

Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

<u>Application Number:</u> 16/05541/FUL	<u>Parish:</u>	Alberbury With Cardeston
<u>Proposal:</u> Application under Section 73A of the Town & Country Planning Act for the retrospective change of use of existing farm buildings, in addition to the conversion of an existing barn, use of existing toiler/shower facilities, creation of an informal car parking area, associated and ancillary works to allow weddings and events at Stanford Farm		
<u>Site Address:</u> Stanford Farm Stanford Halfway House Shrewsbury Shropshire		
<u>Applicant:</u> Miss L Edwards		
<u>Case Officer:</u> Cathryn Robinson		<u>email:</u> planningdmc@shropshire.gov.uk

Grid Ref: 333809 - 312898



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

Recommended Reason for Approval

REPORT

1.0	THE PROPOSAL
1.1	This application seeks permission under Section 73A of the Town & Country Planning Act for the retrospective change of use of farm buildings to allow Weddings, Events and Community Activities. Permission for the conversion of a third building in connection with hosting the aforementioned activities is also sought, alongside permitting the use of a toilet and shower block contained within a further outbuilding. The creation of an informal car parking area, alongside other associated ancillary works, are also to be pursued in order to allow the hosting of weddings and events at Stanford Farm.
2.0	SITE LOCATION/DESCRIPTION
2.1	Stanford Farm is an historic farmstead dating from the 18 th /19 th century; the main farmhouse sits to the west, with the heritage barns subject of this application occupying an 'L' shaped footprint to the east. The property, sitting approximately 1.5km North-West of the village of Halfway House, is accessed via a private access track protruding from the unclassified highway which connects C-classified Pecknall Lane to the hamlet of Stanford to the West.
3.0	REASON FOR COMMITTEE DETERMINATION OF APPLICATION
3.1	The Town Council have provided views contrary to the Officers recommendation. This has been discussed with the Local Member whom has requested a committee determination for this application.
4.0	Community Representations
4.1	- Consultee Comments
4.1.1	<p>Alberbury With Cardeston Parish Council <u>28.12.16</u> The Parish Council have some reservations about this. To get to the venue you have to drive through someone else's farmyard and so may cause disruption to them.</p> <p>Additionally the roads around the venue are narrow but that may not be a problem as people will be travelling to and from at different times. Increased use of the venue will also cause some local noise pollution from time to time.</p>

	<p>On the plus side it will make use of the buildings and should generate some employment and income. We recognise that farming has to evolve and we raise no formal objection to the development.</p> <p><u>04.01.17</u> Sirs, since commenting on this earlier more information has come to light and the matter will now be discussed at the Parish Council meeting on Jan 16th.</p> <p><u>24.02.17</u> After further consideration of this application the Parish Council now wishes to oppose the proposal. It is felt that the noise and traffic considerations will cause extreme nuisance to the local, small, community; possibly changing the character of the area completely</p> <p><u>24.07.17</u> The amendment to the application still cannot be supported by the Parish Council who are aware of substantial local opposition on grounds of noise and traffic.</p>
4.1.2	<p>SC Ecology <u>13.12.16</u> SC Ecology has no comments to make on this application.</p> <p><i>NB – subsequent to the above initial comments, further information regarding the conversion of the Cow House was submitted thus warranting the reconsultation of the Local Authority's ecologists.</i></p> <p><u>28.02.17</u> Additional information is required relating to bats and great crested newts.</p> <p>In the absence of this additional information (detailed below) I recommend refusal since it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).</p> <p><u>21.04.17</u> No further objection; informatives and conditions recommended, please see decision notice.</p>
4.1.3	<p>SC Archaeology We have no comments to make on this application with respect to archaeological matters.</p>
4.1.4	<p>Shropshire Fire and Rescue As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Services Fire Safety Guidance for Commercial and Domestic Planning Applications which can be found using the following link: http://www.shropshirefire.gov.uk/planning-applications.</p>
4.1.5	<p>SUDs <u>12.12.16</u> We have no comment from the drainage and flood risk perspective, regarding the change of use of farm buildings to allow Weddings, Events and Community Activities.</p>

	<p><u>18.01.17</u> The existing septic tank of 100 litres capacity is too small for the change of use. The proposed drainage details, plan and calculations should be conditioned if planning permission were to be granted.</p>
4.1.6	<p>SC Conservation <u>19.12.16</u> Background to recommendation: Stanford Farm is an historic farmstead dating from the 18th/19th century, with the proposed scheme relating to a former L-shaped barn building which had been subsequently altered and subdivided into two separate cowhouses, along with the adjacent loose boxes. These have subsequently been converted for use as a bar and wedding venue.</p> <p>The submitted details are noted with regard to the retrospective conversion of these buildings for use for weddings and events, and this is considered to be a less intensive use in comparison to conversion for residential use for example. 'The Stables' is evidently the best example of the historic traditional farm buildings on the site and is now used for ceremonies, with alterations appearing to have been kept to a minimum and it is understood that no further changes are proposed. Provided this is the case, no objections are raised, though the overly domestic looking external decking area is not considered to be sensitive to the character and setting of the former agricultural buildings here and it is preferred that this is removed.</p> <p>With regard to the proposed alterations to the 'cow shed' details of the new doors should be confirmed/conditioned. It is assumed that no further changes in terms of landscaping/boundary treatments etc are taking place but if this is not the case can these also be submitted/conditioned.</p> <p><u>17.02.17</u> No further comments to make. Please refer to our comments of 19th December 2016.</p>
4.1.7	<p>SC Highways <u>09.01.17</u> Do not approve – insufficient information and access details have been submitted to assess the implications of the proposal from the highway perspective.</p> <p><u>27.04.17</u> Based upon the submitted information accompanying the application but acknowledging also the local highway network serving the site, the highway authority would be prepared to support the granting of a temporary planning consent subject to agreeing a Traffic/Event Management Plan. Given that the activity current seeking planning consent is already operating and therefore unauthorised, the highway authority consider it incumbent upon the Traffic/Event Management Plan should be first drafted and submitted to be conditioned as part of any consent granted. The highway authority does not consider it appropriate for this matter should be dealt with by means of a planning condition.</p> <p><u>07.06.17</u></p>

	<p>No objection granting of a temporary consent, subject to the development being carried out in accordance with the approved plans and appropriate conditions (see decision notice).</p> <p><u>12.09.17</u></p> <p>The highway position is to support the application and a temporary consent, with the requirement also for the passing places to be implemented as per the previous highway comments.</p>
4.1.8	<p>SC Public Protection</p> <p><u>10.01.17</u></p> <p>There is not enough information for me to make any meaningful comments on this application at this time. No proposals of how the venue will operate have been provided, no details of the potential numbers of visitors to any one event are given which would help in establishing the level of potential intrusion to the area in respect of noise from traffic movements, no specified times of operation have been provided, no information on what the photographs submitted are showing is given, no information on where noisy activities would take place is provided e.g. music and bar areas and what mitigation there will be to ensure no noise impact to the surrounding area. As a result I recommend that further information to cover the points above as well as a noise assessment is submitted in order that this application can be given appropriate thought. Without further information I would recommend refusal based on the grounds that no assessment of predicted noise impact on existing nearby residential receptors has been provided.</p> <p><u>10.02.17</u></p> <p>A noise assessment has been submitted in support of this application reference: 7829/AAR, revision number 1. Table 7829/T11 – Limiting Noise Levels on page 13 states noise levels within the buildings to be used for events which will be necessary to ensure that the noise levels specified as suitable at nearest sensitive receptors will be achieved. The noise levels proposed are relatively low when considering the potential noise levels likely to be created at, for example, a wedding with 100 -120 people after 11pm. The figure stated is 84dB in the Cow Shed, the larger of the two buildings, which is anticipated, will have the most likelihood for noise based on the ability to fit many more people inside that the Stables that has a noise level of 89dB stated as suitable. As a result it is considered necessary for sound insulation to be put in place to ensure at least another 10dB noise insulation from the material of the Cow Shed to ensure that it is able to meet the noise levels stated in the noise assessment at all times.</p> <p>Having considered external noise levels predicted in the noise assessment the assessment is considered to be suitable, and it is agreed that noise levels can be achieved that ensure that the nearest residential receptor is unlikely to be significantly impacted by the noise of vehicles moving to and from the site assuming that the applicant can control the speed of vehicles using the access by enforcing a 5mph speed limit.</p> <p>The acoustic integrity of the Cow Shed and Stables should be increased to reduce noise spill into free field areas by at least 10dB, though 15dB would be a more suitable target. The noise report has highlighted areas of the buildings that could be</p>

	targeted by additional measures and it is recommended that these be used to direct further thought. Importantly the roof, doors, and windows are likely to need attention. Suitable pre-commencement conditions, prior to the hosting of further events, shall be attached to the decision notice in this regard.
4.2	- Public Comments
4.2.1	This application was advertised via notice at the site. Additionally, one neighbouring property was individually notified regarding the application. At the time of writing this report, a total of seventy-three representations had been received.
4.2.2	<p>Sixty-one comments of objection have been received regarding the scheme. The main concerns highlighted focus on the following:</p> <ul style="list-style-type: none"> • Traffic concerns - overloading of the minor local road infrastructure • Highway safety concerns • Noise pollution • Safety of neighbouring residents • Waste disposal concerns • Scale and regularity of events • Ecology concerns – Bats and Great Crested Newts noted as being in the area • Anti social behaviour • Unsociable hours of operation • Foul drainage concerns • Concerns for future expansion • Non-conformity with local policy
4.2.3	<p>Twelve letters of support have been received, whose praise for the scheme is summarised as follows:</p> <ul style="list-style-type: none"> • The re-use of buildings that are unfit for modern agricultural purposes which would otherwise fall into a state of disrepair • The scheme 'puts Shropshire on the map' and supports local businesses • Previous events have been well organised and controlled • Safety and security at previous events has been carefully assessed and implemented
5.0	THE MAIN ISSUES
	<p>Principle of development Structure design Scale, layout and visual impact Neighbouring amenity The fall-back position Highways, parking and access issues Other matters</p>
6.0	OFFICER APPRAISAL
6.1	Principle of development
6.1.1	National planning policy set out within the National Planning Policy Framework promotes the creation of sustainable rural tourism including the provision of tourist

	and visitor facilities in appropriate locations. Policy CS5 of the Core Strategy builds upon this by supporting development proposals on appropriate sites which maintain and enhance countryside vitality and character where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to small-scale new economic development diversifying the rural economy, including farm diversification schemes. The reuse/conversion of existing buildings is also supported by both aforementioned policies.
6.1.2	Core Strategy Policies CS6: Sustainable Design and Development Principles and policy CS17: Environmental Networks alongside Site Allocation and Management of Development (SAMDev) plan policy MD7b: General Management of Development in the Countryside work to protect and enhance the substantial number of heritage assets in Shropshire, which are of significance because of their historic, archaeological, architectural or artistic interest. The re-use of such buildings helps to ensure that these assets are retained, limit the visual impact of new construction and provide recycling of the building resource. Stanford Farm is an historic farmstead dating from the 18th/19th century, with the proposed scheme relating to a former L-shaped barn building which had been subsequently altered and subdivided into two separate cowhouses, along with the adjacent loose boxes. The two buildings seeking retrospective permission in particular are considered to be of some historic merit; as such any works to secure the future longevity of these features is supported in principle.
6.1.3	Core Strategy policy CS13: Economic Development, Enterprise and Employment recognises the importance of supporting rural enterprise and the diversification of the rural economy, with particular support afforded to areas of economic activity associated with farm diversification, green tourism and leisure, and promotion of local food and supply chains. The policy continues to note that any development proposals must also accord with policy CS5. The proposal is considered both to afford benefit to the local economy, in terms of supporting local businesses in association with event hosting e.g. florists, caterers, local B&B's etc. and meet the criteria of aforementioned policy CS5.
6.1.4	Policy CS16 promotes the delivery of high quality, sustainable tourism, and cultural and leisure development, which retains and enhances existing natural features and which do not harm Shropshire's tranquil nature. Proposals are required to be of an appropriate scale and character for their surroundings and be situated close to or within settlements. It is also recognises that tourists visit parts of Shropshire because of its intrinsic natural qualities and that they may not necessarily want to be close to a settlement and would rather be in a rural area which is typically quieter.
6.1.5	MD11 of the Site Allocations and Management of Development (SAMDev) Plan states that tourism, leisure and recreation development proposals that require a countryside location will be permitted where the proposal complements the character and qualities of the site's immediate surroundings and meets the requirements of Policies CS5, CS16, (which promotes connections between visitors and Shropshire's natural, cultural and historic environment) and MD13, (which ensures Shropshire's heritage assets will be protected and conserved).
6.2	Structure design
6.2.1	Proposed is the ongoing use of two 18th/19 th brick built barns and the conversion of

	the neighbouring Cowhouse, also recognised to be of 18th/19 th century origin. An existing portacabin within one of the sheds to the West of the site also houses a toilet and shower block. The Cowhouse has been subject to damage since its erection thus at present largely consists of modern metal framework and concrete blocks, with a metal roof atop. The two smaller barns are currently in a good state of repair, and have required minimal alteration works to facilitate their conversion; in terms of conversion works, the intended use for events and weddings is considered less intensive than a traditional conversion for residential use for example. As such, in respecting and enhancing these two non-designated heritage barns, the proposal is viewed favourably.
6.2.2	The Eastern wall of the Cowhouse is currently open, and thus requires rebuilding in order to facilitate conversion. Corrugated steel cladding is the intended construction material, with its colouring intended to match that of the existing courtyard. Four timber bi-fold doors, measuring 1.5m in width and 2.5m, are to be installed to this gable end; incorporating large glazed panels in each door, their installation shall afford wider views to the surrounding countryside. The notable levels of glazing is favoured in working to retain the current openness of this elevation, with the timber framing of the doors softening the overall clad appearance of this elevation.
6.3	Scale, layout and visual impact
6.3.1	At full capacity, the venue is noted to hold 200 guests; once fully renovated, the outbuildings at the application site shall be capable of containing these guests within the buildings. As such the bulk of activity and noise associated with any events held at the application site shall be confined within these built structures. In terms of scale, the stipulated visitor numbers are in line with the expectations for such events
6.3.2	The development site occupies a relatively isolated location; approximately 90m separates the farmstead from the nearest residential dwelling, and open countryside surrounds the site. Visually, the alteration works proposed in association with this application are generally minimal; the undulating topography to the east, and the distances separating the site from the nearest public vantage point ensure that the development works associated with the proposal shall pose only minimal visual harm.
6.3.3	It is acknowledged that a site intended to host weddings and events will undoubtedly accumulate associated paraphernalia which will contribute, alongside the physical development works, to the visual amenity of the locality. As above noted, the surrounding topography offers shelter to the development site from surrounding public vantage points. The intended car-parking areas, to the South-East and North West of the main outbuilding cluster, are considered to well relate to the main hub of the development; thus minimising undue visual spread into the surrounding open agricultural land.
6.3.4	Overnight camping, available for guests, is referenced on numerous occasions within supporting documents (such as the submitted planning statements; the amended block plan (received 02.06.17) however confirms that camping is not included as part of this permission. The applicant has confirmed, in terms of overnight camping, that this shall be pursued by way of permitted development rights.
6.4	Neighbouring amenity

6.4.1	The nearest neighbouring resident is located approximately 90m South, namely Little Stanford, with additional neighbours located at distances over 200m to the West and South-West of the development site. Open agricultural land occupies much of this expanse with the nearest residential neighbour noted to be sited along the private track which provides access to Stanford Farm. Due to the nature of the proposal, and the requirement for associated traffic to pass by Little Stanford at close proximity, noise levels and their potential impact on the amenity of neighbouring residents must be carefully considered.
6.4.2	At full capacity, the venue is noted to hold 200 guests; once fully renovated, the outbuildings at the application site shall be capable of containing these guests within the buildings. As such the bulk of activity and noise associated with any events held at the application site shall be confined within these built structures. Permitted development rights, under Class B Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), allow the temporary use of land for no more than 28 days in total in any calendar year; allowing the applicant to erect a marquee at the development site to host events, this has been noted as the fall-back position. In comparison to this fall back position the use of the outbuildings, which can be installed with suitable levels of noise insulation, rather than the use of un-insulated temporary structures shall have a lesser impact on the amenity of neighbouring residents in terms of overall noise disturbance.
6.4.3	Mitigation measures shall be sought via condition in order to further work to avoid unacceptable levels of harm to the amenity of neighbouring residents. These shall include measures to increase the acoustic integrity, targeting the generic sound escape 'problem areas' of the roof, doors and windows. To ensure that the appropriate sound levels confirmed within the submitted noise statement are met an additional 10/15dB of sound integrity should be added to the Cow House building prior to any further events taking place at the development site. The issuing of a temporary consent, alongside relevant noise monitoring conditions, shall ensure that the stipulated measures are operating as effective safeguards.
6.4.4	The application site features a courtyard area, which is likely to be utilised on occasion in association with events held; it is acknowledged that any noise produced in this area is likely to have a greater impact on the amenity of neighbouring residents. As such suitable conditions, in terms of both stipulated timeframes for outdoor noise and volume levels, shall be attached to any approval in order to protect neighbouring residents from unacceptable levels of harm.
6.4.5	The vehicular movements associated with hosted events/weddings at the development site are noted to pose some impact to the amenity of neighbouring residents, particularly neighbouring property Little Stanford who is located midway up the track which serves access to the development site. Issues surrounding highways are discussed in full below, however it is noted that suitable conditions shall be attached to any consent granted in order to safeguard the amenity of neighbouring residents as that unacceptable levels of harm shall not arise consequent to traffic movements.
6.4.6	In seeking to operate as an events venue, the applicant has liaised with several departments in order to gain multiple consents for use of the development site; as part of this process, and in response to complaints regarding noise nuisance at this location, colleagues in our Public Protection department have attended events at the development site. This monitoring highlighted, during the event in question, that

	music was not audible outside of the venue. Though acknowledged to be an isolated report, this account does indicate that adequate levels of sound mitigation can be achieved at this location; the attachment of suitable conditions upon the decision notice shall further reinforce such mitigation measures.
6.5	The fall-back position
6.5.1	Reference is made by the applicant to their fall-back position, of operating under Class B Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which allows the temporary use of land for no more than 28 days in total in any calendar year; this would allow the applicant to erect marquees at the development site in order to host events. This referenced fall-back position has been discussed between the planning department and legal team, who concur as follows.
6.5.2	Numerous queries have arisen regarding the extent of operations that this legislation would allow, by questioning does the preparation of the site (i.e. setting up the temporary structures prior to an event, and their subsequent removal) contribute to the aforementioned 28 day quota. The website advertising weddings at this location (http://www.stanfordfarm.co.uk/) currently offers site hire for three-day periods; presumably (and practically considered to be) one day prior for site preparation, the second for event hosting, and a third for subsequent site restoration.
6.5.3	In relation to this matter, Development Control Practice (DCP) states it is normally held that days are used up from the 28 allowed by the GPDO if there is physical evidence of that use even though the primary activity itself is not being undertaken. Whilst not necessarily constituting of all physical changes to the land, it can be reasonably concluded that any operations in anticipation of the use which make it difficult or impossible to revert to the normal use can be considered as contributing towards the 28 day quota.
6.5.4	Based on the scope of site preparation required in order to host events/weddings in temporary structures, the Local Authority are of the view that the lands original use would not be able to continue during these preparation measures; as such it is concluded that the change of use of the land in question extends over this three day period advertised to customers. In this light the stipulations of the GPDO would permit a maximum of 9 events per annum of this nature.
6.5.5	It is further noted that the use of land at this location can only be considered temporary should the land in question revert to its previous use in between events; should this use reversion not occur – for example, should a parcel of land be allocated to use for events and be left dormant for the remainder - it is considered that the land would be undergoing a permanent change, albeit being used intermittently. Such a permanent intermittent use would not be considered to benefit from the permitted development rights under Class B Part 4.
6.5.6	It is noted that the existing toilets presently observed at the development site, located within a portacabin, would not be able to be lawfully operated under the applicants permitted development rights since part 4 of the GPDO does not extend to existing buildings. It is further noted that holding a small number of wedding ceremonies within the existing buildings at the development site (as the use of a permanent structure is required to hold lawful weddings) could be considered as ' <i>de minimis</i> ' thus not warranting a formal change of use of said buildings.

6.6	Highways, parking and access issues
6.6.1	The application site is accessed via a lane, approximately 160m in length, which falls under the ownership of neighbouring property Little Stanford; numerous items of evidence have been submitted in relation to rights of access, and for what purposes access may be permitted. Though relevant to the practicalities of implementing the proposal, rights of access to Stanford farm is not strictly a planning issue; access to Stanford Farm in association with Weddings/Events is a civil matter which should be resolved amongst the applicant and associated landowner independently of any planning permission granted.
6.6.2	Core Strategy policy CS6 seeks to secure safe developments which, in the context of highway safety, means giving consideration to whether the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated and the adequacy of on site parking arrangements. As a wedding/events venue anticipated to generate notable levels of traffic, highways is a notable consideration for this application.
6.6.3	Given the type of events that the venue is proposed to host, traffic generated is likely to be somewhat tidal; in conjunction with the local road network – rural and typically of single vehicle width – consideration is advised to be given to the most appropriate routes to and from the site, with signage and supplied visitor information deployed to assign and control this traffic accordingly. Whilst the submitted Traffic/Event Management Plan has indicated preferred routes of travel to and from the site it is considered that such measures aren't likely to be enforceable; however it is acknowledged that most traffic movements generated in association with the proposed works would be off-peak, thus working to minimise vehicular conflict within the local highway network. Further details in relation to proposed signage are recommended to be requested via condition, alongside the provision of passing bays, in order to further aid smooth vehicular movements within the locality.
6.6.4	At full capacity, the venue is noted to hold 200 guests; the submitted Traffic Management Plan confirms the identification of vehicular 84 spaces. Based upon a maximum attendance of 200 people, the average occupancy of each of the 84 vehicles equates to 2.3 people. The statement submitted by Sumner Consultancy (SC) contest these figures; however an amended block plan received (02.06.17) subsequent to their comments illustrates approximately 1200m ² earmarked for carparking. Based on the calculations provided by SC regarding standard car bay widths and isle measurements a reality of 63 carparking spaces is summated, concluding as 3.17 persons per vehicle. Based on the shared nature of transport arrangements to such events, 3-4 persons per vehicle is considered feasible thus rendering the overall parking provisions generally satisfactory. It is also noted that the informal nature of parking at private events (such as weddings) is unlikely to result in adherence to standard aisle widths, thus providing some additional spaces which shall contribute to any identified shortfall.
6.7	Other matters
6.7.1	Numerous objection comments have been submitted in relation to this application; details of this are available online via our public access pages. Whilst all representations are taken into account, several points have been raised which are not considered to be material planning considerations for appraisal during the course of this application. Such points raised include: a drop in house price value;

	loss of income, and; danger to pets.
7.0	CONCLUSION
7.1	The application is supported in principle, with the Wedding/Events venue as proposed compliant with relevant Shropshire policies in relation to farm diversification and rural tourism. Planning conditions are to be attached to the decision notice in order to allow the Local Authority to further control the proposals particulars as to ensure that no undue harm in terms of residential amenity would arise. The granting of a temporary three-year approval is recommended to provide the Local Authority further opportunity to assess the appropriateness of the proposal post implementation of suitably approved mitigation measures.
8.0	Risk Assessment and Opportunities Appraisal
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> <input type="checkbox"/> 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. <input type="checkbox"/> 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. <p>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.</p>
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.

	<p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
8.3	Equalities
	<p>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.</p>
9.0	Financial Implications
	<p>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.</p>

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and SAMDev Policies:

- CS5 - Countryside and Greenbelt
- CS6 - Sustainable Design and Development Principles
- CS13 - Economic Development, Enterprise and Employment
- CS16 - Tourism, Culture and Leisure
- CS17 - Environmental Networks
- MD2 - Sustainable Design
- MD7B - General Management of Development in the Countryside
- MD11 - Tourism Facilities and Visitor Accommodation

RELEVANT PLANNING HISTORY:

SA/78/0115 Erection of an agricultural workers dwelling. REFUSE 11th April 1978
SA/90/0120 Erection of an extension to provide hall, study, utilities and sun room with additional bedroom and bathroom above. PERCON 2nd March 1990

11. Additional Information

[View details online:](#)

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 R. Macey
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Local Member Cllr Ed Potter

Appendices APPENDIX 1 - Conditions

APPENDIX 1**Conditions****STANDARD CONDITION(S)**

1. The use hereby permitted shall be for a limited period being the period of three years from the date of this permission. Unless further permission is granted in writing by the local planning authority prior to the end of that period, the use hereby approved shall permanently cease

Reason: To enable the local planning authority to give further consideration of the acceptability of the proposed use after the temporary period has expired.

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 REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

3. Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery required within the Cow House shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details

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

4. A total of 1 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site prior to first occupation of the buildings hereby permitted.

Reason: To ensure the provision of nesting opportunities for wild birds

5. A total of 1 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building hereby permitted. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

Reason: To ensure the provision of roosting opportunities for bats which are European Protected Species

6. Prior to the hosting of any further events at Stanford Farm full details, location and sizing of the existing drainage fields should be provided including previously carried out percolation

tests to ensure that it can cater for the new development. The sizing of the drainage fields should be designed to cater for 200 persons and in accordance with the Building Regulations H2.

Reason: To ensure that the foul water drainage system complies with the Building Regulations H2.

7. Prior to the hosting of any further events at Stanford Farm details for the parking, turning, loading and unloading of vehicles shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter only be used at all times for those purposes.

Reason: This detail is required prior to commencement to provide for the parking loading and unloading of vehicles off the highway in the interest of highway safety.

8. The applicant will commission a noise assessment to monitor noise at the nearest residential dwelling to ensure that both noise from entertainment and road noise achieves no more than 40dB LAeq(1hr) at the façade of the residential dwelling and no more than 60dB LMax due to road noise. A report to show the results shall be provided to the local authority. No further events shall take place until the assessment report has been approved in writing by the LPA. Should additional work be necessary to achieve the noise levels required no further activities shall take place until works have been proposed and approved by the LPA and carried out in full at which point another noise assessment monitoring period shall be carried out at the expense of the applicant. These steps shall be repeated until such a time that noise levels are achieved at the full expense of the applicant. Once achieved these noise levels shall be achieved at all events. Should the local authority undertake monitoring and find limits are not being achieved in future the applicant shall return to the start of this condition and be required to provide further noise assessments.

Reason: To protect the health and wellbeing of residents.

9. Prior to the hosting of any further events at Stanford Farm a scheme for the provision of storage, prior to disposal, of refuse, crates, packing cases and all other waste materials shall be submitted for the approval of the local planning authority. The approved scheme shall be implemented prior to hosting any further events at Stanford Farm.

Reason: In the interests of amenity.

10. Within 9 months of the date of this permission, the following access/highway works shall be completed in accordance with full engineering details which shall first be submitted to, and approved in writing by, the local Planning Authority: -

- (i) The resurfacing/reconstruction of the initial section of the existing vehicular access, including widening where possible,
- (ii) The provision of two vehicle passing bays within the highway verge between the site access and the junction with Pecknall Lane,
- (iii) A scheme of direction signing for the proposed events, including sign content, precise locations along with any necessary permissions or consents.

Reason: In the interests of highway safety.

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

11. No amplified or other music shall be played externally at the premises between the hours of 22.00 and 10.00.

Reason: In order to protect the amenity of occupiers of nearby properties.

12. The use hereby permitted shall operate between the hours of 10:00 and 23:00 hours Sunday to Thursday and 10:00 and 01:00 hours on Fridays and Saturdays only.

Reason: In the interests of the amenities of existing residential property in the locality.

13. The use of the buildings labelled 'Bull Barn', 'The Stables' and 'Cow House' and the associated land edged in red on the approved block plan shall be used for the purposes of events and functions, inclusive of weddings, only. No more than 12 functions/events shall take place in a single calendar year.

Reason: To preserve the amenities of the area and highway safety/ free flow of traffic.

Informatives

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

2. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation. Your attention is specifically drawn to any conditions above that require the Local Planning Authority's approval.

In accordance with Article 27 of the Town & Country Planning (Development Management Procedure) Order 2015 a fee may be payable to the Local Planning Authority for applications to discharge conditions. If a fee is necessary this will be required per request. The required forms are available from www.planningportal.gov.uk or from the Local Planning Authority.

Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given. Failure to discharge pre-commencement conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

3. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If

vegetation cannot be clearly seen to be clear of birds nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

4. All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

5. Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended).

If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.

6. Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

If piles of rubble, logs, bricks, other loose materials or other possible reptile and amphibian refuge sites are to be disturbed, this should be done by hand and carried out in the active season for reptiles (approximately 31st March to 15th October) and any reptiles discovered should be allowed to naturally disperse. Advice should be sought from an experienced ecologist if large numbers of reptiles are present.

7. This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge) or
- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
- undertake the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together with a list of approved contractors, as required.

8. This highway advice relates to the requirements of fulfilling the planning process only. In no way does the acceptance of these details constitute or infer specific "technical approval" of any changes to the existing public highway or any new infrastructure proposed for adoption by Shropshire Council. Any works undertaken, prior to the appropriate Highway Agreement, Permit or Licence being formally completed, is done so at the developer's own risk, and there is no guarantee that these works will be deemed acceptable and subsequently adopted as highway maintainable at public expense, in the future. Please refer to the following informative notes for details of securing an appropriate highway approval and agreement.

9. No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND to progress the agreement.

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