

Development Management Report

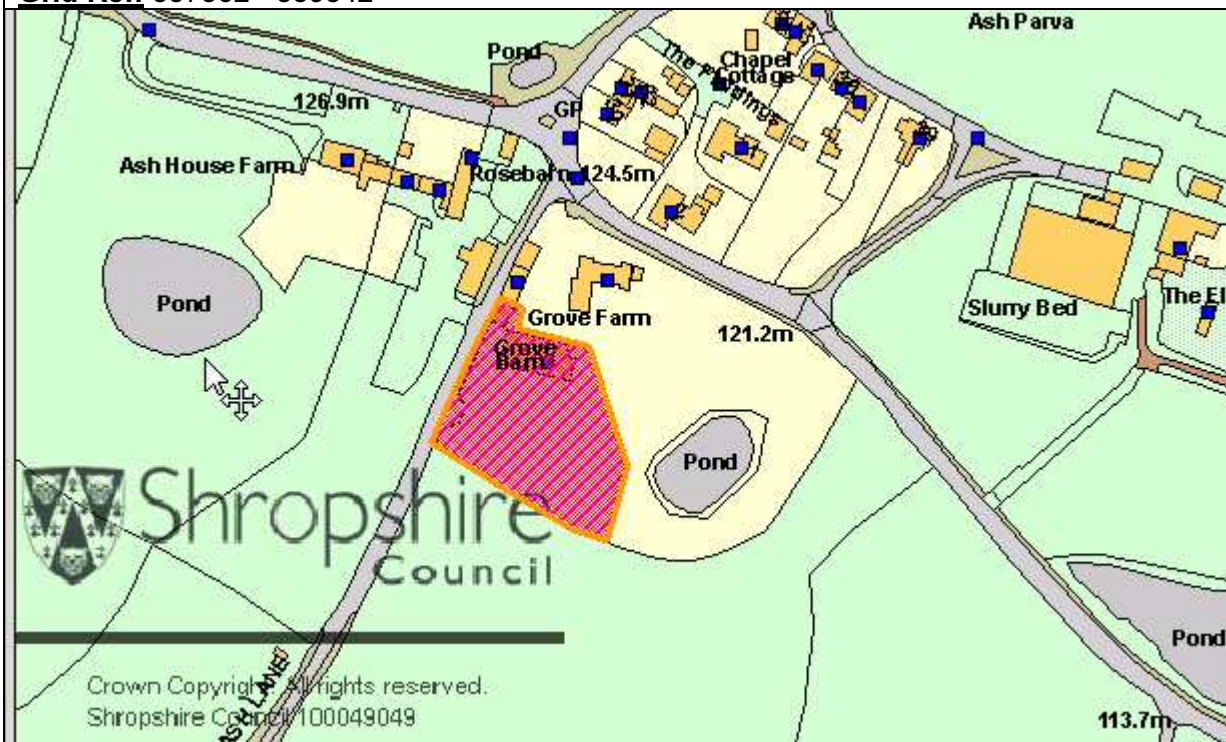
Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 14/04555/FUL	Parish: Whitchurch Rural
Proposal: Proposed orangery link extension and internal alterations to include the increase in height of the side boundary wall.	
Site Address: Grove Barn Ash Parva Whitchurch SY13 4DT	
Applicant: Mr Hinchcliffe	
Case Officer: Alison Groom	email: planningdmne@shropshire.gov.uk

Grid Ref: 357562 - 339342



Recommendation:- Refuse for the following reason

1. The proposed scheme will have an adverse impact on the significance of the Heritage Asset and the wider setting of the main Heritage Asset on the site with reference to paras 131 - 134 of the NPPF and that there are no public benefits of the proposal that outweigh the harm/impact of the current proposal. Therefore the proposed development is contrary to the NPPF and policies CS6 and CS17 of the Shropshire Core Strategy and the application is recommended for Refusal.

REPORT**1.0 THE PROPOSAL**

- 1.1 The application seeks full planning consent for the erection of orangery link extension to an existing barn conversion to include the increase in height of the side boundary wall; affecting a Grade II Listed Building
- 1.2 Associated application for listed buildings consent has also been submitted for the above proposal on the 21.11.2014 ref: 14/05253/LBC

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Grove Barn is situated within a small village called Ash Parva which falls within the parish of Whitchurch Rural, Grove Barn is a Grade II Listed Building by virtue of its location within the curtilage of the Grove Farmhouse. Although located behind Grove Farmhouse, Grove Barn is a large and prominent building and can be clearly viewed from the South / Western approach road into the village of Ash Parva. The barn was approved for the conversion into residential use in 1997 and has since been extended with a conservatory in 2001. The barn is of a simple and traditional style building.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The officer recommends the application for refusal which is contrary to the Parish Councils recommendation to support the scheme. Therefore following contact with the local member Cllr Gerald Dakin, he has recommended that the application should go to the local planning committee meeting to be decided. This has been discussed with the Principal Planning Officer and the Chair and Vice Chair of the committee who agree that the application should be considered by members.

4.0 Community Representations**4.1 Consultee Comments****4.1.1 SC Conservation**

The following comments are made on the latest draft for the above scheme, after discussion with Philip Belchere (Conservation Architect):

1. The fascia is poorly detailed, as shown, and is therefore not acceptable. The whole idea was minimalism for this scheme and a large clumpy fascia is not what was envisaged.
2. The roadside wall, although some detailing has been shown, this still is not sufficient to lessen the impact of the very tall, overbearing wall in this location. The idea of visually lowering the impact of the wall still needs to be considered as part of the scheme. Having given this more thought, perhaps a clerestory detail would achieve this, together with an overall reducing in the

height of the wall and the height of the extension, this is likely to help. The overall height has not been scaled from the drawings, as there is no facility to print off at A1, but the visual appearance would suggest that it is still in excess of 3 m? it would be useful to have dimensions shown on subsequent drawings, for clarity.

3. There is still no indication of the materials to be used for the frames of the glazed doors. The design would benefit from the use of steel as this would reduce the section size and therefore maintain the minimalistic theme which needs to be applied here.
4. Is the flue shown of the correct size and height which will be required for the biomass boiler and not just an interpretation? Confirmation of the manufacturer's requirements will be necessary and accurately shown on the drawings.
5. The rooflight has not been reduced in size or height and is not accurately represented on the drawings, unless it is completely frameless?

As the scheme stands it is still not something which can be supported in line with the requirements of the current policies we have to work with for Heritage Assets. If further negotiations wish to be entered into then this can be done, as far as I am concerned, but if the applicant/agent do not wish to do this then it is with regret that an objection will be lodged and a recommendation of refusal will be made from the HE Team. The grounds for this objection are that the scheme will have an adverse impact on the significance of the Heritage Asset and the wider setting of the main Heritage Asset on the site with reference to paras 131 – 134 of the NPPF and that there are no public benefits of the proposal that out weigh the harm/impact of the current proposal.

4.1.2 SC Ecology

Recommendation: The informatives should be on the decision notice.

Great Crested Newts

There is a pond within 70m of the application site, however, the proposed development has a small footprint and is to be built on hardstanding. It is highly unlikely that the development will affect any great crested newt breeding population, no surveys are therefore necessary. The following informatives should be on the decision notice.

Informative

Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended).

If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.

4.2 Public Comments

4.2.1 Parish Council

The Parish Council raised no objections to the scheme.

5.0 THE MAIN ISSUES

Principle of development

Siting, Scale and Design of structure

Impact to the character of a listed building

Ecology

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The application seeks full planning consent for the erection of orangery link extension to an existing barn conversion to include the increase in height of the side boundary wall; this is acceptable in principle subject to NPPF and policies CS6 and CS17 of the Shropshire Core Strategy which are detailed below.

6.1.2 Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires the local planning authority, 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 which it possesses. This is a legislative requirement which should be given significant weight in the determination of the application. The advice provided in the NPPF and Core Strategy is provided below, however the Council is also required to comply with this legislation.

6.2 Siting, Scale and Design of structure

6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development.

6.2.2 Policy 7 'Requiring Good Design' of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. It also indicates that Local Planning authorities should not refuse planning permission for buildings which promote high levels of sustainability because of concerns about incompatibility with the existing townscape, if those concerns have been mitigated by good design.

6.2.3 The proposed siting of the link extension will make good use of a currently unused area within the barns immediate residential curtilage; however officers consider that the scale of the proposal is deemed as excessive and will detract from the main barn and its character.

6.2.4 The increase of the existing boundary wall will result in the loss of the existing hedgerow currently in place and is considerably high compared to the existing boundary wall resulting in a total height of 3.4 metres and although some detailing has been shown, this still is not sufficient to lessen the impact of the very tall, overbearing wall in this location.

6.2.5 The design and scale of the proposal is vital to ensure that it respects that of the existing barn and no harm or impact is caused to the heritage asset. Following several meetings and discussions with the agent and application / owner of the site, this was made clear to them and that a minimalistic theme to the proposal would be something we could support, however due to the applicants / owners needs and

finances the design and scale of the proposed has not been altered to reflect the advice given by the Historic Environment team, nor has the proposal been reduced or minimised as advised. The scheme remains to results in a large clumpy fascia, having an adverse impact on the significance of the Heritage Asset and the wider setting of the main Heritage Asset on the site. Therefore it is officers opinion that the scheme cannot be supported in line with the requirements of the currently policies we have to work with for Heritage Assets and the policy CS6 Sustainable Design and Development Principles of the Shropshire Core Strategy.

6.3 Impact to the character of a listed building

6.3.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development should protect and enhance the high quality and local character of Shropshire built and historic environmental and that it should not adversely affect the visual or heritage values and functions of these assets. This is reiterated in policy 12 'Conserving and Enhancing the Historic Environment' of the National Planning Policy Framework which supports the desirability of sustaining and enhancing the significance of heritage assets and putting them to a viable uses consistent with their conservation.

6.3.2 Section 12 of the NPPF paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

6.3.3 Section 12 of the NPPF paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

6.3.4 Following extensive discussions between the agent, applicant / owner and the Historic Environment team the historic environment officer remains to strongly object to the proposed scheme as it will have an adverse impact on the significance of the Heritage Asset and the wider setting of the main Heritage Asset on the site with reference to paras 131 – 134 of the NPPF and that there are no public benefits of the proposal that out weigh the harm/impact of the current proposal and recommend that the application is refused. Full details of the Historic Environment Officers objections are detailed within section 4.1.1 of this report.

6.4 Ecology

6.4.1 There is a pond within 70m of the application site, however, the proposed development has a small footprint and is to be built on hardstanding. It is highly unlikely that the development will affect any great crested newt breeding population, no surveys are therefore necessary. However following consultation with the Ecology specialist an informative will be applied to the decision if approved to ensure the protection of Great Crested Newts.

7.0 CONCLUSION

Due to the above findings the proposed development is contrary to the NPPF and policies CS6 and CS17 of the Shropshire Core Strategy and the application is recommended for Refusal.

In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

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

CS6 - Sustainable Design and Development Principles

D6 - Control and Design of Extensions

CS17 - Environmental Networks

RELEVANT PLANNING HISTORY:

NS/96/00015/LBC - Conversion of redundant agricultural buildings to form a dwelling with private double garage and ancillary accommodation, including demolition works Refused 18.12.1996

NS/97/00019/FUL - Conversion of redundant agricultural buildings to form a dwelling with private double garage and ancillary accommodation Approved 24.03.1997

NS/97/00021/FUL – Conversion of redundant agricultural buildings to form a dwelling with private double garage and ancillary accommodation with alterations to existing vehicular access Approved 18.08.1977

NS/97/00022/LBC - Conversion of redundant agricultural buildings to form a dwelling with private double garage and ancillary accommodation, including demolition works Approved 18.08.1997

NS/97/00099/FUL Conversion of redundant agricultural buildings to form a detached dwelling house with detached garage and alterations to existing vehicular access Approved 16.04.1997

NS/97/10468/LBC Conversion of redundant agricultural buildings to form a dwelling with private double garage and ancillary accommodation involving demolition works. Approved

NS/97/10469/FUL Conversion of redundant agricultural buildings to form a dwelling with private double garage and ancillary accommodation with alterations to existing vehicular access. Approved

NS/01/00388/FUL Erection of a conservatory to side elevation of existing dwelling Approved 05.09.2001

NS/01/00480/LBC Erection of a conservatory to side elevation of existing dwelling
Approved 05.09.2001

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)
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Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Gerald Dakin

Appendices

N/A

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