

Development Management Report

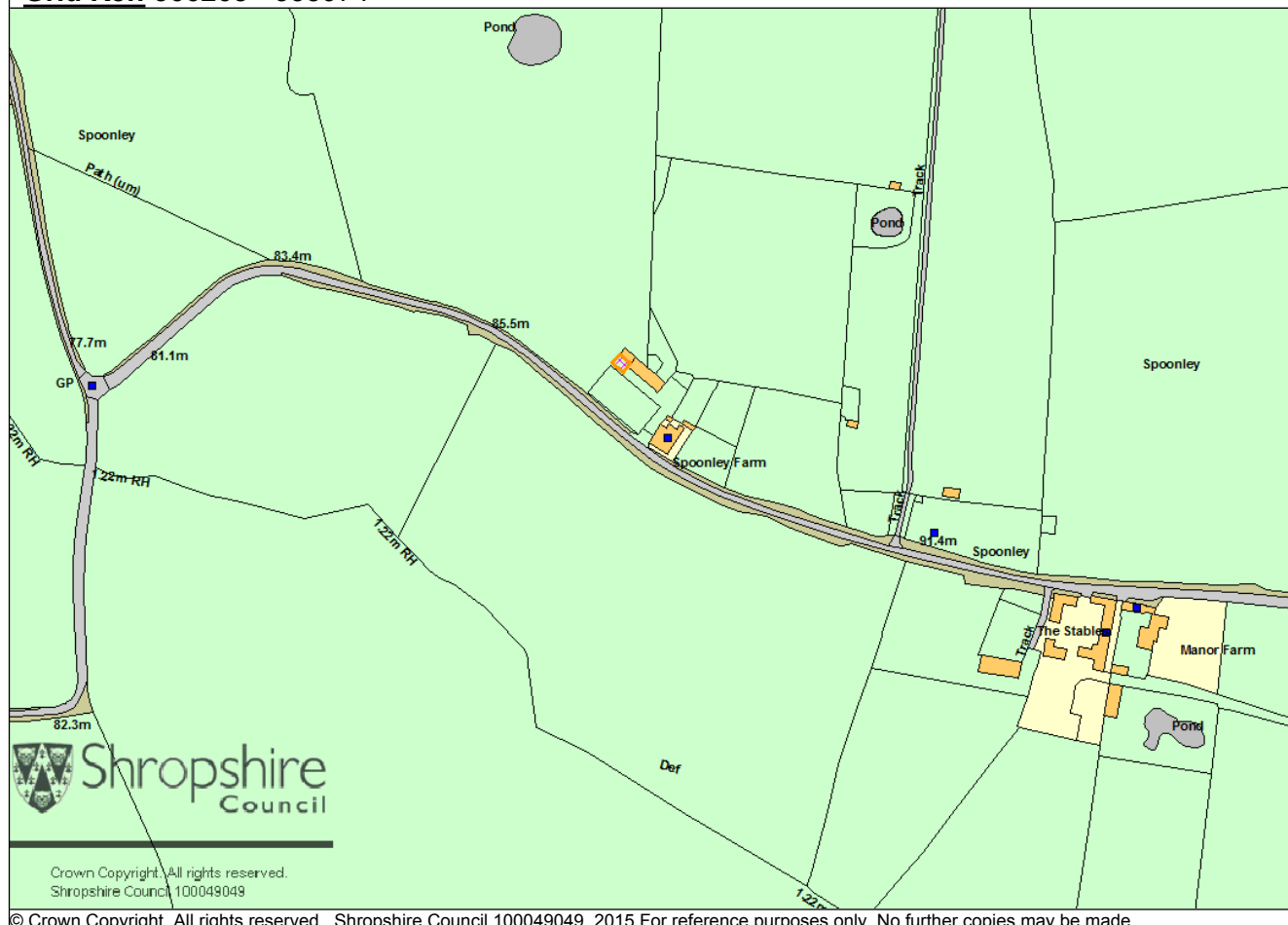
Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 16/01334/FUL	Parish:	Adderley
Proposal: Erection of stable building		
Site Address: Spoonley Farm Spoonley Market Drayton Shropshire TF9 3SR		
Applicant: Mr & Mrs J Cadwallader		
Case Officer: Richard Denison	email: planningdmne@shropshire.gov.uk	

Grid Ref: 366268 - 335974



Recommendation:- Grant planning permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 This application relates to the erection of an extension to an existing building to provide a two bay stable building with internal circulation space.

2.0 SITE LOCATION/DESCRIPTION

2.1 Spoonley Farm is located on a country lane just off the A529 approximately 1km north of Market Drayton. The farm consists of a small complex of farm buildings with land to the north and south of the country lane.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The application has been made on behalf of a local member of the Council and that the application should be determined by committee as set out in Part 8 of the Shropshire Council Constitution.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 **Shropshire Council, Flood and Water Management Team** - A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's Surface Water Management: Interim Guidance for Developers document. It is available on the council's website at: www.shropshire.gov.uk/environmental-maintenance-and-enforcement/drainage-andflooding/flood-risk-management-and-the-planning-process. The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should 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 it can be demonstrated that infiltration techniques are not achievable.

4.2 Public Comments

4.2.1 No public representations have been received.

5.0 THE MAIN ISSUES

- Principle of Development
- Design, Scale and Character
- Impact on Residential Amenity
- Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of Development

6.1.1 Policy CS5 'Countryside and Green Belt' of the Shropshire Core Strategy relates to development being strictly controlled in accordance with national planning policy

to protect the countryside from inappropriate development. Agricultural and rural development would be supported subject that it does not result in an unacceptable adverse environmental impact and that the design and use of materials is appropriate to the location and does not lead to isolated and sporadic development. The proposed building indicates the provision of two stables and an associated circulation space which will be used by the applicants existing horses which graze and exercise on the adjoining fields and therefore the principle is acceptable.

6.2 **Design, Scale and Character**

6.2.1 Policy CS6 'Sustainable Design and Development Principle' requires that sustainable design and construction principles are incorporated within the new development. The policy also indicates that the development should protect, restore, conserve and enhance the natural environment and be appropriate in scale, density, pattern and design taking into consideration the local context and character.

6.2.2 The proposed stable building is modest in size and will link into the existing open stall building and will measure 7.6 metres wide by 4.85 metres deep on the south east facing elevation and 7 metres on the north west facing elevation. The building will be constructed with a concrete lower section with Yorkshire boarding above with a fibre cement natural grey roof with GRP roof lights to match the adjoining buildings. The proposed extension will be positioned within an area of hardstanding between the existing building and the manege which runs along the roadside. The building will be viewed in context with the existing buildings and will not result in the loss of any open countryside.

6.2.3 There is a genuine need to provide accommodation for horses and having regard to the siting and scale of the building it will not be viewed in a prominent location. The design and use of materials is in keeping with this rural area and would not appear to protrude out into prime open countryside.

6.3 **Impact on Residential Amenity**

6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. Having regard to the proposed orientation and distance away from neighbouring properties the proposed building will not result in any detrimental impact from causing an overbearing impact, loss of light or result in any noise disturbance.

6.4 **Drainage**

6.4.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity. The application indicates that surface water will be disposed of via soakaways and the Drainage Engineer has indicated that percolation test and soakaways should be designed in accordance with BRE Digest 365. No concerns have been raised regarding the suitability of the local ground conditions for soakaways and a safeguarding informative is proposed regarding surface water drainage.

7.0 CONCLUSION

7.1 The proposed stable is necessary to provide covered weather proof accommodation for the applicant's horses. The proposed building is adjacent to the existing buildings and is of a scale and appearance which is sympathetic to this rural location. The building will not result in the significant loss of open countryside and will not be clearly visible for any public vantage point, whilst the proposed siting and design will not result in any detrimental impact on the neighbouring properties.

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

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 - written representations, a hearing or inquiry.
- The decision is 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 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 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**

9.1 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.

10.0 **BACKGROUND**

10.1 **Relevant Planning Policies**

Policies material to the determination of the Application. In determining this application the Local Planning Authority gave consideration to the following policies:-

National Planning Policy Framework (March 2012):

7 : Requiring Good Design

Shropshire Council Core Strategy (February 2011):

CS5 : Countryside and Green Belt

CS6 : Sustainable Design and Development Principles

Site Allocation and Management of Development (December 2015):

MD2 : Sustainable Design

MD7b : General Management of Development in the Countryside

10.2 **Relevant Planning History**

16/01323/AGR - Erection of open sided Dutch style barn. Prior Approval Not Required 22nd April 2016.

NS87/00552/FUL - Erection of a general purpose agricultural building. Granted 26th August 1987.

11.0 **ADDITIONAL INFORMATION**

List of Background Papers - None

Cabinet Member (Portfolio Holder) - Cllr Malcolm Price

Local Member - Cllr John Cadwallader

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.
3. The proposed stable shall be constructed from Yorkshire boarding (150mm x 22mm) and fibre cement natural grey roof with GRP rooflights and fibre cement barge boards.
Reason: To ensure that the external appearance of the development is satisfactory.