The Planning Inspectorate

Appeal Decision

Site visit made on 18 October 2016

by R C Kirby BA(Hons) DipTP MRTPI

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

Decision date: 25 May 2017

Appeal Ref: APP/L3245/W/16/3146508
Land at Heath Farm, Hopton Heath, Craven Arms, Shropshire

- 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 and JE Mann T/A Bedstone Growers against the decision of Shropshire Council.
- The application Ref 14/03290/EIA, dated 22 July 2014, was refused by notice dated 14 October 2015.
- The development proposed is construction of four poultry sheds and feed bins, ancillary works, formation of new vehicular access, erection of biomass building and associated landscaping.

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by MS and JE Mann T/A Bedstone Growers against Shropshire Council. This application is the subject of a separate Decision.

Procedural Matters

3. An application for an intensive rearing unit for 216,000 standard birds is a Schedule 1[1] development for which an Environmental Impact Assessment (EIA) is mandatory. An Environmental Statement was submitted and forms part of the application. The EIA documentation also formed the basis of an application to the Environment Agency for an operating permit[2] which is designed to ensure that statutory environmental controls are met. An Environmental Permit has been issued[3]. This provides a system for regulating poultry operators based on the general principle that operators should take all appropriate preventative measures against pollution, in particular through the application of Best Available Technique enabling improvements in environmental performance.

4. During the course of the appeal, additional information to comply with Schedule 4 of the EIA Regulations was submitted by the appellant including a Landscape Masterplan (June 2016), an Archaeological Written Scheme of Investigation (July 2016), a Non-Technical Summary (July 2016); a Construction Dust Air

[1] Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (EIA Regulations)
[2] Under the Environmental Permitting (England and Wales) Regulations 2010
[3] Permit number EPR/TP3637ET

Quality Assessment (July 2016), a Noise Assessment (July 2016) and a Drainage Justification (July 2016). The appellant undertook the required advertising of the additional information and I am satisfied that no party would be prejudiced if I consider this information.

5. During the course of the appeal, the Council adopted the Site Allocations and Management of Development Plan (SAMDev Plan). This forms part of the development plan with the Shropshire Local Development Framework: Adopted Core Strategy (CS).

Main Issues

6. The main issues in this case are:

- the effect of the proposal on the character and appearance of the area, having particular regard to the design of the scheme and activity associated with it;
- the effect on the local tourism industry;
- the effect of the proposal the River Clun Special Area of Conservation; and
- whether any benefits of the proposed development exist which would outweigh any identified harm.

The Proposal

7. Bedstone Growers is based at Heath Farm, Hopton Heath. The farm extends to 283 hectares in total, of which around 243 hectares is used for arable cropping. In addition there are approximately 10 hectares of blueberries grown. At the main farmstead is a broiler operation with an IPPC permit for 295,000 birds, although the appellants advise that there were 279,180 birds as of March 2017. The enterprise supplies birds to Cargills in Hereford. The appellant wishes to expand the poultry side of the enterprise. It is therefore proposed to construct 4 buildings on the appeal site, which is located approximately 750 metres north east of the existing poultry enterprise. Each building would house 54,000 birds.

8. The poultry sheds would measure 109.73 metres by 24.5 metres and their height would be 4.8 metres to the ridge vents. The proposed feed bins would be located in 2 groups of 5, at the eastern side of the site between buildings 1 and 2 and buildings 3 and 4. They would have a maximum height of 7.5 metres. Four biomass boilers are also proposed and these would be housed in a building to the south-west of the proposed poultry sheds. This would measure 22.46 metres by 17.69 metres. A new access would be created off the B4385.

Reasons

Character and Appearance

9. CS Policy CS5 is concerned with the countryside and the Green Belt. The appeal site is located within the countryside but not within the Green Belt. This policy explains that new development in these areas will be strictly controlled. However, subject to further controls which apply in the Green belt, 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. In respect of large-scale, new

agricultural development, the policy requires it to be demonstrated that the proposal would have no unacceptable adverse environmental impacts.

10. Although not referred to within the Council's decision notice, CS Policy CS6 requires development proposals to respect and enhance local distinctiveness and protect, restore, conserve and enhance the natural, built and historic environment. The scale, density, pattern and design of development should take account of local context and character, and regard should be had to national and local design guidance, landscape character assessments and ecological strategies where appropriate. SAMDev Plan Policy MD2 supports this policy and requires new development to contribute to and respect locally distinctive or valued character and existing amenity value.

11. In respect of agricultural development, amongst other matters, SAMDev Plan Policy MD7b requires new development to have an acceptable impact on environmental quality and existing residential amenity. It also states that development should be in connection with a viable agricultural enterprise, is well designed and located and where possible sited so that it is functionally and physically closely related to existing farm buildings. CS Policy CS8 identifies the protection and enhancement of facilities, services and amenities that contribute to the quality of life of residents and visitors as being an important element in the development of sustainable places in the county. CS Policy CS17 has similar objectives to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.

12. The National Planning Policy Framework (the Framework) establishes a presumption in favour of sustainable development. Its core planning principles include the account that should be taken of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and the securing of high quality design. Paragraph 123 of the Framework states that planning policies and decisions should identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

13. The appeal site lies within an attractive area of countryside characterised by predominantly agricultural activity with small clustered settlements, isolated dwellings and some tourist facilities. Opposite the proposed access to the site is Ashley Pools Country Park, a holiday park catering for tourists. There are also a number of mobile homes upon this site which are occupied as second homes. The area is peaceful and tranquil and I observed at the time of my visits that there were limited traffic movements on the local roads close to the site. These characteristics are recognised within Natural England's National Character Area 98: Clun and North West Herefordshire Hills, within which the appeal site is located and is described as an undulating, tranquil, rural and sparsely populated area, divided by the river valleys of the Clun and Teme.

14. Further detail is provided in the Shropshire Landscape Typology which describes the appeal site as being located within the Estate Farmland – Hopton Heath. This area is located on the lower ground to the west of the River Clun and rises up to Hopton Castle and Bedstone. Key characteristics of this landscape type are mixed farming land use, clustered settlement pattern, large country houses with associated parklands, planned wooded character and medium to large scale landscapes with framed views.

15. A Landscape and Visual Impact Assessment (LVIA) was included as part of the appellants' Environmental Statement. This includes several viewpoints from where the visual impact of the proposal was assessed from, including publically accessible viewpoints in the AONB, from surrounding roads, footpaths, from Ashlea Pools Country Park (a holiday park) on the opposite side of the B4367, heritage assets and publically accessible residential locations. The Council is concerned that the LVIA fails to take account of the impact of the scheme from longer distance views and from higher ground surrounding the site. Whilst noting this matter, I have not been provided with substantive details of where such viewpoints are, nor have I been provided with photographic evidence to demonstrate these concerns. As such, I have limited my consideration to the submitted evidence and my own observations.

16. It is clear from the representations made that the countryside around Hopton Heath is valued by local people, but it is not covered by any qualitative designation. The Shropshire Hills Area of Outstanding Natural Beauty (AONB) is approximately 1.5 kilometres to the west of the appeal site. The appeal proposal, whilst designed for the purposes of food production and agricultural use would be industrial in scale. It would result in significant built development in this largely undeveloped landscape, remote from existing built development and some distance from the buildings at Heath Farm. It is suggested by the Parish Council and local residents that this results in conflict with SAMDev Plan Policy MD7b. Although the buildings would be remote from the existing farm buildings at Heath Farm, the policy whilst favouring new development being close to existing buildings does not specifically preclude development which is located further away.

17. The new buildings and structures would be sited on land which is largely at a lower level than the surrounding landscape. The new buildings would be located some distance from nearby roads such that they would not be prominent from them. Whilst they would be visible from the footpath to the north and east of the site, the buildings would only be experienced from a relatively short stretch of it, in close up views. I observed that at this point of the footpath that the impact of the scheme would be high, as opposed to moderate as suggested by the appellants.

18. I do however agree with the appellants' LVIA that from elsewhere on this footpath, from other footpaths in the area and from public vantage points that the impact of the proposal would be minor. The new buildings would largely be viewed against the existing landform and mature landscaping, which would be enhanced by new landscaping around the buildings and along the access into the site. Over time, this would serve to soften the impact of the scheme on the wider landscape, including from short distance views, thereby reducing the visual impact of the development.

19. The new buildings would not be readily discernible from the Ashlea Pools Country Park, because of the existing intervening landscaping upon this site, the high hedgerow adjoining the B4367 and the level of the appeal site relative to the road. The new access into the site would not be unduly intrusive or out of keeping with the character and appearance of the area, where access points and field gates are a feature. The new buildings would not be prominent from the public highway along the access because of their siting some distance from the road, and the proposed intervening landscaping.

20. I note the concerns raised about the impact of the scheme on the AONB. However, I consider that the effect of the proposal on the setting of the AONB would be minor given the distance of the proposal from it, intervening landscaping and land form. Views into and out of the AONB would be unlikely to be adversely affected as a result of the proposal. It is likely that the proposal would be visible from first floor windows of residential properties close to the site. However, the development would be viewed at some distance, and views would be filtered by existing vegetation and landform. The effect on nearby properties would be negligible.

21. However, it is clear from the submitted evidence that the peace and tranquillity of the area is a valued and important characteristic which is important to the character of the area. This is supported by the representations made by interested parties, including the Parish Council. The Shropshire Hills and Ludlow Visitor Survey Report indicates that a high percentage of visitors, including ramblers and cyclists, are attracted to the landscape and scenic beauty of Shropshire, and its peace and tranquillity.

22. The appellants undertook a number of noise assessments during the course of the planning application. However these were considered against BS 4142: 1997. This has been replaced by BS 4142: 2014 (2014 standards) and a further assessment (July 2016) was undertaken by the appellants during the course of the appeal which assessed the scheme against these standards, and also assessed the impact of the delivery and despatch of birds at night, which the previous assessments did not consider. The assessments considered the effect of noise from roof mounted ventilation fans, from feed deliveries to the site, and the delivery and dispatch of birds to and from the poultry sheds. No assessment was made of other likely sources of noise such as tractor and trailer movements associated with the cleaning out of the sheds, or vehicles associated with the site using the road network.

23. The submitted noise assessments indicate that the noise from the fans during the day and night would be unlikely to be noticeable above background sound levels. Given the nature of the sound source which would be a continuous 'hum' and on the basis of the evidence before me, I consider that noise from the fans would have a low impact on the character of the surrounding area.

24. Feed deliveries would take place during the day between the hours of 07.30 and 19.00 hours. For the first 2 weeks of the crop cycle, there would be 2 lorries delivering feed to the site, which would increase to 1 lorry each day until the end of the crop cycle. Each feed delivery would take approximately an hour. The delivery of feed is a noisy activity as demonstrated by the noise assessment (it would be up to 18 dB above background sound levels at Broadward Lodge) and would be clearly audible in the surrounding area including on nearby footpaths, residential properties and tourist accommodation. Although the sound from feed deliveries would be for a relatively short period of time during the day, such deliveries would be a regular occurrence and would be intrusive in this otherwise quiet rural environment. The peace and tranquillity of the area would be adversely affected as a result.

25. The stocking and clearing of the sheds would occur every 6.4 to 6.8 weeks. The appellants have indicated that to clear the sheds of 54,000 birds approximately 28-29 lorries would be used. This is a significant number of vehicle movements,

particularly during the night when the local road network would be lightly trafficked with both cars and large vehicles. Whilst a noise assessment has not been made of the effect of vehicles using the local road network, it is likely that such movements would be noisy and would intrude into this otherwise peaceful and tranquil area. Furthermore, the activities upon the site itself associated with the stocking and clearing of the sheds, including the operation of forklift trucks would be clearly audible above background sound levels during the night. The noise assessment identified that this activity would result in noise levels above 10 dB above background level. This equates to a significant adverse impact when assessed against the 2014 standards. The noise from this activity would intrude into the quiet of the night in the surrounding area.

26. The appellants' suggestions to mitigate the sounds from activities on the site are noted, however, I am not convinced that they would result in the identified impacts being reduced to a level that would not be harmful. Whilst an environmental permit has been issued, the most recent noise survey (July 2016) did not form part of this application. The activities on the site during the night did not form part of the application for this permit. It therefore cannot be relied upon to address my concerns. It is clearly open to the appellants to apply for a new permit or an amendment to the existing one. However, this information is not before me at this time.

27. I acknowledge that there are other regulatory powers to monitor pollution, including from noise. However, I am required by section 38(6) of the Planning and Compulsory Purchases Act 2004 and section 70(2) of the Town and Country Planning Act 1990 to determine applications for planning permission in accordance with the development plan, unless material considerations indicate otherwise. This is the approach that I have taken. The presence of other agricultural development in the area is not in itself good reason to grant development where harm would be caused.

28. Local residents have raised concerns in respect of the cumulative impact of noise generating activities on the site taken with those at Heath Farm. I have no substantive evidence before me which assesses any noise generating activities at this farm and I have therefore limited my considerations to the evidence before me and from my own observations.

29. In light of the foregoing, I conclude that the physical presence of the buildings and associated development would have a limited impact on the character and appearance of the area. However, the proposal would introduce noisy activities into an area recognised and valued for its peace and tranquillity, which would be significantly harmful to the character of the area. The proposal would also be likely to result in a reduced appreciation of the area where local residents live and result in noise and disturbance to a level which would be harmful to nearby occupiers' enjoyment of their property. This adds to the harm that I have identified. The scheme therefore results in conflict with the character objectives of CS Policies CS5, CS6, CS8 and CS18 and SAMDev Plan Policies MD2 and MD7b.

Local Tourism Industry

30. Policy CS13 of the CS sets out the Council's objectives to develop and diversify Shropshire's economy. Particular emphasis is placed on a range of measures,

including, in rural areas, recognition of the continued importance of farming for food production, supporting rural enterprise and diversification of the economy. This policy also recognises the economic benefits of Shropshire's environment and quality of life as unique selling points which need to be valued, conserved and enhanced. Amongst other matters, CS Policy CS5 requires new development to improve the sustainability of rural communities by bringing local economic and community benefits. These policies broadly accord with the Framework's core planning principle in respect of the support to be given to sustainable economic development.

31. The Framework also advises that to promote a strong rural economy, support should be given to the sustainable growth and expansion of all types of business and enterprise in rural areas and the development and diversification of agricultural and other land-based businesses (paragraph 28).

32. Representations have been made that the proposal would have an adverse effect on the tourism economy of the area, including the holiday park at Ashley Pools Country Park and a number of bed and breakfast establishments. Such concerns centre on noise from the proposed use, odours and the visual impact of the scheme. The owners of Ashley Pools Country Park have indicated that they have 15 holiday lodges available for letting and 23 lodges which are occupied as second homes. Planning permission exists on the site for a further 16 lodges for letting.

33. The appellants have put it to me that the presence of the existing poultry unit at Heath Farm has seemingly not deterred the expansion of the facilities at Ashley Pools Country Park. Whilst this may be the case, this site is in a different location to the appeal site, with an access further away from this tourist accommodation. The presence of an existing similar enterprise is not good reason in itself to allow a further one. In any event, each application and appeal should be determined on its own merits and this is the approach that I have taken in this case.

34. I am not convinced, given my findings above that the physical presence of a poultry unit in this location would deter visitors to the area. Whilst a rambler using the footpath to the north and east of the site would see the new buildings upon the site, they would only be visible along a short section of this path. Other farm buildings are visible from this footpath, and I consider that the presence of the new buildings would not in itself be likely to deter repeat visits to the area or affect what is spent. The buildings would be readily discernible from Ashley Pools Country Park.

35. In terms of odours from the site, the appellants submit that the new buildings would be more modern than those at Heath Farm which have dated technology and odour control systems. It is submitted that the new units would have high velocity ridge mounted fans which would help dissipate odours and the doors to the sheds would be on the eastern elevation of the buildings, which would be likely to result in odours largely being blown away from nearby tourism accommodation and residential properties.

36. An odour study[4] was submitted with the planning application which assessed the impact of odour arising from the scheme on a number of receptors including Ashley Pools Country Park and from nearby houses. The appellants accept that

[4] A Dispersion Modelling Study of the Impact of Odour from the Proposed Poultry Unit at Land South-East of Hopton Heath in Shropshire

odours from poultry rearing units can reasonably be described as moderately offensive. Their study found that the clearing out of the poultry sheds at the end of the crop cycle would be likely to result in odours being noticeable over a wider area, than at other times during the crop cycle. Such odours would be likely to be strong, including at nearby tourist and residential accommodation. However, the sheds would be cleaned out approximately 8 times a year. Whilst the smell from such activity may well be offensive during such times, given the number of times a year this would occur, I am not convinced that the odours from the site would be so significant and harmful to prevent the development in this regard.

37. Furthermore, the approved environmental permit controls information on odour modelling and includes an Odour Management Plan which would specifically deal with odours during the clearing out of the sheds. The Environment Agency has raised no objection to the proposal in this regard. I note the Council's concerns that if the relevant control systems did not operate effectively or that there was atmospheric inversion, there would be likely to be pollution caused to nearby occupiers as a result of odours from the site. However, paragraph 122 of the Framework advises that local planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes, which in this case they are. Local planning authorities should assume that these regimes will operate effectively.

38. In light of the foregoing, I am satisfied that odours from the new poultry units would be unlikely to have a significant adverse effect upon the enjoyment of the area by tourists and local residents.

39. The Council is concerned that the proposal could affect the future potential of the area to expand its tourism economy. I have not been presented with convincing evidence of schemes that would be likely to be affected by the scheme and I attach limited weight to this assertion in my overall Decision.

40. Given my findings above in respect of the harm that would be caused by the noisy activities on the site, I accept that the proposal may adversely affect the enjoyment of the area by both overnight visitors to the area and day visitors, including those that use the local footpath networks. However, whilst it is submitted that tourists visit the area for its scenic beauty and peace and tranquillity, I am not convinced on the basis of the evidence before me that the impact of the scheme would have a significantly harmful effect upon the tourism economy of the area. Any impact on this sector needs to be balanced with the economic benefits the proposal may bring to the area and these are considered later in my Decision.

41. I therefore find that there would be no conflict with the economic objectives of CS Policies CS5 and CS13, or the recreational value objective of CS Policy CS17. The Council has referred me to CS Policy CS16 and SAMDev Plan Policy MD11. These policies focus on new tourism facilities which the appeal proposal is not. I consider that they are not relevant to the appeal proposal and have not considered them further.

River Clun Special Area of Conservation

42. CS Policy CS17 sets out a number of matters which identify, protect, enhance, expand and connect Shropshire's environmental assets, including their ecological value. Whilst not referred to within the Council's decision notice, my attention has been drawn to CS Policy CS18 which amongst other matters, requires development to enhance and protect water quality, including Shropshire's groundwater resources. SAMDev Plan Policy MD12 seeks to conserve, enhance and restore Shropshire's natural assets. This policy requires a project-level Habitats Regulations Assessment (HRA) for all proposals where it is considered that there would be a likely significant effect on an internationally designated site. The policy states that permission will be refused where a HRA indicates an adverse effect on the integrity of a designated site which cannot be avoided or fully mitigated.

43. Paragraph 109 of the Framework states that the planning system should contribute to and enhance the natural and local environment by, amongst other matters, recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible; and preventing new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution.

44. The appeal site is located within the catchment of the River Clun. A 2 kilometre stretch of this river is designated as a Special Area of Conservation (SAC). The Council calculates that the appeal site is within 900 metres of part of the SAC. The SAC was designated due to the presence of Freshwater Pearl Mussels whose habitat is dependent on maintaining high water quality. The watercourse to the south of the appeal site feeds into the River Clun upstream of the SAC. SAC are afforded protection under the EU Habitats Directive (92/43/EEC) and the Conservation of Habitats and Species Regulations 2010. The appeal site is also within close proximity to the River Teme Site of Special Scientific Interest (SSSI).

45. The Parish Council has expressed concern about the impact of the scheme on the SAC particularly taking into account recent developments at Heath Farm and the enforceability of the appellants' environmental permit. Both main parties were provided with the opportunity to respond to the comments made regarding this matter during the course of the appeal.

46. The appellants submit that the expansion of the poultry enterprise at Heath Farm was fully taken into account by Natural England when it considered their application for an environmental permit. However, it seems that Natural England was not aware of the planning permission for the expansion of the enterprise at Heath Farm as indicated in an e-mail of 15 December 2015 from Natural England (attached as Appendix vii within the Parish Council's representations). The Council has also indicated that it was not aware of the permission to increase capacity at Heath Farm when it considered the planning application.

47. However, although it is not clear from the appellants' report[5] that the assessment was based on the existing and new shed at Heath Farm, it was clear that it was based on 295,000 birds at Heath Farm as per the permit on this site (which includes the new poultry unit), and 260,000 birds at the appeal site. It is understood that this information was submitted with the application for the environmental permit and as part of the environmental statement. Whilst noting the concerns raised by the Parish Council and the Council, I am satisfied that the submitted information reflects the respective permits on the sites.

48. As well as ammonia emissions, the appellants submitted an Appropriate Assessment Considerations and Solutions (February 2015) (AACS) which identified the proposal's potential for having significant effects on the SAC. The impact of airborne emissions, surface water and sediment, dirty water, manure from clean-out and construction soil or sediment was considered and assessed as possible pollutants, and measures were suggested to mitigate any impacts. The appellants have submitted a Unilateral Undertaking (UU) dated 11 April 2016 which would make provision for the mitigation measures contained within the AACS to be undertaken.

49. I note the concerns of the Parish Council in respect of the enforceability of planning conditions and those contained within the permit. Had I been minded to grant the appeal these are matters that I would consider in more detail, along with the submitted UU. However, as I am dismissing the appeal for other reasons it is not necessary for me to consider these matters further.

50. The Council is concerned that a breakdown in control measures on the site, including exceptionally wet weather, fire or increased levels of ammonia would be likely to lead to pollution from the site having an adverse effect on the River Clun catchment area including the SAC and SSSI. Whilst noting these concerns, I have not been provided with examples of other sites to substantiate this matter, or indeed provided with evidence of the likely probability of such a breakdown occurring. The Council undertook its own Habitats Regulation Assessment as part of the planning application process and found that subject to conditions that the scheme was acceptable. This was considered by Natural England who found, following the receipt of additional information, that the measures proposed were acceptable and planning conditions were recommended accordingly.

51. Having regard to the evidence before me, the mitigation measures proposed, the guidance in paragraph 122 of the Framework, the advice of the Council's ecologist and Natural England, I am satisfied that the proposal would not have an adverse impact on designated sites in the area or adversely affect biodiversity. I conclude the proposal would not unacceptably impact on the conservation value of the River Clun SAC or the River Teme SSSI. There would be no conflict with CS Policies CS17 or CS18 in this regard or with the ecological strategy objective of Policy CS6. Furthermore, there would be no conflict with SAMDev Plan Policy MD12. The statutory tests are met.

[5] A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Existing and Proposed Bedstone Growers Broiler Rearing Units at Hopton Heath in Shropshire

Benefits of the Scheme

52. Turning now to the benefits of the scheme, the appellants have explained that their business has invested significant sums of money in the local economy over the last 10 years, including supporting local small family businesses. Such expenditure would increase as a result of the appeal scheme. The construction costs for the appeal scheme have been calculated to be approximately £2,000,000 of which £1,300,000 would be spent with family businesses within a 15 mile radius of the site. This is not disputed. The scheme would provide economic growth and jobs to the benefit of the local economy. The Framework places significant weight on the need to support economic growth.

53. Furthermore, the scale of the investment in the poultry industry and the expansion of the business are factors which would contribute to building a strong economy. Social gains would principally be achieved through the role of the development in helping to meet food needs. Biodiversity interest would be preserved and enhanced with the new landscaping proposed. These matters amount to benefits in favour of the scheme.

Other Matters

Effect on Heritage Assets

54. There are a number of heritage assets in the surrounding area, including listed buildings, conservation areas and scheduled monuments. The starting point for consideration of the impact of the proposal on the setting of listed buildings is the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Section 66(1) requires the decision-maker, in considering whether to grant planning permission for development that 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 which it possesses.

55. Amongst other matters, CS Policy CS17 requires development proposals to have regard having regard to the quality of Shropshire's environment, including landscape heritage assets. SAMDev Plan Policy MD13 requires Shropshire's heritage assets to be protected, conserved, sympathetically enhanced and restored by a number of measures including avoiding harm or loss of significance to designated or non-designated heritage assets, including their settings.

56. Paragraph 132 of the Framework states that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's significance. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Amongst others features, the Framework identifies listed buildings, conservation areas and scheduled monuments as heritage assets.

57. The appellant submitted a heritage assessment as part of the planning application which assessed the impact of the proposal on a number of designated and non-designated heritage assets in the area. I find that given the limited intervisibility between the listed buildings identified and the appeal site and the

intervening distances involved that there would be no adverse impact of the proposal on the setting or significance of these heritage assets.

58. The distance of the appeal site from Warfield Bank, a scheduled monument and from the conservation areas at Clungunford and Bearstone, along with the intervening landform and landscaping would result in the proposal having no adverse impact on the setting or significance of these heritage assets. Accordingly, the character or appearance of the conservation areas would be preserved.

59. The appellants consider that the proposal would have no adverse effect on the setting or significance of the identified non-designated heritage assets. I have no evidence before me to indicate otherwise and I have no reason to reach a different conclusion to the appellants in this regard.

60. I therefore conclude on this matter that the proposal would not lead to any harmful change to the settings of these heritage assets, and neither would the proposal degrade their respective significance in any way. On that basis, the proposal does not conflict with the requirements of the Act, CS Policy CS17, SAMDev Plan Policy MD13 or the Framework.

Planning History

61. The appellants have drawn my attention to the planning history of the site and the planning officer's support for the proposal. The Council did not accept the advice of its officer and refused the planning application. These matters do not add weight in favour of the proposal.

The Planning Balance

62. I have found that there would be economic and social benefits associated with the proposal as set out above. I have also found that the noisy activities on the site would result in significant adverse effects on the peace and tranquillity of this attractive area of countryside, in conflict with development plan policies and national planning policy as contained in the Framework. Further harm would be caused to the living conditions of nearby occupiers as a result of noisy activities on the site and in the surrounding area. This harm would be significant. In this case, I find that it demonstrably outweighs the benefits of the proposal. My findings in respect of the impact of the scheme on the visual appearance of the area and the tourism industry are not matters which outweigh the harm identified. The proposal would not constitute sustainable development for which the Framework indicates there is a presumption in favour.

Conclusion

63. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

R C Kirby

INSPECTOR