

DECISION NOTICE

Dr Russ Waters
c/o Custom Design Projects
Ms Dawn Minshall
The Cottage
Alport Road
Whitchurch
SY13 1NR

Date: 21st December 2023

Our Ref: 23/03882/FUL
Your Ref: Peplow Estate 2

Dear Dr Russ Waters c/o Custom Design Projects

DETERMINATION OF APPLICATION FOR FULL PLANNING PERMISSION

Town and Country Planning Act 1990

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

Location:	Peplow Hall, Peplow, Market Drayton, Shropshire
Proposed Development:	Application under Section 73A of the Town and Country Planning Act 1990 for change of use of seven dwellings, workshop and ancillary building to seven holiday lets (part-retrospective), spa, functions and commercial venue along with associated works (resubmission)
Application No.	23/03882/FUL
Date Received:	5th September 2023
Applicant:	Dr Russ Waters

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

STANDARD CONDITIONS

1. Notwithstanding the time limit given to implement planning permissions prescribed by Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004), this permission, being a retrospective permission as prescribed by Section 73A of the 1990 Act, shall have been deemed to have been implemented on 16/07/21.



Reason: To comply with Section 91 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.

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

3. No occupation of the Tithe Barn as an events venue and the Workshop as a spa as shown on plan 22/861/EP/02 other than by occupants of the on-site holiday accommodation shall commence until the areas shown for parking, loading, unloading, 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.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

4. Within 6 months of the development hereby permitted the following details shall first be submitted to, and approved in writing by, the Local Planning Authority:-

(i) A scheme for the formalising the layout and construction of the passing opportunities numbered BP3, BP4 and BP5 in the supporting statement Technical Note No.1 published on 05.09.2023.

(ii) A scheme of direction signing for the proposed traffic circulation route, including sign content, precise locations along with any necessary permission or consents.

No occupation of the Tithe Barn as an events venue and the Workshop as a spa as shown on plan 22/861/EP/02 other than by occupants of the on-site holiday accommodation shall commence until these highway works have been completed in accordance with the approved full engineering details.

Reason: In the interest of highway safety.

5. No occupation of the Tithe Barn as an events venue and the Workshop as a spa as shown on plan 22/861/EP/02 other than by occupants of the on-site holiday accommodation shall commence until a noise management plan is first submitted and approved in writing by the local planning authority. The plan shall include full details of noise control measures that are to be implemented with respect to controlling noise emissions. The approved noise management plan shall be implemented and maintained at all times thereafter.

Reason: To protect residential amenity, health and wellbeing

6. No routes for external mechanical and electrical services and drainage shall be fitted or installed unless in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

7. No pointing or re-pointing of existing or proposed masonry shall commence until the Local Planning Authority has approved the following items in writing:

- a drawing showing the proposed area(s) of repointing
- the mortar mix
- the method of removing existing mortar, please note that old mortar shall not be removed using any mechanical tool or angle grinder.
- an inconspicuous pointing sample provided on site following approval of the above items

Reason: To safeguard the historic interest and character of the Heritage Asset and ensure an appropriate external appearance.

8. Prior to their implementation, details of all external windows and doors and any other external joinery for the buildings named as 'Orchard Croft and 'Workshop' on 22/861/EP/02 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

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

9. No works shall take place to buildings 1, 2 or 3 as identified in the submitted Preliminary Roost Assessment and Bat Activity Report (Elite Ecology, July 2023) 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.

10. Other than those buildings already occupied at the site (Hall Cottages 4, 5 & 7 and Garden House 1 & 2), no other buildings on site shall be occupied/used until the makes, models and locations of bird boxes shall first be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 8 artificial nests, of either integrated brick design or external box design, suitable for; Sparrows (32mm hole, terrace design), Starlings (42mm hole, starling specific), small birds (32mm hole, standard design) and/or House Martins (House Martin nesting cups) shall be erected on the site prior to first use of the development.

- A minimum of 6 artificial nests, of integrated brick design, suitable for swifts (swift bricks). The boxes shall be sited at in suitable locations and at least 2m from the ground, with a clear flight path 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.

Reason: To ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and section 180 of the NPPF

11. 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 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 and to safeguard the architectural and historic interest and character of the Heritage Assets.

12. Other than those buildings already occupied at the site (Hall Cottages 4, 5 & 7 and Garden House 1 & 2), no other buildings on site shall be occupied/used until the Local Planning Authority receive a notification that all works to the site have occurred strictly in accordance with the mitigation and enhancement measures as provided in Sections 5 and 6 of the Bat Activity Survey report (Elite Ecology, July 2023). This shall include photographs of installed bat and bird boxes at the site and any precommencement checks undertaken.

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

13. No occupation of the Tithe Barn as an events venue and the Workshop as a spa as shown on plan 22/861/EP/02 other than by occupants of the on-site holiday accommodation shall commence until an Event Travel Plan has been submitted and approved in writing by the local planning authority. The Travel Plan shall focus on promoting multi-occupancy vehicle travel. The development shall thereafter be carried out in accordance with the approved Travel Plan for the lifetime of the development.

Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys.

14. No occupation of the Tithe Barn as an events venue and the Workshop as a spa as shown on plan 22/861/EP/02 other than by occupants of the on-site holiday accommodation shall commence until details of the surfacing material to be used for the car parking area shall first be submitted to, and approved in writing by, the Local Planning Authority. The approved surfacing materials shall be implemented and maintained at all times thereafter.

Reason: To safeguard the settings of the Heritage Assets.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification), no moveable structure (marquees, canopies, etc) permitted by Class B of Schedule 4, Part 4 shall be erected on land within the red line of the development site as shown on plan 22/861/EP/01.

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

16. The holiday lets hereby approved shall not be occupied other than for purposes of holiday accommodation. An up-to-date register of all occupiers on the site (including their main home address), shall be maintained and this information shall be made available at all reasonable times to the Local Planning Authority.

Reason: To ensure that the approved holiday accommodation is not used for permanent residential occupation which would conflict with the wider uses of the site hereby approved.

17. The use of the Tithe Barn shall be limited to the following only:
- A maximum of 12 private functions per year. Each function shall have a maximum capacity of 80 people.
 - A maximum of 15 corporate events per year in the months October through to April only. Each event shall have a maximum capacity of 50 people.
 - A maximum of 10 culinary events/wine tasting events per year. Each event shall have a maximum capacity of 50 people.
 - 'Well being workshops' which shall be limited to one week day per week only. Each workshop shall have a maximum capacity of 40 people.
 - A maximum of 4 Open Garden events per year and shall not take place outside the hours of 1000 - 1900.

A record of the days of use of the Tithe Barn shall be kept and retained for inspection on request by the local planning authority at any reasonable time.

Reason: To monitor the use in the interests of road safety, amenity and to preserve the setting of the heritage assets.

18. Any bar or catering facilities within the Tithe Barn building shall only be used during the events detailed in condition 18 and to serve guests staying in the holiday accommodation only and shall not be used independently for any other purpose.

Reason: To protect the living conditions of the occupiers of nearby residential properties.

19. No fireworks or pyrotechnics shall be used at the site.

Reason: To protect the living conditions of the occupiers of nearby residential properties

20. Any tables/chairs or any other paraphernalia associated with the events within the Tithe Barn as detailed in condition 18 shall, when not in use for any of the approved uses, be stored within the barn.

Reason: To safeguard the historic interest and character of Heritage Assets.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension, addition of extra storeys, roof enlargement or construction of any building incidental to the enjoyment of the dwellinghouse as permitted by Class A, AA, B and Class C of Schedule 2 Part 1 of the 2015 Order, shall be erected within the curtilage of the dwellings known as 1 & 2 Garden House, 4, 5 and 7 Hall Cottages, Orchard's Croft and The Wythes.

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

22. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no gates, walls, fences or other means of enclosure permitted by Class A of Schedule 2 Part 2 of the 2015 Order (as amended) shall be erected within the curtilage of the dwellings known as 1 & 2 Garden House, 4, 5 and 7 Hall Cottages, Orchard's Croft and The Wythes.

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

23. A minimum of 8 Roosting opportunities shall be created in accordance with Section 5.1 of the submitted Bat Activity Survey report (Elite Ecology, July 2023). Due to the presence of brown long-eared bats roosting onsite, the existing bat loft being used will be retained, with all access points to also be retained, the location of this is shown in Figure 9 of the Bat Activity Survey report. 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.

Schedule 1 - Approved plans, drawings, documents

Description	Reference	Date Received
Mixed/Combined Plans	22/864/GH/02, Rev. A	20.10.2023
Location Plan	22/861/EP/01, Rev. A	28.11.2023
Floor Plan - Proposed	22/861/OC/03A	05.09.2023
Floor Plan - Proposed	22/862/TB/04A	05.09.2023
Floor Plan - Proposed	22/863/W/06A	05.09.2023
Block Plan	22/861/EP/02	05.09.2023
Detail Drawing	22/861/OC/07	05.09.2023
Detail Drawing	22/862/TB/07	05.09.2023
Mixed/Combined Plans	22/864/HC/02	05.09.2023
Mixed/Combined Plans	22/861/OC/06A	05.09.2023
Proposed Elevations	22/862/TB/06	05.09.2023
Proposed Elevations	22/863/W/O7	05.09.2023
Proposed Elevations	22/863/W/O8	05.09.2023
Biodiversity Survey and Report	Orchard Croft and The Workshop, Bat Activity Report, Rev. July 2023	05.09.2023
Biodiversity Survey and Report	Peplow Hall, Peplow - Great Crested Newt Habitat Index Survey (HSI), Rev. October 2022	05.09.2023
Biodiversity Survey and Report	Peplow Hall Outbuildings, Preliminary Roost Assessment	05.09.2023
Transport Assessment	Transport Statement	05.09.2023
Transport Assessment	Technical Note	05.09.2023

INFORMATIVES

Works on, within or abutting the public highway

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
- undertaking 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.

A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's SUDS Handbook which is available in the Related documents section on the council's website at:

<https://shropshire.gov.uk/drainage-and-flooding/development-responsibility-and-maintenance/sustainable-drainage-systems-handbook/>

The provisions of the Planning Practice Guidance, Flood Risk and Coastal Change, should also be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if infiltration techniques are not achievable.

Any proposed drainage system should follow the drainage hierarchy, with preference given to the use of soakaways. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

Where a positive drainage connection is proposed, the rate of discharge from the site should be restricted to an appropriate rate as set out in the SuDS Handbook.

If main foul sewer is not available for connection, British Water 'Flows and Loads: 4' should be used to determine the Population Equivalent (PE) for the proposed development and the sizing of the septic tank or package treatment plant and drainage fields should be designed to cater for the correct number of persons and in accordance with the Building Regulations H2.

It is recommended that all works take account of BS 7913:2013 Guide to the Conservation of Historic Buildings, and other appropriate guidance, in ensuring that repairs and in particular the internal treatment of walls and floors does not create differing characteristics and

performance between the traditional structure and modern additions through vapour restriction resulting in moisture stress on the historic fabric.

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, scrub removal and conversion 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.

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

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.

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.

LANDSCAPING

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.

SWIFT BRICKS

Bricks should be positioned 1) Out of direct sunlight 2) At the highest possible position in the building's wall 3) In clusters of at least three 4) 50 to 100cm apart 5) Not directly above windows 6) With a clear flightpath to the entrance 7) North or east/west aspects preferred. (See <https://www.swift-conservation.org/Leaflet%20-%20Swift%20Nest%20Bricks%20-%20installation%20&%20suppliers-small.pdf> for more details).

LIGHTING PLAN

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 (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/23 Bats and artificial lighting at night.

No moveable structure such as a marquee to be used in association with the uses hereby approved can be erected on land outside of the red line of the application site without planning permission as such a structure would require approval for the change of use of the land.

The wording of condition 18 should be read in conjunction with the detail of the events as shown on page 11 of the Design and Access Statement.

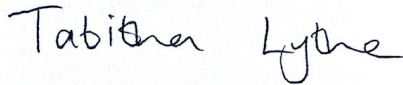
If your proposed project requires **Building Regulations Approval** or you are unsure whether it does please contact us on **01743 258710**, email buildingcontrol@shropshire.gov.uk or visit our website <https://www.shropshire.gov.uk/building-control/> for pre-application advice and a competitive fee.

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).

23/03882/FUL

A handwritten signature in black ink that reads "Tabitha Lythe". The signature is written in a cursive style with a large initial 'T' and 'L'.

Tabitha Lythe, Planning and Development Services Manager
Date of Decision: 21st December 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 \(www.gov.uk\)](http://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).

