

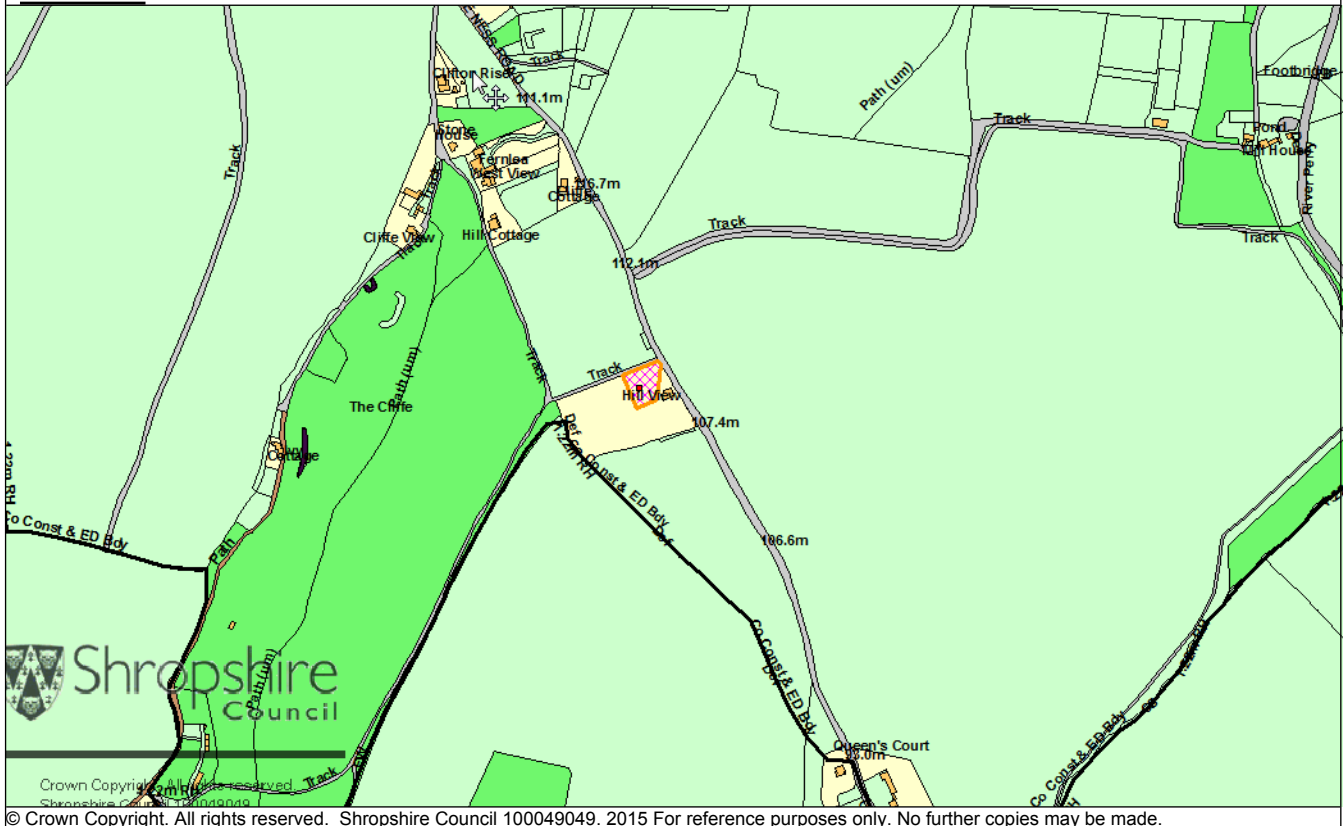
Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

<u>Application Number:</u> 15/04348/FUL	<u>Parish:</u>	Ruyton XI Towns
<u>Proposal:</u> Change of use of existing store/office to dwelling		
<u>Site Address:</u> Former Store Walnut House Little Ness Road Ruyton Xi Towns Shropshire		
<u>Applicant:</u> Mr & Mrs D & P PRITCHARD		
<u>Case Officer:</u> Mark Perry		<u>email:</u> planningdmnw@shropshire.gov.uk

Grid Ref: 339799 - 321213



Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.**REPORT****1.0 THE PROPOSAL**

1.1 The submitted application is the conversion of an existing building to an independent dwelling. The existing building was granted planning permission in 2008 for use as a store/ office where it was conditioned that it could only be used for purposes ancillary to Walnut House and not as an independent dwelling. The previous owner of the dwelling used the building as a home office however the new owners have no use for the ancillary office use and now wish to use the building as an independent unit of living accommodation.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is located around 750 metres from the edge of Ruyton XI Towns adjacent to a single track rural land. The existing single residential curtilage is surrounded by agricultural fields with a public right of way running along the northern boundary of the site.

2.2 The existing curtilage contains a large detached dwelling and an L-shaped range of single storey, timber constructed outbuildings which are currently used to provide ancillary garaging and kennel accommodation. The building the subject of this application is 2 storey and of a more robust method of construction. It is understood that the building originated from a historic timber framed barn which was rebuilt on this site although with substantial modern additions. Whilst there appears to be some small historic value to the building the vast majority of it is considered to be of modern construction.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 In accordance with the adopted scheme of delegation the local member and the Chair of the Planning Committee consider that the application raises issues which warrants the applications determination by the Planning Committee.

4.0 Community Representations

- Consultee Comments

Parish Council - oppose the application as Shropshire Council now has in excess of a 5 year housing supply; its planning policies now carry more weight and as such the proposed development outside the development boundary depicted in the parish council's SAMDev submission (CS4); is in open countryside (CS5) and cannot therefore be supported. In addition the Parish Council were disappointed that the application had been validated by Shropshire Council as it breaches conditions attached to the connected previous planning application ref. 04/13043/FUL; and would recommend that the application be either withdrawn or refused on this basis.

Affordable Housing- the correct amount of contribution is indicated in the submission.

- Public Comments

2 letters of representation received commenting on the following issues-

- Leaves the original house with no outbuildings increasing the risk of more being erected close to the bridleway
- Extra traffic on the road affecting walkers, cyclists and horse riders.
- No facilities nearby
- Will not contribute to open market housing requirement
- It is outside of the development boundary
- Contrary to existing planning conditions restricting its use
- New dwelling should not be allowed to be sold off

5.0 THE MAIN ISSUES

Principle of development

Siting, scale and design of structure

Visual impact and landscaping

6.0 OFFICER APPRAISAL**6.1 Principle of development**

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

6.1.2 The NPPF sets out the presumption in favour of sustainable development as a golden thread running through plan-making and decision-taking (para. 14), so it applies, as a material planning consideration, in any event. The NPPF specifically aims to 'boost significantly the supply of housing' therefore, the fact (and degree) that a proposed development helps to boost housing supply is a significant material consideration to which considerable weight must be attached. These considerations have to be weighed alongside the provisions of the Development Plan, including those relating to housing supply.

6.1.3 The Council is now in a position that it has identified sufficient land that addresses the NPPF 5 year housing land supply requirements. Significant weight can now be awarded to the SAMDev policies which have been through the examination process and the plan has been found to be 'sound' by the Planning Inspector. The next stage is for the plan to formally adopted by the Council at full Council in December 2015. Given the very advanced stage of the SAMDev plan, very significant weight can now be awarded to it in making planning decisions.

6.1.4 Within the SAMDev Plan Ruyton XI Towns is classed as a community hub where there is already a range of services and facilities. The village has an

unimplemented consent for 100 dwellings with a further 15 dwelling by infilling , small groups and conversions within its development boundary. The application site lies outside the SAMDev boundary and is therefore classed as open countryside for planning policy purposes. In accordance with current policy the application therefore falls to be assessed under Core Strategy policy CS5 relating to open countryside and the re-use of rural buildings to form dwellings. In order to satisfy the requirements of policy CS5 relating to the re-use of buildings in the open countryside to form dwellings it is stipulated the building involved must constitute a heritage asset. A heritage asset is defined in the Councils adopted SPD on the Type and Affordability of Housing as:

- pre-date 1950;
- comprise traditional materials and building methods;
- are of permanent and substantial construction;
- are of local significance and add value to the landscape.

- 6.1.5 It is acknowledged that the application building is a modern structure that does not fulfil the above criteria. However, this building is already in residential use albeit as ancillary residential accommodation and not as an independent unit of living accommodation.
- 6.1.6 Policy CS5 states that open market residential conversions will only be considered where respect for the heritage asset and high standards of sustainability are achieved. It is fully acknowledged that the building the subject of this application cannot be considered a heritage asset as it was only built in 2008. However, the core frame of the building is of historic value, although not sufficient for the building to be considered a heritage asset. As such the fact that the building is not a heritage asset weighs negatively in the overall planning balance. However regard should also be had to the current permitted development rights under class Q which allows agricultural buildings to be converted to dwellings and class O which allows offices (use class B1) to be converted to dwelling without requiring planning permission, this is regardless of whether they are or are not of any architectural or historic merit. This approach is in line with the NPPF's aims of significantly boosting the supply of housing. Whilst the existing building is not a heritage asset it is attractive and sits comfortably within the context of the site and it does contribute towards the character of the area. The proposal is more closely aligned with an application for the sub division of an existing dwelling rather than the conversion of an existing redundant building to create a new dwelling. To facilitate the conversion of the building to a separate dwelling would require minimal works dwelling given its existing use as ancillary accommodation to the main house with much of the necessary services and internal/ external works already carried out. In this respect it is a sustainable alternative use for the building.
- 6.1.7 On a general note, as a Community Cluster it is accepted in principle that Ruyton XI Towns is a sustainable settlement capable of accommodating some further growth in order to maintain and enhance this status. The application site is around 730 metres from the edge of the settlement's development boundary. Whilst the lack of road side pavements is likely to discourage people walking into the village it is feasible that they could cycle or have a very short car journey. Its position outside of the development boundary does weigh against the proposal.

6.2 **Siting, scale and design of structure**

6.2.1 The scheme proposes turning the barn into a two bedroom dwelling. The gross internal floor area would measure approximately 117 sqm so it would provide accommodation for the smaller and therefore more affordable end of the housing market. The applicant has stated that the barn will initially be occupied by the applicant's parents who will be able to provide child care and for the applicant's to be able to provide care to their parents in future years. However, what is being applied for is a completely separate dwelling which if approved would allow the barn to potentially be sold or let separately to someone not associated with the occupiers of the main dwelling. The applicant has revised the red line of the application site so that in the event that the barn is sold off the use of the existing single storey outbuilding would be split between the barn and the main dwelling which would ensure that there remains an adequate amount of garage/ storage accommodation for each property and therefore reducing the risk of occupiers wanting to erect new garages or outbuildings.

6.3 **Residential Amenity**

6.3.1 The only dwelling that would be affected by the proposal would be the applicant's own property. The barn sits behind the L-shape garage block when viewed from the applicant's main dwelling. There is approximately 27 metres between the barn and the main dwelling. It is considered that there is sufficient space around the buildings and the existing residential curtilages are large enough to comfortably accommodate two independent dwellings and provide adequate parking, storage and amenity land and without detrimentally impacting upon residential amenities.

6.4 **Public Right of Way**

6.4.1 A bridleway passes along the northern boundary of the site with its route and entrance to the driveway converging at almost the same point adjacent to the adopted highway. The scheme proposes no alterations to the access arrangements and the driveway will continue to be used in the same way that it has for a number of years. The creation of a new dwelling is likely to give a rise in the number of vehicles movements to and from the site. However, this is not likely to result in any obstruction to the public right of way as vehicles enter and leave the site.

6.5 **Affordable Housing**

6.5.1 Regarding the need for an affordable housing payment, officers acknowledge the November 2014 Ministerial statement and National Planning Practice Guidance (PPG) advising against the use of planning obligations to secure tariff-style contributions. These were afforded weight in a number of recent appeal cases, although the Council contended that those decisions did not set a binding precedent since the evidence underpinning its Core Strategy Policy CS11 had not been considered in full as part of the appeal process. In any event the Government has subsequently withdrawn the relevant PPG following a successful High Court challenge (as of the 31st July 2015). The Council therefore maintains its position that an appropriate affordable housing contribution will continue to be sought in all cases in accordance with adopted Policy CS11 and the Housing SPD. The application has confirmed that they intend to enter into a S106 which will secure an affordable housing contribution of J9,000.

7.0 **CONCLUSION**

- 7.1 Whilst the site occupies an open countryside location and involves the change of use of a non heritage asset to an open market residential use, the building is already in a residential use, albeit an ancillary use providing residential accommodation. Therefore conversion to a dwelling would require minimum alterations. Regard must be given to the Governments drive to boost the supply of housing, this is clearly set out by the revised permitted development rights allowing almost any type of former agricultural building and office accommodation to be converted to a dwelling regardless of location (subject to meeting the set criteria). The existing building will make a contribution towards housing although only a small amount, but although it is in the open countryside it is not completely isolated as there is a sporadic scattering of other dwellings between the site and Ruyton XI Towns which is only a short distance away.
- 7.2 On balance, it is considered that the proposal has some social, economic and environmental benefits which, when assessed as a whole, currently weigh in favour of allowing the change of use as a sustainable form of development as envisaged by the NPPF.

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 six weeks 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 gives 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 1990.

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar 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
Planning Practice Guidance

Core Strategy and Saved Policies:
CS4- Community Hubs and Community Clusters
CS5- Countryside and Greenbelt
CS11- Type and Affordability of Housing

11. Additional Information

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr M. Price
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Local Member Cllr Nick Bardsley

Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

2. The development shall be carried out strictly in accordance with the approved plans and drawings Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

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

- extension to the dwelling
- free standing building within the curtilage of the dwelling
- addition or alteration to the roof
- erection of a porch
- any windows or dormer windows

Reason: To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area, and to ensure that adequate private open space is retained within the curtilage of the building.

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