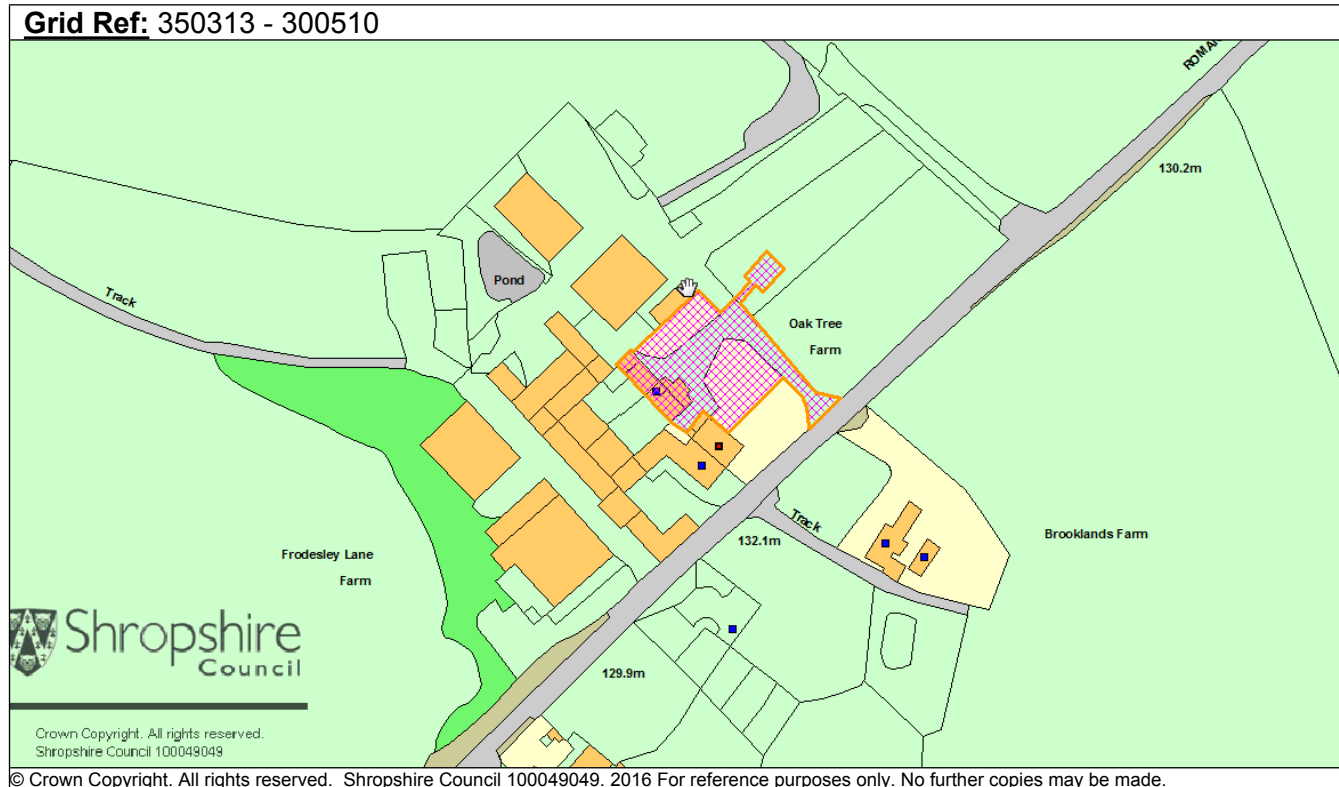


## Development Management Report

Responsible Officer: Tim Rogers  
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### Summary of Application

<b><u>Application Number:</u></b> 18/00730/VAR	<b><u>Parish:</u></b>	Frodesley
<b><u>Proposal:</u></b> Variation of Condition No. 2 (approved plans) attached to Planning Permission 14/01989/FUL dated 28 July 2014 to allow for the porch area to be extended and closed in providing additional storage space		
<b><u>Site Address:</u></b> Oak Tree Farm Frodesley Shrewsbury Shropshire SY5 7QG		
<b><u>Applicant:</u></b> Mr Edward Potter		
<b><u>Case Officer:</u></b> Aileen Parry		<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>



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

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application seeks to vary condition 2 (approved plans) of planning permission 14/01989/FUL in order to allow for the porch area to be extended and closed in providing additional storage space.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 Oak Tree farm is located on the Frodesley Road which runs between Longnor Village and Frodesley Village. The barn is a single traditional agricultural building which forms part of the farmstead associated with Oak Tree Farmhouse, an unlisted red brick building.
- 2.2 The farmstead has been identified and classified by the Councils Historic Farmsteads Characterisation Project and would be considered to have local heritage value as a traditional farm complex from the 19th Century.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the applicant is an elected member of the Council and therefore the application must be determined by Planning Committee.

### 4.0 COMMUNITY REPRESENTATIONS

- 4.1 - Consultee Comments

Drainage

No objection. Informative recommended.

Conservation (Historic Environment)

No objection. Conditions recommended.

- 4.2 -Acton Burnell Parish Council

The Parish Council supports this application.

- 4.3 - Public Comments

A site notice was placed by officers on 28.02.18. No public comments have been received at the time of writing this report.

## 5.0 THE MAIN ISSUES

Background

Principle of development

Design, Scale and Character

Impact on Amenity

## 6.0 OFFICER APPRAISAL

### 6.1 Background

6.1.1 Planning permission was previously granted for the conversion of a traditional agricultural barn into a kitchen area with associated storage space and a meeting room for an expanding business at Oak Tree Farm under planning reference 14/01989/FUL dated 28.07.14.

### 6.2 Principle of development

6.2.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

6.2.2 The principle of development has already been established by the granting of the existing 2014 planning permission – planning reference 14/01989/FUL. The current application seeks to vary condition 2 (approved pans) of planning permission reference 14/01989/FUL in order to allow for the porch area to be extended and closed in providing additional storage space.

6.2.3 The principle of the alterations to the dwelling has been established through the extant planning permission 14/01989/FUL.

### 6.3 Design, Scale and Character

6.3.1 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. 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.

- 6.3.2 In addition SAMDev Policy MD2 Sustainable Design builds on Policy CS6 providing additional detail on how sustainable design will be achieved. To respond effectively to local character and distinctiveness, development should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set.
- 6.3.3 Policy CS17 'Environmental Networks' states that development will identify, protect, enhance, expand and connect Shropshire's environmental assets and does not adversely affect the visual, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors.
- 6.3.4 In addition, SAMDev Policy MD13: The Historic Environment states that in accordance with Policies CS6 and CS17 and through applying the guidance in the Historic Environment SPD, Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored.
- 6.3.5 The changes proposed to the approved plans include:
- ② An increase in depth to the porch to 4.5 metres
  - ② Porch to be enclosed to provide additional storage space
  - ② Addition of a double door to the porch front (north east) elevation and single door to side (south east) elevation.
- 6.3.6 Officers have consulted the Councils Conservation officer who has assessed the amendments proposed and has stated that the application proposes the closing-in and further extension of an approved extended open porch feature. The proposed form of the extended range is reflective of the linear form of this range of barns and would be finished in horizontal board; it is now proposed to be enclosed for storage purposes but still also used as an entrance point. Given the simple agricultural form and proposed finishes of the extended feature there will likely be no further significant impact on the character of this traditional barn range although it would be preferable that the ridge height of the entire extended range was lowered and more subordinate to the main existing range to minimize its potential visual dominance. It would be appropriate for external finishes to be conditioned for agreement and joinery should reflect that on the rest of the building.
- 6.3.7 Officers therefore consider that the proposal meets the relevant criteria within the NPPF, CS6, CS17, MD2 and MD13 and is therefore acceptable in principle.
- 6.3.8 In addition, it is considered necessary for the conditions included in the original permission to be applied to this variation of conditions application if planning permission is granted.

## 6.4 Impact on Amenity

- 6.4.1 Core Strategy CS6 indicates that development should safeguard the residential and local amenity.
- 6.4.2 Officers note that Acton Burnell Parish Council supports this application and at the time of writing this report no public comments have been received.
- 6.4.3 Officers consider that the proposed scale, design and appearance of the proposal will respect the existing character of the farmstead and will not result in any adverse visual impact in or on the locality. It is felt that the proposal will be sympathetic to the existing character of the barn and farm house, whilst it will be sustainably constructed meeting the current Building Regulation standards as a minimum. It is considered that the proposal will not result in the significant loss of amenity area to the farmstead and locality.

## 7.0 CONCLUSION

**Officers consider that the proposed scale, design and appearance of the proposal will respect the existing character of the barn and farmstead and will not result in a detrimental visual impact or cause any detrimental impact in or on the locality. Recommend that planning permission is granted.**

## 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:

CS6 - Sustainable Design and Development Principles  
CS17 - Environmental Networks  
MD2 - Sustainable Design  
MD13 - Historic Environment

Relevant Planning History:

12/03777/AGR Prior notification of two replacement agricultural buildings GRANT 18th September 2012

HEPRE/14/00050 Conversion of farm building to provide facilities for catering business NOOBJC 5th March 2014

14/01989/FUL Conversion of a traditional agricultural barn into a kitchen area with associated storage space and meeting room GRANT 28th July 2014

14/03971/DIS Proposed discharge of conditions 3. (Materials) 4. (Windows \_ Doors) 5. (Landscaping) 6. ( Solar Panels) 7.(Enclosures) 8.(Drainage) 9.(Foul Water Drainage) 15.( External Finishes) 17.(External Lighting) for application 14/01989/FUL conversion of a traditional agricultural barn into a kitchen area with associated storage space and meeting room

Condition Number(s): 3, 4, 5, 6, 8, 15 and 17

Conditions(s) Removal:

This application is for the discharge of the pre-commencement conditions. DISPAR 18th November 2014

14/05363/AGR Proposed agricultural storage building PNR 19th December 2014

PREAPP/16/00113 Proposed affordable dwelling PREAIP 31st March 2016

SC/CC1993/AG03 Proposed general purpose storage farm building NOOBJC 6th August 1993

SC/CC2000/0031 Erection of a lean-to general purpose agricultural building PERMIT 22nd December 2000

**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 Dan Morris
Appendices APPENDIX 1 - Conditions

**APPENDIX 1****Conditions****STANDARD CONDITION(S)**

1. 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.

2. Condition 2 of planning permission reference number 14/01989/FUL is hereby varied to read:

The development shall be carried out in accordance with drawings referenced 2405- 001 Rev A and 2405-003 received on 12 February 2018.

Reason: In the interest of amenity and to ensure a satisfactory form of development.

**CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

3. Prior to installation of relevant parts of the works hereby approved precise 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.

Reason: To safeguard the architectural and historic interest and character of the Building.

4. Prior to their installation, details of any solar PV panels to be installed on the building shall be submitted to and approved in writing by the local planning authority. The panels shall thereafter be retained as agreed.

Reason: In the interests of visual amenity.

5. Prior to the occupation of any buildings on site details of all walls, fences and hedges shall have been submitted to and approved by the Local Planning Authority. The approved details shall be completed prior to the occupation of any of the buildings on the site and thereafter retained.

Reason: To provide adequate privacy and an acceptable external appearance.

6. Before the relevant part of works commence details of the proposed external finishes and colour scheme shall be submitted to and approved in writing by the Local Planning Authority before commencement of relevant works. The development shall be carried out in accordance with the approved details.



Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

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

7. The external materials shall match those of the existing building and there shall be no variation.

Reason: To ensure that the works harmonise with the existing traditional farm complex.

8. All new external and internal work and finishes, and work of making good shall match existing original work adjacent, in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved.

Reason: To ensure satisfactory preservation of this Building.

9. The roof windows to be used in the development hereby approved shall be of the traditional low profile style and shall permanently be retained as such.

Reason: To safeguard the architectural and historic interest and character of the traditional farm complex.

10. All existing features of architectural and historic interest (e.g. windows, doors, ornamental plaster, joinery, staircases, fireplaces) shall be retained in-situ and fully protected during the approved works.

Reason: To safeguard the architectural and historic interest and character of the traditional farm complex.

11. All new partitions and other elements of construction shall be scribed around historic and architectural features including cornices, picture rails, chair rails, skirtings, panelling, door and window linings and shall not cut through such features.

Reason: To ensure the satisfactory preservation of the Building.

12. If hitherto unknown evidence of historic character that would be affected by the works hereby permitted is discovered, an appropriate record, together with recommendations for dealing with it in the context of the scheme, shall be submitted for written approval by the Local Planning Authority.

Reason: To ensure archaeological and architectural features are recorded during development.

13. A total of 1 woodcrete artificial nests suitable for small birds such sparrow and swallow shall be erected on the site prior to first occupation of the buildings hereby permitted.

Reason: To ensure the provision of nesting opportunities for wild birds.

14. The development hereby permitted shall only be used as an integral part and incidental to the business operating from the existing dwelling and shall not at any time be sold, let or occupied as a separate commercial unit.

Reason: To ensure proper control of the development and to avoid any future undesirable fragmentation of the curtilage.

### **Informatives**

1. Drainage  
As part of the SuDS, the applicant should consider employing measures such as the following:

Water Butts

Rainwater harvesting system

Permeable surfacing on any new driveway, parking area/ paved area

Attenuation

Greywater recycling system

Details of the use of SuDS should be indicated on the drainage plan.

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

2. Great Crested Newts  
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.

3. Bats  
All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

4. In arriving at this decision Shropshire 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.
5. Your application is viewable online <http://planningpa.shropshire.gov.uk/online-applications/> where you can also see any comments made.