy MD7a of SAMDev.

There are however significant concerns with the proposed new housing that shall consist of high quantum of dwellings in what is a very rural location that has obvious sensitivities in terms of setting of the adjacent listed building, curtilage listed barns along with the wider character and appearance of the Sheriffhales Conservation Area along with other adjacent listed buildings that lie in the core of the settlement. The proposed layout is also very suburban in terms of its pattern and density, and would consist of development to the west of Sheriffhales where more modern post-war development is generally concentrated more in the north-east of the settlement. Some modest new development that would be sensitive to the immediate rural farmstead setting may be entertained, such as utilising the footprint and orientation of previously demolished historic buildings, where these could look like converted barns using matching materials and form.

The submitted Heritage Impact Assessment (HIA) is noted, and whilst there is concurrence with the conversion of the existing barns and thereby securing their future conservation, there is disagreement with regards to the proposed residential development, where there would be adverse impact and not 'beneficial' impact upon the conservation area. The HIA is also deficient in terms of assessing the relevant setting of adjacent listed buildings, especially with regards to Sheriffhales Manor. Also the CA Appraisal states that this section of the settlement very much characterises buildings that contribute to the formal approach to Lilleshall Hall such as Sheriffhales Lodge (grade II listed), rather than development that serves the village itself).

Therefore there is objection to this proposal where it is considered to consist of 'less than substantial harm' (as defined under paragraph 196 of the NPPF) and contrary to paragraphs 127, 130 (taking account of character and quality of the existing area), 189-190 (setting of adjacent listed buildings along with historic context as mentioned in above paragraph), 192-194 and 196 of the NPPF, principles C1, C2, I1, I2 and I3 of the National Design Guide, policies CS6 and CS17 of the Core Strategy, policies MD2 and MD13 of SAMDev along with the principles set out in the Sheriffhales Conservation Area Appraisal (where the HIA needs to consult this document especially with regards to 'Landscape' 'Patterns of Development' sections.

4.5 SC Drainage (20.05.2020) - Comment:

The submitted FRA is acceptable. The drainage condition and informative notes in my drainage comments dated 4 May 2020 remained unchanged.

- 4.5 SC Drainage (04.05.2020) - Comment:
A Flood Risk Assessment shall be submitted for approval prior to the Approval Decision been issued.
The development site is greater than 1 hectare, a Flood Risk Assessment (FRA) should be produced.

Pre- commencement condition recommended in respect of a scheme of surface and foul water drainage to be submitted to and approved by the local planning authority.

- 4.6 SC Affordable Housing - Comment:
If this site is deemed suitable for residential development, the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of Reserved Matters application.
The current prevailing target rate for affordable housing in this area is 20% .
As this is an outline application the percentage contribution and number of affordable homes will set at the time of the reserved matters application. The size, type and tenure of the affordable housing needs to be agreed in writing with the Housing Enabling team before any application is submitted.

- 4.7 Severn Trent (09.06.2020) - No Objection|:
With Reference to the above planning application the company's observations regarding sewerage are as follows.

As the proposal has minimal impact on the public sewerage system, I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Additional Catchment Team comments: Approximately 350m outside of an SPZ3, recommend EA abstraction and best industry practices are followed.

- 4.8 SC Trees (23.06.2020) - Comment:
I have reviewed the documents and plans submitted in association with this application and whilst I can report that I do not object in principle on arboricultural grounds to residential development on this site, I do have some significant reservations regarding the scale and layout of development as suggested on the Indicative Proposed Site Layout Plan (SA29727-PL-02 Rev C).

The suggested scheme would involve the removal of the mixed plantation covering much of the western side of the site, identified as group G15 in the Arboricultural Report (OOTC-PC20-357, Old Oak Tree Care, 10th January 2020). The report categorises this plantation as category 'C' (low value) and dismisses its removal on the basis of the poor quality of the trees. Whilst this plantation may have limited amenity value, it nevertheless represents a significant amount of structural woodland planting at the site. Its extent is not indicated on the Existing Site Plan drawing and photographs (SA29727-PL-03), but it occupies the ground for the six proposed Plots 8 – 13. No figures of the area currently covered by woodland are

given, but from looking at the Site Layout drawing it appears that G15 occupies roughly 20 – 25% of the proposed developable part of the site. Whilst the benefits of future tree planting and thinning of areas of retained woodland are not disputed, I am concerned that this will not compensate for the loss of such an extent of the existing, established woodland within the site.

I would point out that the NPPF now expects development to deliver a net gain for biodiversity (section 170(d)). For a scheme to be accepted in principle as shown on the current application, it should either demonstrate that it can deliver this benefit on site, or else provide suitable measures for off-site compensation, in accordance with SC SAMDev policies MD2 and MD12.

In this regard, it would be instructive for the applicant to provide figures of the existing areas of woodland to be lost to the development (groups G8, 9, 10 and 15). Also, although the tree report states that a group of pines (G11) is to be retained and thinned, from the Proposed Site Layout drawing it appears that this group might be removed and converted to open space. If the latter is indeed intended, then G11 should be included within the figure for the area of woodland to be lost to the proposed development. The amount of woodland to be lost could then be weighed against the area of canopy cover that might be created by new tree planting once it matures. In this way a more valid assessment could be made of the impacts and benefits of the density and layout of development as proposed in this application.

In addition to the general principle raised above regarding the amount of woodland lost to accommodate future development, I also have specific points of concern which I would like to raise at this point with regard to the suggested layout. I consider that the juxtaposition of Plots 5, 6, 7 and 8 in the south-west part of the site and Plot 31 in the south-east corner is unsustainable with nearby overhanging and / or overshadowing trees – namely oaks 12, 13 and 14 with plots 7 and 8; oaks 6 and 7 with plots 5 and 6; and beech 1 and 2 with plot 31. These large, wide spreading and long-lived trees are important elements in the landscape of the site, contributing significantly to the character and appearance of the area. Beech trees Be1 and Be2 are protected by virtue of their location within a conservation area.

Given the likely pressure from future occupants for excessive pruning or even removal of these trees (due to for example overbearing presence, overhang, excessive shading and fears for tree safety), I would urge against placing these dwellings in the locations shown on the Proposed Site Plan.

In this respect, it would again be instructive if the shade path arcs for the oak and beech trees identified above could be included on the Tree Constraints Plan shown at Appendix B to the Arboricultural Report. This would illustrate my point regarding excessive shading of house and / or garden of the affected plots.

In summary, whilst I do not object to the principle of residential development at this site, I do have significant concerns with the indicative layout as submitted, regarding the amount of woodland to be lost to development and the location of certain plots within the scheme. I therefore feel obliged to object to the indicative layout of this application as submitted.

However, should the case officer be minded to grant permission for this outline application, I would welcome the opportunity to recommend suitable tree protection and landscaping requirements to be dealt with as reserved matters.

4.9 SC Ecology (15.12.2020) - No Objection:

The site comprises ranges of agricultural buildings of both traditional and modern construction with large areas of hard standing and an area of paddock. There is a pond immediately to the north and another to the south, hedgerows and an area of plantation woodland beyond the site boundaries. The site is generally considered to be of low ecological value but with potential for bats and nesting wild birds to be present.

Great Crested Newts: There are two ponds in 250m of the site. Pond 1 is immediately adjacent to the site and has an HSI of 0.28 poor with abundant carp present. Pond 2 is 90m to the south and was not accessible but appeared from the road to be heavily poached with no vegetation present. The development site itself is largely unsuitable for newts being dominated by hardstanding. Greenscape Environmental (2018) recommends that surveys for great crested newts are not required but that basic Reasonable Avoidance Measures should be followed during the works.

Bats: Buildings 4 and 7 are traditional buildings with potential to support roosting bats, initial inspections identified bat droppings in building 4. Further bat surveys carried out in 2020 concluded that building 7 was not likely to support roosting bats. Building 4 was found to be supporting roosting brown long-eared bats (max 2 count) and Brandt's bat (max 1 count).

Greenscape Environmental (2020) recommend that works to demolish building 4 will need a European Protected Species Licence from Natural England and suggest that a low impact class licence may be appropriate. Two bat boxes would be erected prior to commencement of works and 4 integral bat boxes installed in the new dwellings, with minimal external lighting. A European Protected Species Three Tests Matrix will need to be completed.

Nesting Birds: There is evidence of nesting swallows in building 4 and works should occur outside the bird nesting season with a range of artificial nest boxes erected. A roosting barn owl was recorded in building 6, requiring an artificial box to be installed within 200m before any part of the site impacted on.

Conditions recommended relating to the provision of a barn owl box; bat boxes; bird boxes; appointment of an Ecological Clerk of Works; submission of a European Protected Species Mitigation Licence; landscaping and lighting.

4.10 Historic England (19.02.2021) - Do not wish to offer any comments.

Suggest that the views of the Council's specialist conservation and archaeological advisors be sought.

- Public Comments

4.11 53 Objections to application as originally submitted (Some objectors have

submitted several letters). The full text of these letters may be viewed on the Council's website and the comments made are summarised below:

- Contrary to NPPF and Core Strategy policy CS5
- Village has previously been deemed "open countryside"
- Proposed development completely unsuitable in its location.
- No legitimate justification or special circumstance to contravene national and local planning policies for a large residential development directly resulting from a business that unfortunately failed to achieve its environmental obligations.
- Applicant has failed to demonstrate that very special circumstances exist as to why this development is necessary.
- Contrary to Parish Plan.
- Three similar cases refused in the last 5 years for reasons due to open countryside location; limited public transport; unsustainable development with few village services.

-No overwhelming justification in turning the Manor Farm site over to full scale residential development; equestrian facilities are not subject to a statutory nuisance notice and have no need to move as it is just the pig farm activities which are the nuisance.

- Meeting environmental legislation offers substantial challenges to many businesses in all sectors and the pig farm should be no exception.
- Statutory notice does not say the pig farm has to be re-located.
- Other ways of abating the odour nuisance than relocation to a new site.
- Adjustment to farming practices would surely satisfy the Court Order to stop the problem.
- Proposal would facilitate the massive expansion of a private business.
- Proposal for 5 separate buildings at the new pig farm seems over engineered.
- Any Viability Appraisal in support of application should be made available for public inspection in the context of the clear guidance at paragraph 57 of the NPPF for transparency.

-Could put up pig units further down the lane where pig manure is put at present and way from village, to accommodate pigs, with no need to spend money on a new equestrian building.

- Do not believe all alternative remedies for the potential odour nuisance have been adequately researched.
- Applicants should not receive special planning treatment; business should pay for its own relocation or get its current business site in order.

-Council has not used its full powers at its disposal under the Environmental Protection Act 1990 to address statutory nuisance.

-Approach roads single track in most places, lack pedestrian walkways for their entire lengths and have no street lighting

- Parking at cluster of Church, village hall, children's nursery and primary school is very limited with parking for extended periods on the road taking place at peak times and road safety is provided by the absence of any significant through traffic in addition to the 20mph speed restriction zone; this proposal would generate significant two way traffic flows, compromising highway safety and risks to

children..

-Is it viable to make the lane one way entering the Rock from the B4379 and exit via the other entrance to the B4379 which goes past the church?

-Only 7 households reside and use the road that passes the school/village hall and church and this proposal would increase that number by 485%.

Increased use of already hazardous junctions from The Rock and Church Lane onto the B4379 will increase the risk of road traffic accidents at these junctions.

-Highways should be asked to consider revisiting their views as an algorithm will not take account of site context.

-Re-location of pig unit would require improvement of the unclassified road onto the A5 and the road past the new housing and school, with the potential of creating a through road via the heart of the village

-Have lived in village a long time and have never heard anyone complain about the smell of the pig farm.

-Building these houses would be a 25% growth in the village; school is at full capacity.

-Would not enhance what is currently a peaceful rural village.

-Unfair the village should have to pay for someone else's mistake in allowing a large farm unit to be built.

-Previous applications in village have flagged the lack of capacity at the Severn Trent pumping station.

-During the winter period the lane floods and this would need to be considered with the new development.

-No services in village to accommodate such an increase, with only 1 bus per week, no shop, no doctors or dentists or any other sort of care or facility; poor internet.

-Occupants of the housing would have a high reliance on the use of the private car to access services.

-Potential damage to retaining wall by Church from increased traffic.

-Construction traffic would cause additional damage to village roads.

-Question how a pig unit for 2000 pigs obtained approval in the first place so near to housing, a school, a village hall, conservation area and listed buildings.

-Set an unwelcome precedent for all sorts of development on green belt land in the area.

-Can any business failing to comply with its environmental obligations seek to address this by relocating and securing funding through residential development even where this is contrary to national and local planning policy? What would prevent the "new asset" from being sold for significant financial gain in the future?

-Out of character with village and its surroundings.

-Heritage Impact Assessment submitted not adequate to meet the tests set out in the NPPF.

-Insufficient information on design, siting, layout, height, materials and landscaping to be able to assess impact on setting of neighbouring heritage assets.

-Council has a duty of care to consider the public safety and all health issues that this development will impact on everyone.

-Duty of care to all wildlife that are nesting and would be neglected by taking away the woodland area.

-The owner needs to accept the physical limitations of the existing site, size the business accordingly and invest in appropriate control measures to manage the odour nuisance.

-New houses would be closer to the new pig farm site than most of the other houses.

-A financial appraisal does not appear to have been provided and thus have not sought to demonstrate very special circumstances.

-MSFL has failed to comply with the Order and, it appears, is now attempting to profit from the situation this has caused by submitting a development proposal which is entirely inappropriate in planning terms and relying upon a vague assertion that it constitutes enabling development. Any permission granted on this basis would be inherently flawed and open to legal challenge.

-Should housing be needed in the future there are other sites likely to be more suitable and to have less impact on existing residents.

-A new development would be as much of a nuisance to the village as the pig farm in terms of disruption, living with a building site, ongoing noise and increased traffic; will affect entire village.

-Site could continue to function adequately as a farm, as it has done for many generations, but was never intended for intensive farming.

-Prevailing South Westerly winds will still apply should the farm be allowed to re-locate; if number of pigs remains capped at under 2000 and cycling runs more appropriately with the seasons there should not be a problem.

4.12 10 Objections following re-consultation on receipt of additional information/reports. (From December 2020) adding to comments previously made, including several letters from some objectors):

-Transport Assessment that vehicle speeds are at or below 30mph not backed up with sufficient data or evidence; experience from living at The Rock for nearly 25 years is that traffic exceeds 30mph on a daily basis.

-Refute view of Consultant that existing junctions onto B4379 are adequate to accommodate traffic that would be generated; visibility poor.

-Walking the lanes is a case of taking your life in your own hands should you venture out at rush hour.

-Traffic light system at A5 junction now means cars all move way at the same time rather than being a steady trickle of individual vehicles.

- CrashMap data will not include incidents of near misses, which are frequent, weekly, at school drop off and pick up times.
 - Unrealistic and against human behaviour to believe people would choose to cycle to services in Shifnal and Newport.
 - Question what the incentive would be for drivers to use the proposed lay-by.
 - No reference to night vehicle movements in the transport report; lack of street lighting makes it exceptionally difficult to see pedestrians walking the lanes on dark nights or morning.
 - No reference to the frequent use of The Rock to exercise horses.
 - A 85 metre, 13 vehicle linear car park to the west of the school entrance would be built directly on a conservation boundary and completely across the frontage of the listed Manor House, and would encourage an increase two way traffic passing directly through the school hazard zone.
 - Transport Statement fails to provide any practical solutions to reduce the increased risk around the school and to alleviate traffic impact caused by the proposed housing.
 - Own traffic count found over 40 vehicles attending and parked along the roads at school home time, with those parked on Sandy Lane having to do three point turns; proposed lay by would hardly make much impact on the actual needs and the only place they will be able to turn would be the entrance to the site when car movements will be at a peak..
 - No mention made of the impact of construction equipment, materials and deliveries in transport assessment.
 - Construction of lay by could impact on surface water flows, adversely affecting their property and being unable to park outside own house.
 - Landscape Report and Heritage Impact Assessment add little to the overall argument.
 - Heritage Assessment states views of Conservation Area will remain unaltered, but this would not be the case with the Transport Assessment proposal for road widening and the resulting removal of trees/hedges; note both reports produced by the same company.
 - Agree with comments of Conservation Team that proposals would be harmful to Heritage assets and their settings.
- Own commissioned viability assessment concludes that applicants specification required to rear 2000 pigs has been over-engineered and the estimated cost of £2,465,938 is far more than necessary and good quality buildings and infrastructure would require a budget of approximately £730,000. It would be possible to review the specification and costs further to reduce the budget to £565,000 and still create an adequate facility in line with the one which already exists at Meadow Farm. The application does not justify consideration for Very Special Circumstances and should be refused.
- In a private nuisance claim against Meadow Farm Limited to abate noise and odour from the pig rearing facility their Solicitors are asserting that the case of nuisance is refuted. This would indicate that no very special circumstances exist after all. on the one hand the applicant admits to causing a nuisance when it wants to benefit from the housing scheme, but refutes one when it wants to continue rearing pigs in an unsuitable location. Can only conclude from this evidence that there is no merit for an enabling application and that it should be withdrawn leaving

the Court to decide the future of pig rearing in this location.

-The applicant has sufficient assets to fund a relocation instead of seeking to use the planning system in this way.

4.13 Sheriffhales Primary School Governors (11.03.2021) - Object

As governors of Sheriffhales Primary School, we wish to express our concerns regarding the application for residential development at Manor Farm. We already have issues with the congestion and amounts of traffic driving and parking near to the school entrance during drop off and pick up times, and this is before the potential development goes ahead.

As a governing body working alongside the headteacher, we have recently written to parents to ask them to consider a one-way system around Church Lane to the Rock when they are travelling to school. Church Lane is very narrow anyway, but this is only accentuated when cars are parking along the side of it, children and parents are walking down the road (as there is no pathway) and other traffic is commuting to and from the nearby houses. If the development suggested were to increase the traffic flow at these difficult times of the day two-fold, then we can imagine a disastrous situation occurring. This leads us to be very concerned about the welfare of our pupils and their families.

We understand that as a condition of the development, it has been suggested in the traffic report

that a few measures be put in place. However, we do not believe that those noted will be sufficient to address all our concerns based on our knowledge and experience and "near-misses" we have had the misfortune to witness. We would suggest that you consider an alternative access for our current families, such as a pathway for pedestrians and a car park for families to park and walk to and from school. We would also like the plans to consider additional measures that may be required during construction to enable large vehicles to access the site. It is highlighted in the report that the lane is already used for agricultural machinery, however this is not a daily occurrence and is usually at times of low traffic.

Of course, if appropriate solutions were sought, we would be very pleased to welcome new families and children to the area, but at present we need to keep the safety of our current pupils and families at the forefront. We do hope that you take our concerns into consideration.

5.0 THE MAIN ISSUES

- Principle of development
- Heritage and Landscape Impact
- Highway Safety
- Residential Amenity
- Ecology
- Drainage
- Affordable Housing

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.
- 6.1.2 Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material considerations which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan consists of the adopted Shropshire Core Strategy 2011 and the adopted Site Allocations and Management of Development Plan (SAMDev Plan) 2015.
- 6.1.3 Sheriffhales is not identified as a key centre under Core Strategy policy CS3. Policy CS4 of the Core Strategy advises that in rural areas communities will become more sustainable by focusing development into Community Hubs and Clusters which are identified in the SAMDev Plan. SAMDev Plan policy MD1 (Scale and Distribution of Development) references a schedule, listing settlements which are Community Hubs and Community Cluster settlements and Sheriffhales is not included within those lists. It is therefore a settlement to which Core Strategy policy CS5 and SAMDev Plan policy MD7a relating to housing development in the countryside apply.
- 6.1.4 Shropshire Council published a five year housing land supply statement (5YHLSS) on 19th March 2021, based upon data to 31 March 2020. The statement concludes that the Council currently has 6.05 years supply of deliverable housing land. By the Government's standard assessment methodology, there is currently 8.11 years supply of deliverable housing land. Accordingly, as per section 38(6) of the Planning and Compulsory Purchase Act 2004, the application must be considered against the Local Development Plan, which is considered to be up to date in the context of paragraph 11 of the National Planning Policy Framework. The Policies of the adopted Core Strategy and adopted SAMDev Plan policies are therefore given full weight in determining this application.
- 6.1.5 Under Core Strategy policy CS5 the only new build housing that is normally permitted in the countryside is that shown to be required to house essential agricultural, forestry or other essential countryside workers or affordable housing to meet an identified local need. The conversion of existing buildings to open market dwellings is permissible under this policy where those buildings are heritage assets, the conversions schemes respect the character of those assets and high standards of sustainability are achieved. While the conversions of the traditional farm buildings shown to be retained and converted on the illustrative site layout are considered heritage assets and conversions schemes could be devised to respect the character of those assets (With this being an outline application no conversion details have been provided) the proposal is a predominantly new build open market residential development proposal which does not accord with the exceptions set out in policy CS5 and further elaborated upon in SAMDev Plan policy MD7a.
- 6.1.6 The above demonstrates that there is an in-principle planning policy objection to any scale of new-build open market residential development in Sheriffhales.

Consideration must therefore be given as to whether there are any other material considerations that would justify a Departure from adopted Development Plan policy in this case.

- 6.1.7 The agent has made the following comments in support of the application (The full text of the supporting statement may be viewed on the Council's website):
- The council's Environmental Protection Officers have agreed that the only suitable way to proceed and eliminate the statutory nuisance entirely from the surrounding neighbourhood is to relocate the pig farming enterprise to a more isolated position on the farm to allow odour to freely dissipate within the atmosphere to an acceptable level before it comes into contact with receptors/neighbouring residential properties.
 - An odour management plan would supplement the relocation.
 - Manor Farm has been run as a family business for many years.
 - Up to 2000 pigs are reared within the two modern buildings on the northern portion of the site, with brick buildings used for hospital bays and welfare units, storage, stabling, with feed and fodder storage within the portal frame buildings towards the southern end of the farm yard.
 - There are huge costs involved in relocating the farm to a greenfield site and advice on the valuation and costings involved has been provided to ensure that enough capital is raised from the redevelopment of the farmyard to enable the move to take place following the requirements of the court order in relation to the statutory nuisance regarding odour. The indicative layout of 31 dwellings comprising of the conversion of traditional barns; 1 two bedroomed semi-detached unit; 17 three bedroom bungalows/detached/semi-detached units; 8 four bedroomed detached units and 5 five bedroomed detached units would deliver that funding and be of an appropriate level and size for this rural village location.
 - The development provides opportunities to reinforce and enhance the character and appearance of the settlement through the conversion of existing traditional brick built barns, the removal of modern portal frame structures and their replacement with a low density and well-designed residential development.
 - The proposal does not include the provision of affordable housing in order to keep the quantum of development to the minimum necessary to produce a financial return which enables the pig farm to be relocated on a cost neutral basis to the applicant.
 - The proposal will have a significant benefit to the local economy and no financial gain will be realised by the applicant.
 - Acknowledge that there is a fine balancing act to be done between the level of residential development required to facilitate and enable the move to take place for the benefit of the local community and statutory nuisance.
 - The proposal would assist in supporting the small range of community services and facilities within the village and in surrounding settlements.
 - The proposed development would improve the residential amenity for village residents and would also have an impact upon the local historic built environment, but in this regard this impact will not cause "substantial harm" to heritage assets.
 - The material considerations of relocating the farm and positively impacting on the residential amenities of neighbouring residents are deemed to significantly outweigh the Core Strategy policy CS5 restriction. (They also assert that the proposal is broadly in accordance with the local planning policy framework contained within Shropshire's Core Strategy and SAMDev Plan).

-The financial appraisal and valuation that accompanies the submission shows that the sale of the existing farm yard with outline planning permission for residential development will not be sufficient to construct the new pig rearing facility on the new greenfield site, there will still be a shortfall which will need to be met by a bank loan.

- 6.1.8 The context for this application whereby there is an existing farm on the western side of the village operating as an intensive pig rearing enterprise is important to take into account in appraising whether there are other 'material considerations' which may be sufficient to justify a departure from adopted Development Plan policy in this case. This site has long been in agricultural use with the adjacent Sheriffhales Manor having once been the principal residence for the farm complex prior to changes in ownership. The mixture of traditional and more modern farm buildings mostly date from the period before the need to obtain planning permission, with the planning history files showing that the traditional brick range constructed in 1944 were specifically designed for livestock (cattle) and more modern buildings also providing loose housing for livestock. (Use of part of the farm for equestrian accommodation was permitted in 1998 (ref 98/0095)). A change in the type of agricultural livestock being housed was not development requiring planning permission. In 2015 a planning application was made for a steel framed agricultural livestock building at the farm (ref 15/01103/FUL). At that time the farm was already operating as an intensive pig enterprise and the building was to allow stock numbers to rise to just below 2000 and to maintain standards as set out under the RSPCA 'Freedom Foods' requirements. The assessment of that application by the Council's Public Protection Team included a site visit. Due to the betterment in waste water provisions that scheme would achieve, the management of the (then) current operations and the site setting and location, no objections were raised and it was not anticipated that there would be any odour or noise implications to surrounding receptors. No comments were received from the Parish Council or the public on this application and an approval was issued on 23rd July 2015.
- 6.1.9 The claims made by the agent that the proposal would not result in harm and would be an enhancement to designated heritage assets is addressed in section 6.2 of the report below. There are the key issues here as to 1) Whether the principle of 'enabling' development can be accepted in the circumstances of this case as a achieving a community benefit sufficient to warrant a departure from adopted Development Plan policy; 2) whether there is an acceptable legal mechanism to achieve that linkage and deliver such a benefit; and 3) whether the quantum of development proposed in the minimum necessary to fund the relocation of the pig farm of matching capacity in terms of pig numbers to the new site proposed.
- 6.1.10 Taking the three points set out in 6.1.9 above in reverse order, an independent review commissioned from the Valuation Office Agency (DVS Property Specialists for the Public Sector) of the financial assessment and associated documents submitted with the application. (This information has had to be kept confidential and not made available for public viewing in order to comply with Data Protection legislation). The matters that they were asked to examine were:

- 1.The construction and associated costs required to establish a new Pig Farm on

land to the south-west of Manor Farm, Sheriffhales, of a size comparable to and with the same facilities as the existing premises currently located at Manor Farm, in accordance with the details confirmed by Planning Application Reference: 20/00820/FUL.

2.The cost of re-developing the Manor Farm site for the proposed residential scheme detailed below, including any required costs of demolition and remediation.

3.Confirmation as to whether the number of dwellings proposed by the residential scheme detailed below is the minimum necessary as “Enabling Development” to facilitate financially the relocation and redevelopment of the new Pig Farm operation on the land to the south-west of Manor Farm, in accordance with the details confirmed by Planning Application Reference: 20/00820/FUL, specifically on the basis that no additional profit should be generated for the landowner and operator of the pig farming enterprise at Manor Farm.

- 6.1.11 The independent review carried out has produced costings broadly comparable to those produced by the applicant's agent in respect of matters 1) and 2) above. With respect to matter 3) it is their conclusion from the detailed analysis they have carried out that the value derived by the proposed scheme for 31 no. units is insufficient to cover the costs of providing the proposed new pig farm at the alternative location to the south-west of Manor Farm, even on the basis that no amount of Affordable Housing is provided, and that a larger scheme is required in order to facilitate financially the proposed new operation. This has been acknowledged by the applicant's agent, who advises that the shortfall will need to be met by a bank loan. It can be concluded therefore that the magnitude of the development as proposed in terms of that shown on the illustrative site layout is what would be required were the enabling development case to be accepted here. The scale of new build residential development as a departure from Development Plan housing policy would be very substantial in the context of this village.
- 6.1.12 This now leads to the fundamental issue as to whether it is acceptable to potentially approve a development proposal that would otherwise be refused as contrary to Development Plan policy on the basis that it would facilitate a commercial agricultural business enterprise restoring its production levels to that which it desires, but which are currently restricted by the Best Practicable Means (BPM) measures adopted in response to the statutory nuisance notice served. It was made clear in the pre- application enquiry response that the biggest obstacle to the applicants aspirations is the planning policy position and seeking to justify a departure from both national and local policy, and the case seeking to justify the development through very special circumstances would need to be robust and stand up to scrutiny. (While the phrase ‘very special circumstances’ in planning is one more associated with Green Belt, it was used in this context due to the exceptional nature of what the applicants needed to try and argue would be overriding material planning considerations in this case). While the adverse odour impact were not envisaged at that time the application was made in 2015 for a new agricultural building, based on how the existing business operation was being managed, it was a commercial business decision to seek to expand the livestock enterprise at this location and to proceed with that development. The BPM measures serve to mitigate the impact of the farming activity on the community and allow the site to continue to operate but the Council's Regulatory Services Team advise that there is still a statutory nuisance. The desirability of moving the

enterprise away from the village is acknowledged, but it is questionable as to whether this route of seeking to fund that action is compatible with the role and purpose of the planning system, even in the circumstances of this case.

- 6.1.13 To ensure that funds raised by the disposal of the existing farm site for residential development are channelled solely to funding the new pig farm would be a matter which would need a legal agreement to secure. Planning Obligations however only mitigate the impacts of a development and can only constitute a reason for granting permission if they meet three tests: necessary, directly related to the development, and fairly and reasonably related to the scale and kind of development. The planning obligation must be necessary to make the development acceptable in planning terms i.e. to mitigate the impacts of the proposed housing development. There is no evidence that the obligation would be necessary to mitigate any identified impact of the housing, as the harm would be to the Council's Housing Strategy and the Development Plan. A planning obligation that requires moneys to be spent on the construction of a new private enterprise, commercial pig farm would fail the test of necessity and would not be directly related to the development, i.e. the residential development. Were it to be considered that there is a "public interest" in securing the continued production of home produced pigs as a food source in the locality, this would not be guaranteed by the proposed use of the funding from the residential development of this site. The obligation would not generate sufficient funds to cover the entire cost of the proposed pig farm and could not require that private business to make up the difference or indeed to continue to trade as a pig farm in the future. Other farming enterprises could continue to be conducted from the historic farm site without generating significant adverse amenity impacts. As such, an obligation would not necessarily deliver the suggested outcome and would not be fairly and reasonably related to the scale and kind of development (residential) proposed in this case. The legal tests to use a planning obligation agreement to stipulate how the monies generated would be used would not be met.

6.2 **Heritage and Landscape Impact**

- 6.2.1 In considering the proposal due regard to the following local and national policies, guidance and legislation has been taken; CS6 Sustainable Design and development and CS17 Environmental Networks of the Shropshire Core Strategy, the National Planning Policy Framework (NPPF), Planning Practice Guidance and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 6.2.2 Section 12 of the NPPF is concerned with achieving well designed places. It states that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change; establish and maintain a strong sense of place; to optimise the potential of sites to accommodate an appropriate amount and mix of development; and to create places which are safe, inclusive and accessible and which promote health and well-being, providing a high standard of amenity for existing and future users. It also states, however, that permission should be refused for poor design that fails to take

into account the opportunities available for improving the character and quality of an area. At paragraph 134 it advises that in determining applications significant weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

6.2.3 Core Strategy policies CS6 and CS17 are concerned with delivering high quality sustainable design in new developments that respect and enhance local distinctiveness. This is further bolstered by SAMDev Plan policy MD2. In summary, these policies expect new development to be designed to be sustainable in the use of resources, including during the construction phase and future operational costs, reduce reliance on private motor traffic, be respectful to its physical landscape setting and context and to incorporate suitable mitigation in the form of materials and landscaping.

6.2.4 As an outline application seeking to establish the principle of development, there are not full details by which to fully assess details relating to building design (appearance) and landscaping. However sufficient information has been provided on scale in terms of the number of dwellings envisaged, their form and how the envisaged numbers could be accommodated on the site through the illustrative site layout to allow an assessment of the likely heritage and landscape impact to be carried out. This site is close to listed buildings and immediately adjacent to the Sheriffhales Conservation Area. Paragraph 194 of the NPPF states that in determining planning applications local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made to their setting. It advises that the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. A Heritage Impact Assessment (HIA) was requested to assess the setting of the Sheriffhales Conservation Area, Lilleshall Registered Park and Garden (grade II), Manor Farm (grade II listed) and St Mary's Church (grade II* listed). That HIA concludes that the proposals would be a 'neutral' change and the Landscape Report also requested concludes there would be no further loss of significance. While the HIA submitted is proportionate, the Councils' Historic Environment Team take issue with the conclusions. They comment that while the conversion of the historic curtilage listed barns is supported in principle, there are concerns regarding the layout of the new build residential properties. (It is acknowledged that the details are indicative in this application, but weight can be attached to them as showing future intentions and for judging how the quantity of development sought could be accommodated on site). In particular they state:

"...the proposed quantum and layout of the new build is still of considerable concern, especially with regards to the loss of rural, agricultural character and appearance to the immediate historic farmstead as well as the wider historic landscape/historic parkland where it would dilute its significance as well as the overall setting of the principal listed farmhouse and the adjacent conservation area. The loss of the woodland to the west is also concern with regards to setting of the site and also potential views into the site."

6.2.5 The Case Officer's view accords with the concerns raised by the Historic

Environment Team. The existing more modern agricultural buildings on the site do have a functional appearance and a substantial mass, but they are a continuation of the historic farmyard use, with significant space around the structures, which is of particular relevance to the setting of the immediately adjacent grade 2 listed Manor Farm dwelling. This spaciousness is also a feature of development within the Conservation Area and the aesthetic which would be created by the subdivision of the site to create plots for 31 dwellings, even with areas of public open space, would create a very different, urban character that would be unlikely to make a positive contribution to local character and distinctiveness. The proposal would result in less than substantial harm to the setting of heritage assets in the context of paragraph 202 of the NPPF which states that *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal..."* It is the current agricultural activity on the site, rather than the buildings themselves, from which there would be a public benefit through its cessation or moderation, and this is more readily altered in comparison with the permanent change to the landscape and setting of designated heritage assets that the proposed housing development would bring about. It is not considered that there are public benefits sufficient to outweigh the less than substantial harm to designated heritage assets in this case.

6.2.6 The County Arboriculturalist has raised concerns at 4.7 above about the extent of tree loss with the removal of the mixed plantation covering much of the western side of the site, based on the illustrative site plan submitted. While that site plan is, apart from the access point, indicative only for the purposes of this outline application, this area of the site would be likely to be impacted on by any layout due to the quantity of development sought. The landscape and visual assessment submitted by the agent has been reviewed by the Council's Landscape Consultants who comment that it provides no methodology for the assessment of landscape and visual effects to demonstrate a clear, robust and evidence based approach, and contains no details of the proposed mitigation measures in respect of adverse landscape and visual effects. It is considered that the likely removal (Based on the indicative site layout) of much of the tree cover along the western edge of the site would exacerbate the wider, adverse landscape impact of the scale of residential development proposed, which would also impact negatively on the setting of the conservation area.

6.3 **Highway Safety**

6.3.1 The NPPF, at section 9, seeks to promote sustainable transport. At paragraph 110 it advises that sites should give opportunities to promote sustainable transport modes appropriate to the type of development and its location, have a safe and suitable access for all users, the design of streets, parking areas, other transport elements and the content of associated standards should reflect current national guidance, including the National Design Code and the National Model Design Code; and that whether any significant impacts on the transport network (in terms of capacity and congestion) or highway safety can be cost effectively mitigated to an acceptable degree. It continues at paragraph 111 stating development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Core Strategy policy CS6 seeks to achieve safe

development and pertinent matters to consider include ensuring the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated.

- 6.3.2 A Transport Assessment has been submitted with the application. This assessment states the development will lead to additional traffic on the local road network with an estimated 37 traffic movements occurring in each of the AM and PM peak periods. Over the 24hr period, we anticipate that the development will generate a total of 204 traffic movements on the network. It concludes:

"We consider that the additional traffic movements arising from the development can be accommodated on the nearby network, which already carries low numbers of vehicle movements and therefore no capacity issues are predicted. However, due to the localised congestion experienced around the nearby school, some local highway improvement measures are deemed to be required for the development to be acceptable to the local highway authority".

The local highway improvement measures proposed (to be provided by the developer) as sufficient to mitigate against any issues arising from additional traffic generated by the proposed development on the local road network and to provide an element of local betterment in addressing existing traffic concerns on roads around the school comprise:

-Provision within the area of the school of additional on-street parking capacity, with some of the existing parking very close to the school access being displaced to reduce the concentration of congestion that occurs. The Transport Assessment states:

"An area of the unclassified road laying between the site and the school is available for localised widening work, as the land adjacent to the existing highway verge is within the applicant's ownership. Here it's feasible that a lay-by with a width of approximately 2.0m could be constructed over a distance of around 85m. This will provide capacity for 13 vehicles to park, with just a short walk of around 150m to the school. The existing keep clear markings around the school should also be reviewed, with a view of extending these to displace parking to the new area. We also propose that the existing school safety zones are bolstered with additional 'gateway' markings and possibly a 20mph zone. These will emphasise the school zone to the future residents and any visitors to the site."

-It is proposed to extend the existing village 30mph speed limit to a point beyond the site access.

- 6.3.3 The Council's Developing Highways Manager has reviewed the Transport Assessment and also the consultation comments received raising highway safety issues. She comments that in considering trip generation consideration should also be given to the existing use of the site in terms of the number and types of trips the site typically generates. Due to the established agricultural use the potential for the existing use to be diversified and potentially generate additional vehicle movements must be taken into account from a highway perspective, even though that is not the applicants intention. The proposed residential development is likely to generate

additional vehicle movements in the morning and afternoon peak, with the type of trips generated being different, but not to a level that would warrant a refusal on highway safety grounds with the mitigation possible that paragraph 110 d) of the NPPF requires be taken into account in assessing applications. These measures include various off-site highway works to improve pedestrian connectivity from the site into Sheriffhales village, improve the 'gateway features' at the vehicular access point into the village and to improve the existing situation in and around the entrance to the Primary School and Village Hall, at school drop off/pick up times. The necessary works have been included on submitted drawing and would be delivered through the conditions recommended at paragraph 4.2 above of this report. A Section 106 contribution would be sought as part of any resolution to grant planning permission towards the relocation of the existing 30mph signs and potential amendments to the 'School Keep Clear' markings and the associated road markings in the vicinity of the access into Sheriffhales Primary School. With these measures the proposed development would not have an unacceptable impact on highway safety or result in residual cumulative impacts on the local road network that would be severe. It is considered therefore that a detrimental to highway safety refusal reason could not be sustained.

6.4 **Residential Amenity**

6.4.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The nearest existing residential properties to the site are 'The Manor' which is adjacent to the eastern site boundary and 'Manor Cottages' situated just to the west of the site. It would be ensured in the consideration of future reserved matters application(s), should outline permission be granted, that the layout, scale, appearance and landscaping of the residential development would not unduly harm the residential amenities of those properties or that of the locality.

6.5 **Ecology**

6.5.1 Core Strategy policies CS6 and CS17 seeks to ensure developments do not have an adverse impact upon protected species and accords with the obligations under national legislation. SAMDev policies MD2 and MD12 supplement these policies. A Preliminary Ecological Appraisal has been submitted with the application, supplemented with an Ecological Appraisal dated August 2020. The Council's Ecological Consultants are content with the findings of these reports which were prepared by Greenscape Environmental. The site is generally of low ecological value but with the potential for bats and nesting birds to be present. A check of two ponds within 250m of the site has shown them to be unsuited for Great Crested Newts, due to one having abundant carp present and the other appearing to be heavily poached with no vegetation present. Basic Reasonable Avoidance Measures would be followed during development. Investigations have established that one of the existing buildings is functioning as a bat roost and., given that the building in question would be demolished should residential development take place, a European Protected Species Mitigation Licence would be required from Natural England. This would not be an obstacle to development in this case due to the low impact class licence which would be sought and the mitigation that can be achieved through planning conditions in addition to the terms of a licence. while a barn owl was recorded in one of the buildings proposed for demolition alternative long-term provision for barn owls can be incorporated into the re-development of the site. The recommended ecology related conditions, in the event of a decision to

grant planning permission, would include the provision of a barn owl box; bat boxes; bird boxes; appointment of an Ecological Clerk of Works; submission of a European Protected Species Mitigation Licence prior to work commencing; landscaping and lighting.

6.6 **Drainage**

6.6.1 Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in the existing run-off rate and not result in an increase in run-off. The Council's Drainage Consultants/Flood and Water Team have advised that the Flood Risk Assessment submitted is acceptable. Any grant of planning permission would be the subject of a pre-commencement planning condition to ensure the satisfactory drainage of the site and to avoid flooding. The condition would state that no development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority and that the approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

6.7 **Affordable Housing**

6.7.1 Core Strategy Policy CS11 and a related Supplementary Planning Document require most market housing schemes to contribute towards affordable housing provision. These policies must be read in conjunction with the more recently updated NPPF, where Paragraph 65 reaffirms that affordable housing should still be sought (At least 10% of the total number of homes) where housing proposals would constitute 'Major Development' due to the site size or numbers of dwellings proposed, which would be the case here. It would normally be expected that a policy compliant open market housing scheme in this part of Shropshire would provide 20% affordable housing. There is no affordable housing provision in this application in order to keep the number of new build properties as low as possible but to still provide the financial return sought from the sale of the site to fund a substantial part of the cost of the new pig farm. Were affordable housing to be included in the proposed scheme this would impact on the land value and require more dwellings to be built above the total of 31 which has been the basis for the valuation assessment.

7.0 **CONCLUSION**

7.1 While the conversions of the traditional farm buildings shown to be retained and converted on the indicative site layout are considered heritage assets and conversions schemes could be devised to respect the character of those assets (With this being an outline application no conversion details have been provided) the proposal is a predominantly new build open market residential development proposal which does not accord with the exceptions set out in policy CS5 and further elaborated upon in SAMDev Plan policy MD7a. There is an in-principle planning policy objection to any scale of new-build open market residential development in Sheriffhales. The scale of new-build housing proposed is very substantial in this village context (26 units out of the 31 envisaged). Consideration must therefore be given as to whether there are any other material considerations that would justify a Departure from adopted Development Plan policy in this case.

- 7.2 The desirability of re-locating the intensive pig rearing enterprise to another location as a solution to a odour problem which constitutes a statutory nuisance is accepted, but the proposal to fund a new pig farm by residential redevelopment of the existing site is not one which can be supported as a material consideration sufficient to justify a Departure from the adopted Development Plan. A Planning Obligation (Section 106 Agreement) to ensure that all monies from the sale of the land for residential development are used solely for the construction of the new pig farm would not meet the three tests required for such agreements as being necessary, directly related to the development, and fairly and reasonably related to the scale and kind of development for the reasons explained at 6.1.13 above.
- 7.3 With respect to heritage and landscape impacts it is considered the proposals, in terms of the likely resultant built form, would detract from the setting of the adjacent listed buildings and conservation area and the public benefits of the proposal from the cessation of the current type of farming activity on the application site would not outweigh the less than substantial harm to designated heritage assets in this case that would be caused by the proposed scale of new-build residential development.
- 7.4 The proposed development would not have an unacceptable impact on highway safety when the mitigation measures which can be secured through planning conditions and a section 106 agreement are taken into account. The residual cumulative impacts on the road network when the change from the agricultural traffic which the current and potential use of the site for that purpose generates in comparison with that from a residential development of the scale proposed would not be severe.
- 7.5 Ecological and drainage interests could be safeguarded through planning conditions and the site could be developed for residential purposes in a manner which would not harm the residential amenities of the locality.
- 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
National Planning Practice Guidance

Shropshire Core Strategy and SAMDev Plan Policies:

CS1 - Strategic Approach
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS10 - Managed Release of housing Land
CS11 - Type and Affordability of housing
CS17 - Environmental Networks
CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development
MD2 - Sustainable Design
MD3 - Managing Housing Development
MD7a - Managing Housing Development in the Countryside
MD7b - General Management of Development in the Countryside
MD12 - Natural Environment
MD13 - Historic Environment
Settlement: S15 – Shifnal

SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

15/01103/FUL Erection of portal steel framed agricultural livestock building GRANT 23rd July 2015
20/00820/FUL Formation (relocation) of pig farm including erection of two pig rearing buildings, two straw storage buildings, one hospital/lairage building, one workshop/machinery storage building and one bio-security building; with all associated works PCO
20/00822/FUL Erection of building for the stabling of horses and associated equipment including change of use of land and formation of vehicular access PDE
BR/98/0095 ADDITIONAL USE OF FARM FOR EQUESTRIAN ACCOMMODATION AND GRAZING GRANT 20th May 1998
BR/98/0094 ERECTION OF A FARM DWELLING AND INSTALLATION OF SEPTIC TANK REF 20th May 1998

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Planning Statement

Ecological Survey

Tree Report

Heritage Impact Assessment

Transport Assessment

Landscape and Visual Impact Assessment

Cabinet Member (Portfolio Holder)
Councillor Ed Potter

Local Member

Cllr Kevin Turley

Appendices
APPENDIX 1 - Conditions

Informatives

1. Despite the Council wanting to work with the applicant in a positive and proactive manner as required in the National Planning Policy Framework paragraph 38, the proposed development is contrary to adopted policies as set out in the officer report and referred to in the reasons for refusal, and it has not been possible to reach an agreed solution.

2. In determining this application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance

Shropshire Core Strategy and SAMDev Plan policies:

CS1 - Strategic Approach

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS10 - Managed Release of housing Land

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD3 - Managing Housing Development

MD7A - Managing Housing Development in the Countryside

MD7B - General Management of Development in the Countryside

MD12 - Natural Environment

MD13 - Historic Environment

Settlement: S15 - Shifnal

SPD Type and Affordability of Housing

