

Mr Tim Rogers  
Development Management  
Shropshire Council  
Shire Hall  
Abbey Foregate  
Shrewsbury  
Shropshire  
SY2 6ND

The logo for Pleydell Smithyman is located in the top right corner. It consists of the name 'Pleydell Smithyman' in a black serif font, with 'Pleydell' and 'Smithyman' separated by a double vertical bar. The text is enclosed within a large, thin, hand-drawn circular scribble that also overlaps the text.

Pleydell Smithyman

REF:M16.132/001.l.sc/rc

26<sup>th</sup> September 2017

Dear Tim

**RE: STANFORD FARM, STANFORD, HALFWAY HOUSE, SHREWSBURY, SHROPSHIRE**  
**APPLICATION REFERENCE: 16/05541/FUL**

---

I am writing to you with regards the conditions set out within the committee report for the Stanford Farm application which is going to committee this Thursday (27<sup>th</sup> September 2017). The inclusion of highways conditions and also a condition restricting the number of events permitted per annum over a 3 year period was of particular concern.

We understand that the inclusion of condition 10 relating to highways was included in error and that the recommendation is not based upon the conditions set out within the committee report but is subject to appropriate highways conditions being agreed. This is a reasonable approach given the lack of response from the highways authority to date on the proposals. Nevertheless we are disappointed that it has not been possible to agree suitable conditions prior to the application going to committee. The highways response to the application was received in June 2017, the applicant's highways consultant (Jeremy Hurlstone) replied immediately explaining in detail that 2 of the 3 conditions suggested by the Highways Authority were unreasonable. The application was not taken to committee in June, or any subsequent committee since, due to the fact that highways had not responded to these points, we have still had no formal highways response, just a 3 line email stating they recommend approval of the temporary permission subject to their previous comments. This suggests the highways response prepared by Jeremy Hurlstone hadn't been considered at all.

The fact that suggested point (i) of condition 10 is not reasonable due to the fact that the owner of this part of the access has clearly said he will not allow any works to this part of the lane is reinforced by the letter dated 25<sup>th</sup> September from Emrys Jones & Co.). It is unreasonable to include a condition that we know from the outset cannot be implemented.

As we have mentioned previously, the provision of two passing places (as suggested in for a temporary three year permission is unreasonable, particularly as the events over the summer have demonstrated that there is no need for them. We have previously suggested that monitoring the situation for a set period to determine the impact of the proposal on the local highway network

would be appropriate to determine the level and nature of mitigation required. This would appear to be a more pragmatic approach to the highways conditions.

We appreciate that these draft conditions have been included within the committee report by error but the fact that we are no further forward with highways, after a period of 3 months is not acceptable. The application could have gone to committee in June under the same circumstances as it is going this week.

Of greater concern to our client is the inclusion of condition 13 which seeks to restrict the number of events permitted to 12 per year over a 3 year period. The restriction on the number of events to be held at Stanford Farm (beyond those set out in our client's business plan and within the planning statement) had never been mentioned as an appropriate course of action. It is unreasonable to introduce a condition such as this which has such a huge impact on the viability of the proposal at such a late stage.

We appreciate that the intention of the condition is to minimise potential impact on residential amenity of neighbouring residents, however no justification has been given relating to how 12 events has been decided as appropriate. There is no evidence that the proposed use would have any adverse impact on the amenity of neighbouring residents. Conversely the 7 events that have taken place this year have demonstrated that there have been no adverse impacts occurring in the locality as a result of the events taking place. There have been no issues on the local highway network as a result of events taking place and whilst complaints have been made about noise, the spot checks made by environmental protection have proved that no music or other noise can be heard during an event, outside the confines of the site and they have confirmed to the applicant that the events have caused no issues and no further measures are necessary to protect residential amenity.

In such circumstances, limiting the number of events to 12 per year and allowing only a temporary permission for 3 years seems unreasonable. The business plan set out in the planning application sets out a realistic projection of the level of business anticipated and to allow the business to operate profitably. Limiting the number of events to 12 per annum for 3 years would seriously jeopardise the viability of the proposal (particularly given the delays faced by this application and the additional costs incurred as a result) and unreasonably constrain the potential of a rural diversification business.

Limiting the number of events to 12 per annum makes the requirement for passing places to be conditioned even more unreasonable. As condition 1 limits the development to a period of 3 years and condition 10 refers to the highway works being implemented within 9 months, this effectively leaves the Applicant in a situation whereby they would have to fund 2 passing places for the benefit of 27 months of remaining planning permission. Furthermore, based upon the Council's interpretation of the GDPO, the applicant can hold 9 events per year without the need for planning consent or the conditions attached to it. As condition 13 intends to restrict activities to 12 events per year, on a pro-rata basis, that the Authority requires two passing places be provided on the basis of  $6.75 \text{ events over a 27 month period } (36 \text{ months} - 9 \text{ months for implementation} = 27 / 36 = 0.75 \times (12 \text{ events per year} - 9 \text{ permitted} = 3) \text{ over 3 years} = 0.75 \times 3 \times 3 = 6.75)$ . This is clearly unreasonable.

We acknowledge the interpretation of the GPDO set out within the committee report, however the nature of the existing use of the land where the marquee would be positioned, as agricultural sheep grazing land, means that this use can easily continue without difficulty during set up and take down

of the temporary structure. Therefore the existing use would only need to cease while the event was actually taking place. Under these circumstances the applicant could have 28 events per annum in a temporary structure. The temporary structure would however be likely to have a greater impact on the amenity of local residents as it would not be possible to insulate a marquee and restrict noise in the same way as it is the barn.

We appreciate that a balance needs to be struck between allowing the development of a business which is likely to increase activity within the area and protecting the amenity of residents of neighbouring properties. However, even at the maximum of 28 events per annum applied for, events would take place infrequently, and as demonstrated over the summer, cause so little disruption in the surrounding area, it is difficult to see how reducing the number of events to 12 per annum can be justified. We understand the recommendation to issue a temporary permission as this allows for the monitoring of the proposal, operating as intended, over this period and looking to the future, beyond the 3 years, would provide certainty about a future planning application for permanent use, but also limiting the number of events changes the application proposal so considerably that our client would not have started the process of applying for planning permission and would have relied on her permitted development rights for the business.

As clearly established within the committee report, the proposal is in accordance with the adopted policies within the development plan, the NPPF requires local planning authorities to approve development that accords with the development plan without delay. There are no significant adverse effects relating to the proposal and therefore there is no justifiable reason for refusal.

Clearly now we are finally in the position that the application is going to committee on Thursday our main aim is to get planning permission granted, however we are very frustrated about the time this application has taken to get to committee and the way it has been handled. We have had a 3 month delay while waiting for highways comments, this delay has been a considerable cost to our client both in terms of professional fees and the fact that she has not been able to take future bookings, which further affects the viability of the proposal. What is more frustrating is that despite being no further forward in terms of the highways conditions, there is now a suggested condition restricting the number of events to such an extent that it puts the viability of the entire proposal into question. Had the application have gone to committee in June, under the same circumstances as it is going this week that condition would not have been imposed. We fail to see what has occurred over the past 3 months to deem this condition necessary.

I would be grateful for your thoughts on the above matters prior to the committee meeting on Thursday and I will give you a call later today to discuss.

Yours sincerely,



**REBECCA CRANN**

Planning Consultant  
CC. Cindy Edwards

