



Committee and date  
Southern Planning Committee  
23 August 2022

## Development Management Report

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

### Summary of Application

**Application Number:** 22/00778/OUT

**Parish:** Diddlebury

**Proposal:** Outline application for the erection of an agricultural workers retirement dwelling to include access

**Site Address:** Proposed Agricultural Workers Dwelling South Of Corfton Farm Corfton Shropshire

**Applicant:** Mr S Povall

**Case Officer:** David Jones

**email :** david.jones@shropshire.gov.uk

**Grid Ref:** 348935 - 284711



**Recommendation:- That planning permission be refused for the following reasons:**

1. The scale of the development would exceed the size restrictions in policy MD7a of the SAMDev (2015) and the Supplementary Planning Document (SPD) Type and Affordability of Housing (adopted 12th September 2012) which seek to ensure that secondary agricultural dwellings are suitable for affordable housing purposes should they no longer be required for agricultural purposes. It is also not considered that the case has been made for an essential need for an additional third worker to live on site for the proper functioning of the farming enterprise nor have the advantages to the business been satisfactorily demonstrated in planning terms for an agricultural retirement dwelling. The proposal is therefore contrary to policy CS5 of the Core Strategy, policy MD7a of the SAMDev Plan and the Type and Affordability of Housing SPD.
2. It considered that the location of the development would result sporadic and isolated development in this countryside location which would detrimentally affect the amenities and character of the area and the landscape and scenic beauty of this part of the Area of Outstanding Natural Beauty. The proposal is therefore contrary to policies CS6 and CS17 of the Core Strategy and policies MD2 and MD12 of the SAMDev Plan.
3. Whilst the benefits of the proposal are acknowledged, these are not considered to be sufficient to outweigh the conflict with Development Plan policy.

**REPORT**

<b>1.0</b>	<b>THE PROPOSAL</b>
1.1	This is an outline planning application for an agricultural workers retirement dwelling, the vehicular access to the development has been included for consideration as part of the planning application.
1.2	Though the planning application is in outline form it has been confirmed that the proposed agricultural workers retirement dwelling would provide around 120 square metres floorspace which the Planning Application Supporting Statement explains is the size of an affordable dwelling plus the additional space for a boot room and a farm office. Further that the proposal is made for a bungalow with a maximum width of 16.5 metres, a maximum depth of 14 metres, and a maximum height of 6.2 metres. Access would be via the existing track to the farm which has an existing vehicular access with the B4386 to the south.
1.3	The application is supported by: <ul style="list-style-type: none"> <li>- Planning Application Supporting Statement.</li> <li>- Rural Workers Justification Report.</li> </ul>
1.4	The submission explains that the applicant is a partner and a director in two business at the farm. The farm comprises a total of 749 hectares (1850 acres) and

	that all but 10 hectares (25 acres) of which is arable land. It is further explained that the majority of the farm is owned 142 hectares (350 acres) or rented 405 hectares (1000 acres) with a significant acreage of land taken on contract farming agreements or annual cropping licenses 202 hectares (500 acres). A range of various types of outbuildings are present at the farmstead. The arable enterprise comprises 536 acres growing various crops on a rotation basis. In addition, a broiler enterprise is operated with 4 poultry buildings with capacity to house 220, 000 birds, rearing a total of approximately 1, 650, 000 birds per year. The submission explains that the primary functional need for on farm residential accommodation relates to the management and daily running of the poultry site and that the majority of labour for the arable enterprise does not need to reside on site.
1.5	The applicant and his son are employed full time and also manage the arable and the poultry business. It is explained that the applicant is approaching retirement age and intending to train and support his son who will eventually take over the farming operations. The applicant currently resides in a farmhouse on the farmstead and his son resides in an annexe to this property.
1.6	The arable and the poultry businesses each employ one member of staff and additional labour is obtained at peak times which can result in there being up to 20 workers at one time. The submission explains that the manager of the poultry operation lives at an existing house adjacent to the farmstead.
1.7	The foul drainage will be discharged into a package sewage treatment plant which it is gleaned will thereafter be discharged into a soakaway, surface water will also be disposed of to a soakaway.
<b>2.0</b>	<b>SITE LOCATION/DESCRIPTION</b>
2.1	The application site is located to the north of the B4386 in proximity to Corfton. The application site comprises part of an arable field located around 200 metres south of existing farmstead. A range of various types of outbuildings are present at the farmstead. There are also two residential properties present on the farmstead one of which benefits from an annexe.
2.2	The application site is located within the Area of Outstanding Natural Beauty "AONB".
<b>3.0</b>	<b>REASON FOR COMMITTEE DETERMINATION OF APPLICATION</b>
	The officer recommendation is contrary to the views of the Parish Council and it has been agreed at the agenda-setting meeting that it is appropriate for the application to be determined by Planning Committee given the issues raised.
<b>4.0</b>	<b>Community Representations</b>
<b>4.1</b>	<b>Consultee Comment</b>

4.1.1	<p><b>Diddlebury Parish Council</b></p> <p>24/03/2022 Support. The parish council voted to support this application and raise no objections.</p>
4.1.2	<p><b>SC Highways</b></p> <p>23/03/2022 From a highways perspective, no objection is raised to the proposed development subject to the following conditions and informative notes. Observations/Comments:</p> <p>The proposal seeks outline consent with access as a determined matter and all other matters reserved, for the erection of an agricultural workers retirement dwelling. The proposed dwelling will be accessed from the private drive that leads to Corfton Farm. The access junction of the private drive with the B4386 is acceptable.</p> <p>Conditions:</p> <p>Parking and Turning No development shall take place until full details for the parking and turning of vehicles have been submitted to and approved by the Local Planning Authority. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose. Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.</p> <p>Informative notes:</p> <p>Works on, within or abutting the public highway This planning permission does not authorise the applicant to:</p> <ul style="list-style-type: none"> <li>- carry out any works within the publicly maintained highway, or</li> <li>- authorise the laying of private apparatus within the confines of the public highway including any new utility connection, or</li> <li>- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway</li> </ul> <p>The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details <a href="https://www.shropshire.gov.uk/roads-and-highways/road-network-management/#">https://www.shropshire.gov.uk/roads-and-highways/road-network-management/#</a></p> <p>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.</p> <p><b>No drainage to discharge to highway</b></p> <p>Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No</p>

drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

#### **Waste Collection**

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

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

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

#### **Mud on highway**

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

4.1.3

#### **Drainage & SUDS**

The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority. All correspondence/feedback must be directed through to Shropshire Councils Development Management Team.

Informative Notes:

A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim

Guidance for Developers document. It is available on the councils website at:

<https://www.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-fordevelopers.Pdf>

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

Preference should be given to drainage measures which allow rainwater to soakaway naturally.

Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

4.1.4

**SC Ecology**

31.03.2022 Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

I have reviewed the information and plans submitted in association with the application and I am happy that no ecological survey is required for the proposed development.

Any external lighting to be installed on the building should be kept to a low level to allow wildlife to continue to forage and commute around the surrounding area. SC ecology require biodiversity net gains at the site in accordance with the NPPF and CS17. The installation of a bat box/integrated bat tube will enhance the site for wildlife by providing additional roosting habitat.

I recommend that the following conditions and informatives are included on the decision notice:

**Bat and bird boxes condition**

Prior to first occupation / use of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 1 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for Sparrows (32mm hole, terrace design), House Martins (House Martin nesting cups) and/or small birds (32mm hole, standard design) shall be erected on the site prior to first use of the development.

The boxes shall be sited in suitable locations and at suitable heights from the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall therefore be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats and nesting opportunities for wild birds, in accordance with MD12, CS17 and section 175 of the NPPF.

**Lighting Plan condition**

Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority.

The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes, trees, and hedgerows. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats

and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species.

#### Nesting birds informative

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

#### **General site informative for wildlife protection**

Widespread reptiles (Adder, Slow Worm, Common Lizard and Grass Snake) are protected under the 1981 Wildlife and Countryside Act (as amended) from killing, injury and trade and are listed as Species of Principle Importance under Section 41 of the 2016 NERC Act. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the 2006 Natural Environment and Rural Communities Act. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one

direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

If a Great Crested Newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.

#### Landscaping informative

Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

4.1.5

#### **SC Archaeology**

##### Background to Recommendation:

The development site lies immediately adjacent an enclosure site c250m south of Corfton Farm (HER PRN 04894) and a second cropmark enclosure c340m south of Corfton Farm (HER PRN 04186). The development site also falls within the former extent of Corfton Hall Park (HER PRN 21724). A geophysical survey (Stratascan,

August 2014, Ref. J725) and a watching brief (Headland Archaeology, March 2015) were carried out on land immediately adjacent to the development site for the new trackway. Neither the geophysical survey nor the archaeological monitoring identified features relating to the cropmark enclosure, and it was concluded that the possible enclosure may never have extended into the area subject to the archaeological investigations, or evidence for its presence may have been truncated by subsequent ploughing or tree planting. Both the geophysical survey and watching brief did however identify a possible third enclosure site ditch, c.390m south east of Corfton Farm (HER PRN 31403). Given the density of likely prehistoric activity in this area, the proposed development site is considered to have moderate to high archaeological potential.

**RECOMMENDATION:**

In view of the above, and in relation to Policy MD13 of the Local Plan and Paragraph 199 of the NPPF, it is recommended that a programme of archaeological work be made a condition of any planning permission for the proposed development. As a minimum, this is likely to comprise an archaeological watching brief on all ground works associated with the development. However, additional archaeological work may be required depending on further details submitted with the reserved matters application. Any associated infrastructure such as drainage, soakaways and services should avoid direct impact on the adjacent cropmark enclosures.

An appropriate condition of any such consent would be:  
Suggested Conditions:

No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

**4.1.6 Shropshire Hills AONB Partnership**

The Shropshire Hills AONB Partnership is a non-statutory consultee and does not have a role to study the detail of all planning applications affecting the AONB. With or without advice from the AONB Partnership, the planning authority has a legal duty to take into account the purposes of the AONB designation in making this decision, and should take account of planning policies which protect the AONB, and the statutory AONB Management Plan. Our standard response here does not indicate either an objection or no objection to the current application. The AONB Partnership in selected cases may make a further detailed response and take a considered position.

**4.2 Public Comments**

4.2.1 The planning application was advertised with a site notice and the publicity period expired on the 29.03.2022. At the time of writing no observations have been

	received in relation to the planning application.
<b>5.0</b>	<b>THE MAIN ISSUES</b>
	Principle of development Siting, scale and design of structure Visual impact and landscaping
<b>6.0</b>	<b>OFFICER APPRAISAL</b>
<b>6.1</b>	<b>Principle of development</b>
6.1.2	Policy CS5 (Countryside and Green Belt) of the Core Strategy states that development proposals on appropriate sites which maintain and enhance the countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits particularly where they relate to dwellings for agricultural workers.
6.1.3	<p>Policy MD7a (Managing Housing Development in the Countryside) of the SAMDev permits dwellings to house essential rural workers in the countryside subject to the following criteria which are applicable to the proposal under consideration:</p> <p>a) there are no other existing suitable and available affordable dwellings or other buildings which could meet the need, including any recently sold or otherwise removed from the ownership of the rural business; and,</p> <p>b) in the case of a primary dwelling to serve a business without existing permanent residential accommodation, relevant financial and functional tests are met and it is demonstrated that the business is viable in the long term and that the cost of the dwelling can be funded by the business. If a new dwelling is permitted and subsequently no longer required as an essential rural workers' dwelling, a financial contribution towards the provision of affordable housing will be required, calculated in accordance with the current prevailing target rate and related to the floorspace of the dwelling.</p> <p>c) in the case of an additional dwelling to provide further accommodation for a worker who is required to be present at the enterprise for the majority of the time, a functional need is demonstrated, and the dwelling is treated as affordable housing, including size restrictions. If a new dwelling is permitted and subsequently no longer required as an essential rural workers' dwelling, it will be made available as an affordable dwelling, unless it can be demonstrated that it would not be suitable. Where unsuitability is demonstrated, a financial contribution to the provision of affordable housing, equivalent to 50% of the difference in the value between the affordable and market dwelling will be required.</p>
6.1.4	The policy goes on to state that such dwellings will be subject to occupancy conditions. Any existing dwellings associated with the rural business may also be subject to occupancy restrictions. At paragraph 3.60 of the supporting text of this policy it is explained that for an additional rural worker dwelling it is essentially treated as a specialist type of affordable dwelling (as set out in Core Strategy Policy CS 5) and will be treated in a similar way when considering proposals. As such it is clear that there is not the same flexibility as regards the scale of the floorspace of a

	secondary agricultural dwelling in comparison with a primary dwelling.
6.1.5	The Supplementary Planning Document (SPD) Type and Affordability of Housing (adopted 12th September 2012) at paragraph 3.2 states that applicant's will be required to demonstrate that a dwelling at the business is essential by showing a functional need for the occupier to be present at the business for the majority of the time (being 24 hours a day, 7 days a week). The policy goes on to state that consideration may be given to business cases which support farmers with a family connection seeking to retire on the farm, if an advantage to the business continuity can be proven and the property is treated on a similar footing to an affordable dwelling.
6.1.6	The SPD states at paragraph 3.7 that in locations where market housing is not normally permitted occupational dwellings are justified on their functional need and should the need disappear, they will default to become rural affordable dwellings. The SPD also acknowledges that there may be a need for a farm office or wet room as part of the development. The guidance goes on to explain that the starting point is that the rural occupational dwelling should aim for a maximum gross internal floorspace of 100sqm for consistency with the maximum size allowed for an affordable dwelling.
6.1.7	The National Planning Policy Framework states planning decisions should avoid the development of isolated homes in the countryside unless one or more of the listed circumstances apply. This includes cases where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.
6.1.8	In planning policy terms, the application site is considered to be located in the countryside. The nearest settlement is located to the north east at Corfton which is designated as a community cluster under the provisions of the development plan where limited residential can be permitted.
6.1.9	The proposal is made for an additional farm dwelling and part c) of policy MD7a explains that where the case is made for an additional farm dwelling to provide further accommodation for a worker who is required to be present at the enterprise for the majority of the time a functional need has to be demonstrated and the dwelling should be treated as affordable housing, including the applicable size restrictions. The SPD also states that consideration may be given to business cases which support farmers with a family connection seeking to retire on the farm, if an advantage to the business continuity can be proven and the property is treated on a similar footing to an affordable dwelling.
6.1.10	Based on the calculations provided by the applicant it is also accepted that the poultry operation can justify a requirement for a full-time worker in man hour terms.
6.1.11	The planning application is made for a secondary dwelling and the information submitted with the application indicates that it will have a floor area of around 120 metres square as it includes additional space for a boot room and a farm office.

	<p>Policy MD7a allows some flexibility in terms of floor area for a primary dwelling. This is not the case were planning application to be submitted for an additional dwelling to provide further accommodation for a worker who is required to be present at the enterprise and instead there is a more rigid size restriction that the floor area should not exceed 100m<sup>2</sup> such that were it no longer required for agriculture it can be made available as an affordable dwelling in accord with the requirements of the policy. It is considered material in this regard that there is already an existing dwelling on the farmstead which is currently occupied by the applicant, and which serves as the primary dwelling for the farm. The proposal is therefore considered to contravene the provisions of policy MD7a due to the size of the secondary dwelling proposed.</p>
6.1.12	<p>In terms of the functional need it is necessary to establish whether it is essential for one or more workers to be readily available at most times for unexpected situations outside of normal working hours. The Rural Workers Justification Report explains that the primary functional need for on farm residential accommodation relates to the management and daily running of the poultry site and that the majority of labour for the arable enterprise does not need to reside on site. It is also explained that the poultry site manager is contracted between 9am and 5pm and two hours per day on Saturday and Sunday. The responsibilities of the Poultry Site Manger also do not extend to the heating system for the broiler enterprise. On this basis it is considered that the contract hours of the poultry site manger indicate that their presence on site for the majority of the time (being 24 hours a day, 7 days a week) is not essential. Having regard to the latter point and given that the remainder of the farm business is predominantly arable, also that there are already two dwellings and an annexe present on the farmstead it is not considered that the case is made for an additional third worker to live on site for the proper functioning of the enterprise.</p>
6.1.13	<p>The SPD states that consideration may be given to business cases which support farmers with a family connection seeking to retire on the farm, if an advantage to the business continuity can be proven and the property is treated on a similar footing to an affordable dwelling. The submission states that the proposal forms part of an intention by the applicant's son to succeed him in the business. Whilst the intent is described there appear to be no legally binding arrangements to demonstrate that the management of the farm business would be transferred to the applicant's son or that the transfer of management is conditional upon the grant of planning permission for the agricultural retirement dwelling. In addition as the dwellings exceeds the size requirements for an affordable dwelling (being 120 metres square as opposed to 100 metres square) it is not considered that proposal is being treated on a similar footing as an affordable dwelling under the terms of the guidance. Having regard to these material considerations it is not considered that advantage to the business has been demonstrated under the terms of the guidance nor would the dwelling be affordable dwelling in terms of its size.</p>
6.2	<b>Siting, scale and design of structure</b>
6.2.1	<p>Policy CS 6 (Sustainable Design and Development Principles) of the Core Strategy (2011) seeks to create sustainable places by ensuring that development will be</p>

	designed to a high quality using sustainable design principles to achieve an inclusive and accessible environment which respects and enhances local distinctiveness, and which mitigates and adapts to climate change. The policy also seeks to ensure that all development meets the requirements listed which includes protecting the historic environment, protects residential and local amenity and includes appropriate car parking and landscaping provision. Policy MD2 (Sustainable Design) of the SAMDev (2015) contains similar provisions at 2. i. and requires that development contributes to and respects local distinctive character by responding appropriately to the form and layout of existing development.
6.2.2	The agricultural dwelling is sited around 200 metres to the south of the farmstead. The distance from the farmstead means that unlike the two existing dwellings present that it will not readily have sight or sound of the outbuildings present. It is considered that this reinforces the earlier conclusion that the case has not been made for an additional third worker to live on site for the proper functioning of the farm enterprise. It is also considered that given the location away from the farmstead that the proposal would result sporadic and isolated type development in this countryside location which would detrimentally affect the amenities and character of the area.
6.3	<b>Visual impact and landscaping</b>
6.3.1	The application site is located within the AONB. On this basis the Shropshire Hills AONB Partnership were consulted and they have stated that they do not have any observations on the proposal.
6.3.2	The NPPF states great weight should be given to conserving and enhancing landscape and scenic beauty in the AONB. There is also a statutory requirement to have regard to the AONB Management Plan.
6.3.3	On a similar basis to the conclusion in the preceding section it is considered that given location away from the farmstead that the proposal would result sporadic and isolated development which would be detrimental to the landscape and scenic beauty of the AONB.
	As the planning application is located in the AONB which is a sensitive area under the Town and Country Planning (Environmental Impact Assessment "EIA") Regulations 2017 a screening opinion has been issued and it was determined that the proposal was not EIA development.
<b>7.0</b>	<b>CONCLUSION</b>
<b>7.1</b>	The proposal entails a secondary agricultural dwelling, and the size would exceed that expected under the provisions of policy MD7a for an affordable dwelling. It is also not considered that the case is made for an additional third worker to live on site for the proper functioning of the farm enterprise. It is also not considered that advantage to the business has been satisfactorily demonstrated for a retirement dwelling in planning terms nor that the resultant dwelling would be affordable were it no longer be required for agricultural purposes.
	It is also considered that the location of the development away from the farmstead

	would result in a sporadic and isolated type development which would detrimentally affect the amenities and character of the area and the AONB.
<b>8.0</b>	<b>Risk Assessment and Opportunities Appraisal</b>
<b>8.1</b>	<b>Risk Management</b>
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> <li>• As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.</li> <li>• The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.</li> </ul> <p>Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.</p>
<b>8.2</b>	<b>Human Rights</b>
	<p>Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
<b>8.3</b>	<b>Equalities</b>
	<p>The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.</p>

9.0	Financial Implications
	<p>There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the 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.</p>

## 10. Background

### Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

### RELEVANT PLANNING HISTORY:

## 11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=R7EVK8TDLMI00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Councillor Ed Potter
Local Member  Cllr Cecilia Motley
Appendices None