



Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Monday, 8 October 2018

Committee:
North Planning Committee

Date: Tuesday, 16 October 2018
Time: 2.00 pm
Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

You are requested to attend the above meeting.
The Agenda is attached

Claire Porter
Head of Legal and Democratic Services (Monitoring Officer)

Members of the Committee

Roy Aldcroft
Joyce Barrow
Gerald Dakin
Pauline Dee
Rob Gittins
Roger Hughes
Vince Hunt (Vice Chairman)
Mark Jones
Paul Milner
Peggy Mullock
Paul Wynn (Chairman)

Substitute Members of the Committee

Nicholas Bardsley
Karen Calder
Steve Davenport
Ann Hartley
Simon Jones
Matt Lee
David Minnery
John Price
Brian Williams

Your Committee Officer is:

Emily Marshall Committee Officer

Tel: 01743 257717

Email: emily.marshall@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive apologies for absence.

2 Minutes (Pages 1 - 6)

To confirm the Minutes of the meeting of the North Planning Committee held on 24th July 2018, attached, marked 2.

Contact: Emily Marshall on 01743 257717

3 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 2.00 p.m. on Monday, 15th October 2018.

4 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

5 Caravan Storage, Land North Of The Elms, Park Green Close, Whittington, Shropshire (17/05555/COU) (Pages 7 - 20)

Change of use from agricultural land to storage of 34 touring caravans and motor homes

6 Barns at Edgeley Farm, Edgeley Bank, Whitchurch, Shropshire (16/04925/FUL) (Pages 21 - 30)

Conversion of outbuildings to form 4no. dwellings to include some demolition and reconstruction; associated garaging and drainage

7 Appeals and Appeal Decisions (Pages 31 - 58)

8 Date of the Next Meeting

To note that the next meeting of the North Planning Committee will be held at 2.00 pm on **Monday**, 19th November 2018, in the Shrewsbury Room, Shirehall, Shrewsbury.



Committee and Date

North Planning Committee

16th October 2018

NORTH PLANNING COMMITTEE

Minutes of the meeting held on 24 July 2018

In the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

2.00 - 3.22 pm

Responsible Officer: Emily Marshall

Email: emily.marshall@shropshire.gov.uk Tel: 01743 257717

Present

Councillor Paul Wynn (Chairman)

Councillors Roy Aldcroft, Gerald Dakin, Rob Gittins, Roger Hughes, Vince Hunt (Vice Chairman), Paul Milner, Peggy Mullock, Steve Davenport (Substitute) (substitute for Mark Jones) and Matt Lee (Substitute) (substitute for Joyce Barrow)

20 Apologies for Absence

Apologies for absence were received from Councillors Joyce Barrow (substitute: Matt Lee), Pauline Dee and Mark Jones (Substitute: Steve Davenport).

21 Minutes

RESOLVED:

That the Minutes of the meeting of the North Planning Committee held on 26th June 2018 be approved as a correct record and signed by the Chairman.

22 Public Question Time

There were no public questions, statements or petitions received.

23 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

In relation to planning application 18/00324/MAW, Broughall Fields Farm, Ash Road, Whitchurch, Councillor Peggy Mullock declared that she knew people who worked at the site and that she would withdraw from the meeting during consideration of the application, taking no part in the debate or vote.

24 Broughall Fields Farm, Ash Road, Whitchurch, TF8 7BX (18/00324/MAW)

In accordance with her declaration at Minute 23, Councillor Peggy Mullock withdrew from the meeting during consideration of the application. Before she withdrew

Councillor Mullock asked the Principal Planning Officer to confirm whether or not the concerns of Whitchurch Town Council had been addressed.

The Principal Planning Officer introduced the application for the installation of additional infrastructure at an operational Anaerobic Digester (AD) site, and the installation of two digestate lagoons. Members' attention was drawn to the information contained within the schedule of additional letters. The Principal Planning Officer outlined amendments that were needed to conditions 7 and 8, in order that they met appropriate legal tests.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Gerald Dakin, as local ward councillor, made a statement and then moved to the back of the room, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- He was generally supportive of the application and was pleased that the concerns of Whitchurch Town and Rural Parish Council's had been addressed;
- He had one concern, which related to the log drying plant. Whilst he accepted that there was a need for it, he requested that consideration be given to putting a time constraint on the activity, for two years only, to work up a scheme for the access road.

Having considered the submitted plans and listened to the comments made by all of the speakers, the majority of Members expressed their support for the proposals, taking on board the suggestion of the local ward councillor to include a condition imposing a two year time constraint on log drying and the amendments to conditions 7 and 8 as recommended by the Principal Planning Officer.

RESOLVED:

That planning permission be **granted** subject to:

- The conditions set out in Appendix 1
- A condition imposing a time constraint on log drying, to two years:
- An amendment to conditions 7 and 8, removing the words, 'unless otherwise approved in writing by the Local Planning Authority', in order to meet appropriate legal tests.

25 Corner Farm Welshampton, Ellesmere, Shropshire, SY12 0QA (18/01269/FUL)

The Principal Planning Officer introduced the application for the extension to caravan and camping site, to include change of use of land (re-submission) and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area. Members' attention was drawn to the information contained within the schedule of

additional letters, which detailed the conclusions of the Council's Landscape Consultant.

Councillor Guy Wellsbury, on behalf of Welshampton and Lyneal Parish Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Brian Williams, as local ward councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- As the local ward councillor, he had requested that that the application be determined by Committee to support the parish council;
- However he was now satisfied that the concerns raised by the town and parish councils had been addressed.

Linda Edwards, the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

During the ensuing debate, Members of the Committee expressed their support for the proposals, which supported rural tourism and would bring economic and community benefits to the area.

In response to concerns raised relating to mobile caravans being left on site permanently, the applicant confirmed that, in order to meet grant criteria the site would be open all year round. Members therefore felt that condition 11 should be reworded to restrict the length of time mobile caravans could remain on site.

Having considered the submitted plans and listened to the comments made by all of the speakers, the Committee unanimously expressed their support for the proposals, acknowledging that the development was in accordance with Shropshire Core Strategy policies, SAMDev and the overall aims and objectives of the National Planning Policy Framework in relation to sustainable development.

RESOLVED:

That planning permission be granted subject to:

- The conditions set out in Appendix 1
- Delegated authority being granted to the Head of Planning Services, to amend any of the recommended conditions if considered necessary by the Head of Service, in particular condition 11 to ensure that mobile caravans did not remain on site permanently.

**26 Land At Winston, Ellesmere Road, Tetchill, Ellesmere, Shropshire
(18/00833/FUL)**

The Principal Planning Officer introduced the application for the siting of 3 log cabins, construction of an associated access track and parking area and all associated works to include change of use of land and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area. Members' attention was drawn to the information contained within the schedule of additional letters.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Brian Williams, as local ward councillor, made a statement and then moved to the back of the room, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- Officers concerns relating to the canal bridge were not valid as the bridge was located some distance away from the site and was not particularly unique;
- The comments from the Canal and River Trust and the Council's Conservation Officer were opinions only and not based on fact;
- The cabins were in keeping with the rural location;
- The Committee should support the application which would bring economic and tourism benefits to the area and was a good example of farm diversification.

Mr Gerallt Davies, Agent on behalf of the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

During the ensuing debate, Members commented on how useful the site visit had been as they could see that the site was low lying which would lessen the visual impact of the cabins, the canal was very busy and there was a wind turbine nearby. It was also noted that the site was very close to the services at Ellesmere.

Having considered the submitted plans and listened to the comments made by all of the speakers, the majority of Members expressed their support for the proposals, contrary to the officer's recommendation as they did not consider there was a landscape impact and impact on the canal would be short lived and acceptable.

RESOLVED:

That planning permission be granted, contrary to the Officer's recommendation and that delegated authority be granted to the Head of Planning Services, in consultation with the local ward councillor, to agree an appropriate set of conditions.

27 Ifton Heath Former Primary School, Overton Road, Ifton Heath, St Martins, Oswestry (18/01959/VAR)

The Principal Planning Officer introduced application for the variation of condition no.1 attached to permission 17/01284/VAR to allow for the family to remain on site for a further temporary period of twelve months.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Steve Davenport, as local ward councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. He commented that the family had been welcomed by the village and there had been no complaints received.

Having considered the submitted plans, Members unanimously expressed their support for the proposals

RESOLVED:

That planning permission be granted subject to the conditions set out in Appendix 1.

28 Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals for the northern area be noted.

29 Date of the Next Meeting

It was noted that the next meeting of the North Planning Committee would be held at 2.00 p.m. on Tuesday 21st August 2018 in the Shrewsbury/Oswestry Room, Shirehall, Shrewsbury.

Signed (Chairman)

Date:

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Committee and Date

North Planning Committee

16th October 2018

Item

5

Public

Development Management Report

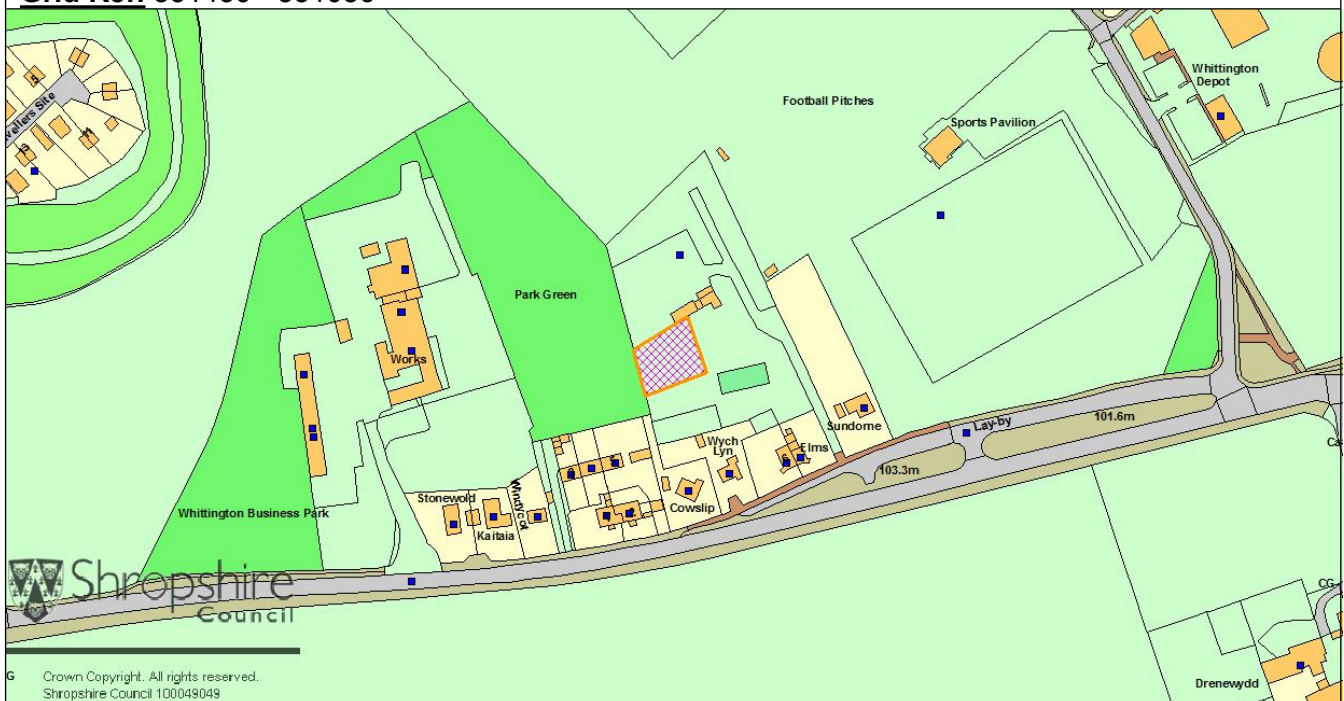
Responsible Officer: Tim Rogers

Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

<u>Application Number:</u> 17/05555/COU	<u>Parish:</u>	Whittington
<u>Proposal:</u> Change of use from agricultural land to storage of 34 touring caravans and motor homes		
<u>Site Address:</u> Caravan Storage Land North Of The Elms Park Green Close Whittington Shropshire		
<u>Applicant:</u> Mr Percival Jennings		
<u>Case Officer:</u> Oliver Thomas	<u>email:</u> planningdmnw@shropshire.gov.uk	

Grid Ref: 331430 - 331056



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

REPORT

1.0 THE PROPOSAL

- 1.1** This application is seeking full planning permission for the expansion of an existing outdoor storage facility of touring caravans and motor homes, to provide additional accommodation for 34 units (B8 Storage). The proposal sees the provision of additional hard and soft landscaping provisions whilst retaining the existing access point.
- 1.2** The proposal, as applied for, originally read for an additional 40 spaces; however, following negotiation, this was considered slightly excessive in relation to the site and was subsequently reduced to the current number of 34, totalling the number of units to 84 caravans.
- 1.3** Planning permission for the storage of 50 caravan units was originally approved under change of use consent, planning ref: 13/03020/COU.

2.0 SITE LOCATION/DESCRIPTION

- 2.1** The application site forms a parcel of un-kept rough grassland to the north of The Elms, a residential semi-detached property. The wider site is being used for a number of purposes currently; however the majority of the application site has been left overgrown and rough grassland with a dilapidated single storey wooden (and part brick) shed immediately north. Immediately to the south lies a large solar –PV array, polytunnel, of which there are neighbouring dwellings on the opposing side. The site is accessed off a no-through road, Park Green Close, which gains access off the A495 and serves only a handful of properties whilst providing a lay-by for passing vehicles.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1** The Parish Council have raised objections to the proposal which cannot be overcome through negotiation or planning conditions, contrary to the views of the case officer. As such, and in accordance with the Scheme of Delegation, consultation with the Local Ward Member occurred, in which they concurred with the Parish Council's comments and requested for a committee determination.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 SC Regulatory Services – No objections.

Having considered the proposal there is no objection to the proposal and having considered regulatory services related topics have no conditions to recommend.

4.1.2 SC Shropshire Fire and Rescue – No objection

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Services Fire Safety Guidance for Commercial and Domestic Planning Applications.

4.1.3 SC Highways Authority – No objections – 26/01/2018

A recently submitted letter appears to clarify the site for 40 caravans and motorhomes and provides the respective dimensions. It is considered that any reference to mobile homes may be erroneous as this does not appear to be the intention of the applicant.

Further details required – 02/01/2018

The addition of storage of mobile homes is noted and is considered to require further clarification. The term mobile home suggests that larger more permanent units would be brought onto the site by HGV rather than being towed as would be the case with touring caravans.

The site access is from the existing service road rather than directly onto the A495 and is unlikely to give rise to Highway safety concerns; however the site access connection with the service road may need to be reviewed in terms of the potential HGV use if mobile homes are to be brought onto site for storage or use.

4.1.4 SC Drainage (SuDS) – No objections subject to informative.**4.1.5 SC Ecology – No objection subject to conditions – 04/06/2018**

An Extended Phase 1 Habitat Survey was carried out on this site in March 2018 by Susan Worfield.

There is considered little potential for bat roosts in the building, and since they are not scheduled for demolition or repair/conversion, the impact assessment for any transient bats is small.

The buildings, debris and adjacent trees provide potential for nesting birds.

No evidence of any other protected or priority species was observed on, or in close proximity to, the site and no additional impacts are anticipated.

Additional information required – 22/02/2018

An Ecological Assessment and a Badger survey are required to support this application.

4.1.6 Independent Landscape Consultant – No objections subject to conditions.

In conclusion, the Landscape and Visual Appraisal notes that the proposed development can be successfully accommodated without undue consequences on

landscape character and will result in less than significant adverse visual effects and we are comfortable with the conclusions reached. As such, the only recommendation we would make is for the conditioning of landscape details should the application be approved.

4.1.7 Whittington Parish Council – Object

Whittington PC do not support this application at all, this is becoming a commercial business and members believe this should not be allowed to be extended to accommodate more caravans/mobile homes.

4.1.8 Cllr Steve Charmley (Local Ward Member for Whittington) – Committee determination request.

The current storage facility appears to be poorly run, and the applicant is clearly advertising it is a campsite with a roadside 'A' board, which leads local residents to believe that there is more to this than simply storage.

In addition to this the current access point is less than ideal although I accept that it is via a cul-de-sac and well away from the road.

The neighbouring property will be significantly affected by increased traffic flow into and from the site.

Therefore I ask for this to be considered by committee on the following grounds;

- Traffic and parking issues,
- Impact on the character of the area, and
- Noise, dust and general impact on neighbouring properties.

4.2 - Public Comments

4.2.1 5 letters of objection, from 2 members of the public were received, with their material considerations being summarised as follows;

- Proximity to residential properties will adversely impact on amenities enjoyed by their occupants;
- Application site is unable to accommodate large caravans, with lack of manoeuvrability space;
- Frequency of vehicular movements will be exasperated and adversely impact on local highway network;
- Proposal will result in considered adverse visual impacts;
- Increasing storage space will increase visitors and create unacceptable levels of noise disturbance;
- Site will be visible from the street scene and negatively impact upon
- Vehicles entering/exiting at unsociable hours.

4.2.2 One public representation, neither objecting to or supporting the application was received, with its material considerations being summarised as follows;

- Concern over unlawful caravan pitches;
- Concern over the total number of caravans stored on site;

- What measures of foul waste and recycling are being provisioned?;
- Park Green Close has been able to accommodate the existing stored caravans, so long as traffic management maintains then no adverse highway safety conditions will occur;
- Any change should be made with the least disturbance to neighbouring properties.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and landscaping
Highways and access issues
Impact on residential amenities
Ecology and biodiversity.

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The application site forms an extension to an existing caravan and motorhome storage facility, directly to the north and capable of storing 50 units, as conditioned under planning ref: 13/03020/COU. The enlarged storage facility is to use the existing access to the site, off the classified Park Green Close, a no-through road that serves only a handful of properties. The application site to the south of the loose-knit settlement of Park Hall, an identified Community Cluster within the SAMDev Plan.

6.1.2 With this application forming an extension of an existing storage, the proposal is considered as an expansion of an existing enterprise in a rural location, as such is supported through the Local Development Framework on the basis of providing the necessary rural re-balance, subject to the expansion being related in kind, appropriate and proportionate for the existing operations, the site and its surroundings. Based on this, the principle of development can be both established and supported, by means of making the most efficient use of a currently overgrown grassed area, which is serving little purpose other than having visual detriment to the site.

6.1.3 The Parish Council have raised concern over the commercial intensification of this site; however, there is no denying that the site is already a commercial enterprise on the basis of the existing change of use permission. Furthermore, the site holds a Caravan and Motorhome Club (CMC) 'Certified Location' certification, which allows the siting of 5 caravans without needing planning permission in accordance with The Caravan Sites and Control of Development Act 1960, resultantly this planning application is not seeking to control or limit this aspect of operations occurring on site, as regulation is provided through the CMC independently.

6.2 Siting, scale and design of structure

6.2.1 The proposal is seeking to extend an existing caravan and motorhome storage facility, to the south and on an area of rough grassland and occupying an area of 27.7m x 28.7m, along the western boundary in a rhomboid configuration due to the site layout. The site is currently ill-maintained, with a large proportion of the site being overgrown; however, the site is occupied by existing development, consisting of a

dilapidated single storey wooden shed to the north and intersecting the existing storage area and the proposed, a 10m x 22m array of solar PV panels to the south-east (planning ref: 13/04734/FUL) and a polytunnel 15m x 8m slightly further south and alongside the solar PV array.

- 6.2.2** Similarly to the existing storage area, the proposed expansion area will be cleared of vegetation and laid in hardstanding, although individual parking spaces will not be marked out, the extent of the hardstanding will be clearly visible through the wider site remaining in its semi-agricultural state and the use of marker points on each corners and the inclusion of soft landscaping features. The enlarged area will be accessed through the existing storage area, with an existing track through the site, with spaces arranged in a north-east to south-west alignment and capable of storing small to medium sized caravans and motorhomes.

6.3 Visual impact and landscaping

- 6.3.1** The wider site lies in an area where there is no single landscape characterisation; to the south is a linear form of housing, comprising a small cluster of properties; to the north and east are sports and playing fields/pitches; whilst to the west is Whittington Business Park, on the opposing side of the immediately adjoining woodland/coppice area. However, the landscape typology for this area is considered to be primarily agricultural, based on the physical and visual separation from the nearby settlement cores – Whittington and Park Hall. The Shropshire Landscape Typology (2006) categorises the immediate and wider areas as forming the principal settled farmlands landscape type, similar to the majority of Oswestry's hinterlands.

- 6.3.2** With it recognised that the storage of caravans, expanding the existing caravan storage area has the potential to cause considerable visual harm, a Landscape and Visual Appraisal (Brights & Associates, July 2018) accompanies the application, following initial concerns from the case officer and the adverse impact on those neighbouring residential properties. There are several visual receptors that have potential to be impacted from this development, namely the upper floor windows from those dwellings immediately south-east, south and south-west; however, the visual receptors and the visual impacts may be greater in the winter months, due to the lack of foliage.

- 6.3.3** With the site being in current use for caravan storage, occupied by existing varied development types and an ill-maintained overgrown section, it is considered that the site itself has a degree of visual impact on those identified receptors. As such, this proposal can enable slight visual enhancements to the site, providing betterment to those receptors – especially at ground floor level. The proposed landscaping scheme shows the introduction of a close boarded timber fence along the western boundary at a height of 2 metre, whilst a mixed native hedgerow will be planted along the southern and eastern boundary. The soft landscaping will achieve a great deal of visual screening from those neighbouring properties and their ground floor living and private amenity spaces. Albeit, the upper floor windows will still have visuals to the site, although this is not considered to amount to unacceptable visual harm, as the far-reaching visuals from this site will extend beyond the caravan storage onto the playing fields and wooded area, whilst having no adverse impact on residential amenities.

- 6.3.4** The submitted LVA concludes that in the short-term, some adverse visuals may

occur. However, the proposal will have an overall comparable visual context to the current views, additionally the mitigation measures (soft landscaping) will provide greater screening resulting in a small improvement and an overall neutral effect when considering the wider context. The case officer is inclined to agree with this determination, subject to conditions securing the implementation, retention and maintenance of landscape mitigation measures.

6.4 Highways and access issues

6.4.1 The enlarged caravan storage is to use the existing access and circulation routes within the site, with site access provided off a service road (Park Green Close), rather than the A495. Resultantly, the proposal is unlikely to give rise to any highway concerns. On-site there is an existing driveway, extending northwards adjacent to The Elms, which leads first to the caravan pitches (Certified Location) and then veering west into the existing storage area which is currently enclosed in a close boarded timber fence and laid in road planings/scalping's– of which is expected to be used for the enlarged hardstanding or a similar rough aggregate.

6.5 Impact on residential amenities

6.5.1 Several concerns have been raised, by members of the public and the local ward member, in regards to the potential for residential nuisances through dust, noise and lack of privacy and security. Comments received in regards to the anti-social hours of entering/exiting vehicles does raise considerable concern; however it is also noted that condition 7 attached to ref: 13/03020/COU, clearly restricts the hours of operation from 08:00 until 18:00 Monday to Sunday. If this condition is being breached then it would be expected for complaints to have been received; however, there are no such complaints lodged with the council's planning enforcement team. Furthermore, the restriction of hours will be re-imposed and any breach of this should be reported to the enforcement team for appropriate investigation. Those opening hours are still considered appropriate on the basis of being during the working-hour day, albeit Sunday is not considered a working day, but the arrival/leaving of caravans during these hours in itself is not considered to amount to any adverse impact, particularly so as the affected properties are all sited within 20m of the A495, a considerably well used section of highway connecting Ellesmere with Oswestry.

6.5.2 The potential for nuisance caused from dust would be solely dependent on the type of hardstanding laid, furthermore the case officer visited the site and didn't particularly share the same concerns as the existing site is laid in rough aggregate that didn't amount to any significant levels of rising dust. It is expected that the enlarged site would be laid in similar; however this can be conditioned for later approval if felt necessary.

6.6 Ecology and biodiversity issues

6.6.1 With the proposed works affecting an undeveloped section of grassland, in close proximity to a medium sized wooded area the application is accompanied with a Phase 1 Ecology Survey (Worsfold & Bowen, March 2018). This report confirms that no important species were found on site, the proposal should have minimal impact on birds as no hedges or tress are to be affected, there were no ponds within 450m of the site and there is little potential for bat roosts in the neighbouring wood. However, the report provides a recommended working method and this should be adhered to throughout the proposed works. These conclusions and recommendations are generally shared with the local planning authority, with the

Ecologist requesting conditions to be imposed to further enhance the site for biodiversity and connectivity.

7.0 CONCLUSION

The proposal to extend an existing caravan storage facility by an additional 34 spaces is, on balance, considered acceptable. The proposal would see the natural expansion and retention of an existing rural enterprise, on a site that is able to accommodate the proposed storage type and is proportionate to the site and its surroundings. With it fully acknowledged that those immediately adjoining residents will have visuals onto the site, the proposal has taken efforts to minimise and reduce this through the inclusion of a soft landscaping scheme to an acceptable level. Furthermore, the site is in existing use, with large parts of the application site and not particularly visually enhancing, whereas a well maintained boundary treatment will provide a slight betterment. The application site, in the most part will be hidden from the street scene, with satisfactory access and manoeuvrability on-site. Residential amenities will be impacted through the increase in vehicular movements, although with restricted operational hours this is not considered to be of detriment, additional amenities can be protected through imposing conditions for landscaping, lighting and any hardstanding. As such and despite these impacts, the proposal is considered to comply with the Local Development Framework; it is therefore recommended that permission be GRANTED subject to conditions.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- ② 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 six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

Core Strategy and Saved Policies:

CS1 - Strategic Approach
 CS5 - Countryside and Greenbelt
 CS6 - Sustainable Design and Development Principles
 CS13 - Economic Development, Enterprise and Employment
 CS16 - Tourism, Culture and Leisure
 CS17 - Environmental Networks
 MD1 - Scale and Distribution of Development
 MD2 - Sustainable Design
 MD4 - Managing Employment Development
 MD7B - General Management of Development in the Countryside
 MD11 - Tourism Facilities and Visitor Accommodation
 MD12 - Natural Environment

SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

OS/07/15122/FUL Erection of polytunnel GRANT 7th September 2007
 13/03020/COU Change of use of land from agricultural to storage of caravans (non residential)
 GRANT 23rd October 2013
 13/04734/FUL Erection of ground mounted solar PV panels GRANT 13th February 2014
 17/05555/COU Change of use from agricultural land to storage of 34 touring caravans and motor
 homes PDE
 17/05555/COU Change of use from agricultural land to storage of 34 touring caravans and motor
 homes PDE

Appeal

OS/07/00016/COND Erection of polytunnel ALLOW 21st February 2008

11. Additional Information

View details online:

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) Cllr R. Macey

Local Member

Cllr Steve Charmley

Appendices APPENDIX 1 - Conditions

APPENDIX 1**Conditions****STANDARD CONDITION(S)**

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. Prior to any works commencing details of the proposed surfacing material shall be submitted to, and approved in writing by, the Local Planning Authority. The approved materials shall be used in the implementation of the development and thereafter maintained.

Reason: To safeguard the amenities of the area and to prevent necessary dust disturbance to neighbouring properties.

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

4. Prior to the hereby approved storage area being brought into use, the landscaping measures as shown on approved drawing: WH1132-D1 Rev A shall be fully carried out. Any trees, shrubs, hedges or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the external appearance of the development is satisfactory and preserve the visual amenities of the surrounding area.

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

5. The development hereby permitted shall only be open for access between the hours of 08:00 and 18:00, Monday to Sunday.

Reason: To protect residential amenity and highway safety.

6. The permission hereby granted relates only to the area identified on the approved plans and no more than 34 caravans shall be stored at the site at any one time.

Reason: To minimise the visual impact of the development in this rural location.

7. No external lighting shall be erected in association with the caravan storage unless details have first been submitted to and agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of the area.

8. The site shall be used solely for the storage of touring caravans and motor homes (without occupation) and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or for any other use within Use Class B8 , or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To protect the amenity of the area.

Informatives

1. When installing artificial lighting the applicant is reminded that if light is perceived as a nuisance by residents in the area that complaints may be investigated and work may be required in order to remove any nuisance. In order to reduce the likelihood of complaints the following guidance is proposed:

- sky glow is not appropriate in most circumstances. As a result it is recommended that no lights through light up above horizontal and ideally should be angled well below this angle
- glare should be minimised by giving careful thought to the positioning and orientation of lighting as well as the need for baffling and appropriate light fittings
- light spill should be reduced wherever possible. It is this aspect that is most likely to give rise to complaints. In order to reduce light spill the use of double asymmetric light fittings is suggested. They should be appropriately angled to stop light spilling onto/into other properties.
- where lighting is not required all of the time, e.g. security lighting, it is recommended that sensors are used with an appropriate cut off time.
- the lowest Wattage lighting should be used in order to reduce glare and light spill.

All species of bat found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). Should a bat be discovered on site at any point during the course of development work must halt and Natural England should be contacted for advice.

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.

Your attention is drawn specifically to the conditions above which require the Local Planning Authority's prior approval of further details. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee (currently £97) is payable to the Local Planning Authority for each request to discharge pre-start conditions. Requests are to

be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority.

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.

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, containing eggs or chicks or on which fledged chicks are still dependent. If possible all demolition, clearance and/or conversion work associated with the approved scheme should be carried out outside the nesting season, which runs from March to September inclusive. If it is necessary for work to commence during the nesting season a pre-commencement inspection of buildings and vegetation for active nests should be carried out. If vegetation is not obviously clear of nests an experienced ecologist should be called in to carry out the check. Only if no active nests are present should work be allowed to commence.

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" which can be found using the following link: <http://www.shropshirefire.gov.uk/planning-applications>

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Committee and Date

North Planning Committee

16th October 2018

Item

6

Public

Development Management Report

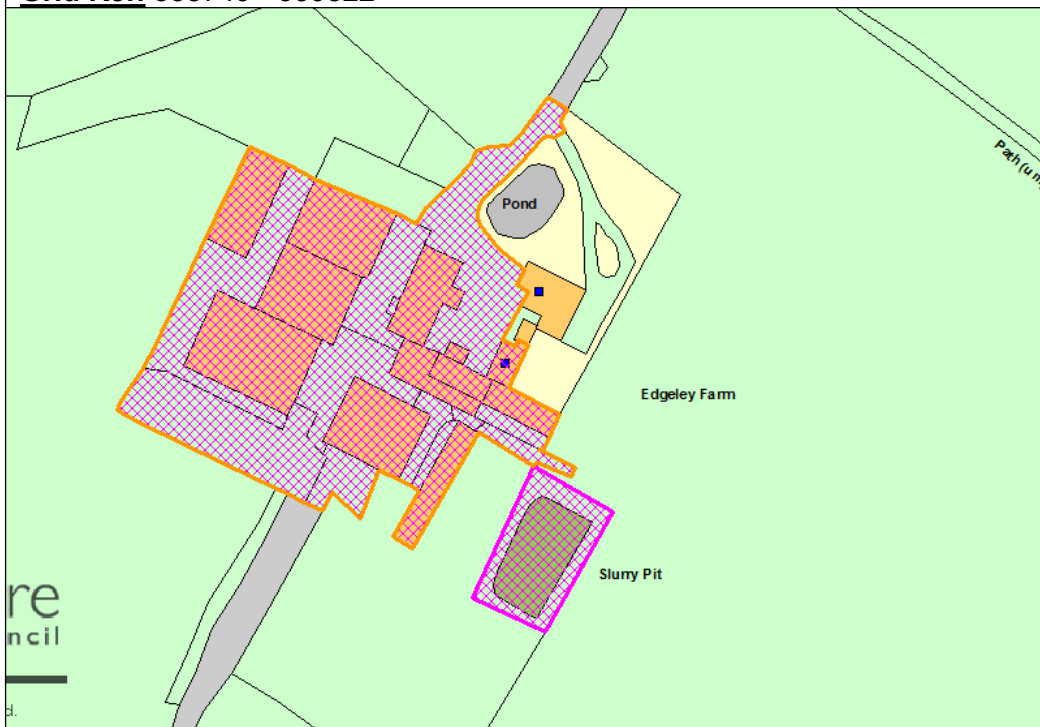
Responsible Officer: Tim Rogers

Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

<u>Application Number:</u> 16/04925/FUL	<u>Parish:</u>	Whitchurch Rural
<u>Proposal:</u> Conversion of outbuildings to form 4no. dwellings to include some demolition and reconstruction; associated garaging and drainage		
<u>Site Address:</u> Barns at Edgeley Farm Edgeley Bank Whitchurch Shropshire		
<u>Applicant:</u> Mr & Mrs Arthan		
<u>Case Officer:</u> Sue Collins	<u>email:</u> planningdmne@shropshire.gov.uk	

Grid Ref: 355749 - 339822



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Recommendation:- Refuse subject to the revised reasons set out below.

1. The Council considers the majority of the proposed development is unacceptable as the site lies within an area of open countryside where there is a presumption against inappropriate forms of new development as prescribed within Policy CS5. The proposed erection of car ports is in contravention of Policies CS6 of the Core Strategy and MD2 of the SAMDev in that they will not respect the overall character of the barns once converted for residential use in either scale or design, further negatively impacting upon local amenities via over-domestication and sub-urbanisation. There is insufficient justification for the introduction of a first floor extension on barn 2. The proposed increase in domestic curtilage and new build will result in further encroachment of domestic paraphernalia and out of character, built development, into the open countryside, having detriment to the vitality and character of the surrounding environment; failing to comply with Policies CS17 and MD7a. Overall not considered sustainable development and hence contrary to the overall aspirations of the NPPF.

2. It is considered that the heritage statement submitted in support of the application is insufficient in relation to detail and works required in order to make the structures suitable for residential use, on which basis to support this application, as required by Section 16 of the NPPF. It is considered that the proposed development will have a detrimental impact on the historic character of the built development on site and its setting and as such the proposal is considered inappropriate 'open countryside development', to which the development as a whole outweighs any benefits. The development therefore is considered contrary to Policies CS5, CS6 and CS17 of the Shropshire Core Strategy, Policies MD7a, MD12 and MD13 of the SAMDev and the overall aims and objectives of the National Planning Policy Framework in relationship to conserving and enhancing the historic environment.

REPORT**ADDENDUM****To Original Committee Report Presented on 3rd April 2018**

At their meeting on the 3rd April 2018 the Planning Committee deferred determining the application in order to allow the applicant the opportunity to submit a Heritage Impact Assessment and to further negotiate with officers on the proposal.

A Heritage Impact Assessment (HIA) and associated amended plans were received on the 20th August 2018 and have been the subject of a re-consultation with the Conservation Officer. The response is as follows:

This is comprehensive in terms of understanding the evolution of the buildings and clarifying their age and the point at which Range 2 underwent major alterations. It has already been noted by Conservation Officers that the buildings are likely to be dealt with as non-designated heritage assets, although there has always been doubt regarding Range 2 due to the vast changes to its external appearance and internal changes that have occurred. Of all of the buildings proposed for reuse this is the one element, notwithstanding the two single storey additions, one to Range 1 and the other to Range 2, which are also later C20, which was considered a marginal case. The conclusions of the HIA are that all the buildings are non-designated heritage assets and whilst this is concurred with, loosely for Range 2, there is still concern raised whether there is sufficient sound historic fabric left within the main building that gives sufficient weight when decision takers are making a planning balance. The submitted

structural appraisal is noted as being “preliminary” and is very scant in any form of recommendation regarding what work will be necessary to rebuild the building to a form which is structurally sound. The balanced judgement required during consideration of para 197 of the NPPF (the NPPF revised on 24th July 2018), should review the very altered and reduced form of this building, where there is little evidence regarding the extent of work to reuse it in the form applied for ie adding an additional storey, whether indeed it should be used as an ancillary building to Range 1 (providing garaging and private storage necessary for two residents) against the strong presumption in policy MD7a which indicates “...*the conversion of buildings to open market use will only be acceptable where the building is of a design and form which is of merit for its heritage/ landscape value, minimal alteration or rebuilding is required to achieve the development and the conversion scheme would respect the significance of the heritage asset, its setting and the local landscape character.*” It should be established as to the extent of rebuilding prior to a decision being made, as this will further clarify how this sits with policy requirements. It is considered that to use the a building in conjunction with Range 1 as ancillary (store/garaging etc), in its current form, would be a viable reuse of the building and would also reduce the need for a new carport/garage building and what looks like bins shelters indicated on the landscaping plan (which are not indicated on the proposed site plan), which could also erode the setting of the existing brick built agricultural buildings. Another element of the reuse of Range 2 as dwellings and not ancillary, is the relationship between the buildings, the proposed car parking and garaging to serve units 1 and 2. To access their properties units 1 and 2 would have to walk past unit 3, and unit 1 would also have to walk past both, where there are large full height openings. There is no detail with regard to the actual plot boundaries and how these more “communal” areas are to be dealt with. The type of fencing suggested between plots is very domestic in its nature and quite alien to the agricultural setting of the site, this would not be appropriate around any other areas of the site. Indeed if Range 2 was used as ancillary, only the garden boundaries to units 1 and 2 would need to be defined and this better relates to the context of the site and would be less visually jarring with it.

In terms of drawings, Sections through the building as existing and proposed have been supplied as requested by Officers to accompany the HIA. The Sections clearly demonstrate the difference in proportions to the ranges and how significant the extensions proposed to Range 2 will be to achieve the accommodation required by the applicant. They also demonstrate that while from the outside the extensions may reflect those of the original building internally their structure will not.

Adopted policy does not allow for the significant rebuilding or extensions to buildings in order to convert them to dwellings and this is considered by Officers to be an example of an unacceptable amount of new construction in order to create the accommodation. There is also a degree of uncertainty as to how much of the building will need to be reconstructed as being structurally unsound which could result in a new build rather than a conversion. As suggested by the Conservation Officer it would be recommended that Range 2 be used to create storage and parking to serve Units 1 and 2 which would also further save the need for the construction of garaging on the site. This would reduce the impact of the scheme and improve its visual impact on the rural area.

When considering para 197 of the NPPF a balanced judgement is required and whilst there may not be loss of the building there may be rebuild and definitely additions including a totally new roof structure, new walling materials, new roof covering etc. The extent of the work required for residential use and addition will need to be considered in the context of MD7a.

It is the recommendation of officers that there is no objection in principle to the conversion of the buildings, however, the extent that they are converted is not considered acceptable when assessed against relevant planning policies, as noted above. The level of alteration, rebuilding, general subdivision of the site etc is considered to have the potential to harm the character of the non-designated heritage assets and does not accord with Policies CS5, CS6, CS17, MD7a and para 197 of NPPF. This is especially with regard to Range 2, the conversion of Range 1 would appear to be more in line with policy.

1.0 THE PROPOSAL

1.1 This application seeks planning permission for the conversion of two separate agricultural ranges into 4.no individual open market residential units, to include demolition and erection of first floor level, removal of modern barns, to include new byway route, garaging / storage building and associated residential garden amenity space.

1.1.2 A structural report and ecology report have been submitted in support of the scheme.

1.1.3 No heritage assessment has been provided, early photographs of range 2 showing first floor element has been provided in support of the scheme.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site in planning policy terms is located in open countryside situated to the east of Whitchurch and relates to an area of land approximately 0.909 hectares. Access to the site is gained off an unnamed road with the application buildings forming part of the original working farm at Edgeley Farm to the west and south of the original farmhouse.

2.1.2 The buildings which are subject of this application include two separate (Range 1 and Range 2) brick under slate and tile roof barns which are accessed off a central yard, and the removal of nineteenth century modern farm buildings. An existing pond is positioned immediately to the north of the central yard, with an existing slurry pit to the immediate south of Range 1.

2.1.3 The application proposes the removal of existing nineteenth central agricultural buildings to the west and the conversion brick barns Range 1 and Range 2 into four residential units, two units within each barn. An open fronted four bay car port is located to the south of Range 1.

2.1.4 Brown Moss Special Area of Conservation (SAC) site is located to the south east of the application site, which is a European designated site the site is also notified at a national level as Brown Moss Site of Special Scientific Interest (SSSI).

2.1.5 Public Right of ways are located to the north and south of the site with a restricted by-way No.8 running through the application area.

2.1.6 The farmstead is recognised as a non-designated heritage asset and will be considered in line with Annex 2 of the National Planning Policy Framework.

- 3.0 **REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION**
3.1 The Parish Council are of a contrary view to Officers and Local Member has requested that the application be referred to Committee for a Decision.

4.0 **Community Representations**

Consultee Comments

Conservation – Objection.

Highways

10th October 2017 – No objection, subject to the development being carried out in accordance with the approved details and recommended informatives.

23rd August 2017 – No objection, subject to the development being carried out in accordance with the approved details and informatives.

15th December 2016 – Do not approve, the application as submitted has not adequately demonstrated an appropriate access arrangement for the development proposed.

Drainage – No objection, the proposed surface and foul water drainage are acceptable, recommend informative.

Regulatory Services – No objection, subject to full contaminated land conditions be placed on any approval notice. In addition the applicant should specify electric charging facility availability to all properties to ensure that the development is considered sustainable in light of future direction of travel in respect of road vehicle fuel type and to comply with NPPF paragraph 35.

Affordable Housing – No objection, if the works to convert the outbuildings to residential dwellings is significant, then no affordable housing contribution will be payable in this instance.

Right of Way – Restricted byway No.8 runs through the development area. Officers are in consultation with the developer about diverting this route under Section 257 of the Town and Country Planning Act 1990.

Ramblers Association – No objections to the proposed diversion of R/BWAY 8 but would state that some sort of drainage be implemented for the route as shown on the plan (which is already in use) as it is very boggy.

Natural England

18th October 2017 – No Objection, Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects. Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of information provided, Natural England concurs with this view.

26th January 2017 - Objection, further information required the application does not

contain a Habitats Regulation Assessment.

Ecology

11th October 2017 – No objection, subject to conditions and informatives.

15th August 2017 – Objection, the drainage information previously requested has not been submitted.

28th February 2017 - Objection, further information required. Details of the proposed drainage and foul water treatment and discharge should be provided with the planning application, including identifying the water course to which any proposed discharge will be made, proposed waste water treatment method and an assessment of the nutrient load within any proposed output.

Whitchurch Rural Parish Council – Support, Council members reported complaints from local residents that they have not received notification about the proposed development. Concerns were raised that

Public Comments

No representations has been made at the time of writing the report.

5.0 THE MAIN ISSUES

Principle of development

Siting, scale and design of structure

Visual impact and landscaping

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The National Planning Policy Framework (NPPF) supports the principle of converting traditional rural buildings into other uses appropriate to a countryside location, where such development would represent a use consistent with their conservation and securement of the future of the asset.

6.1.2 Policy CS5 and MD7a sets out the basis for the control of development in the countryside and makes provision for the conversion of suitable rural buildings to residential accommodation which is considered to be of historic merit, would require minimal alteration or rebuilding to achieve the development and the conversion scheme needs to respect the significance of the asset, its setting and landscape character. Shropshire Type and Affordability of Housing SPD further builds on CS5 and MD7a again advising that the building should be of permanent and substantial construction such that extensive re-building is not required.

6.1.3 Non-designated heritage assets relate to the majority of historic buildings in the County that are unlisted, but pre-date the early 1900. Paragraph 135 of the NPPF and local policy MD13 specifically relate to non-designated heritage assets and direct how we need to consider them in the context of the application. Paragraph 137 of the NPPF states that proposals should enhance and make a positive contribution to or better reveal the significance of the asset. With policies CS6, CS17 and MD2, MD13 requiring new development to respect and enhance context of the existing

buildings

- 6.1.2 Paragraph 128 of the NPPF states in determining applications, the applicant is required to describe the significance of any heritage asset affected, including any contribution made by their setting. Reiterated in local policy MD13 which advises that proposals which are likely to affect the significance of a non-designated heritage asset to include its setting, need to be accompanied by a Heritage Assessment. No heritage report has been submitted, although historic photographs have been provided with shows the upper storey to Range 2.
- 6.1.3 Policies CS5, CS6, CS17, MD2, MD7a, MD12 and MD13 with SPD work concurrently, recognising the need to achieve development that protects the character and setting of the buildings and the countryside, to include environmental considerations.
- 6.2 **Siting, scale and design of structure**
- 6.2.1 The proposed scheme represents conversion of existing outbuildings into residential accommodation, to include demolition of existing 20C farm buildings, the erection of detached double four bay garage/ storage unit, creation of residential curtilages and the formation of a new driveway.
- 6.2.2 The residential accommodation is to comprise of four individual units, two units within each red brick barn (Range 1 and Range 2). Range 2 is to have its roof raised to re-instate lost upper floor accommodation.
- 6.2.3 The proposed detached double four bay car port is to measure 24.1m in length and 6m in depth, with eaves height standing at 2.4m and 4.6m to ridge. Each car port is to be a double unit, constructed externally of timber ship lap boarding for its walls, no details were provided of the roofing materials.
- 6.3 **Visual impact and landscaping**
- 6.3.1 In support of the application a structural survey was submitted, which visually assessed Range 1 and Range 2. The outcome of the survey identified no substantial alterations would be required to convert Range 1. Officers consider that the proposed alterations and works required to convert Range 1 into habitable accommodation is considered acceptable, enhancing the historic asset and continue its future use and maintenance. However, the structural survey and drawings submitted, identify that in order that the lost upper floor to Range 2 be re-instated the existing roof of the range would require stripping, building up and re-building.
- 6.3.2 Subsequently Officers consider that the significant amount of building work required to re-instate the lost upper floor to Range 2 would fail requirements as set out in the SPD and MD7a, comprising considerable amount of re-building works to enable the development to take place.
- 6.3.3 Policy MD13 specifically relates to non-designated heritage assets and require a heritage assessment to be submitted in support of the scheme to demonstrate the assets significance. No heritage report has been submitted, with solely historic photographs provided detailing the lost upper section of Range 2. Officers acknowledge that an upper floor would have existed for Range 2, from the evidence provided, but no further supporting information has been provided to satisfy officers

that the reinstatement of this lost floor would outweigh failure to comply with SPD and MD7a.

- 6.3.4 The conservation officer advises that photos submitted show a completely different building (Range 2) to that existing and in the light of MD7a, CS5, CS6 and MD13 it is considered that the proposed alterations to create these units is unacceptable. Further advising that it is considered that this building (Range 2) would be better used as ancillary accommodation for Units 1 and 2, perhaps as garaging and storage of domestic paraphernalia, this would also negate the need for the creation of the driveway and additional outbuilding at the site. Officers support the view of the conservation officer and consider there is insufficient justification provided to reinstate the upper floor to Range 2 and to include the construction of an additional domestic outbuilding at the site.
- 6.3.5 The proposed four bay garage and driveway, cumulatively impact upon the setting of the asset and would not respect the historic use of the site as a farmstead thereby eroding the rural vernacular of the traditional farmstead and increasing domestic appearance to the site. The significant scale of the garaging and store is also considered inappropriate and overly large in scale and form relative to existing range buildings for which they are to serve.
- 6.3.6 Officers therefore consider in assessment of the scheme proposed, Range 1 is considered acceptable to be converted into two residential units and in order to reduce visual impact upon the setting and landscape, Range 2 would be better suited to provide ancillary storage for the principle units within Range 1. There would no longer be a requirement to create enlarge curtilage areas for units within Range 2. Furthermore, the removal of the proposed new outbuilding used for garaging/ storage would negate the need to form a new driveway with access to the residential units accessed via the existing courtyard thereby respecting the original form and movement within the site.
- 6.3.7 For the reasons provided above, the conversion of Range 2, creation of new driveway and erection of new garaging/ storage is considered inappropriate development and the scheme is recommended for refusal.

7.0 **CONCLUSION**

- 7.1 The Council considers the majority of the proposed development is unacceptable as the site lies within an area of open countryside where there is a presumption against inappropriate forms of new development as prescribed within Policy CS5. The proposed erection of car ports is in contravention of Policies CS6 of the Core Strategy and MD2 of the SAMDev in that they will not respect the overall character of the barns once converted for residential use in either scale or design, further negatively impacting upon local amenities via over-domestication and sub-urbanisation. There is insufficient justification for the introduction of a first floor extension on barn 2. The proposed increase in domestic curtilage would result in further encroachment of domestic paraphernalia and character into the open countryside, having detriment to the vitality and character of the surrounding environment; failing to comply with Policies CS17 and MD7a. Overall not considered sustainable development and hence contrary to the overall aspirations of the NPPF.
- 7.1.2 No heritage statement has been submitted which is required by paragraph 128 of the

NPPF. It is considered that the proposed development will have a detrimental impact on the historic character of the surrounding area and its setting and as such the proposal is considered inappropriate development, to which the development as a whole outweighs any benefits. As such the development is considered contrary to Policies CS5, CS6 and CS17 of the Shropshire Core Strategy, Policies MD7a, MD12 and MD13 of the SAMDev and the overall aims and objectives of the National Planning Policy Framework in relationship to conserving and enhancing the historic environment.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

16/04925/FUL Conversion of outbuildings to form 4no. dwellings to include some demolition and reconstruction; associated garaging and drainage PDE

11. Additional Information

[View details online:](#)

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) Cllr R. Macey
Local Member Cllr Gerald Dakin
Appendices None



Committee and Date
North Planning Committee
16th October 2018

Item
7
Public

Development Management Report

Responsible Officer: Tim Rogers

Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

SCHEDULE OF APPEALS 16TH OCTOBER 2018

Appeals Lodged

LPA reference	18/02661/REF
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr D Bagshaw
Proposal	Erection of a detached self build house
Location	Land adj to The Woodlands Adderley Road Market Drayton
Date of appeal	24/07/2018
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	18/02663/REF
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs Gregory
Proposal	Erection of detached two-storey dwelling re-designed on existing foundations; formation of vehicular access; installation of sewage treatment plant
Location	Land west of Bridgewater Close Harmer Hill Shrewsbury
Date of appeal	08/08/2018
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	18/02664/REF
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr C Bell P B Investments Ltd Trinity Manor Trinity Jersey JE3 5JP
Proposal	Outline application (access,layout and landscaping for consideration) for the erection of six dwellings following demolition of existing buildings; to include removal of trees
Location	Silver Birch Mill Lane Higher Heath Whitchurch SY13 2HR
Date of appeal	08/08/2018
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	18/02665/REF
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr John Clay
Proposal	Outline application for the Erection of 1no dwelling
Location	Land adjoining Crickett Cottage, Perth,, Ellesmere
Date of appeal	08.08.2018
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	18/02667/REF
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mrs W Edge
Proposal	Erection of a single storey rear extension
Location	Toad Hall Abbey Green Whixall
Date of appeal	20.08.2018
Appeal method	Written Representations (HAS)
Date site visit	
Date of appeal decision	
Costs awarded	

Appeal decision	
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LPA reference	18/02666/REF
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mrs Heather Bond
Proposal	Erection of garage with first floor study over following removal of existing shed
Location	4 Pant Glas, Oswestry, SY10 7HS
Date of appeal	20.08.2018
Appeal method	
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

Appeals determined

LPA reference	18/02649/REF
Appeal against	Refused approval of the matter reserved under outline planning permission
Committee or Del. Decision	Delegated
Appellant	J R T Developments Ltd
Proposal	Erection of 14 dwellings
Location	Plots 3 and 4 Land off Bearstone Road Norton in Hales
Date of appeal	17.04.2018
Appeal method	Written Representations
Date site visit	
Date of appeal decision	23.07.2018
Costs awarded	
Appeal decision	ALLOWED

LPA reference	17/03587/OUT
Appeal against	Refusal of Planning Permission
Committee or Del. Decision	Delegated
Appellant	Mr D & C Reece – C/O Berrys
Proposal	Outline application for the erection of 2No dwellings (to include access) (amended scheme)
Location	Proposed Development Adj Stone House Walford Heath Shrewsbury Shropshire
Date of appeal	30.04.18
Appeal method	Written Representations
Date site visit	
Date of appeal decision	20.09.18
Costs awarded	
Appeal decision	DISMISSED

LPA reference	17/00387/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr R Cosgrove
Proposal	Proposed erection of 4 no. one bedroom apartments and one dwelling following demolition of existing boxing club
Location	Oak Street Garage, Oak Street, Oswestry SY11 1LJ
Date of appeal	20.06.2018
Appeal method	Written Reps
Date site visit	14.08.2018
Date of appeal decision	25.09.2018
Costs awarded	
Appeal decision	DISMISSED

LPA reference	17/01252/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr R Kent – Mr T Mennell
Proposal	Erection of a building comprising of ground floor offices and first floor living accommodation in connection with existing business; formation of vehicular access
Location	Land At Mickley Stud Mickley Tern Hill Market Drayton Shropshire TF9 3QW
Date of appeal	20.06.18
Appeal method	Written Representation
Date site visit	
Date of appeal decision	04.10.18
Costs awarded	
Appeal decision	DISMISSED

LPA reference	17/04154/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr D Bagshaw
Proposal	Erection of a detached self build house
Location	Woodlands Adderley Road Market Drayton
Date of appeal	24.07.2018
Appeal method	Written Representations
Date site visit	
Date of appeal decision	04.10.2018
Costs awarded	
Appeal decision	DISMISSED

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Appeal Decision

Site visit made on 26 June 2018

by Kevin Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2018

Appeal Ref: APP/L3245/W/18/3200195

Plots 3/4, Land off Bearstone Road, Norton in Hales TF9 4AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by JRT Developments Ltd against the decision of Shropshire Council.
 - The application Ref 17/03636/REM, dated 15 June 2017, sought approval of details pursuant to condition No 1 of a planning permission Ref 14/00790/OUT, as granted on 5 June 2015 under appeal Ref APP/L3245/A/14/2229145.
 - The application was refused by notice dated 30 November 2017.
 - The development proposed is the erection of 14 dwellings incorporating two affordable units (to include formation of vehicular and pedestrian access).
 - The details for which approval is sought are: appearance, landscaping, layout and scale relating to Plots 3 and 4.
-

Decision

1. The appeal is allowed and reserved matters are approved for appearance, landscaping, layout and scale relating to Plots 3 and 4, pursuant to Condition No 1 attached to planning permission Ref 14/00790/OUT, granted on 5 June 2015 under appeal Ref APP/L3245/A/14/2229145, and subject to the conditions set out in the attached Schedule.

Main Issues

2. The main issues in this case are 1) the effect of the proposal on the character and appearance of the area, including on the character and appearance of the Norton in Hales Conservation Area, and 2) the effect on the living conditions of existing residents, with particular regard to outlook, light and privacy.

Reasons

3. The appeal site is located to the edge of the village of Norton in Hales, adjacent and to the rear of existing development on Bearstone Road. Outline planning permission was granted on appeal in June 2015¹ for the erection of 14 dwellings. On site, building works were well underway, with the access road constructed and several of the plots being developed. The external walls and roof of Plot 2 had been constructed. Plots 7, 10 and 11 appeared to be undergoing internal fit outs and were nearing completion. Plots 8 and 9

¹ Appeal Ref APP/L3245/A/14/2229145

appeared to be complete and indeed occupied. No other plots appeared to be underway, except for initial ground works.

4. The appeal relates to Plots 3 and 4, located adjacent to Plot 2, and to the rear of two existing dwellings on Bearstone Road, Beckside Cottage and Owls Nest.

Effect on character and appearance

5. Norton in Hales is a small village with a historic core of notable buildings, including the church and public house, and a village green. The historic pattern of development has been generally linear, along Main Street and Bearstone Road, and the boundary of the Norton in Hales Conservation Area (CA) takes this general shape. Some modern clusters of development lie outside of the CA. The buildings within the CA are traditional in design and predominantly in red brick, providing a consistent appearance and sense of identity, which contribute to its significance.
6. In respect of appearance, the Council accepts that the style of the dwellings would reflect that of others approved as part of the wider development. I was able to view these other dwellings on site and note that they draw from a consistent palette of materials, with some variety introduced through use of painted render or timber cladding. Whilst their contemporary style differs from the more traditional built form prevalent within the CA, the estate is located to the edge of the village and to the rear of existing development, reducing its visibility from many parts of the CA, in particular from the public realm. It would be viewed as a discrete development with its own form and character. I therefore agree with the Council's conclusions in respect of the appearance of the dwellings for Plots 3 and 4.
7. No reference is made by the Council to the proposed landscaping. On site, I observed the occupied dwellings to have open front boundaries, with gardens laid to lawn. Plots 3 and 4 would be similarly laid out with the gardens laid to grass, trees planted to the rear boundary and front lawn, with side boundaries comprising shrub hedgerows to the front portions and close boarded timber fencing to the rear. This would reflect the emerging landscaping to the wider site and would be acceptable in this context.
8. The Council's reason for refusal focuses therefore on the matters of layout and scale, describing the size, scale and mass of the dwellings as inappropriate to the area, and leading to a contrived and cramped development.
9. The other dwellings under construction are generally large in scale, occupying broad plots. Plot 11 rises to three storeys, with the other dwellings at two storeys, albeit some with prominent roof forms adding to their overall height, and one bungalow with accommodation in the roof (Plot 10). By contrast, the proposed dwellings to Plots 3 and 4 would stand on narrower plots, with a footprint elongated from front to back. Each dwelling would stand three storeys in height, taller than the adjacent Plot 2. The dwellings would be taller than the existing dwellings to the rear, but with a similar overall ridge height owing to a slight fall in the ground level.
10. The narrower width of Plots 3 and 4, and as indicatively shown for Plots 5 and 6, would result in a denser development to this part of the site. The submitted street elevations, however, indicate a discernible and consistent separation distance between Plots 2, 3 and 4. I note that other dwellings within the site,

despite their wider plots, also stand close to each other. The proposed layout of Plots 3 and 4 would not be inconsistent, therefore, with the approach taken elsewhere on the site.

11. Whilst taller than the adjacent Plot 2, the buildings' form would narrow to the upper floors, with the roofs sloping in on all sides, moderating the massing to the uppermost parts of the building. The additional height of the proposed dwellings would, however, act as a counterpoint to the narrow width of the plots and provide an appropriate overall scale which would appear comfortable within an emerging street scene of substantial buildings.
12. For these reasons, I find that the proposed scale and layout of Plots 3 and 4 would not harm the character and appearance of the area. The proposal would accord with Policies CS6 of the Shropshire Local Development Framework Adopted Core Strategy (March 2011) (the ACS) and Policy MD2 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (December 2015), which together require development to be designed to the highest quality, including by responding appropriately to the form and layout of existing development and the way it functions, embracing contemporary design solutions which create a positive sense of place, and providing safe, usable and well-connected outdoor spaces.
13. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in respect of development affecting conservation areas, states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. Given my findings above, in particular with respect to the limited visibility of the dwellings from within the CA, I find that the proposal would not harm the character and appearance of the CA.

Effect on living conditions

14. The proposed dwellings would be laid out with the rear elevations facing the rear windows and gardens of Owls Nest and Beckside Cottage. The appellant states that the separation distances between Plot 3 and Beckside Cottage would be 28m, and 38m between Plot 4 and Owls Nest. The Council, however, points to the depth of the proposed rear gardens being 8m, thereby permitting views over the neighbouring properties at closer range.
15. Owls Nest, however, has a large outbuilding to the rear of its garden, on the boundary with Plot 4. The boundary with Beckside Cottage includes some screening from trees, a fence and a detached garage to one side. Whilst the provision of first and second floor windows within the proposed dwellings would permit some views over the neighbouring properties, these would all serve bedrooms which would not generally be occupied during the day. Given this, the separation distances and the presence of the outbuildings and intervening boundary features, the views possible from these windows would not be invasive or constant and would not demonstrably undermine the privacy of the neighbouring occupants.
16. The Council further raises concern that the dwellings, at the scale proposed, would lead to an overbearing impact on neighbouring residents. As described, the neighbouring dwellings include several outbuildings within their rear gardens, which would be prominent in views from their rear windows. Whilst these dwellings would have previously enjoyed an outlook over an undeveloped area, the surrounding context is changing. I observed that the rooflines of Plots

2 and 7 are visible from the neighbouring properties. The proposed dwellings to Plots 3 and 4 would form part of this emerging context. As I have indicated, the massing of the dwellings would narrow to the upper floors, reducing their overall bulk in views from neighbouring properties. The dwellings would clearly be visible from Owls Nest and Beckside Cottage, but given their position and form, they would not create an overbearing effect which would be detrimental to the living conditions of neighbouring residents.

17. The Council also refused the application in respect of loss of light to the same neighbouring properties, based on their height and position relative to the sun's path. I acknowledge that given this orientation and the height of the dwellings, some shadowing is likely to occur. However, the gardens of the properties are generous in size, and the presence of the existing outbuildings and trees would already cause shadowing at certain times of the day. Although taller, the proposed dwellings would be set well behind these outbuildings, and given their relatively slender form, they would not block significant portions of the sky. Therefore they would not lead to a significant increase in shadowing or loss of light that would undermine the living conditions of neighbouring occupants.
18. For these reasons, I find that the proposed dwellings would not result in demonstrable harm to the living conditions of neighbouring occupants. The proposal would accord with Policies CS6 of the ACS and MD2 of the SAMDev, which require all development to safeguard residential and local amenity.

Other Matters

19. The Local Highway Authority raises concern in its consultation response regarding failure to discharge a condition of the outline permission relating to the layout of the access and internal roads of the wider site. Similarly, the Council's Flood and Water Management Team has commented requesting the imposition of a condition relating to the implementation of a drainage scheme approved under another application. Neither of these matters, however, is relevant to the reserved matters before me for Plots 3 and 4, and I have not taken them into consideration.

Conditions

20. The Council has suggested conditions in the event that the appeal is allowed, which I have considered in light of the advice set out in both the Planning Practice Guidance and in the National Planning Policy Framework. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.
21. A condition specifying the relevant plans is necessary as this provides certainty. A condition requiring the dwellings to be constructed in the specified materials is also necessary in order to ensure a satisfactory appearance.
22. The Council has requested a further condition to require the landscaping to be undertaken prior to the first occupation of the dwellings, which is necessary to ensure a satisfactory appearance. However, given that planting is not advisable at certain times of the year, and to avoid potential delay in occupation as a result, I have amended the condition to require works of planting, seeding or turfing to be undertaken no later than in the first planting season following completion of the development or first occupation, whichever occurs sooner.

Conclusion

23. For these reasons, the appeal is therefore allowed.

Kevin Savage

INSPECTOR

Schedule – Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:

Both Plots

AL(0)001 A (Location Plan); D1011 (Topographic Survey); 'Cheshire Red Multi' brick details; 'Garsdale Fibre cement slates' details; AL(0)302 H (Proposed Boundary Treatments Plan); AL(0)011 C (Proposed Street Elevation).

Plot 3

AL(0)001 A (Proposed Site Plan); AL(0)002 A (Proposed Ground Floor Plan); AL(0)003 A (Proposed First Floor Plan); AL(0)004 A (Proposed Second Floor Plan); AL(0)004 A (Proposed Roof Plan); AL(0)0010 A (Proposed East and West Elevations); AL(0)0011 A (Proposed North and South Elevations)

Plot 4

AL(0)001 A (Proposed Site Plan); AL(0)002 A (Proposed Ground Floor Plan); AL(0)003 A (Proposed First Floor Plan); AL(0)004 A (Proposed Second Floor Plan); AL(0)005 A (Proposed Roof Plan); AL(0)0010 A (Proposed East and West Elevations); AL(0)0011 A (Proposed North and South Elevations)

- 2) Those external surfaces of the development hereby permitted which are indicated on the approved drawings as comprising brickwork and roof tiles shall be constructed respectively in the materials shown on plans titled 'Cheshire Red Multi' and 'Garsdale Fibre cement slates.'
- 3) The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied, with the exception of all planting, seeding or turfing comprised in the approved details of landscaping, which shall be carried out in accordance with the approved details not later than the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

END OF SCHEDULE

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Appeal Decision

Site visit made on 26 June 2018

by W Johnson BA (Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2018

Appeal Ref: APP/L3245/W/18/3198108

Land north of the B5067, Walford Heath, Baschurch, Shrewsbury SY4 2JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr D & C Reece against the decision of Shropshire Council.
 - The application Ref 17/03587/OUT, dated 7 July 2017, was refused by notice dated 15 September 2017.
 - The development proposed is the erection of two dwellings including access.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Outline planning permission is sought, but with all matters reserved, except for access. I have determined the appeal on this basis.
3. The Proposed Site Plan submitted with the planning application has been taken into account for indicative purposes only.
4. The Revised National Planning Policy Framework (the Framework) was published in July 2018, after the appeal was lodged. Both main parties were given the opportunity to comment on any relevant implications for the appeal. I have had regard to the Revised Framework, and the subsequent comments received from both parties, in reaching my decision.

Main Issue

5. The main issue is whether the site is an appropriate location for housing, having particular regard to the effect of safeguarding the countryside and ensuring a viable and sustainable pattern of settlements.

Reasons

6. The development plan (DP) for the area includes the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan 2015 and the Shropshire Local Development Framework Adopted Core Strategy 2011 (the CS). Policy CS1 of the CS sets out the Council's strategic approach to new development which, amongst other things, seeks for rural areas to become more sustainable. This is expanded upon in Policy MD1 of the SAMDev. Policy CS4 of the CS does not allow development unless Policy CS5 is met, and then it sets out how new housing will be delivered in the rural areas by focusing it predominantly in Community Hubs and Community Clusters, which are

identified in Policy MD1 of the SAMDev, which, amongst other things, seeks sustainable development. Policy MD1 of the SAMDev identifies the market towns, key centres, community hubs and community clusters.

7. The appeal site is located in Walford Heath, which is identified as a Community Cluster Settlement in Pimhill Parish. Policy S16.2(xv) identifies limited infilling/conversions may be acceptable, with a guideline of approximately 6 additional dwellings over the plan period to 2026, in addition to the 10 already approved. The Council in their submission has confirmed in their appeal statement that within their 'Five Year Housing Land Supply Statement' (2017) that there have been 8 completions, with an additional 9 sites benefitting from planning permission, resulting in a total housing figure of 17 committed dwellings for Walford Heath.
8. Policy CS5 of the CS seeks to strictly control new development, and maintain and enhance countryside vitality and character. Policy MD7a of the SAMDev sets out that new market housing will be strictly controlled outside settlements such as Community Hubs and only permitted in specified circumstances, including where the development meets evidenced local housing needs and other relevant policy requirements. Policy MD3 sets out that where a settlement housing guideline is unlikely to be met, additional sites outside settlement boundaries may be acceptable having regard to criteria set out in MD3(2).
9. These policies are consistent with the core planning principles set out in the Revised National Planning Policy Framework 2018 (the Framework) which, seeks a presumption in favour of sustainable development, and provide for objectively assessed needs housing, amongst other things. The proposal seeks permission for 2 open market dwellings on part of a larger parcel of agricultural land, located adjacent to Stone House. Whilst Walford Heath has been identified as a cluster settlement, it does not have a defined settlement boundary. I therefore consider the appeal site to be located in the open countryside.
10. Both parties have referred to various applications and/or appeal decisions in the locality, which I have noted. Particular attention has been drawn by the appellant to the planning application (13/00847/OUT), which is in close proximity, and on the same side of the road as the appeal site, and is for 4 dwellings. However, no additional details have been provided regarding this scheme, and no documentation have been provided regarding the Council's analysis of the scheme in relation to the effect of safeguarding the countryside and ensuring a viable and sustainable pattern of settlements. Without this detailed information a comparison between this scheme and the case before me cannot be drawn and therefore I give little weight to them in the determination of the appeal.
11. Both parties acknowledge that Walford Heath does not have a settlement boundary, and I note the dispute between the parties on whether the appeal site is located within Walford Heath. I noted the presence of the 'Walford Heath' road sign on my site visit, which is sited a moderate distance along the road, to the left of the appeal site when viewed from the front. I do agree that this sign indicates to road users and pedestrians that they are entering Walford Heath. However, I consider that the sign is located in this location primarily due to the siting of the existing dwellings that are on the opposite side of the

road to the appeal site, and first encountered by users of the road, from this direction. This does not alter the fact that Walford Heath does not have a defined settlement boundary, and that the appeal site is located within the open countryside.

12. The development would also provide an additional 2 dwellings that would contribute to the housing supply. However, the appellant contends that the scheme would amount to 'infill development' and would provide an additional 2 dwellings would not go beyond the target set in Policy S16.2(xv) of 16 dwellings by 'too great a degree', as the target is listed as 'approximately' and not as a maximum figure. The Council has confirmed that it currently has 17 committed dwellings for Walford Heath, which I consider to comply with the approximate target of 16 dwellings. I note the appellant has questioned the certainty of all of the approvals being built out, but equally there is nothing substantive to confirm that they will not be implemented. On this basis, I consider that the scheme would represent an unsustainable level of development.
13. Although the appeal site is adjacent to Stone House, a residential property, it is largely open and free from development and visually forms a continuous part of the wider countryside beyond it. Accordingly the site appears as part of the countryside and is distinct from the more built-up area opposite. Although the appellant considers that the scheme complies with the 'limited infilling' definition at 6.22(ii) of the consultation document Preferred Scale and Distribution of Development Document, which states: '*An infill site consists of land with built development on at least two sides, which is also clearly within the built form of a settlement. It should not however result in a cramped form of development*'. However, this review is at an early stage, and the document is yet to be examined. Accordingly it can therefore carry only limited weight and does not outweigh the current adopted policies.
14. The question is whether the development would constitute limited infilling. There is no detailed definition of 'limited infilling' in the DP. The character of the site is very much of open countryside rather than a limited gap between other development or of being within an otherwise built up frontage. Whilst the appeal site is located adjacent to a dwelling, and faces further dwellings across the road, it has large agricultural fields to the rear and on the opposite side to Stone House. The site significantly contributes to the open rural setting of Walford Heath. For these reasons I do not consider that the development would constitute 'infill', but would be regarded as an extension of the existing built environment.
15. Whilst I acknowledge there would be some limited economic and social benefits resulting from the development they are not sufficient to outweigh the harm identified above. My finding remains for the reasons indicated that the site does not accord with the Council's housing strategy. Additionally, concerns have been expressed by neighbouring occupiers, Baschurch Parish Council and Bomere Heath Parish Council. However, I have considered this appeal proposal on its own merits and concluded that such matters would not affect the conclusions I have reached on the main issues.
16. The Council indicates that they can demonstrate a five year supply of deliverable housing land as required by the Framework. The appellant does not dispute this. The SAMDev was adopted relatively recently, and there is little

evidence to suggest that either its policies, or those in the CS, are not in accordance with the Framework.

17. For all of these reasons, the site does not constitute an appropriate location for housing, having particular regard to the effect of safeguarding the countryside and ensuring a viable and sustainable pattern of settlements. Therefore the scheme conflicts with Policies CS1, CS4 and CS5 of the CS, and Policies MD1, MD3, MD7a and S16.2(xv) of the SAMDev Plan.

Other Matters

18. I have had regard to no adverse comments being received from the other statutory consultees, including the Local Highway Authority. However, I have considered the development on its own merits and concluded there would be harm to the countryside through unsustainable development. A lack of harm associated with highways is a neutral factor that weighs neither for nor against the development.
19. I also note the suggestion from the appellant that a Condition could be imposed to ensure early delivery of the scheme. However, this would not provide suitable or sufficient mitigation to counteract the harm created by the residential development on this site.

Conclusion

20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Whilst I acknowledge the factors in favour of the development, those considerations do not outweigh the presumption against the development arising from the development plan. Therefore, for the reasons given above, and having regard to all matters raised, the appeal is dismissed.

Wayne Johnson

INSPECTOR

Appeal Decision

Site visit made on 14 August 2018

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25th September 2018

Appeal Ref: APP/L3245/W/18/3196990

Oak Street Garage, Oak Street, Oswestry, Shropshire, SY11 1LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Richard Cosgrove against the decision of Shropshire Council.
 - The application Ref 17/00387/FUL, dated 15 January 2017, was refused by notice dated 11 January 2018.
 - The development proposed is erection of 4 no. one bedroom apartments and one dwelling following demolition of existing boxing club.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development given above is taken from the Decision Notice rather than the planning application form. This wording reflects changes that were made to the scheme at the application stage. The Council based its decision on the revised scheme and I have therefore taken the same approach.

Main Issues

3. The main issues are the effect of the development on:
 - (a) The character and appearance of the area;
 - (b) The living conditions of future occupiers of the development with regard to internal living space and outdoor amenity space; and
 - (c) The living conditions of the occupiers of neighbouring properties with regard to loss of outlook, natural light, and privacy.

Reasons

Character and appearance

4. The appeal site contains a commercial building that is currently occupied by a martial arts club. It is set within a predominantly residential area and is largely surrounded by terraced housing.
5. The development would introduce a short terrace of dwellings onto the site. The terrace would have a significant depth and this would create large gable walls on either side. Due to the orientation of the surrounding buildings, the southern gable would be particularly prominent in views from the south across the nearby junction. From this direction, it would appear noticeably larger and

wider than other nearby end terrace gables, and would have an awkward appearance within the street. Its size and width would be out of keeping with the scale and character of the surrounding terraces in this regard. Whilst the proposed design includes a smaller side gable finished in render, that would not significantly mitigate the impact of the larger gable in my view, which would remain clearly visible. Moreover, the positive design elements such as the traditional chimneys, stone heads, and cills do not alter my concerns regarding this gable.

6. For the above reasons I conclude that the development would significantly harm the character and appearance of the area. It would therefore be contrary to Policy CS6 of the Shropshire Core Strategy (2011) and Policy MD2 of the Shropshire Site Allocations and Management of Development Plan (2015). These policies seek to ensure, amongst other things, that new development is appropriately designed and takes account of its local context.

Living conditions – future occupiers

7. The Technical Housing Standards¹ set out a nationally described space standard for new dwellings. Planning Practice Guidance states that "*where a local planning authority (or qualifying body) wishes to require an internal space standard, they should only do so by reference in their Local Plan to the nationally described space standard*"². These standards are not adopted in Shropshire's Local Plan and so cannot be given full weight in this case, albeit they are a useful point of reference.
8. The proposed 2 storey end terrace house would contain 2 bedrooms and would have a Gross Internal Area (GIA) of 49 square metres. This would be significantly below the minimum standard for this type of dwelling, which is set at 70 square metres in the Technical Housing Standards. This results in an excessively cramped internal layout, which is particularly apparent at ground floor level. In this regard, the proposed lounge area is clearly inadequate in size for a 2 bedroom property, and there is little space available to accommodate a dining table. In my view, this arrangement would result in unacceptably poor living conditions for future occupiers.
9. The appellant states that the minimum GIA for a dwelling such as this is 50 square metres. However, the RIBA publication 'Space Standards for Homes' (2015), submitted by the appellant, does not set out alternative internal space standards to the ones contained in the Technical Housing Standards.
10. In terms of the proposed 1-bedroom apartments, the appellant states that they would have GIAs of 33, 35, 37, and 39 squares metres respectively. The bedrooms would each be below 11.5 square metres and so would constitute a single bedspace for the purposes of the Technical Housing Standards. All 4 apartments would therefore either exceed or marginally fall short of the minimum standard of 37 square metres for this type of dwelling. In my view, they would provide adequate living space for a small 1 bedroom property and would not be an unduly cramped form of accommodation.
11. Separately, the development would be built up close to the boundaries of the site and would provide very little outdoor amenity space for future occupiers. In this regard, it is not clear that the proposed amenity space would be large

¹ Technical housing standards – nationally described space standard (DCLG, 2015)

² Paragraph: 018 Reference ID: 56-018-20150327

enough to accommodate the bins associated with the development, a cycle storage area, and provide sufficient space to dry clothes. The lack of an adequate outdoor area such as this would be particularly harmful given the limited internal space within the properties. Whilst the appellant has indicated that a communal bin store would be provided, it is questionable whether this could be manoeuvred in and out of the narrow alleyway down the side of the development. It is therefore unlikely to be a practical solution in this case.

12. For the above reasons, I conclude that the development would result in unacceptable living conditions for future occupiers with regard to internal living space and outdoor amenity space. It would therefore be contrary to Policy CS6 of the Shropshire Core Strategy (2011), Policy MD2 of the Shropshire Site Allocations and Management of Development Plan (2015), and guidance contained within the Type and Affordability of Housing Supplementary Planning Document (SPD) (2012). These policies and guidance seek to ensure, amongst other things, that new development is of an appropriate density and provides an acceptable standard of accommodation.

Living conditions – neighbouring occupiers

13. As set out above, the proposed side gables would have a considerably greater depth than those in the surrounding terraces. In this regard, the northern gable would extend significantly to the rear of the adjacent property at No 1 Oak Street.
14. The existing building occupies a similar footprint to the proposed development, and also extends to the rear of No 1. However, it has a front facing gable with a roof profile that slopes away on either side. Accordingly, the side elevation closest to No 1 Oak Street is below the eaves height of that property. In contrast, the development would introduce a significantly taller gable wall along the boundary. This would largely enclose the rear of No 1 along one side and would significantly reduce the outlook from, and light to, the rear facing windows. In this regard, it would lead to a significant deterioration compared to the existing situation.
15. The development would also introduce first floor bedroom windows around 2 metres from the rear boundary. These would directly overlook the gardens to the rear at close quarters. Whilst these gardens are fairly generous in size for terraced properties, the development would still result in a significant loss of privacy in my view.
16. Whilst the relocation of the martial arts club would result in a reduction in activity and associated disturbance, that does not provide a justification for a development with these shortcomings. In any case, this benefit could similarly be achieved with a different design.
17. For the above reasons, I conclude that the development would significantly harm the living conditions of the occupiers of neighbouring properties with regard to loss of outlook, natural light, and privacy. It would therefore be contrary to Policy CS6 of the Shropshire Core Strategy (2011), Policy MD2 of the Shropshire Site Allocations and Management of Development Plan (2015), and guidance contained within the Type and Affordability of Housing SPD (2012). These policies and guidance seek to ensure, amongst other things, that new development is well designed and does not result in an unacceptable loss of outlook or privacy.

Other Matters

18. A number of local residents have written in support of the development. However, a neighbour objection letter has also been received. It is therefore not the case that the proposal is locally uncontentious.
19. The concerns expressed regarding the Council's conduct during the processing of the planning application fall outside of the remit of this decision.

Conclusion

20. As set out above, I conclude that the development would significantly harm the character and appearance of the area, and the living conditions of both future and neighbouring occupiers of the development. Whilst it would provide new housing in a relatively accessible location, and would generate some modest economic benefits, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR

Appeal Decision

Site visit made on 14 August 2018

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4th October 2018

Appeal Ref: APP/L3245/W/18/3196948

Land at Mickley Stud, Mickley Lane, Mickley, Shropshire, TF9 3QW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Richard Kent against the decision of Shropshire Council.
 - The application Ref 17/01252/FUL, dated 4 March 2017, was refused by notice dated 1 September 2017.
 - The development proposed is Stud Farm Office with First Floor Accommodation.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. A revised version of the National Planning Policy Framework ('the Framework') has been published since the appeal was lodged. Both main parties were given the opportunity to comment on any relevant implications for the appeal. I have had regard to the responses and the Framework in reaching my decision.

Main Issues

3. The main issues are, firstly, whether there is an essential need for the development and, secondly, the effect of the development on the living conditions of neighbouring occupiers with regard to loss of outlook and privacy.

Reasons

Essential need

4. The appeal site consists of an area of open land opposite to the main complex of buildings within Mickley Stud. It backs onto open land at the rear and is adjacent to Mickley Lane.
5. The proposed building would contain office accommodation and a guest room at ground floor level, with a manager's apartment above. It would serve a number of purposes, including monitoring access into the stud complex, CCTV monitoring of the stables, new parking facilities, and new office and residential accommodation. In this regard, Policy CS5 of the Shropshire Core Strategy (2011) is supportive of dwellings to house essential countryside workers, and extensions to established rural businesses, that are located on appropriate sites that maintain the character of the countryside.

6. The appeal site currently consists of open land and is partly bound by mature hedgerows. It has an open, undeveloped character and does not contain any significant buildings or structures. The development would introduce a large building onto the site in a relatively prominent location next to the road that would also be visible in longer views to the south. Whilst it is opposite to the existing stud complex, those buildings have a rural character are partly screened by mature landscaping. In my view, the development would erode the undeveloped character of the site and would appear as a visual encroachment into open countryside.
7. The Council's Decision Notice states that the business may well be able to demonstrate an essential and functional need for a permanent dwelling. However, it notes that there is already residential accommodation within the stud complex, and raises concerns about the location of the proposed building. In this regard, the appellant's submission includes an assessment of potential alternative sites within and adjacent to the stud complex. This includes 2 sites (Nos 2 and 3) that are also on open land. However, Site 1 is within the existing stud complex near to the entrance, and is currently occupied by caravans, a cattle shed, and a portacabin.
8. The appellant sets out a number of reasons for selecting the appeal site over the alternatives. However, from the information before me, it is not clear that the proposed offices, manager's apartment, reception lounge, or CCTV monitoring facility, would require this particular location. Moreover, a development at Site 1 would be well positioned to monitor visitor arrivals at the stud complex and to provide security. It is also sufficiently large to accommodate a new building and car parking should the existing buildings be demolished / removed. In this regard, I note that a planning application has recently been submitted for the redevelopment of Site 1 for 4 dwellings (Ref 18/03061). Whilst the full details of that application are not before me, it clearly indicates that there is scope to accommodate additional development within the existing stud complex without encroaching into the countryside.
9. There are currently 2 static caravans within the stud complex that already provide onsite rural worker accommodation, which are not proposed for removal under this application. In this regard, the development would create a third unit of rural worker accommodation at the stud complex. It is not clear from the information before me that it is essential for this number of rural workers to live permanently at the stud complex. Moreover, it is unclear where the stud manager currently resides or how this existing arrangement affects the business. These uncertainties limit the weight I can attach to the stated need for the residential component of the scheme.
10. Separately, Part 2 c. of Policy MD7a of the Shropshire Site Allocations and Management of Development Plan (2015) states that where an additional rural worker dwelling is proposed, this should be treated as affordable housing. It further states that where such a dwelling is no longer required as an essential rural workers' dwelling, it should be made available as an affordable dwelling, or a financial contribution to the provision of affordable housing will be required. In this regard, there is no mechanism before me to deliver this policy requirement, and it would not be possible to secure this by condition.
11. I conclude that it has not been demonstrated that there is an essential need for the development on this site. It is therefore contrary to Policies CS5 and CS6

of the Shropshire Core Strategy (2011), Policies MD2 and MD7a of the Shropshire Site Allocations and Management of Development Plan (2015), and guidance contained within the Type and Affordability of Housing SPD (2012). These policies and guidance seek to ensure, amongst other things, that new rural worker dwellings are only permitted where an essential need can be demonstrated, and that new development respects its context.

Living conditions

12. The development would introduce a side gable wall that would face towards the neighbouring property at The Hazels. However, this would be positioned a significant distance from the eastern elevation of that property, and would not contain any side facing windows. The proposed side gable would also broadly align with the side elevation of The Hazels, and would be positioned away from its front and rear garden areas. This would ensure that no significant harm to the outlook from either the front or rear gardens would occur.
13. Separately, the proposed parking area would only contain 6 spaces and would be unlikely to be subject to frequent use outside of normal working hours. These spaces would therefore not result in any significant disturbance.
14. For the above reasons, I conclude that the development would not significantly harm the living conditions of neighbouring occupiers with regard to loss of outlook and privacy. It would therefore accord with guidance contained within the Type and Affordability of Housing SPD (2012). This guidance seeks to ensure, amongst other things, that new development does not have an unacceptable impact on neighbours.

Other Matters

15. The appellant states that the site has previously been subject to engineering works, and is tantamount to previously developed land in this regard. However, at the time of my site visit no buildings or fixed surface infrastructure were visible, and to the extent that these may previously have existed, they have now blended into the landscape. Moreover, the disused well is identified as falling outside of the appeal site on the Proposed Block Plan. Accordingly, I am not persuaded that the site consists of previously developed land. In any case, that would not overcome my other concerns regarding the development, as set out above.
16. The appeal site contains a soakaway and a septic tank that serve The Hazels. Any movement or modification of these facilities is a civil rather than a planning matter, and is subject to other legislation.

Conclusion

17. As set out above, I conclude that it has not been demonstrated that there is an essential need for the development on this site. Whilst it would not significantly harm the living conditions of neighbouring occupiers, and would generate some modest economic benefits, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR

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Appeal Decision

Site visit made on 17 September 2018

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th October 2018

Appeal Ref: APP/L3245/W/18/3201202

Woodlands, Adderley Road, Market Drayton TF9 3SW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr D Bagshaw against the decision of Shropshire Council.
 - The application Ref 17/04154/OUT, dated 23 August 2017, was refused by notice dated 6 November 2017.
 - The development proposed is the erection of a detached self build house on land adjacent to The Woodlands.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made in outline form with all matters reserved for future consideration. Drawings were submitted with the application indicating the dwelling's siting, layout, scale and appearance. However, these are labelled as indicative only and I have considered them as such.

Preliminary matter

3. Since the appeal was submitted, a revised version of the National Planning Policy Framework (the Framework) has been published and this is a material consideration which should be taken into account from the date of its publication. I have therefore determined the appeal in light of the revised Framework.

Main Issues

4. The main issues are whether the proposal accords with the Council's housing strategy, with particular regard to its location, and its effect on biodiversity.

Reasons

Housing Strategy

5. The appeal site comprises an open field that lies between The Woodlands to the north and commercial units to the south, which form the northern edge of the settlement boundary of Market Drayton. I acknowledge that the site has built development to the north, south and further to the east. However, the urban form of the commercial properties to the south is clearly read as the edge of the settlement. In contrast, the openness and spaciousness of the appeal site is more rural in both character and appearance and read as the open

countryside. Consequently, for the purposes of the development plan, the site is considered to be located within the open countryside.

6. Policy CS1 of the Shropshire Council Adopted Core Strategy (CS) 2011 sets a target of delivering a minimum of 27,500 dwellings over the plan period of 2006-2026 with 40% of these being within the Market Towns and other Key Centres. This is supported by Policy MD1 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) 2015, which states sustainable development will be supported in Shrewsbury, the Market Towns and Key Centres and the Community Hubs and Community Cluster settlements.
7. Policy CS3 of the CS states that the Market Towns and other Key Centres will maintain and enhance their roles in providing facilities and services to their rural hinterland. It goes on to state that balanced housing development will take place within the towns' development boundaries and on sites allocated for development. Market Drayton is identified as one such Market Town.
8. Policy S11 of the SAMDev states that in Market Drayton new housing development will be delivered through the allocation of greenfield sites together with a windfall allowance which reflects opportunities within the town's development plan boundary. It goes on to state that further to Policy MD3 of the SAMDev, the release of further greenfield land for housing will be focused in the north of the town on sustainable sites adjoining the development boundary. Therefore, this element of Policy S11 can only be satisfied subject to the requirements of Policy MD3 being met.
9. Policy MD3 of the SAMDev supports development outside settlements. Paragraphs 2 and 3 of Policy MD3 relate to the settlement housing guidelines, with paragraph 2 confirming that they are a significant policy consideration. Where the settlement housing guideline is unlikely to be met, paragraph 3 allows for additional sites outside the development boundary, subject to satisfying paragraph 2. Therefore, whilst Policy MD3 does allow for additional sites outside the settlement boundaries this is only if the settlement housing guideline is unlikely to be met. Whilst the specific details are not before me, the Council confirm that there is considerable development being undertaken in the town and as such there is no evidence to suggest that the target will not be met within the development plan period. In the absence of any evidence to the contrary, I find no reason to conclude otherwise and as such the proposal would conflict with Policy MD3 and, as a consequence, Policy S11 of the SAMDev.
10. Policy CS5 allows new development in the open countryside where it maintains and enhances countryside vitality and character and improves the sustainability of rural communities. It also provides a list of particular development that it relates to including dwellings for essential countryside workers and conversion of rural buildings. The proposal would not fall into any of the identified examples. Policy CS5 is complemented by Policy MD7a of the SAMDev, which goes on to state that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Clusters. As the proposal is for an open market dwelling in the open countryside, it would fail to accord with Policies CS5 and MD7a.
11. The SAMDev identifies Market Drayton as a Market Town for new housing. This additional housing has been identified as being capable of being delivered

within the development boundary. Whilst the plan allows for windfall development, the appeal site is located outside this boundary, in the open countryside where housing development is strictly controlled. As such, the development would fail to accord with the Council's housing strategy, as embodied by Policies CS1, CS3 and CS5 of the CS and Policies S11, MD1, MD3 and MD7a of the SAMDev. It would also fail to accord with the objectives of the Framework.

Biodiversity

12. Paragraph 99 of Circular 06/2005 'Biodiversity and Geological Conservation-statutory obligations and their impact within the planning system' ODPM states that developers should not be required to carry out surveys for protected species unless there is a reasonable likelihood of the species being present and affected by development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted.
13. The Council contend that the proposal has the potential to affect protected species. The site is in proximity of a large number of trees, particularly on the northern boundary of the site and those within the grounds of The Woodlands. Accordingly, there is a reasonable likelihood of protected species being present and affected by the development and, as such, I consider that an Ecological Assessment is required. No such assessment has been submitted.
14. I acknowledge that the proposal is for one dwelling only. However, even a single dwelling can have a harmful effect on protected species. Whilst ecological surveys can be carried out under conditions attached to a planning permission, this should only be done in exceptional circumstances¹. There is no evidence before me to suggest that there are any such exceptional circumstances.
15. I find therefore that in the absence of an ecological assessment of the appeal site it is not possible to ascertain the effect the dwelling would have on protected species. Therefore, the proposal would fail to comply with Policies CS17 of the CS and MD12 of the SAMDev, which, amongst other matters, seek to protect the ecological value of the area.

Other Matters

16. The proposal would be a low energy – fabric first house and therefore would be beneficial to the environment. It would also be located in a sustainable location, in terms of accessibility to services and facilities and would make a positive contribution, albeit very limited, to the supply of housing in Shropshire. The development would also make a contribution to the local economy through the creation of construction jobs and utilising materials sourced from local merchants. I also acknowledge that it would be a self-build dwelling occupied by a local resident, provide some surveillance over the adjacent commercial units and taxes paid by its occupants would support local services. These environmental, economic and social benefits weigh in favour of the proposal. However, given the scale of the proposal I attribute only moderate weight to these benefits.

¹ Paragraph 99 of Circular 06/2005 *Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within the Planning System*

Planning Balance

17. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Paragraph 12 of the Framework states that where a planning application conflicts with an up-to-date development plan permission should not usually be granted. It goes on to state that local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
18. The proposal does have some sustainable development features. However, Paragraph 9 of the Framework states that the three overarching objectives of sustainable development should be delivered through the preparation and implementation of plans and the application of the policies in the Framework; they are not criteria against which every decision can or should be judged.
19. The proposal would fail to accord with the development plan by conflicting with its housing strategy and by way of having a potentially harmful effect on protected species. Whilst there would be benefits to the scheme, I do not consider that, individually or cumulatively, these justify a departure from the development plan.
20. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR