



## REPORT

### 1.0 THE PROPOSAL

1.1 This application seeks full planning permission retrospectively for the recent and ongoing temporary use of a former Methodist church/conference and retreat centre to house a family of refugees who have fled the war in the Ukraine. New internal partitions have subdivided the former main hall/meeting room into three bedrooms. Other spaces remain physically unchanged, with a large central area now serving as a lounge, and a pre-existing kitchen, shower room and WC on the opposite side retained. No external alterations have occurred.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The site is located in Stiperstones village at the western foot of the Stiperstones ridge in the Shropshire Hills Area of Outstanding Natural Beauty (AONB). It comprises a rectangular 0.1-hectare plot fronting the Class C road to Pennerley and The Bog, with the building set back behind a private car park with ten spaces. It is a fairly plain, late 20<sup>th</sup> Century, single-storey structure of brown brick under interlocking concrete roof tiles. There are mid-late 20<sup>th</sup> Century dwellings on either side and opposite, and a paddock to the rear.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 In accordance with the Council's adopted Scheme of Delegation the application must be determined by the planning committee because it is made by the Council's Local Member, who is effectively acting as agent on the applicant's behalf.

### 4.0 COMMUNITY REPRESENTATIONS

#### 4.1 Consultee comments

##### 4.1.1 Shropshire Council Ecology – objection:

A bat survey is required.

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

Any permission given should include an 'informative' advocating sustainable surface water drainage systems.

##### 4.1.3 Worthen with Shelve Parish Council – support

##### 4.1.4 Shropshire Council Highways Development Control – comment:

No objection subject to an informative advising on the requisite licence for any works on or abutting highway land.

##### 4.1.5 Shropshire Hills AONB Partnership – comment:

No site-specific comments. However, this indicates neither objection nor lack of objection to the application, and in reaching its decision the local planning authority must still satisfy its legal duty to take into account the purposes of the adjacent AONB designation, planning policies concerned with protecting the landscape, plus the statutory AONB Management Plan. The Partnership also reserves the right to make a further, detailed response.

##### 4.1.6 Severn Trent Water – no objection:

Since the scheme has minimal impact on the public sewerage system, no objection is raised and no further drainage details need be secured by condition.

## 4.2 Public comments

4.2.1 None

## 5.0 THE MAIN ISSUES

- Principle of development
- Other matters

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 The building, permitted as a place of worship and latterly with some ancillary community functions, is effectively now being occupied as a single dwelling house, albeit on a temporary basis and with the specific aim of supporting a family under the UK Government's 'Homes for Ukraine' sponsorship scheme. Stiperstones village is designated part of a 'Community Cluster' under Policies MD1 and S2 of the Council's Site Allocations and Management of Development (SAMDev) Plan, which implies that the location is broadly 'sustainable' and potentially even facilitates some permanent new housing, as opposed to it being regarded as open countryside. However, this must be balanced against Core Strategy Policies CS8 and CS15, which seek to protect existing community services and facilities.

6.1.2 In the circumstances, and also bearing in mind that there is some alternative community space available in the neighbouring Cluster settlement of Snailbeach, officers consider the proposal to be acceptable in principle subject to a condition defining the duration and specific nature of the new use. The wording reflects the maximum period of residency permitted under the Government scheme, but also includes a mechanism for annual review given that the situation in the Ukraine is uncertain. At the end of the temporary period the building is expected to revert to its previous use.

### 6.2 Residential amenity

6.2.1 This c106m<sup>2</sup> building in a predominantly residential area, and with sufficient outdoor space, provides a reasonable standard of residential amenity. Moreover, neighbouring residents are unlikely to suffer significant overlooking or noise given the building's single-storey nature and occupation by a single household group.

### 6.3 Other matters

6.3.1 In the absence of any external changes there is no impact on the generally open character or scenic beauty of the wider landscape.

6.3.2 Vehicular access, parking and drainage arrangements are unchanged and adequate.

6.3.3 Regarding the Ecology Team's comments, the scheme does not in fact meet any of the standard triggers for requiring a bat survey given the building's modernity, good condition and the lack of any alterations to its roof structure.

## 7.0 CONCLUSION

7.1 Temporary residential use of this building is acceptable in principle given the particular circumstances, its location within a Community Cluster settlement, and on the basis that it will ultimately revert to its previous community-based use. No

significant residential amenity or other impacts are anticipated. Overall, therefore, the application is felt to accord with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions to reinforce the critical aspects.

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

### **8.1 Risk management**

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

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

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

### **8.2 Human rights**

8.2.1 Article 8 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the community.

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

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

### **8.3 Equalities**

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

## **9.0 FINANCIAL IMPLICATIONS**

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

material to the application. The weight given to this issue is a matter for the decision maker.

## 10.0 BACKGROUND

### Relevant Planning Policies:

#### Central Government Guidance:

National Planning Policy Framework

#### Shropshire Local Development Framework:

##### Core Strategy Policies:

CS1 - Strategic Approach  
CS4 - Community Hubs and Community Clusters  
CS6 - Sustainable Design and Development Principles  
CS7 - Communications and Transport  
CS8 - Facilities, Services and Infrastructure Provision  
CS9 - Infrastructure Contributions  
CS11 - Type and Affordability of housing  
CS15 - Town and Rural Centres  
CS17 - Environmental Networks  
CS18 - Sustainable Water Management

##### SAMDev Plan Policies:

MD1 - Scale and Distribution of Development  
MD2 - Sustainable Design  
MD3 - Managing Housing Development  
MD12 - Natural Environment  
S2 – Bishop's Castle Area Settlement Policy

##### Supplementary Planning Documents:

Type and Affordability of Housing

### Relevant Planning History:

SS/1/2196/P/ – Erection of single-storey Methodist Church (permitted 5<sup>th</sup> March 1992)

SS/1/2935/P/ – Re-siting of previously approved access for new Methodist Church (permitted 16<sup>th</sup> October 1992)

## 11.0 ADDITIONAL INFORMATION

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=REY7B9TD0HG00>

### List of Background Papers:

See application documents on Council website

**Cabinet Member (Portfolio Holder):** Cllr Richard Marshall

**Local Member:**

Cllr Heather Kidd

**Appendices:**

Appendix 1 – Conditions and Informatives

## APPENDIX 1 – CONDITIONS AND INFORMATIVES

### STANDARD CONDITIONS

1. The development shall be carried out in strict accordance with the approved plans and drawings listed below in Schedule 1.

Reason: To define the consent and ensure a satisfactory development in accordance with Policies CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

### CONDITIONS RELEVANT FOR LIFETIME OF DEVELOPMENT

2. The residential accommodation hereby permitted shall only be occupied:
  - a) by refugees from the Ukraine under the UK Government's 'Homes for Ukraine' sponsorship scheme;
  - b) for a maximum period of three years from the date of this permission; and
  - c) subject to an annual review, beginning one year from the date of this permission, whereby the applicant/owner confirms to the local planning authority in writing that the specific housing need identified in Part a) above remains applicable.

When the premises cease to be occupied by persons specified in Part a) above, or at the end of 3 years (whichever occurs first), the use hereby permitted shall cease and the building shall revert to its previous use as a place of worship and incidental community/meeting venue.

Reason: To define the consent and safeguard established community services and facilities, in accordance with Policies CS8 and CS15 of the Shropshire Local Development Framework Adopted Core Strategy.

3. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order modifying, revoking or re-enacting that Order), no extension, outbuilding or other building/structure shall be erected or installed at the site, or alterations carried out, without an express planning permission first being obtained from the Local Planning Authority.

Reason: Permission is granted specifically for a temporary use of the building in its current form.

### INFORMATIVES

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

- authorise the laying of private apparatus within the confines of the public highway, including any a new utility connection; or
- disturb any ground or structures supporting or abutting the publicly maintained highway.

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

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

3. In order to control/attenuate surface water at source and avoid increasing the risk of flooding at the site or elsewhere, the use of sustainable drainage systems (SuDS) such as soakaways designed in accordance with BRE Digest 365, water butts, rainwater harvesting, permeable paving, attenuation and grey water recycling should be considered.
4. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework Paragraph 38.