



Committee and date  
Southern Planning  
Committee

12<sup>th</sup> December 2023

Item

Public

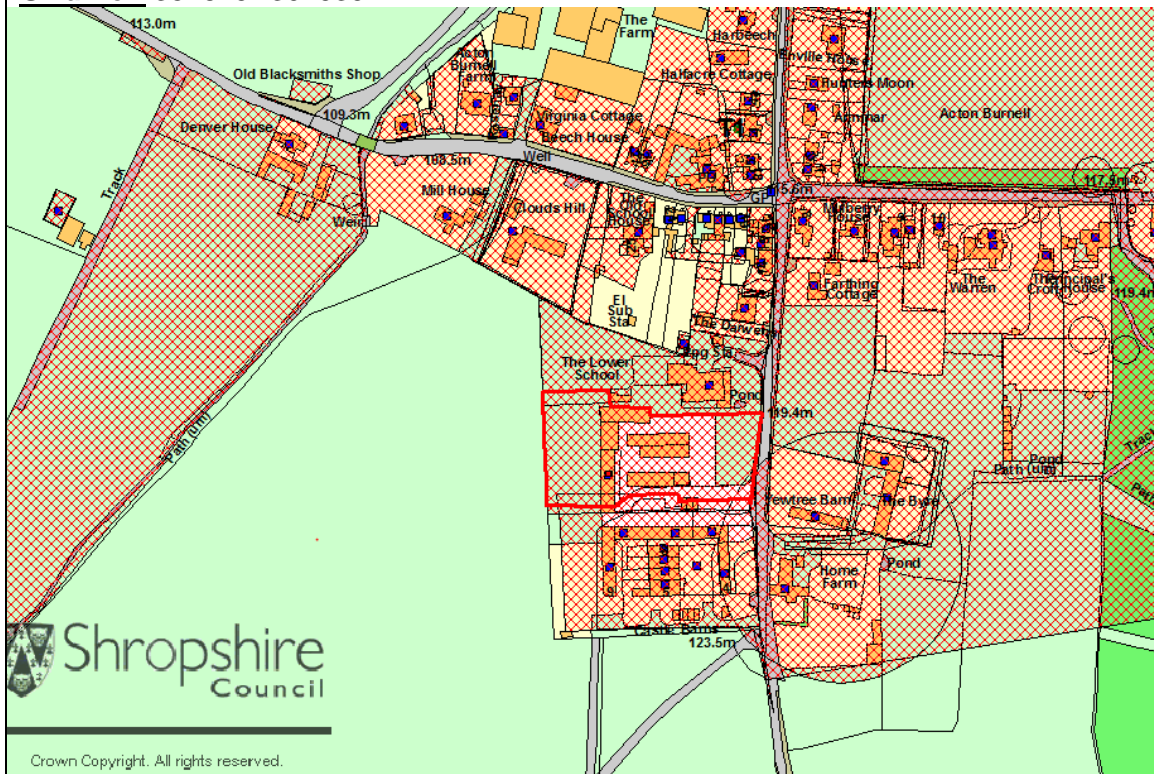
## Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

### Summary of Application

<b>Application Number:</b> 23/03726/FUL	<b>Parish:</b>	Acton Burnell
<b>Proposal:</b> Conversion of 2 barns, erection of 2 dwellings (on site of existing Dutch barns to be removed) and associated works (resubmission)		
<b>Site Address:</b> Proposed Residential Barn Conversions To The South Of Acton Burnell		
<b>Applicant:</b> Mr Mitchell		
<b>Case Officer:</b> Jacob Collett	<b>email</b>	: jacob.collett@shropshire.gov.uk

**Grid Ref:** 352679- 301939



Crown Copyright. All rights reserved. Shropshire Council 100049049. 2021 For reference purposes only. No further copies may be made.

## **Recommendation:- Refuse**

### Recommended Reasons for refusal

1-The application site is within the open countryside and therefore the creation of new open market dwellings (units 3 & 4) is contrary to Local Development Framework Core Strategy Policies CS1, CS3, CS4 and CS5, Site Allocations and Management of Development (SAMDev) Plan Policies MD1 and MD7a and the NPPF. The Council has a robust five-year housing land supply within settlements designated for development and so the housing policies of the Development Plan must be attached full weight, and whilst the proposed scheme would deliver modest economic and social benefits there are no material considerations of sufficient weight to justify a departure from the Development Plan.

2-Whilst the conversion of heritage assets and historic buildings is supported in the open countryside, Unit 2 is concluded to be a modern agricultural building. There is some limited historic fabric included within the building, however it is not substantial or of significant enough merit to result in the entire building being considered a building of heritage value. Consequently Unit 2 does not meet the historic building conversion policy and there is no policy support for the conversion of modern agricultural buildings in the open countryside. Consequently unit 2 is contrary to Local Development Framework Core Strategy Policies CS1, CS3, CS4 and CS5, Site Allocations and Management of Development (SAMDev) Plan Policies MD1 and MD7a and the NPPF.

3-The proposed new dwellings (Units 3 & 4) will be built in a solid form where historically there were no solid outbuilding ranges evident. In this position, with modern design elements and in a two-storey scale, this building would appear as a dominant form within the significantly valuable and attractive historic farm setting, Conservation Area and highway scene, changing the open character of this north yard and blocking views to the southern historic farmstead and the other barns as part of this application. The application is therefore contrary to Local Shropshire Council Core Strategy Policies CS5, CS6 and CS17 and SAMDEV policies MD2, MD7(a), and MD13 along with the NPPF.

## **REPORT**

### 1.0 THE PROPOSAL

1.1 The application proposes the conversion of one existing historic barn, the conversion of one modern agricultural barn and the erection of two new open market dwellings to create a faux courtyard.

1.2 A similar scheme (23/01643/FUL) was refused in July 2023. The modified scheme has altered the siting and scale of Units 3&4 slightly.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The site is located to the immediate south of Acton Burnell and north of the adjacent historic farm buildings that form Home Farm. Home Farm has previously been converted to residential dwellings and is extremely attractive in its setting and heritage value. The setting of the site is also high in historic value/character due to its association with Home Farm, but also in its own right. The site is characterised by a traditionally open appearance from the public highway in contrast to the denser site of Home Farm. The existing historic barn is to the western edge of the site with the modern agricultural building to the north. The land fronting the highway currently has two open framed Dutch barns.

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

3.1 In accordance with the 'Scheme of Delegation' this application has been concluded by the committee chair to be determined by planning committee due to ward councillor call in.

4.0 Community Representations  
A Site notice was displayed at the Site.  
- Consultee Comments

#### Conservation

There is concern raised on the impact of a long linear two storey building form aligned parallel to the highway due to their elevated position.

The introduction of a solid long two storey building with a very consistent fenestration pattern as proposed will result in a dominant feature within the wider Home Farm site, which would compete with and take visual precedence over the traditional historic farm ranges to the south and the existing cart shed range to the rear.

While it is acknowledged that there are existing barns on site, the very skeletal and open nature of these lightweight ranges are highlighted where these are quite different building forms to a long solid two storey north-south aligned range proposed.

As proposed units 3 and 4 result in less than substantial harm identified as it relates to the Conservation Area and the non-designated heritage assets within the wider Home Farm site.

Rear gardens for Units 3 &4 could impact negatively on the open nature of the amenity areas indicated on the east/highway side of the site.

#### SUDS

No Objection

#### SC (Shropshire Council) Highways

No Objection subject to conditions

#### SC Affordable Housing

No Comment

SC Ecology

No Objection subject to conditions

SC Trees

No objection subject to conditions

SC Archaeology

No comment

- Public Representations

No public representations were received

## 5.0 THE MAIN ISSUES

Principle of development

Siting, Scale, Design and Heritage

Visual Impact and Amenity

Heritage

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of Development

6.1.1 The development comprises three types of housing development, the Conversion of a Historic Barn (Unit 1), the conversion of a modern agricultural building (Unit 2) and two new build dwellings (Units 3 & 4). Each have been considered separately against adopted policy.

6.1.2 Unit 1 – The conversion of heritage assets in the countryside to residential use is supported within Shropshire's Development plan. **Therefore Unit 1 is acceptable in principle.**

6.1.3 Unit 2 – The applicant has argued that as some small parts of the existing modern agricultural building are historic in nature it complies with the residential conversion policy. There is not sufficient historic fabric for the building to be of historic merit. The conversion of agricultural buildings outside of designated settlements or community clusters are not supported within adopted policy. **Consequently Unit 2 would not be policy compliant or acceptable in principle.**

6.1.4 Unit 3 & 4 – These units are entire new built development. Shropshire's housing policy does not support new open market housing in locations that are outside designated community clusters or development boundaries. Acton Burnell is not a designated community cluster and the scheme does not provide any overwhelming public benefit in the planning balance to depart from the development plan. **Consequently, there is no policy support for new build housing in this location and Units 3 & 4 are not acceptable in principle.**

### 6.2 Siting, Scale and Design

6.2.1 Unit 1 – Acceptable in siting, scale and design

- 6.2.2 Unit 2 – Whilst not policy compliant, there is no additional harm caused by the units' scale or design that is unacceptable.
- 6.2.3 Units 3 & 4 – The design of these units is broadly acceptable against wider planning policy; however the units do have a harmful impact on the heritage setting of the adjoining farm and barns by virtue of their massed scale and prominent siting.
- 6.2.4 The proposed material schedule is acceptable.
- 6.3 Visual Impact and Neighbour Amenity
- 6.3.1 Unit 1 – Acceptable in visual impact and neighbour amenity
- 6.3.2 Unit 2 – Whilst not policy compliant, given the existing building is of a similar scale it is acceptable in visual impact and neighbour amenity.
- 6.3.3 Units 3 & 4 – These units have a substantial harmful impact on the immediate visual landscape and setting, because they are in a prominent, elevated location that has traditionally been open in nature.
- 6.3.4 The units on a wider landscape perspective have limited impact nor do they cause any neighbour amenity harm.
- 6.4 Heritage
- 6.4.1 Unit 1 – The retention of an existing heritage asset is fully supported, with the schemes details acceptable from a conservation perspective.
- 6.4.2 Unit 2 – The conversion is not policy compliant, however its impact on the historic setting is, on balance, less than significantly harmful given its rearward siting, existing building, and distance from Home Farm.
- 6.4.3 Units 3 & 4 – The siting, height and massing of these units is concluded to cause significant and irreparable harm to the extremely attractive heritage setting of Home Farm and Unit 1. The units will occupy an elevated, prominent, and dominant position having a detrimental impact on the traditional openness of the land. It will also result in a modern building taking visual precedence over other traditional buildings on the site including Unit 1 and on the adjacent Home Farm site. Whilst there have been Dutch barns on the land for an extended period, they have been open framed and skeletal with clear visibility through them. The removal of the Dutch barns on balance helps enhance the sites attractiveness, but its replacement with a denser building erodes the intervisibility of the site which is a key characteristic. The Units as proposed, in combination with the new car port as part of the adjacent scheme, would block views of Home farm from Acton Burnell. The scheme would also block views of the historic cart barn forming part of this scheme, reducing its prominence significantly and limiting intervisibility of heritage buildings across the two sites. Units 3 &4 will also have garden space to their rear resulting in domestic paraphernalia and boundary treatments on land fronting the highway, further eroding the traditional open setting of the site which is a key part of its value and the character of Acton Burnell Conservation Area.

6.4.4 Harm is caused by the proposed Units 3 & 4 to the wider heritage setting and this has not been offset by any wider public benefit that would outweigh its impact in the planning balance.

## 7.0 CONCLUSION

The submitted schemes Unit 2, 3 & 4 are not policy compliant in principle. The siting and scale of Units 3 & 4 cause unacceptable harm to the heritage setting of Home Farm, Unit 1 and the conservation area.

## 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:

NPPF

Core Strategy and Saved Policies:

CS5

CS6

SamDev MD2

SamDev MD7a

SamDev MD7b

SamDev MD13

Type and Affordability of Housing

### RELEVANT PLANNING HISTORY:

23/01643/FUL Conversion of 2No. barns and erection of 2No. dwellings (on site of existing Dutch barns to be removed) and associated works REFUSE 31st July 2023

## 11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RUV92ITDH3U00>

View details online:

List of Background Papers

Planning application reference 23/03726/FUL and plans and supplementary reports.

Cabinet Member (Portfolio Holder) - Councillor
--

Local Member - Cllr Dan Morris
--------------------------------



