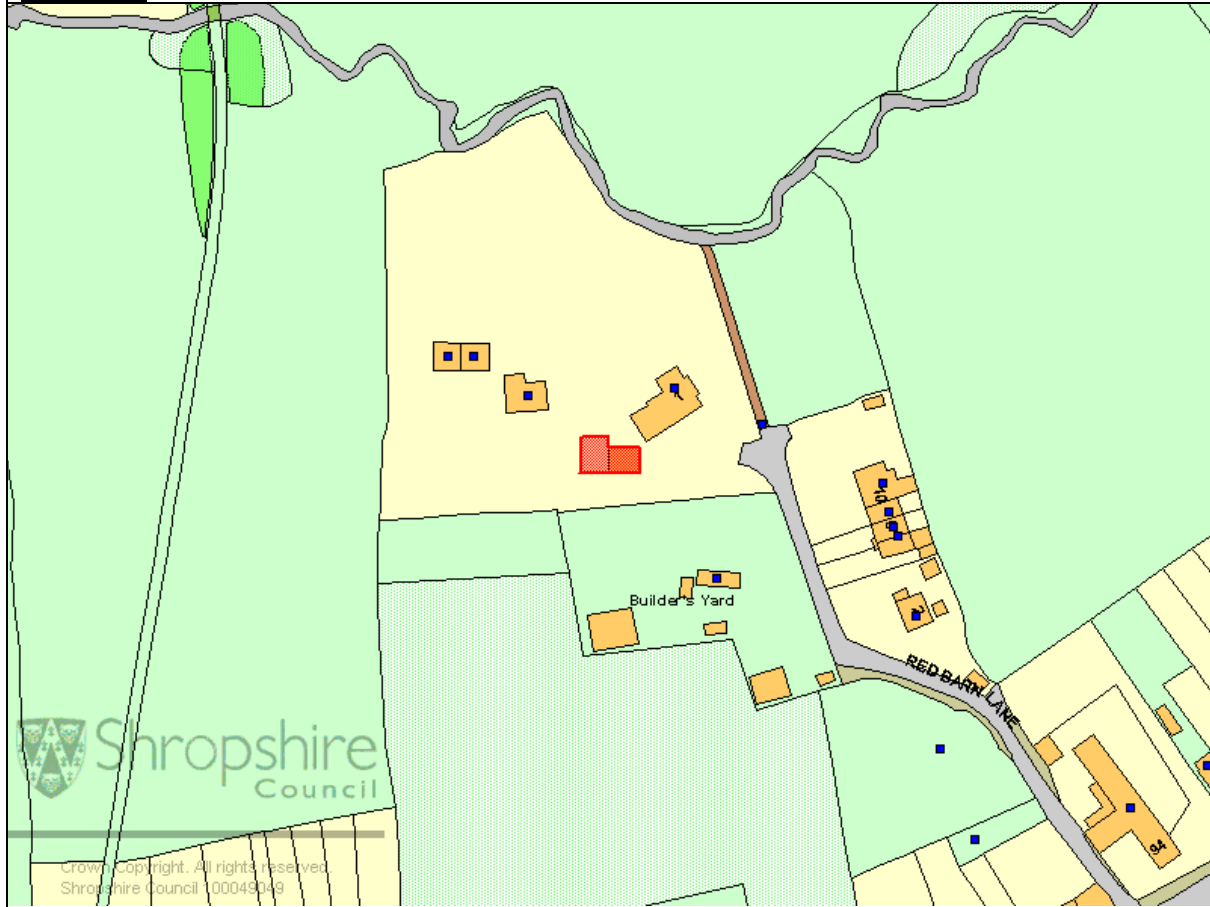


## Development Management Report

Responsible Officer: Stuart Thomas  
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### Summary of Application

<b>Application Number:</b> 12/04261/VAR	<b>Parish:</b>	Shrewsbury Town Council
<b>Proposal:</b> Variation of Condition no. 5 attached to planning permission 11/01898/FUL to allow the ancillary annex accommodation to be used as holiday let accommodation		
<b>Site Address:</b> 1 Red Barn Lane Shrewsbury SY3 7HR		
<b>Applicant:</b> Mr Jon Good		
<b>Case Officer:</b> Lynn Parker		<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>
<b>Grid Ref:</b> 348681 - 311536		



**Recommendation: Grant Permission subject to the conditions set out in Appendix 1.**

**Recommended Reason for Approval**

1. The additional use of the annex for short term holiday let use would respect the context of the site and will not adversely affect the dwelling itself, the site or the surrounding Conservation Area.
2. In determining the application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:  
National Planning Policy Framework

West Midlands Regional Spatial Strategy Policies:  
PA10 - Tourism And Culture  
QE1 - Conserving And Enhancing The Environment  
QE5 - Protection And Enhancement Of The Historic Environment

LDF Core Strategy:  
CS6 - Sustainable Design And Development Principles  
CS13 Economic Development, Enterprise And Employment  
CS16 - Tourism, Culture And Leisure  
CS17 - Environmental Networks

3. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

**REPORT**

**1.0 THE PROPOSAL**

- 1.1 This application is for the removal of condition no. 5 of planning permission ref: 11/01898/FUL for the 'Erection of a single storey extension to existing garage to provide 1 bedroom annex accommodation (amendment to previous approval ref: 11/00482/FUL)' granted on 28<sup>th</sup> June 2011. The condition reads:

*'The extension to the garage hereby permitted as an annex shall only be used as an integral part and incidental to the enjoyment of the existing dwelling known as no. 1 Red Barn Lane, Shrewsbury, and shall not at any time be sold, let or occupied as a separate unit of residential accommodation, or for any business or commercial use.'*

*Reason: To ensure proper control of the development and to avoid any future undesirable fragmentation of the curtilage which would be detrimental to the amenities of the area.'*

- 1.2 No internal or external changes are proposed. As the annex accommodation is not currently needed by elderly parents as intended, the applicants propose to use it as a valuable extension to their holiday cottage business until it is required as an annex.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site is located to the south of central Shrewsbury, between the residential areas of Kennedy Road and Belle Vue and falls within Belle Vue Conservation Area. It is accessed directly from the end of Red Barn Lane which slopes steeply down into the dip and terminates at no. 1. The positioning and size of the plot is uncharacteristic of the surrounding areas in that it lies in a small valley which, apart from a small area containing the dwelling and garage, was formerly categorized as greenspace under the recently replaced Local Plan. This plot of approximately 1.6 acres contains 3 holiday cottages to the north west of the dwelling which are within the ownership and are run by the applicant.

- 2.2 The closest of the holiday cottages is approximately 12m from the rear of the annex in a north westerly direction and is a single storey building with accommodation in the roof. Planning Permission for the 'Change of use from holiday cottage to a dwelling' was granted on 7<sup>th</sup> December 2012 under planning ref: 12/03455/FUL for that holiday cottage, an affordable housing contribution having been secured through a Section 106 Agreement and the intention being for this building to be used as a long term let and introduce more versatility to the business. The remaining 2 holiday cottages are further to the north west and not as easily visible. The extensive garden is currently open in nature and shared with the holiday cottages. No other dwellings are visible to the north, south or west and the nearest dwelling to the east (south east) is over 35 metres from the front of no.1 Red Barn Lane.

- 2.3 The annex itself is attached on its eastern elevation to the double detached garage serving no. 1 Red Barn Lane. It comprises a kitchen/living area with a wet room measuring 5.6m x 5.6m (the width of the existing garage), a bedroom measuring 2.9m wide x 5m in depth which projects to the north and a ramped entrance porch to the south elevation adjacent to the access drive. The west facing elevation of the living area is a gable containing a full height feature window. Parking provision is currently shared with the existing dwelling which is approximately 5m to the north east of the annex. There are no windows in the annex which directly face towards the dwelling.

- 2.4 The site originally accommodated a pig farm but the dwelling itself is a more recent replacement and was built in the 1950's. It is not of an obvious historical character. Previous extensions and replacement windows have modernised the dwelling, its painted, rendered exterior incorporating the whole building.

## **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 Applications requested to be referred, by the Local Member, to the relevant Planning Committee within 21 days of electronic notification of the application and agreed by the Service Manager with responsibility for Development Management in consultation with the Committee Chairman or Vice Chairman to be based on material planning reasons.

## **4.0 COMMUNITY REPRESENTATIONS**

### **4.1 - Consultee Comments**

- 4.1.1 Shrewsbury Town Council - The Town Council raised no objections to the original application as it was clear that the annex was to be used as ancillary accommodation to the main property and in light of the poor access to the site would not generally create increased traffic flows. The use of this property as a holiday let will generate a more intensive traffic flow than a domestic dwelling and will in effect have an unwanted impact on the local area.
- 4.1.2 SC Conservation - The subject property is located within the Belle Vue Conservation Area. The property is a relatively large parcel of land at the end of Red Barn Lane which benefits from an isolated position surrounded by open space, and which backs onto the Rad Brook. None of the buildings on the property are statutorily listed and all date from the 20th Century. There are no concerns over this variation of condition application from a historic environment perspective.
- 4.1.3 SC Archaeology - I have no comments to make on this application with respect to archaeological matters.
- 4.1.4 Shropshire Fire and Rescue - It should be noted that due to the proposed use of the premises and the proposed open plan nature of the layout of the premises, this poses a significant risk to the occupants in case of fire. Although this proposal would conform to current Building Regulations if used as a single private dwelling, due to the proposed use as Holiday Let Accommodation the premises would fall within the scope of The Regulatory Reform (Fire Safety) Order and as such would not appear to comply with this legislation. Therefore the Fire Authority would advise an improvement in the means of escape arrangements and the applicant is requested to consider the following advice that may go some way to alleviate the above issue.

Standard advice provided in relation to 'Access for Emergency Fire Service Vehicles' and 'Sprinkler Systems – Residential Premises'.

### **4.2 - Public Comments**

- 4.2.1 Two letters of representation have been received from members of the public expressing their objections to the proposal. These concerns are available to view in full on public access, but are préciséd below:
- o The annex has been consistently used since its completion as a 4<sup>th</sup> holiday cottage contrary to condition no. 5 of the planning permission. It is advertised as Willow Cottage on the holiday cottage website: [www.barncottageshrewsbury.com](http://www.barncottageshrewsbury.com).
  - o The Design and Access Statement accompanying the original application for the erection of the annex stated, *'In common with most people, the applicants both have elderly parents, all are in their mid-seventies and have serious health issues. The applicants expect to have to provide care for them in the future and due to the time that it would take to construct and prepare the accommodation, wish to commence as soon as possible.'*

- o The applicants plan to use it as a valuable extension to their holiday cottage business, despite inconsistency of demand possibly being affected by the completion of the Premier Inn Hotel, as stated under planning application ref: 12/03455/FUL.
- o Holiday cottage guests are unlikely to defer to the Premier Inn Hotel as an alternative.
- o Fragmentation of the curtilage contrary to the reason for the application of condition no. 5 has obviously taken place.
- o The granting of both applications (this application and 12/03455/FUL) will create a fragmented portfolio of holiday cottages, long term rental and owner occupation and create an increase in flow of vehicles and pedestrians along Red Barn Lane.
- o SC Highways commented on planning application ref: 12/03455/FUL. *'Red Barn Lane is a single track carriageway . . . I am concerned that the intensified use of Red Barn Lane may lead to difficulties for all living there'*.
- o The majority of holiday makers appear to use cars. There was a significant increase in traffic this year where there appeared to be 2 families on long term lets from which the children were registered at Meole Brace Primary School and were picked up and returned by taxis each day.
- o Dispute Mr Good's statement that the risk of meeting another vehicle is small. There is no refuge between 2 bends blocking views. Traffic does not slow down.
- o Traffic flow in the lane will increase as dependant relatives are unlikely to pass up and down Red Barn Lane as often as holiday cottage guests and long term tenants.
- o Rad Valley Wildlife Corridor passes through the applicant's garden.
- o The proposed changes will have a negative effect on the nature of this environment.
- o Other development within the curtilage of Red Barn Lane will have a negative effect on the future development along this private drive at 4-6 Red Barn Lane and on the former DAB Fencing site (rear of 92 Longden Road).
- o The site notice was displayed on a tree in the garden of the site where 6 out of 7 residents would not see it and 140m from the junction of the private drive with Longden Road and therefore not on public view.
- o The property and business at no. 1 Red Barn Lane was put up for sale a few years ago but appeared not to find a buyer and was subsequently further extended. It appears to us that Mr Good regards the property as a business opportunity and will no doubt leave when the price is right. The other residents of the land regard the properties as our family homes and value the unique nature of the location and appreciate the need for this to remain unspoiled, not just for our benefit but for future generations who may be fortunate enough to raise families here. The gradual and insidious creep of development can only be detrimental to this important green area solely in order to benefit the business of one man.

4.2.2 Additionally, Cllr Chebsey has expressed objections to the scheme as follows:

Having looked at this application I can see no sound reason to alter the condition that was placed on this property. It was placed there for a reason and as far as I can see nothing fundamental has changed. There seems to be a gradual development at this location which is in a very important green area within the town. For that reason I think that the original condition should remain as further development should be deterred.

## 5.0 THE MAIN ISSUES

- o Principle of development
- o Impact on neighbours/residential amenity
- o Impact on the surrounding Conservation Area

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

- 6.1.1 The core principles of the National Planning Policy Framework include the promotion of mixed use developments, achieving multiple benefits from the use of land and the facilitation of flexible working practices such as the integration of residential and commercial uses. These principles are supported at local level particularly in Core Strategy Policies CS6, CS13 and CS16. CS6 prescribes that development should be adaptable to changing lifestyle needs over the lifetime of the development whereas CS13 and CS16 support home based enterprise and new and extended tourism development appropriate to its location.
- 6.1.2 The use of the annex in association with the applicant's holiday let business is felt to demonstrate an appropriate use of a structure which is already in place, and which will support a business run from the applicant's home a few metres away without significant physical impact on the site. The position of the unit means that it can easily revert back to annex use in association with the dwelling when needed which clearly demonstrates a sustainable form of development.
- 6.1.3 Core Strategy Policy CS2 requires the development of Shrewsbury to have regard to the promotion, conservation, and enhancement of the town's natural and historic features, heritage assets, green corridors and spaces, and environmental quality, including the corridors of the River Severn and its tributaries. This requirement is echoed in Policy CS16 where connections between visitor's and Shropshire's natural, cultural and historic environment are supported.
- 6.1.4 This site being set apart in a green valley, but within the Shrewsbury Urban Area and surrounded by residential development is unique in its position. Easy access can be gained either on foot or by public transport to the historic town centre environment whilst connections are made to the tranquil quality of this green corridor. This combination of the urban and natural make the site an ideal location in which to deliver high quality sustainable tourism which promotes the town. However, it is appreciated that these unique qualities could easily be lost should the site be over developed or if inappropriate uses were to be introduced.

## **6.2 Impact on neighbours/residential amenity**

6.2.1 It is acknowledged that this site has special characteristics which should be protected, however, no new build is proposed in this case which would visually or physically impact on these attributes and therefore would have a neutral impact on this environment.

6.2.2 It is possible that it's use as a holiday let rather than an annex may increase vehicular movement however not to such an extent that it would be overly detrimental to the safety of the lane bearing in mind that of the 3 existing holiday lets one has received permission for change of use to a dwelling and therefore if this proposal is approved there will still be 3 holiday lets at the site.

## **6.3 Impact on the surrounding Conservation Area.**

6.3.1 For the reasons provided above i.e. that the annex building already exists and requires no physical alteration, and that there is already an established holiday let use at the site, it is considered that the impact on the wider Conservation Area will be negligible and this view is supported by SC Conservation.

## **7.0 CONCLUSION**

It is considered that this proposal is not contrary to adopted policies as it's proposed holiday let use is appropriate to this location and will not adversely affect the dwelling itself, the site or the surrounding Conservation Area.

## **8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

### **8.1 Risk Management**

There are two principal risks associated with this recommendation as follows:

☒ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

☒ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

## 8.2 Human Rights

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

## 8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

## 9.0 FINANCIAL IMPLICATIONS

There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

## 10. Background

### Relevant Planning Policies

#### **Central Government Guidance:**

National Planning Policy Framework

#### **West Midlands Regional Spatial Strategy Policies:**

PA10 - Tourism And Culture

QE1 - Conserving And Enhancing The Environment

QE5 - Protection And Enhancement Of The Historic Environment

#### **Core Strategy and Saved Policies:**

CS6 - Sustainable Design And Development Principles

CS13 Economic Development, Enterprise And Employment

CS16 - Tourism, Culture And Leisure

CS17 - Environmental Networks



**RELEVANT PLANNING HISTORY:**

- 11/01898/FUL - Erection of a single storey extension to existing garage to provide 1 bedroomed annex accommodation (amendment to previous approval reference 11/00482/FUL). Granted 28th June 2011
- 11/00482/FUL – Erection of a single storey extension to existing garage to provide one bedroom annex. Granted 8<sup>th</sup> April 2011.
- 09/02610/FUL - Erection of a first floor extension to side. Granted 17<sup>th</sup> November 2009.
- 08/0214/F - Conversion of two holiday let cottages into a single three bedroom dwelling. Appeal dismissed 24<sup>th</sup> September 2008.
- 07/1765/F - Conversion of two holiday let cottages into a single three bedroom dwelling including raising of roof and erection of a single garage (amended description). Refused 21<sup>st</sup> January 2008.
- 05/0123/F - Erection of a single storey 1 bed dwelling for use as holiday let accommodation following demolition of existing garage and shelter. Appeal Dismissed 6<sup>th</sup> July 2005.
- 03/0520/F - Erection of a single storey front and side extension, two storey rear extension and detached double domestic garage. Granted 19<sup>th</sup> May 2003.
- 01/0294 - Replacement of existing barn to create 2 no. 1 bedroom holiday cottages, including an increased ridge height (0.8m), chimney, additional windows/rooflights and 2 porches, amendment to planning ref 99/1179/166/98 allowed on appeal. Granted 26<sup>th</sup> April 2001.
- 99/1179 - Replacement of existing barn to create 2 no. one bedroomed holiday cottages. Appeal allowed 28<sup>th</sup> July 2000.
- 98/1003 - Erection of single dwelling with private garage and formation of new vehicular and pedestrian access. Refused 2<sup>nd</sup> December 1998.
- 98/0675 - Erection of a dwelling with private garage and formation of new vehicular and pedestrian accesses. Refused 26<sup>th</sup> August 1998.

**11. Additional Information**

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Applicant Letter received 5<sup>th</sup> November 2012

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Anne Chebsey

Appendices

APPENDIX 1 - Conditions

## APPENDIX 1

### **Conditions**

#### **CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

1. Condition no. 5 of planning permission ref: 11/01898/FUL is hereby varied to read:

The extension to the garage hereby permitted as an annex shall only be used as an integral part and incidental to the enjoyment of the existing dwelling known as no. 1 Red Barn Lane, Shrewsbury, or for holiday let accommodation . The accommodation shall not at any time be sold, let or occupied as a separate unit of residential accommodation. The owners/operators shall maintain an up-to -date register of the names of all occupiers of the holiday let, and their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: As an annex extension the limited provision is not suitable as a permanent residential unit and to avoid any permanent undesirable fragmentation of the curtilage.

### **Informatives**

1. If your application has been submitted electronically to the Council you can view the relevant plans online at [www.shropshire.gov.uk](http://www.shropshire.gov.uk). Paper copies can be provided, subject to copying charges, from Planning Services on 01743 252621.
2. The advice of Shropshire Fire and Rescue is attached for your information
3. This planning permission notice must be read in conjunction with the original planning permission for the development reference 11/01898/FUL granted on 28<sup>th</sup> June 2011 where all conditions still apply, other than condition no. 5 which has been hereby varied.