



Appeal Decision

Site visit made on 20 June 2023

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2023

Appeal Ref: APP/L3245/W/23/3315019

**Emstrey Farmhouse, Emstrey Bank, Emstrey, Atcham, Shrewsbury
SY5 6QP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Kirsty Banks against the decision of Shropshire Council.
 - The application Ref 22/04616/FUL, dated 10 October 2022, was refused by notice dated 13 December 2022.
 - The development proposed is erection of ancillary accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for erection of ancillary accommodation at Emstrey Farmhouse, Emstrey Bank, Emstrey, Atcham, Shrewsbury SY5 6QP in accordance with the terms of the application, Ref 22/04616/FUL, dated 10 October 2022, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - the suitability of the site for ancillary accommodation having regard to its countryside location;
 - whether the proposal would preserve the setting of the Grade II listed building 'Emstrey Farmhouse'; and
 - the effect of the proposal of the living conditions of neighbouring occupants.

Reasons

3. The appeal site is a rectangular plot located at the southern end of the garden for Emstrey Farmhouse. Emstrey Farmhouse is a Grade II listed building with a deep front garden. It is set back from the main road and accessed via a long winding gravel driveway. To the immediate west and north-west of the farmhouse are several traditional barns that have been converted to residential. Yewtree Cottage is situated to the south of the farmhouse, positioned closer to the main road. The surrounding area is mainly open countryside.
4. The proposed building would contain a kitchen, lounge, bedroom, a bathroom, and a shower room. The inclusion of such facilities would allow its occupiers to live with a degree of independence. While the proposed building would be detached from the farmhouse, it would still be situated within the curtilage of the farmhouse and share the same vehicular and pedestrian accesses, as well

- as share the existing garden area. To reach the farmhouse, occupants of the proposed building would only need to take a brief walk across the flat terrain of the current garden. Considering these factors, there appears to be no compelling reason to locate the proposed building closer to the farmhouse in order for it to serve as ancillary accommodation.
5. The arrangement of the proposal's shared vehicular parking area and the current garden layout would pose challenges in terms of separate occupancy of the proposed building. Such separation would likely lead to a notable privacy loss for the residents of the farmhouse when utilising their garden. Additionally, providing a sufficient and private area of separate amenity space would be problematic without compromising the use of the proposed building.
 6. The Council is concerned that the proposed floorspace would significantly exceed the minimum gross internal floor areas and storage requirements for a 1 bedroom, 2-person property as set out in the Nationally Described Space Standards. However, this does not mean that the proposed building would be excessively large to qualify as ancillary accommodation. In my opinion, the size of the building alone is not enough to deem its utilisation as ancillary accommodation as impractical or excessive.
 7. I acknowledge the appellant's personal requirement for the proposed building to be occupied by a family member with a medical condition. While this need may not be permanent, it does demonstrate the appellant's intention to utilise the proposed building as ancillary accommodation to the farmhouse.
 8. The occupancy of the proposed building is also capable of being controlled by condition, and any change of use to create a separate dwelling would require a further grant of planning permission. Therefore, such a condition would restrict its use to that of ancillary accommodation linked to Emstrey Farmhouse.
 9. As to the effect on the surrounding countryside, the proposed building would be set back significantly from the road and sited close to the main vehicular entrance to the farmhouse, positioned at the end of the driveway. Existing vegetation and Yewtree Cottage sited forward of the site would substantially screen much of the proposed building from the main road, making it inconspicuous from views. If glimpsed views of the proposed building were available these would be seen in the context of the existing buildings at Emstrey Farm. Therefore, the proposal would have limited visual impact on the surrounding countryside.
 10. For the above reasons, the proposal would represent ancillary residential accommodation to the existing farmhouse. Accordingly, the proposal would accord with Policy CS5 of the Shropshire Core Strategy (2011) (Core Strategy), and Policy MD7a of the Shropshire Site Allocations and Management of Development Plan (2015) (SAMDev). Amongst other things, these policies seek to restrict new dwellings in the countryside.

Listed Building

11. The designated heritage asset situated closest to the site is Emstrey Farmhouse, a Grade II listed building. The farmhouse is a two-storey red brick building with attic, having a plain tile roof with 3 gabled eaves dormers, gable ends and external end stacks. The significance of the heritage asset relates, in part, to its traditional form and architectural detailing, which has characteristic

features relating to its original function as part of a historic rural farmstead. Due to its proximity to the farmhouse, the appeal site is positioned within the surroundings to which the heritage asset is experienced.

12. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
13. The proposed building would face towards the farmhouse and would be situated on land that previously contained two small outbuildings. It would be set back from the road, located behind Yewtree Cottage. This placement would ensure that views from the main road would remain directed towards the sizeable farmhouse that dominates the curtilage. Although the proposed building's size may attract some attention from the gravel driveway when approaching the site, its mass would be small compared to the farmhouse and the other buildings, and its traditional form would harmoniously blend into its surroundings. Consequently, it would not appear incongruous in terms of scale and would be perceived as subordinate to the farmhouse.
14. The proposal would be constructed in similar materials to the farmhouse and its adjacent buildings. It would incorporate dormer windows that mirror the design elements of the farmhouse. By doing so, the proposal would seamlessly blend with its surroundings. Its presence would neither diminish nor challenge the character and aesthetic of the farmhouse. Additionally, it would complement the overall character of the other buildings on the property. It would also be in a relatively secluded position where views of it would be filtered by Yewtree Cottage and existing vegetation.
15. For the reasons given, the proposal's scale, siting and design would not cause harm to the setting or significance of the heritage asset. I therefore conclude that, on balance, the proposal would preserve the special historic interest of the Grade II listed building, including its setting. This would satisfy the requirements of the Act. The proposal would therefore accord with Policy CS17 of the Core Strategy, which seeks to protect and enhance the built and historic environment. The proposal would also accord with Policy MD13 of the SAMDev, which seeks to protect, conserve and enhance the historic context and character of heritage assets. Additionally, the proposal would comply with the requirements of Section 16 of the National Planning Policy Framework (Framework) relating to the historic environment.

Living Conditions

16. The appeal site is bounded to the south by a neighbouring property, Yewtree Cottage. Due to the sufficient separation distance between the appeal site and the dwelling at Yewtree Cottage, the proposed building would not cause a loss of outlook from the neighbouring property's rear habitable room windows. Although the proposed building would be sited close to Yewtree Cottage's rear garden boundary, because of the garden's spacious depth and width, the proposal would not cause any overbearing impact or loss of light.
17. Some of the existing hedgerow and a tree on the appeal site's southern boundary would be removed, however the appellant indicates that this would be replaced with screen fencing. Screen fencing would help to obscure views of

the proposed building from the neighbouring rear garden, which would minimise the impact. Moreover, suitable boundary treatment could be secured by condition. I am therefore satisfied that adequate outlook would be maintained for existing residents.

18. Consequently, the proposal would not be unacceptably harmful to the neighbour's living conditions. Accordingly, the proposal would comply with Policy CS6 of the Core Strategy and Policy MD2 of the SAMDev, which amongst other things, seeks to ensure that development safeguards residential amenity.

Other Matters

19. A local resident has raised concern regarding loss of privacy to neighbouring occupiers. However, due to sufficient separation distances between the proposed building and the existing neighbouring dwellings, the proposal would not cause an unacceptable loss of privacy through overlooking to neighbouring residents.
20. Concern has also been raised regarding increased traffic during construction of the development and afterwards. From my site observations it was evident that adequate parking can be provided on the site. However, I have imposed conditions to safeguard the living conditions of the occupiers of neighbouring properties from potential nuisance during the construction stage.

Conditions

21. The Council suggested a number of conditions. I have considered the suggested conditions in light of the Framework and Planning Practice Guidance (PPG) and where necessary I have edited for clarity and precision.
22. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is necessary in the interest of certainty.
23. I have also imposed conditions relating to external materials, windows and doors, and details of exterior pipes and boiler flues etc. These are necessary to ensure the external appearance of the property is satisfactory. Further conditions relating to biodiversity are necessary to ensure the provision of roosting opportunities for bats, and the provision of nesting opportunities for wild birds. A condition relating to lighting is also necessary to protect wildlife and neighbouring residential amenities.
24. I have imposed conditions relating to boundary treatments, landscaping, and window openings in the interests of ensuring no harm is caused to the character and appearance of the area, and to neighbouring residential amenities. I have also imposed conditions to safeguard the living conditions of the occupiers of neighbouring properties from potential nuisance during the construction stage.
25. Finally, a condition restricting the occupancy of the building is necessary to prevent it being used as a separate unit of accommodation. This is necessary in the interests of protecting the character and appearance of the area and the living conditions of residents.

Conclusion

26. For the reasons given, I conclude that the appeal should be allowed.

H Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan
 - Site Block Plan – Drawing No: A 001E
 - Proposed Plans and Elevations – Drawing No A100 E (dated: Sept 2022)
- 3) Prior to any above ground works commencing, samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in complete accordance with the approved details.
- 4) Prior to any above ground works commencing, details of all external windows and doors and any other external joinery 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.
- 5) Prior to first occupation / use of the building, details of exterior soil and vent pipes, waste pipes, rainwater goods, boiler flues and ventilation terminals, metre boxes, exterior cabling and electrical fittings shall be submitted to and approved in writing by the commencement of works. The development shall be carried out in accordance with the approved details.
- 6) Prior to first occupation / use of the building, the makes, models and locations of bat boxes shall be submitted to and approved in writing by the local planning authority.

A minimum of 1 external woodcrete bat box(es) or integrated bat brick/tube, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. The boxes shall be sited at least 3m above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

- 7) Prior to first occupation / use of the building, the makes, models and locations of bird boxes shall be submitted to and approved in writing by the local planning authority. A minimum of 1 artificial nest, of either integrated brick design or external box design, suitable for Swifts (Swift bricks or boxes with entrance holes no larger than 65 x 28mm can accommodate a wide range of species (CIEEM, 2019)), Sparrows (32mm hole, terrace design), Starlings (42mm hole, starling specific) and/or House Martins (House Martin nesting cups) shall be erected on the site prior to first use of the development.

The boxes shall be sited at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect (under eaves of a building if

possible) with a clear path, and thereafter maintained for the lifetime of the development.

- 8) No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated in the development, except in accordance with a detailed scheme which has been submitted to and approved in writing by the local planning authority. The lighting scheme shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes, trees, and hedgerows. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be implemented in accordance with the approved details. Thereafter, no additional lighting shall be installed without the prior written permission of the local planning authority.
- 9) Prior to any above ground works commencing, details of all proposed and retained boundary treatments (including all walls, fences and other means of enclosure on the boundaries of and within the site) shall be submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be provided prior to occupation / use of the building and retained at all times.
- 10) Prior to occupation / use of the building, a landscaping plan shall be submitted to and approved in writing by the local planning authority. The approved landscaping scheme shall be fully implemented within one year of the substantial completion of the development and shall be maintained thereafter. Any tree or shrub which dies or becomes seriously damaged or diseased within five years of completion of the development shall be replaced within 12 calendar months by a tree or shrub of the same size and species as that which it replaces.
- 11) No additional windows/opening shall be formed in the south elevation and roof slope.
- 12) All works (including demolition), site works and construction shall only take place between the hours of 08.00 and 18.00 Monday to Friday and 08.00 and 14.00 Saturdays, and not at any time on Sundays, Bank or Public holidays.
- 13) No deliveries to the site in connection with the development hereby approved shall occur except between the hours of 08.00 and 18.00 Monday to Friday and 08.00 and 14.00 on Saturdays, and not at any time on Sundays, Bank or Public holidays.
- 14) The development hereby permitted shall only be used in association with Emstrey Farmhouse and incidental to the enjoyment of the existing residential dwelling and shall not at any time be sold, let or otherwise disposed of or allowed to be occupied as a separate unit of residential accommodation.

****End of Conditions****