



Committee and Date  
North Planning Committee  
12 May 2015

Item  
**10**  
Public

### Development Management Report

Responsible Officer: Tim Rogers  
Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

#### Summary of Application

<b>Application Number:</b> 15/00329/FUL	<b>Parish:</b> Whitchurch Urban
<b>Proposal:</b> Erection of a replacement cafe	
<b>Site Address:</b> Proposed Cafe At Hadley Farm Wrexham Road Whitchurch Shropshire	
<b>Applicant:</b> Mr & Mrs P & J Wynn	
<b>Case Officer:</b> Melanie Durant	<b>email:</b> <a href="mailto:planningdmnw@shropshire.gov.uk">planningdmnw@shropshire.gov.uk</a>

**Grid Ref:** 351808 - 341148



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**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 The proposal is for the erection of café in replacement to the catering unit and toilet block which was granted permission on the 21<sup>st</sup> July 2011

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The equestrian centre and the application site lie on the opposite side of the A525 from the farmhouse and is in an area identified as being in open countryside in the North Shropshire Local Plan. The land is relatively flat and is at a lower level than the adjoining highway with the boundary to the highway defined by a mature, high hedge which screens the majority of the site from view. The building will be sited on part of an existing car park which is surfaced in hardcore and it is separated from the remainder of the equestrian centre through post and rail fencing.

- 2.2 There are no residential properties within close proximity of the site.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Applications made, by or on behalf of, or relating to the property of Members or officers of the Council who hold politically restricted posts or who either directly or indirectly report to the Group Manager Environment.

### 4.0 Community Representations

- Consultee Comments

Shropshire council Drainage:

Requested that conditions and informatives be added to any decision notice

Shropshire Council Ecology:

Requested informatives be added to any decision notice

Shropshire Council Highways:

Whilst the highway authority have no objection to the permanent café facility at this location, which replaces the existing temporary structure previously granted a temporary consent (Ref.11/02093/FUL), the application only includes the site building and not the associated car parking area. Although the current car parking area is within the applicant's ownership, it is considered that the granting of a permanent consent for the café building should also include the associated car parking area and conditioned accordingly.

*A plan and confirming email was sent following these comments showing the parking area for the new café which is as existing.*

Canal & Rivers Trust:

This application falls outside the notified area for its application scale. We are therefore returning this application to you as there is no requirement for you to consult us in our capacity as a Statutory Consultee.

- Public Comments

Whitchurch Town Council supports the application.

## **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 Policy CS13 of the Shropshire Council Core Strategy indicates the Council's approach to positively develop and diversify the Shropshire Economy through supporting enterprise and delivering sustainable economic growth and prosperous communities. Furthermore policy CS16 encourages appropriate development to deliver high quality sustainable tourism, cultural and leisure facilities.
- 6.1.2 Planning permission was granted in 2011 for the erection of a toilet facility and catering unit. The buildings were required in order to provide additional facilities for the users of the equestrian centre. At the time the need had been demonstrated for these units and a temporary planning permission was granted to assess the success of the operation over a period of years. Since this time the applicant has run a successful venture and wishes to replace these existing facilities with a more permanent, robust building.
- 6.1.3 The on-site provision of such facilities will enable the centre to potentially attract more users and increase its popularity. As such these will have the potential to help the business to prosper further and to continue to operate in this area providing a benefit to the local economy. Customers include the users of the equestrian business and members of the public. As a local attraction it is important to encourage necessary development where appropriate to support the continued success of such operations.
- 6.1.4 In view of the above the principle of the proposed development would be in accordance with the requirements of policies CS13 and CS16.

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

- 6.2.1 The proposal is to replace the existing catering unit and separate toilet block with a single building incorporating toilet facilities, seating area, kitchen and servery. The building will be single storey and constructed using timber.
- 6.2.2 The proposed design and external appearance of the structure will be an improvement on the current unit and will be more in keeping with the character and appearance of the rural area.
- 6.2.3 In addition, it is considered by officers, that the development is of a scale which will not be visually intrusive in the rural landscape and through the use of timber cladding will help this to blend with the rural surroundings. Therefore it is advised that officer opinion is that the proposed development is of a scale and design that is appropriate for this location and the development is in accordance with policies CS5 and CS6 of the Shropshire Council Core Strategy.

## **7.0 CONCLUSION**

The proposed development will provide an improvement to an established and popular facility at an important local attraction and it is appropriate in its design and scale and it will have a minimal impact upon the character and appearance of the rural landscape. Therefore the proposed development is in accordance with policies CS5, CS6, CS13 and CS16 of the Shropshire Council Core Strategy.

## **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

National Planning Policy Framework

CS13 - Economic Development, Enterprise and Employment

Economic Development, Enterprise and Employment

CS16 - Tourism, Culture and Leisure

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

## 11. Additional Information

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr M. Price
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Local Member Cllr Thomas Biggins Cllr Peggy Mullock
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Appendices APPENDIX 1 - Conditions
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**APPENDIX 1****Conditions****STANDARD CONDITION(S)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

**CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

3. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to, and approved by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

**CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

4. The external materials and their colour shall be as shown on the deposited plan, no alterations shall be made to these materials or colour without the express consent in writing of the Local Planning Authority.

Reason: To ensure that the proposed development shall harmonise with surrounding development.