



Committee and date  
**Southern Planning Committee**  
**18th October 2022**

## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 21/05781/FUL	<b>Parish:</b>	Pontesbury
<b>Proposal:</b> Erection of detached holiday let log cabin and installation of package treatment plant including change of use of land		
<b>Site Address:</b> Proposed Holiday Let Cabin At Ashdale Pontesbury Hill Shrewsbury Shropshire		
<b>Applicant:</b> Mr Stuart Speake		
<b>Case Officer:</b> Mandy Starr	<b>email</b>	: mandy.starr@shropshire.gov.uk
<b>Grid Ref:</b> 339502 - 305078		



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2022 For reference purposes only. No further copies may be made.

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

## REPORT

### 1.0 THE PROPOSAL

- 1.1 The proposal is for the erection of a detached holiday let cabin and installation of package treatment plant including change of use of land .

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is situated in the open countryside to the north of a disused quarry next to a private track that is also a Bridleway that leads to Dingle

Bungalow, Nills Farm and several other dwellings situated around Nills Hill which are sited to the east of Pool Bank to the south of Pontesbury Hill. Opposite the application site are the remains of another quarry which is now overgrown with trees. There is a Scheduled Ancient Monument approximately 100m to the southeast of the application site.

2.2 The site is outside of the Shropshire Hills Area of Outstanding Natural Beauty which is some 400m away to the east. However there is ancient woodland to south at Poles Coppice and it is 260m from a Shropshire Wildlife site too and therefore the site is within an environmental network area.

2.3 The proposed site is outside of any Conservation Area. The nearest listed building is at Nills Farm, being a barn which is sited some 170m away and there is a Scheduled Ancient Monument in the form of an animal pound some 98m to the south west which is situated on higher ground than the application site. There are also two ponds some 150m to the west of the site and the Shropshire Watercourses map suggests that there is a watercourse running through the site, but it is not in a Flood Risk Zone

### **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The proposed development is considered to accord with the requirements of the Council's relevant adopted policies, but the Parish Council object to the scheme and so this application will require determination of the application by Committee under the terms of the scheme of delegation to officers as set out in Part 8 of the Council Constitution.

3.2 The application was discussed at the Southern Committee Agenda Setting Meeting on 29 September 2022 where it was resolved that this case be presented to the Committee as the issues raised warrant consideration by the Committee and that the Case Officer should continue to seek to address the outstanding issues.

### **4.0 Community Representations**

#### **4.1 Consultee Comment SC Ecology**

Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD13 and CS17.

#### **SC Sustainable Drainage and Flooding**

The surface water drainage details are acceptable

Full details and sizing of the proposed package treatment plant should be submitted for approval. British Water Flows and Loads: 4 should be used to determine the Population Equivalent (PE) expected to use the new development

#### **SC Rights of Way**

No comments received

#### **SC Highways**

No objection from a highways development perspective it is considered that the addition of a one-bedroom holiday let here would be unlikely to significantly impact

on the surrounding public highway network and a highway objection to the development could not be sustained. Recommend conditions including the provision of details of the visibility splays either side of the access track.

### **SC Tree Team**

No objection is raised to the proposed development, but it is recommended that a tree protection plan and landscaping scheme that make provision for new tree planting are provided to minimise risk to trees during the construction process and to ensure that appropriate landscape planting is provided to meet the requirements of sustainable development and ensure that there is a nett gain in natural capital and biodiversity

### **SC Archaeology**

We have no comments to make on this application with respect of archaeological matters

### **Shropshire Fire & Rescue Service**

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Services Fire Safety Guidance for Commercial and Domestic Planning Applications which can be found using the following link:

<https://www.shropshirefire.gov.uk/safety-at-work/planning-applications>

Specific consideration should be given to the following:

If the proposed use of the premises is as a holiday let or guest accommodation, then the premises would fall within the scope of the Regulatory Reform (Fire safety) Order and as such may require additional fire precautions to be incorporated into the design of the building. The current layout may be deemed inappropriate under the Fire Safety Order, a Fire Risk Assessment will be required to assess the suitability of the automatic fire detection and means of escape.

### Access for Emergency Fire Service Vehicles

It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of the building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter.

THE BUILDING REGULATIONS, 2010 (2019 EDITION) FIRE SAFETY  
APPROVED DOCUMENT

B5. provides details of typical fire service appliance specifications.

## **4.2 Public Comments**

**Pontesbury Parish Council – Objects** the Parish Council have grave concerns regarding the impact on the countryside of this proposed visitor accommodation. The Parish Council feel that the proposed cabin is in an isolated position. This

Council have concerns regarding the impact on the existing culverted watercourse - the pre-application decision letter dated 8th Feb. 2021, reference no. is PREAPP/20/00596, states that there should be a 6m easement along the watercourse and that no building must be built within this 6m easement. Local knowledge confirms that this watercourse floods in heavy rain.

The Site notice was displayed on 17 December 2022 and it expired on 7 January 2022

4 representations **supporting** the scheme on the following grounds have been received

- Would support the provision of additional holiday accommodation as it is conveniently located for walking and exploring the surrounding countryside plus it has good access to nearby services and facilities which support the local economy
- Ideal size for those visitors looking for smaller accommodation to rent and would not intrude on the landscape.
- Visitors struggle to find suitable accommodation in this area with multiple cycling and walking trails nearby.
- Proposed log cabin would blend in with the countryside
- Applicant regularly repairs the lane and cuts back vegetation and it should be noted that visitors make positive comments about his own property.
- Application site was once home to several local families who have expressed fond memories of living here and would be delighted if it were to be developed.
- Cannot understand the Parish Council's response regarding this small development proposal given that they support large obtrusive developments in rural area yet oppose small developments which serve to support communities. Their objection that this is an isolated location is what draws visitors to holiday in the countryside with its peace and tranquillity and would result in less infringement for area
- Many UK residents enjoying staycations and council should embrace small holiday let opportunities that support and enhance the local area and that would improve the aesthetics in the vicinity

## 5.0 THE MAIN ISSUES

Principle of development  
Economic Development  
Siting, scale, design of cabin, visual impact and landscaping  
Residential Amenity  
Highway Safety Considerations  
Ecology  
Sustainable Drainage and Flooding

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 Under Section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise. Since the adoption of the Shropshire Core Strategy (March 2011) the National Planning Policy Framework (NPPF) has been published and is viewed as a material planning consideration. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. *Cheshire East Council v Richborough Estates (2017) UKSC 36* reaffirmed the importance of the development plan.

6.1.2 The adopted development plan for Shropshire comprises the Local Development Framework (LDF) Core Strategy, the Supplementary Planning Document (SPD) on the Type and Affordability of Housing and the Site Allocations and Management of Development (SAMDev) Plan.

6.1.3 Significant weight is also to be attributed to the National Planning Policy Framework (NPPF) in the determination of planning applications. The Council is satisfied that it is able to demonstrate a deliverable 5 year housing land supply to meet the housing need through the sites identified within the SAMDev Plan. Consequently the Council's policies on the amount and location of residential development should be regarded as up-to-date and there is no pressing need to support sites beyond the boundaries of the designated settlements by way of supplementing the County's housing targets, and paragraph 49 of the National Planning Policy Framework (the Framework) is not engaged.

### 6.2 Economic Development

6.2.1 Shropshire Council Adopted Core Strategy CS5 states that new development will be strictly controlled in accordance with national planning policies protecting the countryside. Development proposals which maintain and enhances countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. Types of development which may be supported include Sustainable rural tourism and leisure and recreation proposals which require a countryside location, in accordance with

Policies CS16 and CS17. There is though, a requirement that applicants will need to demonstrate why this holiday let accommodation is required and what the benefits would be for the development proposed.

- 6.2.2 Policy CS13 Economic Development, Enterprise and Employment is also relevant as this policy seeks to support enterprise and deliver sustainable economic growth and prosperous communities. The policy also seeks to ensure that the business investment recognises the economic benefits of the County's environment and quality of life as unique selling points which need to be valued, conserved and enhanced. There is a need to promote a sustainable pattern of development in line with the spatial strategy means that much of the economic development takes place in Shrewsbury and the Market towns, but in rural areas small scale economic development and non-agricultural farm diversification schemes, green tourism and leisure are areas of economic activity for which policy provision needs to be made. This type of development needs to link in with Policy CS5 as proposals in the countryside should be consistent with their scale and impact with the character and quality of the location
- 6.2.3 Policy CS16 deals with Tourism, Culture and Leisure and particularly relevant here as in addition to consideration of diversifying the rural economy, this policy also seeks to ensure that the development is appropriate to the scale and nature of the area and which should retain and enhance existing natural features. This policy places an emphasis on accommodation is accessible locations that need to be served by a range of services and facilities. In rural areas this means that proposals must be of an appropriate scale for their surroundings and be close to or within settlements or an established and viable tourism enterprise where accommodation is required and where possible existing buildings should be re-used.
- 6.2.4 It also refers to promoting connections between visitors and the county's natural, cultural and historic environment and also supporting development that promotes opportunities for accessing and understanding the landscape. There is also provision for supporting schemes to diversify the rural economy for tourism uses that are appropriate in terms of their location, scale and nature but which retain and enhance existing natural features and do not harm Shropshire's tranquil nature.
- 6.2.5 CS17 is also important as this policy deals with Environmental Networks and is also concerned with design in relation to the environment and places the context of a site at the forefront of consideration so that any development should protect and enhance the diversity, high quality and local character of Shropshire's built, natural and historic environment and it does not adversely affect the values and function of these assets.
- 6.2.6 Policy MD7A of the SAMDev indicates that holiday lets are essentially residential properties in the countryside which are limited in the extent of their occupation by conditions attached to a Planning Permission. They encompass a wide range of building types, from chalets to barn conversions, and may be supported as holiday

let units in the countryside, on the basis of their contribution to economic sustainability particularly the local tourism base.

- 6.2.7 Policy MD11 builds on the requirements of Policy CS16 and deals with Tourism facilities and visitor accommodation. Within the countryside there has to be a balance between positive benefits and potential negative impacts of tourism development which can be felt immediately adjoining the site and within the wider area from the use of the site, for example, through increased journeys to the facility. All proposals in the countryside must also therefore meet relevant considerations within Policies CS5, CS16 and MD7A and MD12 and other relevant local and national guidelines.
- 6.2.8 All holiday let proposals also need to be well-screened and sited to mitigate the impact on the visual quality of the area through the use of natural on-site features, site layout and design and landscaping and planting schemes where appropriate.
- 6.2.9 In addition, when considering visitor accommodation in rural areas, the installation of a log cabin as proposed here would be recognised as having a greater impact on the countryside; hence why such schemes would need to be suitably landscaped and designed to a high quality to mitigate their impacts.
- 6.2.10 Furthermore holiday let development that does not conform to the legal requirement of a caravan, or which is not related to the conversion of an existing appropriate rural building will be resisted in the countryside following the approach to open market residential development in the countryside under Policies CS5 and MD7.
- 6.2.11 In addition this policy requires that in order to retain the benefit to the visitor economy, conditions should be applied to new Planning Permissions for visitor accommodation to ensure the accommodation is not used for long term residential occupation.
- 6.2.12 Within the countryside there has to be a balance between positive benefits and potential negative impacts of tourism development which can be felt immediately adjoining the site and within the wider area from the use of the site, for example, through increased journeys to the facility. All proposals in the countryside must also therefore meet relevant considerations within Policies CS5, CS16 and MD7A
- 6.2.13 In the National Planning Policy Framework, Paragraph 83 indicates that decisions should enable the sustainable growth and expansion of all types of business in rural areas through well-designed new buildings including sustainable rural tourism and leisure developments that respect the character of the countryside.



- 6.2.14 Paragraph 84 notes that decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements and in locations not well served by public transport. In such circumstances, the emphasis will be ensuring that the development is sensitive to its surroundings, does not have an unacceptable impact on the local highway network and seeks opportunities to make the location more sustainable. This paragraph goes on to say that the use of previously developed land and sites that are well-related to existing settlements should be encouraged where suitable opportunities exist.
- 6.2.15 Notwithstanding that the agent considers that this is previously developed residential land stating that there once was a dwelling on this site in the past, for planning purposes in accordance with the Council's adopted policies, this site is both outside the development boundary of Pontesbury and an abandoned quarry working that is reverting back to woodland.
- 6.2.16 The application is for a holiday let cabin and the change of use of what is referred to as currently being vacant land. Although the applicant states that there was a dwelling here in the past, this is long gone and there is no residential use on the land at present and so in planning policy terms, any former residential use that was here in the past has been abandoned and therefore the current policy designation is that of open countryside.
- 6.2.17 New open market housing in the open countryside is contrary to both national and local planning policies. However, this proposal is for a small holiday let cabin which is an economic use. Therefore the requirements of Policies CS16 and MD11 apply here and state that all holiday let accommodation must be of high quality and should be sited in accessible locations that are served by a range of services and facilities which would enhance the role of Shropshire as a place to stay.
- 6.2.18 In rural areas such as the application site, proposals must be of an appropriate scale and character for their surroundings, be close to or be within settlements or an established and viable tourism enterprise where accommodation is required.
- 6.2.19 The application site is situated down a private unadopted track which is also a bridleway and is some 144m from the nearest unclassified Pontesbury Hill Road that lies to the west. Local services are some 1.2km away down this road in the village. This means that private cars would be required to access the site which would be a negative effect at odds with the sustainability requirements.
- 6.2.20 Nevertheless given the type of accommodation offered and the attractive wooded location, it is accepted the development proposed would be popular for holiday visitors and that although no new staff would be employed to manage the cabin, the proposal would nevertheless bring some private benefits in the form of additional income to the property owner as well as some limited community benefits

from visitors using the local services in the village and beyond.

6.2.21 With regard to this current application, it is significant that there is already an existing holiday let unit next door in what was the applicant's former domestic garage with ancillary accommodation over. The principal of a holiday let in this location was considered to be policy compliant in 2019 when 19/01680/FUL was granted for the change of use from garage/ancillary accommodation to garage/holiday let accommodation including elevational alterations on 7 June 2019.

6.2.22 Therefore although this current site is fairly remote from existing local services, it is well served by public rights of way and given the adjoining holiday let unit, the current proposal is therefore considered to be in a sustainable location, but crucially the proposal also has to ensure that it is appropriate development in this location, given the particular site constraints here.

### **6.3 Siting, scale and design of cabin, visual impact and landscaping**

6.3.1 Policy CS6 which deals with sustainable design and development principles states that development should conserve and enhance the built, natural and historic environment and be of an appropriate scale and design taking into account local character and context. It also needs to consider the health and wellbeing of communities including safeguarding residential and local amenity and that development is designed to a high quality consistent with good practice standards including appropriate landscaping and taking account of site characteristics and ground contamination.

6.3.2 Policy MD2 of the Shropshire Sites Allocations and Management of Development (SAMDev) Plan deals with Sustainable Development. This policy links with CS6 of the Core Strategy. For a development to be considered acceptable it must achieve local aspirations for design in terms of visual appearance and how a place functions as well as being compliant with criteria as set out in community led plans. It must also contribute to and respect locally distinctive or valued character and existing amenity value by;

- Responding to the form and layout of existing development and the way it functions including the mix of uses; streetscape, building heights, scale, plot sizes and local patterns of movement
- Reflecting locally characteristic architectural design and detailing such as building materials; form; colour and texture of detailing considering their scale and proportion and
- Respecting enhancing or restoring the historic context such as the significance and character any heritage assets
- Incorporating Sustainable Drainage Techniques, landscaping, infrastructure and good standards of sustainable design and construction

6.3.3 Policy MD13 deals with the historic environment. This requires that all of the

County's historic assets should be conserved, sympathetically enhanced and restored by considering their significance in terms of a heritage asset as well as ensuring that the social or economic benefits of the development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset or its setting taking into account the degree of harm. There is also a need to encourage development which delivers positive benefits as set out in the community led plans

6.3.4

In the NPPF, Chapter 12 of the NPPF deals with Achieving well-designed places requires that development should display.

*“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*

Paragraph 134 goes onto say that *“Development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design”*.

Chapter 15 is considered important for this scheme and deals with Conserving and enhancing the natural environment. Paragraph 174 stresses that there is a need to:

*a) protect and enhance valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*

*b) a need to recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and ..... of trees and woodland;*

*c) to minimise the impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*

*d) to prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*

*e) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.*

Under the requirements of Paragraph 184, given that this site is within a former quarrying area and that it abuts up against quarried out face exposing a near vertical rock cliff in places, there is a need to ensure that where a site is affected by land stability issues, that the responsibility for securing a safe development, rests with the developer and/or landowner.

Paragraph 185 states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

*a) mitigate and reduce to a minimum, potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*

*b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*

*c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*

- 6.3.5 Unlike the adjacent holiday let known as 'Dingle Retreat' which is within the curtilage of the dwelling of Dingle Bungalow and was the former garage block, this proposal is for a new build log cabin on a separate piece of land formerly part of an old quarry.
- 6.3.6 Therefore, different criteria apply. New holiday lets should be considered as new dwellings for the purposes of layout, design and outlook, even though their curtilages should be much more constrained as any amenity space should be modest.
- 6.3.7 The proposed log cabin would have a traditional appearance and face northeast, so that its private decked area would face towards the existing hedge and bridleway/private track beyond. A separate area of lawn is also proposed to the east of the cabin where there are existing trees.
- 6.3.8 From the submitted plans, the dimensions of the one-bedroom ( two bedspace) log cabin would be 8.5m by 5.5m in terms of footprint. However the ridge height appears to be 3.7m, but there is no cross section drawing to indicate whether the internal height of the cabin would be 3.05m or less in height to assess whether the dimensions of the log cabin would be commensurate with that of a caravan under the 1960 Caravan Act. The agent has been asked to confirm the height and this information is awaited.
- 6.3.9 The agent had originally indicated that the internal height of the proposed log cabin would be 3.6m high, but is 0.55m higher than the required limit. The agent has been asked to revisit this matter again and has now confirmed that the internal height of the cabin would be below 3m high.
- 6.3.9 The cabin would also have a forward overhanging roof projection over a decked area that extends 1.8m beyond the front face of the cabin that would face north eastwards. On the northwest side of the cabin, two parking spaces would be

provided off the track and beyond this on separate enclosed land, a package treatment is proposed that would be connected via an overflow pipe directly into a watercourse further to the west adjacent to a culvert. This enclosed area of the land is indicated as being currently used for general storage by the applicant.

- 6.3.10 It should be noted that there is an existing access into the site, but this would not be the proposed entrance to the site, instead part of the existing retaining rubble stone wall and boundary hedge that runs along the bridleway will be opened up, to create a new vehicle access instead further eastwards.
- 6.3.11 However no provision for sight lines has been shown that would enable vehicles to enter and leave the site. As a result Highways will require the submission of visibility splay details as pre-commencement condition should approval be granted.
- 6.3.12 When the PREAPP was considered, the orientation of then proposed footprint of the cabin appeared to be that in a northwest/southeast alignment, but under this current application, the cabin would now face in a different orientation, that of northeast/southwest instead.
- 6.3.13 This means that the private decked area where visitors would expect to get sun, would in fact be facing towards the bridleway and given that the new access would mean that the boundary hedging each side of the access would also need to be cut back, the decked area of the holiday let would then be in full view of the bridleway/access track compared to the existing situation.
- 6.3.14 It would appear that some additional sloped amenity space would also to be provided here, that of an area of land to the northeast of the cabin that will laid to lawn. This would have a site area of 43m<sup>2</sup> but originally no details of any boundary treatment were provided but the use of post and rail or native species hedging is required here and would be conditioned accordingly.
- 6.3.15 Notwithstanding this additional lawned area which is quite substantial in size, it is normally good practice that any holiday let amenity space should be private, but not be overshadowed, where possible, but in this case, there are significant constraints here due to the limited depth of the site given the position of the rock face (embankment as stated on the drawing) which clearly restricts the depth of land in front of it and thus also the orientation of the cabin and its amenity space.
- 6.3.16 Officers have visited the application site including examining the former quarried rock face that runs along the back of the site and which in places appears to be showing some recent signs of rock/loose material fall. Ideally some form of geo-technical report should have been provided at the outset to explain the geology here and how the long-term stability of this quarried face would be managed to prevent any future failure of the rock face or the trees above it resulting in slumping of material at the foot of the face.
- 6.3.17 Following further negotiations with the agent on this matter, the applicant has now

confirmed that rock containing mesh will now be installed on the cliff face to safeguard any loose rock from falling onto the log cabin or land behind and this will be conditioned accordingly.

6.3.18 Discussions have also taken place between the former Planning Services Manager and the applicant about the orientation of the proposed cabin and concerns were flagged up about the enclosed nature of the proposed sitting out area for the cabin.

6.3.19 From these discussions it was clear that the applicant takes the view that this orientation is acceptable here, because the sun would be on the cabin for large parts of the day and furthermore the orientation is a matter for him alone, given that it is his business enterprise.

6.3.20 Notwithstanding this view from the applicant, if the proposed holiday let unit were to be sited in an inappropriate location and visitors numbers were not to materialize as proposed, then a different siting may need to be considered here at a later date.

6.3.21 When the PREAPP/20/00596 was considered, some consideration of the nearby heritage assets were also assessed, but given the distances involved between the application site and the various designated heritage assets and that there is an extensive woodland cover and also changes in level from the former quarry workings, it is not considered that the requirements under Chapter 16 of the NPPF would be engaged.

6.3.22 As for future waste and recycling collections, as holiday let accommodation is a business use, the disposal of waste cannot be dealt with through the domestic household waste stream because business rates are required for this commercial use. Instead the applicant would need to employ a licenced waste carrier to remove the waste as this rubbish/recycling is deemed trade waste.

6.3.23 The proposed holiday let would also fall within the scope of the Regulatory Reform (Fire Safety) Order and consideration will also need to be given to escape arrangements and installing sprinkler systems, as well as access for emergency fire vehicles, although ultimately this issue will be addressed under Building Regulations. Nevertheless the details have been included in the Report for information purposes.

6.3.24 Although the location plan indicates a large extent of red edging for this new holiday let, the land to the northwest of the proposed parking area would be outside of the amenity space for the cabin, but nevertheless it will be used to site both the package treatment plant and the surface water soakaway apparatus, but will also continue to be used as general storage space for the applicant including the retention of the existing access track that runs alongside the rock face too.

6.3.25 In terms of foul drainage, the proposed package treatment plant would have provision for up to 6 people and be a Marsh Ensign or similar. The submitted site plan shows that the effluent outflow would be connected to a 100mm diam pipe that would connect into the existing part-culverted watercourse that runs past the site and then under the trackway before running downhill to the east.

- 6.3.26 This storage area would also be physically separated from the proposed cabin by the planting of a new native species hedgerow on the northwest side of the permeable gravelled parking area that would link into the existing boundary hedgerow that is around this site.
- 6.3.27 In terms of visual amenity, the current enclosed location of the site is secluded and hidden behind the boundary wall and hedging near the entrance to the applicant's property, but due to the fact that a new access will need to be created that would cut into the boundary hedge and that much of the existing hedging would then need to be lowered or removed to provide the required visibility splays, this would have the effect of opening-up this part of the applicant's land to wider views from the bridleway, making any new development here far more visible.
- 6.3.28 This change in site appearance would be unfortunate because of the requirement to ensure that holiday let units such as cabins are suitably well screened, given their construction and appearance, so careful consideration of the future landscaping is also required here.
- 6.3.29 The Council's Tree Team have been consulted and consider that this site is a 'brownfield' site for their purposes, which is currently set to hard standing. Although close to areas of woodland, the proposed development is unlikely to directly impact on the trees or the integrity of the woodland.
- 6.3.30 No arboricultural objection has been raised to the proposed development but it is recommended that a tree protection plan and landscaping scheme that make provision for new tree planting should be provided to minimise risk to trees during the construction process and to ensure that appropriate landscape planting is provided to meet the requirements of sustainable development and ensure that there is a net gain in natural capital and biodiversity here on this former quarried site.
- 6.3.31 Therefore on any approval, two pre-commencement conditions should be imposed. One requiring a Tree Protection Plan and Arboricultural Method Statement to be submitted prior to development and secondly details of a tree-planting scheme will be required too.
- 6.3.32 The planting of appropriate trees and future hedging is required here to screen the proposed log cabin from the bridleway/access track and to increase biodiversity too, but these requirements also need to be balanced against the Highway's requirement to provide the required new visibility splays here too.
- 6.3.34 On balance, although this is a constrained site and that the orientation of the proposed cabin is somewhat unusual, provided that appropriate landscaping can be planted here, whilst maintaining adequate highway safety considerations and ensuring that the future safety of visitors from the adjoining rockface/embankment can be managed, officers consider that the proposal is acceptable here in terms of impact on the character and the appearance of this rural area and therefore proposal is considered to be policy compliant.

## 6.4 Residential Amenity

6.4.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should also safeguard the residential and local amenity.

The nearest dwelling to the application site is the applicant's next door at Dingle Bungalow to the east. Whereas to the west is Nills Lodge and Charlotte Place, but both of these are separated by the former stone quarry which is mostly covered with trees. There are also trees to the north of the access/bridleway to that form part of another area of stone quarry .

6.4.2 This means that much of the application site is either enclosed by the canopies of native deciduous trees or that it abuts up against old quarry workings also with some trees above. Only the land to the east of the site where the existing holiday let garage is sited and a private track leading to Nills Farm beyond is open land.

6.4.3 This would therefore seem to account for why the proposed decking of the holiday let would need to be sited on the northeast side of the cabin in order get the most light from this direction.

6.4.4 Clearly where this proposal for a new dwelling, the lack of solar gain here would result in a dimly lit property that would be unacceptable in amenity terms, but given that this is only for a one-bedroom holiday let unit, the limited outlook would not be so detrimental to short-term visitors, as to make such a holiday let unit use here unsustainable.

## 6.5 Highway Safety Considerations

6.5.1 Core Strategy Policy CS7 deals with Communications and Transport Policy CS7 deals with Communications and Transport. Sustainable development requires the maintenance and improvement of integrated, accessible, attractive, safe and reliable communication and transport infrastructure and services .

6.5.2 In respect of the NPPF, Paragraph 110 states that in assessing applications, it should be ensured that safe and suitable access to the site should be achieved for all users and the design of the parking area is in accordance with national highway policy.

There is also a need under paragraph 112, to give priority to pedestrians and cycles movements, provide disability provision, space for delivery vehicles and provide electric vehicle charging points.

6.5.3 The County Highway Authority were consulted on this scheme as they were beforehand for the Pre-application enquiry. The access to the site and the residential properties beyond is via a private track leading off the U5609 unclassified road. A bridleway as a public right of way runs along this private track.

6.5.4 From a highways development perspective, it is considered that the addition of a one-bedroom holiday let here, would be unlikely to significantly impact on the surrounding public highway network and a highway objection to the development could not be sustained.



- 6.5.5 However because access to the site would be via a public right of way, the applicant should be aware of the restrictions imposed by Section 34 of the Road Traffic Act 1988 regarding the prohibition of driving motor vehicles elsewhere other than on roads such as this track. Where such public and private rights co-exist, permission should be sought from the landowner first in order to obtain lawful authority to drive on the Public Right of Way and so the applicant would need to contact the Public Rights of Way Section at Shropshire Council for information.
- 6.5.6 In addition, because this public right of way is used by walkers and horses, there will also be a requirement to provide details of the visibility splays either side of the access by way of a pre-commencement condition.

## **6.6 Ecology**

- 6.6.1 Apart from the need to consider Policy CS17, there is also a requirement to consider the SAMDev Policy MD13 which deals with the natural environment. This policy in connection with other associated policies seeks through applying guidance, the conservation, enhancement and restoration of the county's natural assets which will be achieved by ensuring that the social and economic benefits of the development can be demonstrated to clearly outweigh the harm to the natural assets where proposals are likely to have an unavoidable significant adverse effect, directly or indirectly or cumulatively on any of the following: locally designated biodiversity sites; priority species and habitats; woodlands, trees and hedges and landscape character and local distinctiveness. In these circumstances a hierarchy of mitigation then compensation measures will be sought. There is also a need to encourage development which appropriately conserves, enhances, connects, restores or recreates natural assets particularly where this improves the extent or value of these assets are recognised as being in poor condition. Finally, there is a need to support proposals which contribute positively to special characteristics such as adjacent high priority biodiversity areas.
- 6.6.2 The Council's Ecologist has reviewed the information and plans submitted in association with the application and is happy with the survey work carried out.
- 6.6.3 The ecology survey carried out by Churton Ecology (September 2021) determined the site to be of low biodiversity value.
- 6.6.4 Nevertheless 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.
- 6.6.5 There is also a requirement that new development must include biodiversity net gains at the site in accordance with the NPPF and CS17. Therefore the installation of a bat box/integrated bat tube would enhance the site for wildlife by providing an additional roosting habitat.
- 6.6.6 Conditions on bat and bird boxes, external lighting and working in accordance with method statement and suitable informatives are therefore recommended.
- ## **6.7 Sustainable Drainage and Flooding**
- 6.7.1 Adopted Core Strategy Policy CS18 deals with Sustainable Water Management.

This requires that developments will need to integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on the water quality and quantity including ground water resources and to provide opportunities to enhance biodiversity by ensuring that all developments include appropriate sustainable drainage systems (SUDS) to manage surface water so that all development should aim to achieve a reduction in the existing runoff rate, but must not result in any increase in runoff rate.

6.7.2 Although this site is not in either Flood Zones 2 or 3, the existing surface water drainage management is via a ditch with a culvert running below the applicant's land.

6.7.3 When the Pre-application enquiry PREAPP/20/00596 was considered, the then Drainage Engineer took the view that on the Shropshire Watercourses Map, it showed a culverted/ watercourse running across the site where the proposed log cabin was to be sited.

6.7.4 This would mean that a 6.0m easement should be provided by the applicant and no building should be built over a culverted watercourse or within the 6m easement, as the culvert may, in future, need to be repaired, replaced or upgraded if conditions in the catchment change. There is also a need to maintain an overland flow route if the culvert is blocked or its capacity exceeded.

6.7.5 However, the Drainage Engineer for this current scheme has been able to take a different view, because a more detailed drawing has been submitted showing the actual location of culvert which is beneath the existing vehicular access to general storage area only, to the west of the application site. There is a second culvert here and that runs in a channel below the stone track, as the watercourse also crosses the track to run along its north side towards Dingle Bungalow

6.7.6 Therefore there is no longer any requirement for an easement in relation to the proposed log cabin nor the new parking area, or the new amenity space beyond. As a result, the proposed surface water drainage details are considered acceptable.

6.7.7 Nevertheless, further details of the size of proposed package treatment plant should be submitted for approval under the British Water Flows and Loads in order to determine the population equivalent (PE) of the use of the new development.

6.7.8 From the submitted information on the site plan, it is noted that this treatment plant would be sufficient for 6 persons, but as this is a one-bedroom ( 2 bedspace) unit, the proposed size is considered excessive and will need to be re-visited.

6.7.9 It is also noted that the Parish Council have commented that surface water flooding has been an issue here in the past in times of heavy rain, however this is not

considered an issue by the Drainage Engineer.

## **7.0 CONCLUSION**

7.1 The proposed stationing of a log cabin, change of use of land and installation of a package treatment plant adjacent to the applicant's property on former quarry land to be used as a holiday let is considered to be acceptable in policy terms with regard to the requirements for new tourist accommodation in the open countryside and would not result in harm to the character and appearance of this rural location. The proposal would also not impact on the surrounding public highway road network, nor would it affect the route of a public bridleway or be affected by surface water flooding. Whilst the orientation of the proposed holiday let cabin is uncommon, it is acknowledged that the site is constrained by the former quarry workings and this will figure in the considerations that will need to be given of providing appropriate landscaping, the required visibility splays and also ensuring the long-term stability of the workings behind the proposed log cabin for the safety of visitors.

7.2 Officers therefore recommend approval subject to conditions on the standard time limit, in accordance with deposited plans, details of the rock mesh, visibility splays, landscaping works and details of the foul drainage by way of pre-commencement conditions and details of the bat and bird boxes, external lighting, work being in accordance with the Method Statement, car parking provision and the standard holiday let conditions.

## **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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS7 - Communications and Transport  
CS13 - Economic Development, Enterprise and Employment  
Economic Development, Enterprise and Employment  
CS16 - Tourism, Culture and Leisure  
CS17 - Environmental Networks  
CS18 - Sustainable Water Management  
MD2 - Sustainable Design  
MD7A - Managing Housing Development in the Countryside  
MD7A - Managing Housing Development in the Countryside  
MD11 - Tourism Facilities and Visitor Accommodation  
MD12 - Natural Environment  
MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

11/04746/FUL Erection of detached double garage with storage loft over GRANT 30th March 2012  
15/00273/CPL Conversion of garage loft to provide ancillary accommodation to dwelling. LA 17th April 2015  
PREAPP/18/00206 Erection of an open market dwelling PREUDV 16th May 2018  
19/01680/FUL Change of use from garage/ancillary accommodation to garage/holiday let accommodation to include elevational alterations GRANT 7th June 2019  
PREAPP/20/00596 Erection of one log cabin holiday let dwelling. PREUDV 8th February 2021  
21/05781/FUL Erection of detached holiday let log cabin and installation of package treatment plant including change of use of land PDE  
SA/07/1474/F Erection of a 3 bedroom replacement dwelling and formation of new vehicular accesses following demolition of existing dwelling PERCON 11th January 2008  
SA/07/0674/F Erection of a 4 bedroom replacement dwelling and formation of new vehicular & pedestrian accesses following demolition of existing dwelling REFUSE 15th August 2007  
SA/04/1808/F Erection of a dormer bungalow with detached garage following demolition of existing bungalow PERCON 4th February 2005  
SA/04/1293/F Erection of a detached dormer bungalow and detached garage following demolition of existing dwelling WDN 17th November 2004  
21/05781/FUL Erection of detached holiday let log cabin and installation of package treatment plant including change of use of land PDE

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R3WY6UTDK6300>

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 Richard Marshall

Local Member

Cllr Nick Hignett

Appendices

APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

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

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

2. The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

#### CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No ground clearance, demolition, or construction work shall commence until details of the rock containing mesh has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

Reason: To safeguard the existing quarry rock face and to prevent damage to it during the building works and for the lifetime of the development to ensure the safety of the site for visitors using the holiday let accommodation.

4. In this condition, retained tree means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars, or any tree, shrub or hedge plant planted as a replacement for any retained tree. Paragraph a) shall have effect until expiration of 5 years from the date of completion of the work.

a) No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until

a Tree Protection Plan and Arboricultural Method Statement prepared in accordance with and meeting the minimum tree protection requirements recommended in BS5837: 2012 or its current equivalent have been submitted and approved in writing by the Local Planning Authority. All tree protection measures detailed in the approved Tree Protection Plan and Arboricultural Method Statement must be fully implemented as approved before any equipment, machinery or materials are brought onto the site for the purposes of the development. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority.

c) All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

d) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a responsible person has been appointed for day-to-day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development

5. No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a tree planting scheme, prepared in accordance with of BS 8545: 2014 Trees: from nursery to independence in the landscape Recommendations has been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that there is no nett loss of trees from the area and to provide natural landscape features that help to integrate the development into the local environment

6. No development shall take place until details of visibility splays on either side of the proposed access have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the development/use hereby approved is occupied/brought into use.

Reason: In the interest of pedestrian and highway safety.

7. Should any part of the development incorporate piling works or ground compaction, confirmation that adjoining occupiers have been notified of the proposed duration and hours of piling/ ground compaction together with contact details of those carrying out the works, including mitigation methods for the suppression of dust shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any such works. All



piling/ground compaction works as necessary to complete the development shall be carried out in accordance with the approved details.

Reason: To protect the amenities of occupiers of nearby properties from potential nuisance

8. No development shall take place until full details of the size of the package treatment plant for the foul drainage in order to determine the population equivalent for the use of the new development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

#### **CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

9. Prior to the occupation of the holiday let cabin hereby permitted full details shall be submitted to and approved by the Local Planning Authority of a scheme of hard landscaping and these works shall be carried out as approved. The submitted scheme shall include:

Means of enclosure

Hard surfacing materials

Minor artefacts such as furniture, storage units, external lighting

Implementation timetables

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

10. The development hereby permitted shall not be brought into use until the car parking shown on the approved plans has been provided, properly laid out, hard surfaced and drained, and the space shall be maintained thereafter free of any impediment to its designated use.

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

11. 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 No artificial nests of either integrated brick design or external box design, suitable for Swifts (Swift bricks or boxes with entrance holes no larger than 65 x 28 mm can accommodate a wide range of species (CIEEM, 2019)), Starlings (42mm hole, starling specific), Sparrows (32mm hole, terrace design) and/or House Martins (House Martin nesting cups) 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 180 of the NPPF.

12. 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

13. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding great crested newts as provided in Section 5.1.2 of the Ecological Appraisal (Churton Ecology, September 2021).

Reason: To ensure the protection of and enhancements for Great Crested Newts, which are European Protected Species.

14. Demolition, construction works and associated deliveries shall not take place outside 7.30am - 6.00pm Monday to Friday, and 8.00am - 1pm Saturdays, with no work taking place on Sundays, Bank or Public holidays.

Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.

## CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

15. Notwithstanding Classes C2 and C3 of the Schedule to the Town and Country (Use Classes) Order 2020 (as amended), the development hereby permitted shall be used to provide holiday accommodation only and it shall not be occupied as permanent unrestricted residential accommodation or as a primary place of residence.

Reason: The site is outside of any recognised settlement and is in an area where unrestricted residential accommodation would not be appropriate. The log cabin is permitted as it provides holiday accommodation.

16. A register shall be maintained of the names of occupiers of the log cabin, the period of its occupation together with their main home addresses. This information shall be made available at all reasonable times to the local planning authority

Reason: General residential development in this location would be contrary to adopted local and national policy.

### **Informatives**

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

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

3. The applicant is advised that access to the site is via a public right of way and the applicant's attention is drawn to the restrictions imposed by Section 34 of the Road Traffic Act 1988 regarding the prohibition of driving motor vehicles elsewhere than on roads.

In addition, where public and private rights co-exist, permission should be sought from the landowner in order to obtain lawful authority to drive on the Public Right of Way. For further information, contact the Public Rights of Way Section, Shropshire Council, Shirehall, Abbey

Foregate, Shrewsbury SY2 6ND.

4. 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, tree removal and scrub removal 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.

If during construction birds gain access to any of the building and begin nesting, work must cease until the young birds have fledged.

5. 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 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.

6. 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.

7. The discharge from a package treatment plant requires the prior consent of the ENVIRONMENT AGENCY under the Control of Pollution Act 1974 and the Water Act 1989.

8. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.

9. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests 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. The fee required is £116 per request, and £34 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

10. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.

11. National Planning Policy Framework 2021  
National Planning Practice Guidance 2021

Shropshire Council Adopted Core Strategy  
CS5 Countryside and Green Belt  
CS6 Sustainable Design and Development Principles

CS7 Communications and Transport  
CS11 Type and Affordability of Housing  
CS13 Economic Development, Enterprise and Employment  
CS16 Tourism, Culture and Leisure  
CS17 Environmental Networks  
CS18 Sustainable Water Management

Shropshire Site Allocations and Management of Development (SAMDev) Plan  
MD2 Sustainable Development  
MD7A Managing Housing Development in the Countryside  
MD11 Tourism Facilities & Visitor Accommodation  
MD12 Natural Environment  
MD13 Historic Environment

West Midlands Combined Authority Design Charter 2020

-