

DECISION NOTICE

Mr S A M Corner
c/o Mr Adam Turnell
Hillcrest Works
Myddle
Shrewsbury
SY4 3SE

Date: 15th September 2023

Our Ref: 23/03195/FUL
Your Ref: Marsley Farm.

Dear Mr S A M Corner c/o Mr Adam Turnell Shingler Group

DETERMINATION OF APPLICATION FOR FULL PLANNING PERMISSION

Town and Country Planning Act 1990

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

Location:	Marsley Farm, Habberley, Shrewsbury, Shropshire
Proposed Development:	Redevelopment of Marsley Farm to include demolition of the existing farmhouse and identified structures, construction of a replacement dwelling, conversion of 2 stone and brick barns into incidental and ancillary accommodation, use of existing building for garaging, and associated landscaping works (amended description).
Application No.	23/03195/FUL
Date Received:	24th July 2023
Applicant:	Mr S A M Corner

Shropshire Council hereby **GRANT FULL PLANNING PERMISSION** subject to the conditions listed below.

STANDARD CONDITIONS

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

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



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

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

3. All works to the farmhouse, the southern building and the western building shall occur strictly in accordance with sections 6.3.2 and 6.3.3 of the Ecological Appraisal (Greenscape Environmental, September 2022).

Reason: To ensure the protection of and enhancements for bats, which are European Protected Species.

4. No parts of the existing historic barns shown to be retained on the approved plans and drawings shall be demolished; neither shall any parts of the existing barns be demolished and subsequently rebuilt.

Reason: To ensure that the existing historic buildings are converted in their present form and appearance. Demolition and rebuilding would be contrary to Policies CS5, CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

5. 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 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.

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

6. Finished floor levels and maximum ridge height to the replacement dwelling and landscaped ground levels adjacent will be provided in strict accordance with the details provided on approved levels drawing MAR01 P-102A and site elevations drawing MAR01 P-019A.

Reason: To ensure the dwelling retains a sufficiently similar character and appearance to the existing dwelling in accordance with the Type and Affordability of Housing SPD and to ensure the dwelling remains appropriate to the special character and values of the Shropshire Hills AONB and makes a positive contribution to the local landscape.

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

7. No works shall take place to the farmhouse, the southern building or the western building until a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained from Natural England and submitted with the approved method statement to the Local Planning Authority.

Reason: To ensure the protection of bats, which are European Protected Species.

CONDITIONS THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

8. (a) A programme of archaeological work for the development approved by this permission shall be carried on in complete accordance with the Written Scheme of Investigation by Hampton Heritage Design and Consultancy dated July 2023.
(b) If positive results are obtained from the programme of work a further phase of investigation will be discussed with the archaeological advisors to the local planning authority, approved as necessary and implemented as approved.
(c) A report with regard to the work undertaken and its results will be submitted to the local planning authority and approved prior to first occupation of the dwelling.

Reason: The site is known to hold archaeological interest

9. Surface and foul water drainage shall be provided in strict accordance with approved drawing J02256/6/A1/001 prior to first occupation of the new dwelling.

Reason: To ensure surface and foul water are managed appropriately.

10. (a) Prior to the commencement of the relevant work 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. As regards joinery to the converted barns, 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.
(b) All doors and windows shall be carried out in complete accordance with the agreed details

Reason: To ensure the good appearance of the replacement dwelling and to safeguard the architectural and historic interest and character of the historic barns.

11. (a) Prior to the relevant part of the works commencing samples and/or details of the roofing materials to the converted barns and the new dwelling, the materials to be used in the construction and finishing of the external walls and balconies to the new

dwelling, and details of hard landscaping materials shall be submitted to and approved in writing by the Local Planning Authority.

(b) The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

12. Prior to first occupation / use of the buildings, the makes, models and locations of bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

A minimum of 2 barn owl boxes

A minimum of 4 swallow nesting cups.

A minimum of 2 artificial nests, of integrated brick design or external box design, suitable for starlings (42mm hole, starling specific).

A minimum of 2 artificial nests, of integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting.

The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and the NPPF.

13. (a) Prior to first occupation / use of the buildings, the makes, models and locations of bat boxes shall be submitted to and approved in writing by the Local Planning Authority. Roosting opportunities shall be created in accordance with sections 6.3.2 and 6.3.3 of the Ecological Appraisal (Greenscape Environmental, September 2022).
(b) The roosting opportunities shall thereafter be maintained for the lifetime of the development.

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

14. All demolition works indicated on proposed site plan MAR01 P-003A shall be completed prior to first occupation of the new farmhouse.

Reason: To ensure the amenity of the proposed new accommodation and to improve the character and appearance of the development

15. (a) Prior to their installation full details of all roof windows shall be submitted to and approved in writing by the Local Planning Authority.

(b) The installation of the windows shall be carried out in complete accordance with the approved details.

Reason: To ensure the appropriate character and appearance of the replacement dwelling and to safeguard the architectural and historic interest and character of the historic barns

16. (a) Details of exterior soil and vent pipes, waste pipes, rainwater goods, boiler flues and ventilation terminals, meter boxes, exterior cabling and electrical fittings to be provided to the converted barns shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the relevant works.
(b) The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the historic barns.

17. (a) Details of the roof construction for the repaired roofs to the converted barns including details of eaves, undercloaks ridges, valleys and verges shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of the development commences.
(b) The development shall be carried out in complete accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the historic barns

18. Landscaping works will be implemented in strict accordance with approved drawing MAR01 P-020 and schedule MAR01 P-021 during the first planting season after the initial occupation of the replacement dwelling hereby approved and maintained throughout the lifetime of the development.

(b) No trees shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent. This condition will last for a period of 5 years from the date of occupation of the building for its permitted use.

Reason: To ensure an appropriate character and appearance to this site within the Shropshire Hills AONB.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

19. With regard to the conversion of the barns all new external work and finishes, and work of making good shall match existing original work adjacent, in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved.

Reason: To ensure satisfactory preservation of the historic barns.

20. The annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the approved dwelling on site replacing Marsley Farmhouse, and shall not be sold, let or otherwise disposed of or allowed to be occupied as a separate or independent unit of residential occupation.

Reason: It is considered that the site and its layout is inappropriate for a separate independent unit of residential accommodation in addition to the existing main dwelling house.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the following development shall not be undertaken without express planning permission first being obtained from the Local Planning Authority:-

- o Extensions;
- o Additions or alterations to the roof, including dormer windows and rooflights;
- o Erection of porches;
- o Free standing buildings within the curtilage;
- o New fences, gates or walls

Reason: To maintain an appropriate and reasonable scale of development on this site within the Shropshire Hills Area of Outstanding Natural Beauty

Schedule 1 - Approved plans, drawings, documents

Description	Reference	Date Received
Location Plan	MAR01 P-001	24.07.2023
Proposed Elevations	MAR01 P-012B	24.07.2023
Proposed Elevations	MAR01 P-019 A	24.07.2023
Proposed Elevations	MAR01 P-100D	24.07.2023
Detail Drawing	MAR01 P-101B 3D	24.07.2023
Detail Drawing	MAR01 P-102A	24.07.2023
Drainage Documentation	J02256-A1-001, Rev. F	24.07.2023
Floor Plan - Proposed	MAR01 P-011B	24.07.2023
Floor Plan - Proposed	MAR01 P-017D	24.07.2023
Landscaping Details	MAR01 P-020	24.07.2023
Landscaping Details	MAR01 P-021	24.07.2023
Mixed/Combined Plans	MAR01 P-006	24.07.2023

INFORMATIVES

It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

Should any works to mature trees be required in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works. The bat survey should be carried out by an appropriately qualified and experienced ecologist in line with the Bat Conservation Trust's Bat Survey: Good Practice Guidelines (3rd edition).

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

Nesting birds

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

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

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

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

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

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

General site informative for wildlife protection

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

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

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

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be trimmed 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 trimmed 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.

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

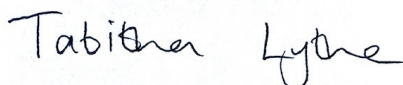
[Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.]

If your proposed project requires **Building Regulations Approval** or you are unsure whether it does please contact us on **01743 258710**, email buildingcontrol@shropshire.gov.uk or visit our website <https://www.shropshire.gov.uk/building-control/> for pre-application advice and a competitive fee.

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

If your project relates to a **Listed Building** please be aware that if, during the process of obtaining Building Regulation Approval or undertaking Fire Safety works amendments to the scheme as approved under the Listed Building Consent are requested, it is very likely that you will need to amend your approved drawings regardless of how minor the alteration may be. If this is the case, please contact the Case Officer and they will determine what action is required. Work should not be proceed until appropriate amendment/s have been approved in writing by the Council. We would advise that the carrying out of unauthorised work could represent a criminal offence under Section 9(1) of the Planning (Listed Building & Conservation Areas) Act 1990 (as amended).

23/03195/FUL



Tabitha Lythe, Planning and Development Services Manager
Date of Decision: 15th September 2023

NOTES

Conditions

You will see that your decision notice includes a number of conditions:

- You must comply with all of the conditions. If you are unclear about any of them, please contact the Planning Officer who dealt with the application.
- Some of the conditions may require you to submit further information to the Council for approval. Most conditions will need to be complied with before you start work on site.
- If you think any of the conditions are unreasonable you may appeal to the First Secretary of State, through the [Planning Inspectorate](#).
- Please also ensure that you comply with the requirements of any Legal Agreement that may accompany the planning permission.

Informatives

Your decision notice includes a number of informatives. This gives you some extra guidance and advice which will help the development process. Please note your Decision Notice gives permission only under the Town and Country Planning Acts. You may need other approvals, for example under the Building Regulations, or Party Wall Act, or permission from your neighbour to go onto his/her land.

Amendments

If you need to alter your approved drawings please send full details to us regardless of how small the alteration is. Your case officer will determine whether this can be agreed through a simplified exchange of correspondence or whether a revised application needs to be submitted. Further guidance can be found at www.shropshire.gov.uk/planning . You should not commence work until the amendment has been approved in writing by the Council. This is **particularly important** if the project involves a **Listed Building** and work should not be proceeded until appropriate amendment/s have been approved in writing by the Council. We would advise that the carrying out of unauthorised work could represent a criminal offence under Section 9(1) of the Planning (Listed Building & Conservation Areas) Act 1990 (as amended).

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.

Appeals can be made online

Householder Development Appeals - [Appeal a householder planning decision: Overview - GOV.UK \(www.gov.uk\)](#)

Full Planning Application - <https://www.gov.uk/appeal-planning-decision>

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on Tel: 0303 444 5000.

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) and Planning Inspectorate (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).