

Date: Tuesday, 19 September 2017

Time: 2.00 pm

Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,  
Shropshire, SY2 6ND

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## **NORTH PLANNING COMMITTEE**

### **TO FOLLOW REPORT (S)**

#### **8 Appeals and Appeal Decisions (Pages 1 - 18)**

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## Committee and Date

North Planning Committee

19<sup>th</sup> September 2017

## Item

8

Public

## Development Management Report

Responsible Officer: Tim Rogers

Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### SCHEDULE OF APPEALS AS AT COMMITTEE 19<sup>TH</sup> SEPTEMBER 2017

#### Appeals determined

<b>LPA reference</b>	16/02617/OUT
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr David Evans
<b>Proposal</b>	Outline application for the erection of 2 no. detached dwellings following demolition of existing derelict industrial building (all matters reserved)
<b>Location</b>	Lower Craignant Farm, Selattyn, Oswestry, SY10 7NP
<b>Date of appeal</b>	05 June 2017
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	29 August 2017
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>

<b>LPA reference</b>	16/05095/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mrs Barbara Costello
<b>Proposal</b>	Erection of replacement dwelling following demolition of existing bungalow, detached double garage, installation of septic tank
<b>Location</b>	The Bungalow, Wood Lane, Hinstock, TF9 2TA
<b>Date of appeal</b>	05 June 2017
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	29 August 2017
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>

<b>LPA reference</b>	16/01889/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Darren Cousins
<b>Proposal</b>	Erection of triple garage block with apartment over
<b>Location</b>	Land To Rear Of Waters Nook, Walford Barns, Walford, Shrewsbury
<b>Date of appeal</b>	05 June 2017
<b>Appeal method</b>	Writtten reps
<b>Date site visit</b>	31 July 2017
<b>Date of appeal decision</b>	29 August 2017
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>

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# Appeal Decision

Site visit made on 31 July 2017

**by Alexander Walker MPlan MRTPI**

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

**Decision date: 29<sup>th</sup> August 2017**

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**Appeal Ref: APP/L3245/W/17/3173976**

**Lower Craignant Farm, Selattyn, Oswestry SY10 7NP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr David Evans against the decision of Shropshire Council.
  - The application Ref 16/02617/OUT, dated 13 June 2016, was refused by notice dated 19 October 2016.
  - The development proposed is an outline application for the erection of 2 no. detached dwellings following demolition of existing derelict industrial building (all matters reserved).
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The application was submitted in outline, with all matters reserved for future consideration, as confirmed by the Council. I have determined the appeal on this basis. Plans were submitted with the application indicating the site layout of the proposal. However, I have considered these on the basis that they are indicative only and do not form part of the application.
3. I have used the description of development as set out in the Council's Decision Notice. This is more concise than that contained within the application form.

## Main Issues

4. The main issues are whether the proposal accords with the Council's housing strategy, with particular regard to its location, and its effect on biodiversity.

## Reasons

### *Housing Strategy*

5. Policy CS4 of the Shropshire Council Adopted Core Strategy (CS) 2011 sets out how new housing will be delivered in the rural areas by focusing it in identified Community Hubs and Community Clusters. This is supported by Policy S8.2 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) 2015. The Council confirms that the appeal site is not located within any identified Community Hub or Cluster. The nearest Community Hub or Cluster is Sellattyn, Upper/Middle/Lower Hegoed and Pant Glas.
6. Policy S14.2 (X) of the SAMDev identifies a need for a further 5 dwellings within Sellattyn to be delivered over the plan period. At least 11 dwellings have

already been granted planning permission<sup>1</sup> within Sellatyn. The appellant contends that at least one of these sites is outside the settlement boundary of Sellatyn. However, the details of the location of these schemes is not before me, therefore I cannot draw any direct comparison with the appeal proposal. Furthermore, it is not clear what the status of the development plan was at the time the permissions were granted or whether the Council could demonstrate a demonstrable five year supply of housing land. Therefore, I can only attribute limited weight to this matter. In any event, the appeal site is a considerable distance from Sellatyn.

7. The appellant argues that the site falls within the hamlet of Craignant, which comprises a collection of a very small number of sporadic properties, including a chapel. However, there is no evidence before me that Craignant forms part of a Community Hub or Cluster. The site is approximately 1.6km from the settlement of Sellatyn. Accordingly, for the purposes of the development plan, the site is considered to be located within the open countryside.
8. Policy CS5 of the CS allows new development in the open countryside only where it maintains and enhances countryside vitality and character and improves the sustainability of rural communities. It also provides a list of particular development that it relates to including dwellings for essential countryside workers and conversion of rural buildings. There is no evidence before me to suggest that the proposal falls within any of the development listed in Policy CS5.
9. In support of Policy CS5, Policy MD7a of the SAMDev states that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Clusters.
10. The Council confirm that they have a five year supply of deliverable housing land. The appellant does not dispute this, although he does argue that there is a shortfall in housing provision within the area. However, there is no evidence that the Council's housing target is not going to be met. Accordingly, the policies within the development plan that are relevant to housing supply are considered to be up-to-date and therefore paragraph 49 of the Framework is not engaged.
11. The appellant's main argument is that the site is a brownfield (previously developed) site as it was previously used for industrial purposes for over 50 years. There is an industrial building on the site and an associated hardstanding area, which are no longer in use. The dwellings would replace the existing building and hardstanding.
12. I note the appellant's reference to the recently published Department for Communities and Local Government's White Paper 'Fixing our broken housing market', which supports the re-development of previously developed sites and seeks to amend the National Planning Policy Framework (the Framework) to indicate that great weight should be attached to the value of using suitable brownfield land within settlements for homes. However, this is in no way suggesting a *carte blanche* to redevelop any previously developed land. It relates to 'suitable' brownfield land 'within settlements'. I do not consider that the appeal site is located within a settlement, for the purposes of planning, or near to any shops, services, facilities or employment opportunities.

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<sup>1</sup> LPA Ref 15/04319/REM, 15/03363/OUT and 14/01668/OUT

Consequently, it would result in a heavy reliance on the use of private transport. Accordingly, I do not consider that it is a suitable brownfield site within a settlement, as envisaged by the White Paper.

13. Whilst the Council admit that they do not have a brownfield site register, they do have a five year supply of deliverable housing land. Furthermore, there are likely to be more suitable brownfield sites than the proposed site within settlements. Accordingly, I do not consider that the lack of a brownfield register undermines the Council's housing strategy.
14. I find therefore that the proposal fails to accord with the Council's housing strategy as embodied in Policies CS4 and CS5 of the CS and Policies MD7a, S8.2 and S14.2(X) of the SAMDev.

### *Biodiversity*

15. Paragraph 99 of Circular 06/2005 'Biodiversity and Geological Conservation-statutory obligations and their impact within the planning system' ODP states that developers should not be required to carry out surveys for protected species unless there is a reasonable likelihood of the species being present and affected by development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted.
16. The Council contend that the proposal has the potential to affect priority habitats, badgers, reptiles, bats and nesting birds. The site is in proximity of semi-improved grassland, bracken, standing trees, scrub, broadleaved woodland, open water, building and debris. Accordingly, there is a reasonable likelihood of these species being present and affected by the development and, as such, I consider that an Ecological Assessment is required. No such assessment has been submitted.
17. Whilst ecological surveys can be carried out under conditions attached to a planning permission, this should only be done in exceptional circumstances<sup>2</sup>. There is no evidence before me to suggest that there are any such exceptional circumstances.
18. I find therefore that in the absence of an ecological assessment of the appeal site it is not possible to ascertain the effect the dwelling would have on protected species. Therefore, the proposal would fail to comply with Policy CS17 of the CS, which, amongst other matters, seeks to protect the ecological value of the area. Similarly, it would fail to accord with paragraph 109 of the Framework, which states that development should conserve and enhance biodiversity.

### **Other Matters**

19. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Paragraph 150 of the Framework echoes this, stating that local plans are the key to delivering sustainable development that reflects the vision and

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<sup>2</sup> Paragraph 99 of Circular 06/2005 *Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within the Planning System*

aspirations of local communities and planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. The statutory primacy of the development plan is reinforced in paragraphs 196 and 210 of the Framework and its first core principle is that planning should... "be genuinely plan-led."

20. The dwellings would be occupied by the appellant's daughters. However, there is no indication that they would be secured as affordable dwellings. Therefore, whilst I appreciate the appellant's wish for his family to remain living in the area, I can only attribute this matter limited weight in favour of the proposal.
21. The proposal would provide two family sized homes and therefore it is likely that any children occupying them would help support local schools and services.
22. I acknowledge that the Parish Council support the proposal and consider that it would improve the visual amenities of the area. Whilst the proposal is in outline form, it is possible that it would improve the visual amenities of the area through appropriate design and landscaping, which weighs in favour of the proposal.
23. Whilst these matters are material considerations that weigh in favour of the proposal, I do not consider that individually or cumulatively they outweigh the harm identified by reason of undermining the Council's housing strategy as set out in the Council's development plan.

### **Conclusion**

24. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

*Alexander Walker*

INSPECTOR





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## Appeal Decision

Site visit made on 31 July 2017

**by Alexander Walker MPlan MRTPI**

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

**Decision date: 25<sup>th</sup> August 2017**

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**Appeal Ref: APP/L3245/W/17/3174239**

**The Bungalow, Wood Lane, Hinstock, Market Drayton TF9 2TA**

- 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 Mrs Barbara Costello against the decision of Shropshire Council.
  - The application Ref 16/05095/FUL, dated 5 November 2016, was refused by notice dated 2 March 2017.
  - The development proposed is a replacement dwelling, including detached garage, new drainage system and demolition of existing bungalow.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. During the Council's consideration of the application, amended plans were submitted. The appellant confirms that the decision was made based on these plans and the Council has not disputed this. Accordingly, I have determined the appeal based on these amended plans.

### Main Issues

3. The main issues in this appeal are the effect of the development on the character and appearance of the area and the effect of the development on the provision of the type and mix of housing in the locality.

### Reasons

#### *Character and appearance*

4. The existing dwelling is a single-storey, detached bungalow located within the open countryside. The site lies adjacent to a number of agricultural type buildings to the north. To the south and west are open fields, with the nearest neighbour being a short distance to the south. Further to the south is the village of Hinstock, which comprises a variety of dwellings, including several bungalows within proximity of the site. To the east is Wood Lane, which has sparsely scattered dwellings along this stretch of it, including a range of single-storey and two-storey dwellings.
5. The existing dwelling is relatively small and is of a simple design. The appellant confirms that it has a floor area of approximately 75 sqm. The proposed replacement dwelling would sit on roughly the same foot print as the existing dwelling, albeit set slightly further back from the road. It would have a floor area of approximately 154 sqm and would be two-storey in height.

6. Policy MD7a of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan 2015 states that replacement dwellings should not be materially larger and must occupy the same footprint unless it can be demonstrated why this should not be the case.
7. The Shropshire Council's Type and Affordability of Housing Supplementary Planning Document (SPD) 2012 also provides guidance with regard to replacement dwellings in the open countryside, emphasising the need for replacement dwellings to respect the local character of the area, taking account of bulk, scale, height and external appearance of the resultant dwelling and be sympathetic to the size, mass, character and appearance of the original building.
8. Following the submission of the appeal, the Council confirm that prior approval has been granted for extensions to the dwelling<sup>1</sup>. The evidence submitted by the appellant, indicates that the lawful scheme would increase the dwelling to 187 sqm. However, this appears to be in reference to a scheme that differs to that granted prior approval. There is no confirmation as to what the floor space of the lawful scheme would be. The appellant submits that if the existing dwelling is extended under permitted development rights it would result in a significant increase in the overall floor area of the dwelling. I accept this position. The lawful scheme is a fall-back position which is a significant material consideration in my determination of the appeal, a view which Inspectors have shared in previous appeals referred to me by the appellant<sup>2</sup>.
9. The lawful scheme would comprise two extensions on either side of the existing dwelling. It is not clear from the evidence before me what the elevational details of the scheme comprise. The details submitted by the appellant indicate a different scheme to that granted prior approval by the Council. Taking the Council's plans, as they are the most recently submitted, the extensions would be approximately the same width and depth as each other and would undoubtedly be single-storey.
10. Notwithstanding the lack of elevational details regarding the lawful scheme, I do not consider that the replacement of the existing modest single-storey dwelling, even with the lawful scheme implemented, with a two-storey dwelling would have a positive effect on the character and appearance of the area. The low profile of the existing dwelling is partly screened from the adjacent road by the hedge and sits comfortably within the context of the surrounding built-form including the neighbouring bungalow and outbuildings.
11. The proposed two-storey dwelling would rise substantially above the hedge and would be dominant in views when travelling along Wood Lane. The considerable increase in height would significantly diminish the openness of the site and the general area. Whilst the lawful scheme would increase the footprint of the existing building I do not consider that it would be more visually dominant or harmful than the proposed two-storey dwelling. Moreover, whilst the resultant dwelling may appear less coherent than the proposed dwelling I do not consider that this outweighs the harm the proposed dwelling would have on the openness of the area.
12. Moreover, the proposal also appears to increase the size of the private amenity space associated with the existing dwelling. I noted during my site visit that there was no physical boundary demarcating the extent of the western and southern boundaries of the site. The lawful scheme and the planning permission that has

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<sup>1</sup> LPA Ref 17/01872/HHE

<sup>2</sup> Appeal Refs APP/L3245/W/15/3003087 and APP/V3120/A/12/2188869

also recently been granted for a replacement 3 bedroom bungalow<sup>3</sup>, indicate a much smaller area than that proposed. The appellant confirms that this increase is to accommodate the septic tank and drainage fields. However, the increase also includes the area of land to the south of the dwelling and appears to extend further west in addition to the drainage requirements. Whilst the proposed dwelling itself would not appear to encroach into the surrounding countryside, the detached garage and domestic paraphernalia such as garden sheds, washing lines, garden furniture, etc. likely would and therefore erode the openness of the area. Consequently, this would accentuate the increase in the size of the overall development and contribute to the overall harm it would have on the openness of the area.

13. I have had regard to the Inspectors' conclusions in the appeal decisions referred to me by the appellant. Whilst I agree that the fall back is a material consideration, in this instance, I find that any harm the lawful scheme would have on the character and appearance of the area would be less than the harm the proposed dwelling would have. Furthermore, the details before me regarding the appeal schemes referred to me are limited and therefore I cannot draw any direct comparison in respect of the design of the proposal.
14. I find therefore that the dwelling would significantly harm the character and appearance of the area. As such, it would fail to accord with Policy MD7a of the SAMDev and the SPD. Furthermore, it would fail to accord with Policy MD2 of the SAMDev and Policy CS6 of the Shropshire Core Strategy (the CS) 2011, which seek to ensure that development respects the character and appearance of the area.

#### *Type and mix of housing*

15. The proposed dwelling would have less floor space than the existing dwelling if the lawful scheme was implemented. Consequently, I find that the proposal would not have an adverse effect on the type and mix of housing in the area. It would result in the loss of a small dwelling, which itself makes a valuable contribution to the housing stock in the area. However, it is likely that it would be lost in any event through the implementation of either the lawful scheme or the permitted replacement dwelling. There is no evidence to suggest that the existing dwelling falls within the definition of an affordable dwelling. Accordingly, I find that that there would not be any conflict with Policies MD2 and MD7a of the SAMDev, Policy CS6 of the CS or the SPD in this respect.

#### **Other Matters**

16. I have had regard to the energy efficiency of the existing dwelling and accept that the proposal would likely be more efficient. However, I do not find that this outweighs the harm I have identified above.

#### **Conclusion**

17. Whilst the proposal would not adversely effect on the type and mix of housing in the area, it would significantly harm the character and appearance of the area.
18. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

*Alexander Walker* INSPECTOR

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<sup>3</sup> LPA Ref 17/01919/FUL

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## Appeal Decision

Site visit made on 31 July 2017

**by Alexander Walker MPlan MRTPI**

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

**Decision date: 29<sup>th</sup> August 2017**

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**Appeal Ref: APP/L3245/W/16/3158382**

**Walford Barns, Baschurch, Shrewsbury, 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 Mr Darren Cousins against the decision of Shropshire Council.
  - The application Ref 16/01889/FUL, dated 25 April 2016, was refused by notice dated 4 July 2016.
  - The development proposed is the erection of a triple garage block with apartment over.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this appeal are:
  - Whether the development would accord with the Council's housing strategy, with particular regard to its location;
  - The effect of the development on the character and appearance of the area, including the setting of neighbouring listed buildings; and
  - The effect of the development on highway safety.

### Reasons

#### *Housing Strategy*

3. The Council confirms that the appeal site is not located within any Community Hub or Cluster as identified in Policy CS4 of the Shropshire Council Adopted Core Strategy (CS) 2011. The appellant does not dispute this. Accordingly, for the purposes of the development plan, the site is considered to be located within the open countryside.
4. Policy CS5 of the CS allows new development in the open countryside only where it maintains and enhances countryside vitality and character and improves the sustainability of rural communities. It also provides a list of particular development that it relates to, including dwellings for essential countryside workers and conversion of rural buildings. There is no evidence before me to suggest that the proposal falls within any of the development listed in Policy CS5.
5. In support of Policy CS5, Policy MD7a of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) 2015 goes on to

state that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Clusters. As the proposal is for an open market dwelling in the open countryside, I find that it would fail to accord with Policies CS5 and MD7a.

6. The Council confirm that they have a five year supply of deliverable housing land. The appellant does not dispute this, although he does contend that there is a shortfall in housing provision within the area. However, there is no evidence that the Council's housing target is not going to be met. Accordingly, the policies within the development plan that are relevant to housing supply are considered to be up-to-date and therefore paragraph 49 of the Framework is not engaged.
7. I note that the appellant argues that the site is within the curtilage of the recently developed barns. However, I have not been presented with any evidence that local or national policy supports the development of such sites.
8. I find therefore that the proposal fails to accord with the Council's housing strategy as embodied in Policy CS5 of the CS and Policy MD7a of the SAMDev.

#### *Character and Appearance*

9. The appeal site is located to the rear of two recently converted barns<sup>1</sup> on the edge of Walford. The site forms part of the domestic curtilage of Water's Nook, one of the dwellings that forms part of the conversion scheme, and is currently partly hardstanding for parking and partly overgrown. The converted barns are a grade II listed building and date back to circa mid-late C17th, with extensions and remodelling having taken place in the C18th and C19th. The building is of brick construction with exposed timber framing and top panel weather boarding with a slate roof. The building is roughly L-shaped with a central building in the middle dividing it into two separate courtyard areas. Overall, it is a particularly attractive traditional agricultural building.
10. Paragraph 128 of the National Planning Policy Framework (the Framework) states that an applicant should describe the significance of any heritage assets affected, including and contribution made by their setting. There is no evidence that such information was submitted with the application and no such evidence has been submitted with the appeal. Nevertheless, section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving the listed building or its setting. Therefore, in undertaking this duty I have based my assessment on the limited evidence presented to me and the observations I made during my site visit.
11. The dwellings contained within the conversion scheme face into the courtyard areas. Their private amenity space is to the rear, demarcated by close boarded timber fencing. The proposal would be located within this rear area. The building would have no frontage within the courtyard area. Moreover, the existing buildings have clear, uniform building lines. The proposed building would project significantly beyond the elevation of the properties contained within the western wing of the conversion scheme. As a result, the

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<sup>1</sup> LPA Ref 12/03441/FUL

building would fail to respect the important historic pattern of development of the barns which make a positive contribution to the character and appearance of the area.

12. The proposal would be a small detached building with a modest private amenity space to the rear. Many of the other properties within the conversion scheme are of a modest size with equally small rear gardens. However, they form part of a larger building which has a range of property and garden sizes and therefore do not appear as overdeveloped. Whilst the proposed building would provide garage space for dwellings contained within the conversion scheme, given its incoherent relationship with the existing building, its overall size in relation to its plot size would appear cramped and represent overdevelopment.
13. In addition, the introduction of a detached building in this location would erode the spaciousness of the area surrounding the barns. This spaciousness plays an important role in framing the building. Therefore, its erosion would significantly detract from the setting of the listed building.
14. Paragraph 134 of the Framework confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use. Whilst the harm to the significance of the listed building would be less than substantial, I do not find that the contribution the proposal would have to the local housing supply or the provision of garage space to neighbouring dwellings would outweigh this harm.
15. I find therefore that the proposal would significantly harm the character and appearance of the area and the setting of the neighbouring listed building. As such, it would be contrary to Policies CS6 and CS17 of the CS and Policy MD2 of the SAMDev, which, amongst other matters, seek to protect, conserve and enhance the natural, built and historic environment. In addition, it would fail to comply with the advice contained within the Shropshire Council Type and Affordability of Housing Supplementary Planning Document (SPD) 2012, which seeks to protect local historic or rural character. Furthermore, it would fail to accord with the design objectives of the Framework.

#### *Highway Safety*

16. I noted during my site visit that the access to the overall conversion scheme has not been carried out in accordance with the approved scheme. The appeal site lies on an area of land identified in the approved scheme for the barn conversion as overspill parking comprising 12 spaces.
17. If the proposed scheme was allowed and implemented it would prevent the completion of the approved access and parking serving the barns. There is no evidence before me to indicate that sufficient parking provision would be provided for the barns or that it would not represent a severe risk to highway safety.
18. On this basis, I find that the proposal would represent an unacceptable risk to highway safety, contrary to paragraph 32 of the Framework.

## **Conclusion**

19. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

*Alexander Walker*

INSPECTOR



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## Appeal Decision

Site visit made on 21 August 2017

**by A J Mageean BA (Hons) BPI PhD MRTPI**

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

**Decision date: 11<sup>th</sup> September 2017**

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**Appeal Ref: APP/L3245/W/17/3166592**

**Lavender Barn, High Street, Clive, Nr Shrewsbury SY4 3JL**

- 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 Mr Paul Hewitt against the decision of Shropshire Council.
  - The application Ref 15/04337/FUL, dated 1 October 2015, was refused by notice dated 3 November 2016.
  - The development proposed is change of use/insertion of new first floor, within existing garage to form ancillary office accommodation for existing house for use by owner(s) as a self-employed business man together with internal alterations and formation of a new timber framed/glazed porch.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the host building, and on the living conditions of the occupiers of Chestnut Barn with particular reference to privacy.

### Reasons

#### *Character and appearance*

3. Lavender Barn is part of a residential conversion of a group of former agricultural buildings, following planning permission granted in 2001. Located within the village of Clive, these buildings are arranged in a U shape, forming a central yard area to the east. The southern elevation of these traditional stone, brick and slate buildings is a visible feature of the main village High Street, contributing to the character of this rural village. A dominant element of these structures is the roof form, characterised by its expanse and plainness, which, apart from the insertion of roof lights, appears to remain largely unaltered.
4. The Council have referred to the converted barn in this case as a *non-designated heritage asset*. The Planning Practice Guidance<sup>1</sup> states that this type of heritage asset can be identified by the local planning authority as having a degree of significance meriting consideration in planning decisions because of their heritage interest, though they do not have statutory protection. Further, Policy MD13 of the Shropshire Council Site Allocations and

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<sup>1</sup> Paragraph: 039 Reference ID: 18a-039-20140306

Management of Development Plan 2015 (SAMDev) refers to the need for proposals to *avoid harm or loss of significance to designated or non-designated heritage assets*. Also Paragraph 135 of the National Planning Policy Framework (the Framework) refers to the need to take into account the significance of non-designated heritage assets in determining planning applications.

5. In the present case the Council have referred to the identification and classification of this building as part of Meadow Farm in the 'Historic Farmsteads Characterisation Project 2008-2010'. Whilst there have clearly been changes as part of the conversion of the barns, they are described in this report as having 'partial loss – less than 50% change'. Overall their U-shaped plan form and their modest utilitarian appearance typical of such barns remain intact, with additional openings kept to a minimum. As such the status of Lavender barn as a non-designated heritage asset is a matter of some weight in this case.
6. The proposed change of use of the garage to home office use and the insertion of an additional floor would be acceptable in principle. However the addition of a significantly sized and extensively glazed porch, extending above eaves level, would introduce a feature which would not reflect the simple and robust design of these buildings, particularly in terms of the additional glazing at roof level.
7. Whilst I accept that the High Street elevation of Lavender Barn includes what appears to be an original projecting canopy at roof level, this is a modest slate and timber structure. In contrast the degree of glazing proposed within the porch would stand out against the plain and non-reflective roof materials, drawing attention to it. I appreciate that the glazing would light the upper floor, and that locally available and sustainable materials would be used, nonetheless this would be a visually domineering and incongruous feature.
8. The appellant argues that this proposal would have been accepted as part of the previous proposals to convert the barn structures. However, whilst additional openings and other elements appear to have been introduced as part of this scheme, it is clear that overall the modest appearance of these buildings has been respected, particularly the roof profile. The current proposal would not accord with this approach.
9. In accordance with SAMDev Policy MD13 and the Framework paragraph 135, in such cases it is necessary to balance the degree of harm to the non-designated heritage asset against the public benefits accruing. I accept that the degree of harm to the heritage asset in this case would be less than significant. The benefits referred to by the appellant in this case would be the conversion of the existing garage space into an office, allowing the appellant to relocate his current office from a room in the house. Whilst SAMDev Policy CS5 supports live-work proposals, this would be a private benefit which would not in itself outweigh the harm to the significance of this non-designated heritage asset.
10. I conclude on this point that the proposal would have a detrimental effect on the character and appearance of the host building. In this respect it would conflict with the Shropshire Core Strategy 2011 (CS) Policies CS5, CS6, CS17 and SAMDev Policies MD13 and MD2 which, taken together, seek to avoid harm to designated and non-designated heritage assets, and ensure that development protects and enhances their character and significance. These policies also require that design should be appropriate, taking into consideration local context and character. The Council also refers to SAMDev

Policy MD7A, though I accept that this policy, as well as some aspects of those policies cited above, are not directly relevant to the main issues in this case.

### *Living conditions*

11. As this is the central unit within this group of three residential properties, the introduction of a substantial glazed element at first floor level would increase visibility across the courtyard garden areas associated with both Chestnut Barn and Meadow Barn. Whilst this addition would be closer to the shared boundary with Meadow Barn, the Council does not raise concerns about the potential for overlooking of this property. In this respect I agree that whilst visibility of the parking area associated with this dwelling would increase, the proposed glazed porch would be some distance from and at an angle to the dwelling itself. Therefore loss of privacy overall would not be a concern.
12. Lavender Barn has an existing first floor window which overlooks the courtyard garden of Chestnut Barn. As the proposed addition would be located further away from the shared boundary with this property it would not provide any additional opportunity for overlooking this area. As this dwelling only contains ground floor windows on its rear facing northern elevation, the combined effect of the distance and restricted angle of vision from the higher level first floor of the appeal proposal towards these windows would mean that opportunities for overlooking would be limited, and any harm in terms of loss of privacy would not be significant.
13. I conclude on this point that the proposal would not have a detrimental effect on the living conditions of the occupiers of Chestnut Barn with particular reference to privacy. It would therefore comply with CS Policy CS6 which requires that development should safeguard residential amenity.

### **Conclusion**

14. Whilst I have found that the proposal would not cause unacceptable harm to the living conditions of the occupiers of the neighbouring property, it would have an unacceptable impact on the character and appearance of the host dwelling, a non-designated heritage asset.
15. As material considerations do not indicate that I should conclude other than in accordance with the development plan taken as a whole, the appeal is dismissed.

*AJ Mageean*

INSPECTOR

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