

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

Date: Monday, 11 September 2023

Committee:
Southern Planning Committee

Date: Tuesday, 19 September 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 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
Nigel Hartin
Pamela Moseley
Cecilia Motley
Claire Wild
Mark Williams
Paul Wynn

Your Committee Officer is:

Tim Ward / Ashley Kendrick Committee Officer

Tel: 01743 257713 / 01743 250893

Email: tim.ward@shropshire.gov.uk / 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 25 July 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 Wednesday 13 September 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 Proposed Solar Farm SE of Rock Farm, Rocks Green, Ludlow (22/05424/EIA) (Pages 5 - 52)

Proposed Solar Farm (40MW), 12MW co-located battery energy storage facility with sub-station, ancillary buildings, structures, landscaping, emergency lighting and access from A4117

6 Schedule of Appeals and Appeal Decisions (Pages 53 - 108)

7 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,xxxxxxxxxxxx, in the Shrewsbury Room, Shirehall.

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Committee and Date

Southern Planning Committee

INSERT NEXT MEETING DATE

SOUTHERN PLANNING COMMITTEE

Minutes of the meeting held on 25 July 2023

3.10 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

Councillor David Evans (Chairman)

Councillors Nick Hignett (Vice Chairman), Caroline Bagnall, Andy Boddington, Christian Lea, Hilary Luff, Nigel Lumby, Tony Parsons, Ed Potter and Robert Tindall

12 Apologies for Absence

Apologies for absence were received from Councillor Richard Huffer who was substituted by Councillor Nigel Hartin.

13 Minutes

RESOLVED:

That the Minutes of the meeting of the South Planning Committee held on 27 June 2023 be approved as a correct record and signed by the Chairman.

14 Public Question Time

There were no public questions.

15 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.

With regards to item 7, Councillor Nick Hignett stated that he would leave the meeting and take no part in the debate or voting on the item as he did not wish to be perceived as having predetermined the application as he had taken part in the debate when the application was discussed at Pontesbury Parish Council.

16 Proposed Affordable Dwelling South West Of Orchard Farm Ryton Dorrington Shropshire (23/02161/FUL)

The Planning Officer introduced the application which was an application for the erection of detached dwelling, garage and installation of package treatment tank, and with reference to the drawings and photographs displayed, he drew Members' attention to the location and proposed layout and elevations.

He confirmed that members had attended a site visit and advised them that two of the reasons for refusal contained within the report had now been addressed; with the reasons for refusal now relating to location and eligibility under the adopted Type and Affordability of Housing SPD.

The Solicitor read a statement on behalf of Councillor Dan Morris, local ward councillor, in support of the application in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

The Solicitor read a statement on behalf of Mrs Rebecca Griffiths, applicant, in support of the application in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Members were in agreement that the location of the proposals were not of concern as it was felt that the site could be perceived to be part of a settlement, however acknowledged the strict eligibility criteria as set out in the adopted Type and Affordability of Housing SPD and that these had not been met.

RESOLVED:

That in line with part 2 of the officer recommendation, the application be refused on the grounds that the applicant is not an eligible person for the single plot exception scheme, insufficient evidence has been submitted or accepted. Consequently, this is contrary to the adopted Type and Affordability of Housing SPD.

17 41 Clifton Villas Temeside Ludlow Shropshire SY8 1PA (23/02217/FUL)

Councillor Robert Tindall left the meeting for this item as one of the public speakers was known to him.

The Development Manager introduced the application which was an application for the change of use from residential unit to residential care home with reference to the drawings and photographs displayed, he drew Members' attention to the site location and proposed elevations.

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

Councillor Viv Parry, local ward councillor, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

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

Members noted that the recommendation for refusal was based on insufficient off-road parking which would lead to unacceptable highways issues and be contrary to the requirements of Policies CS7 of the Core Strategy and the NPPF.

Members acknowledged the benefits of having a home from home care facility for children with learning difficulties but raised concerns surrounding the safety of staff when using the proposed car park which was some distance from the property. It was felt that the location of the property was not conducive for this particular use due to its narrow paths and existing high traffic volume.

RESOLVED:

That in line with the officer recommendation, the application be refused as it fails to demonstrate sufficient off-road parking to serve the development which would result in vehicles parking on Temeside to the detriment of other road users and to the free flow and safe movement of traffic. The proposal is therefore contrary to the requirements of Policy CS7 of the Core Strategy and the National Planning Policy Framework. Members were also concerned for staff safety given the lack of availability for nearby parking.

18 Quercus Domus, Pound Lane, Hanwood, Shrewsbury, SY5 8JR (23/02219/FUL)

After declaring an interest, Councillor Nick Hignett left the meeting.

The Planning Officer introduced the application which was an application for a change of use of agricultural land to residential and reinstatement of existing access and drew members' attention to the location and site plans. Members were advised that there were three reasons for refusal; an unnecessary and unjustified expansion of domestic curtilage causing domestication of the countryside causing harm, an increase in plot size which is contrary to the S106 and affordability of the dwelling previously approved, and highway safety due to insufficient visibility.

Councillor Allan Hodges spoke against the proposal on behalf of Pontesbury Parish Council in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

RESOLVED:

That in accordance with the Officer recommendation planning permission be refused.

19 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 25 July 2023 be noted.

20 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 22 August 2023 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND, and not 22 September 2023 as stated on the agenda.

Signed (Chairman)

Date:



Committee and date
Southern Planning Committee
22nd August 2023

Development Management Report

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

Summary of Application

Application Number: 22/05424/EIA	Parish:	Berrington PC
Proposal: Proposed Solar Farm (40MW), 12MW co-located battery energy storage facility with sub-station, ancillary buildings, structures, landscaping, emergency lighting and access from A4117		
Site Address: Proposed Solar Farm SE of Rock Farm, Rocks Green, Ludlow		
Applicant: Anglo Renewables Rock Farm Ltd		
Case Officer: Grahame French	email: graham.french@shropshire.gov.uk	

Recommendation:- Approve subject to the conditions set out in Appendix 1



Fig 1 location

REPORT

1.0 THE PROPOSAL

- 1.1 The application is for a ground mounted solar generating facility with a capacity of 40 megawatts and 12MW of co-located battery energy storage. The facility would also include a sub-station, ancillary buildings, structures, landscaping, associated infrastructure, internal access roads, security, perimeter fencing and CCTV access from the A4117.
- 1.2 The solar arrays would be laid out in multiple parallel rows running east-west across the site covering c80% of the site. The panels would have a tilt of 20 degrees from the horizontal with a maximum height of 3.3m and a minimum ground clearance of 0.8m to allow sheep grazing. They would be coated to minimise glare. Rows would be separated from each other by a minimum of 5m. The frames would either be pile driven or screw anchored into the ground to a typical depth of approximately between 1-1.5m.
- 1.3 Access to the site, during both the construction and operational phase, would be gained via the existing access to rock farm from A4117 linking to a new internal access track (see fig 2).



Fig 2 – Site layout

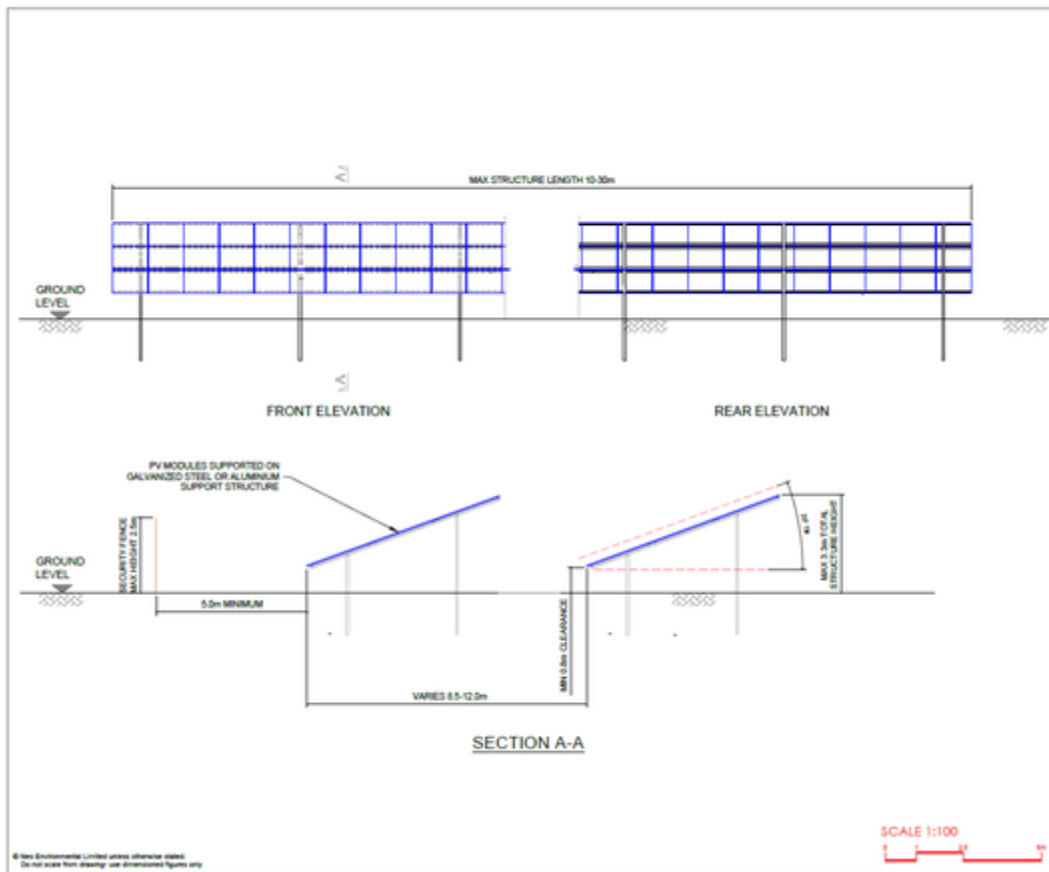


Fig 3 – Panel plans

1.4 The proposals include the following built elements:

- Inverter/Transformer Stations: Fourteen Medium Voltage Power (MPV) stations, each typically measuring 10 m x 2.9 m x 2.45 m would be distributed evenly across the Site and housed in green metal containers.
- Battery-based electricity storage containers will allow the store of energy at times of low demand and release to grid at times when demand is high or when solar irradiance is lower. They will typically measure 13.9 m x 3.07 m x 3.11 m.
- Security fencing would be installed around the perimeter of the Site at a height up to approximately 2.5 m with the entrance gate of similar construction and height. Clearances above ground, or the inclusion of mammal gates will be included to permit the passage of wildlife.
- Grid connection and cabling will extend from the onsite substation to the Western Power Distribution (WPD) substation to the south of the Site, to the west of Squirrel Lane. This cable will be underground.
- A 132 kV substation compound will be located in the south-west portion of the Site and will measure 51 m x 20 m at its maximum extent. Items of equipment within the compound would extend to a maximum height of 6.8 m.
- Security would be via motion sensor Closed-Circuit Television (CCTV) cameras erected around the Site perimeter on poles at a height up to approximately 2.8 m to allow offsite monitoring. The security cameras would use Passive Infra-Red (PIR) technology, which would provide 24-hour surveillance and avoid the need for night-time lighting at the Site.

- 1.5 The proposals incorporate a landscape mitigation plan including the following measures:
- Species rich grassland and ecological mitigation area.
 - Grazing areas for livestock beneath solar panels.
 - Visual screening and retention of existing trees
 - The installation of bird and bat boxes.
- 1.6 Construction would take approximately 6 months and would be controlled under a Construction Method Statement with restricted working hours and a Construction Environmental Management Plan. Construction traffic would avoid peak times for other road users. The site would become operational a month after construction and would have an operational life of 40 years, after which it would be decommissioned, and the agricultural land would be reinstated. Traffic would generally be limited to occasional light vehicles during the operational period.
- 1.7 The applicant states that the proposals would produce enough electricity to power c. 11,300 households annually, saving up to 19,200 tonnes of carbon dioxide per year. There would be a substantial biodiversity net gain and a total investment exceeding £26m with corresponding benefits to the local economy.
- 1.8 The applicant states that consultations with the local community have resulted in the following amendments being made prior to submission of the application:
- Concerns regarding run-off and flooding arising from the existing solar farm into Squirrel Lane which is affecting some of the properties in Lower Ledwyche. The scheme was amended with solar panels removed from the SE field. This also reduced visual impact to these properties.
 - Addition of woodland planting mitigation along southern site boundary.
 - Extend woodland mitigation planting in the north of the site.
 - Amended positioning of inverter equipment and other noise generating equipment to avoid impact on residential amenity.
 - Removal of second access to A4117.
 - Addressed concern expressed about the visual impact of the scheme when viewed from Henley Hall and that the coppice in the centre of the site is being left in an “isolated” position with the layout ensuring that habitat connectivity is retained and mammal gates fitted to fences.
 - Allowing for larger tree protection areas around veteran trees.
 - Allowing 10 m ecological buffer along watercourse.
 - Allowing 250 m ecological buffers around nearby ponds for newts.
 - Allowing 30 m ecological buffer around badger setts.
 - Allowing 10 m ecological buffers around woodland.
 - Include area of orchard for visual mitigation, landscape enhancement and ecological enhancement.
 - Include new tree planting along existing hedges, allow existing hedges to grow and be maintained at no lower than 3 m in height.
 - Include resowing of whole site area with species diverse meadow grass and flower seed for landscape and ecological enhancement.

- Site hedges along western site boundary be allowed to grow and managed to a minimum height of 3 m.

1.9 The application is accompanied by an Environmental Impact Assessment which has been submitted voluntarily by the applicant under Regulation 5 of the 2017 Environmental Impact Assessment Regulations.

2.0 SITE LOCATION / DESCRIPTION

2.1 The Site is located south of Rocks Green/Ludlow Road (A4117) and east of the A49. It is approximately 1 km east of Ludlow and 1.7 km east of the town centre. The Site is bounded by the A4117 to the north, Ledwyche Brook to the east and open fields to the south and west. An existing solar installation (planning application reference 15/01472/FUL) is located to the immediate south-east of the Site.

2.2 The Site comprises approximately 56.52 hectares of relatively flat agricultural fields enclosed by intermittent mature hedgerows and occasional trees with nearby woodland blocks. Access to the site is obtained through Rock Farm which, in turn, has a direct access on to the A4117. This road connects to the A49 via a roundabout junction.

2.3 To the east of the site, beyond the block of woodland and Ledwyche Brook are the grounds of Henley Hall and the registered parkland (it is to be noted that the registered parkland is in separate ownership).

3.0 REASONS FOR COMMITTEE DECISION

3.1 The application has been referred to the committee by the local member and agreed by the Head of Planning Services or the Team Manager (Planning) in consultation with the committee chairman or vice chairman to be based on material planning reasons.

4.0 COMMUNITY REPRESENTATIONS

4.1.i Bitterley Parish Council: Objection. The principal objections are the proposed site's close proximity to Grade II* listed Henley Hall and Grade II registered garden and deer park, the major impact to the setting of an ancient monument at Caynham Camp and the lack of proper consideration of the cumulative impact and change to this rural and historic landscape from such a large area of industrial development, if all solar farm applications are taken into account. The potential detrimental effect to wildlife of Rocks Covert woodland preventing the migration of deer in from nearby woodland cover is another key factor.

ii. We support consultee Historic England's request that developers Anglo Renewables consult with SC Conservation to seek a solution to Henley Hall and ESP Ltd's request that the Landscape and Visual Impact Assessment (LVIA) is improved to ensure results are reliable, including an analysis of the cumulative effect of relevant solar farms and to comply to Local Plan policy, before this application is considered by Shropshire planning.

- iii. Heritage Assets. 1. Grade II* listed Henley Hall and Grade II Registered Park and Garden - This application neglects the precedent set by the existing Henley 1 Solar Farm where, Shropshire Council recommended the solar farm be moved at least 300m away from the boundary of Grade II* listed Henley Hall and Grade II registered gardens and deer park to protect this heritage asset. The two-storey Park House built to take in the views to the south and is also listed Grade II. The Heritage Impact Assessment fails to consider the importance of the listed assets in their surroundings. The report concentrates on the views from the assets and fails to understand their importance in the setting and considering the views towards Henley Hall and grade II listed assets from the surrounding fields.
- iv. The Landscape and Visual Impact Assessment concentrates on the impact to visiting guests and residents of Henley Hall and gardens. It states that views are along a "designed vista" and that there are no "designed vistas" into the solar panels. In fact, there is no 'designed vista' as such, and this is challenged by the owners of Henley Hall and consultee Historic England. Woodland planting is proposed by developers to hide the solar panels effectively blocking important views to the west of the estate. Historic England states that its open view is part of the setting and the heritage assets connection to the surrounding landscape.
- v. Henley Hall attracts business as a wedding venue, yoga retreat and holiday accommodation at a beautiful historic country estate set in unspoilt countryside. The development is likely to have a negative impact directly affecting this business, local jobs, services, and tourism in the area. Details of the issues with the proximity of the site to Henley Hall have also been clearly outlined in the objection by the property owners Sebastian and Helen Phillips in their objection.
- vi. Heritage Assets 2. Caynham Camp - The impact on the classified ancient monument at Caynham Camp, located 1.25km south of the site, is largely dismissed in the reports. This Iron Age hillfort is significant to the application as the whole 56ha development site will be clearly visible, imposing a significant permanent development in the landscape. The view is described in the LVIA p51 as the "worst case scenario" and it should be given proper consideration and to what extent this impact could be moderated. Ref: Ancient Monuments and Archaeological Areas Act 1979. Planning (Listed Buildings and Conservation Areas) Act 1990 and NPPF section 12 and 16.
- vii. Cumulative impact and Landscape and Visual Impact Assessment (LVIA) - The cumulative impact of Rock Farm 56.5ha (proposed), Henley 10.5ha (existing) and Ledwyche 21ha solar farms near Ludlow if approved will have a major impact on the rural and historic landscape character of this area. It has not been included in the LVIA report or other assessments. The visual impact from the new housing sites at Henley Grange and Ledwyche Rise have also not been included. Further details of a landscape mitigation scheme are required unless they are included in planning conditions. The LVIA requires amendment in order to comply with current Local Plan policy as described in the report by ESP Ltd and a cumulative visual impact

assessment has been recommended by the company. Other recommendations include clearly defined study areas and boundary lines and site boundaries need to be clearly marked on illustrative plans and photographs.

Note: Brick House Farm has recently been granted planning permission and Ledwyche Solar has been allowed at appeal.

- viii. Rocks Covert - Rocks Covert is approximately 2ha of woodland to the north of the site easily identified by its contrasting trees in a square shape within the surrounding fields. Currently deer migrate between Rocks Covert and nearby woodland at the Colonel's Plantation, Ledwyche coppice and Henley deer park. Despite the developers claims that local concerns have been taken into account in the Design and Access statement, the site and Rocks Covert will be surrounded by deer fencing (differing from 2.5m to 3m high in the application), if current proposals go ahead they will no longer be able to access this woodland.
- ix. Land area of the site - The site survey areas and development site in the various reports are unclear and varied in number of hectares. Bitterley Parish Council recommend that these are made clear and well defined before the application is considered. The application form refers to 49ha and the design access statement refers to 56.5ha. The supporting planning statement shows 2 areas of land ownership and development. It refers to the application site at 56ha. The Landscape and Ecological Management Plan refers to 49ha and the Agricultural Land Classification to 48.6ha. The areas under consideration should be defined clearly.
- x. Best Most Versatile Land - In the Agricultural Land Survey the land declared as grade 2 best most versatile to the south/south west of Rock Covert is 3.6ha or 7.4% of the site. Referring to the report Grade 2 land areas 8,9,10, 24 and 18 have been omitted using MAFF guidance on pattern limitation. These areas could easily be included giving a total area of 10ha around Rock Covert. However, if the report is to be taken at face value consultee Natural England has stated that 3.6ha is not likely to lead to a significant permanent loss of good quality agricultural land as described in national planning guidelines. (Note green hatched area declared in the agricultural report, black outlined area is larger area. Areas 8,9,10 24 and 18 could all be excluded easily from the application by moving the outer boundary fences)
- xi. Site selection and connectivity - The site selection report limits potential sites to a maximum of 3km from the Ludlow substation. No electricity generator has to be close to a substation to connect to the grid. The national grid is designed to bulk transfer power around the country from generators to bulk supply substations. Ludlow is fed electricity via a 132Kv line from Bishops Wood and a 66Kv line from Hereford. The Rock Farm proposal is to connect 40MW to the 132Kv line as there is limited capacity on the 66Kv line. Rock Farm Solar could select a site to connect anywhere down this 30km 132Kv line. Limiting the connection zone to 3km of the substation is not a technical requirement to deliver 40MW of power to the grid, anywhere down that 30km line would suffice. To underline this point Greete solar farm is connecting to that 132Kv line 5km from this substation. To give proper consideration to a suitable site the search area could extend down the 132Kv line and 3km either side of it. The

application states that the solar farm will be connected from the solar panels via the onsite substation to the Western Power Distribution substation to the south of the site and west of squirrel lane. A plan is required to indicate where these underground cables are located and clearly show through what route they will be connected to the grid. Only approximately 10% of this site appears on the LUC renewable energy mapping, commissioned by Shropshire Climate Action Partnership (SCAP), to indicate suitable locations for solar farm development and encourage informed decisions.

- xii. Community consultation - Although Bitterley Parish Council recognises that £26 million is a significant investment unfortunately it is unclear what benefit the development offers local residents. Public consultation for Rock Farm solar began in March 2022. Local residents concerns and recommendations particularly regarding the site's proximity to the boundary of Henley Hall and deer park and gardens appear not to have been taken into account. The noise impact of pneumatic pile driving and other associated adverse impacts during construction 7am to 7pm for locals remains a major concern having experienced the construction of Henley 1 solar farm. It is unclear in the documentation whether construction is planned from Monday to Friday or Monday to Saturday. The screening opinion document described solar panels 3M high, and this application specifies solar panels of 3.3M high. The timeframe for constructing this site is unknown. There is no Construction Management Plan included in this application.
 - xiii. Although a community benefit fund was mentioned in the initial consultation it has not been included in the final application and there has been no consultation with Bitterley Parish Council since the application was presented on the Council's portal. Local employment or direct economic benefit from the solar farm for local people seems unlikely.
 - xiv. Conclusion - Although there are significant objections to Rock Farm solar, it is generally felt locally that if the above objections were taken into account and the site configured accordingly the development could be made acceptable to the majority of the local community. The planning site is in an area of general housing, warehousing and solar development close to the A49 and Ludlow. The site is further away in the landscape than Ledwyche solar farm and not isolated in the landscape so as not to cause such a significant impact on the AONB. If the site could be reduced in size, much reducing its overall impact, by removing the north section it would help resolve issues around Henley Hall and Rocks Covert. By removing the north section the impact on Caynham camp would also be significantly reduced particularly as the south section is better mitigated by existing mature trees and vegetation.
- 4.2. Ludford Parish Council (Adjoining Parish) – Objection. Ludford Parish Council accepts the need to ensure proper provision for sustainable energy but has grave reservations regarding the impact of such infrastructure on the historic built and natural environment. These elements are as follows:
- i. Henley Hall and its listed parkland. The Ledwyche Brook forms the boundary between Ludford Civil Parish and Bitterley Civil Parish with Henley Hall and its

parkland to the east within Bitterley Parish and all areas to the west within Ludford Parish. Consequently, concerns relating to safeguarding the wildlife corridor between Rock Covert and Ledwyche Brook, protection of the water quality in Ledwyche Brook are common to both parishes. The gardens are recorded in the 19th Century whereas the Deer Park was recorded in 1770. The position of Henley Hall, together with the rural setting of these listed assets present a strong sense of place; providing a unique example with untouched vistas and scenery. Section 12 of the NPPF states that a strong sense of place should be retained, achieving this is not possible if rural fields are altered to an industrial landscape. The Hall is a venue for hospitality and wedding celebrations with a strong emphasis on its tranquil and unspoilt setting; these commercial activities provide employment and contribute to the local tourist economy. Consequently, any potential harm for the retention and continued long term future viability of these important historic assets is to be avoided and all efforts should be made to retain them, mitigating avoidable harm.

- ii. The design and layout of the panels has not taken into account the recommendation that a 300 meter buffer zone should be in place from the boundary of a protected , listed parkland or historic building. This issue should be resolved by moving panels to the east of Rock Covert in a westerly direction towards the A49.
- iii. Archaeology - Currently Shropshire Council Archaeologists require the applicant to undertake a geophysical survey and trenching exercise There are recommendations and comments included in the specialist reports relating to all of these areas. Further information regarding the duration and methods of construction requires further clarification. Ludford Parish Council had concerns relating to the second entrance to the site and recognises that this has now been omitted.
- iv. Site Construction and maintenance - Concerns have been expressed regarding run off from the panels, the use of permeable surfaces and soakaways, control of construction processes and cleaning materials, panel layout and drainage or flooding issues. Many of these items relate to maintenance of the site over the 40 years of its lifespan, most particularly that no harmful chemicals should be used for the annual if not more frequent, washing of the panels in order to prevent any damage to the water quality of Ledwyche Brook.
- v. Conclusion - Ludford Parish Council recognises that the installation of a solar farm has a likely life span of some 40 years, after which the installation would be decommissioned and the land would be restored to its previous usage. The positive aspects of this technology are that it provides energy and is reversible, essentially being a temporary installation, there is minimal disturbance to the surface of the land and the benefits of the extended period of leaving the land fallow, the lack of intrusion from vehicles, and a low level of noise to residents (post construction.). Since the inception of the SAMdev plan Ludford Parish Council has been subjected to considerable changes culminating in 3 large residential developments on green field sites. Once completed, these will benefit the local economy and are a permanent extension to the urban landscape. However, Ludford Parish Council believes that the civil parish area requires time to adjust to its altered state. The proposed solar farm

is located between two of these residential developments, and whilst the Parish Council accepts the need for the provision of sustainable energy, we suggest that the buffer zone to minimise the impact upon the heritage assets suggested by Historic England is incorporated into the plans, and the panels moved in a westerly direction to the east of Rock Covert and towards the A49. Thus, allowing for a noticeable separation between the existing developments.

4.3. Historic England:

- i. Summary - Historic England is concerned that the current application is insufficient to enable a full analysis of the impact of the proposed solar farm. In order to assist your deliberations, we would therefore recommend that further archeological assessment, including geophysical survey and trial trenching, be undertaken prior to the current application being determined. We would also recommend that the applicant works with your conservation team to bring forward a scheme that omits those solar panels harmfully impacting on the significance of the Registered Park and Garden and its setting.
- ii. Historic England Advice - As demonstrated by the presence of the Caynham Camp hillfort Scheduled Ancient Monument to the south, and other well-preserved hillforts surviving in the wider area, this part of Shropshire is of considerable archeological interest in aiding our understanding of the organization and regional structure of Iron Age society.
- iii. The application site is also of specific historic interest due to its position directly to the west of the 18th century Grade II* Henley Hall and its historic grounds and parklands. The park at Henley Hall, which is separately designated as a Grade II Registered Park and Garden consists of two distinct, but connected, parts separated by a ha ha - the landscape park around the Hall and gardens, and the deer park to the south. It is thought that Thomas Knight may have created the deer park when he purchased the manor of Henley in 1770. The formal gardens around the house largely date to the late 19th century when the Hall and park were sold to Edmund Thomas Wedgewood Wood. Park House, an 18th century two-storey brick summerhouse, is located in the north of the deer park and was intended to provide an eyecatcher when looking southwards from the Hall. This structure is separately listed Grade II.
- iv. The Heritage Impact Assessment (HIA) identifies that there is a historical relationship and functional association between the application site and registered park and garden, with the site forming part of the wider estate of Henley during the post-medieval period. As such it makes a positive contribution to our understanding and appreciation of this important nationally designated heritage asset. Although now in separate ownership the Hall and park and garden, with its numerous associated separately listed buildings and structures, represents a surviving example of a country estate set within a far older historic rural landscape. The current application relates to the creation of a large 56 ha solar farm on what is currently agricultural land with pockets of woodland. The extent of the proposed solar farm, and associated infrastructure, therefore, has the potential to dramatically alter the existing and historic character of this area from open, rural fields to a much more industrial appearance.

- v. Policy Considerations - This is clearly a highly sensitive site and any new development requires very careful consideration. We would therefore draw your attention to the requirements of the Ancient Monuments and Archaeological Areas Act 1979, the Planning (Listed Buildings and Conservation Areas) Act 1990, and the National Planning Policy Framework. As you will be aware the 1990 Act specifically requires local authorities to have special regard to the desirability of preserving listed buildings or their settings. Section 12 of the NPPF further emphasise the need for development to be sympathetic to local character and history, and to maintain a strong sense of place. Section 16 of the NPPF goes on to require that any harm to the significance of a designated heritage asset, including from development within its setting, be clearly and convincingly justified. Furthermore, when considering the impact of a proposed development great weight should be given to the asset's conservation, irrespective of the level of harm to its significance. Where harm is considered to occur, this must be weighed against public benefits regardless of whether that harm is considered to be substantial or less than substantial.
- vi. Henley Hall and Environs - As noted within the HIA, the industrial nature of the proposed solar farm would appreciably change the character of the application site which has, since the post-medieval period been in agricultural use, and was part of the wider estate of Henley Hall. We also note that the solar panels in the northern part of the development site will be visible from the deer park, as illustrated in the LVIA and HIA. It is also acknowledged in the application that this will cause harm to the significance that the registered park and garden derives from its setting.
- vii. A belt of woodland planting is proposed along the western edge of the registered park and garden as mitigation. This proposed planting, however, would block views to the west of the surrounding historic estate landscape, which contribute positively to the setting of the registered park and garden. This being the case, the resulting loss in openness and connection to the surrounding landscape would in itself result in a degree of harm to the significance that the registered park and garden derives from its rural landscape setting. We note that the application indicates that the proposed panels are temporary and reversible. However, 40 years is not an insubstantial amount of time and this large solar farm will necessitate a range of associated infrastructure.
- viii. As you are aware, in 2015 Historic England commented on proposal for a much smaller site to the south of Squirrel Lane (application reference: 15/01472/FUL). That scheme, also for a solar farm, similarly harmfully impacted on the significance of Henley Hall, the register park and garden and their settings. In that instance, following discussions between your Authority and the applicant, the solar panels were omitted from the boundary with the park and garden leaving a 'buffer zone' between the two sites. We would encourage the same approach here. Clearly there will be some public benefits from this scheme, which your authority will need to weigh against the harm caused to the historic environment. However, we would note that the NPPF emphasises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. A such this weighting should be carefully undertaken - and the bar high.

- ix. Archaeological Considerations - We note that the HIA has been informed by a Desk Based Archaeological Assessment (DBAA) by Ecus consultants. This assessment identifies a low potential for all remains prior to the post-medieval period, and that any such remains are likely to be of low archaeological value. Further work is recommended, including geophysical survey, to be secured by condition of permission. However, in our view the potential for remains is greater than that indicated by the DBAA/HIA. This is due to recorded sites, including aerial photographs, on the Historic Environment Record and also the known proximity of monuments, including Caynham Camp Iron Age hillfort. Therefore, whilst we agree that additional work should be undertaken including geophysical survey and trial trenching, we would recommend that this be undertaken prior to the application being determined. In our view such work is required to enable your Authority to be satisfied that it has sufficient information to make an informed decision, as required by NPPF paragraph 194. In policy terms our view is that insufficient information regarding the potential impact upon significance of archaeological assets affected has been provided at this stage, and the application therefore does not comply with paragraphs 194 and 195 of the NPPF.
- x. Recommendation - Historic England has concerns regarding the application on heritage grounds. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.
- 4.4 Environment Agency - No objection. The following comments are made:
- i. Site Context: The site is bound along its eastern extent by the Ledwyche Brook. Several unnamed Ordinary Watercourses are present across the site, which convey water towards the Ledwyche Brook. All watercourses in the vicinity of the site are designated Ordinary Watercourses and therefore Shropshire Council is the relevant risk management authority.
- ii. Flood Risk: Based upon the Flood Map for Planning the site is predominantly situated within Flood Zone 1, an area at lowest risk of fluvial flooding. However, small areas of the site along its eastern boundary are located within Flood Zone 2 & Flood Zone 3, associated with the adjacent Ledwyche Brook. The Flood Map at this location is based on national generalized modelling (JFLOW) and the extent of the Flood Zones should not be regarded as definitive. We hold no records of any Environment Agency-maintained or third party-maintained assets in the vicinity of the site. The proposal is classed as 'essential infrastructure' (Annexe 3 NPPF) which according to the Flood risk vulnerability and flood zone 'incompatibility' matrix (table 2 NPPG) is compatible with flood zone 1 & 2 but would need to meet an exception test for development within flood zone 3.
- iii. Flood Risk Assessment: A Flood Risk Assessment (FRA) has been prepared by BWB Consulting (September 2022). Due to there being no modelled data available an assessment has been made of EA flood zone extents against existing site levels. These assessments indicate flood depths between 0-350mm across areas of the site within Flood Zone 2, and depths of between 350-660mm across areas within Flood Zone 3. The FRA highlights that the layout of the site is designed so that no

development would be located within Flood Zone 3, and that all ancillary equipment and the Battery Energy Storage System compound would be located entirely within Flood Zone 1, with a few instances of minor encroachment into Flood Zone 2 by the solar panels. Part of the security fence running along the eastern site boundary would be located within Flood Zone 2.

- iv. Climate Change: The FRA presents no flood data for future climate change levels, however, acknowledges that these values are likely to increase throughout the 40-year lifetime of the development. Given the nature of the development and minor encroachment into Flood Zone 2, we would not expect modelling to be undertaken.
 - v. Finished Floor Levels: All solar panels will be raised above ground level by a minimum of 0.8m.
 - vi. Easement: The FRA states that the development has been set back by a minimum of 8m from the Ledwyche Brook, and 5m from all unnamed Ordinary Watercourses, in line with local guidance.
 - vii. Flood Storage: There is a negligible loss of floodplain storage. The solar panels are raised above ground level by at least 0.8 m on narrow frames and security fencing will be permeable to flood waters.
 - viii. Access & Egress: This appears to be via routes situated in Flood Zone 1 and should remain free of flood waters.
 - ix. Recommendations: The proposal includes a security perimeter fence. This wire mesh should have a minimum of 100 mm spacing to ensure the risk of blockage and diversion of flood waters is minimised.
- 4.5i. Natural England – No objection. Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.
- i. Protected Landscapes – Shropshire Hills AONB -

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

- ii. Soils and Agricultural Land Quality - Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system, where this is not in accordance with an approved plan. From the description of the development this application is likely to affect 3.6 ha of BMV agricultural land. We consider that the proposed

development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards.

- iii. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas. However, during the life of the proposed development it is likely that there will be a reduction in agricultural production over the whole development area. Your authority should therefore consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large-scale solar farms on previously developed and non-agricultural land. Paragraph 174b and footnote 53 of the National Planning Policy Framework (NPPF) states that:
*'Planning policies and decisions should contribute to and enhance the natural and local environment by:
recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'*
Footnote 53: Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
We would also draw to your attention to Planning Practice Guidance for Renewable and Low Carbon Energy (March 2015) (in particular paragraph 013), and advise you to fully consider best and most versatile land issues in accordance with that guidance.
- iv. Local planning authorities are responsible for ensuring that they have sufficient information to apply the requirements of the NPPF. The weighting attached to a particular consideration is a matter of judgement for the local authority as decision maker. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England.
- v. Should you have any questions about ALC or the reliability of information submitted with regard to BMV land please refer to Natural England's 'Guide to assessing Development proposals on Agricultural Land'. This document describes the ALC system including the definition of BMV land, existing ALC data sources and their relevance for site level assessment of land quality and the appropriate methodology for when detailed surveys are required. Soil is a finite resource which plays an essential role within sustainable ecosystems, performing an array of functions supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient cycling, and provision of food. It is recognised that a proportion of the agricultural land will experience temporary land loss. In order to both retain the long term potential of this land and to safeguard all soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management and appropriate soil use, with consideration on how any adverse impacts on soils can be avoided or minimised.

- vi. Consequently, Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources and agricultural land, including a required should assess the application carefully as to whether the proposed development would have a commitment for the preparation of reinstatement, restoration and aftercare plans; normally this will include the return to the former land quality (ALC grade). General guidance for protecting soils during development is also available in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and should the development proceed , we recommend that relevant parts of this guidance are followed, e.g. in relation to handling or trafficking on soils in wet weather. The British Society of Soil Science has published the Guidance Note Benefitting from Soil Management in Development and Construction which sets out measures for the protection of soils within the planning system and the development of individual sites, which we also recommend is followed. We would also advise your authority to apply conditions to secure appropriate agricultural land management and/or biodiversity enhancement during the lifetime of the development, and to require the site to be decommissioned and restored to its former condition when planning permission expires.
- 4.6 Ministry of Defence – No objection.
- 4.7 Shropshire Hills AONB Partnership – Standard comments on the need to protect the AONB and its setting.
- 4.8i Climate Change Task Force: Support. Full comments available online. Reference is made to the national and local policy context which supports renewable energy and decarbonisation. The climate crisis is a serious threat to the lives of millions of people globally, nationally and locally. The mitigation of greenhouse gas emissions and adaptation measures to build resilience is now urgent and essential to prevent the worst outcomes.
- iii. It's recognised by the Climate Change Task Force that the development would contribute to bridging the gap between increasing energy demand and self-sufficiency for Shropshire as detailed within the Marches Energy Strategy and Zero Carbon Shropshire Plan. Whilst the increase in renewable electricity generation supply to the national grid is improving the contribution of solar generation represents a significant saving of carbon emissions, helping towards Shropshire's ambition of reaching net zero by 2030.
- 4.9i. SC Conservation: The application relates to the construction of a proposed Solar Farm (40MW), 12MW co-located battery energy storage facility with sub-station, ancillary buildings, structures, landscaping, emergency lighting and access from A4117 at land SE Of Rock Farm, Rocks Green, Ludlow. The application site lies within the setting of nearby heritage assets, in particular the Scheduled Ancient Monument of Caynham Camp Hillfort which lies to the south-east, the Grade II* listed Henley Hall and associated Grade II listed buildings to the north east and the Grade II Henley Hall Registered Park and Garden which abuts the application site to the north east. The EIA has been accompanied by a Heritage Impact Assessment (HIA) which has assessed the impact upon these assets. In relation to Henley Hall, its associated listed buildings and the Registered Park and Garden (RPG) the HIA notes the historic relationship between the site and Henley Hall and the existing visual

relationship between the site and the RPG. The HIA concludes in relation to Henley Hall RPG and listed buildings, that the development would result in less than substantial harm (lower end). It is noted that this conclusion takes into account the proposed mitigation planting to the western edge of the RPG.

- ii. Whilst the conclusions of the HIA are noted, taking into account the close visual relationship and the historic relationship between the site and the designated heritage assets at Henley Hall and the RPG, we would consider that impact upon the setting of the aforementioned designated heritage assets will equate to less than substantial harm. The National Planning Policy Framework (NPPF) paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires considerable weight to be given by decision-makers to the desirability of preserving the setting of all listed buildings. This requires that 'special regard' has to be given to 'preserving the [listed] building or its setting', in effect a higher test than would normally apply. In this case less than substantial harm has been identified to the Grade II* Henley Hall, its associated Grade II listed buildings and the Grade II Henley Hall Registered Park and Garden, therefore considerable weight should be given to preserving the setting of these assets in any balancing exercise.
 - iii. We would note and concur with Historic England's comments and suggestion for a buffer zone to minimise the impact upon the aforementioned heritage assets. We would welcome discussion on revisions to the plans to accommodate this.
 - iv. In relation to the impact upon the setting of Caynham Camp Scheduled Ancient Monument and the direct archaeological impact of the proposals, we would defer to Historic England and archaeological colleagues in that regard.
- 4.10ai. SC Archaeology (5/01/23): The Historic Environment Record (HER) records a single ditched circular cropmark enclosure of possible Iron Age to Roman date (HER PRN 02159) within the development site, c.370m north of Little Ledwyche Farm. A number of other non-designated heritage assets relating to prehistoric and later activity are also located within the immediate area. The development boundary also lies immediately adjacent to the boundary of Henley Hall Grade II registered garden (National Ref. 1001124) which contains a number of listed buildings including the Grade II* Henley Hall and attached walls, balustrades and steps of mid-18th century date (National Ref: 1383667) and Park House, an 18th century garden house (National Ref: 1383672). Issues of setting may therefore arise. In a wider context issues of setting may also affect other designated and non-designated heritage assets, including Caynham Camp, a large univallate hillfort 700m north west of Caynham (National Ref: 1010313).

- ii. An archaeological desk-based assessment has been submitted with the planning application (ECUS, September 2022). This concludes that there is a low potential for remains of prehistoric, Romano-British and medieval date to be present within the site, with any such remains likely to be associated with agricultural activity and be of low heritage significance. The report also concludes there is a moderate to high potential for post-medieval buried archaeological remains relating to agricultural activity to be present. A review of LiDAR imagery identified the presence of potential post-medieval ridge and furrow within the site and such remains were considered at most to be of low to negligible (local) heritage significance. The report recommends that a programme of archaeological works can be secured via an adequately worded planning condition.
- iii. We note that Historic England have been consulted on this application and that a separate Heritage Impact Assessment has been submitted. We would request that we are re-consulted once Historic England have provided their consultation response, and we will be able to provide further advice in relation to the impact upon the significance of heritage assets as a result of development within their settings. The following interim advice therefore only relates to the archaeological interest of the proposed development site.
- iv. In our pre-application advice, it was recommended that a Heritage Assessment to include an archaeological desk-based assessment and the results of a field evaluation (geophysical survey and trial trenching) should be submitted with any subsequent planning application in accordance with Paragraph 194 of the NPPF and Policy MD13. The desk-based assessment has been submitted without the results of a field evaluation. In relation to the cropmark postulated to be of Iron Age and/or Romano-British date (HER PRN 02159) the desk-based assessment indicates that no evidence of this cropmark was noted during the site visit or on available imagery, including LiDAR and Google Earth imagery. However, this site has been identified on an oblique aerial photograph held by the Shropshire HER, as well as vertical aerial photography held by Shropshire Council, and vertical aerial photography available on Google Earth (Dec 1999 & Dec 2006). In this respect the desk-based assessment is considered deficient and should be updated to reflect the available evidence.
- v. A review of these photographs indicates a circular cropmark feature. Although the form is not typical of an Iron Age to Romano British enclosure site, it could potentially be a Bronze Age ring ditch based on its form and size. Given that this feature has been identified on multiple aerial photographs we would argue that there is moderate to high potential for archaeological remains with in the development site, of potential prehistoric date. In view of this we do not concur with the conclusions of the desk-based assessment, particularly in relation to the cropmark enclosure, and the assessment of low potential for remains of prehistoric/ Romano-British date.
- vi. It is considered that there is not currently enough evidence available to determine what impact the proposed development will have upon the significance of the archaeological interest on the proposed development site. This in turn means that it is not possible to make a fully informed decision as to whether or not features of archaeological interest are worthy of preservation in situ, such that the site layout needs to be adjusted to accommodate them, and/ or whether securing further archaeological mitigation by condition is an acceptable approach. Consequently, it is

advised that the applicant should submit the results of a geophysical survey and archaeological trial trenching evaluation in relation to Policy MD13 of the Local Plan and Paragraph 194 of the NPPF. There should be no determination of the planning application until this additional information has been provided or it should otherwise be refused.

- vii. Further advice in relation to the impact of the development site upon the significance of heritage assets as a result of development within their settings should be sought following submission of Historic England's consultation response. Please re-consult us at the appropriate time.

4.10bi. SC Archaeology (30/07/23): No archaeological objection. Following on from our previous consultation of 5 January 2023, the results of pre-determination archaeological evaluation (geophysical survey and phase 1 trial trenching) have been submitted for our consideration. The geophysical survey, undertaken across the entire proposal site, identified anomalies of possible archaeological origin in two of the fields (Field 12 and Field 13). Whilst not identified as an anomaly by the geophysical survey, Field 13 also contained the 'single ditched circular cropmark enclosure of possible Iron Age/Roman date' recorded on the Historic Environment Record (HER PRN 02159). As noted in our previous consultation, this cropmark would be better described as a 'ring-ditch', possibly the remains of a Bronze Age burial mound.

- ii. Pre-determination trial trenching has now also been completed across Fields 12 and 13 (ECUS, 2023). Two of the trial trenches encountered the ring ditch and several other undated archaeological features in its vicinity. A further phase of trial trenching across the remainder of the site is required post-determination to identify any further archaeological remains which may be present. The results of the trial trenching will determine a proportionate mitigation strategy, which could include preservation in-situ or preservation by record through archaeological investigation. The latter may comprise an archaeological excavation or a watching brief on groundworks, dependent upon the significance and complexity of the archaeological assets to be impacted and the nature, depth and extent of groundworks.

- iii. Designated Heritage Assets - This recommendation relates solely to the potential impacts to the Scheduled Monument, Caynham Camp, a large univallate hillfort 700m north west of Caynham; (NHLE no. 1010313). We would defer to Historic England and the Conservation Officer regarding listed buildings and the registered park and garden. The Heritage Impact Assessment (ECUS, 2022), which accompanies the application, has assessed the contribution of the setting to the heritage significance of Caynham Camp, and any potential impacts arising from the proposed development. The Heritage Impact Assessment concludes that whilst there would be glimpses of the site from the Scheduled Monument, particularly during the winter months, it would not result in harm to its heritage significance. We note that Historic England in their response dated 12 January 2023 raised no specific comments regarding the potential impact of the proposals upon the setting of the Caynham Camp Scheduled Monument. Without prejudice to any further comments which Historic England may raise, we would have no comments to make upon the conclusions made by the HIA in regard to the Scheduled Monument.

- iv. Non-designated heritage assets (buried archaeological remains) - In view of the above, and in relation to Paragraph 205 of the NPPF and Policy MD13 of the SAMDev component of the Shropshire Local Plan, it is advised that a programme of archaeological work be made a condition of any planning permission for the proposed development. The archaeological requirements will comprise:
1. Written Scheme of Investigation (WSI) for a second phase of trial trenching across the remainder of the proposed development site.
 2. An Archaeological Mitigation Strategy (AMS) based upon the results of the trial trenching (phase 1 and phase 2).

The AMS will detail the proposed archaeological mitigation strategies across the site. This will include the methodologies for the preservation of identified archaeological remains, where required, and set out details of further archaeological investigation or monitoring where there is the potential for groundworks to impact upon identified archaeological remains. Such archaeological investigation may take the form of excavation and/or a watching brief. Any subsequent intrusive archaeological investigation required to mitigate the impacts of the development will require a further WSI to be submitted for approval by the LPA prior to commencement of the works. (An appropriate condition is included in Appendix 1)

- 4.11i SC Trees: On behalf of Shropshire Council Tree Team there is no objection to this application on arboricultural grounds. We agree with the findings and conclusions of the Arboricultural Survey, Impact Assessment and Protection Details (mhp Arboricultural Consultants, V2, 04.07.2022) in that no significant trees need to be removed to facilitate the development, and retained trees and hedges can be adequately protected from inadvertent damage during construction given suitable measures to protect them, as identified in the Tree Protection Plan. The minor level of hedge removal required to enable construction of the internal access road network can be compensated by new hedge planting, which along with new tree planting and woodland creation, can be secured through an appropriate scheme of landscaping under condition of planning permission.
- ii. Long term protection to important trees and groups of trees, notably the recorded veteran trees (which are irreplaceable and afforded special consideration within the NPPF), can be secured through the creation by the LPA of a Tree Preservation Order. The Tree Team is considering the expediency of making a TPO to protect such trees at this site.
 - iii. From an arboricultural perspective, the Tree Team supports the tree and hedge planting and woodland creation indicated on the Landscape Strategy (21190.101-Fig3.11 Rev G), and maintenance proposals within the Landscape and Ecological Management Plan (mhp Design Ltd, Sept 2022), but notes that final details on the initial planting specification and protection and support for newly planted trees have yet to be provided.
 - iv. It is therefore recommended that tree protection and landscaping conditions be attached, should planning permission be granted (included in Appendix 1).

- 4.12 SC Drainage: No objection. The layout has successfully avoided the Flood Zones 2 and 3 within the development area. Watercourse easements as set out in Section 4.5 of the FRA must be adhered to for maintenance purposes. The surface water run-off from the solar panels is unlikely to alter the greenfield run-off characteristics of the site therefore the proposals are acceptable.
- 4.13a. SC Ecologist (19/05/23): On review of the LEMP prepared by MHP Design (September 2022) the following information of the Biodiversity Net Gain - on-site provision condition does not appear to have been included:
- i) Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works (for example, lowering of soil pH via application of elemental sulphur);
 - ii) Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilised for habitat creation;
 - iii) Details of species composition and abundance (%age within seed mix etc.) where planting is to occur.

These points will need to be addressed.

Officer Note: The applicant's ecologist responded as follows to these matters on 19/05/23):

- i) This is probably better achieved via condition closer to construction. We do not have a start on site date, and soil condition could change dependent on agricultural operations during the intervening period. The soil condition can be assessed prior to construction and agreed with your ecologist prior to habitat creation works.*
 - ii) This is best dealt with in the CEMP and would be best dealt with via condition, once there is more certainty regarding the build there are various methods to avoid compaction so should not impact on the determination.*
 - iii) This is listed on the Landscape Strategy (G).*
- 4.13b SC Ecology (22/05/23 – responding to the applicant's ecologists' response) "Yes, I think that's perfectly reasonable, and I am happy with the species composition".
Officer Note: Conditions to cover the above matters are included in Appendix 1.

4.14 SC Environmental Protection: No comments received.

4.15 SC Highways - Shropshire Council as Highway Authority raises no objection to the granting of consent. However, it is recommended as outlined within the submitted Transport Statement that a Construction and de-commissioning plan is submitted for approval prior to the commencement of the development. In view of the location, it is considered that this is not required to be submitted prior to determination but may be of overall benefit if a draft Construction and Decommissioning Management Plan is submitted and forms part of the approved documents.

- 4.16i. SC Landscape advisor (22/06/23): No objection. Following our report dated January 2023, which reviewed the May 2022 LVIA prepared in support of this planning application, we have now checked the Feb 2023 update to this assessment. We find that our recommendations have generally been addressed. The updated LVIA has been undertaken following a methodology which is generally clear, proportionate and compliant with the best practice set out in GLVIA3 and satisfies the policies within the Development Plan regarding landscape and visual amenity.
- ii. The Landscape Strategy is a comprehensive and well-considered scheme which would help to mitigate any landscape and visual effects over time. Detail is required for the proposed planting, which could be secured through planning condition, to supplement the detail already included in the Landscape Strategy. This should include plant numbers and densities, method of cultivation and planting and means of protection. Planting works to the site perimeter should be undertaken within the first available planting season following grant of planning consent (rather than waiting until commissioning) to integrate the site more rapidly into its surroundings. All other planting within the site should be completed within the first available planting season following commissioning.
- iii. The Landscape and Ecological Management Plan has been updated following our comments in January 2023 and would promote the proper management of existing habitats and successful establishment of the proposed habitats.
- iv. We support the SC Trees comments dated 19 May regarding the provision of a TPO for the long term protection of important trees on this site.
- 4.17 SC Rights of Way – No comments.
- 4.18i. Councillor Viv Parry – Has been informed of the proposals and has referred the application to committee.

Public Comments

- 4.14 The application has been advertised in accordance with statutory provisions and the nearest properties have been individually notified. At the time of writing there have been 7 representations objecting to the proposals and one in support. The main issues of concern of objectors can be summarised as follows (Full documents are available online):
- Economic damage from visual impact: The visual impact of this proposed development, in conjunction with the existing solar farm and two housing developments, could have a damaging effect on tourism and thus the local economy which is heavily tourist dependant. Loss of attractive views. Cumulative impact with other recent development. Visibility of plant within the site. We run an events, conferencing and wedding venue business at Henley Hall plus holiday lets. In the last year we have had well over 2500 people on site and anticipate that figure to grow in 2023 and beyond. The applicant has underestimated the importance of the Hall as a tourist asset. The Park House was designed specifically as a place for people to come to and enjoy the views. The maturity of the trees in this area of land underline the age and importance of this original

design. The proposal will mean that you will now look onto a bank of panels running up the slope towards Rocks Covert rather than beautiful virgin countryside interspersed with veteran specimen trees. As the proposal stands we will experience a complete wrap-around of solar arrays enveloping our property with no visual break between the solar farms due to the cumulative effect.

- Effect on biodiversity: Damage to soil structure. Contamination of Ledwyche Brook from panel cleaning chemicals. Fencing will sever wildlife corridors. The developers have stated that they will employ mammal gates. I fail to understand how such gates will differentiate between a small deer, badger, fox or sheep.... or vandals.
- Effect on agricultural land: Some of the proposed panels are on grade 2 BMV land.
- Questioning location: There is no technical necessity for this solar farm being located as proposed: connection could be made to the grid at any point on the power lines radiating from the substation.
- Heritage: Insensitive location with respect to heritage assets at Henley Deer Park and Caynham Camp. Clear precedent has been set by Henley 1 solar site for keeping development at least 300 metres from important listed heritage assets. The option of moving the most visually encroaching elements beyond Rocks Covert is not considered at all despite there being plenty of spare land owned by the developer in that location.
- Glint and glare impact.
- Flooding: Concern of increased flood risk at Ledwyche Brook from increased run-off. Post Henley 1 we had severe flooding for the first time since we've been here that we attributed to run off from the panels and which caused that Henley1 to carry out remedial heavy duty groundwork post flood.
- Other: No mention of a Community Benefit Fund. This should be a planning condition and should reflect the impact on the households most directly impacted by the development. Much concern could be mitigated if the proposed farm was moved up and away from Ledwyche Brook and Henley Hall boundaries and nearer the A49. This would a) protect the setting of the Grade II listed asset in its surroundings, b) protect the view from the asset to its surroundings, c) open up Rock Covert to wildlife, especially deer, d) remove some of the grade 2 BMV land from the development, which would form part of the 'wildlife corridor'.

4.15 The representation in support of the proposals raise the following points:

- As a neighbouring property we feel the positives outweigh the negatives.
- The land has always been used for grazing cattle and is of poor quality. This scheme proposes extensive planting of trees, hedgerows, orchard and wild flowers which would only enhance the land and improve the ecology. Biodiversity: Promotion of biodiversity.
- No houses have ever been affected nor could they be as they are all sited much higher up. Any increase in river levels, we attribute to global warming, wetter winters and lack of maintenance along the water course.
- The solar farm would stop the potential sprawl of further housing of which we feel Ludlow has had its fair share.

- It seems that most objections are regarding the view but we need to look at the bigger picture for our future generations. If we don't address climate change, the view will be the least of our concerns.
- Our only real concern would be Rock Covert which appears on the plans to be completely fenced in. Hopefully there would be some sort of green corridor to allow free passage for the deer that inhabit it.

5.0 THE MAIN ISSUES

- Policy context
- Benefits of the proposed development
- Justification for the development (incl. agricultural land and energy need)
- Environmental considerations (incl. visual, ecology, highways, heritage, drainage)
- Other matters (incl. Timescale / decommissioning).

6.0 OFFICER APPRAISAL

6.1 Policy context

6.1.1 National policy: Paragraph 158 of the NPPF advises that 'when determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) approve the application if its impacts are (or can be made) acceptable.'

This is a clear instruction in national policy that renewable energy development should be approved where impacts can be made acceptable.

6.1.2 Development Plan Policy: Policy CS8 supports 'positively encouraging infrastructure, where this has no significant impact on recognised environmental assets, that mitigates and adapts to climate change, including decentralised, low carbon and renewable energy generation.'. Policy CS5 advises that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits.

6.1.3 Policy CS8 positively encourages infrastructure that mitigates and adapts to climate change, 'where this has no significant adverse impact on recognised environmental assets'. Policy CS13 aims to plan positively to develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities. Policy CS17 seeks to protect and enhance the diversity, high quality, and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage, and ecological assets. The proposals would respond to climate change, but it also necessary to protect the rural environment.

6.1.4 SAMDev Policy MD2 (sustainable design) requires development to contribute to and respect locally distinctive or valued character and existing amenity. Policy MD8 (infrastructure) requires that development shall only take place where there is sufficient existing infrastructure capacity or where the development includes measures to address a specific capacity shortfall. Applications for new strategic energy, transport, water management and telecommunications infrastructure will be supported to help deliver national priorities and locally identified requirements, where its contribution to agreed objectives outweighs the potential for adverse impacts. This includes with respect to:

- i. Residential and other sensitive neighbouring land uses;
- ii. Visual amenity;
- iii. Landscape character and sensitivity, including impacts on sensitive skylines;
- iv. Recognised natural and heritage assets and their setting, including the Shropshire Hills AONB (Policy MD12);
- v. The visitor and tourism economy including long distance footpaths, cycle tracks and bridleways (Policy MD11);
- vi. Noise, air quality, dust, odour, and vibration;
- vii. Water quality and resources;
- viii. Impacts from traffic and transport during the construction and operation of the infrastructure development;
- ix. Cumulative impacts.

6.1.5 Policy MD12 (the natural environment) aims to conserve, enhance and restore Shropshire's natural assets, and to ensure that the social or economic benefits of development can be demonstrated to clearly outweigh the harm to natural assets including biodiversity and visual amenity. Policy MD13 (the historic environment) provides equivalent protection for heritage assets.

6.1.6 In considering the current proposals it is necessary to assess:

- The characteristics of the site and the nature of any impacts to the local environment, soils, landscape, heritage assets and amenities.
- Whether any identified impacts are capable of being satisfactorily mitigated.

6.1.7 If there are no unacceptable adverse impacts after mitigation has been applied and / or the benefits outweigh any residual impacts, then relevant policy tests will have been met and the development would be 'sustainable' when taken under the NPPF as a whole. As such, permission should be granted under NPPF paragraph 158. However, if any unacceptable adverse effects remain after mitigation and outweigh the potential benefits then the development would not be sustainable. The acceptability of the proposals in relation to these policies is assessed in succeeding sections.

6.2 Benefits of the proposed development

6.2.1 Climate Change: The applicant states that the site would generate enough electricity to power approximately 11,300 homes annually giving a CO2 saving of approximately 19,200 tonnes per annum. This is consistent with calculations provided by applicants at other recent solar farm sites.

6.2.2 Ecological enhancements The applicant has produced a biodiversity metric which indicates that the proposals would deliver biodiversity net gain (BNG) of 159% for habitat units and 49% for hedgerow units.

6.2.4 Economic benefits:

- Jobs being created directly or via the supply chain plus indirect benefits in additional worker spend on hospitality in the local economy.
- A total investment in excess of £26 million pounds.
- The Proposed Development would result in business rates contributions to the Council of over £80,000 per year (based on an assumed £2k/MW, per annum), which could be invested in local services.

This is consistent with calculations provided by applicants for other recent solar farm sites.

6.3.1 Justification for renewable energy

6.3.2 One of the key factors determining the suitability of a site to accommodate solar PV development is its proximity to a point of connection to the local electricity distribution network. The applicant states that Shropshire now has very few substations with sufficient capacity to accommodate a utility scale solar farm like the one proposed.

6.3.3 When selecting a specific site, the Applicant has considered a range of criteria including:

- Proximity of a grid connection
- Availability of grid capacity to export, with no constraints on the grid connection
- The financial viability of grid connection costs
- Sufficient land area available for the installation
- A willing landowner
- A suitable site access for construction, operation, and decommissioning
- A site free of statutory or non-statutory landscape/heritage designations

6.3.4 The south-eastern half of the site falls within a solar opportunity mapping area identified by the Zero Carbon Shropshire Plan (2021) based on a combination of relevant locational criteria including proximity of a grid connection. Whilst not a Planning Policy document this is a Council plan. The north-western part of the site is not included in the opportunity mapping area. It is understood that the opportunity mapping exercise used provisional agricultural land classification maps which did not differentiate between grade 3a and 3b land and excluded all grade 3 land. The applicant's soil survey indicates that only a small part of the land not included in the opportunity mapping area is in fact of best and most versatile quality.

6.4 Agriculture / Best and Most Versatile Land:

6.4.1 The application includes an agricultural land quality report. This finds that 92.6% of the site is of grade 3b quality (not best and most versatile quality) with 7.4% (3.6ha)

being best and most versatile ('BMV') quality. The report advises that the production levels of the farm that is the subject of the application will not change significantly if the solar farm is constructed. It concludes that the loss of BMV land is minimal and the land under and around the panels is not lost or downgraded. The proposed tracks would only affect 0.1ha of BMV land.

- 6.4.2 Overarching Energy National Policy Statement (NPS) EN-1 states that on agricultural land (at paragraph 5.10.8): "Applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5) except where this would be inconsistent with other sustainability considerations. Applicants should also identify any effects and seek to minimise impacts on soil quality taking into account any mitigation measures proposed. It also states. "The IPC [now the Secretary of State] should ensure that applicants do not site their scheme on the best and most versatile agricultural land without justification.
- 6.4.3 6.4.4 NPPF Paragraph 174 advises that 'planning policies and decisions should contribute to and enhance the natural and local environment by' amongst other matters b) 'recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland'.
- 6.4.4 Paragraph 175 advises that Plans should: distinguish between the hierarchy of international, national, and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework;
- 6.4.5 Footnote 58 of Paragraph 175 states that 'where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality'. However, Paragraph 175 refers specifically to plan making rather than decision-taking. As such, the NPPF does not require a sequential test to be applied when determining proposals affecting B&MV land (footnote 58).
- 6.4.6 The requirement to 'recognise' the 'economic and other benefits of the best and most versatile agricultural land' (Para 174) does not amount to an instruction to refuse all applications affecting B&MV land. There is no additional national guidance on the weight to be given to protection of B&MV land. It is a matter for the decision taker to weigh up against other matters such as renewable energy benefits as part of the planning balancing exercise. A recent PINS decision to allow an appeal on a nearby solar farm site south-east of Squirrel Lane considered loss of BMV land. The appeal site had a much higher proportion of BMV land (97%) than the current proposals (7.4%). The Inspector recognised the need to protect such land but found that the loss was not permanent and was outweighed by the renewable energy benefits of the scheme. It is not considered that the limited impact on BMV land in the current proposals would be sufficient to sustain a planning objection.

6.5 Landscape and visual impact:

6.5.1 Local Development Plan policies CS6 'Sustainable Design and Development Principles', MD2: Sustainable Design', and MD12 'The Natural Environment' seek to ensure that new development protects, restores, conserves and enhances the natural environment, taking into account the potential effects on the local landscape character and existing visual amenity value.



Figure 4 – Viewpoint, Caynam Camp, Year 1



Figure 5 – Viewpoint, Within Henley Park, Year 1 winter



Figure 6 – Viewpoint, Within Henley Park, Year 1 summer

- 6.5.2 NPPF Paragraph 174 advises that planning policies and decisions should contribute to and enhance the natural and local environment by (inter alia): protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.
- 6.5.3 The planning application is accompanied by a Landscape and Visual Impact Assessment (LVIA) prepared in accordance with Landscape Institute guidelines. The conclusions and methodology of the LVIA have been supported by the Council's landscape consultant. The LVIA assesses the baseline landscape and visual context at the site and identifies mitigation measures to reduce the effect of any identified impacts. The assessment considers an area of up to 6 km in radius from the Site which was determined through a combination of desktop study, production of a digital Zone of Theoretical Visibility (ZTV) and site survey.
- 6.5.4 The LVIA concludes that there would be minor to moderate adverse change to the landscape character of the Site and minor adverse landscape effect on the contextual area. Proposed landscape mitigation measures during the operational phase are assessed to result in an overall residual minor to moderate adverse harm on landscape character. This is not considered significant under EIA Regulations. There will also be a direct change to views of the Site resulting in an overall residual minor to moderate adverse harm on visual amenity. No harm is identified to the setting of the Shropshire Hills AONB.
- 6.5.5 Embedded mitigation measures are effective from the commencement of the operational phase. New mitigation planting will require a period of establishment up to 8 to 10 years to become fully effective. However, the LVIA concludes that this is not considered significant under EIA Regulations. The Landscape Strategy plan sets out the management principles and concludes that effects of landcover and topography beyond the boundaries of the site will also contribute to limiting both landscape and visual effects of the proposed development. No residual cumulative landscape or visual effects are assessed to arise from the Proposed Development.
- 6.5.6 Following some amendments to the LVIA the Council's landscape adviser has supported the LVIA methodology and conclusions that the proposals can be accepted in terms of visual and landscape effects. The renewable energy benefits of the proposals must also be taken into account, as highlighted by the Council's climate change task force. (Core Strategy Policies CS5, CS6, CS17, SAMDev Policies MD12, MD13). Visual impact is considered further below in relation to heritage matters.
- 6.5.7 Visual impact – AONB – The Inspector at the Letwyche appeal site to the south-east of the current site made the following comments with regard to the setting of the AONB:

24. The proposal would not affect any views across the AONB. There are some vantage points near and to the west of the appeal site where it would be possible to see some of the proposed solar farm with parts of the AONB on the higher ground in

the background. The most significant of these views would be from more elevated vantage points within and to the west of Ludlow where the solar farm would comprise a small element in distant views towards the AONB. The proposed development would not have an unacceptable adverse impact on views into the AONB.

25. The appeal site is part of the gently rolling lowland and valley floor landscape that is some distance from the AONB. It does not form part of the fringe slopes that rise up towards the AONB. In views from the AONB and its higher fringes the appeal site has a greater association with the nearby built development and infrastructure within Ludlow than it does with the AONB. It was apparent from my site visits that in these distant views the countryside to the immediate east of Ludlow makes a negligible contribution to the setting of the AONB. Notwithstanding that parts of the proposed development would be visible from some vantage points within the AONB and its setting, I find that the appeal scheme would have a negligible impact on the setting of the AONB.

The current application site is further from the views described above and additional vegetation in the intervening area provides a further screening function. From the Inspector's conclusions on the Ledwyche appeal it follows that the current site which is more distant from the AONB views would not have a material adverse effect on the setting of the AONB.

6.5.8 Visual Impact – Cumulative Impact – The Inspector at the Letwyche appeal found as follows with regard to cumulative impact issues when considering the appeal site and the current Rock Farm scheme:

27. Considering the quality of the landscape prior to the construction of the Henley solar farm, the area to the east of Ludlow was largely rural and characterised by arable fields interspersed with pockets of woodland. There is nothing to indicate that this area was recognised as having any specific characteristics or features over and above those that exist more generally in the open countryside of Shropshire. I find nothing in this case to justify applying a combined effects assessment and so have focussed on the additional effects of the appeal scheme.

28. There is an outstanding application for a 56.5 ha solar farm at Rock Farm to the immediate west of Henley solar farm and within some 340 m of the appeal site.⁶ The effects of the Rock Farm scheme would need to be assessed having regard to the relevant baseline at the time that application is determined. That is not a matter for me in dealing with the current appeal. Nevertheless, the PPG advises that the information to inform landscape and visual impact assessments can usefully include applications received.⁷ I have, therefore, taken both the Henley scheme and the Rock Farm application into account in assessing cumulative impact, and had regard to both in undertaking my site visits.

29. The addition of the appeal scheme to a baseline that included the Henley and Rock Farm solar farms would adversely affect the fabric of the landscape to some extent because of the nature and scale of the development proposed for the appeal site. However, key characteristics of the landscape, including the field pattern and scattered woodland, would remain as significant landscape receptors. The additional effect of the appeal scheme would cumulatively have some impact on landscape character, but it would not result in the creation of a different landscape character

type or sub-type. I consider that the addition of the appeal scheme to a landscape that included the existing Henley and proposed Rock Farm schemes would result in a cumulative landscape effect of minor significance over and above that which would result from the appeal scheme itself.

30. Cumulative visual effects can be either combined, where the observer can see two or more developments from one viewpoint, or sequential in that the observer would have to move to another viewpoint to see the development.⁹ It was apparent from my site visits that opportunities to see both the appeal site and the Henley solar farm from one viewpoint are very limited. Such combined visual effects of the appeal scheme with the Rock Farm proposal would also be restricted by the local topography and woodland. However, it would be possible to see parts of these schemes from the same viewpoint at various locations on the higher land to the north-east, in the vicinity of Farden. The cumulative combined visual effect would be limited given the considerable viewing distances and wide panoramic view from these elevated viewpoints....

32. I find that the addition of the appeal scheme with other development in the locality would result in a cumulative visual effect of minor significance over and above that which would result from the appeal scheme itself.

Therefore the Inspector did not consider that the current application site would have a significant visual effect when seen in combination with the Letwyche appeal site.

6.5.9 Visual impact – glint and glare: A Glint and Glare assessment has undertaken within 1km of the site. Geometric analysis was conducted at 35 individual residential receptors, 25 road receptors and one rail receptor, as well as four runway approach paths and an air traffic control tower (ATCT) at Shobdon Aerodrome. The initial bald-earth scenario identified potential impacts as High at nine receptors, Medium at seven receptors, Low at 13 receptors and None at the remaining six receptors. Upon reviewing the actual visibility of the receptor, glint and glare impacts remain High at one receptor, Medium at three receptors, Low at two receptors and reduce to None at all remaining receptors. Once mitigation measures were considered, impacts reduce to None at all receptors.

6.5.10 Solar reflections are possible at 19 of the 25 road receptors assessed within the 1km study area. The initial bald-earth scenario identified potential impacts as High at 19 receptors and None at the remaining three receptors. Upon reviewing the actual visibility of the receptors, glint and glare impacts reduce to None at remaining receptors. Solar reflections are possible at the one rail receptor assessed within the 1km study area. The initial bald-earth scenario identified potential impacts as High at one receptor. Upon reviewing the actual visibility of the receptors, glint and glare impacts reduce to None at all receptors.

6.6 Heritage

6.6.1 Section 194 of the NPPF advises that ‘in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting’. In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness. (NPPF 197).

- 6.6.2 When considering the impact of a proposed development on the significance of a designated heritage asset, special regard should be paid to the asset's conservation. The more important the asset, the greater the weight should be. (NPPF 199). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. (NPPF 202). Where harm is considered to occur, this must be weighed against public benefits regardless of whether that harm is considered to be substantial or less than substantial, with great weight being given to the asset's conservation. The Planning (Listed Buildings and Conservation Areas) Act 1990 specifically requires local authorities to have special regard to the desirability of preserving listed buildings or their settings.
- 6.6.3 A Heritage Assessment assesses the significance of the historic environment and archaeological resources at and surrounding the site, including the effects of the development on heritage assets and their setting. The Proposed Development would result in a change to the setting of the Grade II Registered Park and Garden Henley Hall which comprises several Listed Buildings. The assessment concludes that as a result of embedded and proposed mitigation, the effects are not considered significant under EIA Regulations. The applicant states that the design of the Proposed Development has sought to avoid impacts on the historic environment through layout and dimensions. The landscaping strategy will further assist with offsetting visual effects and settling of the Proposed Development in the landscape.
- 6.6.4 Historic England and the Council's Conservation team have advised that the proposals would result in less than substantial harm to the setting of Henley Deer Park and this should be given significant weight in the decision-making process. Bitterley and Ludford Parish Councils and some local residents have asked for a 300m stand-off to the margin of the Deer Park as was the case for the Henley 1 solar park located to the south of the Deer Park. They advise that panels could be relocated nearer to the A49 by-pass.
- 6.6.5 This has been put to the applicant who has advised that the proposals take account of setting issues within the Deer Park by providing a planted buffer zone of between 70 and 140m wide between the park and the nearest arrays. The owner of Henley Hall advises however that views of open countryside beyond the deer park are important to appreciate the setting of the deer park which the proposed landscape buffer would remove. The applicant's heritage consultant advises however that the structures within the deer park do not indicate that the views out to the west of the deer park were an important factor in the original design of the park.
- 6.6.6 Figures 5 and 6 above show example views westwards from within the deer park at year 1, before any landscape planting has taken effect. The officer considers that the proposed solar arrays would be a relatively minor component in such views given the

extent of existing intervening vegetation before mitigation planting becomes established. The landscape beyond the deer park cannot be described as open given the significant number of mature trees within it.

- 6.6.7 Planting the proposed buffer zone would lead to greater enclosure and would over time reduce visibility of the mature oaks which are currently visible. However, grassed areas within the deer park would preserve some sense of openness and mature oaks within the deer park would remain clearly visible from such internal views.
- 6.6.8 Significant weight must be given to the effect on the setting of the listed deer park in accordance with The Planning (Listed Buildings and Conservation Areas) Act 1990. There must be a public good justification for any identified impacts, no matter how limited.
- 6.6.9 Historic England and the Council's Conservation Team have highlighted the issue of setting to the deer park whilst not formally objecting. The effect on the setting of the deer park has been classified by Historic England as 'less than substantial' rather than 'substantial'. This invites the Local Planning Authority to consider under The Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF whether the public benefits of the proposals are sufficient to justify any such harm. Given the visual considerations referred to above the officer considers that any visibility of the solar arrays from within the deer park would take the form of subtle and intermittent glimpse views. It is considered that this intermittent visibility does not necessarily equate significant harm to heritage setting.
- 6.6.10 The NPPF also explicitly recognises the benefits of renewable energy and requires such schemes to be approved where any potential adverse effects can be satisfactorily mitigated. Production of renewable energy is capable of qualifying as being in the public good for the purposes of the NPPF and The Planning (Listed Buildings and Conservation Areas) Act 1990. The proposals would produce 40 Megawatts of renewable energy, enough to power 11,300 households annually, saving up to 19,200 tonnes of carbon dioxide per year. It is considered that the need for renewable energy significantly and demonstrably meets the public good test set by the above heritage policies.
- 6.6.11 Ludford Parish Council has suggested that the 300m stand-off provided from the deer park for the Henley 1 solar Farm establishes a precedent which should also apply for the current proposals. However, Henley 1 is in a different orientation relative to the deer park, being due south, and the applicants for that scheme did not propose a 70-140m thick planting belt. Also, the need for renewable energy and to address climate change has become even more pressing since the Henley 1 application in 2015, prompting Shropshire Council to declare a climate emergency in 2018. Hence, the setting and context of the current proposals differs materially from the situation which applied for Henley 1. It is concluded that the proposals can be accepted in heritage terms subject to the recommended conditions. Core strategy policy CS15 and SAMDev Policy MD13.
- 6.6.9 Archaeology: The Application is supported by an Archaeological Desk Based Assessment 'ADBA' which recommends that a programme of archaeological mitigation be undertaken prior to construction comprising a geophysical survey in the

first instance followed by further mitigation as appropriate. The ADBA advises that the scope and methodology of mitigation will need to be agreed with the Archaeological Officer and secured as a planning condition. The Archaeological Officer has however advised that additional archaeological field investigation is required before the application is determined. This work has subsequently been undertaken. As such, the Archaeological Officer has withdrawn their holding objection and has recommended an archaeological investigation condition which is included in Appendix 1. Subject to this the proposals can be accepted in archaeological terms.

6.7 Other environmental considerations

6.7.1 Noise and amenity: A noise assessment concludes that the proposed development would be passive and would not generate any significant operational noise, other than from occasional visits by maintenance/service vehicles and intermittent tracking of the sun by the solar panels. There would be some intermittent noise during operation as the solar arrays move to track the sun over the course of a day. However, the noise associated with such activities would not exceed existing background noise levels in accordance with BS4142 and World Health Organisation Guidelines. A construction management plan condition has been recommended in Appendix 1. Subject to this it is concluded that subject to this the proposals can be accepted in relation to noise.

6.7.2 Access / traffic and construction: Paragraph 111 of the NPPF states that "development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe". SAMDev Policy MD8 (Infrastructure Provision) states that applications for strategic energy provision will be supported to help deliver national priorities and locally identified requirements, where its contribution to agreed objectives outweighs the potential for adverse impacts, including with respect to noise, dust, traffic, odour and vibration.

6.7.3 The application is supported by a Transport Statement which sets out the strategy and options for site access, routing for construction traffic, construction vehicle size and frequency and mitigation. Construction access would be taken of the A4117. Swept path analysis confirms the suitability of the access to accommodate construction traffic. Once operational, the site would generate just one or two visits per week for regular maintenance and inspection purposes. The Transport Statement finds that the existing strategic road network has sufficient capacity to accommodate this. Overall, the Highways Statements find that the proposal is acceptable and would pose no harm to the safety of the users of the public highway network.

6.7.4 There has been no objection from SC highways. They have recommended a Construction management plan condition to allow traffic to be appropriately managed during the temporary construction period (included in Appendix 1). It is considered that the proposals can be accepted in relation to Paragraph 111 of the NPPF and Core Strategy policies CS5, CS6, CS7 and CS8.

6.7.5 Ecology: The planning application includes a Preliminary Ecological Appraisal which concludes that the proposed development will have a positive impact on the environment through the provision of biodiversity net gains within the Site. The

proposal will seek to enhance local habitats by implementing measures such as creating and enhancing existing site boundaries with native species, providing wildflower mix across the site and taking the site out of intensive crop production.

- 6.7.6 The site is dominated by fields of modified grassland bordered by hedgerows. There is also a small area of broad-leaved woodland. Ledwyche Brook is adjacent to the eastern site boundary. Great crested newt breeding ponds are within 250 m of the site, with no significant barriers to dispersal. It is recommended that works are undertaken following a reptile and amphibian method statement. Multiple trees were recorded on site with bat roost potential. If trees are to be felled to facilitate the development, then further survey should be undertaken as appropriate to determine the presence or likely absence of roosting bats. It is also recommended that nesting bird checks are undertaken prior to works or vegetation is cleared outside of breeding bird season. As a precautionary measure it is advised that a pre-commencement badger check is carried out.
- 6.7.7 The proposed landscape plan includes enhancement of the grassland on site and new woodland/scrub and hedgerow planting, and it is considered that the development will enhance the site for wildlife and will achieve a large measurable Biodiversity Net Gain (habitat units +158.99%, hedgerow units +49.34%).
- 6.7.8 SC Ecology has not objected and appropriate conditions linked to habitat / biodiversity management / enhancement have been included in Appendix 1. Some local residents express concerns that a small woodland within the application site would be enclosed by fencing which would prevent access to deer. The applicant has responded that proposed new planting would create a woodland area which is much larger than the woodland to be enclosed and that the deer would continue to have free access to significant foraging areas within the wider landscape.
- 6.7.9 It is concluded that the Proposed Development complies with relevant planning policy regarding ecology / biodiversity (CS6, CS17, MD12).
- 6.7.10 Arboriculture: A tree appraisal report advises that the development is acceptable because:
- No significant trees shall be removed to enable the construction of the proposals.
 - Tree protection measures can be put in place to ensure that construction works do not result in damage to the retained trees.
 - New hedge planting can be carried out to mitigate effects of necessary hedgerow removal.
- 6.7.11 The Council's tree service has accepted the findings of the tree survey and has recommended conditions to protect existing trees and hedgerows during the construction phase. These are supported and are included in Appendix 1.
- 6.7.12 Drainage / hydrology: A Flood Risk Assessment (FRA) advises that the majority of the site and all ancillary equipment falls within Flood Zone 1 (lowest flood risk). No development is located within the small area of Flood Zone 3 within the site. All ancillary equipment would be raised by 150mm above the external level to discourage water ingress. The proposed development will only alter the

impermeable area on site by a small amount, resulting in a negligible increase in surface water runoff. No additional drainage measures are required provided the surface beneath the arrays remains grassed as proposed.

- 6.7.13 The FRA concludes that the proposal would not involve the construction of inappropriate development in an area of high risk, nor would the proposal result in increased flood risk elsewhere. The Council's drainage team has not objected, and it is considered that the proposals can be accepted in relation to relevant drainage considerations. (Core Strategy Policy CS17, CS18).

Timescale and decommissioning:

- 6.7.14 Current solar photovoltaic arrays have a design life of approximately 40 years. It is recommended that any planning permission includes a condition requiring decommissioning and removal of the solar panels and associated infrastructure at the end of their design life and reinstatement of the field to 'normal' agricultural use, as stated in the application. This would ensure that future agricultural use is reinstated. A decommissioning clause would also be included in the applicant's tenancy agreement. The value of the solar equipment at the end of its design life would provide a further incentive for effective decommissioning.

Leisure and Tourism

- 6.7.15 Core Strategy Policy CS16 (Tourism, Culture and Leisure) seeks to deliver high quality, sustainable tourism, and cultural and leisure development. Amongst other matters the policy seeks to promote connections between visitors and Shropshire's natural, cultural and historic environment.
- 6.7.16 The applicant's visual appraisal supports the conclusion that the site is capable of being effectively screened and would not give rise to any unacceptable visual impacts, including from the AONB. No detailed evidence has been presented to support the conclusion that any residual views of the site would be prominent from or would have a significant impact on any local leisure / tourist interests.

6.8 Other matters:

- 6.8.1 Community engagement: The applicant has carried out a pre-application exercise with the local community and other key stakeholders. The applicant has sought to respond to concerns from the local community with amendments to the design of the proposals.

7.0 CONCLUSION

- 7.1 The proposed solar development would operate for a temporary period of 40 years and would be fully restored as agricultural land after decommissioning. Relevant policies and guidance support the transition to a low carbon future and encourage the use of renewable resources.

- 7.2 The 40MW development would power 11,300 homes annually giving a CO2 saving of approximately 19,200 tonnes per year. The proposals would deliver biodiversity net gain (BNG) of 123.5% in primary habitat and 76.4% for hedgerow units.
- 7.3 Under 8% of the site is located on best and most versatile quality land. National policy does not preclude the use of such land for solar farm developments. It is considered that the applicant has provided sufficient evidence to justify this choice of site. The proposals will provide an essential source of diversified income allowing the farm unit to invest in other farming operations within the unit.
- 7.4 Heritage consultees have not objected, whilst highlighting the need to give great weight to protecting the setting of the listed deer park. It is assessed that there would be less than substantial harm to the deer park setting. The officer considers that the relevant policy tests are met as the proposals would be in the public interest given the renewable energy they would generate and the benefits of this for energy security and climate change. The extent of any 'less than substantial harm' can be further mitigated by the applicant's substantial landscape mitigation proposals.
- 7.5 The NPPF advises that the production of renewable energy is a material consideration which should be given significant weight and that sustainable development proposals which accord with the development plan should be approved without delay (S158). It is concluded that the proposals are sustainable.
- 7.6 There have been no outstanding objections from technical consultees such as highways, trees, ecology and drainage. Detailed planning conditions have been recommended to ensure a high level of control of the development. Subject to this it is considered that the proposal also meets the criteria for development in the countryside as set out in Core Strategy Policy CS5. The proposal is therefore in general accordance with the Development Plan. Overall, it is considered that the public benefits of the proposals including renewable energy provision are sufficient to outweigh any identified residual impacts and permission should be granted subject to the conditions set out in Appendix 1.

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 1970.

9.0 FINANCIAL IMPLICATIONS:

9.1 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.

10.0 BACKGROUND:

10.1 Relevant planning policies:

10.1.1 The Shropshire Core Strategy (Adopted February 2011) sets out a Spatial Vision for Shropshire and the broad spatial strategy to guide future development and growth during the period to 2026. The strategy states, "Shropshire will be recognised as a leader in responding to climate change. The Core Strategy has 12 strategic objectives, the most relevant is Objective 9 which aims "to promote a low carbon Shropshire delivering development which mitigates, and adapts to, the effects of climate change, including flood risk, by promoting more responsible transport and travel choices, more efficient use of energy and resources, the generation of energy from renewable sources, and effective and sustainable waste management". Relevant Policies include:

- Policy CS5 - Countryside and the Green Belt:
- Policy CS6 - Sustainable Design and Development Principles
- Policy CS8 - Infrastructure provision positively encourages infrastructure, where

- Policy CS13 - Economic Development, Enterprise & Employment
- Policy CS16 - Tourism, Culture and Leisure
- Policy CS17 - Environmental Networks

10.2 Site Management and Allocation of Development Document
Relevant Policies include:

- MD2 - Sustainable Design
- MD7b - General Management of Development in the Countryside
- MD8 - Infrastructure Provision
- MD11 - Tourism facilities and visitor accommodation
- MD12 - The Natural Environment
- MD13 - The Historic Environment

10.5 Other Relevant Guidance

10.6.1 The UK Renewable Energy Strategy (July 2009) - The UK Government published the Renewable Energy Strategy in July 2009. The strategy explains how it intends to “radically increase our use of renewable electricity, heat and transport”. It recognises that we have a legally binding commitment to achieve almost a seven-fold increase in the share of renewables in order to reach our 15 target by 2020. It suggests that the amount of electricity produced from renewables should increase from 5.5 to 30 .

10.6.2 Planning practice guidance for renewable and low carbon energy (2015). This practice guide reaffirms the importance of renewable energy and advocates community led renewable energy initiatives. The following advice is provided specifically with regard to the large-scale ground-mounted solar photovoltaic farms:

The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively. Particular factors a local planning authority will need to consider include:

- *Encouraging the effective use of previously developed land, and if a proposal does involve greenfield land, that it allows for continued agricultural use and/or encourages biodiversity improvements around arrays;*
- *That solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use ;*
- *The effect on landscape of glint and glare and on neighbouring uses and aircraft safety;*
- *The extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;*
- *The need for, and impact of, security measures such as lights and fencing;*
- *Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be*

given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;

- *The potential to mitigate landscape and visual impacts through, for example, screening with native hedges;*
- *The energy generating potential, which can vary for a number of reasons including, latitude and aspect'.*

11.0 RELEVANT PLANNING HISTORY:

11.1 There is no planning history associated with the application site.

12.0 Additional Information:

View application:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RM87INTDKU500>

List of Background Papers: Planning application reference 22/02441/FUL and plans.
Cabinet Member (Portfolio Holder): Councillor Chris Schofield
Local Member: Cllr Viv Parry
Appendices: Appendix 1 – Conditions.

APPENDIX 1

Commencement of Development

1. The development hereby approved shall be commenced within 3 years of the date of this permission. This date is referred to hereinafter as 'the Commencement Date'. Written notification of the date when electricity is first exported from the solar farm hereby permitted to the electricity grid shall be submitted to the local planning authority no later than 14 days after the event. This date is referred to hereinafter as 'the First Export Date'.

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

Definition of the Permission

2. Except as otherwise provided in the conditions attached to this permission or otherwise agreed in writing the operations hereby permitted shall be carried out strictly in accordance with the application form dated 29th September 2022 and the accompanying Environmental Statement and supporting documents and plans.

Reason: To define the permission.

3. This permission shall relate only to the land edged red on the site location plan (Reference NEO00979_029I_C Figure 1.2), hereinafter referred to as 'the Site'.

Reason: To define the permission.

Highways

4. No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of how traffic will be managed during the construction phase to minimise any damage/ disturbance to the highway network. Construction shall be carried out in accordance with the approved CTMP.

Reason: To ensure that a safe and suitable standard of vehicular access is provided throughout the construction and decommissioning period of the development.

5. The sole access to and from the Site during the construction and decommissioning periods shall be by means of the route through Rock Farm shown on the approved site location plan.

Reason: To ensure that a safe and suitable standard of vehicular access is provided throughout the construction and decommissioning period of the development.

Arboriculture

6. All pre-commencement tree works and tree protection measures as detailed in Section 5.2 (Tree Protection Plan) and Appendix 2 (Arboricultural Impact Assessment and Tree Protection Plan) of the approved Arboricultural Survey, Impact Assessment and Protection Details (mhp Arboricultural Consultants, V2, 04.07.2022) shall be fully implemented to the written satisfaction of the LPA, before any development-related equipment, materials or machinery are brought onto the site.

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

7. The development shall be implemented in accordance with Section 5.2 (Tree Protection Plan) and Appendix 2 (Arboricultural Impact Assessment and Tree Protection Plan) of the approved Arboricultural Survey, Impact Assessment and Protection Details (mhp Arboricultural Consultants, V2, 04.07.2022). The approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site.

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

Landscape and Ecological Mitigation Plan

8. No development shall take place until a detailed soft landscape scheme for the whole site has been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The details shall include:
- i. Schedules of plants/seed mixes, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate, in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape ' Recommendations, or its current version,
 - ii. details as relevant of ground preparation, planting pit specification and the trees and shrubs to be planted in association with the development (including species, locations or density and planting pattern, type of planting stock and size at planting), means of protection and support, planting period or phasing of planting and date of completion, and measures for post-planting maintenance;
 - iii. details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in a) above.
 - iv. Creation of wildlife habitats, features and ecological enhancements
 - v. Written specifications for establishment of planting and habitat creation;
 - vii. Programme for implementation

The scheme shall relate to all grassed areas, tree, shrub, and hedgerow planting and shall be implemented in accordance with the approved details. The developer shall notify the Local Planning Authority in writing of the date when planting and seeding under the terms of condition 6a above has been completed.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design including satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

9. The approved tree planting scheme shall be implemented as specified and in full no later than the end of the first planting season (November to February inclusive) following completion of the development. If within a period of five years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or, in the opinion of the LPA becomes seriously damaged or diseased, or is otherwise lost or destroyed, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

Ecology

10. No development shall take place (including ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- i. An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented;
- ii. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- iii. Requirements and proposals for any site lighting required during the construction phase;
- iv. A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
- v. The times during construction when an ecological clerk of works needs to be present on site to oversee works;
- vi. Identification of Persons responsible for:
 - Compliance with legal consents relating to nature conservation;
 - Compliance with planning conditions relating to nature conservation;
 - Installation of physical protection measures during construction;
 - Implementation of sensitive working practices during construction;
 - Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
 - Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.
 - Pollution prevention measures.

All construction activities shall be implemented strictly in accordance with the approved plan.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 180 of the NPPF.

11. No development shall take place (including ground works and vegetation clearance) until a Habitat Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
 - i. Description and evaluation of the features to be managed
 - ii. Ecological trends and constraints on site that may influence management
 - iii. Aims and objectives of management
 - iv. Appropriate management options for achieving aims and objectives
 - v. Prescriptions for management actions
 - vi. Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually)
 - vii. Personnel responsible for implementation of the plan
 - viii. Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality
 - ix. Possible remedial/contingency measures triggered by monitoring
 - x. The financial and legal means through which the plan will be implemented.

The plan shall be carried out as approved.

Reason: To protect and enhance features of recognised nature conservation importance.

12. No development shall take place (including ground works and vegetation clearance) until a badger mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The mitigation strategy shall include details of the actions to be taken during the works, including the temporary closure of sett 3. These measures will be implemented as approved.

Reason: To ensure the protection of badgers under the Protection of Badgers Act 1992.

13. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. The submitted scheme shall be designed to take into account the advice on lighting set out in the Institution of Lighting Professionals and Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK (available at <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>). All external lighting shall be installed strictly in accordance with the specifications and locations set out on the plan, and thereafter retained for the lifetime of the development. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To minimise disturbance to bats, which are European Protected Species [and other species].

Archaeology

14. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

Complaint procedures scheme

15. Prior to the Commencement Date the developer shall submit for the written approval of the local planning authority a Complaint Procedure Scheme for dealing with noise and other amenity related matters. The submitted scheme shall set out a system of response to verifiable complaints received by the local planning authority. This shall include:
- i. Investigation of the complaint;
 - ii. Reporting the results of the investigation to the local planning authority;
 - iii. Implementation of any remedial actions approved by the local planning authority within an approved timescale. The approved scheme shall be adhered to for the lifetime of the development hereby permitted.

Reason: To protect the amenities of the local area.

16. Prior to the Commencement Date the developer shall submit for the approval in writing of the local planning authority a scheme setting out the measures which shall be

undertaken to facilitate sustainable sheep-grazing between the solar arrays, including grass sward specification and potential stocking type and density, for the duration of the operational life of the development. The scheme shall be implemented in accordance with the approved details and confirmation that the approved measures are being implemented shall be provided to the local planning authority upon prior written request.

Reason: To facilitate sheep grazing use in association with the permitted solar farm scheme in accordance with the approved details.

17. No development shall take place until a sustainable drainage scheme (SuDS) has been submitted to and approved in writing by the local planning authority. The SuDS scheme shall:
- i. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. Include a timetable for its implementation; and,
 - iii. Provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The sustainable drainage scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure that sustainable drainage is delivered within the permitted development.

18. Prior to the Commencement Date the developer shall convene a local Community Liaison Group (CLG) to consist of representatives on behalf of the developer, Bitterley Parish Council and the local planning authority. The CLG shall meet virtually or physically at intervals to be agreed by CLG members during the construction of the solar farm hereby permitted and then during the first five years of its operational life. The CLG shall facilitate dialogue and interaction between the developer and the local community, with a main focus on assisting the local planning authority to monitor the implementation of this permission, including:
- i. The approved Construction Traffic Management Plan (Condition 4);
 - ii. The approved Landscape and Ecological Mitigation Plan (Condition 8) and the related aftercare/maintenance condition (Condition 9);
 - iii. The approved Construction Environmental Management Plan (Condition 10), and ;
 - iv. The approved Habitat Management Plan (Condition 11);
 - v. The approved Complaint Procedure Scheme (Condition 15).
 - vi. The approved Sheep Grazing scheme (Condition 16)

Reason: To provide an appropriate stakeholder / community engagement mechanism within the construction and operational stages of the development.

19. The development hereby permitted shall be removed from the Site if the solar farm is no longer in use or after a period of 40 years from the First Export Date, whichever occurs earlier. No later than 6 months before the end of the 40-year period from the First Export Date, or within 6 months of the solar farm being no longer in use, a decommissioning and site restoration scheme, including a timetable for its implementation, shall be submitted for the written approval of the local planning authority. The scheme shall make provision for the removal of the solar panels and associated works approved under this permission, and for the reinstatement of the land within the Site so that with aftercare it is of the same grade of agricultural quality as when this permission was granted. The scheme, as approved, shall be implemented in accordance with the approved details.

Reason: To facilitate restoration to an appropriate agricultural use at the end of the operational lifespan of the permitted site.

Notes:

Design life

- i. *The typical design life of modern solar panels is up to 40 years. Any proposal to re-power the Site at the end of its planned design life would need to be the subject to a separate planning approval at the appropriate time.*

Drainage (Shropshire Council Drainage Team comments)

- ii. *For the transformer installation, the applicant should consider employing measures such as the following:*

- *Surface water soakaways*
- *Water Butts*
- *Rainwater harvesting system*
- *Permeable surfacing on any new driveway, parking area/ paved area*

Environment Agency comments

- iii. *The proposal includes a security perimeter fence. This wire mesh should have a minimum of 100 mm spacing to ensure the risk of blockage and diversion of flood waters is minimised.*

Highways

- iv. *This planning permission does not authorise the applicant to:*
- *construct any means of access over the publicly maintained highway (footway or verge) or*
 - *carry out any works within the publicly maintained highway, or*
 - *authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or*
 - *undertake the disturbance of ground or structures supporting or abutting the publicly maintained highway*

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/roads-and-highways/road-network-management/application-forms-and-charges/>

Please note Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

- v. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Ecology

- vi. 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 should be carried out outside of the bird nesting season which runs from March to August inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.
- vii. Widespread reptiles (Adder, Slow Worm, Common Lizard and Grass Snake) are protected under the 1981 Wildlife and Countryside Act (as amended) from killing, injury and trade and are listed as Species of Principle Importance under Section 41 of the 2016 NERC Act. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.
- If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.
 - Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.
 - The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

- *All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.*
 - *Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.*
 - *Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.*
 - *If a Great Crested Newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.*
 - *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.*
- ix. *Where it is intended to create semi-natural habitats (e.g. hedgerow / tree / shrub / wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.*

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Agenda Item 6

SCHEDULE OF APPEALS AS AT COMMITTEE 19th September 2023

LPA reference	22/00665/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr And Mrs Bott
Proposal	Installation of replacement windows to front of property
Location	39 Whitburn Street Bridgnorth Shropshire WV16 4QT
Date of appeal	09.08.2022
Appeal method	Fast Track
Date site visit	
Date of appeal decision	17.03.2023
Costs awarded	
Appeal decision	Dismissed

LPA reference	22/03935/LBC
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Oliver Garfoot
Proposal	Alterations in association with proposed extension and internal remodel affecting a Grade II Listed Building
Location	Brockton Hall Farm Brockton Shifnal Shropshire TF11 9LZ
Date of appeal	18.07.2023
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	22/04616/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Ms Kirsty Banks
Proposal	Erection of a two storey self contained annex ancillary to main dwelling (revised scheme)
Location	Emstrey Farmhouse Emstrey Atcham Shrewsbury Shropshire SY5 6QP
Date of appeal	17.04.20233
Appeal method	Written Representations
Date site visit	
Date of appeal decision	17.07.2023
Costs awarded	
Appeal decision	Allowed

LPA reference	22/04882/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Aequus Land Ltd
Proposal	Outline application for the erection of 1No. detached dwelling
Location	Land Adjacent Limes Paddock Dorrington Shrewsbury Shropshire
Date of appeal	17.04.2023
Appeal method	Written Representations
Date site visit	
Date of appeal decision	18.07.2023
Costs awarded	
Appeal decision	Dismissed

LPA reference	21/05298/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mrs Jennifer R Perry
Proposal	Erection of 2no. self build open market dwellings with detached garages
Location	Proposed Residential Development Land Adjacent Ashcroft Hopton Wafers Shropshire
Date of appeal	12.04.2022
Appeal method	Written Representations
Date site visit	
Date of appeal decision	19.07.2023
Costs awarded	
Appeal decision	Plot 1 Allowed and Plot 2 Dismissed

LPA reference	21/06006/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Oliver Garfoot
Proposal	Erection of single storey extension and remodelling of existing dwelling, associated landscaping
Location	Brockton Hall Farm Brockton Shifnal Shropshire TF11 9LZ
Date of appeal	18.07.2023
Appeal method	Written Representations (Change of Procedure/Restarted)
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	21/05140/FUL
Appeal against	Non-determination
Committee or Del. Decision	
Appellant	Mr G W Pryce
Proposal	Change of use of agricultural land for siting of three camping pods, installation of septic tank, formation of parking area and landscaping work
Location	Boundary Cottage Linley Bishops Castle Shropshire SY9 5HW
Date of appeal	24.05.2022
Appeal method	Written Representations
Date site visit	
Date of appeal decision	24.07.2023
Costs awarded	
Appeal decision	Dismissed

LPA reference	23/00309/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Marc Illman
Proposal	Erection of two storey side extension
Location	Mulberry Cottage 41 Snailbeach Shrewsbury Shropshire SY5 0NX
Date of appeal	02/08/2023
Appeal method	Fast track householder
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	22/05112/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Peter Foster
Proposal	Demolition of existing garage, construction of a new three bedroom property and proposed car parking deck
Location	Kyewood Clive Avenue Church Stretton Shropshire SY6 7BL
Date of appeal	31.07.2023
Appeal method	Written representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	22/03122/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Sarah Edwards
Proposal	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
Location	Proposed Residential Barn Conversion To The South Of Uckington Shrewsbury Shropshire
Date of appeal	14.03.2023
Appeal method	Written representations
Date site visit	23.5.2023
Date of appeal decision	04.08.2023
Costs awarded	
Appeal decision	Dismissed

LPA reference	23/02209/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr & Mrs Evans
Proposal	Single storey extension at rear of dwelling
Location	Stone House Hope Common Minsterley Shrewsbury Shropshire SY5 0HF
Date of appeal	08/08/2023
Appeal method	Fast Track Householder
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	22/04991/FUL & 22/04992/LBC
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr A Archer
Proposal	Conversion and extension of redundant barn to holiday letting accommodation (modification to previously approved 19/03669/FUL to allow for changes in fenestration and an increase in length) Works to Listed Building to include the insertion of additional windows at ground and first floor level to the east elevation; change approved window to French doors on north elevation; and erection of extension by 450mm to allow rebuilding of west gable wall (amendment to previously approved 19/03670/LBC)
Location	Woodcroft Farm Richards Castle Ludlow Shropshire SY8 4EB
Date of appeal	08.08.2023
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	22/04717/ADV
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Miss Carol Golcher
Proposal	Installation of 2no non-illuminated freestanding signs (retrospective)
Location	Imperial Bricks Crowgreaves Farm Crowgreaves Bridgnorth Shropshire WV15 5LT
Date of appeal	20.06.2023
Appeal method	Written Representations
Date site visit	
Date of appeal decision	11.08.2023
Costs awarded	
Appeal decision	Dismissed

LPA reference	22/02676/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	RDS Kent Ltd
Proposal	Conversion of joinery workshop/former school into dwelling (revised scheme)
Location	The Old National Boys School Station Street Bishops Castle Shropshire SY9 5DD
Date of appeal	14.08.23
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	22/03984/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Andrew Timbrell
Proposal	Erection of an additional dwelling (plot 9) on land previously approved for residential dwellings (21/05984/FUL)
Location	Proposed Residential Development Land Off Park View Broseley
Date of appeal	15/08/2023
Appeal method	Written representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	22/02748/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr And Mrs M Brown
Proposal	Change of use of land and the erection of caravan accommodation in association with an existing dog training business and alterations to existing vehicular access; including some demolition
Location	Clee Stangate Cottage Cleestanton Ludlow Shropshire SY8 3EL
Date of appeal	05.06.2023
Appeal method	Written Representations
Date site visit	
Date of appeal decision	18.08.2023
Costs awarded	
Appeal decision	Dismissed

LPA reference	22/04510/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Rebecca Impson Greanleaf
Proposal	Erection of extension and alterations to existing bungalow including the creation of first floor accommodation
Location	Marsh Bungalow Marshbrook Church Stretton Shropshire SY6 6RQ
Date of appeal	03.07.2023
Appeal method	Written Representations
Date site visit	
Date of appeal decision	21.08.2023
Costs awarded	
Appeal decision	Dismissed

LPA reference	21/00040/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Kelvin Bailey
Proposal	Outline application (all matters reserved) for the erection of three dwellings following demolition of all existing buildings
Location	Benthall Grange Benthall Lane Benthall Broseley Shropshire TF12 5RR
Date of appeal	24.08.2023
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

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Appeal Decision

Site visit made on 15 June 2023

by Gareth W Thomas BSc (Hons) MSc (Dist) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2023

Appeal Ref: APP/L3245/W/22/3295124

Boundary Cottage, Linley, Bishops Castle, Shropshire, SY9 5HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr GW Pryce against Shropshire Council.
 - The application Ref 21/05140/FUL, is dated 23 November 2021.
 - The development proposed is for the change of use of agricultural land for siting of three camping pods, installation of septic tank, formation of parking area and landscaping works.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the development is in an appropriate location having regard to national and local planning policies.

Reasons

3. The site is located within open countryside and in an area generally vacant of buildings save for a few scattered dwellings and farmsteads. Although it is some 0.8km from Norbury according to the Council, this small rural settlement has limited facilities other than a pub and a church. The appeal site comprises a sloping agricultural field that is separated from the unclassified highway by a high mature hedgerow. It appears that the adjoining small cottage is in holiday use; the appellant maintains that this proposal would complement the use of that property.
4. I travelled up and down the lanes that serve the site and found that they were of narrow single width with high banked hedges, few passing places and no footways. At certain points, intervisibility through the bends was inadequate. I drove to the nearest town of Bishops Castle and the large village of Churchstoke as these would provide the facilities necessary for people coming to Norbury for vacation. From the public footpath to the east and roughly at the same elevation as the appeal site, the vistas over far-reaching countryside and rolling hills are very attractive.
5. It is a significant distance from any settlement as defined in the Core Strategy (CS) or Shropshire Council Site Allocations and Management of Development Plan 2015 (SAMDev). CS policy CS4 looks to make rural communities more sustainable by resisting development outside defined settlements unless it meets CS policy CS5. This allows proposals which maintain and enhance countryside vitality and improve the sustainability of rural communities by

- bringing local economic and community benefit. Policy CS5 goes on to list developments which could be permissible.
6. The first criterion in the policy CS5 refers to small-scale development that diversifies the local economy. It is expected that such schemes will be in settlements or linked to existing development and business activity. The sixth criterion allows sustainable rural tourism, leisure and recreation proposals which require a countryside location in accordance with CS policy CS16. Amongst other things, this policy places an emphasis on visitor accommodation in accessible locations served by a range of facilities. Also, these proposals should be close to or within settlements or at an established tourism enterprise where accommodation is required.
 7. CS policy CS16 provides no guidance as to the meaning of 'close to a settlement' but whilst the closest settlement of Norbury is relatively close-by, the site is some distance from any notable town or village containing services. There are no serviced shops, catering outlets or built tourist venues convenient to the development. There would be a high reliance on the motor vehicle to access even the most basic of facilities. This would not be sustainable in terms of the National Planning Policy Framework (the Framework).
 8. The appellant believes that the scheme is in line with the aims of CS policy CS16 to support tourism development which diversifies the existing offer and promotes visitors' access to the natural environment and rights of way network. However, compliance in these regards does not address the specific policy requirement in respect of the location of visitor accommodation. The development is outside and not close to a settlement and it is not linked to an established business in the manner intended in that policy. As such, it would not accord with CS policy CS16 when read as a whole and bullet points 1 or 6 under CS policy CS5.
 9. The CS and SAMDev policies are consistent with the Framework in terms of the stated support for sustainable rural tourism and leisure development. The Framework recognises local rural business needs may have to be accommodated on sites beyond existing settlements. However, at the same time it encourages the use of sites that are physically well-related to settlements where opportunities exist and it appears to me that the appeal site is not well connected to any settlement containing services.
 10. The site is relatively steeply sloping and elevated above the road. The removal of a highly attractive roadside hedge to facilitate an access, which would be cut into the bank to provide necessary visibility splays would result in a stark development out of keeping with the tranquil rural character and appearance of the area. While the appellant describes the site of the glamping pods as a plateau, it would still be visible from surrounding roads and countryside and represent a discordant feature in an otherwise unspoilt countryside.
 11. For the above reasons, I conclude the development is not in an appropriate location having regard to CS policies CS5, CS13 and CS16 and SAMDev policy MD11.

Planning Balance and conclusion

12. The support for the proposal by local residents is noted. However, this fails to address the identified non-compliance with development plan policies and so

attracts limited weight in my consideration. I have no reason to dispute the fact that the development would help meet demand for local holiday accommodation and promote tourism, which is supported in general terms in the development plan and the Framework. I also accept that visitor spend in the local area would also represent a modest boost to the local economy but as noted above, this would be in Bishops Castle or Churchstoke rather than in the immediate area. Nevertheless, I attach modest weight to this factor.

13. However, these benefits do not outweigh the harms that have been identified. The conflict with CS and SAMDev policies means the scheme is contrary to the development plan when read as a whole. Its benefits and other considerations are of insufficient weight to justify allowing the appeal contrary to the development plan policies. As such, I conclude the appeal should not succeed.

Gareth W Thomas

INSPECTOR



Appeal Decision

Site visit made on 22 June 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2023

Appeal Ref: APP/L3245/W/22/3291306

Site adj. to Ashcroft, Hopton Wafers, DY14 0NB

- 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 Mrs Jennifer R Perry against the decision of Shropshire Council.
- The application Ref 21/05298/FUL, dated 8 November 2021, was refused by notice dated 5 January 2022.
- The development proposed is the construction of 2 self-build dwellings with garages.

Decision

1. The appeal is dismissed insofar as it relates to Plot 2. The appeal is allowed insofar as it relates to Plot 1 and planning permission is granted for the construction of a dwelling at Site adj Ashcroft, Hopton Wafers, DY14 0NB in accordance with the terms of the application, Ref 21/05298/FUL, dated 8 November 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. Notwithstanding the reasons for refusal both main parties have confirmed that the appeal site is not located within the Shropshire Hills Area of Outstanding Beauty (AONB). I have considered the appeal on this basis.
3. Visibility splays have been submitted with the appeal. Whilst these were not submitted with the application, as part of the appeal process the Council and third parties have had the opportunity to comment on its contents. As such, I do not consider that my taking it into account would prejudice any party.
4. For the reasons that follow, I find Plot 1 to be acceptable and it is clearly severable both physically and functionally from Plot 2. Therefore, I intend to issue a split decision in this case and allow the appeal in respect of the construction of a dwelling at Plot 1.

Main Issues

5. The main issues are:
 - Whether the site is a suitable location for housing, having regard to local and national policies;
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on the living conditions of nearby properties, with particular regard to privacy and light; and

- The effect of the proposed development on highway safety.

Reasons

Suitable Location for Housing

6. The site is located to the south of the A4117 and consists of an irregular shaped piece of open land which forms part of a field with an agricultural use. The field is bounded by a hedge and the A4117 to the north, agricultural land to the south and existing dwellings to the east. The land level of the field rises broadly from east to west.
7. Policy CS4 of the Shropshire Local Development Framework: Adopted Core Strategy, 2011, (CS) seeks to focus development within Community Hubs and Clusters. Any open market housing is required to make a sufficient contribution to improving local sustainability, via a mix of 'local needs' housing and community benefits in the form of contributions to affordable housing and identified local services, facilities and infrastructure.
8. Policies S6.2 and S6.2(ii) of the Shropshire Council Site Allocations and Management of Development Plan (2015) (SAMDev) identify Hopton Wafers as a Community Cluster. Policy S6.2(ii) states that limited infill of smaller, market priced houses on single plot developments immediately adjacent to existing development may be acceptable.
9. The proposal does not constitute the development of a single development plot but, whilst Policy CS6.2 states that such development may be acceptable, it does not say that other forms of development would not be.
10. The appeal site may not comprise a single plot, however Plot 1 would have existing residential dwellings to its east and south and the A4117 to its north. The orientation of Plot 1 would mean that it would face side on to the A4117 and appear as an infill between the road and the adjacent dwelling (Ashcroft). It would share an access with Ashcroft and would be located within the existing built area of the village. I see no sound reason why it should not be considered to be a suitable infill plot within the context of that existing development.
11. Plot 2 would have adjacent highways to its north and north-west and an existing dwelling (Ashcroft) to its south-east. Plot 1 would be located to its northeast, with open agricultural land to its south and south-west. Plot 2 would be accessed via Corley Road. Due to its location adjoining open agricultural land, Plot 2 would appear as an extension of built development into open countryside. It would not be located between built development and would therefore not be infill.
12. As such, the proposed development would therefore appear as encroachment into the open countryside and not as infill development. I have not been provided with any material consideration that would outweigh this policy which has been subject to a rigorous Local Plan Examination.
13. The description of development states that the proposal is for a self build dwelling. No evidence or information pertaining to its self-build nature has been submitted with the appeal and no legal agreement securing it as such has been provided. As such, I have dealt with the proposed dwellings as unrestricted open market dwellings.

14. For the above reasons, I conclude that the proposed dwelling at Plot 1 would be located in a suitable location, however the siting and location of Plot 2 would be in conflict with CS Policy CS4 and SAMDev Policy S6.2 which seek, amongst other things, to ensure that developments are limited infill of smaller, market priced houses on single plot developments adjacent to existing development and would therefore undermine the Council's housing strategy.

Character and Appearance

15. The appeal site is located in a rural area characterised by single and one and a half storey dwellings. Dwellings have been developed over time and there is a variety of designs and materials used. Dwellings adjacent to the appeal site are detached and set back from the highway behind front gardens and agricultural land, giving the area a spacious feel. This feeling of spaciousness combined with mature hedgerows and trees that line the highway give the area a rural, pleasant and verdant character.
16. The proposed development would introduce two dwellings into an area of undeveloped agricultural land, bringing built development closer to the highway. Whilst the proposed dwellings would be slightly taller than the immediate neighbouring dwellings, albeit on ground that slopes upwards, they have been designed to appear as 1.5 storey dwellings. The proposed dwellings would be of a similar form to and would utilise materials used in nearby properties. One dwelling would be finished with a timber frame, whilst this is not a common feature, would not detract from the overall character and appearance of the area.
17. The layout details dwellings set back from the road broadly in line with nearby dwellings. Whilst the proposal would not face the highway as other dwellings adjoining the A4117, the mixed character of nearby dwellings would mean that this would not appear at odds with the character of the area. The proposal would appear in the context of existing built form
18. Therefore, I conclude that the development would not be harmful to the character and appearance of the area. It would comply with CS Policies CS5, CS6 and CS17 and SAMDev Policies MD2 and MD12 which seek, amongst other things, to ensure that development is sympathetic to the character of the settlement; supports high quality design protects and enhances local character and distinctiveness. It would also comply with paragraph 130 of the Framework which seeks to ensure that developments are sympathetic to local character.

Living Conditions

19. The proposal would be located near two residential dwellings, Ashcroft and The Wafers. The site is at a higher level than The Wafers, and slopes steadily down towards The Wafers, meaning that the proposal would be at an elevated position in relation to the neighbouring dwelling. Ashcroft would be located at a similar level to Plot 1, with Plot 2, due to the slope, located at a slightly higher level.
20. The appellant notes that the distance between the proposed dwelling at Plot 1 and The Wafers is 34 metres. Whilst Plot 1 would look towards The Wafers and be located at a higher level, the distance maintained between the existing and proposed dwellings would limit any overlooking concerns. Additionally, this

distance would ensure that the proposed development would not have an overbearing impact on The Wafers or its associated garden.

21. The siting and orientation of both proposed dwellings would ensure sufficient distance is maintained from Ashcroft so as not to have a harmful impact on privacy. Plot 1 would be located forward of Ashcroft and set away from its boundary, whilst it would be taller than the existing dwelling it would the distance between the existing and proposed would ensure that the Plot 1 would not have an overbearing impact on Ashcroft.
22. As such there would be no unacceptable harm to the living conditions of the occupiers of The Wafers and Ashcroft and the proposed development complies with CS Policy CS6 which seeks to ensure that developments safeguard residential and local amenity. The proposal also complies with the advice set out in paragraph 130 of the Framework that seeks high standard of amenity for existing and future users.

Highway Safety

23. The proposed development would utilise an existing access from the A4117 for Plot 1 and would utilise and improve an existing agricultural access onto a Class III highway for Plot 2. My visit to the appal site was a snapshot in time in regard to highway conditions but it was reasonable to conclude that levels of traffic would increase during peak hours. The crux of the matter for the Council and in regard to this main issue was that the lack of information regarding visibility for the accesses. The evidence before me shows an improved shared access for Plot 1 and the existing dwelling, Ashcroft and the formalisation and widening of the access on to the Class III highway.
24. The A4117 is fairly busy road, the access for Plot 1 would be out on to a road with a slight bend in it with no on street parking. Vehicles utilising the proposed access would have good visibility to the west, but visibility to the east would be limited. Nevertheless, the access for Plot 1 is existing and the net increase in use of the access by a single dwelling would not have a harmful impact on highway safety.
25. The Class III highway is a single-track road which provides access to several dwellings and farms. The road is lightly trafficked, and the proposed access would have good visibility towards to the north and to the south.
26. I have had regard to the Council's Highways Officer who, in principle have no objection to the proposed development, but requested further information regarding visibility. I note that the Council do not consider that the splays have been measured correctly, however the submission details the appellants land ownership which appears to be sufficient to provide adequate visibility for the prevailing traffic conditions.
27. Accordingly, I find no conflict with CS Policy CS which seeks, amongst other things, to ensure that developments are designed to be safe and accessible. It would also comply with paragraph 111 of the Framework which seeks to ensure that development does not have an unacceptable impact on highway safety.

Other Matters

28. The appellant also sets out that there is an undersupply of self-build plots. I have not been provided with any evidence regarding this. Even if this were to

be the case, and for the reasons I have set out, the establishment of what would only be a single self-build plot would be set against the principle of development which, as I have said, would attract substantial weight. Additionally, such proposals would need to be secured via a planning obligation and one has not been submitted as part of the appeal for consideration. As such, I have no mechanism to secure the proposed dwelling as self-build and can only afford this limited weight.

29. I have been provided with a number of appeal decisions from both parties, however I do not have the full details of each example. I note however that the specific circumstances of the examples are not directly comparable to the appeal before me, as such I can only give them limited weight. Nevertheless, I have dealt with the appeal on its own merits.

Conditions

30. The Council has provided a list of conditions, which I have assessed in regard to the advice provided in the Planning Practice Guidance (PPG). The conditions requiring the submission of materials is necessary in order to protect the character and appearance of the area. Landscaping, lighting and biodiversity conditions are necessary in order to ensure the proposed landscaping and biodiversity mitigation is completed and maintained. Conditions regarding vehicular access and parking are necessary in order to ensure a safe access. The conditions relating to mine gas risk assessment is necessary in order to protect the future and neighbouring occupants. I have altered the wording of some conditions in order to ensure they comply with the PPG.

Conclusion

31. For the reasons given above I conclude that the appeal should be allowed insofar as it relates to the construction of a dwelling at Plot 1, but dismissed insofar as it relates to the construction of a dwelling at Plot 2.

Tamsin Law

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, DRG No 1551/1D., DRG No 1551/2A., DRG No 1551/4., DRG No 1551/5.
3. Prior to the above ground works commencing on the development hereby permitted samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
4. The development hereby permitted shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include:
 - Positions of all existing trees and hedgerows on the site and along its boundaries
 - Identification and measures for the protection of existing trees and hedgerows which are to be retained
 - Details/schedules of proposed planting
 - Full details of the alignment, height and construction of any walls, fences, retaining structures or other boundary treatments/means of enclosure *
 - Details/samples of hard surfacing materials
 - Timetables for implementation

The landscaping works shall be completed in accordance with the approved details. All fences, walls, hardstanding's and other hard landscaping features shall be retained in accordance with the approved details for the lifetime of the development, whilst any trees or plants which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

5. No development hereby permitted shall commence until there has been submitted to and approved in writing by the Local Planning Authority a mine gas risk assessment. This assessment should be undertaken to assess the potential for mine gases to exist on the site and should be undertaken by a competent person as defined in the National Planning Policy Framework and conducted in accordance with CL:AIRE - Good Practice for Risk Assessment for Coal Mine Gas Emissions; October 2021 and having regard to current Environment Agency guidance Land Contamination: Risk Management (LCRM; 2020).

In the event of the mine gas risk assessment finding the site to be affected by mine gases a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must be in accordance with BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings and ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The works detailed as being necessary to make safe the mine gases shall be carried out in accordance with the approved Remediation Strategy. In the event that further contamination from mine gases is found at any time when carrying out the approved development that was not previously identified in the previously submitted and approved Mine Gas Risk Assessment Report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of the Environment Agency guidance Land Contamination: Risk Management (LCRM; 2020), which is subject to the approval in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the risks from mine gases and any contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land. Verification must be in accordance with BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings and, CIRIA C735 Good Practice on the testing and verification of protection systems for buildings against hazardous ground gases, 2014.

6. Prior to the commencement of the development hereby permitted on site details of the means of access, including the location, layout, construction and sightlines, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before the use hereby permitted is commenced or the dwelling occupied (whichever is the sooner).

7. Prior to the first use or occupation of any part of the development hereby permitted, artificial roosting opportunities for bats and nesting opportunities for wild birds shall be provided at the site in accordance with precise details which shall first be submitted to and approved in writing by the Local Planning Authority. This provision shall include:

- A minimum of 2 external Woodcrete bat box or integrated bat 'brick' suitable for nursery or summer roosting by small crevice-dwelling UK bat species
- A minimum of 4 artificial 'nests' of either integrated brick design or external box design, suitable for Swifts (Swift bricks or boxes with entrance holes no larger than 65 x 28 mm can accommodate a wide range of species (CIEEM, 2019)), Starlings (42mm hole, starling specific), Sparrows (32mm hole, terrace design) and/or House Martins (House Martin nesting cups) shall be erected on the site prior to first use of the development. The boxes shall be sited in suitable locations and at suitable heights from the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall therefore be maintained for the lifetime of the development.

8. The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use for the lifetime of the development.

9. Any gates provided to close the proposed access shall be set a minimum distance of 5 metres from the carriageway edge and shall be made to open inwards only.

10. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g., bat and bird boxes, trees, and hedgerows. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's 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.



Appeal Decision

Site visit made on 26 June 2023

by **Ben Plenty BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th July 2023

Appeal Ref: APP/L3245/D/22/3298435

39 Whitburn Street, Shropshire, Bridgnorth WV16 4QT

- 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 Stuart Bott against the decision of Shropshire Council.
 - The application Ref 22/00665/FUL, dated 10 February 2022, was refused by notice dated 7 April 2022.
 - The development proposed is to install replacement windows to front of property.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. During my visit I noted that the windows had been replaced. The Appellant has confirmed that the former wooden frames have been replaced with new wooden frames. I also noted that the rear elevation has Poly Vinyl Chloride unplasticised (PVCu) frames that the Appellant states are similar, although narrower, to the windows proposed in connection with this appeal. I have taken account of these matters in my determination of this appeal.

Main Issue

3. The main issue is whether the proposed replacement windows would preserve or enhance the character or appearance of the Bridgnorth Conservation Area (BCA).

Reasons

4. The appeal site is an end terrace dwelling which is part of a traditional row of buildings of various heights and styles. The appeal building is a non-designated heritage asset within the BCA and subject to an Article 4 Direction. My statutory duty¹, requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Furthermore, paragraph 199 of the Framework requires great weight to be given to an asset's conservation when considering the impact of a proposal on its significance.
5. The Article 4 Direction, with respect to the host dwelling, requires owners to submit a planning application for works that were previously permitted by the GDPO², including the "*insertion, removal, alteration or replacement of windows and doors*". I am cognisant that some window frames within the immediate

¹ section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990

² Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

- area have been replaced over time with unsympathetic designs, although these may have been replaced before the imposition of the Article 4 Direction.
6. The significance of the BCA seems to derive from its inclusion of traditional residential buildings of largely coherent materials and detailing, including many with decorative windows. The previous and replacement window frames are wooden sash windows, painted white, with thin glazing bars in an 8/8 pane configuration. The wooden frames are of a style that is in keeping with, and appropriate for, the building. As such, the previous and existing window frames add to the positive contribution the building conveys to the character and appearance of the BCA.
 7. The replacement windows would consist of white PVCu. These would have an 8/8 pane window configuration within a functioning sash window. These include horizontal and vertical grilles that would follow the general configuration of the existing windows. However, the submitted evidence does not demonstrate that the frames would be a like-for-like replacement in terms of frame thickness and reveal in comparison to a wooden frame. As such, the proposed windows appear to have thicker stiles and grills, creating a visually heavy style of frame out of keeping with the existing design.
 8. Therefore, the proposed windows would alter the proportion of window frame to windowpane, in comparison to a traditional frame. This would be to an extent that it would unbalance the appearance of the window frames and would erode the positive contribution made by the front elevation of the building. Furthermore, the proposed frames would be prominent in views from the street, despite being recessed from the footway over a short front garden. Accordingly, whilst the use of PVCu may not be an unsuitable material in historic areas, I am unconvinced that the design of these proposed frames would be sufficiently similar to the existing frames to replicate their character and appearance.
 9. The evidence refers to an application for a property on Bernards Hill to install PVCu windows. This was refused permission, but they seem to have been installed, nonetheless. The Appellant asserts that this demonstrates that the Council is not seeking their removal. However, ongoing enforcement investigation is not disclosed to the public and therefore the status of any action (or inaction) is speculative. Also, the presence of PVCu windows within the local area to the site, and a possible absence of enforcement action to seek their removal, does not demonstrate a (passive) acceptability of such designs. Accordingly, the existing inappropriate styles of window frames, evidenced locally, attract only limited weight in favour of the proposal.
 10. The proposed windows would materially diminish the character of this non-designated historic asset. Consequently, the proposed replacement windows would not preserve or enhance the character or appearance of the building and its setting within the BCA. The harm identified to the BCA would be 'less than substantial harm' as identified by paragraph 202 of the National Planning Policy Framework (the Framework). The Appellant identifies that the proposed windows would offer a thermally enhanced product. I also note further benefits to the occupier as listed in the Appellant's Heritage Assessment³. However, these would be largely private benefits of the scheme. In accordance with

³ Heritage Statement & Design and Access Statement, Anglian Home Improvements, no date

paragraph 202, I have identified no public benefits that would outweigh the identified harm to enable consent to be granted.

11. Accordingly, the proposal would not preserve or enhance the character or appearance of the BCA in conflict with section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. Consequently, the proposal would not comply with policies CS6 and CS17 of the Shropshire Core Strategy [2011], policies MD2 and MD13 of the Site Allocations and Management Development Plan [2015] and the Framework. These seek, among other matters, for development to protect the local character of Shropshire's historic environment and protect and conserve Shropshire's heritage.
12. The Appellant's Human Rights, to not have one's home life interfered with and to not interfere with an individual's peaceful enjoyment of their property, have been taken into account. However, these rights have not been prejudiced by my consideration of the individual merits of this case, in weighing the benefits of the proposal for the Appellant against the wider public interest of the preservation of the BCA and the non-designated heritage asset.
13. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be dismissed.

Ben Plenty

INSPECTOR

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Appeal Decision

Site visit made on 7 August 2023

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th August 2023

Appeal Ref: APP/L3245/W/22/3312262

Clee Stangate Cottage, Clee Stanton, Shropshire SY8 3EL

- 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 & Mrs Matthew & Kate Brown against the decision of Shropshire Council.
 - The application Ref 22/02748/FUL, dated 12 June 2022, was refused by notice dated 12 August 2022.
 - The development proposed is Change of use of land and the erection of caravan accommodation in association with an existing dog training business and alterations to existing vehicular access, including some demolition.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal includes the provision of a caravan to provide overnight accommodation in support of a dog training business. Main parties agree that this accommodation would meet the definition of a caravan, under S29(1) of the Caravan Sites and Control of Development Act 1960. Accordingly, the proposed development primarily relates to the material change of use of land to accommodate a caravan. I shall deal with this appeal on these terms.

Main Issue

3. The main issue is whether the proposed use would be in a suitable location with respect to local and national policies.

Reasons

Planning policy

4. The development plan for the district includes the Shropshire Core Strategy [2011] (CS) and the Shropshire Council Site Allocations and Management of Development (SAMDev) [2015]. It is a matter of dispute between parties whether the proposed accommodation would be in support of tourism or business purposes. However, I find both tourism and business-related policies to be relevant for the consideration of this proposal in providing accommodation for visitors.
5. CS Policy CS5 seeks to strictly control development in the countryside. It supports development in rural locations that would maintain and enhance the vitality and character of the countryside and would bring local economic and community benefits. In terms of new dwellings, it supports those that would be for agriculture and forestry or essential countryside workers. It also states that

applicants would need to demonstrate the need and benefit for the development and for it to take place in named settlements or be linked to existing business activity. This spatial housing approach is consistent with the aims and objectives of the National Planning Policy Framework (the Framework) that seeks to locate new development in locations that can gain access to infrastructure and facilities.

6. CS policy CS16, relating to tourism, culture and leisure, supports sustainable tourism that would be sensitive to the district's intrinsic natural and built environment. It supports schemes that aim to diversify the rural economy for tourism that are appropriate in terms of their location, scale and nature. Furthermore, SAMDev policy MD11, concerning tourism and visitor accommodation, identifies that this would be supported where it would complement the character and qualities of the site's surroundings, and meet other policies in the plan.
7. CS policy CS13, relating to economic development, recognises the continued importance of supporting rural enterprise and diversification, where it would accord with CS policy CS5. The Framework supports this approach at paragraph 84. This states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas. It also supports the diversification of land based rural businesses, through sustainable rural tourism, which respects the character of the countryside.

Suitability of location

8. The appeal site is a small parcel of land within a corner of a field adjacent to the Appellants' home and business. The site is occupied by a small metal building and is adjacent to the highway, with access provided by a field gate.
9. The site is accessed by a single width country lane, similar in character to local roads, and connects to the B4364 after around 3kms. The lane provides limited passing points for vehicles travelling in opposing directions for long periods. Although, the proposal would generate limited new traffic to the site, the narrow nature of the site's local lanes identifies a location that is poorly connected to the local highway network.
10. The caravan would provide accommodation for customers seeking to obtain dog training who need to stay close to the site for the duration of the training over several days. Nonetheless, as existing and proposed numbers of customers attending the training use are not disclosed in evidence, it is unsubstantiated that traffic impacts would be no greater or reduced in comparison to the existing arrangement.
11. The Appellant's profit and loss information demonstrates that the business is relatively well established and generates a positive, albeit modest, profit. However, this does not differentiate between the breeding and the training parts of the business. It appears that only the training business requires overnight accommodation. As such, the Appellant has failed to demonstrate that the dog training use is a viable or material component of the business, necessitating on site accommodation. Although recognising that the two components are described as interlinked, it has not been shown that overnight accommodation would be necessary for the business as a whole to grow. This is particularly pertinent as it has not been clearly demonstrated that dog training is an established and substantial part of the business.

12. Consequently, the proposal fails to demonstrate how the two elements would relate to each other, it is also noted that the training use is beyond the application site and not in itself subject to planning approval. Therefore, the evidence does not clearly demonstrate that the proposal would be intrinsically linked to an existing, substantive rural business.
13. Bullet point 7 of CS policy CS16 supports high quality visitor accommodation in accessible locations served by a range of services and facilities. The site is within a location accessed by narrow lanes and is therefore within a relatively inaccessible location in conflict with this policy. Further, I am unconvinced that a planning condition, linking the caravan use to the dog training business that has not been shown to be substantive, would be reasonable or enforceable.
14. Accordingly, the proposed use would not be in a suitable location with respect to local and national policies. Consequently, for the above reasons, the proposed development would fail to comply with CS policies CS5, CS13 and CS16 and SAMDev policy MD11.

Other Matters

15. The site is within the Shropshire Hills Area of Outstanding Natural Beauty. The caravan would be located adjacent to hedge and tree screening limiting views from most vantage points. Consequently, the proposal would not harm the character or intrinsic beauty of the countryside. However, an absence of harm in this respect is only a neutral factor in the planning balance.
16. The Council has questioned the lawfulness of the dog breeding and training uses, stating that neither have the benefit of planning permission. The Appellant has asserted that both uses have been in place for over 10 years. However, this has not been substantiated through a Certificate of Lawfulness and is eroded by the email from the planning agent in November 2021 that seems to state that dog training would be a new venture. Also, the financial details only cover two years of business, which in covering a limited timeframe, does not demonstrate a long-established use.
17. My attention has been drawn to the Council's recent approval of a caravan at Asbatch Farm¹ by the Appellant. Whilst each case must be considered on its own merits, it seems that that case related to an established tourism business and did not raise concerns of accessibility. For these reasons that scheme was substantially different to the proposed development.
18. Health related issues have required one of the Appellants to find alternative employment. This appears to partly motivate the Appellants' efforts to widen the business to create greater income. This is recognised although this would be a private benefit of limited weight in support of the proposed scheme.

Conclusion

19. For the above reasons, the appeal is dismissed.

Ben Plenty

INSPECTOR

¹ Appellants Statement of Case, Appendix 4, officer report

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Appeal Decision

Site visit made on 20 June 2023

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2023

Appeal Ref: APP/L3245/W/23/3315019

**Emstrey Farmhouse, Emstrey Bank, Emstrey, Atcham, Shrewsbury
SY5 6QP**

- 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 Ms Kirsty Banks against the decision of Shropshire Council.
 - The application Ref 22/04616/FUL, dated 10 October 2022, was refused by notice dated 13 December 2022.
 - The development proposed is erection of ancillary accommodation.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of ancillary accommodation at Emstrey Farmhouse, Emstrey Bank, Emstrey, Atcham, Shrewsbury SY5 6QP in accordance with the terms of the application, Ref 22/04616/FUL, dated 10 October 2022, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - the suitability of the site for ancillary accommodation having regard to its countryside location;
 - whether the proposal would preserve the setting of the Grade II listed building 'Emstrey Farmhouse'; and
 - the effect of the proposal of the living conditions of neighbouring occupants.

Reasons

3. The appeal site is a rectangular plot located at the southern end of the garden for Emstrey Farmhouse. Emstrey Farmhouse is a Grade II listed building with a deep front garden. It is set back from the main road and accessed via a long winding gravel driveway. To the immediate west and north-west of the farmhouse are several traditional barns that have been converted to residential. Yewtree Cottage is situated to the south of the farmhouse, positioned closer to the main road. The surrounding area is mainly open countryside.
4. The proposed building would contain a kitchen, lounge, bedroom, a bathroom, and a shower room. The inclusion of such facilities would allow its occupiers to live with a degree of independence. While the proposed building would be detached from the farmhouse, it would still be situated within the curtilage of the farmhouse and share the same vehicular and pedestrian accesses, as well

- as share the existing garden area. To reach the farmhouse, occupants of the proposed building would only need to take a brief walk across the flat terrain of the current garden. Considering these factors, there appears to be no compelling reason to locate the proposed building closer to the farmhouse in order for it to serve as ancillary accommodation.
5. The arrangement of the proposal's shared vehicular parking area and the current garden layout would pose challenges in terms of separate occupancy of the proposed building. Such separation would likely lead to a notable privacy loss for the residents of the farmhouse when utilising their garden. Additionally, providing a sufficient and private area of separate amenity space would be problematic without compromising the use of the proposed building.
 6. The Council is concerned that the proposed floorspace would significantly exceed the minimum gross internal floor areas and storage requirements for a 1 bedroom, 2-person property as set out in the Nationally Described Space Standards. However, this does not mean that the proposed building would be excessively large to qualify as ancillary accommodation. In my opinion, the size of the building alone is not enough to deem its utilisation as ancillary accommodation as impractical or excessive.
 7. I acknowledge the appellant's personal requirement for the proposed building to be occupied by a family member with a medical condition. While this need may not be permanent, it does demonstrate the appellant's intention to utilise the proposed building as ancillary accommodation to the farmhouse.
 8. The occupancy of the proposed building is also capable of being controlled by condition, and any change of use to create a separate dwelling would require a further grant of planning permission. Therefore, such a condition would restrict its use to that of ancillary accommodation linked to Emstrey Farmhouse.
 9. As to the effect on the surrounding countryside, the proposed building would be set back significantly from the road and sited close to the main vehicular entrance to the farmhouse, positioned at the end of the driveway. Existing vegetation and Yewtree Cottage sited forward of the site would substantially screen much of the proposed building from the main road, making it inconspicuous from views. If glimpsed views of the proposed building were available these would be seen in the context of the existing buildings at Emstrey Farm. Therefore, the proposal would have limited visual impact on the surrounding countryside.
 10. For the above reasons, the proposal would represent ancillary residential accommodation to the existing farmhouse. Accordingly, the proposal would accord with Policy CS5 of the Shropshire Core Strategy (2011) (Core Strategy), and Policy MD7a of the Shropshire Site Allocations and Management of Development Plan (2015) (SAMDev). Amongst other things, these policies seek to restrict new dwellings in the countryside.

Listed Building

11. The designated heritage asset situated closest to the site is Emstrey Farmhouse, a Grade II listed building. The farmhouse is a two-storey red brick building with attic, having a plain tile roof with 3 gabled eaves dormers, gable ends and external end stacks. The significance of the heritage asset relates, in part, to its traditional form and architectural detailing, which has characteristic

features relating to its original function as part of a historic rural farmstead. Due to its proximity to the farmhouse, the appeal site is positioned within the surroundings to which the heritage asset is experienced.

12. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
13. The proposed building would face towards the farmhouse and would be situated on land that previously contained two small outbuildings. It would be set back from the road, located behind Yewtree Cottage. This placement would ensure that views from the main road would remain directed towards the sizeable farmhouse that dominates the curtilage. Although the proposed building's size may attract some attention from the gravel driveway when approaching the site, its mass would be small compared to the farmhouse and the other buildings, and its traditional form would harmoniously blend into its surroundings. Consequently, it would not appear incongruous in terms of scale and would be perceived as subordinate to the farmhouse.
14. The proposal would be constructed in similar materials to the farmhouse and its adjacent buildings. It would incorporate dormer windows that mirror the design elements of the farmhouse. By doing so, the proposal would seamlessly blend with its surroundings. Its presence would neither diminish nor challenge the character and aesthetic of the farmhouse. Additionally, it would complement the overall character of the other buildings on the property. It would also be in a relatively secluded position where views of it would be filtered by Yewtree Cottage and existing vegetation.
15. For the reasons given, the proposal's scale, siting and design would not cause harm to the setting or significance of the heritage asset. I therefore conclude that, on balance, the proposal would preserve the special historic interest of the Grade II listed building, including its setting. This would satisfy the requirements of the Act. The proposal would therefore accord with Policy CS17 of the Core Strategy, which seeks to protect and enhance the built and historic environment. The proposal would also accord with Policy MD13 of the SAMDev, which seeks to protect, conserve and enhance the historic context and character of heritage assets. Additionally, the proposal would comply with the requirements of Section 16 of the National Planning Policy Framework (Framework) relating to the historic environment.

Living Conditions

16. The appeal site is bounded to the south by a neighbouring property, Yewtree Cottage. Due to the sufficient separation distance between the appeal site and the dwelling at Yewtree Cottage, the proposed building would not cause a loss of outlook from the neighbouring property's rear habitable room windows. Although the proposed building would be sited close to Yewtree Cottage's rear garden boundary, because of the garden's spacious depth and width, the proposal would not cause any overbearing impact or loss of light.
17. Some of the existing hedgerow and a tree on the appeal site's southern boundary would be removed, however the appellant indicates that this would be replaced with screen fencing. Screen fencing would help to obscure views of

the proposed building from the neighbouring rear garden, which would minimise the impact. Moreover, suitable boundary treatment could be secured by condition. I am therefore satisfied that adequate outlook would be maintained for existing residents.

18. Consequently, the proposal would not be unacceptably harmful to the neighbour's living conditions. Accordingly, the proposal would comply with Policy CS6 of the Core Strategy and Policy MD2 of the SAMDev, which amongst other things, seeks to ensure that development safeguards residential amenity.

Other Matters

19. A local resident has raised concern regarding loss of privacy to neighbouring occupiers. However, due to sufficient separation distances between the proposed building and the existing neighbouring dwellings, the proposal would not cause an unacceptable loss of privacy through overlooking to neighbouring residents.
20. Concern has also been raised regarding increased traffic during construction of the development and afterwards. From my site observations it was evident that adequate parking can be provided on the site. However, I have imposed conditions to safeguard the living conditions of the occupiers of neighbouring properties from potential nuisance during the construction stage.

Conditions

21. The Council suggested a number of conditions. I have considered the suggested conditions in light of the Framework and Planning Practice Guidance (PPG) and where necessary I have edited for clarity and precision.
22. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is necessary in the interest of certainty.
23. I have also imposed conditions relating to external materials, windows and doors, and details of exterior pipes and boiler flues etc. These are necessary to ensure the external appearance of the property is satisfactory. Further conditions relating to biodiversity are necessary to ensure the provision of roosting opportunities for bats, and the provision of nesting opportunities for wild birds. A condition relating to lighting is also necessary to protect wildlife and neighbouring residential amenities.
24. I have imposed conditions relating to boundary treatments, landscaping, and window openings in the interests of ensuring no harm is caused to the character and appearance of the area, and to neighbouring residential amenities. I have also imposed conditions to safeguard the living conditions of the occupiers of neighbouring properties from potential nuisance during the construction stage.
25. Finally, a condition restricting the occupancy of the building is necessary to prevent it being used as a separate unit of accommodation. This is necessary in the interests of protecting the character and appearance of the area and the living conditions of residents.

Conclusion

26. For the reasons given, I conclude that the appeal should be allowed.

H Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan
 - Site Block Plan – Drawing No: A 001E
 - Proposed Plans and Elevations – Drawing No A100 E (dated: Sept 2022)
- 3) Prior to any above ground works commencing, samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in complete accordance with the approved details.
- 4) Prior to any above ground works commencing, details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the local planning authority. These shall include full size details, 1.20 sections and 1.20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details.
- 5) Prior to first occupation / use of the building, details of exterior soil and vent pipes, waste pipes, rainwater goods, boiler flues and ventilation terminals, metre boxes, exterior cabling and electrical fittings shall be submitted to and approved in writing by the commencement of works. The development shall be carried out in accordance with the approved details.
- 6) Prior to first occupation / use of the building, the makes, models and locations of bat boxes shall be submitted to and approved in writing by the local planning authority.

A minimum of 1 external woodcrete bat box(es) or integrated bat brick/tube, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. The boxes shall be sited at least 3m above the ground, 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.

- 7) Prior to first occupation / use of the building, the makes, models and locations of bird boxes shall be submitted to and approved in writing by the local planning authority. A minimum of 1 artificial nest, of either integrated brick design or external box design, suitable for Swifts (Swift bricks or boxes with entrance holes no larger than 65 x 28mm can accommodate a wide range of species (CIEEM, 2019)), Sparrows (32mm hole, terrace design), Starlings (42mm hole, starling specific) and/or House Martins (House Martin nesting cups) shall be erected on the site prior to first use of the development.

The boxes shall be sited at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect (under eaves of a building if

possible) with a clear path, and thereafter maintained for the lifetime of the development.

- 8) No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated in the development, except in accordance with a detailed scheme which has been submitted to and approved in writing by the local planning authority. The lighting scheme shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes, trees, and hedgerows. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be implemented in accordance with the approved details. Thereafter, no additional lighting shall be installed without the prior written permission of the local planning authority.
- 9) Prior to any above ground works commencing, details of all proposed and retained boundary treatments (including all walls, fences and other means of enclosure on the boundaries of and within the site) shall be submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be provided prior to occupation / use of the building and retained at all times.
- 10) Prior to occupation / use of the building, a landscaping plan shall be submitted to and approved in writing by the local planning authority. The approved landscaping scheme shall be fully implemented within one year of the substantial completion of the development and shall be maintained thereafter. Any tree or shrub which dies or becomes seriously damaged or diseased within five years of completion of the development shall be replaced within 12 calendar months by a tree or shrub of the same size and species as that which it replaces.
- 11) No additional windows/opening shall be formed in the south elevation and roof slope.
- 12) All works (including demolition), site works and construction shall only take place between the hours of 08.00 and 18.00 Monday to Friday and 08.00 and 14.00 Saturdays, and not at any time on Sundays, Bank or Public holidays.
- 13) No deliveries to the site in connection with the development hereby approved shall occur except between the hours of 08.00 and 18.00 Monday to Friday and 08.00 and 14.00 on Saturdays, and not at any time on Sundays, Bank or Public holidays.
- 14) The development hereby permitted shall only be used in association with Emstrey Farmhouse and incidental to the enjoyment of the existing residential dwelling and shall not at any time be sold, let or otherwise disposed of or allowed to be occupied as a separate unit of residential accommodation.

****End of Conditions****

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Appeal Decision

Site visit made on 23 May 2023

by **Elaine Moulton BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 August 2023

Appeal Ref: APP/L3245/W/22/3312836

Land to the rear of the Horseshoe Inn, Uckington, Shrewsbury SY4 4UL

- 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 Sarah Edwards against the decision of Shropshire Council.
 - The application Ref 22/03122/FUL, dated 5 July 2022, was refused by notice dated 21 October 2022.
 - The development proposed is conversion of existing stables into residential dwelling and the erection of new stable block.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - whether the appeal site is suitable for the proposed development, having regard to local and national policy.

Reasons

Character and appearance

3. The appeal buildings are currently in use as stables and lie within a parcel of land that largely adjoins open fields but with a pumping station on one side. Near to the appeal site there are buildings set sporadically within the landscape, including the Horseshoe Inn, a small number of dwellings, and a caravan dealership. The site is in an otherwise open rural setting. The existing buildings currently have an uncomplicated form and appearance which reflects their function.
4. The appearance of the front elevation and overall form of the principal, brick, stable building would be largely maintained ensuring that some appreciation of its original rural character and function would be retained. Nevertheless, the proposed increase in height of the timber stables, and the consequent increase in prominence of the single pitch roof and unrelieved timber cladding, would be at odds with the simple and functional appearance of the attached pitched roofed brick stable. Furthermore, the introduction of rooflights and windows to the rear of the buildings, where there are currently no openings, would erode their simplicity. The resultant appearance of the development would be detrimental to the rural character of the area.

5. The proposal would result in the domestic use of the moderately large area around the stable building. It would include the formalisation of the access, the regular parking of vehicles and the introduction of domestic paraphernalia, such as washing lines and outdoor seating. Such changes to the appearance of the site, together with the increased activity due to the additional comings and goings would result in its urbanisation. This would degrade the open rural setting of the buildings and have a detrimental effect on the local landscape character. Whilst there is a mix of uses in the vicinity of the appeal site, the immediate surroundings are, primarily, open fields and the proximity of other uses and buildings would not mitigate the harm I have identified.
6. Moreover, the proposal would result in the introduction of a new stable building to replace the stables that would be lost to the proposed residential conversion. More built form would therefore be added to the site, which would unacceptably erode the openness of the countryside.
7. The development would be some distance away from the public highway. Nevertheless, it would be highly visible from within the Horseshoe Inn carpark and across it from the B5061. In addition, it would be visible from the public rights of way that lie close to the site. As such the effect of the development would be experienced in views from public vantage points. Consequently, the alterations to the buildings, and the introduction of the residential use and reduction in openness of the site arising from the appeal proposal would, therefore, have more than just a localised impact on the landscape character.
8. I acknowledge that attempts have been made to retain the appearance of a rural stable type building and that the Structural Survey Report confirms that the brick building is structurally sound and capable of being converted to residential use. Nonetheless, for the reasons set out, the proposal would unacceptably alter the character and appearance of the buildings and the appeal site. Accordingly, the intrinsic rural character of the wider countryside would be diminished to its detriment. Furthermore, I note that the Structural Survey Report does not assess the timber stables, garage and rear lean-tos and therefore does not confirm they are capable of, and suitable for, conversion.
9. I therefore conclude that the proposal would significantly harm the character and appearance of the area. Accordingly, there is conflict with Policy CS6 of the Shropshire Council Adopted Core Strategy (2011) (CS) and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan (2015) (SAMDev) which seek to ensure that development contributes to and respects locally distinctive or valued character.

Suitable location

10. CS Policy CS5 advises that new development will be strictly controlled in accordance with national planning policies protecting the countryside. The policy supports the conversion of suitably located buildings for small scale economic development/employment generating uses, including live-work and tourism, affordable housing to meet local need, agriculture and other uses appropriate to a countryside location. The policy stipulates that open market residential conversions will only be considered where respect for the heritage asset and high standards of sustainability are achieved.

11. SAMDev Policy MD7a states that new market housing will be strictly controlled outside of Market Towns, Key Centres and Community Hubs and Community Clusters. In the case of market residential conversions requiring planning permission, the policy stipulates that conversion of buildings to open market use will only be acceptable where the building is of a design and form which is of merit for its heritage/landscape value. In addition, such conversion will only be acceptable where minimal alteration or rebuilding is required to achieve the development and the conversion would respect the significance of the heritage asset, its setting and the local landscape character.
12. There is no dispute between the parties that the appeal proposal relates to open market housing and that the site lies within a countryside location where such housing is strictly controlled.
13. The building is not formally designated as a heritage asset. However, heritage assets in this context are defined in the Type and Affordability of Housing Supplementary Planning Document as pre-dating 1950, comprising traditional materials and building techniques, of permanent and substantial construction, and of local significance and which add value to the landscape.
14. My observations on site confirmed that the buildings, when viewed as a whole, are unremarkable in their appearance and location. Even if I were to conclude that due to their age and unaltered state the buildings do have some heritage or landscape value, there is no substantive evidence before me that the timber stable, cart shed, and rear lean-to are of permanent and substantial construction. As such the SPD definition of heritage assets is not fulfilled. Furthermore, as I have concluded above, the proposed alterations would not respect the character and appearance of the buildings or the landscape. As such the support for open market conversion under CS Policy CS5 and SAMDev Policy MD7a does not apply in this case.
15. The site is not isolated in the context of paragraph 80 of the National Planning Policy Framework (the Framework) as there are other houses and buildings near to it. Nonetheless, establishing that the proposed dwelling would not be isolated does not mean that it is a suitable location for residential development.
16. The appeal site's open countryside location is physically separate and beyond walking distance to facilities, services, and employment opportunities. My attention has been drawn to a popular cycling route, however this does not mean that the appeal site is accessible to services and facilities. In addition, there is no evidence before me that the occupants would have access to a frequent bus service from the nearby bus stops. Furthermore, it is unlikely that the occupants of the appeal site would walk to the bus stops or beyond during times of darkness and inclement weather or that cycling would be a realistic option at such times. Consequently, the future occupants would be highly dependent on the use of private cars for most of their day-to-day needs.
17. The Framework, at paragraphs 78 and 79, states that housing should be located where it will enhance and maintain the vitality of rural communities and that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. As set out above, the development plan identifies that the site is in a location, outside of identified community hubs and community clusters, where new market housing should be strictly controlled. Additionally, given the accessibility concerns I have

identified, the benefits of the proposal arising from support given to services in a nearby village would be minimal.

18. For the reasons given above, I conclude that the appeal site is not suitable for the proposed development and is contrary to CS Policy CS5 and SAMDev Policy MD7a.
19. In reaching this conclusion, I have had regard to the Braintree judgement¹. My assessment of the word 'isolated' and the economic and social vitality of rural communities is consistent with this judgement.

Other Matters

20. There are advantages to the appellant living on the same site as the horses, thereby avoiding the need to travel to care for them. However, this is tempered by the need to use the private car for most day-to-day needs. In the absence of any substantive evidence that demonstrates that occupation of the site is necessary in the interests of animal welfare, I can attach limited weight to these benefits.
21. There may also health and wellbeing benefits of living in the countryside, however that could also be said about being able to walk to school, and having easy access to shops and social facilities. Therefore, such matters add little weight in favour of the proposal.
22. The Council state that it has a five-year housing land supply, which is not disputed by the appellant, and as such current policy is providing enough housing to meet the housing requirements for the area. Therefore, although appreciating that the Framework seeks to boost the supply of housing, I attach limited weight to the provision of a single dwelling as proposed. Benefits to the local economy would also be limited due to the small scale of the scheme.
23. The proposal could provide accommodation that is attractive to younger people, including those with families. However, no substantive evidence has been provided that demonstrates that there is a particularly acute need for accommodation for young people in this area. Even if there were such a need, there is no mechanism before me to secure the occupation of the proposed dwelling. In addition, there is nothing within the submissions to indicate that the proposed accommodation would only be suitable for younger people. As such the property could be occupied by anyone regardless of their age.
24. The sufficiency of on-site parking provision and the absence of congestion issues are neutral factors that would not weigh in favour of, or against, the scheme.
25. There have been a number of representations in support of the appeal proposal, however such public support does not justify the harm identified.

Conclusion

26. Overall, the proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. Therefore, the appeal is dismissed.

¹ Braintree District Council v (1) Secretary of State for Communities and Local Government, (2) Greyread Limited, (3) Granville Development Limited [2017] EWHC 2743 (Admin)

Elaine Moulton

INSPECTOR

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Appeal Decision

Site visit made on 8 August 2023

by L Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2023

Appeal Ref: APP/L3245/D/23/3317687

Marsh Bungalow, Marshbrook, Church Stretton, Shropshire SY6 6RQ

- 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 Mrs Rebecca Impson Greanleaf against the decision of Shropshire Council.
 - The application Ref 22/04510/FUL, dated 2 October 2022, was refused by notice dated 20 January 2023.
 - The development proposed is extension and alterations to existing bungalow including the creation of first floor accommodation.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The above site address is taken from the decision notice and Section D of the appeal form. This is more accurate than the wording included on the application form.

Main Issues

3. The main issues are:
 - a) the effect of the proposal on the character and appearance of the existing building and surrounding area, having particular regard to the location of the site within the Shropshire Hills Area of Outstanding Natural Beauty (AONB); and
 - b) the effect of the proposed development on the living conditions of the occupiers at Marsh Crossing with particular reference to privacy.

Reasons

Character and appearance

4. Marsh Bungalow is a single-storey dwelling which lies in an elevated position, just off the A49 between Marshbrook and Felhampton. The bungalow shares an access with a neighbouring two-storey property, Marsh Crossing. A two-storey dwelling, Marsh Cottage, lies on the opposite side of the A49, directly adjacent to the road, and sitting on lower ground.
5. The proposal would see the existing two bedroomed bungalow extended to a full height, two-storey, four bedroomed dwelling. Whilst acknowledging that the proposed ridge height would not be excessively higher than that of the host dwelling, the overall mass and bulk would be significantly greater and

some sections of the existing elevations would be more than doubled in height. Although similar in footprint to the original dwelling, the resultant dwelling would bear very little resemblance to the original dwelling in terms of size and scale. The proposed alterations would unacceptably increase the height, mass and the prominence of the building. The nature of the dwelling as a modest bungalow is an integral part of its character. Whilst this does not preclude extensions, the proposed design would fail to respect the original property and would overwhelm the original property to the detriment of its character and appearance.

6. The proposal lies within the Shropshire Hills AONB. That the site does not lie in what the appellant considers to be a particularly sensitive area does not alter the fact that the site lies within an AONB; all parts of the designation have the same protected status. Within an AONB there is a statutory requirement to have regard to the purpose of conserving and enhancing the natural beauty of the area, and a national policy expectation to give great weight to conserving and enhancing the natural beauty of the AONB. I have determined the appeal with these duties and responsibilities in mind.
7. Despite its position set back from the road and partly screened by hedgerows and trees, the proposed development would be more visually dominant in the landscape than the existing bungalow due to its increase in height and scale. I recognise that Marsh Crossing, a neighbouring property, is prominent in the landscape due to its size, height and elevated position. However, this does not alter my opinion that the increased prominence and visual impact of the proposed extension would have an adverse impact on the rural landscape and scenic quality of the AONB.
8. The refusal reasons relate specifically to the effects on character and appearance, but I note that reference is made to the Supplementary Planning Document: Type and Affordability of Housing (2012) (SPD). Amongst other things, this seeks to control the size of extensions to dwellings in the countryside, in order to help maintain the stock of smaller, lower cost market dwellings. Insofar as it would transform a modest bungalow into a much larger (and therefore less affordable) two-storey family house, the proposal would be contrary to the objectives of the SPD. Although this would weigh against a grant of permission, the adverse visual impacts, including the harm to the AONB, arising from the significant increase in scale and bulk, are determinative in this case.
9. I therefore conclude that the proposal would cause material harm to the character and appearance of the existing building and surrounding area. It would conflict with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy (2011) (Core Strategy) and Policy MD2 of the Site Allocations and Management of Development Plan (2015), which seek to ensure that development is appropriate in scale and design and enhances the natural environment.

Living conditions

10. I agree with the Council that the occupiers of Marsh Cottage would not be unduly affected by the proposed development, due to its physical and visual separation. However, the proposed extension would lie close to the boundary with the garden of Marsh Crossing, which is currently not overlooked. The proposed west elevation includes two first-floor windows directly facing

Marsh Crossing's garden, which would have opaque glass fitted. The third window on this elevation would serve a bedroom. Although slightly beyond the rear boundary of Marsh Crossing, it would still facilitate views into this property's garden. If I were to find the scheme acceptable in all other regards, a condition could be imposed to remove the window or replace it with opaque glass. This would preserve the privacy of the occupiers of Marsh Crossing and secure compliance with Core Strategy Policy CS6.

Other Matters

11. I recognise that Marsh Bungalow is in need of modernisation and that it may not meet the appellant's needs in its present form. I have also taken account of the arguments raised in respect of previously developed land. However, these matters do not justify the harm or lead me to a different overall conclusion.

Conclusion

12. Although I have not found any harm to living conditions for neighbouring occupiers with regard to privacy, the proposal would unacceptably harm the character and appearance of the host building and would have an adverse impact on the rural landscape and scenic quality of the AONB. Accordingly, I find that the proposal would conflict with the development plan taken as a whole and there are no reasons to indicate a decision other than in accordance with the development plan.
13. For the reasons given above I conclude that the appeal should be dismissed.

L Hughes

INSPECTOR

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Appeal Decision

Site visit made on 7 August 2023

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2023

Appeal Ref: APP/L3245/Z/23/3317977

**Imperial Bricks, Crowgreaves Farm, Crowgreaves, BRIDGNORTH
WV15 5LT**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Imperial Bricks Ltd against the decision of Shropshire Council.
 - The application Ref 22/04717/ADV, dated 17 November 2022, was refused by notice dated 20 January 2023.
 - The advertisement proposed is Installation of 2no non-illuminated freestanding signs (retrospective).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has referenced policies it considers to be relevant to this appeal and I have taken these into account as a material consideration. However, powers under the Town and Country Planning (Control of Advertisements) Regulations 2007 to control advertisements may only be exercised in the interests of visual amenity and public safety, taking account of any material factors. Consequently, the Council's policies have not by themselves been decisive in my determination.
3. The signs are already being displayed and as such I will consider the proposal as a retrospective submission.

Main Issues

4. Paragraph 136 of the National Planning Policy Framework (the Framework) states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The main issues, with respect to this appeal, are the effect of the proposal on visual amenity and on public safety.

Reasons

Visual amenity

5. The appeal site consists of metal clad warehouse buildings and several decorative converted brick barns. The site is within a countryside setting with the surrounding generally flat and open land providing distant rural views. The site is a former farm holding that has been recently adapted to a commercial enterprise, with associated car parking and external storage. Crowgreaves Farm is deemed a non-designated heritage asset by the Council due to its historic interest as a traditional rural farmstead. Many of the associated brick

- buildings maintain a pleasant rural character that results in the site making a positive contribution to its surrounding countryside setting.
6. The proposed signs consist of two business related advertisement boards sited to the southeast of the site access. These are within the grass verge of the B4176 in front of the site's boundary wall. The signs are 2.6 metres tall and 2.9 metres wide and have a total height of around 3.2 metres, accounting for the support posts.
 7. The signs are shorter than the adjacent brick building but are ahead of all built form within the site, including the front boundary wall. These are therefore within a prominent location which does not benefit from screening. Despite the scale of adjacent buildings, the signage is large and dominant in the frontage. The signs are overt features in the streetscape, in conflict with the open character of the grass verge and the surrounding countryside.
 8. Furthermore, the signage obscures and dominates some views of the attractive brick buildings within the site. Therefore, the signs erode the appearance of the barns and diminish an observer's understanding of the original agrarian function of the site. As such, the signage results in visual clutter that fails to respect the quality or character of the area. Accordingly, due to its scale and prominence, the visual effect of the signs are harmful to the character and appearance of the site and area.
 9. Consequently, the proposed advertisement would harm the amenity of the local area. As such, the proposal would fail to meet paragraphs 130 and 136 of the Framework, which require development to be sympathetic to the local area and for a decision maker to consider its effect on amenity. I have also noted policies CS6 and CS17 of the Shropshire Core Strategy and policies MD2 and MD13 of the Council's Site Allocations and Management of Development Plan [2015]. These seek development to be designed to a high quality and that protects the character of the district's natural and built environment, and so are material in this case. Given that I have concluded that the proposal would harm amenity, the proposal conflicts with these policies.

Public safety

10. The site is accessed from the B4176, a road subject to the national speed limit of 60 mph. The evidence does not identify the visibility splay sought by the Council. Furthermore, the submission is without the benefit of speed surveys or visibility splay diagrams. It is not disputed between main parties that views to the northwest of the access provide clear visibility to oncoming traffic and I see no reason to disagree with this assertion. I am cognisant that photographic evidence has been provided by the Appellant showing the views that seem to be available to motorists leaving the site in several different types of vehicle. However, the position of each photograph, in relation to the distance back from the highway edge, cannot be verified. This limits the value of this evidence and my reliance on its accuracy.
11. My own observations on site indicate that views to the southeast are relatively clear over a reasonable distance, but this assessment could not accurately verify the relative position of any required x-distance, highway edge or the depth of the grass verge. As such, based on the evidence before me, the Appellant has failed to demonstrate that a suitable visibility splay to the southeast can be achieved.

12. As it has not been demonstrated that the proposed signs are beyond the required visibility splay to the southeast, the signs would be likely to obstruct views for motorists exiting the site. Without a suitable stopping distance vehicles approaching the site from the southeast would have insufficient time to react, increasing the risk of accidents.
13. The Council identify that the signs are located within the highway. This alone would not present a clear reason to refuse advertisement consent. Moreover, the Highway Authority has the power, under section 79 of the Highways Act [1980], to remove obstructions in the highway that are deemed necessary for the prevention of danger arising from obstruction to the view of persons using the highway.
14. The submitted evidence does not demonstrate that the signage does not obstruct views to the southeast of the entrance or would be outside the required visibility splay. As such I am unconvinced that the proposal would not harm highway safety. Accordingly, the proposal would fail to meet paragraph 111 of the Framework, which require a decision maker to refuse development on highway grounds if resulting in an unacceptable impact on highway safety.

Other Matters

15. I acknowledge that the purpose of the signage is to identify the business on this relatively fast-flowing highway. Nonetheless, the early identification of the site to approaching motorists, whilst a benefit, would not outweigh the identified harm to highway safety and the amenity of the area.

Conclusion

16. For the above reasons, the appeal is dismissed.

Ben Plenty

INSPECTOR

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Appeal Decision

Site visit made on 20 June 2023

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2023

Appeal Ref: APP/L3245/W/23/3314603

Land adj The Limes Paddock, Dorrington, Shrewsbury

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr S Comer (Aequus Land Ltd) against the decision of Shropshire Council.
 - The application Ref 22/04882/OUT, dated 26 October 2022, was refused by notice dated 16 December 2022.
 - The development proposed is described as "outline application for the erection of 1 no. detached dwelling."
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline, with all matters reserved. I have therefore determined the appeal on this basis and taken all plans submitted to be for illustrative purposes only.

Main Issues

3. The main issue is whether the appeal site would be a suitable location for residential development, having regard to local and national planning policy.

Reasons

4. The appeal site is an undeveloped parcel of land located on the edge of Dorrington. The site is located to the north of Limes paddock, a modern development of detached houses. There are open fields to the north and west of the site and an area of open land directly opposite the access drive, which includes a small pumping station.
5. The appeal site is not located within any defined development boundary and, consequently, is within the open countryside, albeit adjacent to existing residential development.
6. The development plan for the area includes the Shropshire Local Development Framework: Adopted Core Strategy (2011) (CS) and the Shropshire Council Site Allocations and Management of Development Plan (2015) (SAMDev). Policy CS1 of the CS establishes the strategic approach including the broad distribution of development between Shrewsbury, Market Towns and Key Centres, and the rural area. Policy CS4 of the CS indicates that development in the rural area will be focused in Community Hubs and Community Clusters, and states that development outside of these hubs and clusters will not be allowed unless it complies with the requirements of Policy CS5 of the CS.

7. In order to provide for sustainable patterns of development Policy CS5 of the CS strictly controls development in the countryside. However, the policy does allow for new development in the open countryside where it maintains and enhances countryside vitality and character and improves the sustainability of rural communities. While Policy CS5 sets out a list of types of development that it particularly relates to, it does not explicitly restrict market housing in open countryside.
8. Nevertheless, Policy CS5 is supported by Policy MD7a of the SAMDev, which does include strict control against market housing development in areas defined as countryside. MD7a provides for some exceptions where evidence of local housing needs would be met or where there are particular heritage matters which would be addressed, however these matters are not relevant to the proposal before me.
9. Policy MD3 of the SAMDev recognises that windfall residential development, including on sites within the countryside, will play an important part in meeting Shropshire's housing needs. Nonetheless, MD3 requires proposals to comply with other relevant development plan policies.
10. Policy MD1 of the SAMDev identifies Dorrington as being part of a Community Cluster with Stapleton and Condover. The settlement Policy S16 at S16.2(vii) of the SAMDev states that Dorrington, Stapleton and Condover are a Community Cluster in Condover Parish where development by infilling, groups of houses and conversions of buildings may be acceptable on suitable sites within the development boundaries for the villages identified on the Policies Map.
11. Although the application is in outline, the proposed dwelling would result in an extension of the village beyond the development boundary into open countryside.
12. The appeal site would be enclosed by existing built form only on one of its sides, meaning that it cannot be considered as surrounded by built form. Furthermore, given the arrangement of the existing built form, the proposal would not infill a small gap between existing buildings and therefore would not represent an infill plot. Due to the undeveloped nature of the site, it shares a stronger connection with the open fields and wider countryside beyond.
13. Consequently, the proposal would harmfully extend built form into the countryside. As such, the proposal for a new market dwelling would be in conflict with the development plan policies outlined above. Together these policies seek to direct development to the most accessible locations, protect the character of the countryside and support the well-being and vitality of rural communities.
14. Whilst the site benefits from mature planting along its boundaries, this would not be sufficient to screen the proposed dwelling, especially during the winter months when the vegetation is not is leaf. The proposed dwelling would be visible from the site entrance, and in views from neighbouring properties. Consequently, the proposed dwelling would be visually intrusive and would diminish the contribution the site makes to its rural surroundings.
15. There are services, facilities and employment opportunities within a relatively short distance, which means the appeal site would be easily accessible to

everyday needs by sustainable modes of transport. However, the proposal conflicts with the location strategy of the development plan, as the site is located in open countryside and the proposal does not meet any of the exceptions where development in the open countryside is considered appropriate.

16. My attention has been drawn to a previous permission (14/02265/OUT). The scheme relates to a development of 3 dwellings that was subject to an affordable housing contribution. The full details of this approved development are not before me, and the scheme is clearly of a different nature to this current appeal that is for one market dwelling. Therefore, this other scheme has limited bearing on the outcome of this appeal.
17. My attention has also been drawn to appeal decision (APP/L3245/W/21/3288834). However, the Inspector for this other appeal found the site to have a closer affinity, both visually and functionally, with the built form opposite and adjacent to it, which was readily apparent in the immediate vicinity of the site. This is therefore not directly comparable to the proposal before me, which would encroach onto undeveloped land that is not contained by existing built form.
18. I have also been referred to appeal decision (APP/L3245/W/21/3267148). However, this other appeal decision was for 150 dwellings and would therefore make a significant contribution to boosting the supply of homes. In comparison, given the proposal is for one dwelling, its contribution to the local housing supply would be small. I also note that the Council can demonstrate a five-year housing land supply and there is nothing before me to suggest that the policies of the CS or SAMDev are not consistent with the Framework. There are no clear reasons to allow the appeal proposal, which would fail to accord with the current development plan.
19. Accordingly, the appeal site would not be a suitable location for the proposed dwelling as it would conflict with Policies CS1, CS4 and CS5 of the CS, and Policies MD1, MD3, MD7a and S16.2(vii) of the SAMDev. Collectively, these policies restrict development in open countryside, and seek to ensure that new residential development in rural areas is directed to locations within Community Hubs and Community Clusters.

Other Matters

20. Future occupants are likely to contribute socio-economically to the area, including the use of the primary school, village store and post office, which would help maintain the vitality of the rural community. The construction of the proposed dwelling would also result in a small employment and economic boost to local businesses. The proposal may also be liable for a CIL payment. However, the limited scale of socio-economic contribution from the proposed single dwelling would not negate the harm identified.
21. The proposal would contribute to local housing supply in the form of one dwelling. However, for the single dwelling the scale of benefit would be limited and would not outweigh the identified harm.
22. I acknowledge the representations submitted in support of the proposal, which included support for use of local services, employment opportunities, and

benefits to local businesses. However, none of the evidence before me leads me to a different view.

23. The appellant makes reference to land to the west of the appeal site which is recognised in the SLAA as a site with long term potential for residential development. However, there is no evidence before me to indicate that this site is to be released for development. I therefore attribute little weight to this.
24. The appellant has submitted a Preliminary Ecological Appraisal. This appraisal demonstrates that the proposal would cause no adverse impact on local ecology and protected species. Although a matter of note, it does not outweigh my findings in respect of this appeal.

Conclusion

25. The location of the proposal outside any defined development boundary would undermine the Council's plan-led approach to the delivery of housing and protection of the countryside. This is a matter which attracts significant weight and outweighs the modest benefits associated with the proposed development.
26. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it.
27. For the reasons given above, the appeal is therefore dismissed.

H Smith

INSPECTOR