

Committee and date

South Planning Committee

10 March 2015

Development Management Report

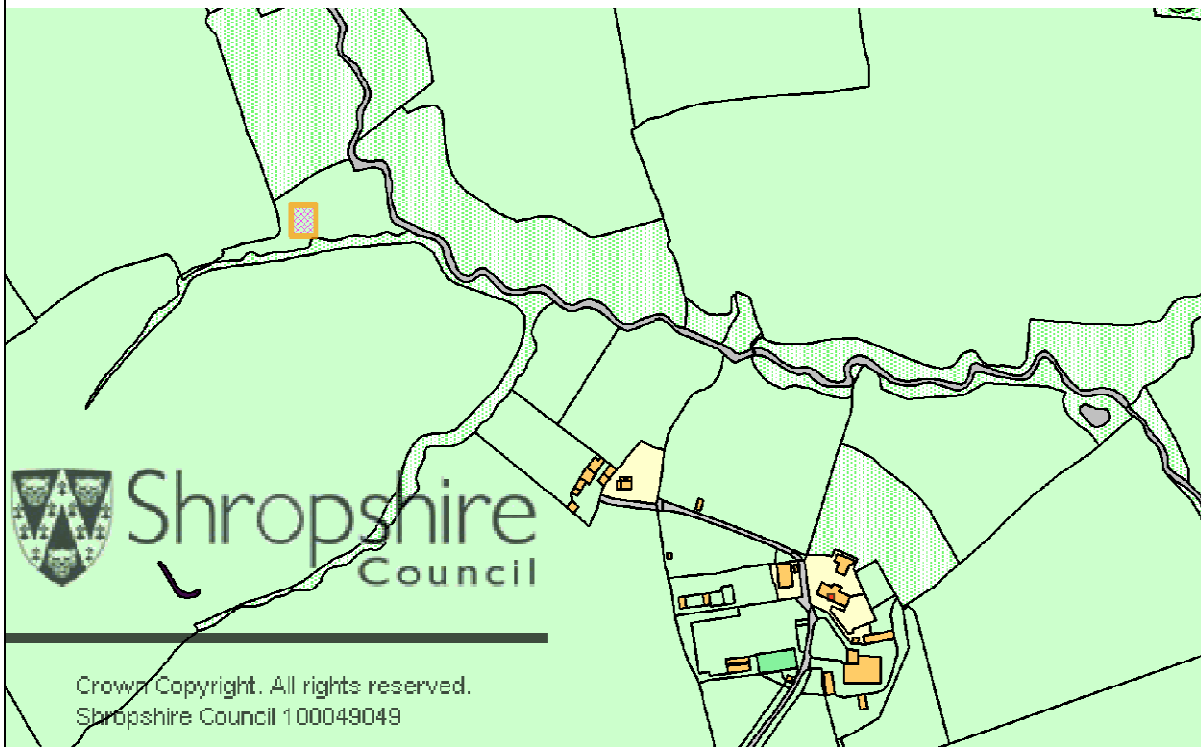
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Summary of Application

Application Number: 14/03937/COU	Parish:	Stottesdon
Proposal: Use of land for the stationing of one accommodation unit for on-site key worker; works to existing vehicular access track; installation of package sewage treatment plant		
Site Address: Stanley Farm Chorley Bridgnorth WV16 6PS		
Applicant: Willowdene Farm Ltd		
Case Officer: Richard Fortune	email: planningdmse@shropshire.gov.uk	

Grid Ref: 368956 - 284482



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Recommendation: This is dependent upon the decision on application 14/03842/FUL elsewhere on this agenda: Either

1)- Grant Temporary Permission in event of planning application 14/03842/FUL being approved, and the subject to the conditions set out in Appendix 1, or

2)- Refuse Permission in the event of planning application 14/03842/FUL being refused, for the following reason:

The site is outside of a settlement in a remote open countryside location where a new build residential dwelling unit would not normally be permitted unless required by an essential rural worker to live permanently at or near their place of work in the countryside and there are no suitable buildings available for conversion to meet that need. No such need exists in this case and the proposal would be contrary to Shropshire Core Strategy policy CS5, the associated Shropshire Type and Affordability of Housing SPD 2012 and paragraph 55 of the National Planning Policy Framework. There are no other material considerations of sufficient weight to justify a Departure from Development Plan housing policies in this case.

REPORT

1.0 THE PROPOSAL

- 1.1 The proposed accommodation would take the form of a rectangular structure measuring some 20 metres by 6.8 metres. It would have external walls of timber weatherboard, stained dark brown, with a shallow dual pitched roof of insulated tile effect cladding. A gable design feature would be added to each long elevation, creating a cruciform roof arrangement and to break up the long elevations. The accommodation it would provide would comprise of a lounge; kitchen/dining area; hall with wc; two bedrooms (one en-suite); bathroom; office and store.
- 1.2 The structure would be positioned in open countryside, at the end of a long field access track which would terminate in a parking area for three vehicles immediately on its eastern side. The same access track would serve the three log cabins proposed in application 14/03842/FUL to form a rehabilitation centre on land immediately to the north west of this proposed key worker accommodation. The role of the proposed accommodation would be to house the key worker providing care/supervision of the occupants of the log cabins who are in receipt of rehabilitation treatment and training. How the proposed development would function is explained in the supporting statement accompanying the applications, the summary of which is set out in 1.3 below.
- 1.3 *“Willowdene Farm is the leading provider of rehabilitation and training (for those with an offending or substance misuse history) in the country. It was established in 1988 by Mr John Home MBE and Mrs Jenny Home and is now operated by Dr Matthew Home and his wife Sarah. In its 26 year history it has provided opportunities for those struggling with substance misuse and offending an opportunity to break the cycle and live the life they were designed for. Willowdene throughout its history has continued to develop and expand its facilities. This has created the right environment for its students to maximise their opportunities whilst undertaking activities on the sites.*

In 2010 Willowdene embarked on delivering day care services to ex-offenders across West Mercia and it achieved unrivalled success with 75% of all students graduating. Willowdene has undertaken many contracted and piloted programmes in conjunction with West Mercia Probation Trust, the National Offender Management Service, National Treatment Association, Ministry of Justice and Department of Health. It is now recognised as one of only 24 sites in England & Wales as a National Liaison and diversification centre. Building upon its success across West Mercia a strategic decision was taken in 2012 to only offer services to West Mercia and Warwickshire, thus ceasing its historic national referral catchment.

Willowdene in conjunction with Stanley Farm offers residential and day provision for students to address their substance misuse and offending backgrounds. It provides therapeutic input and skills training in a range of qualification areas, including Agriculture, Forestry, Horticulture, Key skills and Engineering. Willowdene and Stanley are set in 235 acres of woodland, pasture and arable land. The students are involved in daily activities which contribute to the Social Enterprise. Any surpluses generated are ploughed back into the company to subsidise the next group of students coming to Willowdene.

It has long been a passion of the Home family to expand its services and offer provision to Women offenders across West Mercia. Traditionally there has been little alternative for magistrates other than custody and often this resulted in women facing custody due to the lack of alternatives. Typically 20% of women offenders result in a custodial sentence compared to 10% of male offenders for short term sentences.

Working with the Ministry of Justice and West Mercia Probation Trust, Willowdene is planning on offering an all-female residential unit as an alternative to custody for ex-offenders so that they can have an opportunity to rebuild their lives. This is a highly innovative and ground breaking project which is likely to be the forerunner across England and Wales. The 12 month pilot, which, commenced in April 2013, was highly successful with 92% of the women completing their programme. The proposal is for the erection of a log cabin on land at Stanley Farm (in accordance with the caravan sites act) to provide residential accommodation for John and Jenny Home as site key workers. It is proposed that this would be converted to full residential after three years when the business has been established.”

- 1.4 A temporary three year planning permission is sought for the proposed key worker accommodation, in a similar manner to the approach taken to agricultural workers dwellings in the countryside where there is a newly established or expanded business enterprise which claims there would be an essential, immediate need for the accommodation. In the event of an approval the need would be reviewed after a period of operation, before any decision is taken on the provision of permanent residential accommodation tied to the rehabilitation centre use.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is situated in open, undulating countryside some 400 metres to the northwest of buildings at Stanley Farm It is bordered by woodland and a stream to the east, with a tributary/ditch to the stream, with planting, also running along the southern site boundary. An area of woodland also abuts part of the northern site boundary. There are no public footpaths in the immediate vicinity of the site and the surrounding topography combined with hedge and tree planting means that the site is relatively well screened from distant views. The access road to the site extends westwards across the fields and would be provide with four passing places. This road joins with the county unclassified public highway just to the north of Lower Northwood.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council has submitted a view contrary to the Officer recommendation and the Area Planning Manager in consultation with the Chairman agree that the Parish Council has raised material planning issues and that the application should be determined by Committee.

4.0 Community Representations

- Consultee Comments

- 4.1 Stottesdon and Sidbury Parish Council – Object:
Whilst Councillors commend Willowdene for the very important work they carry out in the community they object to the above two sets of plans for the following reasons:
- ☐ Concern that this development is in the wrong place – this is sporadic development in the open countryside.
 - ☐ Too far away from Stanley Farm and all necessary services.
 - ☐ A mix of holiday lets with the units to be used by Willowdene Farm seem most inappropriate.

- ☐ Councillors query whether the lane to be used which has been classed as 'existing track' was there before this proposal. As the track has commenced then this is considered to be a retrospective application in respect of this.
- ☐ Query the need for 3 bedroom accommodation for holiday lets?
- ☐ This development is accessed from a narrow road.
- ☐ Sewerage should also be checked carefully as this development is close to a water course.

Councillors have always been keen to endeavour to protect the landscape within our Parish. Concern was expressed as to what will happen to these units if there is a default in the event of any funding being withdrawn – will they all become 'holiday lets'?

Whilst making their comments Councillors have been very mindful of Sustainability, Environment/Economic and Local opinion.

Councillors request that these applications go to committee due to the wide ranging implications and the interest of other agencies i.e. Ministry of Justice.

4.2 SC Highways Development Control – No Objection.

In consideration of the existing agricultural use of the site, Shropshire Council as Highway Authority considers the access and local road network are adequate to accommodate the nature and scale of traffic likely to be generated by the proposed development. It is recommended that construction details of the proposed passing places as detailed on submitted drawing 03/2014/02b should be submitted for approval prior to commencement and constructed prior to occupation.

It is recommended that the following planning conditions are attached to any permission granted;

E5. **On-site Construction**

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

NS01.

Prior to the commencement of the development full engineering details of the proposed passing places shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details before building first occupied.

Reason: To ensure a satisfactory means of access to the highway.

4.3 SC Drainage – No Objection:

The proposed surface water soakaway is acceptable.

The following drainage details, plan and calculations could be conditioned if planning permission were to be granted:

Full details, plan and sizing of the proposed package sewage treatment plant and the drainage fields should be submitted for approval. British Water Flows and Loads: 4 should be used to determine the number of persons for the proposed dwelling i.e. for a 2 bedroom dwelling, the population equivalent should be 5 and the sizing of the proposed package sewage treatment plant and drainage fields should be designed to cater for a minimum of 5 persons.

Reason: To ensure that the foul water drainage system complies with the Building Regulations H2.

4.4 SC Ecology – No Objections:

Ecology

In order to protect any potential Water Vole, Otters that may be using the water course the applicant has proposed a minimum of 20m buffer between the water course and the proposed development site. This buffer shall be marked out during construction so machinery works are excluded at this distance. This exclusion fencing will also help reduce any increase in sediment entering the water course during construction.

There are no mature trees to be felled as part of this development. A lighting condition will be on the decision notice which will help control the strength of lighting and ensure that it is not directed towards ecological corridors. The applicant has confirmed that there will be a buffer of at least 5m from the woodland edge to the proposed development.

The proposed application includes enhancements through hedge planting. SC Ecology would recommend planting a mix of native species of local variety. An appropriate landscape condition should be on the decision notice.

Several ponds are to be created. Advice is available on the internet of how to create a pond for wildlife. An example link is - <http://www.freshwaterhabitats.org.uk/projects/million-ponds/pond-creation-toolkit/>. SC Ecology can provide guidance on pond creation if required. No fish should be added to these ponds.

The following conditions and informatives should be on the decision notice.

1. A total of 2 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site prior to first occupation of the buildings hereby permitted.
Reason: To ensure the provision of nesting opportunities for wild birds.
2. A total of 2 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building hereby permitted. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.
Reason: To ensure the provision of roosting opportunities for bats which are European Protected Species
3. 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 development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet *Bats and Lighting in the UK*
Reason: To minimise disturbance to bats, a European Protected Species.
4. Prior to the commencement of work the site should remain short cut. A minimum of a 20m buffer shall be fenced off parallel to the banks along the length of the water course, put in place within the site to protect the watercourse during construction works. No access, material storage or ground disturbance should occur within the buffer zone.
Reason: To ensure the protection of the Environmental Network.

Informative

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

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

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

Informative

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 closefitting 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.

Informative

Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992.

No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992).

All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.

-Public Comments

4.5 22 Objections, which are summarised below. The full texts of the letters may be found on the Council's web site. Some of these letters have related to both this application and 14/03842/FUL in the comments made.

-Access has been widened and improved prior to submission of this application; has detrimental impact on landscape.

-Northwood Lane is a narrow lane with few places to pass and could not easily accommodate additional traffic.

-Lanes not suitable for holiday makers continually leaving and entering the site during their stay.

-Difficult access for emergency services.

-Gradient of access difficult to use in winter.

-Question whether an access road has existed across the fields prior to recent works.

-Plans show 12 parking spaces and this number of cars would cause concern.

-Unspoilt area with no existing infrastructure for development.

-Open agricultural land and farmers in this area are always hoping to either buy or rent land.

-Field abutting site has a right of way and walkers appreciate the secluded and unspoilt countryside.

-Must not encourage sporadic developments if Shropshire is to keep its reputation of being beautiful and rural.

-Need to conserve our agricultural land.

-Noise and disturbance during construction and following completion will have a detrimental effect upon wildlife and rural environment.

-Light pollution will also affect wildlife.

-Roadway may be lit at night.

-No evidence of the ecology report.

-Partial damming of stream has already taken place.

-Aware that there are newts in the local vicinity.

-Deer find area a safe haven away from the now popular "touristy" Wyre Forest.

- Not in line with Parish Plan to protect the environment.
- Harm beauty of the countryside.
- Trees already removed at entrance to site.

- Prospect of use in area not an attractive proposition. Proposal states a 75% success rate for rehabilitation students which, whilst commendable, still means a 25% failure and concerned about impact on residents living in close proximity.
- Mix of holiday lets and rehabilitation accommodation not compatible.
- Question whether people in need of these facilities should be removed from their known environment.

- Conflicting information on the size of the cabins.
- If approved could be further expansion, turning countryside into one gargantuan rehabilitation centre.
- Set precedent and abusing the recently relaxed planning laws.
- No benefit to the local economy.
- Existing consents between this site and Bewdley which could be utilised if there is a genuine need.

- Contrary to Core Strategy policies CS5 as not within settlement or closely linked to an existing business; and CS16 in not being appropriate to its location, harming the tranquil character of the area.

- Should seek a site closer to existing settlements and possible use of existing buildings.

- Suggest siting accommodation at Willowdene, Stanley Farm or woodland close to Midwinters where farm has areas of development.

- National Planning Policy discourages development on 'greenfield' land and seeks the continued protection of the open countryside.

- SAMDev plan notes in MD11.7 comments that log cabins are recognised as having a greater impact on the countryside.

- Outside of the policy CS4 Stottesdon, Chorley and Bagginswood Community Cluster.

- Would not enhance countryside vitality and character, and have not demonstrated why the development could not be sited at existing facilities as required by policy CS5.

- Does not satisfy policy CS6 as would not protect, conserve or enhance the environment; would not take into account local context and character; would mean any access to and from site is likely to be by car; no details of renewable energy technologies provided.

- Not an appropriate location under policy CS11 for housing for vulnerable people and specialist provision.

- Under policy CS16 proposals would harm this tranquil part of Shropshire; not part of an established tourism enterprise.

- Harms landscape policy CS17 seeks to protect.

- Would fail to satisfy draft Development Management policies MD2; MD4; MD7a; MD8; MD11 and MD12.

- No meaningful justification provided to show there is a need for key workers on site; dwelling clearly contrary to Core Strategy policies.

- No substantive evidence to demonstrate why the rehabilitation units should be

physically remote from existing built development; no business plan provided.

-No information supplied of pilot study.

-Not clear how holiday lets would provide a subsidy for the rehabilitation activities.

-Not an acceptable location for specialist housing under policy CS11.

-Any consent should be subject to a Section 106 Agreement prohibiting independent occupation of the holiday lodges and requiring the removal of all features from the site and restoration as farmland if and when the use of the site for the primary purpose of the accommodation of women in rehabilitation were to cease for a period of more than 6 months.

-Object to siting and not the essence of the proposals.

-What would happen if the part funding by the Ministry of Justice is withdrawn after the General Election?

-No specific detail of works proposed to access track.

-No evidence to demonstrate that a track between Northwood Lane and the position of the proposed lodges has ever existed; description incorrect as the works proposed are not to an existing track but the establishment of a new vehicular track.

-Access track works detract from the character and appearance of the open countryside regardless of the frequency and degree of traffic movements associated with them; changes in levels substantial to provide a safe and durable driveway.

-Amendments should be presented as an entirely new application; confusing as much of the supporting justification relates to the former development proposals.

-Application incorrectly described as intended for permanent residential use after 3 years and includes extensive engineering operation in forming an 800m vehicular access track across the countryside.

-If this property were to revert to a single dwelling after 3 years it is inconceivable that the occupiers could meet all of the staff needs, in the way in which they have been described in the two applications and therefore there would be further pressure for additional on-site staff accommodation thereafter.

-Degree of on-site staffing a concern given the remote location and nature of clientele; question whether this would be sufficient to deal with problems at the site; activities should be located where there is an abundant staff resource and easy access for emergency services.

-Recognise need for wc/rest room and may be office but not sleeping accommodation.

-Better to have key worker accommodation and rehabilitation centre connected to existing facilities to deal with emergencies.

4.6 1 Letter of support:

-Since 2010, West Mercia Probation Trust and Willowdene have jointly developed ground breaking and innovative programmes for disenfranchised individuals. These programmes have been transformative in the lives of those individuals who

accessed them, delivering lasting change and contributing to reduced re-offending across the region.

-The most recent of these innovative and ground breaking programmes was the development of an Alternative to Custody residential programme for female offenders. This programme was the first in the country to address the unfairness in the sentencing of female offenders, by offering a genuine alternative to a custodial sentence that is recognised through the judicial service.

-Launched as a pilot in April 2013, and commissioned from April 2014, the Women's Alternative to Custody programme continues to transform lives, without the trauma that a custodial sentence causes to both the offender and her family (often including young children). It also helps to break the cycle of intergenerational patterns of offending behaviour that we know are fuelled by family breakdown associated with parental incarceration. The long term benefits to the community, as well as to the offender and her immediate family across a range of indicators are enormous.

-Although Willowdene has accommodated this residential requirement on their current site, there is a definite need for the women accessing the Alternative to Custody programme to be placed on a separate, and isolated location. The effectiveness of the programme is put at risk by the distractions that residing on a mixed, and multi-functional site cause. The constant throughput of individuals not subject to a residential requirement, many of whom may be known to the women sentenced to the Alternative to Custody, is unsettling, and can impede the progress these women are able to make with the transformative process embedded within the programme.

-In addition, by accommodating the Alternative to Custody on Willowdene's existing site, the number of males able to access residential services is substantially reduced. This further impedes the level of impact, transformation and, therefore, contribution to reducing offending across the region, that Willowdene is able to deliver.

-During the recent Transforming Rehabilitation Agenda, the Ministry of Justice praised Willowdene's innovation and quality of service, of which this Alternative to Custody programme is another example.

5.0 THE MAIN ISSUES

Principle of development
 Claimed Need for Dwelling
 Siting, scale and design of structure and impact on the rural landscape
 Highway Safety and Access
 Drainage
 Ecology
 Neighbour and Local Amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The National Planning Policy Framework (NPPF), at paragraph 28, supports the sustainable growth and expansion of all types of business and enterprise in rural areas. It is advised that plans should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and

which respect the character of the countryside. With respect to housing in rural areas paragraph 55 of the NPPF advises that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances and one of the examples of a special circumstance given is:

“- the essential need for a rural worker to live permanently at or near their place of work in the countryside;”

- 6.1.2 Shropshire Core Strategy policy CS5 accords with the NPPF in stating 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 new economic development diversifying the rural economy, including farm diversification schemes;
 - Dwellings to house agricultural, forestry or other essential countryside workers

The policy advises with respect to this type of housing development that applicants will be required to demonstrate the need and benefit for the development proposed. It continues that development will be expected to take place primarily in recognisable named settlements or be linked to other existing development and business activity where this is appropriate.

- 6.1.3 The claimed need for a dwelling in this case is dependent upon the Council's decision on planning application 14/03842/FUL and that application therefore has to be determined first: Without that scheme being approved there would be no development for this proposed key worker dwelling to service. Should planning application 14/03842/FUL be refused, this application would be recommended for refusal in principle on the grounds of there being no essential need for the dwelling unit in this countryside location. Should application 14/03842/FUL be approved, consideration has to be given to whether the activity/use of those structures would generate an essential need for on-site residential accommodation. This matter is considered further below, along with other site specific issues.

6.2 Claimed Need for Dwelling

- 6.2.1 The reasons why a relatively remote siting is proposed for the development has been explained in the supporting statement, the summary of which is reproduced at paragraph 1.3 above. A further statement setting out the justification for the proposed dwelling has been provided by the applicant and is set out below:

The planning includes the proposal of key worker accommodation in a separate building, in addition to a single room being available for overnight accommodation for duty staff (in the communal unit). Whether this site was proposed for an inner city development or as submitted in this application the same amount of key worker cover would be required to provide the correct levels of cover and create the correct atmosphere.

The key worker accommodation (site manager) enables student supervision and models an extended family environment. This approach as proven through the 27

years of operation at Willowdene is key to the change process. The key workers accommodation will provide stability to the students as they will be the constant for the students. The key worker (site manager) will be based at the site living in the accommodation as their home, this will be required to provide the constant 'as and when needed' therapeutic intervention, that stability, sense of family and modelling normal life. They also provide the immediate on site support if required at nights for the duty staff. It is unrealistic to expect the key worker to provide 24/7 cover as they will need breaks but are on hand if needed.

The accommodation in the communal unit, which consists of an en-suit bedroom only, is for the functionality of overnight accommodation (duty worker). This role is undertaken by duty staff on a rota basis. This duty staff role will provide cover, to meet the needs of the students during the night and, provide assistance for support such as fire alarm, and out of hours working. The key worker (site manager) can also be called upon for support if needed.

There is no existing dwelling or building which could be converted that could in close proximity to the proposed rehabilitation accommodation that could fulfil the role outlined in the supporting statements. It is considered that the support and training which would be provided to the client group would require there to be 24hour supervision adjacent to the residential and training facility. The proposal would therefore be akin to a key worker needing to live permanently at or near their place of work, which NPPF paragraph 55 and Core Strategy policy CS5 would allow. It is considered that the operation of the rehabilitation centre in the manner outlined by the applicants would have a requirement for a dwelling unit to supplement the overnight staff accommodation in the communal unit.

- 6.2.2 The application seeks a temporary planning permission for three years for the key worker accommodation to serve this new element of the established drug rehabilitation activity. Such a temporary consent would allow for the need for a dwelling to be reviewed in the light of experience. This would parallel the approach taken with new agricultural enterprises in the countryside where, if an essential need for on site accommodation is established, a consent for temporary residential accommodation gives the opportunity for the business activity to establish and demonstrate the need. The case for a dwelling is then reviewed at the end of the temporary period (typically three years).

6.3 Siting, scale and design of structure and landscape impact

- 6.3.1 Section 7 of the NPPF requires good design and Core Strategy policy CS6 seeks to ensure that development is appropriate in scale, density, pattern and design taking into account the local context and character. The form of the structure in this case, which would have to be capable of removal after 3 years, is that of a mobile home that would meet the definition of a caravan in planning legislation. The positioning of the structure would be well related, in line of sight to the residential rehabilitation and training unit and, coupled with the existing tree and hedge planting to be retained (no trees would be removed as part of the proposals) and new planting and topography, would not be prominent in the rural landscape. The scale of the accommodation provided by the log cabin style mobile home (Three bedrooms with a floor area of some 136sqm) is considered proportionate for its role. The external

appearance of the structure, with timber clad external walls and roof tiles would not detract from the rural setting. The colours of the external finish would be controlled through a planning condition on any planning permission issued, as would the details of the landscaping scheme.

6.3.2 With regard to the access road a number of third parties have questioned whether this is new development. The applicant has responded that the track was in existence 2009/10 prior to their purchase of Stanley Farm and has submitted a satellite image from that time. This track has been improved with local stone surfacing in the spring of 2013. The re-surfacing of an existing track would not have required planning permission. In any event it is considered that the finish and alignment of the access track does not detract from the visual amenity and rural character of the area.

6.4 Highway Safety

6.4.1 Core Strategy policy CS6 seeks to ensure that all development is safe and, in respect of highway safety, saved Local Plan policy D6 requires that the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated. There is adequate visibility at the access track junction onto Northwood Lane. The access track and associated passing places are considered suitable to accommodate agricultural traffic and that likely to be generated by this proposal and the development contained in application 14/03842/FUL. The application is accompanied by a study of passing places on the predominantly single track local road network in the area. The likely traffic flows from this proposal would not be sufficient in volume or type to justify a refusal on highway safety grounds and SC Highways Development Control have raised no objections. There is a duplication of the proposed passing places on the access track in the two applications and, given that the implementation of any temporary consent issued for this proposal would be dependent upon the provision of the rehabilitation accommodation, it is considered sufficient to stipulate that the residential accommodation unit shall not be occupied until the passing places contained in application 14/03842/FUL have been constructed.

6.5 Drainage

6.5.1 Core Strategy policy CS18 relates to sustainable water management. The proposed development is on land classified by the Environment Agency as Flood Zone 1 (i.e. land outside the floodplain), defined as little or no flood zone risk. The site is surrounded by extensive areas of agricultural land which is under the control of the applicant which means that there would be no constraints relating to land ownership in achieving satisfactory drainage arrangements. The Council's Flood and Waste Water Management Team have studied the drainage information supplied and are content that satisfactory drainage arrangements can be achieved without risk of pollution of the water environment. The drainage details can be conditioned on any approval issued and would also be the subject of building regulations approval.

6.6 Ecology

6.6.1 Core Strategy policies CS6 and CS17 seek to ensure that all new development protects, restores, conserves and enhances as appropriate the natural environment, and does not adversely affect the ecological functions of that asset.

The application is accompanied by details of the countryside stewardship scheme which applies to the site and surrounding land. SC Ecology are content that the proposals would not harm ecological interests. To protect any potential water voles and otters that may be using the water course there would be a minimum 20 metre buffer between the water course and the proposed development. Ecological interests would be safeguarded by conditions relating to external lighting; provision of artificial nests and bat boxes; and the 20m buffer.

6.7 Residential and Local Amenity

6.7.1 Consideration is given under Core Strategy policy CS6 to the contribution developments would make to the health and wellbeing of communities, including safeguarding residential and local amenity. It is considered that the proposed temporary residential accommodation, which would be some 250 metres from the nearest existing dwelling, would not detract from the residential amenities of the area. With regard to local amenity, the activities associated with a single dwelling in connection with the proposed rehabilitation facility would not significantly impact on rural tranquillity. It is acknowledged that the proposal would result in more artificial light in the locality during the hours of darkness, but given the small scale nature of the proposal, the local amenity value of the countryside would not be unduly harmed or impacted upon to an extent that would warrant a refusal.

7.0 CONCLUSION

7.1 The application site is an open countryside location where new dwellings would not normally be permitted, unless required to house an essential worker who has to live at or near their place of work. If planning permission is given for the 3 log cabins to form the rehabilitation centre (ref 14/03842/FUL), it is considered that the operation of the rehabilitation component would require the presence of a key worker on site. Should that application be refused, there would be no requirement for this proposed residential accommodation. A consent would need to be for a temporary three year period to allow for the establishment of the rehabilitation centre and a review of the operation of that facility and the need for a dwelling unit to service it at the end of that period, in a similar manner to the approach taken to proposals for dwellings at newly established or expanded agricultural/forestry business operations. The temporary accommodation unit would be subject to an occupancy restriction linking it to the Willowdene Farm enterprise.

7.2 The proposal would not detract from the visual amenity and rural character of the area, would not be detrimental to highway safety and would not significantly impact upon neighbour or rural amenity. Ecological and drainage conditions can be safeguarded adequately through planning conditions.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written

representations, hearing or inquiry.

- ② 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 three months 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
National Planning Practice Guidance

Shropshire Core Strategy and Saved Bridgnorth District Local Plan Policies:

CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management
S1 Development Boundaries
D6 Access and Car Parking

SPD on the Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

BR/76/0192 Erection of a first floor side extension to provide two additional bedrooms and a shower room and conversion of existing garage into a dayroom REC
12/01999/AGR An existing steel portal framed cattle shed with 4 bays being moved from being directly adjacent to the traditional buildings PNR 15th June 2012
12/02423/AGR Erection of an agricultural building PNR 20th June 2012
BR/APP/FUL/02/0589 Erection of propagating house and extensions to two glass houses GRANT 23rd September 2002
BR/APP/FUL/00/0416 Erection of net polytunnels GRANT 31st July 2000
BR/97/0490 RETENTION OF AN AGRICULTURAL BUILDING REF 17th November 1997
BR/97/0078 ERECTION OF AN AGRICULTURAL/HORTICULTURAL BUILDING REF 14th April 1997
BR/96/0704 ERECTION OF FOUR FIELD SHELTERS GRANT 15th January 1997
BR/96/0502 ERECTION OF POLY TUNNELS AND A GLASSHOUSE GRANT 23rd September 1996

Appeal

09/01136/REF RETENTION OF AN AGRICULTURAL BUILDING ALLOW 3rd February 1998

11. Additional Information

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Supporting Statements.

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Gwilym Butler

Cllr Madge Shingleton

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. This permission shall be for a period of 3 years from the date of this decision notice, by which date the use hereby permitted for the stationing of the accommodation unit shall cease, and the site reinstated to its previous condition in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority, unless a further planning permission has been given to continue the use. The scheme shall be approved prior to the commencement of any works to reinstate the land.

Reason - To enable the Local Planning Authority to assess the impact of, and give further consideration to this use at the expiration of this permission, having regard to the circumstances existing at that time, and in the interests of visual amenity.

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

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

3. The first occupation of the residential unit hereby approved shall not take place until the rehabilitation unit contained in application 14/03842/FUL is ready for first use, and the occupation of the residential unit shall be limited to a person solely or mainly employed in the rehabilitation centre occupying the plot edged red on the attached plan, or a widow or widower of such a person, or any resident dependants.

Reason: Permission has only been granted because there is an essential need sufficient to override the general presumption against new residential development in this area.

4. Prior to the stationing of the residential accommodation unit on the land details of the proposed external facing materials, including colours and finishes to walls, roofs, windows, doors and access paths/steps/ramps shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details and there shall be no subsequent changes to the approved colours without the prior written approval of the Local Planning Authority.

Reason: In the interests of the visual amenities of the area.

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

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

6. No development approved by this permission shall commence until there has been submitted to and approved by the local planning authority a scheme of landscaping and these works shall be carried out as approved. The submitted scheme shall include:

Means of enclosure

Hard surfacing materials

Minor artefacts and structures (e.g. refuse or other storage units, signs, lighting)

Planting plans

Written specifications (including cultivation and other operations associated with plant and grass establishment)

Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate

Implementation timetables

All hard and soft landscape works shall be carried out in accordance with the approved details with any plant losses during the duration of the consent replaced with others of species, size and number as originally approved by the end of the first available planting season.

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

7. A total of 2 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site prior to first occupation of the building hereby permitted.

Reason: To ensure the provision of nesting opportunities for wild birds.

8. A total of 2 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building hereby permitted. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

Reason: To ensure the provision of roosting opportunities for bats which are European Protected Species

9. 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 development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK

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

10. Prior to the commencement of work the site should remain short cut. A minimum of a 20m buffer shall be fenced off parallel to the banks along the length of the water course, put in place within the site to protect the watercourse during construction works. No access, material storage or ground disturbance should occur within the buffer zone.

Reason: To ensure the protection of the Environmental Network.

11. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - wheel washing facilities
 - measures to control the emission of dust and dirt during construction
 - a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

12. The residential accommodation unit shall not be occupied until the passing places on the access track contained in application 14/03842/FUL have been constructed.

Reason: To ensure a satisfactory means of access to the highway.

Informatives

1. 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 187.
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 £97 per request, and £28 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. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

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

4. 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 closefitting 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.
5. Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992.

No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992).

All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.