

# DECISION NOTICE

RGM Construction  
c/o Mr Paul Howell  
Swan Cottage  
Haimwood  
Llandrino  
Powys  
SY22 6SQ

Date: 12th October 2022

Our Ref: 22/03682/FUL  
Your Ref:

Dear RGM Construction c/o Mr Paul Howell

## **DETERMINATION OF APPLICATION FOR FULL PLANNING PERMISSION**

Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure) (England) Order 2015

**Location:** Proposed Residential Development Land North West Of, Crabmill  
Meadow, Tilstock, Whitchurch

**Proposed  
Development:** Erection of 3no Bungalows with garages

|                        |                  |
|------------------------|------------------|
| <b>Application No.</b> | 22/03682/FUL     |
| <b>Date Received:</b>  | 10th August 2022 |
| <b>Applicant:</b>      | RGM Construction |

Shropshire Council hereby **REFUSE FULL PLANNING PERMISSION** for the following reasons.

## **REASONS FOR REFUSAL**

1. The site is not an allocated site for residential development and is contrary to the policies of the Core Strategy and the Council's SAMDev as a whole. The site is not located within Tilstock as identified in SAMDev Plan and so the development would be in open countryside where new open market housing is usually resisted, and no exceptions have been identified that would overcome this non-compliance with the Local Plan which is up to date and should be given full weight. Furthermore, there is no undersupply of homes in Community Cluster that would warrant a departure from the relevant settlement policies of the Local Plan. The proposal is therefore contrary to policies CS1, CS4, CS5, MD1, MD3, MD7a and S18.2 (ii) of the Local Plan as well as the overall aims and objectives in relationship to sustainable development as set out in the NPPF.
2. In the absence of a tree report or landscaping plan, it is considered that the LPA do not have sufficient information upon which to positively assess the landscape and visual impact of the development. The amount of vegetation that could be lost is particularly significant and the LPA would need certainty that trees which contribute to visual amenity are retained where possible. The LPA would also need certainty that the loss of trees and the erection of dwellings and associated hard boundary treatments would not result in the northern edge of Tilstock appearing unduly prominent within the landscape thereby creating unacceptably urbanising views as one approaches the village along the B5476 and from the PROW 0233/28/1 to the east. In the absence of this information, it is

considered that the development would conflict with policies CS6, CS17, MD2 and MD12 which seeks to protect landscape character and local distinctiveness.

3. In the absence of an up to date location plan and details relating to the proposed access route and sufficient parking provision for the proposed dwellings, it is considered that insufficient information has been provided to allow the LPA to determine the level of impact on the operation of the local highway network. It is therefore considered that the proposal would not comply with Policy CS6.
4. The application is not supported by a preliminary ecology appraisal and a Habitat Suitability Index (HSI) assessment and this information is required to assess the ecological value of the site and surrounding area to establish whether harm would arise to European Protected Species and the level of mitigation that would be necessary. In the absence of this information, the LPA cannot positively determine that the development would not cause an offence under The Conservation of Habitats and Species Regulations 2017 (as amended) and therefore the development would fail to comply with policies CS6, CS17 and MD12 of the Local Plan.
5. In the absence of a tree report and landscaping plan, the LPA are unable to adequately determine the proposed relationship between any retained trees and the new dwellings and as a consequence, the LPA are unable to determine the extent to which any retained trees may impair the residential amenity of future occupiers due to excessive shading which is contrary to Core Strategy policy CS6.

**22/03682/FUL**

T. Darke

Tracy Darke, Assistant Director of Economy & Place

**Date of Decision: 12th October 2022**

## NOTES

### Appeals to the Secretary of State

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then the applicant can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 (as amended).

An appeal must be made within six months of the date of this notice, or 12-weeks if the scheme is for that of "household" development, or minor commercial application, or within 8 weeks in the case of advertisement appeals. The appeal must be made on a form which can be obtained from the Planning Inspectorate at Customs Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at <https://www.gov.uk/government/organisations/planning-inspectorate>

Where an enforcement notice has been served on the same, or substantially the same, development as in the application within 2 years of the date the application was made, the period for receiving an appeal is 28 days of the date on the decision notice or the date by which the LPA should have decided the application. Where an enforcement notice was served after the decision notice was issued or after the end of the period the LPA has to determine the application, the period for receiving an appeal is within 28 days of the date the enforcement notice was served (unless this extends the normal 12 week deadline).

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

**If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority ([appeals@shropshire.gov.uk](mailto:appeals@shropshire.gov.uk)) and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on **GOV.UK**.**

### **Purchase Notices**

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council requiring the Council to purchase the interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).