



Northern Committee

September 17th 2024.

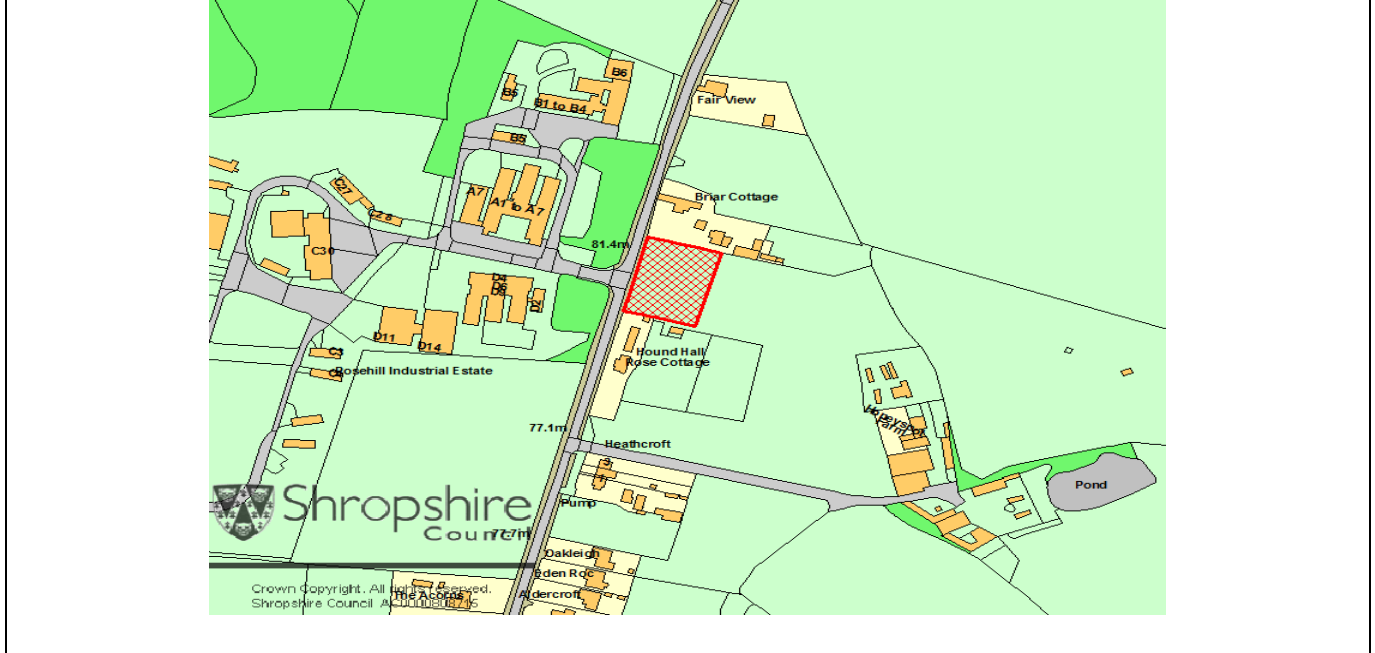
Development Management Report

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

Summary of Application

Application Number: 24/02619/OUT	Parish:	Stoke Upon Tern
Proposal: Erection of single self-build dwelling and garage		
Site Address: Proposed Residential Development Land NW Of Honeyspot Farm Rosehill Road Stoke Heath Shropshire		
Applicant: Mrs Margaret McNulty		
Case Officer: Jane Preece	email: jane.preece@shropshire.gov.uk	

Grid Ref: 365678 - 329848



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Recommendation:- Approval subject to the conditions as set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 The application is made in outline and seeks consent for the 'Erection of single self-build dwelling and garage. All matters are reserved for later approval.
- 1.2 The application follows on from an earlier outline application that sought consent for the erection of two dwellings, associated garages and amenity land, under application reference 23/02669/OUT. Application ref 23/02669/OUT was refused on 11th August 2023 for the following reason/s:

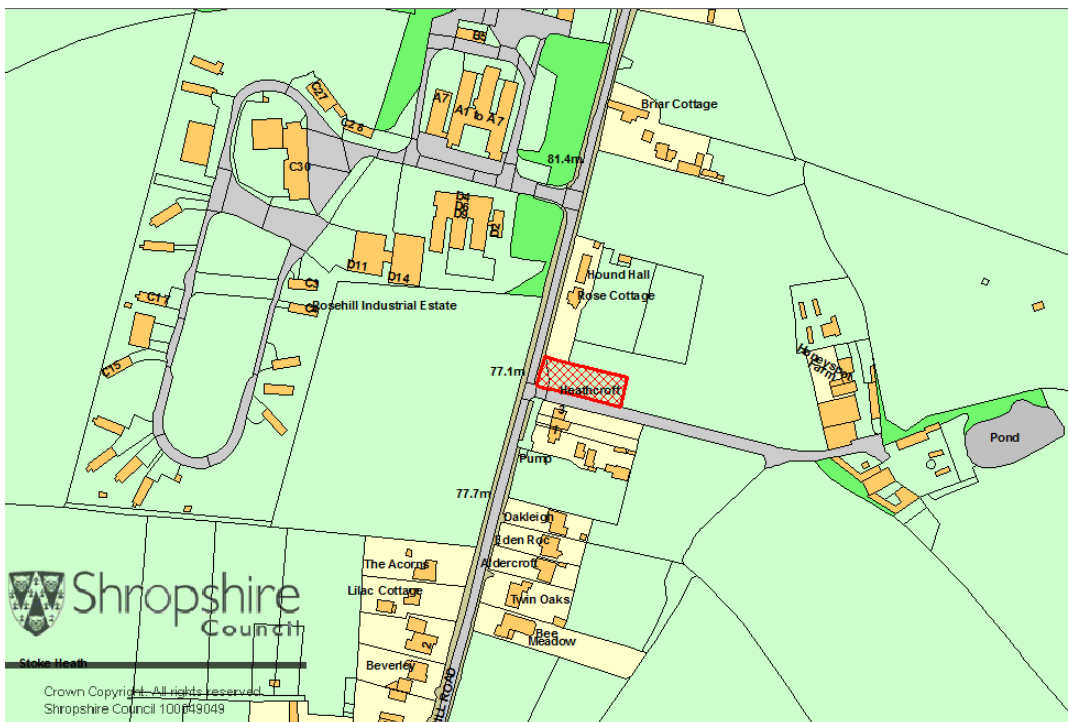
'Within the adopted development plan the Community Hub of Stoke Heath has been identified as able to accommodate additional sustainable housing growth throughout the adopted development plan period to 2026 with a guideline figure of 20-25 houses, with this being delivered through the allocation of one site (land off Dutton Close) together with development of limited infilling, groups of houses and conversions which may be acceptable on suitable sites within Stoke Heath, as set out in SAMDev Plan policy S11.2(vi). However, as evidenced within Shropshire Council's Five Year Housing Land Supply Statement of March 2023 and with reference to sites since having been granted planning permission, the deliverable housing guideline figure for the hub has already been significantly exceeded. Whilst increases on the guideline figure are acceptable on occasions, the benefits and impacts of the development, including the cumulative impact of this increase, must be considered. On this occasion, it is considered that the proposal for a further two dwellings on the application site in an area that has already significantly surpassed its housing guideline, by around three-fold, would unacceptably add to the pressure on local infrastructure and amenities and push community goodwill towards breaking point. This harm is not considered to be outweighed by the limited social and economic benefits two new market houses at the site would provide. For these reasons and when assessed against adopted development plan policies as a whole, the development is considered unsustainable and fails to comply with adopted local plan policies CS1 and CS4 of the Shropshire Core Strategy; MD1, MD3 and S11.2(vi) of the Site Allocations and Management of Development (SAMDev) Plan; and the overall aims and objectives of the Stoke upon Tern Neighbourhood Plan and National Planning Policy Framework.'

- 1.3 Concurrent with outline application reference 23/02669/OUT another outline application for the erection of a single dwelling on land to the south was also made by the same applicant, reference 23/02633/OUT, and refused for the same reason/s. However, an appeal was lodged against the refusal of 23/02633/OUT. The appeal was allowed, under appeal reference APP/L3245/W/23/3329859, dated 5th March 2024. A copy of the appeal decision is attached as **Appendix A** to this report.

- 1.4 No doubt the current application has been encouraged by the appeal decision.
- 1.5 The site area of this current application is slightly smaller than the previous, being 0.2 hectares in area rather than 0.26 hectares in area. Whilst all matters are reserved the indicative block plan also show the retention of a wider strip to south of the site to continue to provide through access to the field to the east. The strip is shown to be circa 9.4 m wide, whereas in the strip in the previous application for two dwellings was circa 4.5 m wide.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site concerns land 'NW of Honeyspot Farm, Rosehill Road, Stoke Heath.'
- 2.2 A map extract showing the location and context of the site is given above.
- 2.3 A map extract showing the location and context of the site allowed on appeal is given below:



3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Officer recommendation is one of support and the Parish Council object, raising material planning considerations.

4.0 Community Representations Summary

4.1 Consultee Comments

- 4.1.1 **SUDS** – Is Minor Development and site is not located within SuDS Consultation Area. LLFA will only provide standing advice on development proposals to LPA as Informative Notes below:

Development is unlikely to significantly increase flood risk. Therefore offer following informative:

Informative Notes: Sustainable scheme for disposal of surface water from development should be designed and constructed in accordance with Council's SuDS Handbook.

- 4.1.2 **SC Ecology** – Have read submitted Great Crested Newt Assessment. Happy with level of survey work. Recommend following conditions and informatives are included on decision notice:

Conditions:

- Working in accordance with method statement
- Bat and bird boxes
- Lighting plan

Informatives:

- Nesting birds
- General wildlife protection

- 4.1.3 **SC Affordable Housing** – If development is policy compliant then whilst Council considers there is acute need for affordable housing in Shropshire, Councils housing needs evidence base and related policy pre dates judgment of Court of Appeal and subsequent changes to NPPG, meaning that on balance and at this moment in time, national policy prevails and no affordable housing contribution would be required in this instance.

- 4.1.4 **SC Environmental Protection** – In principle have no objection to application. However, should scheme be approved and full application be submitted, would recommend consideration is given to busy industrial estate entrance. Applicant should provide noise assessment to mitigate any loss of amenity or design out any issues created by vehicle movements into industrial estate.

4.2 Public Comments

- 4.2.1 **Stoke Upon Tern Parish Council - Object.** The Parish Council wishes to maintain its objection to development on this site and does not consider that the changes to the Application are sufficient to change that view. To reiterate, in accordance with the adopted Neighbourhood Plan (which the Applicant does not even mention) this site should be considered to be within Open Countryside and should not be developed. The recent Appeal decision on a nearby site should not be considered a precedent and the Council has mounting concerns that "single infill developments" will erode the character of the area that the

Neighbourhood Plan has sought to protect. Creeping linear development along Rosehill Road needs to be resisted.

4.2.2 **Public representations** – One representation of objection has been received. The main points of objection raised include:

Concerns/objections raised in original application 23/02669/OUT remain same.

Objections raised in relation to 23/02669/OUT include:

Proposed new development is located next to licensed boarding kennel, namely Hound Hall. Hound Hall has license from Shropshire Council since 2014 and is permitted to care for 14 dogs. Are also 4 permanent resident dogs. Prior to planning permission for kennels being granted in 2014 consideration was given to issue of noise pollution. Noise was not issue as nearest residential property was located 85 metres away. Proposed new development is situated immediately adjacent to dogs main exercise area and isolation unit and only few metres from main kennel block.

Dogs have access to all outside areas from 6am to 10pm. Currently, are few external factors that disturb dogs and cause them to bark. When excess barking does occur dogs are temporarily returned to their rooms to reduce amount of noise they make. Obviously, this would not be feasible solution to noise reduction with permanent residential dwellings being located so close.

When dogs struggle to settle, will often bark and howl throughout night. Currently, this only affects occupiers of Rose Cottage. However, this would likely be detrimental to occupiers of proposed new developments.

To date been no complaints regarding noise pollution relating to boarding kennels.

In addition, would like to raise following points:

Note comments made by PPO in original application - "Considering there are only 4 Kennels and that the PPO believes that only dogs from the same household are allowed to share kennels, the PPO is of the opinion that it is very unlikely there will ever be anywhere near 14 dogs at the kennels".

To explain, rooms at Hound Hall are large enough to accommodate four giant breeds from same family. Although licenced for fourteen dogs, actually have capacity for sixteen. Over past couple of years have seen increase in number of owners with more than three dogs. All are returning customers, due size of our rooms and calm, quiet and stress free environment. Unlike traditional boarding kennels with constant barking, meaning stressful environment for humans and animals.

PPO further comments "that there is good screening in the form of a hedge around the kennels and the proposed dwelling is on the opposite side of the house associated with the kennels, so coming and going from the proposed

dwelling is unlikely to disturb the dogs."

Is hedge that provides degree of screening. However, dogs do not need to see someone to trigger natural instinct of alert barking. Disagree that comings/goings from proposed dwelling, which is adjacent to and not opposite main house, is unlikely to disturb dogs. This is clearly evident when people enter field to attend to horse/ undertake work in field or are simply walking past.

Have made no objection to new houses being built other side of Rose Cottage as believe these will be far enough away from Hound Hall to not cause any significant increase in noise or unnecessary stress to dogs we care for.

5.0 THE MAIN ISSUES

- Policy and principle of development
- Residential amenity
- Ecology
- Highways and drainage

6.0 OFFICER APPRAISAL

6.1 Policy and principle of development

- 6.1.1 The Parish Council objected to the previous application, reference 23/02669/OUT, on the grounds that the development was contrary to the adopted Neighbourhood Plan and located on agricultural land. It was not considered clear from that objection whether the Parish Council considered the site to be within the settlement of Stoke Heath or 'countryside' - although on the matter of suitability the objection was interpreted that the Parish Council considered the site to be an unsuitable site.
- 6.1.2 In relation to this current application the Parish Council again object and for the reasons set out in section 4.2.1 above. The Parish Council are of the view that '*... in accordance with the adopted Neighbourhood Plan ... this site should be considered to be within Open Countryside and should not be developed ...*' The Parish Council add that '*... The recent Appeal decision on a nearby site should not be considered a precedent and the Council has mounting concerns that "single infill developments" will erode the character of the area that the Neighbourhood Plan has sought to protect. Creeping linear development along Rosehill Road needs to be resisted.*'
- 6.1.3 Stoke Heath is covered by a Neighbourhood Plan, adopted in July 2021. The Neighbourhood Plan was found to be in general conformity with the strategic policies of the adopted Development Plan for Shropshire, which includes the Shropshire Core Strategy (adopted 2011) and the SAMDev Plan (adopted 2015).
- 6.1.4 The strategic policies of the adopted Development Plan identify the role of

Community Hubs in achieving the spatial strategy for Shropshire. One such Community Hub is Stoke Heath. Under the adopted Development Plan Stoke Heath is defined as being a community hub under settlement policy S11.2(vi) where there is provision for a limited number of dwellings approximately 20-25 houses over the plan period to 2026, which will be through one allocated housing site off Dutton Close together with appropriate windfall development through limited infilling, groups of houses and conversions which may be acceptable on suitable sites within Stoke Heath.

- 6.1.5 However, the settlement of Stoke Heath does not have a development boundary. Therefore, it is a matter of planning judgement as to whether development proposals are or are not located within Stoke Heath. Those locations that are not considered to be located within Stoke Heath are located within the countryside for policy purposes (as within the adopted Development Plan the remainder of the Stoke Upon Tern parish constitutes countryside).
- 6.1.6 The explanatory text within the Neighbourhood Plan on Local Housing Need acknowledges that the SAMDev Plan runs to 2026 whilst the plan period for the Neighbourhood Plan extends to 2033. It explains that the smaller hamlets within the Neighbourhood Plan area (which covers the entirety of the Stoke Upon Tern Parish and not just Stoke Heath) are considered countryside for policy purposes. It does not suggest that Stoke Heath is currently no longer a Community Hub.
- 6.1.7 The policy on housing within the Stoke Upon Tern Neighbourhood Plan equally complements/expands on wider relevant policies in the adopted Development Plan. The policy in no way addresses the issue of the extent of the Community Hub.
- 6.1.8 Therefore, to reiterate it is a matter of planning judgement as to whether a development proposal is or is not located within Stoke Heath.
- 6.1.9 As evident in section 1.2 above the reason for refusing the previous application reference 23/02669/OUT was not that the site conflicted with policy concerned with housing strategy in terms of location, but rather that the housing guideline for the settlement had already been met and exceeded.
- 6.1.10 The site address is Stoke Heath and officers view remains that as expressed in relation to the previous application reference 23/02669/OUT, ie in that the site location is construed as infilling within the settlement of Stoke Heath and therefore satisfies adopted policy in this regard.
- 6.1.11 To add to the foregoing this application site is along the same road and just 75 m north of the site recently allowed on appeal in outline for one dwelling (reference APP/L3245/W/23/3329859). Whilst officers agree with the Parish Council that the appeal decision does not set a precedent, the decision is none the less a material planning consideration. Within the appeal decision the Inspector referred to the appeal site as siting within the Community Hub of Stoke Heath and found the site to align with the locational strategy for residential development

as set out within the development plan. It is considered by officers that the same reasoning would apply to this current application site.

- 6.1.12 Bearing in mind all the above, then officers consider that to refuse this current application on locational grounds would be difficult to sustain on appeal.
- 6.1.13 Returning to the exceedance of the housing guideline for the settlement then also in view of the appeal decision officers do not consider that a repeat refusal of this new application for one additional dwelling could be robustly defended on these grounds. It is highlighted that in the appeal case the Inspector accepted that the housing guideline had already been breached and that the appeal would add a further breach by one dwelling. However, the Inspector added that the breach would '*only*' be '*a very modest additional breach of one dwelling*', would accord with the Government's aim to increase the supply of housing and would also provide modest social and economic benefits. Further, although noting the Council's concern regarding the overstretching of local services, the Inspector commented that there was no substantive evidence of this and considered it '*very unlikely one dwelling would unacceptably affect any services or facilities within the Community Hub. This is especially so given that 69 dwellings have already been approved.*' Hence the Inspector deemed the proposal complied with the additional considerations set out in SAMDev Plan policy MD3 in relation to settlement housing guidelines. Officers consider that these same points would be raised in relation to this current application case. Officers are not therefore convinced another refusal would therefore be reasonably defensible in relation to the exceedance of the housing guideline by one further dwelling and the lack of any substantive evidence regarding the overstretching the local services to demonstrate otherwise.

Local Plan review

- 6.1.14 The emerging Draft Shropshire Local Plan (2016-2038) has been through several stages of consultation (Regulation 18 (plan-making) and Regulation 19 (pre-submission)) and the Draft Local Plan was submitted to the Planning Inspectorate for examination on the 3rd September 2021.
- 6.1.15 At the time of writing, the local plan review has not yet reached a stage where it can be given significant weight in decision making. However, under the emerging local plan the community hub status of Stoke Heath is changing. Stoke Heath will lose its community hub status and will become countryside. The allocated housing site at Dutton Close within Stoke Heath will be saved but all other land at Stoke Heath will become 'countryside' for planning policy purposes, where new development is strictly controlled in accordance with draft policy SP10, other relevant policies within the draft plan and national policies. The weight will increase as the Plan progresses.

6.2 Residential amenity

Noise

- 6.2.1 The application has been consulted upon with the Council's Public Protection Officer (PPO) who has raised no objection in principle to the application. However, in relation to potential noise in so far as it may impact upon residential amenity, the PPO advises that consideration will need to be given to the busy industrial estate entrance opposite in relation to any future detailed or full application, where the applicant should provide a noise assessment to mitigate any loss of amenity, or design out any issues created by vehicle movements into/out of the industrial estate. The requirement for a noise impact assessment can therefore be imposed by condition on any outline planning consent issued to secure a noise impact assessment and any associated mitigation measures.
- 6.2.2 Notwithstanding the above, a public objection has been submitted, concerned with the proximity of the site to the Hound Hotel, a dog boarding kennel facility that sits adjacent to the site to the south, and any implications this may have for the residential amenities of any future occupants of the proposed dwelling and for the kennel facility.
- 6.2.3 In making the objection, the objector refers back to comments made in relation to this issue within the officer report for the previous application reference 23/02669/OUT. In that case the following was reported:

6.2.4

'Noise

6.2.1 The application has been consulted upon with the Council's Public Protection Officer who has raised no objection on residential amenity grounds in relation to potential noise.

6.2.2 In arriving at this view the Public Protection Officer has confirmed to Officers that the presence of the neighbouring kennels was taken into account. Planning permission was granted for the neighbouring kennels in 2014. The permission was for 4 Kennels which were all insulated and there was no external exercise space marked on the approved plans. Hence, no significant impact was considered likely.

6.2.3 Considering there are only 4 Kennels and that the PPO believes that only dogs from the same household are allowed to share kennels, the PPO is of the opinion that it is very unlikely there will ever be anywhere near 14 dogs at the kennels (the number raised by an objector in respect of the concurrent application reference 23/02669/OUT), unless the number of boarding kennels have been increased, which would require planning consent. No planning permission to increase the number of boarding kennels has been granted, or to change the use of the adjoining land to a dog exercise area.

*6.2.4 Further, the PPO comments that there is good screening in the form of a hedge around the kennels and * the proposed dwelling is on the opposite side of the house associated with the kennels, so coming and going from the proposed dwelling is unlikely to disturb the dogs.*

6.2.5 The PPO goes on to add that there is of course potential for the kennels to cause a noise problem if not appropriately managed or if the scale and nature of the kennels has changed. In respect of the former, the PPO has powers under other legislation to investigate and deal with complaints of noise nuisance. This power would also apply to any concerns regarding unreasonable noise during the construction period. In respect of the later, to reiterate no planning permission has been granted to increase the number of boarding kennels or to change the use of the adjoining land to a dog exercise area. In the event that the nature of the kennels has significantly and lawfully changed to have a greater impact then a noise assessment could be required. At this point in time officers have no evidence to demonstrate that any significant change is lawful from a planning perspective.'

* NB: The words 'drive of' were omitted here which when added lends clarification to this point.

6.2.5 The additional points now raised by the objector are summarised in section 4.2.2 above. These objection comments have further been consulted upon with the PPO. In response the PPO advises that he disagrees with neighbours comments and believes that the new build should not have a significantly adverse effect on the dog kennel boarding business. Hound Hall is a small boutique kennel with an enclosed outdoor space for exercise and where it is understood that the dogs have to be taken off site for longer exercise. Further, the new development indicates an access area for the field in between the site and Hound Hall and the surrounding area has a busy road junction into the Rosehill Industrial Estate which clearly does not pose a concern to the kennel business. Therefore, the PPO considers that the addition of several car movements in and off the drive along with household noise associated with one dwelling should not be significant and that a fence to the height of approximately 2 m could be provided along the south boundary to improve the situation if required.

6.2.6 Whilst the compatibility of the neighbouring land uses has therefore been questioned in relation to noise this issue is not considered so significant as to warrant refusal of the application. It is considered that a noise impact assessment can be secured by condition to demonstrate how acceptable amenity standards will be achieved within the design of a detailed scheme and to include for appropriate mitigation measures if required.

6.3 Ecology

6.3.1 The application is accompanied by a Great Crested Newt Assessment and has been subject to consultation with the Council's Ecologist. The Council's Ecologist has confirmed a position of no objection and recommends the imposition of planning conditions of approval and informatives in the event outline planning permission is to be granted. With the recommended planning conditions and informatives in place the application is considered capable of satisfying adopted development plan policies and the NPPF in relation to ecological matters as

relevant.

6.3.2 As regards Biodiversity Net Gain (BNG), the application is for a self-build dwelling. Self-builds are listed as an exemption.

6.4 Highways and drainage

Highways

6.4.1 The application is made in outline with all matters reserved. No access details are therefore provided for assessment at this stage. In the event that outline planning permission was granted then any future reserved matters application would need to provide any and all details necessary to assist with the appropriate determination from a Highways and Transport perspective as well as demonstrate that any proposed new vehicular access, associated visibility splays, parking and turning facilities would be commensurate with the prevailing local highway conditions and meet with prevailing highway standards.

Drainage

6.4.2 The Council's Drainage Team have been consulted on the application and raise no objection on drainage grounds, simply recommended a standard informative in relation to surface water disposal. In the circumstances and bearing in mind the need for any development to comply with Building Regulations in respect of drainage the proposal is considered capable of compliance with adopted development plan policy CS18 and the NPPF in drainage terms.

7.0 CONCLUSION

7.1 The application seeks outline consent with all matters reserved for later approval and the development is considered to accord with the adopted planning policies and housing strategy for the area in principle. The recommendation is therefore one of approval, subject to the conditions as set out in Appendix 1 below.

7.2 In considering the application due regard has been given to the following planning policies as relevant: Shropshire Core Strategy CS1, CS4, CS5, CS6, CS9, CS11, CS17 and CS18; Site Allocations and Management of Development (SAMDev) Plan policies MD1; MD2, MD3, MD7A, MD12 and S11; the Council's SPD on the Type and Affordability of Housing, the Stoke on Tern Neighbourhood Development Plan and the National Planning Policy Framework.

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.

APPENDIX A

Appeal Decision

Site visit made on 5 March 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 April 2024

Appeal Ref: APP/L3245/W/23/3329859

Honeyspot Farm, Rosehill Road, Stoke Heath, Shropshire TF9 2JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Margaret McNulty against the decision of Shropshire Council.
 - The application Ref is 23/02633/OUT.
 - The development proposed is the erection of single dwelling and detached garage.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of single dwelling and detached garage at Honeyspot Farm, Rosehill Road, Stoke Heath, Shropshire TF9 2JU in accordance with the terms of the application, Ref 23/02633/OUT, subject to the conditions in the attached schedule.

Preliminary Matters

2. The proposal before me has been made in outline with all matters, namely access, appearance, landscaping, layout and scale, reserved for a subsequent application. I understand from the appellant's case that the submitted drawings, in these respects, are for illustrative purposes only, I have considered them as such.

Main Issue

3. The main issue is whether the location of the appeal site is suitable for new residential development.

Reasons

4. Policy CS1 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011, the ACS) and Policy MD1 of the Shropshire Council Site

Allocations and Management of Development Plan (December 2015, the SAMD) set out the Council's spatial strategy and hierarchy for residential development. This strategy states that development will be directed, in part, to Community Hubs such as the one the appeal site sits within; Stoke Heath. SAMD Policy S11.2(vi) states that Stoke Heath will support approximately 20-25 new dwellings over the plan period and SAMD Policy MD3 continues that if the development guideline numbers are exceeded additional considerations must be had.

5. I understand from the submissions before me that 69 houses have been granted approval and have either been, or are likely to be, delivered. It is clear, therefore, that the development would lead to this number further exceeding the guideline. I am mindful that this guideline is not a maximum and that it has already been significantly breached through previous developments.

6. The proposal would result in only a very modest additional breach of one dwelling. This would provide additional housing in accordance with the Government's aim to significantly increase the supply of housing, and would also provide modest social and economic benefits through the increased number of residents. Although I note the Council's concerns regarding the overstressing of local services, I have not been provided with any substantive evidence of this and consider that it is very unlikely one dwelling would unacceptably affect any services or facilities within the Community Hub. This is especially so given that 69 dwellings have already been approved. In light of the above the proposal complies with the additional considerations set out in SAMD Policy MD3 for Settlement Housing Guidelines.

7. Although the Council have referred to concerns over the goodwill of the community, it has not been demonstrated where this has been identified or how this relates to the policies of the development plan. I also note the local plan review, but I understand that it is in very early stages. As I cannot be certain that the plan would be implemented in the suggested form it has not been determinative in my considerations.

8. I recognise that the Council can demonstrate a five-year housing land supply. However, much like the Council's own housing numbers for Stoke Heath, this is not a cap. Consequently, and as I have found the proposal would comply with the development plan, the five-year housing land supply does not preclude me from finding the proposal to be acceptable.

9. In light of the above, the proposal would result in development that aligns with the locational strategy for residential development as set out within the development plan. As such, the proposal would comply with ACS Policies CS1 and CS4, and SAMD Policies MD1, MD3 and S11.2(vi). Amongst other matters, these policies set out the spatial strategy and hierarchy for residential development, including at Community Hubs.

Other Matters

10. The proposal would result in the modest loss of some undeveloped land at the edge of a larger field. From my observations on site, and the information before me, the area of land covered by the appeal site is not of any especial ecological importance. The proposal would reduce the contribution the site makes to the wider environment and habitats, but this could be mitigated through the planting typically associated with residential properties and the provision of additional habitat boxes. I recognise the potential for the site to provide a habitat for great crested newts, but I am content that any risk can be dealt with through a suitably worded condition.

11. Concerns have been raised that Rosehill Road is at risk of flooding and that the junction between the appeal site and the road can flood to a significant depth. However, I have not been provided with any demonstrable evidence to substantiate this. Nevertheless, given the proposal would likely reduce the area of permeable surface at the site, a condition would be necessary to ensure any impact on flood risk would be minimised.

12. I note reference to a dog kennels near the appeal site, although its location is unclear, and I recognise that these can result in disruptive noise levels which could be detrimental to the living conditions of neighbouring occupiers. No evidence of any existing conflicts with the kennels have been provided. Given its siting close to existing dwellings, I find it unlikely that the proposed dwelling would be at any greater risk of adverse noise impacts than those existing nearby dwellings.

13. I do not find that the siting of a new dwelling at the appeal site would necessarily affect the living conditions of neighbouring occupiers with regard to loss of light or privacy, or through the creation of noise and light pollution. As this appeal is only at outline stage with all matters reserved it is not within the remit of this appeal to consider the effects of the detailed design which would be considered at the reserved matters stage. Similarly, the detailed design of the proposed access, parking and turning would be provided at the reserved matters stage.

14. The proposal will likely result in an increase in vehicular movements to and from the appeal site. These would include private motor vehicles. However, given its small scale, and relative to the existing number of dwellings in the area and those recently permitted, the proposal would not result in a significant or unacceptable increase in traffic or pollution levels.

Conditions

15. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability, I have made some changes to the wording.

16. For certainty, I have set out the reserved matters as well as the timescale for their submission and the commencement of works. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans.

17. As noted above flood risk at the site could increase given the likely reduction of permeable surface at the site as a result of the provision of a new dwelling. I therefore find it necessary to impose a condition requiring details of surface and foul water drainage to ensure any increase in risk is mitigated. Securing bat and bird boxes through a condition would also be necessary to mitigate the loss of the undeveloped green space and achieve habitat benefits. Similarly, it is necessary to restrict external lighting in order to minimise any disturbances to wildlife and their habitats.

18. Although, from the submissions before me, Great Crested Newts are unlikely to use the site or be directly affected by the development, there is still some residual risk. The method statement set out in the Eco Tech report would not be overly onerous on balance with the potential risk identified. A condition is therefore necessary requiring any works are carried out in accordance with this report.

Conclusion

19. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Samuel Watson
INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance

with the following approved plan: Location Plan 433-230p.

5) No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied.

6) No development shall commence until details of the provision of bat and bird boxes have first been submitted to and approved in writing by the Local Planning Authority. This shall, as a minimum, include 2 bat boxes and 4 bird nests or bricks. They shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. They shall thereafter be maintained for the lifetime of the development.

7) 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.

8) No development shall be carried out on site except where it is in accordance with the mitigation and enhancement measures for great crested newts set out in 'Appendix 1 - Method Statement' of the Great Crested Assessment by Eco Tech, dated July 2023.

10. Background

Relevant Planning Policies

Core Strategy and SAMDev Plan Policies:

CS1 - Strategic Approach

CS4 - Community Hubs and Community Clusters

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS9 - Infrastructure Contributions

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD3 - Managing Housing Development

MD7A - Managing Housing Development in the Countryside

MD12 - Natural Environment

Settlement: S11 - Market Drayton
 SPD Type and Affordability of Housing
 NPST - Stoke on Tern Neighbourhood Development Plan

National Planning Policy Framework

RELEVANT PLANNING HISTORY:

23/02669/OUT Outline application for the erection of 2No dwellings, associated garages and amenity land (all matters reserved) REFUSE 11th August 2023

23/02633/OUT Outline application for the erection of single dwelling and detached garage (all matters reserved) REFUSE 11th August 2023

24/02761/REM Approval of reserved matters (access, appearance, landscaping, layout and scale) pursuant to 23/02633/OUT (allowed on appeal APP/L3245/W/23/3329859) PCO

Appeal

23/03212/REF Outline application for the erection of single dwelling and detached garage (all matters reserved) ALLOW 9th April 2024

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SGBGXOTDIX500>

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 Chris Schofield
Local Member Cllr Paul Gill
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Approval of the details of the appearance of the development, access arrangements, layout, scale, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 5 of the Development Management Procedure (England) Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. The following information shall be submitted to the Local Planning Authority concurrently with the first submission of reserved matters:

- A noise impact assessment, to include mitigation measures to design out, attenuate or mitigate any potential noise issues

Reason: To enable the Local Planning Authority to consider fully the details of the development, to ensure the development is of an appropriate standard and to minimise and protect the amenities of future occupiers from potential noise nuisance.

5. 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.

6. All site clearance and development shall occur strictly in accordance with Appendix 1 of the Great Crested Newt Assessment (EcoTech, June 2024).

Reason: To ensure the protection of great crested newts, which are European Protected Species.

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

7. 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 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.

-A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific) and/or sparrows (32mm hole, terrace design).

The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. Bat boxes should be erected on southerly aspects (south-west, south or south-east) and bird boxes should be erected on northerly or shaded east/west aspects.

The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with adopted development plan policies MD12 and CS17 and section 180 of the National Planning Policy Framework.

8. 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 (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note GN08/23: Bats and Artificial Lighting At Night, GN01/21: The Reduction of Obtrusive Light and Guidance Note 9/19: Domestic exterior lighting: getting it right.

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

Informatives

1. Where there are pre commencement conditions and/or conditions that require the submission of information for approval prior to development commencing then at least 28 days notice is required to enable proper consideration to be given.

2. 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 or from the Local Planning Authority. The fee required is £145 per request, and £43 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.

3. 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.

4. General site informative for wildlife protection

Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. 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 Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

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

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

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

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

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

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

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

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

5. Drainage informative:

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if infiltration techniques are not achievable.

Any proposed drainage system should follow the drainage hierarchy, with preference given to the use of soakaways. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken if it can be demonstrated that infiltration techniques are not achievable.

Shropshire Council will not permit new connections to the Highway Drainage network.

If non permeable surfacing is used on the driveways and parking areas which slope towards the highway, a drainage system to intercept water prior to flowing on to the public highway must be installed.

If main foul sewer is not available for connection, British Water 'Flows and Loads: 4' should be used to determine the Population Equivalent (PE) for the proposed development and the sizing of the package treatment plant and drainage fields should be designed to cater for the correct number of persons and in accordance with the Building Regulations H2.

6. Nesting birds informative

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

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

All vegetation clearance, tree removal and/or 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. No clearance works can take place with 5m of an active nest.

7. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: snn@shropshire.gov.uk. Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.

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