



Committee and date  
 South Planning  
 Committee  
 15<sup>th</sup> January 2019

Item  
  
  
 Public

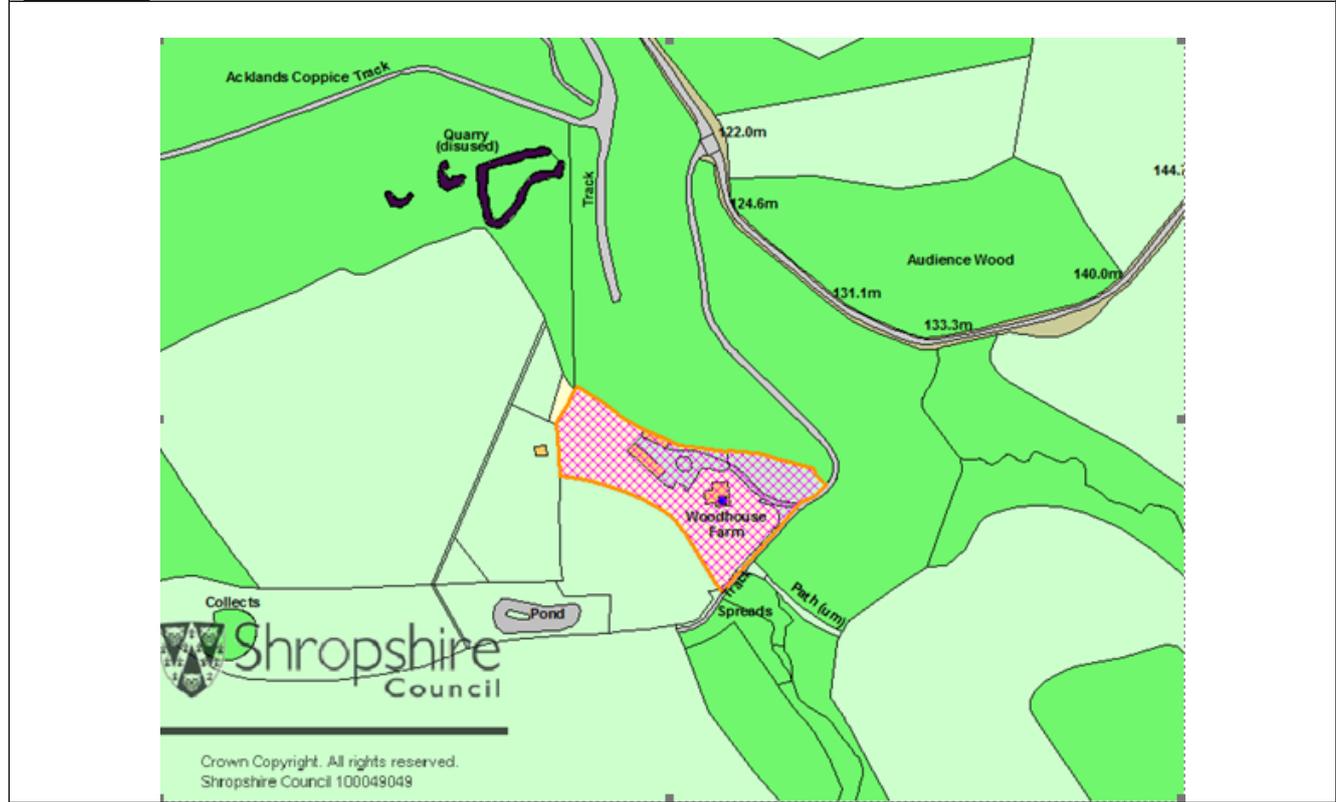
## Development Management Report

Responsible Officer: Tim Rogers  
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### Summary of Application

<b>Application Number:</b> 18/05005/LBC	<b>Parish:</b>	Much Wenlock
<b>Proposal:</b> Works to Listed Building to facilitate the erection of glazed canopy to side elevation		
<b>Site Address:</b> Woodhouse Farmhouse Wyke Much Wenlock Shropshire TF13 6NZ		
<b>Applicant:</b> Mr & Mrs D Turner		
<b>Case Officer:</b> Lynn Parker	<b>email:</b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>	

**Grid Ref:** 364072 - 302326



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

## **REPORT**

### **1.0 THE PROPOSAL**

1.1 This is a Listed Building Consent Application for the erection of a glazed canopy and detached art studio at Woodhouse Farmhouse, Wyke, Much Wenlock, a Grade II Listed Building. The glazed canopy is proposed to the north west corner of the dwelling where it would be located to project from the existing kitchen French doors across an outside patio seating area. It is designed as an Oak-framed structure, with lead capped rafters tied to the existing roof with lead box gutter. It would be open on all sides with a mono-pitch roof and cover an area of approximately 3m wide x 3.25m in depth with a height of 1.6m sloping down to 1.1m.

1.2 The proposed art studio would be located approximately 66m to the north west of the dwelling adjacent to the northern boundary of the plot. It is designed as a part single, part low two storey structure with canopy catslide roof supported on pillars on the south west facing, fully glazed front elevation, and X3 no. roof lights in the rear facing roof slope. The structure would comprise an art studio at ground floor level with two WCs in the single storey element on the north west facing side elevation, one accessed internally and the other externally. A log store would be located between the two and a first floor storage area provided on a first floor mezzanine. The building would measure approximately 10m wide x 5m in depth (6.6m including the canopy) x 5m high. It would be constructed with timber clad blockwork walls, a plain clay tiled roof and powder coated aluminium windows and doors.

1.3 No alterations are proposed to accesses or parking, and no trees present at the site would be affected by the development. Foul sewage would be disposed of via the existing septic tank.

1.4 A Full Planning Application has also been submitted for this proposal under Planning Ref: 18/05004/FUL.

### **2.0 SITE LOCATION/DESCRIPTION**

2.1 The site falls within open countryside to the north east of Much Wenlock and is accessed from the A4169 to the west via a Class C Road and a private driveway extending from the north for approximately 270m south to the dwelling. The property is an isolated one screened on most sides by woodland. There are no neighbouring properties within at least 300m. The dwelling is positioned on the north east side of a plot approximately 170m wide x 120m in depth on land sloping down to the south. It is a three storey Much Wenlock stone and tiled roof dwelling that has benefitted from various extensions and alterations since its construction in the early 17<sup>th</sup> Century. There are a number of outbuildings to the north west of the dwelling, some of which are substantial former agricultural buildings. The area proposed for the art studio is beyond these on an uncultivated section of the garden

with woodland immediately adjacent to the north and west.

### 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

#### 4.1 - Consultee Comments

4.1.1 Much Wenlock Town Council – Consulted, no comments received.

4.1.2 SC Conservation - The proposals are considered to accord with policies, guidance and legislation.

4.1.3 SC Archaeology - No comments to make on this application in respect of archaeological matters.

#### 4.2 - Public Comments

4.2.1 Site notice displayed on 8<sup>th</sup> November 2018. Proposal advertised in the Shropshire Star on 6<sup>th</sup> November 2018 as affecting a Listed Building. No public representations received.

### 5.0 THE MAIN ISSUES

- o Impact on the Listed Building

### 6.0 OFFICER APPRAISAL

#### 6.1 Impact on the Listed Building

6.1.1 Policy CS6 of the Shropshire Council LDF Core Strategy states that development should conserve and enhance the built, natural and historic environment and be appropriate in its scale and design taking account of local character and context. Policy MD2 of the SAMDev Plan builds on Policy CS6 providing additional detail on how sustainable design will be achieved. LDF Core Strategy Policy CS17 is also concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's historic environment and does not adversely affect the heritage values and function of these assets. Policy MD13 of the SAMDev Plan sets out criteria by which Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored.

6.1.2 Under Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 there is a duty placed on Local Authorities in exercising their statutory duty to have regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess. At paragraph 185 the NPPF advises that local planning authorities should take into account the desirability of sustaining and enhancing the significance of heritage

assets and putting them to viable uses consistent with their conservation.

6.1.3 It is considered that the proposed canopy as a simple, clean lined, light weight form, has been kept as a predominantly freestanding structure and therefore its impact on the Listed Building would be fairly minimal. The use of appropriately high quality materials will ensure a construction that sits well against the Listed dwelling. The proposed detached art studio is set at some distance from the main dwelling and because of this combined with its modest scale and appropriate form and materials, it is not considered to result in any harm to the setting of the Listed Building. The proposed development is therefore considered to protect the character and appearance of the Listed Building.

## 7.0 CONCLUSION

7.1 The proposed development would not have an adverse impact on the character and appearance of the Listed Building or on its setting.

## 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:  
National Planning Policy Framework  
National Planning Practice Guidance

LDF Core Strategy Policies:  
CS6 Sustainable Design And Development Principles  
CS17 Environmental Networks

Site Allocations & Management Of Development (SAMDev) Plan Policies:  
MD2 Sustainable Design  
MD13 Historic Environment

### RELEVANT PLANNING HISTORY:

12/01477/LBC - Installation of roof lights and new window to north elevation affecting a Grade II Listed Building. Granted 6th June 2012.

12/01466/AMP - Amendments to planning application 10/04300/FUL for the erection of a single storey extension. Granted 27th April 2012.

11/04784/FUL - Erection of outbuilding for domestic storage to include insertion of PV Solar Panels on roofline. Granted 12th January 2012

11/03119/DIS - Discharge of Conditions relating to 10/04301/LBC. Discharge Approved 1st August 2011.

11/03118/DIS - Discharge of Condition 4 relating to 10/04300/FUL. Discharge Approved 1st August 2011.

10/04301/LBC - Internal and external alterations in connection with erection of a single storey extension affecting a Grade II Listed Building. Granted 13th May 2011.

10/04300/FUL - Erection of a single storey extension. Granted 13th May 2011.

BR/APP/LBC/06/0972 – Internal and external alterations to barn to form two dwellings. Granted 18<sup>th</sup> January 2007.

BR/APP/FUL/00/0810 - Conversion of barn to two dwellings and installation of septic tank. Granted 15th February 2001

BR/APP/LBC/00/0793 - Replacement of existing staircase and internal doors and installation of two windows in east elevation. Granted 15th January 2001.

BR/APP/LBC/00/0792 - Internal and external alterations to barn to form two dwellings. Granted 15th February 2001.

BR/90/0495 (LBC) – Erection of a single storey and a first and second floor extension at the side of the dwellinghouse. Granted 30<sup>th</sup> July 1990.

BR/90/0494 – Erection of a single storey and a first and second floor extension at the side of the dwellinghouse. Granted 30<sup>th</sup> July 1990.

BR/86/0455 (LBC) – Removal of internal wall and installation of larger window. Granted 5<sup>th</sup> August 1986.

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PHDJIETDHEM00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information).
Design and Access Statement dated 25 <sup>th</sup> September 2018.
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member  Cllr David Turner
Appendices APPENDIX 1 - Conditions

## APPENDIX 1

### **Conditions**

#### **STANDARD CONDITIONS**

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 18 of the Planning (Listed Buildings and Conservation Areas) 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.

3. Details and samples of all the materials to be used externally on the works hereby approved, shall have been first submitted to and approved by the Local Planning Authority in writing before being used in the development. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the external appearance of the development preserves this Heritage Asset.

#### **CONDITION THAT IS RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

4. 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 Heritage Asset.

### **Informatives**

1. If your application has been submitted electronically to the Council you can view the relevant plans online at [www.shropshire.gov.uk](http://www.shropshire.gov.uk). Paper copies can be provided, subject to copying charges, from Planning Services on 01743 252621.

2. This Listed Building Consent Notice must be read in conjunction with the Planning Permission Notice where additional conditions are attached.

3. In determining the application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:  
National Planning Policy Framework  
National Planning Practice Guidance

LDF Core Strategy Policies:

CS6 Sustainable Design And Development Principles

CS17 Environmental Networks

Site Allocations & Management Of Development (SAMDev) Plan Policies:

MD2 Sustainable Design

MD13 Historic Environment

4. 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 38.

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