

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

Date: Thursday 30<sup>th</sup> March 2023

**Committee:**  
**Southern Planning Committee**

**Date:** Tuesday, 11 April 2023

**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.

There will be some access to the meeting room for members of the press and public, but this will be limited. If you wish to attend the meeting please email [democracy@shropshire.gov.uk](mailto:democracy@shropshire.gov.uk) to check that a seat will be available for you.

Please click [here](#) to view the livestream of the meeting on the date and time stated on the agenda

The recording of the event will also be made available shortly after the meeting on the Shropshire Council Youtube Channel [Here](#)

The Council's procedure for holding Socially Distanced Planning Committees including the arrangements for public speaking can be found by clicking on this link:

<https://shropshire.gov.uk/planning/applications/planning-committees>

Tim Collard  
Assistant Director – Legal and Governance

**Members of the Committee**

David Evans (Chairman)  
Nick Hignett (Vice Chairman)  
Caroline Bagnall  
Andy Boddington  
Richard Huffer  
Christian Lea  
Hilary Luff  
Nigel Lumby  
Tony Parsons  
Ed Potter  
Robert Tindall

**Substitute Members of the Committee**

Gwilym Butler  
Rachel Connolly  
Roger Evans  
Nigel Hartin  
Pamela Moseley  
Cecilia Motley  
Claire Wild  
Paul Wynn

Your Committee Officer is:

**Tim Ward / Ashley Kendrick**     Committee Officer

Tel:                             01743 257713 / 01743 250893

Email:                         [tim.ward@shropshire.gov.uk](mailto:tim.ward@shropshire.gov.uk) / [ashley.kendrick@shropshire.gov.uk](mailto:ashley.kendrick@shropshire.gov.uk)

# AGENDA

## 1 Apologies for Absence

To receive any apologies for absence.

## 2 Minutes (Pages 1 - 4)

To confirm the minutes of the Southern Planning Committee meeting held on Tuesday 14<sup>th</sup> March 2023.

Contact Tim Ward (01743) 257713.

## 3 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is no later than 5.00 pm on Monday 3<sup>rd</sup> April 2023.

## 4 Disclosable Pecuniary Interests

Members are reminded that they must declare their disclosable pecuniary interests and other registrable or non-registrable interests in any matter being considered at the meeting as set out in Appendix B of the Members' Code of Conduct and consider if they should leave the room prior to the item being considered. Further advice can be sought from the Monitoring Officer in advance of the meeting.

## 5 Land To The South Of Tong Forge, Shifnal, Shropshire (22/05521/FUL) (Pages 5 - 34)

Application under Section 73A of the Town And Country Planning Act 1990 for the change of use of land to Gypsy / Traveller Site consisting of four family pitches to include 4No. static caravans, 4No. touring caravans, 4No. amenity blocks with gravel drive and turning area (re-submission)

## 6 Brown Clee, Abdon, Craven Arms, Shropshire, SY7 9HX (23/00354/FUL) (Pages 35 - 46)

Erection of two storey extension, roof replacement to form first floor accommodation, facade alterations, fenestration alterations and internal layout alterations

## 7 Ashbrook House, 29 Shrewsbury Road, Church Stretton, Shropshire, SY6 6JB (23/00414/FUL) (Pages 47 - 58)

Proposed change of use of ancillary domestic outbuilding (annex) to holiday let accommodation.

## 8 Schedule of Appeals and Appeal Decisions (Pages 59 - 76)

## 9 Date of the Next Meeting

To note that the next meeting of the Southern Planning Committee will be held at 2.00 pm on Tuesday 9<sup>th</sup> May 2023.

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## Committee and Date

Southern Planning Committee

11 April 2023

## **SOUTHERN PLANNING COMMITTEE**

**Minutes of the meeting held on 14 March 2023**

**2.00 - 4.20 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND**

**Responsible Officer:** Tim Ward / Ashley Kendrick

Email: tim.ward@shropshire.gov.uk / ashley.kendrick@shropshire.gov.uk Tel: 01743 257713 / 01743 250893

### **Present**

Councillors Nick Hignett (Vice Chairman), Caroline Bagnall, Christian Lea, Hilary Luff, Nigel Lumby, Tony Parsons, Ed Potter, Robert Tindall and Roger Evans (Substitute) (substitute for Richard Huffer)

### **112 Apologies for Absence**

Apologies for absence were received from Councillors Andy Boddington, David Evans and Richard Huffer.

Councillor Roger Evans substituted for Councillor Richard Huffer.

In the absence of the Chair the Vice Chair, Councillor Nick Hignett took the meeting.

### **113 Minutes**

#### **RESOLVED:**

That the Minutes of the meeting of the Southern Planning Committee held on 14 February 2023 be approved as a correct record and signed by the Chairman.

### **114 Public Question Time**

There were no public questions.

### **115 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 respect of agenda item 5 Councillor Nigel Lumby declared that he was the local Member and that he would make a statement and then withdraw from the meeting and take no part in the debate or voting.

### **116 Land to the West of County Lane Alport Shropshire (22/01816/FUL)**

The Development Manager introduced the application which was an application for the erection of a solar generating facility (solar farm) with a capacity of up to 16 Megawatts, comprising of ground mounted solar photovoltaic (PV) panels, a battery storage facility, erection of a 2.5m high security fence up to 2.5m high, erection of up to no.19 CCTV Poles with a maximum height from ground level of 3m and associated infrastructure and with reference to the drawings and photographs displayed, she drew Members' attention to the to the location, layout and elevations.

Sarah Dakin spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Nigel Lumby, local Ward Councillor made a statement in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees, he then left the room and took no part in the debate or vote

Nick Barber, (Applicant), spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Several Members expressed concern regarding the access to the site for large vehicles. The Development Manager advised that the application included the creation of passing places and that further traffic management measures such as the use of banksmen could be included in the Construction Traffic Management Plan.

The Development Manager advised the meeting that an additional condition would be required to ensure a management plan for the battery area.

**RESOLVED:**

That in accordance with the Officer recommendation planning permission be granted subject to the conditions set out in appendix 1 to the report with an added condition about battery management

**117 Proposed Solar Farm to the south of Hall Lane, Kemberton, Shifnal (22/02441/FUL)**

The Development Manager introduced the application which was an application for the installation of solar farm and associated infrastructure and with reference to the drawings and photographs displayed, she drew Members' attention to the to the location, layout and elevations.

Allan Chatham spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Fred Quartermain spoke on behalf of Kemberton Parish Council against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees

Councillor Richard Marshall, local Ward Councillor made a statement in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Nick Williams, (Agent), spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Members expressed concern that the proposals would result in harm to the green belt as there was only a narrow section of green belt between the village of Kemberton and Halesfield industrial estate. They also expressed concern regarding the loss of good quality organic land which would result in the loss of food production and have a harmful effect on the viability of a local business

**RESOLVED:**

That against the Officer recommendation planning permission be refused for the following reasons:

The proposals would have an adverse effect on the openness of the greenbelt and that there were no very special circumstances to allow development on the green belt, the development is contrary to the reasons for including land within the green belt as it will leads to urbanisation and urban sprawl contrary to policy CS5 of the Core Strategy

Loss of a viable farming business on best and most valuable agricultural land, having adverse effect on the local economy contrary to policy CS13 of the Core Strategy

Harm to the character of the landscape not outweighed by the benefits, fails to conserve or enhance natural assets

**118 The Wyches, Little Worthen, Worthen, Shrewsbury, Shropshire, SY5 9HL (22/04625/FUL)**

The Principal Planner introduced the application which was an application for the erection of two three-bedroom dwellings and with reference to the drawings and photographs displayed, he drew Members' attention to the to the location, layout and elevations.

Councillor Heather Kidd, local Ward Councillor made a statement in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Shyam Vadukul, (Applicant), spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In response to a question the Principal Planner confirmed that whilst the previous lapsed planning consent was not a material consideration for this application it did to some extent establish the principle of development on the site.

A member commented that he felt that the proposals were contrary to policy MD3 of the SAMDev as the number of new houses in the cluster had already been exceeded.

Members welcomed the fact that the entrance onto the B4386 would be closed up as this would improve road safety.

**RESOLVED:**

That in accordance with the Officer recommendation planning permission be granted subject to the conditions set out in appendix 1 to the report

**119 Land To The South Of Tong Forge Shifnal Shropshire (22/05521/FUL)**

The Development Manager advised the meeting that earlier in the day she had been informed that the agent for the applicant had been admitted to hospital and would not be able to be present at the meeting. She suggested that the item be deferred to allow the applicant to be represented.

**RESOLVED**

That consideration of the application be deferred to the next meeting.

**120 Schedule of Appeals and Appeal Decisions**

**RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the southern area as at 14 March 2023 be noted.

**121 Date of the Next Meeting**

**RESOLVED:**

That it be noted that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 11<sup>th</sup> April 2023

Signed ..... (Chairman)

Date: .....



## AGENDA ITEM



Committee and date  
**Southern Planning Committee**  
**14th March 2023**

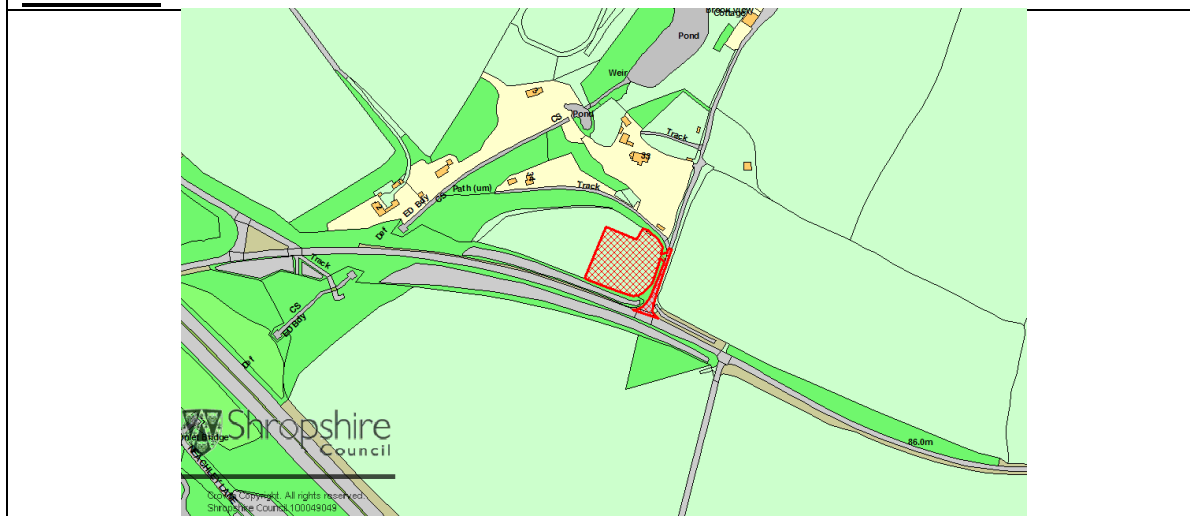
### Development Management Report

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

### Summary of Application

|  |   |      |
|--|---|------|
| <b><u>Application Number:</u></b> 22/05521/FUL   | <b><u>Parish:</u></b>   | Tong |
| <b><u>Proposal:</u></b> Application under Section 73A of the Town And Country Planning Act 1990 for the change of use of land to Gypsy / Traveller Site consisting of four family pitches to include 4No. static caravans, 4No. touring caravans, 4No. amenity blocks with gravel drive and turning area (re-submission) |   |      |
| <b><u>Site Address:</u></b> Land To The South Of Tong Forge Shifnal Shropshire   |   |      |
| <b><u>Applicant:</u></b> Mrs E Quinn   |   |      |
| <b><u>Case Officer:</u></b> Mike Davies  | <b><u>email:</u></b><br>mike.daves.planning@shropshire.gov.uk |      |

**Grid Ref:** 378244 - 307890



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# AGENDA ITEM

**Southern Planning Committee - 14th March 2023**

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

## REPORT

|            |   |
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| <b>1.0</b> | <b>THE PROPOSAL</b>   |
| 1.1        | The proposal is a retrospective planning application for the change of use of land to a Gypsy/Traveller Site and siting of 4 static caravans and 4 touring caravans for an extended gypsy/traveller family. The proposals also include for the provision of 2 single day room buildings along with a twin day room building to provide washing, toilet and cooking facilities for the residents of each of the 4 pitches.   |
| 1.2        | The proposals also include for a pony paddock on the east part of site as well as gates to the site access. A native hedgerow will be planted along the boundary between the pony paddock and the residential caravan site. The western part of the site has been substantially covered in hardstanding since first occupation by the applicant in late 2021.   |
| 1.3        | <p>A similar proposal (21/04533/FUL) on this site last year was refused on 17th May 2022 for the following reasons:</p> <ol style="list-style-type: none"> <li>1. <i>The proposal represents an inappropriate form of development which would be harmful to the openness of Green Belt and rural landscape character of the countryside which is contrary to the Section 13 of NPPF, Policy E of DCLG Planning Policy for Travellers Sites (2015), Policies CS5 and CS12 of the Shropshire Core Strategy (2011).</i></li> <li>2. <i>The proposal does not represent a sustainable form of development due to its isolated nature and it is therefore contrary to Section 2 of the NPPF, Policy B of DCLG Planning Policy for Travellers Sites (2015) and Policy CS12 of the Shropshire Core Strategy (2011).</i></li> <li>3. <i>The proposal is located a considerable distance from the nearest settlement boundary contrary to Policy H of the DCLG Planning Policy for Travellers Sites (2015) and Policy CS12 of the Shropshire Core Strategy (2011).</i></li> <li>4. <i>The applicant has failed to undertake an appropriate ecological impact assessment which is contrary to Paragraph 180 and 182 of the NPPF, Policies CS6 and CS17 of the Shropshire Core Strategy and Policy MD12 of the SAMDev Plan.</i></li> </ol> |
| 1.4        | The revised application submitted contains substantially more information in relation to the personal circumstances of the appellant and their extended   |

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|            | family the other site occupants which were not included with the previous submission.  |
| 1.5        | In addition, the definition of Gipsy and Traveller has changed from that given in the PPTS (2015) as the recent Smith judgement determined that this was discriminatory on both disability and racial grounds and as such the definition should be altered to include those who could no longer travel due to being infirm or elderly.   |
| <b>2.0</b> | <b>SITE LOCATION/DESCRIPTION</b>   |
| 2.1        | The site is situated within the Green Belt at the junction of Stanton Road and Lizard Lane leading to RSN Commercials at Tong Forge. There is a hedgerow with a belt of trees around the perimeter of the site fronting on Stanton Road and Lizard Lane which is a restricted by-way. Public Footpath 0149/14/1 runs along the northern edge of the site.  |
| 2.2        | The site is predominantly surrounded by agricultural fields with RSN commercials to the north. Access to the site is gained via a restricted by-way 0149/15/5 and as such whilst the by-way is a public highway and is maintainable at the public expense to a level commensurate with its public use – i.e. it is not publicly maintained to enable use by vehicles as there is no public right to do so. |
| 2.3        | The application makes various claims about the former use of the site but offers very little in the way of substantive evidence to support these. There are no records held by the Council that offer any substance to these claims and historic aerial photos of the site do not indicate the site is previously developed land as suggested by the applicant.  |
| 2.4        | In any event if the site was used at some point in the past as a contractor's compound in relation to the construction of the M54 motorway (1973-75), this would only have been a temporary use and since the use ceased the site has been reclaimed by nature leaving little evidence of any previous use which would support the claim that the site is previously developed land.                       |
| <b>3.0</b> | <b>REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION</b>   |
| 3.1        | The Parish Council have objected to the application and the ward member objects, however the ward member whose constituency adjoins the eastern edge of the site has expressed support for the proposals. The officer recommendation differs from the views of the ward member and therefore the   |

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|            | matter cannot be determined under delegated powers, without the agreement of the Chair/Vice Chair of the Southern Planning Committee.  |
| <b>4.0</b> | <b>Community Representations</b>   |
| <b>4.1</b> | <b>Consultee Comment</b>   |
| 4.1.1      | <p><b>Tong Parish Council</b> - This is contrary to the policy on the Green Belt- there are no extenuating circumstances here that would permit development.</p> <ul style="list-style-type: none"> <li>- Additional traffic on Stanton Rd and Lizard Lane would promote further hazard.</li> <li>- There has never been hardcore on the land.</li> <li>- We fully support the Planning Authority, in its previous decision on this retrospective application.</li> <li>- The needs of travelling families are well provided for within the County and future needs come under the provision of the Local Plan.</li> <li>- Objects to the application and lack of information available to them. (This relates to personal circumstances and cannot be divulge due to data protection).             <ul style="list-style-type: none"> <li>• Site is Green Belt and development is inappropriate and contrary to NPPF and Local Plan Policy, personal circumstances should not outweigh this.</li> <li>• Concerned at 12-month temporary consent as not logical decision</li> <li>• The PC then lists a number of questions it feels need to be addressed before the application can be determined. These are as follows:                 <ol style="list-style-type: none"> <li>i. The names, ages and gypsy status of all those persons who are intended to be accommodated in the proposed caravans. The proposal is for four static and four touring vans, and it would appear that the children and the family member who is in need of medical assistance will be leaving the site to travel at various times in the year.</li> <li>ii. The current addresses of all the persons who will occupy the caravans, how long they have resided there and a brief explanation of why that accommodation is unsuitable for their future needs. The Parish Council does not know any of this detail, but is aware that, when the applicant purchased the application site, she had addresses at two brick-built addresses, one in Hatfield and one in Sutton Coldfield.</li> <li>iii. What steps the Council Officers have taken to verify the claims made by the applicant. For instance:                     <ol style="list-style-type: none"> <li>a. The ages of the children and how long they expect to remain at the Primary School in Shifnal and their attendance record.</li> <li>b. What medical assistance is required by the family member(s) concerned and why such assistance can be better provided in an</li> </ol> </li> </ol> </li> </ul> </li> </ul> |

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|       | <p>isolated rural location rather than in say Telford where assistance is readily available. This might help explain why four dual-caravan pitches are required.</p> <p>iv. Why the Council would feel it appropriate to attempt to limit the period of occupation of the proposed caravans to twelve months, on the basis of the personal circumstances provided, when that will mean the applicant and/or the family members purchasing the caravans and providing drainage etc. and moving the member who is in need of medical assistance from his/her current accommodation only to be uprooted again in just 12 months' time.</p> <p>v. What steps the Council has taken to verify the applicant's claims that there are no other sites available to them. The application does not provide a list of sites that might be suitable that have been surveyed which are publicly and privately owned or sites which might be suitable but which perhaps do not at present enjoy planning permission- the application site does not have permission but seems to be regarded as suitable. It is highly unlikely that there are no other such sites in the County or in Telford and Wrekin Council's area that are not located in the Green Belt. This information might have been supplied along with the personal information.</p> <ul style="list-style-type: none"> <li>• The PC then go on to express concern around proposed conditions in particular the temporary and personal restrictions. They also express concern about the landscaping requirement. However, it needs to be remembered that this is a retrospective application, so the development has already taken place, so the objective of the conditions is to mitigate and control.</li> <li>• Concern that ownership certificate maybe incorrect as it includes the restricted byway.</li> <li>• The PC have pointed out that the site is covered by a restrictive covenant but have provided no details of what this relates too</li> </ul> |
| 4.1.2 | <b>SC Waste Management</b> - The waste management team have offered standing advice in relation to new developments.   |
| 4.1.3 | <b>Public Rights of Way</b> - The application proposes access over a route that is recorded as a public Restricted Byway that does not appear to carry public motorised vehicular rights. The applicant is very strongly advised to satisfy themselves that they can demonstrate a sufficient vehicular right of access before committing further resources to the proposal. Neither the granting of planning permission, nor any associated obligations relating to the proposed  |

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|              | <p>access, either grant or imply the existence of any right for the benefit of the applicant to use that way with vehicles and it is a road traffic offence to drive a motor vehicle on a Restricted Byway without lawful authority.</p>  |
| <p>4.1.4</p> | <p><b>County Ecologist</b> - No objection: The information and plans submitted in association with the application have been reviewed along with the survey work carried out. Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.</p>  |
| <p>4.1.5</p> | <p><b>SC Landscape Consultant</b> - The development has led to adverse landscape effects. The hardstanding, vehicles and other items on the site have introduced discordant landscape elements uncharacteristic of the receiving landscape and the loss of an area of grassland, with no mitigating measures other than a proposed length of new hedgerow to balance this loss. At an application site level, this represents a notable loss of the vegetation cover of the site. The Design &amp; Access Statement notes that there will be no adverse visual impact but provides no evidence to support this statement, and from my site visit I consider that this will not be the case. The development is visible from Stanton Lane, from Restricted Byway 0149/15/4 from which access to the site is made, and from public footpath 0149/14/1 which bounds the site to the north. Filtered visibility of caravans was also noted from Lizard Lane to the west, although this view would be limited to winter months. As a result, and in the absence of any mitigation measures, the development is accompanied by adverse visual effects, however a landscape condition requiring additional screening could help to mitigate against visual impacts</p> <p>The Design &amp; Access Statement refers to the site being located in an Area of Great Landscape Value; however, I am not aware of this designation.</p> <p>The development will also lead to permanent harm to openness of the Green Belt. Openness as a landscape characteristic described in a landscape character assessment refers to the degree of enclosure and visual permeability of the landscape; whereas openness of the green belt refers to an absence of urban features and built structures. This definition has been confirmed by the Supreme Court judgement in Samuel Smith Old Brewery (Tadcaster) &amp; Ors, R (on the application of) v North Yorkshire County Council [2020], that the visual quality of the landscape is not in itself an essential part of the openness for which the Green Belt is protected. The development has introduced urban elements to a previously undeveloped and open site.</p> <p>It is therefore considered that the development does not accord with Local Plan policy on landscape and visual matters, or with national or local policy on development in the Green Belt.</p> |

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| 4.1.6      | <p><b>Highway Authority</b> - The site has access onto the Class III road, Stanton Road to the south via a private track/road. From information currently available the private road also serves as a route to a business selling commercial vehicles, residential properties, and adjoining farm/agricultural land. The private road also provides the route of a restricted byway, route code no. 0149/15/4.</p> <p>Whilst it is accepted that the formation of the proposed development will generate some additional traffic utilising the private road junction, these additional vehicle movements are considered unlikely to have a material impact in view of the existing ones arising from the operations/uses that currently use the road and its junction with Stanton Road. The proposal is considered unlikely to lead to severe harm on the adjacent highway network, which could be demonstrated and/or sustained at appeal.</p> <p>The means of access to the site is via a restricted byway, the implementation of any permission granted requires the applicant to have actual rights of vehicular access to the site from the public highway. Stipulations governing the use of/implications of the restricted byway are covered by Shropshire Councils Outdoor Recreation Team.</p> |
| 4.1.7      | <b>Environmental Protection</b> – No comments  |
| 4.1.8      | <b>County Arborist</b> – No Objections   |
| 4.1.9      | <b>Local Lead Flood Authority</b> – Drainage shall be designed in accordance with the drainage hierarchy.  |
| <b>4.2</b> | <b>Public Comments</b>   |
| 4.2.1      | 19 representations from the public supporting the proposals have been received, however they do not refer to any material planning considerations in their expressions of support.   |
| 4.2.2      | <p>1 objection has been received and this is based on the following grounds:-</p> <ul style="list-style-type: none"> <li>- object to the establishment of this site in the green belt which is not needed and contravenes established policy.</li> <li>- does not understand why the application has not been refused like the first application.</li> <li>- does not understand how this application can proceed when SC were in a process of enforcement against this site/applicant.</li> </ul>   |
| <b>5.0</b> | <b>THE MAIN ISSUES</b>   |
|            | <p>Principle of development<br/>Siting, scale and design of structure<br/>Visual impact and landscaping</p>  |

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|            | Highways and Transportation<br>Residential Amenity<br>Ecology<br>Personal Circumstances<br>Planning Balance  |
| <b>6.0</b> | <b>OFFICER APPRAISAL</b>   |
| 6.1        | Principle of development   |
| 6.1.1      | Section 38(6) of the Town and Country Planning Act requires that applications should be determined in accordance with the up-to-date adopted development plan unless material considerations indicate otherwise.   |
| 6.1.2      | The relevant Development Plan Policies are provided within the Shropshire Core Strategy (2011); Site Allocations and Management of Development Plan (2015); Sustainable Design SPD (July 2011); and National Planning Policy Framework (NPPF) (2021). The DCLG Planning policy for traveller sites' (August 2015) also needs to be taken into account in the context of these proposals. Those of relevance to the proposal are considered below as part of the appraisal.   |
| 6.1.3      | <p>The planning policy context for this development is that the site falls within the Green Belt. The National Planning Policy Framework advises at paragraph 147 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It continues at paragraph 148 stating:</p> <p><i>“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”</i></p> |
| 6.1.4      | <p>The change of use and structures to which this application relates constitute inappropriate development in the Green Belt, as confirmed by the DCLG ‘Planning policy for traveller sites’, August 2015 (“PPTS”), Policy E which relates specifically to Traveller Sites in Green Belt. It states at paragraph 16 that:</p> <p><i>“Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.”</i></p>  |



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| 6.1.5 | The applicant in their supporting statement claims that the site was originally used by the Department of Transport as a compound for when the M54 was being built. Having checked the historical records of Bridgnorth Council there is no site history relating to this site which supports this claim. In any event whether or not this use can be substantiated it would only have been for a temporary period during construction of the M54 and it is evident from aerial photographic images that the site has been reclaimed by nature in the intervening period. Therefore, any former use relating to the construction of the M54 that could be attributed to the site has long since ceased.  |
| 6.1.6 | <p>At Policy H (Decision taking) of the PPTS document a number of issues are set out as relevant matters when considering applications for traveller sites. These are set out in paragraph 24 as:</p> <ul style="list-style-type: none"> <li>a) The existing level of local provision and need for sites</li> <li>b) The availability (or lack) of alternative accommodation for the applicants</li> <li>c) Other personal circumstances of the applicant</li> <li>d) That the locally specific criteria to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites</li> <li>e) That they should determine applications for sites from any travellers and not just those with local connections.</li> </ul>               |
| 6.1.7 | <p>However, at paragraph 16 the PPTS states <i>“Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.”</i></p>  |
| 6.1.8 | <p>There is a requirement under paragraph 25 of the DCLG policy for local planning authorities to very strictly limit new traveller sites in open countryside that are away from existing settlements or outside areas allocated in the development plan. It continues to say that those sites in rural areas should respect the scale of, and not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure. Paragraph 26 states when considering applications local planning authorities should attach weight to the following matters:</p> <ul style="list-style-type: none"> <li>a) Effective use of previously developed (brownfield), untidy or derelict land</li> <li>b) Sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness</li> </ul> |

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|        | <p>c) Promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children</p> <p>d) Not enclosing a site with so much hard landscaping, high walls or fences that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.</p>   |
| 6.1.9  | <p>It continues at paragraph 27 by stating that where a local planning authority is unable to demonstrate an up to date 5-year supply of deliverable sites, that this would be a significant material consideration when considering applications for the grant of temporary planning permission. It clarifies however that there are some exceptions to this statement, which include where the proposal is on land designated as Green Belt.</p>  |
| 6.1.10 | <p>Shropshire Core Strategy policy CS5 relates to the Countryside and Green Belt and seeks to restrict housing to house agricultural, forestry or other essential countryside workers and other affordable housing/accommodation to meet a local need in accordance with national planning policies and policies CS11 and CS12. It advises that there will be additional controls over development in the Green Belt in line with Government Guidance. SAMDev Plan policy MD6 also relates to the Green Belt, requiring it to be demonstrated that proposals do not conflict with the purposes of the Green Belt.</p>   |
| 6.1.11 | <p>Shropshire Core Strategy Policy CS12 relates to Gypsy and Traveller provision and pre-dates both the National Planning Policy Framework (NPPF) and the August 2015 DCLG Planning policy for traveller sites. It states that sites would be allocated to meet identified needs and would be supportive of suitable development proposals close to Shrewsbury, the Market Towns, and Community Hubs and clusters. The policy also indicates that suitable development proposals for small exception sites (under 5 pitches), where a strong local connection is demonstrated, may be acceptable under policy CS5 (Countryside and Green Belt). It was anticipated when the Core Strategy was adopted that the provision of new sites would be largely made in the Site Allocations and Management of Development (SAMDev) Plan. However, the SAMDev Plan adopted in December 2015 does not include site allocations for this purpose. The matter was considered by the SAMDev Inspector in her October 2015 report at paragraphs 71 to 79 (Issue 3). It was the Inspector's conclusion that the Council will be able to demonstrate a five-year supply of pitches and sufficient supply for the remainder of the plan period, having regard to the expected turnover of pitches on Council owned sites. She stated that the evidence confirms that it is not necessary for the SAMDev Plan to make further provision to meet the accommodation needs of the gypsy and traveller community and travelling show persons.</p> |

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| 6.1.12 | The latest assessment of the need for gypsy and traveller pitches in Shropshire is the 2019 update. It summarises the need for gypsy and traveller pitches, transit pitches and travelling show person's plots in Shropshire as assessed in the Gypsy and Traveller Accommodation Assessment 2014 (updated January 2015), with the SAMDev Plan Inspector's Report (20th October 2015) providing additional clarification of baseline figures.   |
| 6.1.13 | With respect to Residential Gypsy and traveller pitches this data shows an assessed need to 2019 of 165 pitches.<br>The current need (excluding turnover) = assessed need – assessed and additional supply since January 2015 = 11 Pitches.<br>The current need (including turnover) = assessed need – assessed and additional supply since January 2015 = - 24 pitches.  |
| 6.1.14 | At the time of writing this report the Council has commissioned a Gypsy and Traveller Accommodation Assessment (GTAA) review, which will feed into the partial review of the SAMDev Plan to roll that document forward until 2036. A Green Belt review is also underway at the present time as part of the partial review of the SAMDev Plan.<br><br>The agent has submitted supporting information in relation to the children of the applicants being schooled locally and underlying health issues that other occupants of the site suffer from. The applicant has provided confidential information detailing their 'personal circumstances' in support of this planning application. |
| 6.1.15 | The Council's Gypsy Liaison Officer has verified that the applicant and the occupiers of the site are all Travellers. He has knowledge of the family from when he worked for Telford and Wrekin Council. The immediate family of the applicants live in Telford within a bricks and mortar property. He further advises:<br><br>Shropshire Council has no vacant sites at present and Telford and Wrekin Council do not have any pitches available either. A letter of support has also been received from Gypsy Liaison Officer at Telford and Wrekin Council confirming the local connection and non-availability of alternative sites within their district.                           |
| 6.1.16 | The GTAA for Telford and Wrekin and that for South Staffs both show that there are shortfalls in site provision to be addressed.  |
| 6.1.17 | The GTAA for South Staffs is dated January 2014 identifies a shortfall of 11 gypsy and traveller pitches over the period 2013/14 to 2017/18 and that, over  |

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|        | the longer term for the Plan Period 2013/14 to 2027/28 that a total of 33 additional pitches are required.   |
| 6.1.18 | The June 2016 Telford and Wrekin GTAA has identified a need for 32 gypsy and traveller pitches for the period 2014 to 2031. (The Telford and Wrekin Local Plan is currently at examination).   |
| 6.1.19 | While taken on their own the latest Shropshire Council figures, when turnover is taken into account, indicate that there is no shortfall in provision in Shropshire, account needs to be taken of the geography of the Shifnal area, effectively bounded to the east and north by Authorities which both have a shortfall in provision, and the information provided by the Council's Gypsy Liaison Officer to the effect that there are no pitches available at present on Council operated sites to accommodate the applicants.  |
| 6.1.20 | The above national planning policy and Development Policy context demonstrates that any shortfall in Shropshire to providing a 5-year supply of deliverable pitches, the condition of the land and the personal circumstances of the adults are unlikely to amount to very special circumstances sufficient to justify inappropriate development in the Green Belt. The weight to be accorded to the best interests of the child in addition to any other positive attributes that the site has for the use sought is considered in the Planning Balance section of the report below.  |
| 6.1.21 | In addition to the issue of harm to the Green Belt caused by the inappropriateness of the proposed use and associated built development, consideration must also be given to whether a key characteristic of Green Belt – openness – would be harmed.  |
| 6.1.22 | Openness is both a feature of the quantum of development and the visual impact of the proposal. (Court of Appeal judgement in John Turner v SSCLG and East Dorset Council [2016] EWCA Civ 466). In this case the structures comprising of four static caravans, three facilities buildings, four touring caravans and parked vehicles would, by their very presence, impact upon openness in comparison with previous agricultural use of the land. However, all these items would be contained within large level plots and the visual impact would be limited due to the extent of the hedgerows surrounding the site and the proposed landscaping. The harm to openness is considered to be moderate but not significant in this case, but it is a matter to which weight must be attached. This factor is also included in the Planning Balance below. It is considered that a decision to permit this application would not need to be referred to the Secretary of State as a departure with reference to the relevant guidance. |

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| 6.1.23 | The issue of visual impact on the Green Belt was further clarified by the Supreme Court in Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council. The court held that openness was a broad concept in relation to the Green Belt and not necessarily related to the quality of the landscape.  |
| 6.2    | Siting, scale and design of structure  |
| 6.2.1  | The application seeks consent for the siting of 4 static caravans and 4 touring caravans, along with 2 single day rooms and a twin day room. The site was previously a green field site which is supported by aerial photographic evidence from Google. Approximately half the site has now been covered by hardstanding without planning permission.  |
| 6.2.2  | The applicant claims that the site is a previously developed site within the Green Belt but aerial photographs of the site do not support this. The applicants have not provided any evidence to support their claim that the site is Previously Developed Land and there is no site history to suggest that it was anything other a green field.  |
| 6.2.3  | The site is situated in open countryside within the Green Belt. It is located away from the nearest settlements of Tong which lies on the eastern side of the by-pass (A41) and Shifnal which is located to the south of the M54. The development is near to a small cluster of development around Tong Forge which is located a short distance from the edge of Shifnal albeit on the other side of the M54 motorway. The site is well screened from Stanton Lane by a hedgerow and trees along the boundary with the highway. It is therefore considered that the proposal will not result in substantial harm in terms of Green Belt and its purpose. |
| 6.2.4  | Policy CS12 advocates support for suitable development proposals for small exception sites (under 5 pitches) in accordance with Policy CS5, where a strong local connection can be demonstrated. In this case a strong local connection does exist, and this is confirmed by the Council's G&T Liaison Officer. It is understood that the applicant and the extended family are based in the Telford area and support has also been offered by the G&T Liaison Officer from Telford and Wrekin.  |
| 6.2.5  | The recent appeal allowed under APP/L3245/W/22/3300532 - Five Oak Stables, Coton, Whitchurch did not support the LPA's contention that the site was isolated or in an unsustainable location. In this case given the site is located closer to amenities in Shifnal than that of the Whitchurch site and having regard to the fact there are no major physical barriers preventing access to Shifnal it is considered that reasons 2 and 3 related to the previous refusal of planning application 21/04533/FUL could not be sustained at appeal. Policy B of the DCLG Planning Policy for Travellers sites makes it                                     |

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|       | clear that the same considerations for sustainability of housing sites should be applied to Gypsy and Traveller sites however the appeal decision makes it clear that this needs to be considered pragmatically on a site by site basis given that G&T sites will often be located at the extremities of settlements.  |
| 6.3   | Visual impact and landscaping  |
| 6.3.1 | The primary function of the Green Belt is to protect the openness between settlements and prevent them merging into one another. The site was a green field within the Green Belt prior to the applicant moving onto site and introducing hardstanding, caravans and vehicles to the site. The site has changed its appearance and character appearing more urban in form as a result of this unauthorised development.  |
| 6.3.2 | The applicant has suggested that the site is screened by existing hedgerow and trees, but the interior of the site is still visible through these from Stanton Road. The development therefore presents an intrusion into the Green Belt which whilst screened to an extent nevertheless diminishes the openness of the site.  |
| 6.3.3 | Core Strategy policy CS6 seeks to ensure that development is appropriate in scale, density, pattern and design taking into account the local context and character. SAMDev policy MD2 requires development to respect locally distinctive or valued character and existing amenity value. Additional planting can be secured via condition to further screen the development from outside view. At present the site is surrounded by trees and hedging with glimpses into the site through this foliage, bolstering this would effectively fully screen the development from outside view. |
| 6.4   | Highways and Transportation  |
| 6.4.1 | The NPPF, at section 9, seeks to promote sustainable transport. At paragraph 111 it states that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety."  |
| 6.4.2 | Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced. It seeks to achieve safe development and pertinent matters to consider include ensuring the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated.  |

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| 6.4.3 | Concern about the suitability of the access onto Stanton Road has been raised by objectors. However, the Highway Authority do not share these concerns. The relatively low level of trips generated are not considered to have an unacceptable impact on highway safety which is the test set in paragraph 111 of the NPPF.  |
| 6.4.4 | Stanton Road connects the settlement of Shifnal to the A41, however traffic volumes along this route are modest, with the B4379 and A464 acting as the primary routes through Shifnal.   |
| 6.4.5 | The issue of motorised traffic using a restricted by-way has been raised by both the highway authority and the public rights of way officer. Given there is a commercial operation further up Lizard Lane along with residential properties, the by-way is already serving as an access to these properties. Whilst the applicant needs to satisfy themselves legally that they have access to the site, this is a civil matter and not a material planning consideration. |
| 6.5   | Residential Amenity  |
| 6.5.1 | The site is generally surrounded by countryside with isolated residential properties in the locality. It is considered that the development will not have any significant adverse impact on the amenities of existing residents living in immediate proximity of the site.   |
| 6.5.2 | The use itself is primarily residential in nature and the application does not seek approval to undertake any business activities from the site itself. Whilst, vehicles connected with the businesses of the occupants of the site will be parked on site, business activity is likely to be conducted away from the site and therefore any impact on amenities is unlikely to be at a level which would cause harm to neighbours.  |
| 6.5.3 | To safeguard the amenities of the immediate locality a condition could be attached to any permission preventing business use being undertaken on the site  |
| 6.6   | Ecology  |
| 6.6.1 | The Ecological Assessment carried out by Camlad Ecology (July 2022) found no trees suitable for roosting bats on site. The vegetative boundaries and trees are considered suitable for nesting birds. Ponds within 250m were assessed for their suitability to support great crested newts. No impact is considered likely to newts.   |

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| 6.6.2 | Any external lighting to be installed on the building should be kept to a low level to allow wildlife to continue to forage and commute around the surrounding area.  |
| 6.6.3 | SC ecology require biodiversity net gains at the site in accordance with the NPPF and CS17. The installation of bat boxes and bird boxes will enhance the site for wildlife by providing additional roosting and nesting habitat. The proposals therefore satisfy the requirements of policies CS6 and CS17 of the Core Strategy and policy MD12 of the SAMDev Plan.  |
| 6.7   | Personal Circumstances  |
| 6.7.1 | The Council's Gipsy and Traveller Liaison Officer has indicated that the family have a local connection to Telford. However, the lack of detail in the previous submission about who would be living on site meant it was impossible to establish that anyone except the applicant themselves had a local connection. No details were contained in the application about whether children or elderly relatives form part of the extended family and therefore it was difficult to attribute any weight to the personal circumstances in the absence of such detail. |
| 6.7.2 | The new application comprises a statement that sets out the personal circumstances of the occupants of each pitch in much more detail than the previous application and on the basis of this additional information it should be easier to assess whether the personal circumstances put forward by the applicant are sufficient to outweigh other material planning considerations in this particular case.  |
| 6.7.3 | The statement of personal circumstances is supported by two letters from the Headteacher at Shifnal Primary School which confirm that one child residing on the site started school on 4/10/2021, and another child attended between 4/10/2021 and 20/07/2022.  |
| 6.7.4 | The statement in support of the application also places significant emphasis on the ongoing health issues that several members of the extended family experience, but no corroborative evidence was submitted to support these claims. The agent was subsequently requested to supply evidence, and this has now been supplied with the health issues relating to occupants being verified by health professionals.   |
| 6.7.5 | It is therefore considered that based on the personal circumstances advanced with the application relating to the schooling of children locally and   |



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|       | underlying health conditions that a case can be made for the existence of 'very special circumstances' in this case based on personal circumstances.  |
| 6.8   | The Planning Balance  |
| 6.8.1 | There is a presumption against inappropriate development in the Green Belt. The use of the land as a gypsy and traveller site is inappropriate development in the Green Belt and permission should only be granted if very special circumstances are identified. The NPPF advises at paragraph 148 that very special circumstances will not exist unless the harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. A key characteristic of Green Belts is openness, to which there would be moderate harm by the presence of structures and caravans on this land. Substantial weight must therefore be attached to the harm to the Green Belt caused by the development.                                     |
| 6.8.2 | There are a number of other factors to weigh in the planning balance against this harm to the Green Belt, which are considered to be material planning considerations, and these are set out below:   |
| 6.8.3 | It has been established that there is currently no provision available on existing Shropshire Council sites to accommodate Gypsy and Travellers and adjacent authorities in their GTAA assessments acknowledge under provision of sites. This must be tempered by paragraph 27 of the DCLG Planning Policy for traveller sites (DCLG 2015) which states that even if a LPA is not able to demonstrate a 5 year supply (Shropshire Council's position is that it has sufficient supply if turnover is taken into account), the absence of such a supply is a significant material consideration where a proposal is within the Green Belt, however within the county only around 15% of it is Green Belt with this all being south of the A5 and east of the River Severn.         |
| 6.8.4 | Whilst it is not for individual planning applications to review Green Belt boundaries (Policy E DCLG 2015) the observation can be made that, with regard to the five purposes of the Green Belt set out in paragraph 134 of the NPPF, the site is located in open countryside within the allocated Green Belt in the adopted SAMDev Plan. The site plays an important role in checking unrestricted urban sprawl, acts as a buffer zone preventing neighbouring settlements merging and assists in preventing encroachment into the countryside. By tightly controlling development in the Green Belt this also encourages the redevelopment of brownfield sites. The site given its open nature plays an important part in the visual amenities and rural character of the area. |

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| 6.8.5 | The applicant has been confirmed by the Council's Gypsy Liaison Officer to be an Irish traveller. The applicant has also advanced forward personal circumstances to justify a relaxation in Green Belt policy, Policy E, paragraph 16 of DCLG 2015 advises that personal circumstances are unlikely to clearly outweigh the harm to the Green Belt on their own.   |
| 6.8.6 | For the purposes of planning policy, the Annex 1: Glossary defines gypsies and travellers as "Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such."  |
| 6.8.7 | In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:<br>a) whether they previously led a nomadic habit of life<br>b) the reasons for ceasing their nomadic habit of life<br>c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances. However, a recent court of appeal decision declared the planning definition of 'Traveller' as discriminatory. The definition will now have to change to be more encompassing to include both those of the G&T community who travel and those that don't. |
| 6.8.8 | The site is situated in open countryside between from the settlements of Tong and Shifnal. However, it is situated closer to Shifnal than the recent appeal allowed at Whitchurch and as such it is therefore considered that the previous reasons for refusal in relation to it being an isolated and an unsustainable location could no longer be sustained having regard to that decision. Paragraph 13 of Policy B of DCLG 2015 states that LPAs should ensure traveller sites are sustainable economically, socially and environmentally and should ensure that, among other matters which are listed, site locations ensure that children can attend school on a regular basis.                        |
| 6.8.9 | Weight must therefore be attached to the nature of the site and its connection to the settlement of Shifnal. The extended family members on the site comprise the applicants and their younger children, two older siblings who are married and an elderly relative. The family have a demonstrable local connection to the Telford area, and it is therefore considered that, in the light of the contents of the DCLG Planning Policy for Gypsy Sites August 2015 (DCLG 2015), the planning balance in this case would be such that no very special circumstances to outweigh the harm to the Green Belt have been advanced, which would justify a departure from the adopted Development Plan.            |

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| 6.8.10 | <p>Whilst paragraph 13 of DCLG 2015 references the need to ensure that children can attend school on a regular basis. The contents of Policy E of DCLG 2015 relating to Traveller Sites in Green Belt is prefaced by “Subject to the best interests of the child...” The applicant at present has school aged children on site one of whom attends the local primary school and whilst another is registered to attend but does not do so at present. The applicant has subsequently supplied additional information stating two children are currently home schooled. The applicants have stressed the importance to them of having a settled base so that their children can attend the local school and the headteacher has also written in support of the proposals to allow the children to receive a proper education.</p>   |
| 6.8.11 | <p>Were the application to be refused, the applicants have indicated that they are likely to return to living on the road which will lead to disruption of the education of the children (and their health care). Whilst it is considered that the future needs of the children are a material consideration relevant to the determination of this application. On balance this consideration, when coupled with the negative attributes of the site identified, cumulatively are not considered to amount to very special circumstances of sufficient weight to outweigh the harm to the Green Belt on their own in this case.</p>  |
| 6.8.12 | <p>Policy H of The DCLG Planning Policy for Travellers sites is clear that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Given the Green Belt designation of this site these other material considerations would have to constitute ‘very special circumstances.’ The case put forward by the applicant does not at present provide a compelling case as to why this site is required above any other and is essentially based on the site being in the ownership of the family. Clearly, many people own land in the Green Belt and all are subject to the same restrictions in terms of developing their land. To allow such a development as proposed would set an undesirable precedent and in the absence of any compelling evidence to the contrary as to why it is necessary to be located on this site as opposed to another more appropriate site it is clear that this proposal also conflicts with the spatial policies of the Development Plan, along with Policy CS12 of the Core Strategy which specifically relates to Gypsy and Traveller sites.</p> |
| 6.8.13 | <p>A recent appeal APP/L3245/W/20/3253805 for a single G&amp;T pitch in the Green Belt at Beamish Lane at Albrighton was dismissed on the basis of the weight attached to the protection of Green Belt along with the site’s isolation outweighing personal circumstances, a lack of provision and the best interests of the child. The appeal however was based on a single G&amp;T pitch for a young couple expecting a child, so whilst there are some similarities in</p>  |

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|            | terms of the Green Belt location the personal circumstances advanced are much more pronounced in the case of the current application.   |
| 6.8.14     | However, more recently the Planning Inspectorate allowed an appeal for a G&T site in the countryside APP/L3245/W/22/3300532 at Five Oak Stables, Coton, Whitchurch SY13 3LQ. In this case the Inspector cited a lack of alternative provision as weighing in favour of the development. However, this site whilst having a countryside allocation was not Green Belt.   |
| 6.8.15     | The lack of available Council managed sites in the southeast of the county and neighbouring districts, coupled with no future site allocations in the current or emerging local plan means that there is a lack of alternative sites available and as such the LPA approach tends to be reactive in such a situation. At present there are no alternative sites in the vicinity of Shifnal and as the settlement boundary is constrained by the Green Belt any proposals which come forward will always be subject to Green Belt policy considerations. The nearest area of countryside outside of the Green Belt lies to the north of the A5 towards Sherrifhales and two Council owned sites have been identified here as potentially being appropriate, however more detailed investigations would be required before it can properly be established that these are viable alternative sites.                                  |
| 6.8.16     | The Parish Council have also raised the issue of the material weight to be attributed to the Written Ministerial Statement in respect of intentional unauthorised development. The work undertaken resulted in the laying of a hardstanding area and as such whilst this was deliberate it was not on the same scale as in the Runnymede appeal APP/Q3630/W/18/3200398. In that case the inspector took the view that the council's longstanding failure to provide a sufficient number of pitches and the compelling personal circumstances of the proposed occupiers weighed more or less equal in the planning balance with the harm to the Green Belt. What tipped the balance against the proposal was that the occupiers had deliberately gone ahead without planning permission by clearing a previously undeveloped woodland before constructing and then occupying 13 pitches over the course of a bank holiday weekend. |
| <b>7.0</b> | <b>CONCLUSION</b>   |
| 7.1        | The site is situated within the Green Belt and as such the proposals are considered to be inappropriate development. The applicant has however advanced their personal circumstances to support the application as part of their argument in relation to 'Very Special Circumstances' existing in this case.  |
| 7.2        | It is noted that in the recent appeal decision referenced above, the Planning Inspector conclusions referenced a lack of alternative sites as weighing in   |

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|            | <p>favour of the proposals. They also referenced that there were still unresolved objections relating to the G&amp;T policy DP8 in the emerging local plan and that the examining inspectors' final comments were awaited. As such, there was uncertainty as to whether policy DP8 will be adopted in its current form and so it was attributed limited weight. The objections essentially relate to the whole approach of the Council to the issue of G&amp;T's of relying on turnover on existing sites to meet demand and the methodology employed to calculate need. Therefore, these objections go right to the heart of the current and future policy approach and as such could have significant impacts if the objections are supported by the inspectors.</p> |
| 7.3        | <p>The recent appeal decision related to a site in the countryside as opposed to the Green Belt which this site is located in. Around 85% of the county is located outside of the Green Belt however the area east of the River Severn and south of the A5 is designated Green Belt, this therefore covers the southeast of the county which adjoins the Green Belt of South Staffordshire district.</p>   |
| 7.4        | <p>With this in mind, whilst the proposal is considered to be inappropriate development in the Green Belt and therefore contrary to both national and local planning policy, it is considered that there are extenuating circumstances relating to the personal circumstances of the applicant and the extended family (including the interests of the children and health issues), the lack of alternative provision in the south east of the county, the local plan review, which would weigh in favour of granting a temporary permission for a year.</p>   |
| 7.5        | <p>As previously mentioned, this application is retrospective and is a resubmission following an earlier refusal under 21/04533/FUL. It includes a hard standing area and day room buildings which have already been installed on site without the benefit of planning permission. Should planning permission be refused this is likely to be the subject of follow-on enforcement action to remove unauthorised development and return the site to its former condition. However, any enforcement notice would have to provide the applicants with a reasonable compliance period, and they would also have the right of appeal.</p>  |
| 7.6        | <p>Therefore, having regard to the issues discussed above it is considered expedient on this occasion to grant a personal permission to the applicant on a temporary basis to allow them to explore alternative sites, as well as to allow the local plan review to progress so that we have a clearer understanding of emerging policy DP8 and how this is viewed by the local plan examining inspectors given there are unresolved objections to it.</p>   |
| <b>8.0</b> | <b>Risk Assessment and Opportunities Appraisal</b>   |

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| <b>8.1</b> | <b>Risk Management</b>  |
|            | <p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"><li>• 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.</li><li>• 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.</li></ul> <p>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.</p> |
| <b>8.2</b> | <b>Human Rights</b>   |
|            | <p>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.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>  |
| <b>8.3</b> | <b>Equalities</b>   |
|            | <p>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</p>  |

# AGENDA ITEM

Southern Planning Committee - 14th March 2023

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|     |  |
|-----|--|
|     | 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:

21/04533/FUL Siting of 4No static caravans and 6No touring caravans on existing hardstanding by an extended Gypsy/Traveller family REFUSE 17th May 2022

22/03757/FUL Application under Section 73A of the Town And Country Planning Act 1990 for the change of use of land to Gypsy / Traveller Site consisting of four family pitches to include 4No. static caravans, 4No. touring caravans, 4No. amenity blocks with gravel drive and turning area (re-submission) DD 30th August 2022

22/05521/FUL Application under Section 73A of the Town And Country Planning Act 1990 for the change of use of land to Gypsy / Traveller Site consisting of four family pitches to include 4No. static caravans, 4No. touring caravans, 4No. amenity blocks with gravel drive and turning area (re-submission) PDE

## 11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RMKRLMTD0M200>

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

# AGENDA ITEM

**Southern Planning Committee - 14th March 2023**

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Cabinet Member (Portfolio Holder) - Councillor Richard Marshall

Local Member

Cllr Ed Bird

Appendices

APPENDIX 1 - Conditions



## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. The development hereby permitted shall be for a limited period being the period of 12 months from the date of this permission. At the end of this period the development hereby permitted shall cease and the site shall be cleared and reinstated to its former condition.

Reason: The development is considered to be inappropriate development in the Green Belt and very special circumstances for allowing a permanent planning permission have yet to demonstrated to the satisfaction of the local planning authority.

2. The use hereby permitted shall be carried on only by the following persons Michael and Emily Quinn and their dependents (Pitch 1), Margaret Kyle (Pitch 2), Patrick and Katelyn Quinn (Pitch 3), Michael and Bridget Quinn (Pitch 4).

Reason: This permission is only granted in view of the exceptional circumstances of the applicants and the lack of alternative available provision at the present time.

3. The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no further development within Part 1, Class E of the Order shall take place without planning permission being obtained from the Local Planning Authority.

Reason: To prevent further inappropriate development in the Green Belt in accordance with Policy CS5 of the Shropshire Core Strategy.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no further development within Part 1, Class F of the Order (defined as hard surfaces incidental to the enjoyment of a dwellinghouse) or Part 2, Class B of

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the Order (defined as means of access to a highway) shall take place without planning permission being obtained from the Local Planning Authority.

Reason: To prevent further inappropriate development in the Green Belt in accordance with Policy CS5 of the Shropshire Core Strategy.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no further development within Part 2, Class A of the Order (defined as gates, fences, walls or other means of enclosure) shall take place forward of any wall fronting a road without planning permission being obtained from the Local Planning Authority.

Reason: To prevent further inappropriate development in the Green Belt in accordance with Policy CS5 of the Shropshire Core Strategy.

7. Within 2 months of this permission a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority, which shall include: i) Existing and proposed levels or contours ii) Proposed and existing services above and below ground iii) Details of boundary treatments and hard surfaces iv) The location, size and species of all trees to be planted v) The location, size, species and density of all shrub and ground cover planting and vi) A schedule of implementation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved plans.

8. Prior to first occupation / use of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority.

The following boxes shall be erected on the site:

- A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.

- A minimum of 4 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), and/or small birds (32mm hole, standard design).

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The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 180 of the NPPF.

9. A lighting scheme for the site shall be submitted within 2 months of this permission for approval by the local planning authority. The lighting scheme shall not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes, trees, and hedgerows. The scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trusts Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

10. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding great crested newts and birds as provided in Section 4.5 of the Ecological Assessment (Camlad Ecology, July 2022).

Reason: To ensure the protection of and enhancements for Great Crested Newts, which are European Protected Species and birds which are protected under Section 1 of the 1981 Wildlife and Countryside Act (as amended).

11. There shall be no more than four static caravans and four touring caravans on site at anytime.

Reason: In order to protect the openness of the Green Belt and prevent further inappropriate development from taking place contrary to Policy CS5 of the Shropshire Core Strategy.

12. No business activity or storage of materials shall take place on site. The site shall be used for residential purposes only.

Reason: In order to protect the openness of the Green Belt from further inappropriate development and safeguard the amenities of nearby residents.

13. Upon cessation of the use of the land for a Gipsy and Traveller Site, the site shall be cleared and reinstated to its former condition to the satisfaction of the local planning authority within 3 months.

Reason: The development constitutes inappropriate development in the Green Belt and as this is a temporary permission then the site needs to be cleared and reinstated to ensure there is no long-term adverse impact on the openness of the Green Belt.

## Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.
2. It is recommended that the applicant investigate ways of incorporating techniques of 'Sustainable Urban Drainage' into this development. These will help to minimise the impact of the development with features such as porous parking, detention ponds, grass swales and infiltration trenches. This will maintain the recharge of groundwater resources, reduce large fluctuations in river flows during rainfall and stop pollutants from road runoff from entering watercourses. Further information can be obtained from the Environment Agency.
3. Nesting birds

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

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

All vegetation clearance, tree removal and scrub removal and/or conversion, renovation and demolition work in buildings [or other suitable nesting habitat] should be carried out outside of the bird nesting season which runs from March to August inclusive.

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

[Netting of trees or hedges to prevent birds from nesting should be avoided by appropriate planning of work. See guidance at <https://cieem.net/cieem-and-rspb-advise-against-netting-on-hedges-and-trees/>.]

[If during construction birds gain access to [any of] the building[s] and begin nesting, work must cease until the young birds have fledged.]

#### 4. General site informative for wildlife protection

Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

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

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

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

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

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

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight.

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All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

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

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

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

[Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.]

5. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation.

## AGENDA ITEM



|                                    |
|------------------------------------|
| Committee and date                 |
| <b>Southern Planning Committee</b> |
| <b>11th April 2023</b>             |

### Development Management Report

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

#### Summary of Application

|   |  |                 |
|---|--|-----------------|
| <b>Application Number:</b> 23/00354/FUL   | <b>Parish:</b>                                 | Abdon And Heath |
| <b>Proposal:</b> Erection of two storey extension, roof replacement to form first floor accommodation, facade alterations, fenestration alterations and internal layout alterations |  |                 |
| <b>Site Address:</b> Brown Clee Abdon Craven Arms Shropshire SY7 9HX  |  |                 |
| <b>Applicant:</b> Mr & Mrs Gardner  |  |                 |
| <b>Case Officer:</b> Tracie Witkiss   | <b>email:</b> tracie.witkiss@shropshire.gov.uk |                 |

|                                  |
|----------------------------------|
| <b>Grid Ref:</b> 358331 - 285761 |
|                                  |

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#### **Recommendation: - Refuse Permission for the following reasons;**

1. The proposed development, because of its scale, size and massing would visually dominate the site and would appear overbearing to the original dwelling and its setting within the rural area. The proposed development fails to conserve or enhance the natural beauty of the AONB. The proposed development is therefore contrary to Policies CS5, CS6 of the adopted Core Strategy, and SAMDev Policy MD2, as well as the overall aims and objectives of the SPD on the 'Type and Affordability of Housing' and of the National Planning Policy Framework in requiring sustainable development.
2. Development of the scale proposed is not cohesive with the historic character of the site and has failed to preserve or enhance the historic fabric of a heritage asset. The proposal does not provide any balancing public benefits to outweigh the harm caused. Accordingly, the proposal is contrary to policy MD13 of SAMDev and the National Planning Policy Framework.

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application is for full planning permission for the erection of a two-storey extension, formation of first floor to include a balcony, roof-remodelling, facade and fenestration alterations to the subject property known as Brown Clee.
- 1.2 This application follows a recently refused scheme for similar development and a further pre-application enquiry with an outcome of '*unacceptable development*'. The current proposed plans have only slightly changed from the previous schemes.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The subject property is a large detached multi-level dwelling built into the hill side on the western side of Brown Clee Hill, approximately 0.7m from the village of Abdon. It has a roadside boundary with an unclassified single-track road.
- 2.2 The original stone cottage is believed to be a late 18<sup>th</sup> century squatters' cottage which has been added to several times over the years with brick built flat roof extensions, some of which are single storey, some of which are two storeys.



- 2.3 The property has a small rear garden at first floor level and with a modest parking/turning area to the front. It has a far larger plot surrounding the house but this is steep land unsuitable for gardens or buildings.
- 2.4 The building is not a listed building however, due to its age and vernacular construction it would be considered a non-designated heritage asset. It is not in a designated Conservation Area but does lie within the Shropshire Hills Area of Outstanding Natural Beauty.



## 2.5 Planning History

- SS/1966/1293/P - Alterations and additions to dwelling and formation of a vehicular access - Granted.
- SS/1973/906/P - Alterations and additions to dwelling - Granted.
- PREAPP/17/00554 - replacement of existing roof with pitched roof, erection of single storey ear extension - Amendments Needed.
- 18/01683/FUL - Single storey extensions to front and rear elevations. - Granted.
- PREAPP/22/00576 - Proposed extension and alterations to existing dwelling - Unacceptable Development
- 22/02928/FUL - Erection of two storey extension, roof re-modelling, cladding/facade alterations, fenestration alterations, internal layout alterations - Refused

## 3.0 **REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION**

3.1 Determination of this application under delegated powers complies with the terms in the Scheme of Delegation as set out in Part 8 of Shropshire Council's Constitution. However, the Parish Council have made a comment that would be contrary to the Officers recommendation. The local member has been consulted and has responded requesting the application be presented for consideration by the Planning Committee.

In consultation with the Chair of the Planning Committee and the Development Manager (South) at the agenda setting meeting it was agreed that the issues raised are material and the application be determined by Committee.

## 4.0 **COMMUNITY REPRESENTATIONS**

### 4.1 **Consultee Comment**

4.1.1 Shropshire Council Natural Environment (Ecology) : The level of survey work is appropriate. Recommend conditions relating to; Bat and Bird boxes and lighting.

4.1.2 Shropshire Council Historic Environment (Archaeology): No comments relating to Archaeology.

4.1.3 Shropshire Council Historic Environment (Conservation): The building is formed of one and two storeys and comprises a late C18-early C19 Squatters' Cottage to the West of the site, formed of 1.5 storeys, constructed in vernacular rubble coursed stone beneath a plain clay tile roof. Cottages of this type make an essential contribution to the historic landscape character and local distinctiveness of the Shropshire Hills in general, and the Brown Clee area in particular, such buildings are increasingly rare. Therefore, whilst the building

has to an extent been altered and extended, it remains of significant local interest, and would be considered a non-designated heritage asset. The existing one and two storey flat roof extension is not considered to be of significant merit, and therefore in principle there is no objection to this being altered and potentially enlarged.

The current scheme still has not appropriately reduced the overwhelming scale of the proposed extensions from previous proposed similar development. The proposed extensions will result in a disproportionate addition to the original dwelling, still being more than triple the footprint of the original cottage and still of a scale and height that would be totally out of proportion with the original historic cottage and would have a substantial impact upon the street scene and wider views. The current proposed scheme is still considered to be excessive for this modest cottage, due to the scale of the proposed additions, which would significantly dominate the existing cottage and result in the loss of its historic form and fabric. It is considered that due to its scale and massing and the alterations to the existing cottage the proposed development would result in less than substantial harm to this non-designated asset, so that in accordance with paragraph 203 of the NPPF (2021), a balance judgement will need to be made having regard to the scale of any harm or loss and the significance of the heritage asset. The proposal is considered to be contrary to Core Strategy Policies CS6 and CS17 and SAM Dev Policies MD2 and MD13 in that the scale and design of the proposed works would not protect, restore or conserve the historic context and character of the heritage asset and its significance or setting. In addition, no attempt to demonstrate that there are any public benefits of the proposal outweigh the adverse effect

4.1.4 Shropshire Hills Area of Outstanding Natural Beauty: Neutral response. Our standard response here does not indicate either an objection or no objection to the current application.

## 4.2 Public Comments

4.2.1 Abdon and Heath Parish Council: Unanimous support.

- Will modernise an extremely awkward site and property
- Existing cottage in need of modernisation
- Maintains original features of the cottage and chimney
- Sympathetic use of materials
- Increase in size remains almost completely on existing footprint
- Applicants are local family.

4.2.2 The application has been publicised in accordance with relevant legislation and 3 letters of support were received outlining the following issues:

- Family has strong local ties

- Current accommodation layout not suitable for family
- New plans make it more attractive
- Current large area of flat roof is not pretty
- The property will not have a larger footprint than the current one
- Important to encourage and support local families to remain the area
- Property in need of modernisation
- Existing flat roof is unattractive and not in-keeping with area
- Planned improvements would improve the appearance
- Current building is small and badly laid out
- The family are local to the area
- Important that properties can be sympathetically improved to enable local families to live here
- Property in need of upgrading and re-design
- Proposal is in-keeping with the area
- Application will have a positive impact on the surrounding area

## 5.0 THE MAIN ISSUES

- Principle of Development
- Siting, Scale and Design
- Impact on Historic Environment
- Impact on AONB
- Residential Impact

## 6.0 OFFICER APPRAISAL

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise.

### 6.1 Principle of Development

6.1.1 Development to domestic properties is considered acceptable in principle under Policies CS6 'Sustainable Design and Development Principles' of the Council's Core Strategy and MD2 'Sustainable Design' of the Council's SAMDev Plan providing the development is of an appropriate scale, design, and appearance so as to not cause any harm to the local context, visual landscape, neighbour amenity or dominate the main dwelling.

6.1.2 The subject dwelling lies outside of any defined development boundary and is therefore defined as open countryside and, as such, Policy CS5: 'Countryside and Green Belt' of the Council's Core Strategy and Policy MD12 'Natural Environment' applies in this location. They state that new development in the open countryside needs to consider the scale and design of proposals to ensure that development is of an appropriate scale, well designed and does not erode

the character of the countryside. Emphasis will be given on achieving quality design with appropriate use of material. There is significant emphasis on achieving quality and sustainability of design regarding local design and materials.

- 6.1.3 Furthermore, there is no restriction within policy regarding the construction of new buildings adjacent to heritage assets provided the prominence and importance of that asset is not eroded. Policy MD13 'Historic Environment' of the SAMDev plan seeks to ensure Shropshire's heritage assets will be protected, conserved, sympathetically enhanced, and restored through appropriate and well considered design. This is discussed further in the report.
- 6.1.4 The Council's Supplementary Planning Document (SPD) on 'Type and Affordability of Housing' states that *'In general, multiple successive extensions to dwellings should normally be avoided as this tends to lead to the creation of excessively large properties, where the extensions are often unsympathetic to the character and appearance of the original dwelling or the surrounding area.'*

## 6.2 Siting, Scale and Design

- 6.2.1 The proposal is to widen the original cottage and also raise the roof which will result in a higher roof pitch. Timber cladding is being introduced to the first-floor element to replace the stonework of the original cottage, there is also a change in the fenestration to a more modern style. Double doors with a pitched dormer roof are to be added at first floor level to lead to the proposed balcony area.
- 6.2.2 Raising the roof and altering the roof pitch overwhelms the original cottage and detracts from it being an original squatter's cottage. This is further emphasised by the timber cladding and change in fenestration. Overall, this part of the proposal fails to protect, conserve, or enhance the non-designated heritage asset, and is not of an appropriate scale, design or appearance. It is therefore not in accordance with the previously mentioned policies.
- 6.2.3 The second part of the proposal is works to the flat roof, part single storey part two storey element of the property. The single storey link extension is proposed to be re-modelled with large floor to ceiling glazing. There is also a large balcony area to be formed at first floor level with metal railings on the flat roof.
- 6.2.4 The major change to the property is to the existing flat roofed two storey extension with a proposal to build upwards and add a pitched roof. This part of the property would, in effect, change from a two storey (lower ground and ground floor) to three storeys with the addition of a first floor albeit in the roofspace to include the provision of three rooflights.
- 6.2.5 The height of the new build element from ground to the highest roof point (excluding the chimney) is approximately 9m, an increase of approximately 4m

on the existing two storey extension. In addition, the total width of the property will increase by approximately 6m.

- 6.2.6 The proposed extensions to the flat roof elements of the property are over dominant and the height overbearing, this is exacerbated by the context in which the dwelling is read, being only a short distance from the roadside. It fails to be subservient to the original cottage and overwhelms the heritage asset by its sheer size and volume.

### 6.3 **Impact on Historic Environment**

- 6.3.1 The size and scale of the proposed development exacerbates the historic impact of the existing extensions to the property to the extent where any historic merit of this non-designated heritage asset would be lost to an unacceptable degree.

### 6.4 **Impact on the AONB**

- 6.4.1 The site lies in the Shropshire Hills Area of Outstanding Natural Beauty and due to its position on the side of Brown Clee in an open setting, it is considered that the proposal development, due to cumulative impact of the works, would visually detract from the surrounding AONB and therefore fail to conserve or enhance its natural beauty. The build would be visually prominent and would unacceptably increase the amount of built development within the area.

### 6.5 **Residential Amenity**

- 6.5.1 There are no other residential properties within the immediate vicinity, and it is therefore considered that the proposed works are unlikely to cause any detriment to neighbouring properties.

## 7.0 **CONCLUSION**

- 7.1 The additional mass, height, and lack of subservience to the original cottage would adversely impact on the character, appearance and context of the cottage, a heritage asset, and furthermore, fail to conserve or enhance the AONB and has an unacceptably overbearing impact on the surrounding area.
- 7.2 It is therefore considered to be contrary to Policies CS5, CS6 of the Council's Core Strategy and Policies MD2 and MD13 of the Council's SAMDev Plan and is recommended for refusal.

## 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:

CS5 - Countryside and Greenbelt  
CS6 - Sustainable Design and Development Principles  
MD2 - Sustainable Design  
MD12 - Natural Environment  
MD13 - Historic Environment

### RELEVANT PLANNING HISTORY:

PREAPP/17/00554 Replacement of existing flat roof with pitched roof and erection of a single storey rear extension PREAMD 15th November 2017  
SS/1973/906/P Alteration and additions to existing dwelling GRANT 1st August 1973  
SS/1966/1293/P Alterations and additions to and formation of a vehicular access GRANT 6th July 1966  
18/01683/FUL Erection of single storey extension to front and single storey rear extension GRANT 26th June 2018  
22/02928/FUL Erection of two storey extension, roof re-modelling, cladding/facade alterations, fenestration alterations and internal layout alterations REFUSE 8th August 2022  
PREAPP/22/00576 Proposed extension and alterations to existing detached dwelling. PREUDV 28th October 2022  
23/00354/FUL Erection of two storey extension, roof replacement to form first floor accommodation, facade alterations, fenestration alterations and internal layout alterations PDE

## 11. Additional Information

# AGENDA ITEM

**Southern Planning Committee - 11th April 2023**

Brown Clee

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RP5A41TDLZ100>

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

Cabinet Member (Portfolio Holder) - Councillor Richard Marshall

Local Member

Cllr Cecilia Motley

Appendices  
APPENDIX 1 - Conditions



# AGENDA ITEM

Southern Planning Committee - 11th April 2023

Brown Clee

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## AGENDA ITEM



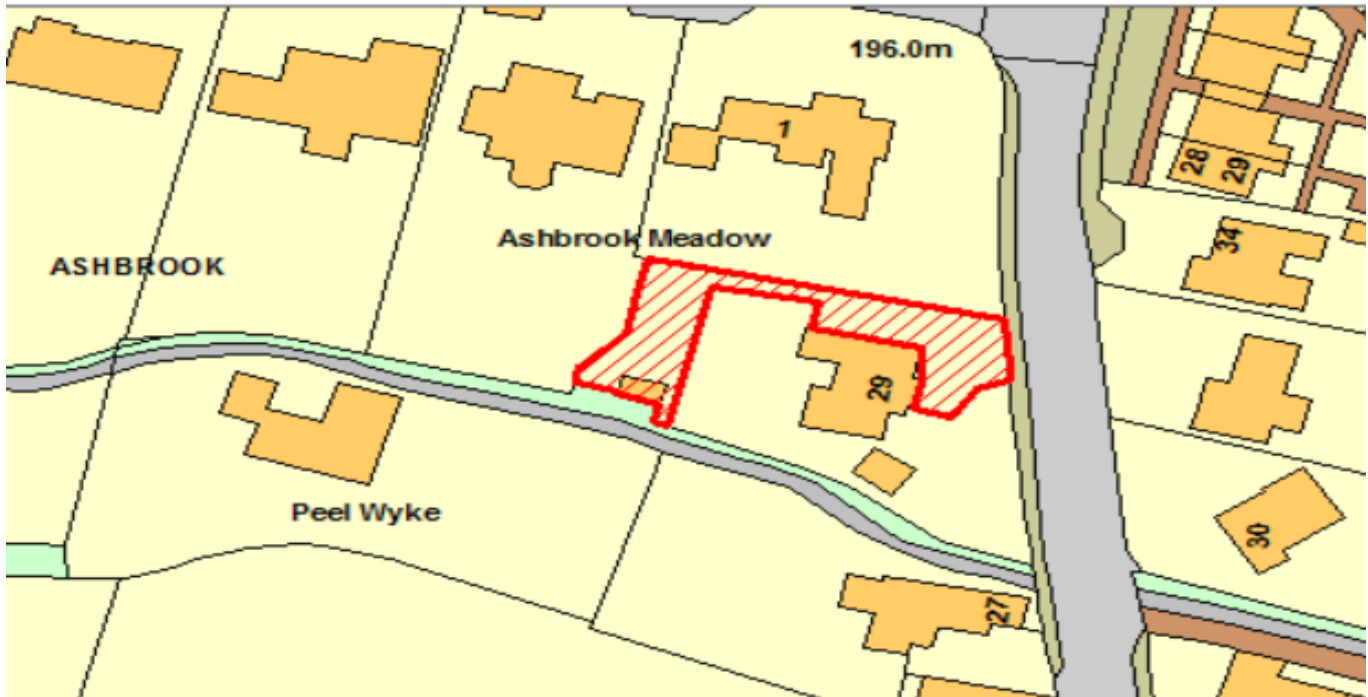
Committee and date

### Development Management Report

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

#### Summary of Application

|   |  |                 |
|---|--|-----------------|
| <b>Application Number:</b> 23/00414/FUL   | <b>Parish:</b>                               | Church Stretton |
| <b>Proposal:</b> Proposed change of use of ancillary domestic outbuilding (annex) to holiday let accommodation. |  |                 |
| <b>Site Address:</b> Ashbrook House 29 Shrewsbury Road Church Stretton Shropshire SY6 6JB                       |  |                 |
| <b>Applicant:</b> Mr P Hodgkinson   |  |                 |
| <b>Case Officer:</b> Helen Tipton   | <b>email:</b> helen.tipton@shropshire.gov.uk |                 |
| <b>Grid Ref:</b> 345322 - 294088  |  |                 |



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

## REPORT

### 1.0 THE PROPOSAL

1.1 The application proposes the change of use of an ancillary domestic outbuilding to holiday let accommodation.

1.2 The scheme succeeds the following applications:

- 20/05399/FUL - The erection of one holiday let at the site, which was withdrawn in February 2021.
- 21/01065/CPL - A Lawful Development Certificate application, seeking a legal determination on the proposed erection of a domestic outbuilding. The use of the structure as a study and home gym, along with its dimensions and position within the grounds were found, in April 2021, to meet the criteria for permitted development.

## **2.0 SITE LOCATION/DESCRIPTION**

2.1 Ashbrook House is a two-storey detached dwelling, situated in a relatively central location of Church Stretton Town. Situated within the Shropshire Hills Area of Outstanding Natural Beauty (AONB) and the town's conservation area, the property is approached from the adjacent B5477 / Shrewsbury Road and is positioned to the west of it, with vehicular access made from the north-eastern corner. Meanwhile, a small watercourse runs along the southern perimeter.

The driveway, parking and turning areas are concentrated to the front and northern sides of the dwelling, whilst the gardens extend mostly rearwards / west, before backing on to neighbouring gardens. The existing outbuilding, which is the subject of this application, is positioned within the rear garden area of the domestic curtilage.

## **3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION**

3.1 The Local Member requested the application be referred to the Planning Committee within 21 days of electronic notification of the application and this has been agreed with the Planning Services Manager, in consultation with the committee Chair and Vice Chair. The town council also express views contrary to delegated officers and so the matters raised warrant the committee's full consideration.

## **4.0 Community Representations**

### **4.1 Consultee Comments**

4.1.1 Shropshire Council Highways - no objection.

4.1.2 Shropshire Hills AONB - comment.

No site-specific comments are provided, although this indicates neither an objection or lack of objection to the scheme. In reaching its decision, the local planning authority must still satisfy its legal duty to take into account the purposes of the AONB designation, planning policies concerned with protecting the landscape and the statutory AONB Management Plan. The Partnership also reserves the right to make a further, detailed response.

4.1.3 Shropshire Fire and Rescue - comment.

An informative comment refers to Shropshire Fire and Rescue Services Fire Safety Guidance, which is available online.

4.1.4 Shropshire Council Drainage - comment.

The site falls within Flood Zone 3 of the Environment Agency map and a Flood Risk Assessment statement is provided, which is satisfactory. An informative comment is given in relation to the incorporation of flood resistance measures in the building and for the use of Sustainable Drainage Systems (SuDS).

4.1.5 Shropshire Council Archaeology - no comment.

4.1.6 Shropshire Council Conservation - no objection.

The proposal relates only to the change of use of an existing building and the principle of the erection of the building. Its design does not form part of this application. The change of use to a holiday let does not, in itself, raise any further visual or physical character impacts upon the conservation area than the current situation. As such we cannot raise any objections to the current change of use application on conservation grounds.

4.1.7 Church Stretton Town Council - objection.

- Based on the planning history, the current application must be considered in the same light as the planning application that was withdrawn in February 2021, (20/05399/FUL) and inappropriate development in residential gardens should be resisted. The scheme cannot be said to enhance the conservation area. Additionally, a self-contained holiday let here would not respect the existing pattern of development or retain and enhance important views and landmarks, in accordance with SAMDev Plan policies MD2, MD12 and MD13 of the Council's SAMDev Plan.
- The site maintains an ancient open boundary, over the adjacent watercourse, with the neighbouring property, (Peel Wyke), to the rear. It is unclear how this boundary will be maintained, with a constant rotation of visitors that may not respect this boundary. The development does not safeguard residential amenity and would not meet with Core Strategy Policy CS6.

## 4.2 Public Comments

4.2.1 The application was advertised by way of notice at the site, as well as in the local press and the details are publicly available online.

Six separate public objections have been received, including a response from the Strettons Civic Society; the full text of these can be viewed online, although they are summarized as follows:

- Concerns over inadequate parking arrangements and an increase in traffic movement.
- Residential amenity concerns in terms of overlooking / privacy, noise, fumes / smells and light pollution.

- The town is already saturated with holiday accommodation.
- The adjacent watercourse presents a potential hazard to young or vulnerable visitors.
- The building and its use would de-value neighbouring properties.
- Any inappropriate behaviour or trespass could not be overseen and corrected, since the owner does not live on site.
- Insufficient notification of the development given to neighbours by the local planning authority and the applicant has not approached neighbours about the scheme.
- The application description refers to the existing building as an 'annex', although it cannot be considered as such.
- The plans do not appear to be correct, as the actual wall of the building is only a few feet from our fence.
- The building's visual impact on the conservation area.
- Detrimental impact on a mature tree and wildlife.
- Procedural concerns, with the development demonstrating a cynical disregard for neighbours and the planning system.
- No evidence to confirm the building has been in use for its originally intended purpose.

Applicant's summarised response:

Reassurance that a holiday let business here would be overseen and managed responsibly, respecting the law and neighbour's amenity.

Collection of a 'damage' deposit is being proposed that could be withheld in the event of any complaints received in relation to noise or damage, although this is expected to be unnecessary.

Contact details, including a 24-hour telephone number would be provided to all neighbours, enabling them to report any disturbance.

Visitors would receive clear guidance and advice, including how to manage noise and an instruction list with site rules provided at the time of booking.

Written guidelines also provided on-site.

It is proposed that any external lighting would be at a low level, to avoid any possibility of light pollution.

## 5.0 THE MAIN ISSUES

Principle of development

Residential amenity

Highway safety

Fire safety

Flood risk

Other matters

## 6.0 OFFICER APPRAISAL

## 6.1 Principle of development

6.1.1 The issuing of the lawful development certificate (21/01065/CPL) in April 2021, permitted the construction of the building for ancillary, domestic use and concluded that, amongst other criteria, the outbuilding would be two metres or more from the boundary of the curtilage of Ashbrook House, for which the submitted plans concur. It is also acknowledged that a planning enforcement enquiry was raised in June 2021, whereupon it was identified that no breach of planning control had taken place in respect of the siting or construction of the building. As such, the building itself is not in contention and consideration must only be given to its proposed use. Therefore, matters of siting, design, layout, visual or environmental impacts from construction of the building cannot be scrutinised or revisited under the current proposals and since permitted development does not require express planning consent, whether or not the ancillary use of the building was implemented is not in question.

6.1.2 The Council's Core Strategy Policy CS16 supports the provision of high-quality visitor accommodation in accessible locations, served by a range of services and facilities and wherever possible, for existing buildings to be re-used. It also supports development that promotes opportunities for accessing, understanding and engaging with Shropshire's landscape, cultural and historic assets, including the Shropshire Hills AONB and rights-of-way network. Recognising the established use of the existing premises, the re-use of a building and noting its town centre location within the AONB and Longmynd hills, the scheme would constitute a highly sustainable form of development, contributing to and benefitting the local visitor economy. It should be noted that, in this situation, policy does not extend to the requirement of considering the amount of other guest accommodation already in existence in the local area. For the above reasons, the principle of development is accepted.

## 6.2 Residential amenity

6.2.1 Although there is a potential for some disturbance from noise, smells and / or external lighting, this would be no more so than the existing arrangements, since the main occupiers would already be able to hold private gatherings within the grounds and have friends and family stay at their home at any time. In any event, any unacceptable disturbance could be treated in the same way as any other improper behaviour and brought to the attention of the Council's Public Protection team or other authorities, as appropriate.

6.2.2 With two small bedrooms proposed, the building could only, physically accommodate a small group of people at any given time and since there would be little difference in this and a modest house extension, it is unlikely that the increased number of guests to the property would compromise the existing living conditions of neighbours. However, for clarity and enforceability and to avoid an over-intensive use of the site, conditions would restrict the number of holiday units



- 
- to one, whilst also ensuring the accommodation is managed from the existing dwelling, (Ashbrook House), used only by holidaymakers and / or for existing ancillary use.
- 6.3 Highway safety
- 6.3.1 The Council's Highways team consider that the proposed off-street parking facilities and access are adequate, without the change in use detrimentally affecting highway safety.
- 6.4 Fire safety
- 6.4.1 The Shropshire Fire and Rescue Service's comments are generic and their interests are subject to other legislation which need not be duplicated by the planning system.
- 6.5 Flood risk
- 6.5.1 Entirely new built development, proposed for holiday or other residential accommodation in areas with a potential high risk of flooding would require a sequential test to be carried out in accordance with Part 14 of the National Planning Policy Framework. The purpose would be to steer such development to areas with the lowest risk of flooding and, for this reason it was unlikely that the first proposed application, (20/05399/FUL, which was withdrawn) would have been supported, particularly where there is other, similar development locally available with a lower flood risk.
- 6.5.2 However, it should be noted that some minor development, including certain householder applications and changes of use would not be subject to the sequential test and since this scheme does not propose a new building and relates only to the change of use of an existing building, it would not be subject to the same policy constraints.
- 6.6 Other matters
- 6.6.1 Public consultation has been carried out by the local planning authority in accordance with the government's statutory requirements.
- 6.6.2 Trespass and the safety of visitors attending the site would not be material planning matters.
- 6.6.2 Government guidance is clear that effects on property values are not a planning consideration and neither is there any statutory requirement for applicants to engage in their own neighbour consultation.

## 7.0 CONCLUSION

The development is acceptable in principle given the town centre location and the fact that it would reuse an existing outbuilding. There would be no undue or insurmountable concerns regarding residential amenity, highway safety, fire or flood risk and so the application accords with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions to reinforce the critical aspects of the scheme.

## **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:  
Core Strategy and Saved Policies:

National Planning Policy Framework  
CS6 - Sustainable Design and Development Principles  
CS7 - Communications and Transport  
CS11 - Type and Affordability of housing  
CS16 - Tourism, Culture and Leisure  
CS18 - Sustainable Water Management  
MD2 - Sustainable Design  
MD11 - Tourism Facilities and Visitor Accommodation  
SPD Type and Affordability of Housing  
Settlement: S5 - Church Stretton

### RELEVANT PLANNING HISTORY:

13/02168/TCA Removal of 3no Conifer Trees within Church Stretton Conservation Area  
NOOBJC 3rd July 2013  
20/05399/FUL Erection of one unit of holiday let accommodation WDN 22nd February 2021  
21/01065/CPL Application for a Lawful Development Certificate for the proposed erection of an outbuilding. LA 9th April 2021  
SS/1978/345/P/ Erection of two private garages. PERCON 28th July 1978

## 11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RPD6AXTDM2C00>

|   |
|---|
| List of Background Papers                                       |
| Cabinet Member (Portfolio Holder) - Councillor Richard Marshall |
| Local Member<br><br>Cllr David Evans<br>Cllr Hilary Luff        |
| Appendices<br>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, drawings and documents as listed in Schedule 1 below.  
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

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

3. The development hereby permitted shall only be used:
  - a) by holidaymakers whose main residence is elsewhere and/or
  - b) for purposes in connection with and ancillary to the enjoyment of the existing dwelling, (known as Ashbrook House), situated on the land edged in blue on the submitted location plan as a single dwelling unit.In the event of (a), the existing dwelling, situated on the land edged in blue on the submitted location plan, shall provide the requisite supervision and management of the holiday accommodation enterprise. The owner/operator shall maintain an up-to-date register of occupiers and their main home addresses and shall make this information available to the local planning authority at any reasonable time.  
At no time shall the development be occupied as permanent, unrestricted accommodation or

as a separate, primary place of residence.

Reason: To define the permission, in the interests of residential amenity and sustainable tourism development and to avoid the establishment of a permanent dwelling unit, without further consideration of the relevant planning issues.

4. The number of holiday accommodation units erected or stationed at the site outlined in red and blue on the approved location plan shall not exceed one.

Reason: To define the consent and avoid an over-intensive use of the site, in the interests of visual and residential amenity.

### **Informatives**

1. Consideration should be given to the information contained within Shropshire Fire and Rescue Services Fire Safety Guidance for Commercial and Domestic Planning Applications, which can be found using the following link:  
<https://www.shropshirefire.gov.uk/safety-at-work/planning-applications>
2. In order to control/attenuate surface water at source and avoid increasing the risk of flooding at the site or elsewhere, the incorporation of sustainable drainage systems (SuDS), such as soakaways, designed in accordance with BRE Digest 365, water butts, rainwater harvesting, permeable paving, attenuation and grey water recycling should be considered.  
You may also wish to consider incorporating flood resistance measures into the development, such as flood resistant doors, non-return valves, solid floor tiles, raised electrical sockets, air brick covers, floor guards, non-permeable skirting boards etc.
3. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

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## SCHEDULE OF APPEALS AS AT COMMITTEE 11 April 2023

|                                   |   |
|-----------------------------------|---|
| <b>LPA reference</b>              | 22/02284/FUL  |
| <b>Appeal against</b>             | Refusal   |
| <b>Committee or Del. Decision</b> | Delegated   |
| <b>Appellant</b>                  | Mr M Webb   |
| <b>Proposal</b>                   | Erection of a dwellinghouse following demolition of existing buildings (resubmission) |
| <b>Location</b>                   | Proposed Dwelling To The East Of 25<br>Homer<br>Much Wenlock                          |
| <b>Date of appeal</b>             | 20.10.2022  |
| <b>Appeal method</b>              | Written representations   |
| <b>Date site visit</b>            | 7.2.2023  |
| <b>Date of appeal decision</b>    | 06.03.2023  |
| <b>Costs awarded</b>              |   |
| <b>Appeal decision</b>            | Dismissed   |

|                                   |  |
|-----------------------------------|--|
| <b>LPA reference</b>              | 21/06006/FUL   |
| <b>Appeal against</b>             | Refusal  |
| <b>Committee or Del. Decision</b> | Delegated  |
| <b>Appellant</b>                  | Mr Oliver Garfoot  |
| <b>Proposal</b>                   | Erection of single storey extension and remodelling of existing dwelling, associated landscaping |
| <b>Location</b>                   | Brockton Hall Farm<br>Brockton<br>Shifnal<br>Shropshire<br>TF11 9LZ                              |
| <b>Date of appeal</b>             | 09.03.2023   |
| <b>Appeal method</b>              | Fast Track written representations   |
| <b>Date site visit</b>            |  |
| <b>Date of appeal decision</b>    |  |
| <b>Costs awarded</b>              |  |
| <b>Appeal decision</b>            |  |

|                                   |   |
|-----------------------------------|---|
| <b>LPA reference</b>              | 22/02338/FUL & 22/02339/LBC   |
| <b>Appeal against</b>             | Refusal   |
| <b>Committee or Del. Decision</b> | Committee   |
| <b>Appellant</b>                  | Yeat Investments Ltd  |
| <b>Proposal</b>                   | Conversion and extension to the Mill House; change of use of the Bakehouse to ancillary accommodation; restoration of the Corn Mill to working order; installation of a Bat House and associated external works |
| <b>Location</b>                   | Mill House<br>Clee St Margaret<br>Craven Arms<br>Shropshire<br>SY7 9DT  |
| <b>Date of appeal</b>             | 07.03.2022  |
| <b>Appeal method</b>              | Hearing   |
| <b>Date site visit</b>            |   |
| <b>Date of appeal decision</b>    |   |
| <b>Costs awarded</b>              |   |
| <b>Appeal decision</b>            |   |

|                                   |  |
|-----------------------------------|--|
| <b>LPA reference</b>              | 22/01124/FUL   |
| <b>Appeal against</b>             | Refusal  |
| <b>Committee or Del. Decision</b> | Delegated  |
| <b>Appellant</b>                  | Mr Brindley  |
| <b>Proposal</b>                   | Residential development of 3No. new dwellings with associated infrastructure following demolition of existing barn |
| <b>Location</b>                   | Roundabout Farm<br>Roughton<br>Bridgnorth  |
| <b>Date of appeal</b>             | 07.11.2022   |
| <b>Appeal method</b>              | Written representations  |
| <b>Date site visit</b>            | 10.01.2023   |
| <b>Date of appeal decision</b>    | 13.03.2023   |
| <b>Costs awarded</b>              |  |
| <b>Appeal decision</b>            | Dismissed  |



|                                   |  |
|-----------------------------------|--|
| <b>LPA reference</b>              | 22/03122/FUL   |
| <b>Appeal against</b>             | Refusal  |
| <b>Committee or Del. Decision</b> | Delegated  |
| <b>Appellant</b>                  | Sarah Edwards  |
| <b>Proposal</b>                   | Conversion of stable block into residential dwelling to include an increase in height; erection of new stable block; change of use of land to domestic garden land |
| <b>Location</b>                   | Proposed Residential Barn Conversion To The South Of<br>Uckington<br>Shrewsbury<br>Shropshire  |
| <b>Date of appeal</b>             | 14.03.2023   |
| <b>Appeal method</b>              | Written Representations  |
| <b>Date site visit</b>            |  |
| <b>Date of appeal decision</b>    |  |
| <b>Costs awarded</b>              |  |
| <b>Appeal decision</b>            |  |

|                                   |   |
|-----------------------------------|---|
| <b>LPA reference</b>              | 22/02151/FUL  |
| <b>Appeal against</b>             | Refusal   |
| <b>Committee or Del. Decision</b> | Committee   |
| <b>Appellant</b>                  | Ledwyche Solar Limited  |
| <b>Proposal</b>                   | Formation of solar farm including installation of solar panels, construction compound, security fencing, CCTV cameras, an internal access track, underground cabling, invertors, substations, grid connection and other ancillary development |
| <b>Location</b>                   | Squirrel Lane<br>Ledwyche<br>Nr Ludlow  |
| <b>Date of appeal</b>             | 17.03.23  |
| <b>Appeal method</b>              | Written Representations   |
| <b>Date site visit</b>            |   |
| <b>Date of appeal decision</b>    |   |
| <b>Costs awarded</b>              |   |
| <b>Appeal decision</b>            |   |

|                                   |   |
|-----------------------------------|---|
| <b>LPA reference</b>              | 21/05809/OUT  |
| <b>Appeal against</b>             | Refusal   |
| <b>Committee or Del. Decision</b> | Delegated   |
| <b>Appellant</b>                  | Mrs Chatha  |
| <b>Proposal</b>                   | Outline application for the erection of a detached dwelling and garage (all matters reserved) |
| <b>Location</b>                   | Old ROC Post<br>Church Road<br>Dorrington<br>Shrewsbury<br>Shropshire<br>SY5 7JL              |
| <b>Date of appeal</b>             | 02.12.2002  |
| <b>Appeal method</b>              | Written Representations   |
| <b>Date site visit</b>            |   |
| <b>Date of appeal decision</b>    | 17.03.2023  |
| <b>Costs awarded</b>              |   |
| <b>Appeal decision</b>            | Dismissed   |



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# Appeal Decision

Site visit made on 7 February 2023

**by Samuel Watson BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 06 March 2023**

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**Appeal Ref: APP/L3245/W/22/3305054**

**Wigwig End, Homer, Much Wenlock TF13 6NL**

- 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 Mike Webb against the decision of Shropshire Council.
  - The application Ref 22/02284/FUL, dated 13 May 2022, was refused by notice dated 4 August 2022.
  - The development proposed is the erection of a dwelling house following demolition of existing buildings.
- 

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are whether the appeal site is suitable for new housing; and, the effect of the proposal on the character and appearance of the surrounding area, including the Shropshire Hills Area of Outstanding Natural Beauty (the AONB).

## Reasons

### *Suitability of Location*

3. Policy MD1 of the Shropshire Council Site Allocations and Management of Development Plan (the SAMDev, December 2015) and Policy CS4 of the Shropshire Local Development Framework: Adopted Core Strategy (the ACS, March 2011) sets out the settlement hierarchy and spatial strategy for development. These policies support development in specific settlements, clusters and hubs, one such settlement is Much Wenlock. Development outside of these areas, namely within the rural areas, is supported by ACS Policy CS5 where it improves sustainability with particular regard to specific types of development. The appeal site is also within the plan area for the Much Wenlock Neighbourhood Plan 2013-26 (the MWNP, July 2014) and so Policy H5 is also relevant which restricts new dwellings outside of Much Wenlock to affordable housing.
4. The appeal site is located at the edge of Homer a hamlet outside of the settlement boundary for Much Wenlock and not one of the locations identified by either SAMDev Policy MD1 or ACS Policy CS4 where development is directed. Therefore, irrespective of whether the appeal site is within the settlement of Homer, or not, the siting of a new dwelling in this location would be contrary to the above policies unless one of the exceptions is met.

5. It is clear from the information before me that the proposal would be for an open market dwelling, albeit a self-build that the appellant intends to occupy. It would not therefore comply with the exception set out under MWNP Policy H5 allowing for affordable housing outside of Much Wenlock.
6. ACS Policy CS5 refers to different types of development that it specifically supports. However, it is clear that the list is not closed and so there may be other forms of development that are also supported. I am nevertheless mindful that the list primarily refers to economic development such as new rural businesses, expansions of existing ones or accommodation to support them. The Policy only refers to open market residential development in the form of conversions and that they must, amongst other things, provide high standards of sustainability and a financial contribution to the provision of affordable housing.
7. From the information before me and my observations on site I understand that Homer does not contain any services, facilities or shops. Whilst the proposal may result in a temporary economic benefit from the construction of the new dwelling, this would be short lived and would not improve the sustainability of the rural community. Future occupiers would need to travel further afield for shops, facilities and services and it has not been demonstrated how this would support the sustainability or vitality of Homer. Likewise, I do not find that the proposal would result in any meaningful community benefits given the lack of any community facilities within the settlement. Therefore, even if a new open-market dwelling was included as part of the list of development under ACS Policy CS5, it would not comply with the policy's requirement for development to support sustainability.
8. Paragraph 79 of the National Planning Policy Framework (the Framework) similarly identifies that new housing should be located where it will maintain or enhance the vitality of rural communities and that suitable villages should be identified by the development plan. Although Paragraph 79 also notes that development in one village may support services in a village nearby where there are groups of smaller settlements, I find that the Council have already identified these, in the form of Community Clusters, Community Hubs and suitable villages in the above mentioned policies. The above policies reflect the aims of the Framework with regard to promoting sustainable development and locating housing where it would enhance or maintain the vitality of rural communities. Therefore, as the development plan is up-to-date and consistent with the Framework, I find that there is no reason to depart from it.
9. I recognise that the existing stone building was formerly a dwelling but that this use was abandoned in the 1930s and the building subsequently fell into disrepair. I note also that it has more recently been rebuilt and converted to a workshop. Consequently, its residential use has been lost and the historic use of this building carries very little weight in my considerations. I have also been mindful of the dwelling which has recently been erected off a track behind the appeal site. However, I have not been provided with any substantive details of its background or context. I cannot, therefore, ascertain why it was permitted and, as such, it has not been determinative.
10. Given the appeal site's location and that it would not meet any exception within the development plan I conclude that it is not within a suitable location for a new dwelling and would not support the sustainability and vitality of Homer.

The proposal is contrary to the locational strategy set out in SAMDev Policy MD1, ACS Policies CS4 and CS5 and MWNP Policy H5 as set out above. It would also conflict with the housing strategy set out under Section 5 of the National Planning Policy Framework (the Framework), including Paragraphs 78 and 79.

### *Character and Appearance*

11. The appeal site is within the Shropshire Hills AONB, from my observations on site and the evidence before me, I find that the special qualities of the AONB stems, in part, from a varied landscape that includes farms and woods set across hills and valleys. With the exception of Homer and Much Wenlock, buildings are limited and sporadic within the surrounding area. Homer is a small settlement and, other than a small number of buildings detached from the main core, is dense with a clear transition between the settlement and countryside.
12. The appeal site itself is located off Homer Road and comprises a portion of the wider land owned by the appellant. The site contains a group of three buildings, two workshops and a log store. These, and the site in general, are screened in views from the road by a significant mature hedgerow. However, views are afforded of the site from other directions where the boundary treatments are lower and less substantial, such as from the adjoining fields and a nearby track. The existing buildings are set fairly close to the road leaving a sizeable portion of the site to the rear, open and undeveloped. In this way the site reads as a transitional space between the developed settlement and open countryside.
13. The appeal site slopes up away from the road with the existing buildings sited above the road and the location of the proposed dwelling on one of the highest parts of the site. Although currently screened by the hedgerow, it cannot be relied upon to screen the proposal as the hedgerow could easily die, be removed or reduced in height. Therefore, and given the size of the proposed dwelling and its elevated position against the road, it would be a prominent feature within the street scene. Although I recognise the existing buildings on site, these are significantly smaller both in regard to their height and footprint than the proposed dwelling. Moreover, the proposal would retain the stone workshop resulting in a greater cumulative impact than the three existing buildings.
14. This development would be beyond the visual edge of the settlement within an area that contributes towards the character and openness of the countryside and AONB. The significant size, in relation to the site, and prominent location of the dwelling would erode this contribution to the detriment of the surrounding area, including the AONB. This impact would be further exacerbated by the proliferation of residential paraphernalia associated with future occupiers. I recognise that the appeal site appears to be within a garden, but it is some distance away from the host dwelling where such paraphernalia is less common, and the proposal would result in two dwellings and thus the potential doubling of these features.
15. The dwellings within the surrounding area are varied in their appearance. Therefore, although the design of the proposed dwelling would not reflect the appearance of the surrounding dwelling, it would not be harmful to the surrounding area.

16. Nevertheless, the proposed new dwelling would, as a result of its siting, scale and relationship to its context, unacceptably affect the character and appearance of the surrounding area, including the AONB. The proposal would therefore conflict with SAMDev Policies MD2 and MD12, ACS Policies CS5, CS6 and CS17, and MWNP Policies GQD1 and GQD2. These policies collectively, and amongst other matters, require that developments are of a high-quality that protects and contributes to the natural landscape and local distinctiveness, including the special qualities of the AONB.

### **Other Matters**

17. the main parties have made references to an application for a rural exception site, but no substantive details of this have been provided. Nevertheless, I understand that this application is ongoing and that it covers significantly different criteria to the proposed open-market dwelling before me. This application has not been determinative in my considerations.

### **Conclusion**

18. The Government's objective is to significantly boost the supply of housing and the proposal would provide one new dwelling that would lead to a small and time-limited economic benefit during the construction phase. Given the small scale of the proposal these matters would at most attract modest weight.
19. Conversely, the proposal would result in harm to the Council's spatial strategy by way of its siting and would harm the character and appearance of the surrounding area, in conflict with the development plan taken as a whole. This attracts significant weight and outweighs the benefits associated with the proposed development.
20. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

*Samuel Watson*

INSPECTOR



## Appeal Decision

Site visit made on 10 January 2023

**by David Jones BSc (Hons) MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 March 2023**

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**Appeal Ref: APP/L3245/W/22/3304958**

**Roundabout Farm, Roughton Lane, Roughton Easting: 376193 Northing: 293892**

- 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 Brindley against the decision of Shropshire Council.
  - The application Ref 22/01124/FUL, dated 2 March 2022, was refused by notice dated 23 June 2022.
  - The development proposed is the demolition of existing barn and the development of 3 new dwellings with associated infrastructure.
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### Decision

1. The appeal is dismissed.

### Background and Main Issues

2. The appeal site is located within the Green Belt. The main parties have agreed that the proposal would represent inappropriate development in the Green Belt as defined in development plan policy and the National Planning Policy Framework (the Framework). I concur with that position.
3. Accordingly, the main issues in this case are:
  - the effect of the proposal on the openness of the Green Belt;
  - the effect of the proposal on the character and appearance of the area;
  - whether the proposed development would be in a suitable location, having regard to the relevant policies of the development plan which seek to manage the location of new development and access to services; and
  - would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

### Reasons

#### *Openness*

4. The appeal site currently comprises an agricultural barn which is a single storey steel framed building with concrete block walls and corrugated metal sheets with a pitched roof. The site is surrounded by agricultural land and is accessed via a single width private access track. The appeal proposal seeks the demolition of the existing barn and the subsequent erection of 3no. two storey dwellings.

5. Paragraph 137 of the Framework identifies that openness is one of the essential characteristics of Green Belts, along with their permanence. Openness has both a spatial and visual aspect and intrusion on either can, individually or collectively, impact the openness of the Green Belt. Policy CS5 of the Shropshire Local Development Framework Core Strategy (adopted March 2011) (CS) seeks to control development in the Green Belt in line with Government guidance. Although this policy refers to the now withdrawn PPG2 and not the Framework, both set out the general presumption against inappropriate development in the Green Belt and therefore I find Policy CS5 is consistent with the Framework. Policy MD6 of the Shropshire Council Site Allocations and Management of Development Plan (adopted December 2015) (SAMDev) further requires development to demonstrate that it does not conflict with the purposes of the Green Belt.
6. On the evidence submitted, the proposed development would reduce the built form on the site, with the Council stating it would result in 2.24% less volume and a reduction in the overall footprint of approximately 90m<sup>2</sup>. However, although the proposal would result in a modest reduction in volume and footprint the consideration of openness includes taking other factors into account, including a visual aspect.
7. The existing agricultural barn sits relatively low in the landscape and is set down from the private access track which runs in front of it. The barn has a ridge height of approximately 6.8 metres and relatively low eaves, with the eaves nearest the access track only measuring around 1.7 metres in height compared to 3 metres on the side facing the agricultural field. The buildings low setting along with its low eaves height significantly reduces its visual prominence in the immediate surrounds.
8. Though the ridge height of the proposed new dwellings would only be approximately 10 inches taller than that of the existing barn, their eaves height of around 5 metres would be significantly taller than those of the existing barn. This significant raising of eaves levels coupled with the marginal increase in overall height would result in the proposed dwellings having a considerably bulkier appearance than the existing development, such that the dwellings would be more visually prominent in the surrounding area. Their presence would also be further highlighted by the introduction of domestic curtilage both to the front and rear of the proposed dwellings, within which it is likely that several vehicles and domestic paraphernalia would be placed further impacting on the openness of the vicinity.
9. For the above reasons, I conclude that the proposal would have a greater impact on the openness of the Green Belt than the existing development and would be contrary to Policy CS5 of the CS and Policy MD6 of the SAMDev. The scheme would also conflict with the purposes of Green Belt policy, as stated in paragraph 137 of the Framework, to keep land permanently open.

#### *Character and Appearance*

10. The site consists of an existing single storey agricultural barn which is set back from Roughton Lane. Though there is sporadic built development in the vicinity in the form of dwellings and farm buildings, the area is inherently rural in character with large areas of open agricultural land. The existing dwellings in the locality are predominantly of rural character and set within generously sized plots.



11. Though set back some distance from Roughton Lane, due to the relatively open nature of the site the existing building is visible in wider views. Despite its visibility, by virtue of its low setting and utilitarian design the existing building does not appear as a visually prominent feature. The existing building is one which is commonly found in the countryside and one which fully reflects and harmonises with the rural character of the surrounding area.
12. The appeal proposal seeks the demolition of the existing agricultural building and subsequent erection of 3no residential dwellings. Whilst the proposed dwellings would be in a similar position to and have a reduced footprint and volume to that of the existing building, I find that their appearance would be domestic and suburban in character with their front elevations dominated by double garages. As a result, the proposed development would have an urbanising effect on this part of the countryside.
13. The proposed dwellings would also sit within broadly rectangular and regular shaped plots, and front onto the private access track resulting in a linear form of development. This linear and close-knit form of proposed development would be out of keeping with the prevailing pattern, layout, and rural character of the area.
14. The appellant has provided photographs of existing developments located within a 4km radius of the appeal site which are considered to be similar to the appeal scheme and demonstrate that linear forms of development are common within the surrounding area. However, little information has been provided as to the exact location and context of these existing properties, and in any event many of the photographs show buildings which are of significantly more rural design and appearance than the appeal proposal. Therefore, this does not alter my findings above.
15. For these reasons, the proposal would be harmful to the character and appearance of the area. Consequently, the proposal would conflict with Policies CS6 and CS17 of the CS and Policy MD2 of the SAMDev which seek, among other matters, to ensure that development protects, restores, conserves, and enhances the natural and built environment taking into account local context and character.

#### *Suitable Location*

16. The appeal site is located outside of any identified settlement boundaries and is therefore considered to be in the countryside. Policy CS1 of the CS outlines the strategic approach to development across the plan area. This details a hierarchal approach to residential development towards Shrewsbury (25% share), Market Towns and other Key Centres (40%) and rural areas (35%). This is supported by Policy MD1 of the SAMDev which states that sustainable development will be supported in Shrewsbury, the Market Towns and Key Centres and the Community Hubs and Community Cluster settlements. Policy CS5 of the CS and Policy MD7a of the SAMDev strictly controls development in the countryside whilst providing a number of exceptions for new dwellings.
17. The proposed development does not meet any of the identified exceptions and therefore the appeal scheme is clearly in conflict with the above policies. Furthermore, the Council state that the site is located some distance away from services and facilities, the surrounding roads are unlit with no footpaths, and that there is very limited public transport available near the site. As a result,

they contend that future occupants would be heavily reliant on the private car. Following my own observations on site I concur with this view.

18. However, the site benefits from an extant permission<sup>1</sup> under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for the change of use of the barn into 5no dwellings.
19. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (the Act) sets out that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Council acknowledge that the presence of this extant permission is a material consideration, however they consider that as permitted development rights existed under the GPDO the Council could not challenge the suitability of the location for housing, whereas under a full planning application they are obliged to consider all relevant planning issues and determine the proposal in accordance with the development plan.
20. The appellant has referred to a Court of Appeal Judgement<sup>2</sup> relating to fallback positions. This judgement clarified the principle that when considering proposals for new development, decision makers should have regard to the fallback position of lawful development which has a real prospect of taking place in the alternative.
21. In this case, I find that there is a real possibility that the extant permission under Schedule 2, Part 3, Class Q of the GPDO would be implemented should this appeal fail. This is evidenced by the existence of the extant permission, and a structural report confirming that the existing barn is in reasonably good condition requiring only cosmetic repairs and is therefore capable of conversion. Consequently, although the prior approval process is separate to that of a full planning application, and while it should not automatically guarantee permission for residential development, the fallback position is an important material consideration in the determination of this appeal.
22. The implementation of the extant permission would see the creation of 5no dwellings on the site, whereas the appeal scheme would lead to the erection of 3no dwellings. The effect of the conflict of the proposal with the development plan in respect of the location of newly created residential dwellings would therefore be similar to that from the implementation of the extant permission. Indeed, the appeal proposal would result in two fewer residential dwellings on the site compared with that allowed under the extant scheme.
23. Although I do not have full details of the extant prior approval scheme, given the restrictions and limitations that exist under the prior approval process I give some weight to the appellants' claims that the appeal proposal would allow opportunity for additional benefits over the extant permission including landscaping and biodiversity enhancements, and the provision of electric car charging points and secure cycle parking.
24. Section 38 (6) of the Act requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, having regard to the above, I find that the conflict with the development plan in respect of the location of the

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<sup>1</sup> Council Ref: 21/02759/PMBPA

<sup>2</sup> Michael Mansell v Tonbridge and Malling Borough Council [2017] EWCA Civ 1314

proposal is outweighed by the reduction in the number of dwellings, and the potential landscaping, biodiversity, and sustainability benefits arising from the implementation of the proposal instead of the extant permission. Accordingly, I find that the barn is a suitable location for a dwelling.

#### *Other Considerations*

25. The appellant has put forward a fallback position in the form of an extant permission under Schedule 2, Part 3, Class Q of the GPDO. This permission allows for the change of use of the existing barn into 5no dwellings. As detailed in the main issue above, I accept that the fallback position is available and a material consideration in the assessment of the proposal. Furthermore, I accept that there is a real possibility that it would be implemented should planning permission for the appeal scheme be refused.
26. However, for significant weight to be afforded to a fallback position there needs not only to be a real possibility of it being carried out, but it would also need to be equally or more harmful than the appeal scheme. On this basis the appellant considers that as the appeal scheme would disaggregate the barn into three smaller dwellings, result in an overall reduction in built form, reduce the number of dwellings and their associated gardens and parking on the site, and provide opportunity for landscaping, biodiversity and sustainability enhancements, the appeal scheme would be less harmful than the fallback position.
27. Whilst I do not have the full details of the extant prior approval scheme before me, given the restrictions and limitations that exist under the prior approval process the development would have to largely utilise the existing structure therefore retaining an element of its rural design and appearance. The appeal scheme however would see the erection of three detached dwellings of suburban design causing harm to the character and appearance of the area.
28. Similarly, whilst there would be a modest reduction in footprint and volume, due to the increased height of the proposed dwellings and their eaves the appeal scheme would have a greater impact on openness than the existing building. Though the appeal scheme may give rise to biodiversity gains through the removal of hardstanding and planting of wild grass and soft landscaping, and sustainability enhancements through the provision of electric vehicle charging points and cycle parking, these would not outweigh the harm that would be caused to the openness of the Green Belt and the character and appearance of the area. Consequently, I afford the fallback position limited weight in support of the proposal.
29. The proposal would provide economic and social benefits through the construction of the development and the additional contributions of the occupiers to the local economy. The provision of three new dwellings would also contribute to the area's housing stock. Given the scale of the proposed development these contributions would be modest and in some cases time limited. As such, I ascribe these benefits limited weight.
30. My attention has been drawn to appeals<sup>3</sup> relating to the proposed erection of dwellings in the countryside, and I have been provided with the Inspectors reports and decisions. However, from the limited information before me they

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<sup>3</sup> APP/M1710/W/20/3258256, APP/Z1510/W/17/3189624, APP/C3430/W/21/3283085

appear to relate to distinctly different proposals than the appeal scheme, with two of the referenced appeal sites not being located in the Green Belt. As such, I do not consider the examples directly comparable to the appeal scheme before me, which I have assessed on its own merits. I therefore attach little weight to these considerations.

### **Conclusion**

31. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be supported except in very special circumstances. It goes on to advise that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
32. The other considerations do not clearly outweigh the substantial weight that I have given to the harm that would be caused to the Green Belt, by reason of inappropriateness, including openness, and the harm to the character and appearance of the area that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
33. For the reasons set out above, the proposal would conflict with the development plan, when read as a whole and the Framework. Material considerations do not indicate that a decision should be taken other than in accordance with that plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

*David Jones*

INSPECTOR



## Appeal Decision

Site visit made on 3 March 2023

**by Lewis Condé Msc, Bsc, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 March 2023**

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**Appeal Ref: APP/L3245/W/22/3304936**

**Old Roc Post, Church Road, Dorrington, Shrewsbury SY5 7JL**

- 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 Mrs Chatha against the decision of Shropshire Council.
  - The application Ref 21/05809/OUT, dated 13 December 2021, was refused by notice dated 19 May 2022.
  - The development proposed is described as 'Erection of 5 bedroom house and detached garage on the former R.O.C Post site'.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The planning application was submitted in outline form with all matters reserved for future consideration. I have determined the appeal on this basis.

### Main Issue

3. The main issue is whether the site is a suitable location for the proposed development having regard to local and national planning policy.

### Reasons

4. The appeal site lies approximately 100m to the west of the village of Dorrington. It comprises a parcel of land off of Church Road that contains an existing prefabricated building that I understand is being used as residential accommodation. The site is largely laid with hardstanding/gravel and also contains a separate store/outbuilding. It has a gated access from Church Road, whilst its boundaries mainly comprise a mix of brick walls, wooden fencing and hedges. The appeal site lies outside of any identified settlement boundaries and is therefore considered to be in the countryside.
5. Policy CS1 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) (the Core Strategy) outlines the strategic approach to development across the plan area. This establishes a hierarchal approach to residential development that is to be directed towards Shrewsbury (25% share), Market Towns and other Key Centres (40%) and rural areas (35%). Policy CS4 further sets out a strategy for development in rural areas, promoting development that enables communities to become more sustainable. This includes through focusing development within Community Hubs and Community Clusters and not allowing development outside these settlements unless it complies with other relevant policy.

6. Furthermore, Core Strategy Policy CS5 and Policy MD7a of the Shropshire Council Site Allocations and Management of Development Plan (adopted 2015) (the SAMDev) seek to strictly control developments in the countryside whilst providing various exceptions for new dwellings. This includes dwellings to house essential rural workers, affordable housing to meet a local need, or replacement dwellings where the dwelling to be replaced is a permanent structure with an established continuing residential use (subject to further criteria).
7. The appellant contends that the site already has a long established lawful residential use and continues to be used for residential purposes.
8. However, the Council highlight that the static caravan on the site is not a permanent structure having been granted planning permission in 2008 (ref: 07/1222/F) to provide accommodation for a gypsy family. Whilst I do not have the full details of the 2008 permission, I understand permission was granted for the siting of a caravan for residential use subject to a personal condition, based on the original applicant's personal circumstances. This has meant that whilst the permitted residential use was not temporary in nature, it could only be occupied by the relevant named persons. A further condition was also attached requiring the land to be restored to its prior condition within 6 months of the land ceasing to be occupied by the relevant family member(s).
9. I understand that the 2008 permission has subsequently been varied to enable other named members of the gypsy community to occupy the site. Nevertheless, the relevant permissions retain conditions restricting the use of the site to specified persons, and the requirement for the land to be returned to its previous condition once it has ceased to be occupied by the relevant persons.
10. The Council also informs that the site is no longer occupied by the relevant named family, with the land having previously been sold. I am also informed that the appellant is in breach of the conditions attached to previous permissions. No robust evidence has been provided by the appellant to refute the Council's arguments. Accordingly, I do not consider that the proposal involves the replacement of a permanent structure with an established continuing residential use. Furthermore, the proposed development of an open market, self-build, dwelling would not meet any of the other identified exceptions of Core Strategy Policy CS5 and Policy MD7a of the SAMDev.
11. The appellant has also raised that the site is nearby to amenities. Dorrington does contain a range of facilities and services, including a primary school, church, village hall, medical centre and village convenience store. The site, however, is not closely related to the existing built form of the village. It is also located some distance from the nearest pavements, along a section of unlit rural road that is bordered by only limited grass verges. Therefore, whilst the site is located within a reasonable walking distance of the village it remains somewhat detached. The absence of pavements and lighting may not deter all persons from walking or cycling to nearby facilities. Nevertheless, in this instance, I consider it would still be a hinderance that would deter most occupants of the proposed dwelling, especially during adverse weather or periods of darkness. Therefore, future residents are likely to be heavily reliant on the use of private vehicles. This would be the least sustainable travel option.

12. Overall, given the appeal site's location and that it would not adhere to any of the exceptions outlined within the development plan, I conclude that it is not a suitable location for a new dwelling. Accordingly, the proposal does not comply with Policies CS1, CS4 and CS5 of the Core Strategy or Policy MD7a of the SAMDev. It would also conflict with the housing strategy set out within the National Planning Policy Framework (the Framework).

### **Other Matters**

13. There may be potential for the proposed development to be of a design quality that is more sympathetic to the surrounding area than the current static caravan on the site. However, I do not find this to suitably justify the proposal's conflict with the above development plan policies.

### **Conclusion**

14. The appeal scheme conflicts with the development plan as a whole and there are no other considerations, including the Framework's provisions, which outweigh this finding. Therefore, for the reasons given above and considering all other matters raised, the appeal is dismissed.

*Lewis Condé*

INSPECTOR

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