



Committee and date  
 Southern Planning Committee  
 31<sup>st</sup> May 2022

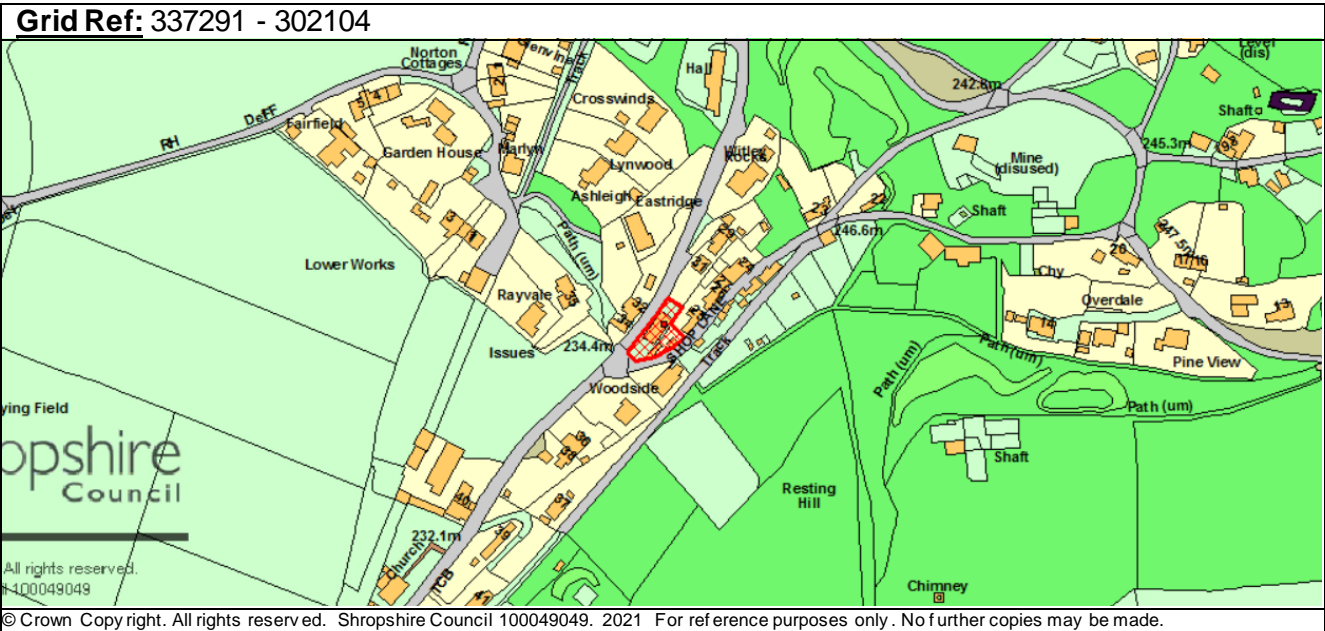
Item  
 Public

**Development Management Report**

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

**Summary of Application**

<b>Application Number:</b> 22/00742/FUL	<b>Parish:</b>	Worthen with Shelve
<b>Proposal:</b> Conversion of ancillary domestic workshop/gun store into two holiday letting units, and provision of parking areas		
<b>Site Address:</b> Workshop adj. 31 Snailbeach, Minsterley, Shropshire, SY5 0NS		
<b>Applicant:</b> Mr A Lloyd		
<b>Case Officer:</b> Trystan Williams	<b>email:</b> trystan.williams@shropshire.gov.uk	



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

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application seeks full planning permission to convert an outbuilding associated with a nearby dwelling into two self-contained holiday accommodation units, one with two bedrooms and the other with one. External alterations would be limited to installing new and replacement white UPVC-framed windows and rear doors (the latter replacing metal panelled doors), and forming an additional vehicular access and parking space at the southwest end of the site.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 Located centrally within Snailbeach village, the site is a wide but shallow plot fronting the 'main' Class C road towards Stiperstones and The Bog, and with its northeast end backing onto the elevated rear garden of a rendered cottage off an unadopted road (Shop Lane) along the hillside to the southeast. It is largely occupied by the building in question, which is an 85m<sup>2</sup> single-storey timber-clad structure with a shallow duo-pitched dark green sheet metal roof. This was approved in 2013 (ref. 13/00928/FUL) for use by the applicant as a gunsmith's workshop and store. There are hardstandings at either end, that to the southwest currently accessed off Shop Lane's junction with the public highway. Further unrelated dwellings are situated on lower ground opposite, and on the northeast side (No. 31) in-between the site and the applicant's own home. The site is within the village conservation area and the wider Shropshire Hills Area of Outstanding Natural Beauty (AONB).

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 In accordance with the Council's adopted 'Scheme of Delegation', the application is referred to the planning committee for determination because the officer recommendation of approval is contrary to an objection from the Parish Council, and Shropshire Council's Planning and Development Services Manager, in consultation with the Planning Committee Chairman and Local Member, agrees that material planning considerations have been raised and warrant consideration by the full committee.

### 4.0 COMMUNITY REPRESENTATIONS

#### 4.1 Consultee comments

##### 4.1.1 Shropshire Council Flood and Water Management – comment:

Any permission granted should include an 'informative' encouraging use of sustainable surface water drainage systems (SuDS).

##### 4.1.2 Shropshire Council Affordable Housing – no objection:

There are no affordable housing obligations associated with this proposal.

##### 4.1.3 Shropshire Council Regulatory Services – no objection:

No comments

##### 4.1.4 Shropshire Council Historic Environment (Conservation) – no objection:

The modest alterations proposed would have minimal impact upon the conservation area's character and appearance.

- 4.1.5 Shropshire Council Historic Environment (Archaeology) – no objection:  
No comments
- 4.1.6 Shropshire Hills AONB Partnership – comment:  
No site-specific comments. However, this indicates neither objection nor lack of objection to the application, and in reaching its decision the local planning authority must still satisfy its legal duty to take into account the purposes of the AONB designation, planning policies concerned with protecting the landscape, plus the statutory AONB Management Plan.
- 4.1.7 Worthen with Shelve Parish Council – objection:  
Councillors have concerns regarding access and parking, noise and overlooking, impact on the AONB, and the sustainability of holiday lets in this location given its limited bus service, shops and other facilities.
- 4.1.8 If permission is given, a planning condition should prevent occupation as permanent open-market housing.
- 4.1.9 Shropshire Council Highways Development Control – no objection:  
The development is unlikely to have any significant adverse highway safety impacts which, having regard to Paragraph 111 of the National Planning Policy Framework (NPPF), could be substantiated and sustained in the event of an appeal against refusal of planning permission.
- 4.1.10 The greatest impact locally would be during the construction period, so the developer should be requested to ensure the safe and free flow of traffic along the surrounding public and private roads is maintained appropriately. Informatives should also advise on:
- the legality of driving along any public right of way;
  - the requisite licence for works on or abutting highway land;
  - the Council's ability to recover any 'extraordinary maintenance' costs arising from damage to the highway by construction traffic; and
  - arrangements for refuse collection.
- 4.1.11 Shropshire Council Ecology:  
1/4/22 – objection:  
Without bat surveys, or at least photographs which demonstrate the building to be unsuitable as a roost, the application should be refused as the development may cause an offence under the Conservation of Habitats and Species Regulations 2017 (as amended).
- 4.1.12 19/4/22 – no objection:  
Following submission of photographs a bat survey is no longer considered necessary, and the application can be determined under ecological standing advice.
- 4.2 **Public comments**
- 4.2.1 Two local residents object on the following grounds:
- There is no evidence of need for further holiday accommodation. The local pub is already busy so does not require more trade.
  - The original planning permission is subject to a condition stipulating ancillary

domestic use of the building for its lifetime, and no commercial use.

- This would be an overdevelopment of a small site in a residential area.
- The immediate neighbours at No. 31 would be disturbed by noise and vehicle headlights from holidaymakers unfamiliar with the area coming and going at any time, and directly overlooked by guests using outdoor spaces.
- Additional traffic would worsen current problems of traffic volumes and speeds, especially given the proposed additional road entrance and extremely cramped parking arrangement with no overflow facility.
- Additional traffic would also exacerbate light pollution in this environmentally sensitive area.

## **5.0 THE MAIN ISSUES**

- Principle of development
- Layout, scale, design and impacts on conservation area and wider landscape
- Residential amenity
- Highway safety
- Ecology

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

6.1.1 Part 6 of the NPPF says local planning authorities should support sustainable rural tourism developments which respect the character of the countryside. Similarly, the Council's Core Strategy Policy CS16 encourages provision of high-quality visitor accommodation in accessible locations served by a range of services and facilities. In rural areas it requires such proposals to be of an appropriate scale and character for the surroundings, and normally close to or within settlements or an established and viable tourism enterprise. It also favours converting existing buildings where this would accord with Policy CS5, notably those with heritage value, but also more generally for small-scale economic/employment-generating uses including tourism.

6.1.2 Officers acknowledge that Snailbeach is a small settlement with limited services and facilities of its own. However, it does have a reasonably frequent bus service, some facilities within walking distance, and significant visitor attractions in its historic lead mine complex and walking trails across the Stiperstones ridge. Moreover, it is in fact designated part of a 'Community Cluster' under Policies MD1 and S2 of the Council's Site Allocations and Management of Development (SAMDev) Plan. This implies that the location is broadly 'sustainable' and potentially even facilities permanent new-build housing, as opposed to the village being regarded as open countryside for planning purposes.

6.1.3 In the circumstances, despite the modernity of the building in question, and notwithstanding the current condition restricting it to ancillary domestic use (which predates the SAMDev policies and in any event merely sought to define the previous permission), officers consider its conversion into holiday accommodation to be acceptable in principle. Nevertheless, a new condition preventing permanent occupation is reasonable and necessary, again to define the consent, and for residential amenity reasons as discussed below.

### **6.2 Layout, scale, design and impacts on conservation area and wider landscape**

6.2.1 Since the accommodation would be contained within the existing building with only minor alterations, and car parking confined to existing hardstanding areas, it is

agreed with the Conservation Officer that there would be no demonstrable harm to the character and appearance of the conservation area. The Council's statutory duty under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 is therefore discharged, and the relevant policies and guidance concerned with protecting the historic environment (listed below in Section 10) satisfied.

6.2.2 Similarly, sympathetically converting this existing building within a settlement would not detract from the generally open character and scenic beauty of the wider landscape. Public concerns about light pollution can be addressed through a lighting condition.

### 6.3 **Residential amenity**

6.3.1 Each unit would have limited floor and outdoor amenity space, but this should be unproblematic for short-term occupants who normally live elsewhere.

6.3.2 Overlooking of the adjacent property, No. 31, should not be unreasonable in planning terms since the house itself stands approximately 26 metres from the side of the building to be converted, which is a generous separation compared to the 20 metres normally accepted between principal elevations of two-storey houses across a street. Furthermore, the side of No. 31's garden is screened by tall fencing and separated by the neighbours' own parking area, which in any event is open to public views from the road in front.

6.3.3 The higher level of the dwelling behind should avoid significant overlooking, whilst the properties opposite have no windows, doors or gardens facing the site.

6.3.4 Holiday accommodation is not inherently noisy, and in the event of a statutory nuisance action could be taken under environmental health legislation.

6.3.5 Any occasional glare from vehicle headlights is unlikely to significantly or unreasonably affect neighbours' quality of life, especially as the site already has vehicular access and parking provision.

### 6.4 **Highway safety**

6.4.1 Officers find the proposed access arrangements and likely traffic generation broadly acceptable having regard to the Highways Development Control Team's advice, the existing site entrances, the 30mph speed limit in this location, observations of current traffic levels, and the availability of overspill parking at the nearby village hall. However, to maximise visibility and minimise potential conflict between vehicles emerging from multiple directions, conditions require closure of the existing Shop Lane entrance and lowering of the front boundary hedge as indicated on the block plan. Additionally, a formal requirement for a construction method statement is reasonable given the site's constraints.

### 6.5 **Ecology**

6.5.1 As noted above, the Council's Ecology Team now accepts that roosting bats are unlikely to be affected. Nevertheless, an informative will be included as a precaution.

6.5.2 It is also acknowledged that the site is close to the Stiperstones and Hollies Special Area of Conservation/Site of Special Scientific Interest. However, this is unlikely to

affected by development of the scale and nature proposed, especially as the application site lies further downhill, meaning there is little potential for contamination or pollution through drainage systems, spillages etc.

## **7.0 CONCLUSION**

7.1 This small-scale tourism scheme is acceptable in principle as it involves converting an existing building within a settlement designated for some development. The minimal external alterations proposed would preserve the character and appearance of the conservation area and the wider landscape, and it is not considered that effects on residential amenity or highway safety would be so significant or unreasonable as to be unacceptable in planning terms. Overall, therefore, the application accords with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions to reinforce the critical aspects.

## **8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

### **8.1 Risk management**

8.1.1 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**

8.2.1 Article 8 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst 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.

8.2.2 Article 1 also requires that the desires of landowners must be balanced against the impact of development upon nationally important features and on residents.

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

### **8.3 Equalities**

8.3.1 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**

9.1 There are likely financial implications if the decision and/or imposition of conditions are 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.

## **10.0 BACKGROUND**

### **Relevant Planning Policies:**

#### Central Government Guidance:

National Planning Policy Framework

#### Shropshire Local Development Framework:

##### Core Strategy Policies:

CS1 - Strategic Approach  
CS4 - Community Hubs and Community Clusters  
CS5 - Countryside and Greenbelt  
CS6 - Sustainable Design and Development Principles  
CS7 - Communications and Transport  
CS9 - Infrastructure Contributions  
CS16 - Tourism, Culture and Leisure  
CS17 - Environmental Networks  
CS18 - Sustainable Water Management

##### SAMDev Plan Policies:

MD1 - Scale and Distribution of Development  
MD2 - Sustainable Design  
MD3 - Managing Housing Development  
MD11 - Tourism Facilities and Visitor Accommodation  
MD12 - Natural Environment  
MD13 - Historic Environment  
S2 – Bishop's Castle Area Settlement Policy

### **Relevant Planning History:**

13/00928/FUL – Erection of ancillary domestic outbuilding for use as workshop and gun store (permitted July 2013)

15/01732/AMP – Non-material amendments to planning permission No. 13/00928/FUL (reduction in height and slight increase in length of replacement outbuilding) (approved May 2015)

## 11.0 ADDITIONAL INFORMATION

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=R7CPM7TD02B00>

<b>List of Background Papers:</b>
Application documents available on Council website
<b>Cabinet Member (Portfolio Holder):</b>
Cllr Ed Potter
<b>Local Member:</b>
Cllr Heather Kidd
<b>Appendices:</b>
Appendix 1 – Conditions and Informatives



## **APPENDIX 1 – CONDITIONS AND INFORMATIVES**

### **STANDARD CONDITIONS**

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

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

2. The development shall be carried out in strict accordance with the approved, amended plans and drawings listed below.

Reason: To define the consent and ensure a satisfactory development in accordance with Policies CS6, CS16 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

### **CONDITIONS THAT REQUIRE APPROVAL BEFORE DEVELOPMENT COMMENCES**

3. No development shall commence 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, and shall include provision for:
  - i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials
  - iv. the erection and maintenance of security fencing/hoardings
  - v. wheel washing facilities
  - vi. control of dust, dirt and noise emissions during construction
  - vii. timing of construction works and associated activities
  - viii. recycling/disposal of waste resulting from demolition and construction works
  - ix. a traffic management plan

Reason: In the interests of highway safety, and to help safeguard the residential amenities of the area, in accordance with Policies CS6 and CS7 of the Shropshire Local Development Framework Adopted Core Strategy. This information is required prior to commencement of the development since it relates to matters which need to be confirmed before subsequent phases proceed, in order to ensure a sustainable development.

### **CONDITIONS THAT REQUIRE APPROVAL DURING CONSTRUCTION/PRIOR TO OCCUPATION OF DEVELOPMENT**

4. Prior to the first occupation of any part of the holiday accommodation hereby permitted, vehicular accesses and parking areas off the adjacent public highway to the northwest shall be formed/laid out in accordance with the approved block plan, and, notwithstanding any indication to the contrary, the additional existing vehicular access onto 'Shop Lane' to the southwest shall be permanently stopped up in accordance with details which shall first be submitted to and approved in writing by the local planning authority. The new/retained vehicular accesses and parking areas shall thereafter remain available for those purposes for the lifetime of the development.

Reason: In the interests of highway safety, in accordance with Policies CS6 and CS7 of the Shropshire Local Development Framework Adopted Core Strategy.

## **CONDITIONS RELEVANT FOR LIFETIME OF DEVELOPMENT**

5. Prior to the first use or occupation of any part of the holiday accommodation hereby permitted, the existing hedge along the site's northwest boundary with the public highway shall be lowered to a maximum height of 1050mm. It shall thereafter be maintained in that condition for the lifetime of the development.

Reason: In the interests of highway safety, in accordance with Policies CS6 and CS7 of the Shropshire Local Development Framework Adopted Core Strategy.

6. No new or additional external lighting shall be installed or provided at the site other than in strict accordance with a detailed scheme which shall first be submitted to and approved in writing by the local planning authority. This shall be designed so as to take into account the guidance contained in the Bat Conservation Trust document 'Bats and Lighting in the UK'.

Reason: To minimise potential disturbance to foraging or commuting bats, and to help safeguard the visual and residential amenities of the area, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

7. The accommodation hereby permitted shall only be occupied by holidaymakers whose main residence is elsewhere. The owner/operator of the holiday accommodation enterprise shall maintain an up-to-date register of occupiers and their main home addresses, and shall make this information available to the local planning authority at any reasonable time.

Reason: To define the consent and prevent establishment of permanent new dwellings without further consideration of the appropriateness of such development in this location, having regard to Policies CS1, CS4, CS6, CS16 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

## **INFORMATIVES**

1. Your attention is drawn specifically to the conditions above which require the Local Planning Authority's prior approval of further details. In accordance with Article 27 of the Town and Country Planning (Development Management Procedure) Order 2015, a fee (currently £116) is payable to the Local Planning Authority for each request to discharge conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority.

Where conditions require the submission of details for approval before development commences or proceeds, at least 21 days' notice is required in order to allow proper consideration to be given.

Failure to discharge conditions at the relevant stages will result in a contravention of the terms of this permission. Any commencement of works may be unlawful and the Local Planning Authority may consequently take enforcement action.

2. This development may be liable to a payment under the Community Infrastructure Levy (CIL) which was introduced by Shropshire Council with effect from 1st January 2012. For further information please contact the Council's CIL team ([cil@shropshire.gov.uk](mailto:cil@shropshire.gov.uk)).
3. This planning permission does not authorise the applicant to:
  - construct any means of access over the publicly maintained highway (including any footway or verge);
  - carry out any works within the publicly maintained highway;
  - authorise the laying of private apparatus within the confines of the public highway, including any a new utility connection; or
  - disturb any ground or structures supporting or abutting the publicly maintained highway.

Before carrying out any such works the developer must obtain a licence from Shropshire Council's Street Works Team. For further details see <http://www.shropshire.gov.uk/roads-and-highways/developing-highways/>.

Please note that Shropshire Council requires at least three months' notice of the developer's intention to commence any works affecting the public highway, in order to allow time for the granting of the appropriate licence/permit and/or agreement of a specification and approved contractor for the works.

4. Your attention is drawn to Section 59 of the Highways Act 1980, which enables the Highway Authority to recover additional costs of road maintenance associated with damage caused by extraordinary traffic. It is therefore in the developer's best interest to contact Shropshire Council's Streetworks Team before any works commence, to agree the condition of the local highway. If no pre-commencement survey/agreement is made, the Council will assume that any affected highway is in a satisfactory condition, and any repairs or maintenance subsequently found to be necessary will become the developer's responsibility to make good or contribute towards.
5. Your attention is drawn to the need to ensure provision of appropriate facilities for storage and collection of household waste (i.e. wheelie bins and recycling boxes). Specific consideration must be given to kerbside collection points, to ensure that site accesses, visibility splays, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycleways and vehicular carriageways) are unobstructed at all times, in the interests of public and highway safety.
6. The applicant/developer is responsible for keeping the highway free from mud or other material arising from construction works.
7. If any vehicular access and/or parking/turning areas slope towards the public highway, surface water run-off should be intercepted and disposed of appropriately. It is not permissible for surface water from the development to drain onto the public highway or into highway drains.
8. In order to control/attenuate surface water at source and avoid increasing the risk of flooding at the site or elsewhere, the use of sustainable drainage systems (SuDS) such as soakaways designed in accordance with BRE Digest 365, water butts, rainwater harvesting, permeable paving, attenuation and grey water recycling should be considered.

9. This planning permission does not authorise any right of passage over, or the obstruction, realignment, reduction in width, resurfacing or other alteration of, any private driveway or right of access. Before carrying out any such operation you should first satisfy yourself that you have the necessary consent from the landowner(s) and any other affected party, if necessary by taking legal advice.
10. Before any new connection to the public mains sewer is made, including any indirect connection or reuse of an existing connection, consent from the service provider must be obtained.
11. Active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks or on which fledged chicks are still dependent. If possible all demolition, clearance and/or conversion work associated with the approved scheme should be carried out outside the nesting season, which runs from March to September inclusive. If it is necessary for work to commence during the nesting season a pre-commencement inspection of buildings and vegetation for active nests should be carried out. If vegetation is not obviously clear of nests an experienced ecologist should be called in to carry out the check. Only if no active nests are present should work be allowed to commence.
12. Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected against killing, injury and trade by the Wildlife and Countryside Act 1981 (as amended). Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are also protected from trade, whilst the European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during the course of development works to ensure that these species are not harmed.
  - If piles of rubble, logs, bricks, other loose materials or other potential wildlife refuges would be disturbed, this should be carried out by hand during the active season (March to October) when the weather is warm.
  - Any grass should be kept short prior to and during construction, in to avoid creating wildlife habitats which would then need to be disturbed.
  - All storage of building materials, rubble, bricks and/or soil should be either on pallets or in skips or other suitable containers, in order to avoid use as refuges by wildlife which could then become trapped.
  - Wherever possible any trenches formed as part of the construction work should be excavated and closed during the same day in order to prevent wildlife becoming trapped. If it is necessary to leave a trench open overnight it should be sealed with a close-fitting plywood cover or provided with a means of escape in the form of a shallow-sloping earth ramp, board or plank. Any open pipework should be capped overnight, and all open trenches or pipework should be inspected for trapped animals at the start of each working day.
  - Any reptiles or amphibians discovered should be allowed to disperse naturally. If large numbers are present, advice should be sought from an appropriately qualified and experienced ecologist.
  - Should a hibernating hedgehog be found, it should be covered over with a cardboard box and advice should be sought from either an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (tel. 01584 890 801).

13. All species of bat found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). Should a bat be discovered on site at any point during the course of development work must halt and Natural England should be contacted for advice.
14. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework Paragraph 38.