



Committee and Date
North Planning Committee
14th November 2017

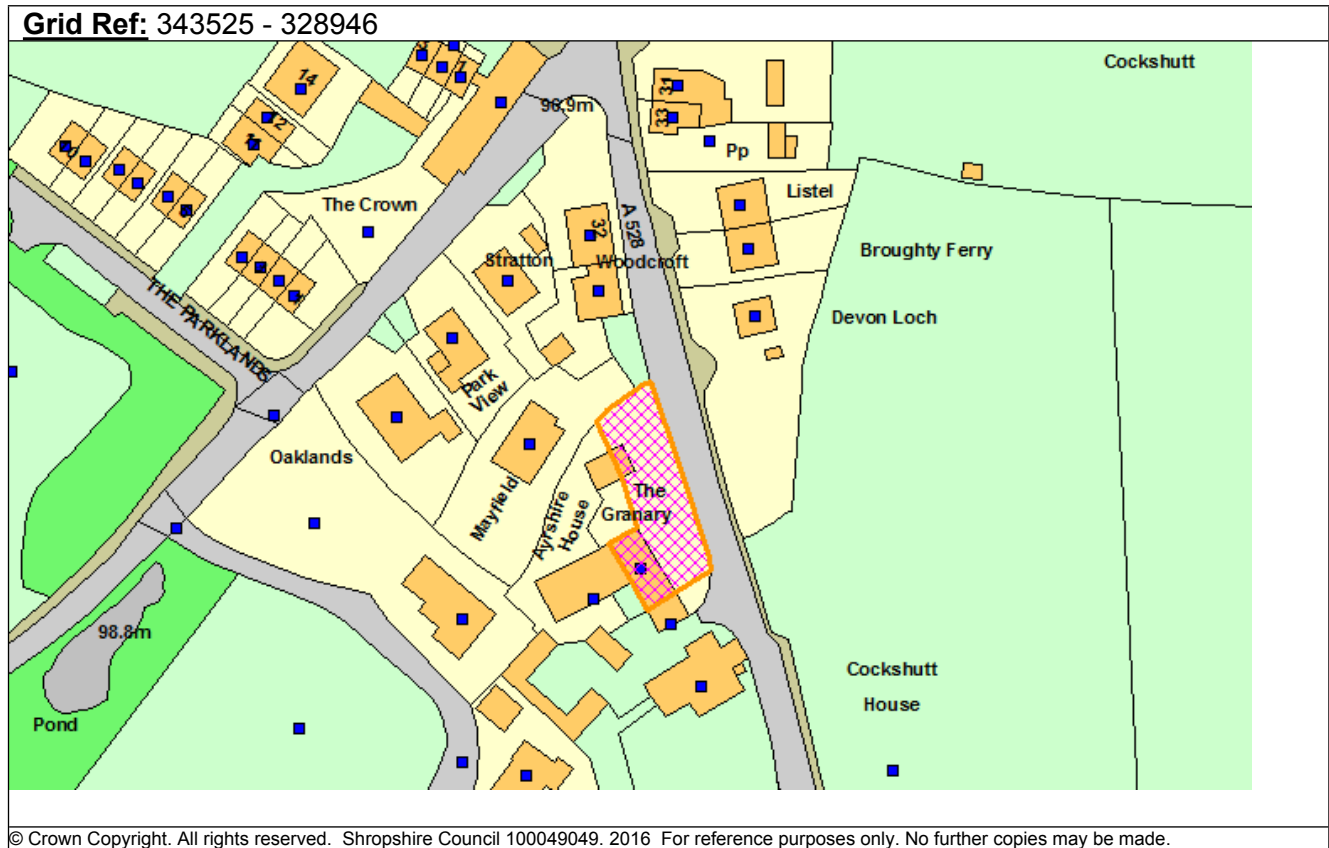
Item
12
Public

Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 17/00157/FUL	Parish: Cockshutt-cum-Petton
Proposal: Removal of external unsafe granary steps, insertion of 2 new windows and alterations to existing ground floor side window	
Site Address: The Granary Shrewsbury Road Cockshutt SY12 0JH	
Applicant: Mr Barnes	
Case Officer: Mark Perry	email: planningdmnw@shropshire.gov.uk



Recommendation:- Refuse.

Recommended Reason for refusal

1. It is considered that the removal of the external steps and insertion of two new windows would result in the loss of a significant historic feature within the overall design and distinctive architectural style of the building. The Local Planning Authority considers this would dilute the character of the building, harming its significance and diminishing its value as a local heritage asset. The application is unsupported by a Heritage Assessment to demonstrate or provide justification otherwise. On balance, therefore, the application is considered contrary to adopted planning policies CS6 and CS17 of the Shropshire Core Strategy; MD2 and MD13 of Shropshire SAMDev Plan and the Supplementary Planning Document on the Type and Affordability of Housing, together with the national guidance set out in section 12 and paragraph 135 of the NPPF.

REPORT**1.0 THE PROPOSAL**

- 1.1 The application seeks planning permission for the removal of a series of brick and stone external steps to the front elevation of a previously converted barn. Following the steps removal two new windows are then proposed to be inserted into the building to provide increased levels of light to the applicant's living room.
- 1.2 The former Granary building was converted into two residential dwellings in 1989 under planning application number NS/89/01206/FUL. The dwelling the subject of this application is the road facing section of this L-shaped building.
- 1.3 Condition 4 of planning permission N/89/01206/FUL removed the permitted development rights from the building. Therefore any changes to the building from the specification shown on the originally approved conversion plans would require planning permission to first be obtained. The reasons for removing the permitted development rights was to protect the integrity of the historic building in the interests of visual amenity.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site lies within the parish of Cockshutt and the building occupies a position central in the village. The front elevation of the building is clearly visible from the main road through the village.
- 2.2 The Granary is likely to be a mid C19 former agricultural building and is constructed of brick under a slate roof. The building appears to have historically functioned as a threshing barn with grain store over. The building appears to have formed part of a courtyard farmstead associated with Cockshutt House to the south. Due to its architectural and historic interest, and the contribution it makes to the historic agricultural character of the area, the farmstead as a whole would be considered as a non-designated heritage asset as defined within annex 2 of the NPPF.

2.2 Access to the property is via a shared access onto a driveway which is used by the applicant and his adjoining neighbour. The driveway continues directly past the gable end of the applicant's dwelling, although this portion is not in the applicant's ownership, instead belonging to the neighbour. The applicant has the main window to his lounge facing directly over the neighbours section of the driveway. In recent times the neighbour has parked vehicles directly outside the applicant's lounge windows, as is their right to do so. This has instigated the applicant's wish to remove the steps and insert an additional window away from the parked vehicles .

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The Officer recommendation of refusal is contrary to the views of the Parish Council, who support the application. The views of the Local Member have been sought. Councillor Williams has consequently requested that the application be considered by the Planning Committee.

3.3 The matter has been referred to the Chair/Vice Chair of the North Planning Committee in consultation with Principal Officers. It has been agreed that the application should be presented to the Committee for consideration as the case raises significant issues in relation to the buildings' character and the building is a non-designated heritage asset.

4.0 **Community Representations**

4.1 **Consultee Comments**

4.1.1 **SC Conservation** – Object to the application as the proposal will cause harm to the significance of the Granary, a non-designated heritage asset, with very limited justification or assessment provided. The application is therefore considered contrary to MD13 of SAMDev, and paras 128 and 135 of the NPPF. As such, the application cannot be supported from a conservation perspective.

It is felt that the physical fabric of the building, and the features/layout which clearly define its appearance as a former Threshing barn/ Granary form the principle aspects of its significance as a non-designated heritage asset, and therefore removal of the steps could clearly be argued to diminish this significance. Also, whilst the opening at the top of the steps has been altered to form a window, the opening (which presumably was historically a door) does partially still survive in this location.

Whilst it is appreciated that the supporting information notes that the steps are structurally unsafe, no detailed information has been provided to demonstrate that this is the case, and that they are not capable of repair. Removal of cementitious pointing, and fitting of improved weathering details to better shed water (as well as removal of Ivy/vegetation which may well be exacerbating the situation) may help to ensure the steps do not cause issues with dampness internally.

4.2 Public Comments

4.2.1 **Parish Council** - At the meeting of Cockshutt cum Petton Parish Council held on 9 February 2017 it was resolved to support the application.

4.2.2 **Public representations** - No representations received at time of writing report.

5.0 THE MAIN ISSUES

- Policy and principle of development
- Detail, design and impact on non-designated heritage asset
- Other material considerations

6.0 OFFICER APPRAISAL

6.1 Background

6.1.1 The building concerned was granted planning permission to be converted into two dwellings in 1989. At that time one of the planning considerations would have been to ensure that the change of use did not result in any detrimental impact on the agricultural character that the barn possessed. As such the extent of alterations were kept to a minimum as unsympathetic or too many alterations would dilute the agricultural character of the barn and could easily make it look excessively domestic in its appearance. It would have also been the intention to retain as many of the original features as possible. In this case one of the original features is the external steps. Although they were not given a purposeful use in the conversion scheme they still add to the character of the building providing an indication to how the original historic building would have been used.

6.1.2 The building's conversion was approved having secured a scheme that was deemed to be sufficiently sensitive to the historic character of the building. To maintain this the permitted development rights were removed; this requires applicants to apply for planning permission for alterations that would not normally need permission such as new windows, small extensions etc. This enables the Local Planning Authority to retain control over the type and appearance of any future additions or alterations.

6.2 Policy and principle of development

6.2.1 The proposal falls to be considered against the following adopted local planning policies: Core Strategy Policies CS6 and CS17, SAMDev policies MD2 and MD13 ; the Supplementary Planning Document (SPD) on the Type and Affordability of Housing and the national policies and guidance set out in the National Planning Policy Framework (NPPF).

6.2.2 Whilst the original conversion scheme took place some 20 plus years ago the same principles and objective for barn conversions apply today. Namely preserving the character and appearance of such non-designated heritage assets. It is also recognised that redundant buildings, especially agricultural buildings, need to be put into an alternative use if their long term future is to be secured. However all of the policies referred to above set out the requirement for preserving heritage assets because of the contribution they make to the character and appearance of the area.

- 6.2.3 Policy CS5 supports residential conversions where there is respect for the heritage asset, this is also required by Policy CS17. This typically involves retaining historic features, layout and patterns of fenestration as far as possible, in order for the former use of such buildings to remain clearly legible and to preserve their significance as heritage assets. The removal of features and the introduction of new openings is generally resisted, such alterations can have the potential to result in an overly domestic appearance, causing harm to the character of the building. This is not just a policy requirement at the time of the granting the original planning permission but it must also be a consideration for any subsequent applications. To allow such alterations or removal of historic fabric at a later date, without adequate justification, would undermine the original objective of the planning policy.
- 6.2.4 The NPPF sets out in paragraph 126 how heritage assets are an irreplaceable resource and how they should be conserved in a manner appropriate to their significance. It goes on to set out, in paragraph 135 how a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.2.11 The main issue therefore is the impact of removing the external steps, the steps combined with other features on the building clearly contribute towards the character of the building and its historic use.

6.3 **Detail, design and impact on non-designated heritage asset**

- 6.3.1 The Councils' Historic Environment Team has been consulted on the application. Regard having been given to the relevant planning policies, the Conservation Officer has consequently submitted the following comments, which are quoted in full, in relation to the detail, design and impact on character:

-In principal the sensitive adaptation and re-use of redundant historic agricultural buildings can be supported from a conservation perspective, where re-use will ensure their future conservation as important elements within the historic rural landscape.

-A sensitive approach to re-use is recommended, which retains historic features, layout and patterns of fenestration as far as possible, in order that the former use of such buildings remains clearly legible, to preserve their significance as heritage assets. The removal of features and introduction of new openings is generally resisted, as such alterations have potential to result in an overly domestic appearance, causing harm to the character of the building.

-No real justification has been provided for removal of the granary steps, which will clearly result in the removal of a distinctive historic feature which is important in gaining an understanding of the historic function of the building. It has been noted on the proposed plans that the steps are dangerous, although no information has been provided to support this. It is recommended that the steps are retained and repaired if required.

-The introduction of the proposed additional windows is considered inappropriate, and it is felt that this will dilute the distinctive character of the building, resulting in

an overly domestic appearance.

-If additional light is desired, we would recommend looking at alternative options- for example what appears to be the former threshing doors are currently entirely clad in timber- larger areas of glazing could be introduced into this area without causing harm to the character of the building, and the internal living spaces re-ordered around this.

Recommendation:

As currently proposed we have concerns that the proposal will cause harm to the significance of the Granary, a non-designated heritage asset, with very limited justification or assessment provided. The application is therefore considered contrary to MD13 of SAMDev, and paras 128 and 135 of the NPPF. As such, the application cannot be supported from a conservation perspective.

- 6.3.2 Paragraph 128 of the NPPF requires an applicant to describe the significance of the heritage assets affected, including any contribution made by its setting. The applicant has provided some assessment of the building and the reasons for wanting the steps to be removed. The applicant has stated that the steps are structurally unsound and that they are in too poor of condition to be repaired. The agent also advises that the steps are causing damp problem inside the dwelling.
- 6.3.3 It is evident that the steps have suffered from a lack of maintenance over the years and have become substantially covered in ivy. The steps no longer have a functional purpose; originally they would have provided access to a door at first floor level. This access was removed as part of the original conversion scheme when the door was changed to a window. This lack of use is likely to be the reason why the applicant has neglected to maintain the steps. Insufficient evidence has been provided to show that the steps could not be repaired. It is considered that the removal of cementitious pointing, and fitting of improved weathering details to better shed water (as well as removal of ivy/vegetation) is likely to help and ensure the steps do not cause issues with dampness internally.
- 6.3.4 The second issue which the applicant sights as a reason for wanting to remove the steps is because of the way that the light and outlook from the main lounge window is being blocked by the neighbour parking vehicles directly outside. The main lounge window faces north so the sunlight it receives is already significantly compromised. There are two very small windows either side of the steps; although the light these provide is extremely limited because of their size. It is Officer's opinion that these windows could be increased in size to allow more light into the lounge, rather than the complete removal of the steps and the insertion of two totally new windows.
- 6.3.5 The scheme as proposed would result in two areas of harm. Firstly, there is the loss of the physical historical fabric of the building. The steps are a feature that contributes towards the legibility the building and helps to clearly define its appearance as a former Threshing barn/ Granary. This is the principle aspect of its significance as a non-designated heritage asset. The second area of harm is caused by the insertion of the two new windows into the front elevation of the

building; this would give the building a significantly more domestic appearance. The arrangement and pattern of fenestration is a feature of historic buildings that helps to define its history. Barn type buildings typically have a limited number of openings when compared to residential development. When a scheme for the conversion of a barn is first being considered a key objective is to utilise the existing historic door/ window openings wherever possible and to severely restrict any new opening being created which can result in an overly domestic character. It is therefore considered that the removal of the steps plus the insertion of new openings would dilute the historic significance of the building and detrimentally harm its appearance as a heritage asset.

7.0 **CONCLUSION**

- 7.1 It is considered that the removal of historic fabric which is a significant feature within the overall design and character of the building and helps to define the former historic use of the building as a Threshing barn/ Granary would harm its significance and diminish its value as a local non-designated heritage asset. The harm to the character of the building would be further compounded by the installation of the two new windows in the front elevation which creates a more domestic character to the building.
- 7.2 Officers acknowledge the reasons why the applicant wants to remove the steps and insert new windows. However, it is considered that some of the problems could be overcome by the repair and future maintenance of the steps, the applicant could then consider increasing the size of the existing openings to allow more light into the lounge. Such a scheme would need to be considered on its individual merits were a planning application to be submitted in the future. It is considered by officers that on the basis of the evidence provided there is insufficient other material considerations to outweigh the harm caused by the removal of the steps and the insertion of the windows. The application is therefore recommended for refusal.
- 7.3 The application is unsupported by a Heritage Assessment to demonstrate or provide justification otherwise. Therefore on balance, the application is considered contrary to adopted planning policies CS6 and CS17 of the Shropshire Core Strategy; MD2 and MD13 of Shropshire SAMDev Plan and the Supplementary Planning Document on the Type and Affordability of Housing, together with the national guidance set out in section 12 and paragraph 135 of 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:

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

MD2 - Sustainable Design

MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

NS/88/01073/FUL Conversion of barn into two dwelling units GRANT 19th December 1988

NS/89/01206/FUL Conversion of redundant agricultural buildings to form two dwellings and alterations to existing vehicular and pedestrian accesses GRANT 22nd January 1990

17/00157/FUL Removal of external unsafe granary steps, insertion of 2 new windows and alterations to existing ground floor side window PDE

NS/00/00674/FUL Replacement of front door and side light and replacement of wooden cladding to front elevation CONAPP 23rd October 2000

NS/92/00104/FUL Erection of 1.7m screen wall and construction of fish pond to Ayrshire house (formerly plot 2) and erection of 1.5m front boundary fence to The Granary (formerly plot 1) (retrospective PER 11th December 1992)

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)
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Brian Williams
Appendices None