



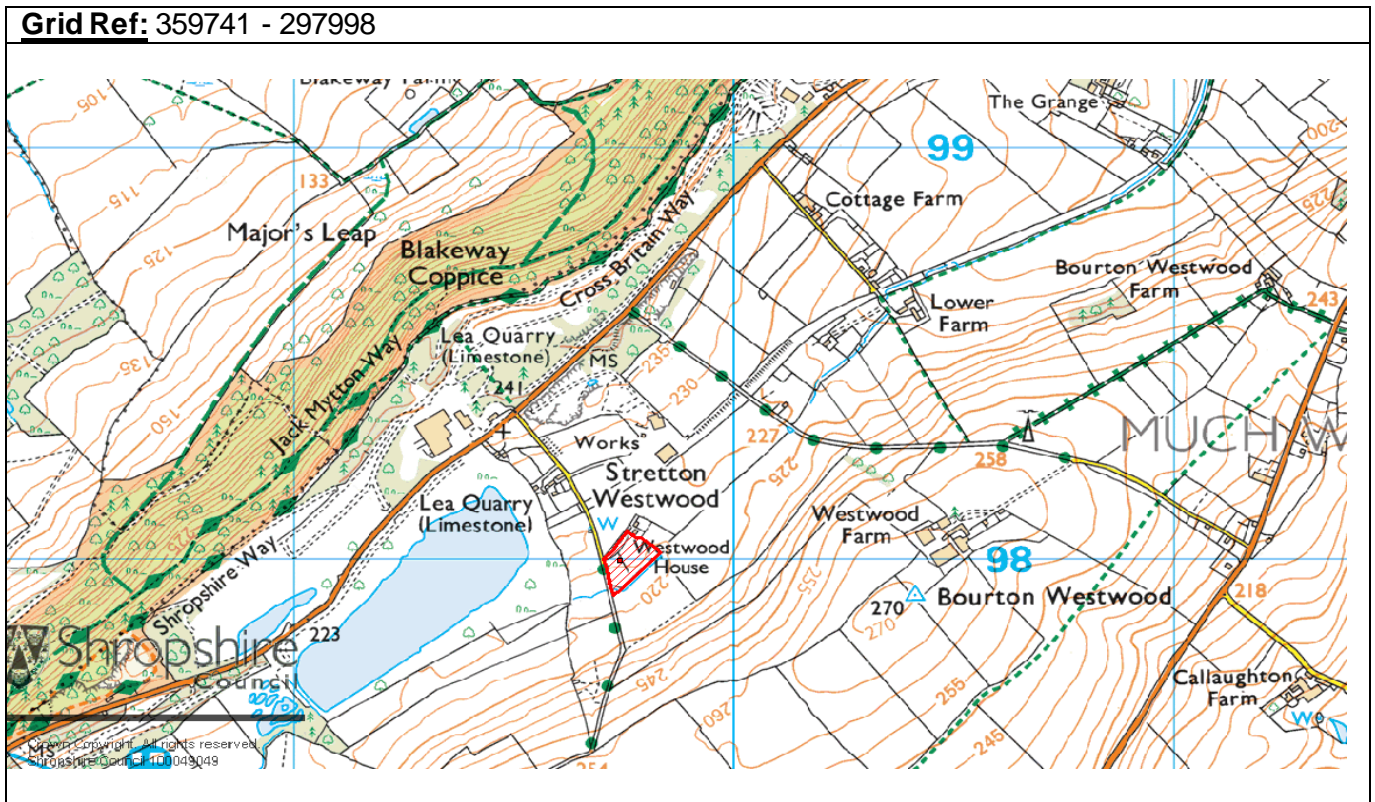
Committee and date
Southern Planning Committee
18 October 2022

Development Management Report

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

Summary of Application

Application Number: 22/03529/FUL	Parish: Much Wenlock
Proposal: Erection of 2No holiday lets partially dug into ground, with new pond, associated landscaping and habitat creation, 3No EV charging points, new E-Bike storage, and 18.4 Kw Solar Array, with Ground source heat pump (re-submission)	
Site Address: Proposed Holiday Let Accommodation SW Of Westwood House Stretton Westwood Much Wenlock Shropshire	
Applicant: Mr And Mrs Lewis	
Case Officer: Sara Jones	email : sara.jones@shropshire.gov.uk



Recommendation:- Refuse

Recommended Reason for refusal

1.Despite the sustainability credentials of the design, in respect of the incorporation in the design of renewable energy sources and drainage arrangements, and the benefits to the visitor economy which weigh in favour of the development they are insufficient to justify a departure from the Development Plan policy which directs new build holiday lets which do not conform to the legal definition of a caravan to sustainable locations i.e. the settlements Market Towns, Key Centres, Community Hubs and Clusters. The principle of the erection of new build holiday lets in this location is contrary to SAMDev policy MD11.

REPORT

1.0 THE PROPOSAL

1.1 This application is a resubmission of planning application 22/00071/FUL and seeks planning permission for the erection of 2 dwellings to be used for holiday let purposes on land (rough grassland) adjacent the existing holiday letting units and building complex.

1.2 The previous application was refused on the following grounds:

1. Despite the sustainability credentials of the design, in respect of the incorporation in the design of renewable energy sources and drainage arrangements, and the benefits to the visitor economy which weigh in favour of the development, these are insufficient to justify a departure from the Development Plan policy which directs new build holiday lets which do not conform to the to the legal definition of a caravan to sustainable locations i.e. the settlements Market Towns, Key Centres, Community Hubs and Clusters. The principle of the erection of new build holiday lets in this location is contrary to SAMDev policy MD11.

2. Insufficient information has been submitted with the application to allow the full potential impact of the development on existing trees to be fully and properly assessed. Whilst it is acknowledged that more trees are proposed to be planted as part of the proposed landscaping scheme than are proposed to be removed, insufficient information has been submitted to ensure that the tree(s) to be removed are not of such special value that would merit their retention and redesign of the scheme. Consequently, it is considered that the proposal fails to meet with the requirements of Core Strategy policy CS17, SAMDev policy MD12 and the National Planning Policy Framework (NPPF) Part 15.

1.3 The supporting information states that the aims of the development are to create two new 'Zero Carbon' holiday lets, and includes the formation of a new pond, and the re-wilding of the surrounding area, in order to provide a sustainable, low

impact development.

- 1.4 The scheme proposes two units. A two-bed unit (identified as Unit 2), and the second unit (identified as Unit 3) a larger, a 4 bed unit that could accommodate larger family groups, with the inclusion of bunk areas and two self-contained studio units that could be separated from the main accommodation. The units would be in part subterranean with excavated material used to build up the ground as part of a landscaping masterplan exercise (the Agent states that no material is proposed to be removed from site).
- 1.5 Unit 2 has been designed to follow the form of the existing adjacent holiday let building the new building and courtyard would be set 1m below ground level, with timber cladding to external walls, and low pitch metal roof to match the existing building. The scheme also includes a gabion structure and green roof; and has been designed under the passive house concept where very high levels of thermal insulation are to be employed, combined with large areas of glazing / shading to maximise wanted solar gains, and minimise unwanted solar gains.
- 1.6 Unit 3 is proposed to be located 26m south of Unit 2 and has been designed to have an L shaped footprint containing two storeys. The information submitted with the application states that the building would appear as a low-level flat roof (covered in meadow) edged in various gabion structures breaking up its horizontal form. The roof is tilted, so that it falls in a gradual slope towards the existing ground level. This approach will completely disguise the actual form of the building completely hiding the lower storey and associated courtyard from view.
- 1.7 The scheme also includes a comprehensive landscaping scheme which includes:
 - The creation of a small pool, featuring suitable aquatic plant life.
 - Creation of raised/sculptured landscaped elements, with the addition of planting to form areas of enclosed physical habitat.
 - Substantial tree planting, including both young and semi-mature trees indigenous to the local habitat.
 - Provision of a grass roof, which include wild meadow flowers to increase species currently recorded on site.
 - Larger areas of managed meadow.
 - Permeable gravel path and access road.
 - Native fern planting.
 - Existing grassland (Grazed).
- 1.8 The scheme proposes the use of the existing access arrangements with a new proposed section of permeable driveway off the existing tarmac drive, and parking provision adjacent to each holiday let.
- 1.9 This application is supported by the following background documents:

Planning Statement
Design & Access Statement

Business Plan (Confidential)
Landscape Assessment
Visual Amenity Document
Arboricultural Impact Assessment
Ecological Appraisal
Drainage Assessment & FDA 1 Form

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application refers to a parcel of rough grassland which is located immediately adjacent the drive which serves the existing holiday lets and the residential dwelling known as Westwood House. The site is located towards the end of an existing lane which is inaccessible to vehicles immediately south of the existing access drive. The land has a slight slope down to the south and southwest. The site is bounded with hedgerow to the east, west and south and a post and rail fence to the north. There are three mature trees within the open site.
- 2.2 The site lies in the open countryside approximately 400 metres off the B4371 on the southeast side of Wenlock Edge and some 2 miles southwest of Much Wenlock. An old railway line (dismantled) is located further to the north of the site and an existing caravan site is located further to the northwest on the opposite side of the lane. Westwood quarry is located further to the north (but to the south of the B4371). The quarrying activities in the area has ceased and the quarry in the process of being enhanced.
- 2.3 The existing holiday lets were designed to meet the needs of specialist clients with accessibility issues (dog friendly and specialist holiday let accommodation), whose needs were not readily meet by the existing holiday let offer in the area and would be an expansion of the existing onsite accommodation. Furthermore, whilst this structure did not strictly accord with the legal definition of a caravan the building does have similarities to the appearance of many lodge cabin style caravans in relation to the aesthetics of the building and the construction.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council supports the application contrary to the Officer recommendation and the Ward Member has requested that the application is determined by the Planning Committee. The Principal Planning Officer in consultation with the Chairman of the Planning Committee have considered this request and have concluded that the application raises material planning issues and should be determined by Committee.

4.0 Community Representations

Consultee Comment

- 4.1 Much Wenlock Town Council – Support, “*due to the environmental considerations*”.

4.2 SC Trees – No objection, recommend conditions.

The development will require the loss of two hawthorn hedgerows (H1 and H2) and one mature ash tree (T1253), which I consider can be more than adequately compensated by the type and level of new planting proposed within the submitted landscaping scheme.

I note that special construction techniques are required within the root protection area of the mature ash to be retained on site (T1254), in the form of percussive boring techniques to install underground utilities. Providing this methodology is applied, in conjunction with a suitable tree protection barrier, I consider that the development can be implemented without causing significant damage or harm to the retained mature ash tree.

Whilst I support the proposed tree and shrub planting shown on the Landscape Plan (8307-010 Rev A), I note that a full planting and maintenance specification has not been provided. These details could be secured through a suitable landscaping condition.

4.3 SC Ecology – No objection, recommend conditions & informatives.

4.4 SC Highways – No objection, recommend informatives.

4.5 SC Drainage – Recommend conditions & informatives.

4.6 Shropshire Hills AONB – Comment:-

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.

4.7 Shropshire Fire & Rescue Service - Advice provided which can be added to the decision notice as an informative.

Advice includes the statement that - *Although this proposal would conform to current Building Regulations if used as a single private dwelling, due to the proposed use as Holiday Let Accommodation the premises would fall within the scope of The Regulatory Reform (Fire Safety) Order and as such would not appear to comply with this legislation.*

4.8 Public Comments

Site notice displayed. No representations received.

5.0 THE MAIN ISSUES

Principle of development
Visual impact and landscaping
Natural Environment
Drainage
Planning Balance

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 Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. 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. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

6.1.2 The NPPF at paragraph 84 supports a prosperous rural economy and states that planning decisions should enable, amongst other objectives, the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; and sustainable rural tourism and leisure developments which respect the character of the countryside.

6.1.3 Core Strategy Policy CS5 advises that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to small scale development diversifying the rural economy, including farm diversification, and the retention and appropriate expansion of an existing established business.

6.1.4 Core Strategy Policy CS16 requires visitor accommodation to be in accessible locations served by a range of services and facilities. In rural areas proposals must be of an appropriate scale and character for their surroundings, be close to or within settlements, or an established and viable tourism enterprise where accommodation is required. As noted above in order to be considered sustainable, Government guidance contained within the NPPF rural tourism is expected to respect the character and appearance of the countryside. The provision of visitor facilities should be in appropriate locations where identified needs are not met by existing facilities in rural service centres.

6.1.5 The Much Wenlock Neighbourhood Plan policy EJ7 supports proposals for

recreation and tourism activities providing that the siting, design and scale of the development conserves the quality of the parish's built and natural environments, including its townscape and surrounding countryside.

- 6.1.6 Furthermore, the Much Wenlock Neighbourhood Plan states that: *“the Plan seeks to support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. The parish has many resources to support sustainable tourism including the historic character of the town; its shops, attractions and facilities; and the opportunities for quiet recreation on Wenlock Edge. The Plan aims to encourage and support appropriate leisure and tourism activities and facilities, particularly green tourism.”*
- 6.1.7 SAMDev Policy MD11 states that holiday let development that does not conform to the legal definition of a caravan and is not related to the conversion of existing appropriate rural buildings will be resisted in the countryside following the approach to open market residential development in the countryside under policy CS5 and MD7a. The erection of new build holiday lets, as proposed here would be contrary to policy MD11.
- 6.1.8 Turning to the emerging Local Plan. This cannot be given significant weight in this particular case, however as with the current Development Plan the emerging Local Plan's overall approach is to focus growth in strategically agreed locations, whilst supporting rural communities by enabling some controlled development to maintain local sustainability. Sustainable rural tourism, sustainable leisure or sustainable recreation proposals which require a countryside location, are sustainably located and enhance the existing offer in Shropshire are supported, however the re-use of existing buildings is to be encouraged and the policy does not seek to promote the further development of owner-occupied second homes. Whilst supporting green tourism it is vital this is achieved without detracting from the intrinsic beauty and tranquillity which Shropshire is renowned for. All proposals should 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. Proposals within and adjoining the Shropshire Hills AONB should pay particular regard to landscape impact and mitigation.
- 6.1.9 In support of the application the applicant makes the following points:
- The applicants and their family currently reside at the original cottage from which they run a number of local holiday and commercial lets within Much Wenlock, as well as existing Holiday accommodation on the application Site.
 - The applicants' primary business of holiday accommodation developed in the last decade. The interest has mainly consisted of customers on walking holidays, seeking the quiet and tranquillity of the countryside and the site

has been particularly popular due to its easy access, but with the benefits of rural aspect, and relative isolation. This has been particularly important to dog walkers.

- Covid appears to have accelerated the trend for staycation holidays, and coupled with the ongoing restrictions, complications of Brexit and natural limitations relating to dog ownership, illustrates the need for more high quality, environmentally sound properties within the countryside where families can gather, take a break, enjoying the benefits of the countryside, whilst meeting the needs of their families, including the four legged variety straight from their door.
- Dog friendly accommodation is very limited within Much Wenlock and is generally less appropriate in towns due to requiring immediate access to suitable public / private spaces.
- Despite difficult conditions the existing lodge has demonstrated a need and has been a successful return on investment.
- Mintels Senior Travel Analyst states that British people are set to spend a 10 year high of £3.3 billion on holidaying in domestic property rentals, over a fifth of Brits 22% say they have stayed/expect to stay in a holiday rental property during 2021, a figure that doubled in just one year. Furthermore, that holidaymakers have sought out self-catering bubbles away from the crowds and evidence supporting the increasing demand for staycations is referred to in the documentation that accompanied the submission.
- The SAMDev Plan was adopted in 2015 when Covid did not exist, and the resultant changes to foreign travel restrictions/concerns and the vast requirement for staycations accommodation was not foreseen.
- The policies as they stand are discriminatory and selective as a result severely restricting higher standards of holiday accommodation.
- The addition of 2 high quality holiday lets supports the CS16 Tourism policy, given that the design and scale is appropriate in terms of their location, and the fact they do not harm Shropshire's tranquil nature. The current proposal directly support this aim, and the site is perfectly located to both the Shropshire Way and Jack Mytton Way, both long-distance footpaths which pass a short distance to the northwest of the site within the AONB. This directly responds to the guidance in the emerging plan,

currently titled: 'Shropshire Pre-submission Draft local plan – DP11: Tourism Culture and Leisure, Visitor accommodation in rural areas – point 10', requiring exceptional quality design for any permanent holiday let proposals in a countryside location.

- The applicant is committed to an overall enhancement of the area; with works to include a pool, additional trees through a planting scheme including both young and semi-mature trees indigenous to the local habitat. The development, through careful attention to design, and high quality construction, will not negatively impact on the environment or detract from the local amenity value.
- Exceptions to policy MD11 have already been accepted at this location and when Policy MD11 was adopted, the current NPPF was not in its current form, and as stated previously the proposal complies with Paragraph 84. It would seem that there is a perception that all persons vacating in rural areas, such as this, all require more basic accommodation which normally restricts the size of party making the booking, thus severely restricting choice in the availability of high quality holiday accommodation throughout the County.
- In addition to contributing to the local economy through tourism, the additional 2 holiday lets will also result in local employment with additional cleaning staff and a manager to oversee the portfolio of properties and the general day-to-day running of the businesses.
- The building has been designed to be carbon zero, with all of the building elements receiving very high levels of insulation (exceeding the requirements of the building regulations). The design incorporates renewable energy sources such as solar hot water, and log fired 'back boiler' to heat the building, and the large areas of glass will provide a significant proportion of the heating needs via solar gains during winter months. The high-quality design also responds to adaptations in the Shropshire local plan, currently awaiting approval, DP12: Climate change – Minimising Carbon Emissions, and ensuring the highest level of building efficiency, above and beyond current regulations, but integral to the development objectives; to mitigate against issues relating to building in the countryside whilst being ethically responsive to the climate emergency, recently declared in Shropshire.
- One of the weaknesses identified in the Shropshire Hills Sustainable Tourism Strategy -2018 - 2023 is identified as the lack of high-end

accommodation provision. This proposal seeks to meet this challenge, funded entirely by a current provider of holiday accommodation.

- A major Shropshire Council-led project called, 'Shropshire Welcomes....' is underway.... aimed to boost the economy and promote the county as a leading tourist destination, targeting visitors from all over the UK to encourage them to experience, spend and stay in Shropshire.
- The SAMDev plan explanation text in MD7a - Managing Housing Development in the countryside – states that "Holiday lets are essentially residential properties in the countryside which are limited in the extent of their occupation by conditions attached to the planning permission." This categorically dismisses the fact they are temporary / moveable. It goes on to say "They encompass a wide range of building types, from chalets to barn conversions, and may have been supported, as dwelling units in the countryside, on the basis of their contribution to economic sustainability, in particular the local tourism base."
- Paragraph 10 of the regulation 19: Pre-Submission Draft of the Proposed Shropshire Local Plan recognises the appeal of a holiday in a rural setting and adds that permanent holiday let development may be approved in countryside locations, provided that it can demonstrate that the design is of exceptional quality (as outlined in paragraph 79) (amended to paragraph 84) in the latest NPPF. Any subsequent changes to such holiday lets in these locations (such as change to residential occupation) will be resisted, so as to ensure holiday accommodation is not used for residential occupation.

6.1.1 The applicant has also submitted a Unilateral Undertaking which states that the
0 holiday lets are intended to and will only be occupied for holiday use only and that no additional accommodation will be created internally at ground floor level or first floor level or within the roof space of the Holiday Lets unless specifically agreed in writing by the Council. Although the applicant states that given the substantial income it would not make any business sense for these not to be used as holiday lets. With respect to this it is noted that should Members be inclined to grant planning permission conditions would usually be imposed to restrict the holiday lets to holiday use and not to be used for full time residential purposes. As a condition is appropriate in the circumstances and in accordance with the planning practice guidance (Paragraph: 011 Reference ID: 21a-011-20140306) the Council should use a condition rather than seeking to deal with the matter by means of a planning obligation.

6.1.1 Notwithstanding the issue raised above with respect to the need for a Unilateral
1 Undertaking the SC Legal Team have identified a number of issues with the

submitted Unilateral Undertaking which include land ownership issues and drafting errors in the agreement.

6.2 Visual impact and landscaping

6.2.1 Policy CS6 of the Core Strategy states that development should conserve and enhance the built and natural environment and be appropriate in its scale and design taking account of local character and context. Policy MD2 of the SAMDev Plan builds on Policy CS6 providing additional detail on how sustainable design will be achieved. Core Strategy Policy CS17 is also concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's built, natural and historic environment and does not adversely affect the heritage values and function of these assets. Policy MD12 of the SAMDev Plan sets out criteria by which the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration will be achieved.

6.2.2 SAMDev Policy MD11 – Tourism Facilities and Visitor Accommodation, makes a number of specifications in relation to landscaping. Paragraph 2 states that, 'All proposals should be well screened and sited to mitigate the impact on the visual quality of the area through use of natural on-site features, site layout and design, and landscaping and planting schemes where appropriate'.

6.2.3 As previously the applicant has submitted a Landscape and Visual Impact Assessment to support the application. This identifies that the landscape is potentially highly sensitive to changes brought on by development as the site is in close proximity to the designated Shropshire Hills Area of Outstanding Natural Beauty, however, in recognition of this potential, the holiday lets have been designed to be low impact by virtue of their being partially buried, the roofs to be meadow planting and the site levels sculpted to disrupt direct views of the completed holiday lets. The Assessment also acknowledges that construction work is expected to have a short-term effect on the landscape but this is not uncharacteristic of the location as surrounding land use includes, agriculture, forestry and quarrying. The Assessment concludes that the net effect of the proposals would be negligible with only very discrete alteration to the key landscape characteristics and that the change would be barely distinguishable approximating to no change.

6.2.4 Officers have some concurrence with the conclusions of the submitted Assessment but consider that the interventions proposed in order to mitigate the impact of the development would undoubtedly have a visual impact on the undeveloped character of the existing meadow.

6.3 Natural Environment

6.3.1 Core CS17 requires development to protect and enhance the diversity, high quality and local character of Shropshire's natural environment, and to have no adverse effect on ecological assets. Policy MD12 relates to the conservation, enhancement and restoration of Shropshire's natural assets.

- 6.3.2 Additional information has been submitted with the current application which overcomes the second reason for refusal of the previous application (22/00071/FUL).
- 6.3.3 This information has been assessed by the SC Tree Team who has advised that the development would require the loss of two hawthorn hedgerows (H1 and H2) and one mature ash tree (T1253), and that provided the special construction techniques are used and a suitable root protection barrier is installed the development could be undertaken required within the root protection area of the mature ash to be retained without causing significant damage or harm to the retained mature ash tree (T1254). Furthermore, it is considered that the loss of the two hawthorn hedgerows (H1 and H2) and one mature ash tree (T1253) which would be required in order to implement the scheme would be compensated by the type and level of new planting proposed within the submitted landscaping scheme. Appropriate conditions would be needed to ensure that a full planting and maintenance specification is submitted for approval.
- 6.3.4 As previously the scheme is support by an Ecological Impact Assessment which identifies that the site supports habitats of low biodiversity value, but that bats are an important ecological feature of the site's potential area of influence. The Assessment concludes that with lighting mitigation measures in place for bats, there will be no significant residual adverse effect on protected species or habitats and that with enhancements in place (creating a wildlife pond, encouraging wildflower growth on the new screening bunds, planting hedgerows and installing bat and bird boxes) there would be a demonstrable increase in the biodiversity value of the site.
- 6.3.5 The SC Ecology Team have been consulted on this application and have confirmed that they are content with the level of survey work undertaken in this instance and raise no objection to the proposals subject to appropriate conditions and informatives, to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.
- 6.4 Drainage
- 6.4.1 The information submitted with this application confirms that all the surface water runoff would be contained on the site via the proposed pond and soakaways which would be determined by percolation tests. In terms of the foul drainage the information submitted states that this would be disposed of via two separate sewage treatment units discharging to an appropriately design drainage field, again determined by percolation tests. This aspect of the application has been considered by the SC Drainage Team who have raised no objection. Should planning permission be granted, a suitably worded condition could be attached to ensure that these details are submitted for approval.
- 6.5 Planning Balance
- 6.5.1 As noted above policy MD11 states that holiday let development that does not conform to the legal definition of a caravan and is not related to the conversion of

existing appropriate rural buildings will be resisted in the countryside following the approach to open market residential development in the countryside under policy CS5 and MD7a.

- 6.5.2 Policy CS1 'Strategic Approach' of the Shropshire Council Core Strategy and Policy MD1 'Scale and Distribution of Development' of Shropshire Council's Site Allocations and Management of Development (SAMDev) Plan seeks to steer new housing to sustainable locations described as Market Towns, Key Centres, Community Hubs and Clusters. This is repeated throughout Policies CS3 'The Market Towns and Key Centres', CS4 'Community Hubs and Clusters', CS5 'Countryside and Green Belt' and CS11 'Type and Affordability of Housing' of the Core Strategy. Community Hubs and Clusters were designated as part of the adoption of the SAMDev Plan in 2015. In the countryside Policy MD7a of the SAMDev Plan and point two of Policy CS5, limits the types of new dwellings within the countryside to essential countryside workers and affordable housing / accommodation to meet a local affordability need.
- 6.5.3 The site is substantially detached from the settlement of Much Wenlock and in the open countryside. Consequently, it is reasonable to conclude that visitors would be highly reliant on the use of private cars to access a full range of services, facilities and the majority of tourist attractions and activities identified by the appellant. In order to facilitate and mitigate the impacts of the development on the environment the scheme includes remodelling of the ground and a comprehensive landscaping scheme, which it is acknowledged would once established would lead to some increase in the biodiversity value of the site. In addition, it is acknowledged that the proposal would lead to a small benefit to the visitor economy and that the scheme has been designed to include high levels of insulation renewable energy sources.
- 6.5.4 Furthermore, the applicant seeks to put significant weight on Paragraph 80 of the National Planning Policy Framework (NPPF). This paragraph of the NPPF relates to rural housing and states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of a number of listed circumstances (a-e) apply. Criterion (e) is the circumstance where:
- "the design is of exceptional quality, in that it:*
- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area."*
- 6.5.5 Core Strategy policy CS6 requires that all developments should be appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character. High quality design is also sought and for development to respond to the challenge of climate change. Core Strategy policy CS17 relating to Environmental Networks supports these goals in seeking to ensure developments protect and enhance the diversity,

high quality and local character of Shropshire's natural, built and historic environment. SAMDev Plan policy MD2 adds further weight to the achievement of sustainable design which achieves these objectives and embraces opportunities for contemporary design solutions, which take reference from and reinforce distinctive local characteristics.

- 6.5.6 This quality bar which applies to all developments must be shown to be demonstrably pushed even higher if a development is to satisfy the first bullet point of NPPF paragraph 80 (e) of being "... truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas;"
- 6.5.7 It is important to note the 'and' linking the above two bullet points. A proposal must satisfy both elements for it to be considered acceptable under paragraph 80, criterion (e).
- 6.5.8 Notwithstanding the issue raised above there is also the requirement that the proposal significantly enhances its immediate setting, and for it to be sensitive to the defining characteristics of the local area. The second key issue therefore is whether the development on this site, in comparison with the site's present form/appearance, would achieve the significant enhancement required and also be sensitive to the locality.
- 6.5.9 With respect to the paragraph 80 (e) exception, the proposals would not, it is considered reach the quality bar which would be required to satisfy the exception to the strict controls over new build houses in the countryside.
- 6.5.1 Overall, Officers remain of the view that whilst the sustainability credentials of the design and the benefits to the visitor economy weigh in favour of the development, they are insufficient to justify a departure from the Development Plan policy which directs new build holiday lets which do not conform to the to the legal definition of a caravan and which do not relate to the conversion of existing appropriate rural buildings to sustainable locations i.e. the settlements identified as Market Towns, Key Centres, Community Hubs and Community Cluster settlements.

7.0 CONCLUSION

- 7.1 Despite the sustainability credentials of the design, in respect of the incorporation in the design of renewable energy sources and drainage arrangements, and the benefits to the visitor economy which weigh in favour of the development they are insufficient to justify a departure from the Development Plan policy which directs new build holiday lets which do not conform to the legal definition of a caravan to sustainable locations i.e. the settlements Market Towns, Key Centres, Community Hubs and Clusters. The principle of the erection of new build holiday lets in this location is contrary to SAMDev policy MD11 and therefore it is recommended that planning permission is refused.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

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

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and SAMDev Policies:

CS1 - Strategic Approach

CS3 - The Market Towns and Other Key Centres

CS4 - Community Hubs and Community Clusters

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS11 - Type and Affordability of housing

CS16 - Tourism, Culture and Leisure

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

MD7A - Managing Housing Development in the Countryside

MD11 - Tourism Facilities and Visitor Accommodation

MD12 - Natural Environment

Much Wenlock Neighbourhood Plan

RELEVANT PLANNING HISTORY:

18/00857/FUL Application under Section 73a of the Town and Country Planning Act 1990 for the erection of 2 holiday lodges (part retrospective) GRANT 11th May 2018

18/02967/DIS Discharge of conditions 4 (external materials), 5 (landscaping), 6 (foul drainage), 7 (drainage), 8 (bat & bird boxes) & 9 (external lighting) on planning permission 18/00857/FUL for the erection of 2 holiday lodges (part retrospective) DISPAR 26th July 2018

PREAPP/21/00361 Proposed change of use of field for the construction of 2 new holiday lets, erection of new solar PV arrays, with associated pool, hard and soft landscaping. PREUDV 12th August 2021

22/00071/FUL Erection of 2No holiday lets partially dug into ground, with subterranean courtyards, new pond, associated landscaping and habitat creation, 3No EV charging points,

new E-Bike storage, and 18.4 Kw Solar Array, with ground source heat pump REFUSE 26th April 2022

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RFSNINTDHWS00>

List of Background Papers

Planning Statement
Design & Access Statement
Business Plan (Confidential)
Landscape Assessment
Visual Amenity Document
Arboricultural Impact Assessment
Ecological Appraisal
Drainage Assessment & FDA 1 Form

Cabinet Member (Portfolio Holder)
Councillor Richard Marshall

Local Member
Cllr Dan Thomas

