



Committee and Date

North Planning Committee

3rd April 2018

Item

Public

Development Management Report

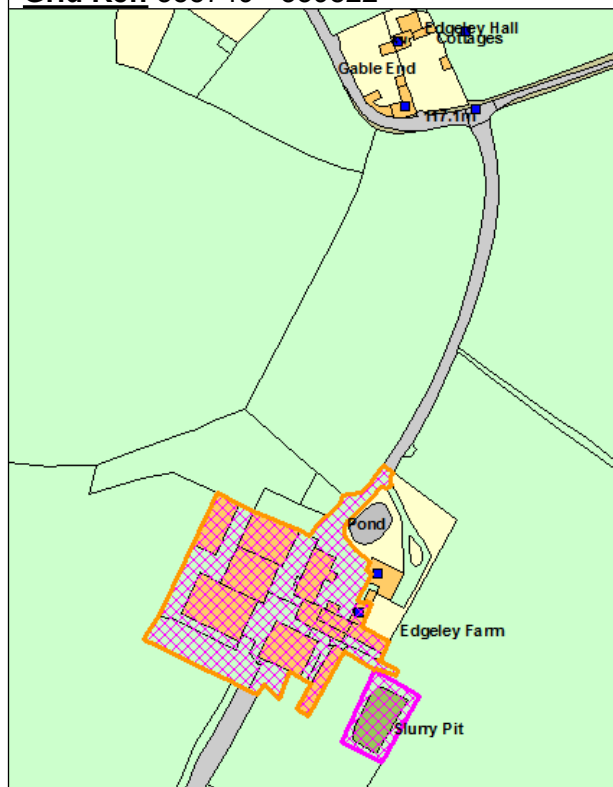
Responsible Officer: Tim Rogers

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Summary of Application

<u>Application Number:</u> 16/04925/FUL	<u>Parish:</u>	Whitchurch Rural
<u>Proposal:</u> Conversion of outbuildings to form 4no. dwellings to include some demolition and reconstruction; associated garaging and drainage		
<u>Site Address:</u> Barns At Edgeley Farm Edgeley Bank Whitchurch Shropshire		
<u>Applicant:</u> Mr & Mrs Arthan		
<u>Case Officer:</u> Llinos Jones		<u>email:</u> planningdmnw@shropshire.gov.uk

Grid Ref: 355749 - 339822



Recommendation:- Refuse.**Recommended Reason for refusal**

1. The Council considers the majority of the proposed development is unacceptable as the site lies within an area of open countryside where there is a presumption against inappropriate forms of new development as prescribed within Policy CS5. The proposed erection of car ports is in contravention of Policies CS6 of the Core Strategy and MD2 of the SAMDev in that they will not respect the overall character of the barns once converted for residential use in either scale or design, further negatively impacting upon local amenities via over-domestication and sub-urbanisation. There is insufficient justification for the introduction of a first floor extension on barn 2. The proposed increase in domestic curtilage would result in further encroachment of domestic paraphernalia and character into the open countryside, having detriment to the vitality and character of the surrounding environment; failing to comply with Policies CS17 and MD7a. Overall not considered sustainable development and hence contrary to the overall aspirations of the NPPF.

2. No heritage statement has been submitted which is required by paragraph 128 of the NPPF. It is considered that the proposed development will have a detrimental impact on the historic character of the surrounding area and its setting and as such the proposal is considered inappropriate development, to which the development as a whole outweighs any benefits. As such the development is considered contrary to Policies CS5, CS6 and CS17 of the Shropshire Core Strategy, Policies MD7a, MD12 and MD13 of the SAMDev and the overall aims and objectives of the National Planning Policy Framework in relationship to conserving and enhancing the historic environment.

REPORT**1.0 THE PROPOSAL**

1.1 This application seeks planning permission for the conversion of two separate agricultural ranges into 4.no individual open market residential units, to include demolition and erection of first floor level, removal of modern barns, to include new byway route, garaging / storage building and associated residential garden amenity space.

1.1.2 A structural report and ecology report have been submitted in support of the scheme.

1.1.3 No heritage assessment has been provided, early photographs of range 2 showing first floor element has been provided in support of the scheme.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site in planning policy terms is located in open countryside situated to the east of Whitchurch and relates to an area of land approximately 0.909

hectares. Access to the site is gained off an unnamed road with the application buildings forming part of the original working farm at Edgeley Farm to the west and south of the original farmhouse.

- 2.1.2 The buildings which are subject of this application include two separate (Range 1 and Range 2) brick under slate and tile roof barns which are accessed off a central yard, and the removal of nineteenth century modern farm buildings. An existing pond is positioned immediately to the north of the central yard, with an existing slurry pit to the immediate south of Range 1.

- 2.1.3 The application proposes the removal of existing nineteenth central agricultural buildings to the west and the conversion brick barns Range 1 and Range 2 into four residential units, two units within each barn. An open fronted four bay car port is to located to the south of Range 1.

- 2.1.4 Brown Moss Special Area of Conservation (SAC) site is located to the south east of the application site, which is a European designated site the site is also notified at a national level as Brown Moss Site of Special Scientific Interest (SSSI).

- 2.1.4 Public Right of ways are located to the north and south of the site with a restricted by-way No.8 running through the application area.

- 2.1.5 The farmstead is recognised as a non-designated heritage asset and will be considered in line with Annex 2 of the National Planning Policy Framework.

2.1.6

3.0 **REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION**

- 3.1 The Parish Council are of a contrary view to Officers and Local Member has requested that the application be referred to Committee for a Decision.

4.0 **Community Representations**

Consultee Comments

Conservation – Objection.

Highways

10th October 2017 – No objection, subject to the development being carried out in accordance with the approved details and recommended informatives.

23rd August 2017 – No objection, subject to the development being carried out in accordance with the approved details and informatives.

15th December 2016 – Do not approve, the application as submitted has not adequately demonstrated an appropriate access arrangement for the development proposed.

Drainage – No objection, the proposed surface and foul water drainage are acceptable, recommend informative.

Regulatory Services – No objection, subject to full contaminated land conditions be placed on any approval notice. In addition the applicant should specify electric charging facility availability to all properties to ensure that the development is considered sustainable in light of future direction of travel in respect of road vehicle fuel type and to comply with NPPF paragraph 35.

Affordable Housing – No objection, if the works to convert the outbuildings to residential dwellings is significant, then no affordable housing contribution will be payable in this instance.

Right of Way – Restricted byway No.8 runs through the development area. Officers are in consultation with the developer about diverting this route under Section 257 of the Town and Country Planning Act 1990.

Ramblers Association – No objections to the proposed diversion of R/BWAY 8 but would state that some sort of drainage be implemented for the route as shown on the plan (which is already in use) as it is very boggy.

Natural England

18th October 2017 – No Objection, Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects. Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of information provided, Natural England concurs with this view.

26th January 2017 - Objection, further information required the application does not contain a Habitats Regulation Assessment.

Ecology

11th October 2017 – No objection, subject to conditions and informatives.

15th August 2017 – Objection, the drainage information previously requested has not been submitted.

28th February 2017 - Objection, further information required. Details of the proposed drainage and foul water treatment and discharge should be provided with the planning application, including identifying the water course to which any

proposed discharge will be made, proposed waste water treatment method and an assessment of the nutrient load within any proposed output.

Whitchurch Rural Parish Council – Support, Council members reported complaints from local residents that they have not received notification about the proposed development. Concerns were raised that

Public Comments

No representations has been made at the time of writing the report.

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 The National Planning Policy Framework (NPPF) supports the principle of converting traditional rural buildings into other uses appropriate to a countryside location, where such development would represent a use consistent with their conservation and securement of the future of the asset.

6.1.2 Policy CS5 and MD7a sets out the basis for the control of development in the countryside and makes provision for the conversion of suitable rural buildings to residential accommodation which is considered to be of historic merit, would require minimal alteration or rebuilding to achieve the development and the conversion scheme needs to respect the significance of the asset, its setting and landscape character. Shropshire Type and Affordability of Housing SPD further builds on CS5 and MD7a again advising that the building should be of permanent and substantial construction such that extensive re-building is not required.

6.1.3 Non-designated heritage assets relate to the majority of historic buildings in the County that are unlisted, but pre-date the early 1900. Paragraph 135 of the NPPF and local policy MD13 specifically relate to non-designated heritage assets and direct how we need to consider them in the context of the application. Paragraph 137 of the NPPF states that proposals should enhance and make a positive contribution to or better reveal the significance of the asset. With policies CS6, CS17 and MD2, MD13 requiring new development to respect and enhance context of the existing buildings

6.1.2 Paragraph 128 of the NPPF states in determining applications, the applicant is required to describe the significance of any heritage asset affected, including any contribution made by their setting. Reiterated in local policy MD13 which advises

that proposals which are likely to affect the significance of a non-designated heritage asset to include its setting, need to be accompanied by a Heritage Assessment. No heritage report has been submitted, although historic photographs have been provided with shows the upper storey to Range 2.

- 6.1.3 Policies CS5, CS6, CS17, MD2, MD7a, MD12 and MD13 with SPD work concurrently, recognising the need to achieve development that protects the character and setting of the buildings and the countryside, to include environmental considerations.

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

- 6.2.1 The proposed scheme represents conversion of existing outbuildings into residential accommodation, to include demolition of existing 20C farm buildings, the erection of detached double four bay garage/ storage unit, creation of residential curtilages and the formation of a new driveway.

- 6.2.2 The residential accommodation is to comprise of four individual units, two units within each red brick barn (Range 1 and Range 2). Range 2 is to have its roof raised to re-instate lost upper floor accommodation.

- 6.2.3 The proposed detached double four bay car port is to measure 24.1m in length and 6m in depth, with eaves height standing at 2.4m and 4.6m to ridge. Each car port is to be a double unit, constructed externally of timber ship lap boarding for its walls, no details were provided of the roofing materials.

6.3 **Visual impact and landscaping**

- 6.3.1 In support of the application a structural survey was submitted, which visually assessed Range 1 and Range 2. The outcome of the survey identified no substantial alterations would be required to convert Range 1. Officers consider that the proposed alterations and works required to convert Range 1 into habitable accommodation is considered acceptable, enhancing the historic asset and continue its future use and maintenance. However, the structural survey and drawings submitted, identify that in order that the lost upper floor to Range 2 be re-instated the existing roof of the range would require stripping, building up and re-building.

- 6.3.2 Subsequently Officers consider that the significant amount of building work required to re-instate the lost upper floor to Range 2 would fail requirements as set out in the SPD and MD7a, comprising considerable amount of re-building works to enable the development to take place.

- 6.3.3 Policy MD13 specifically relates to non-designated heritage assets and require a heritage assessment to be submitted in support of the scheme to demonstrate the assets significance. No heritage report has been submitted, with solely historic photographs provided detailing the lost upper section of Range 2. Officers acknowledge that an upper floor would have existed for Range 2, from the evidence provided, but no further supporting information has been provided to

satisfy officers that the reinstatement of this lost floor would outweigh failure to comply with SPD and MD7a.

- 6.3.4 The conservation officer advises that photos submitted show a completely different building (Range 2) to that existing and in the light of MD7a, CS5, CS6 and MD13 it is considered that the proposed alterations to create these units is unacceptable. Further advising that it is considered that this building (Range 2) would be better used as ancillary accommodation for Units 1 and 2, perhaps as garaging and storage of domestic paraphernalia, this would also negate the need for the creation of the driveway and additional outbuilding at the site. Officers support the view of the conservation officer and consider there is insufficient justification provided to reinstate the upper floor to Range 2 and to include the construction of an additional domestic outbuilding at the site.
- 6.3.5 The proposed four bay garage and driveway, cumulatively impact upon the setting of the asset and would not respect the historic use of the site as a farmstead thereby eroding the rural vernacular of the traditional farmstead and increasing domestic appearance to the site. The significant scale of the garaging and store is also considered inappropriate and overly large in scale and form relative to existing range buildings for which they are to serve.
- 6.3.6 Officers therefore consider in assessment of the scheme proposed, Range 1 is considered acceptable to be converted into two residential units and in order to reduce visual impact upon the setting and landscape, Range 2 would be better suited to provide ancillary storage for the principle units within Range 1. There would no longer be a requirement to create enlarge curtilage areas for units within Range 2. Furthermore, the removal of the proposed new outbuilding used for garaging/ storage would negate the need to form a new driveway with access to the residential units accessed via the existing courtyard thereby respecting the original form and movement within the site.
- 6.3.7 For the reasons provided above, the conversion of Range 2, creation of new driveway and erection of new garaging/ storage is considered inappropriate development and the scheme is recommended for refusal.

7.0 **CONCLUSION**

- 7.1 The Council considers the majority of the proposed development is unacceptable as the site lies within an area of open countryside where there is a presumption against inappropriate forms of new development as prescribed within Policy CS5. The proposed erection of car ports is in contravention of Policies CS6 of the Core Strategy and MD2 of the SAMDev in that they will not respect the overall character of the barns once converted for residential use in either scale or design, further negatively impacting upon local amenities via over-domestication and sub-urbanisation. There is insufficient justification for the introduction of a first floor extension on barn 2. The proposed increase in domestic curtilage would result in further encroachment of domestic paraphernalia and character into the open countryside, having detriment to the vitality and character of the surrounding environment; failing to comply with Policies CS17 and MD7a. Overall not

considered sustainable development and hence contrary to the overall aspirations of the NPPF.

- 7.1.2 No heritage statement has been submitted which is required by paragraph 128 of the NPPF. It is considered that the proposed development will have a detrimental impact on the historic character of the surrounding area and its setting and as such the proposal is considered inappropriate development, to which the development as a whole outweighs any benefits. As such the development is considered contrary to Policies CS5, CS6 and CS17 of the Shropshire Core Strategy, Policies MD7a, MD12 and MD13 of the SAMDev and the overall aims and objectives of the National Planning Policy Framework in relationship to conserving and enhancing the historic environment.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- ⑦ 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.
- ⑦ 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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

16/04925/FUL Conversion of outbuildings to form 4no. dwellings to include some demolition and reconstruction; associated garaging and drainage PDE

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 Gerald Dakin

Appendices

APPENDIX 1 – Reason for refusal.

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Recommendation:- Refuse.

Recommended Reason for refusal

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