



Committee and date
South Planning Committee
4 June 2019

Development Management Report

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Summary of Application

Application Number: 18/04311/FUL	Parish:	Claverley
Proposal: Live -work unit comprising conversion of storage building to residential dwelling and stable building to form boarding kennel business		
Site Address: Proposed Barn Conversion At Land At Whitecross Farm Broughton Claverley Shropshire		
Applicant: Ms N Greensil		
Case Officer: Sara Jones	email: planningdmse@shropshire.gov.uk	

Grid Ref: 381227 - 291440

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

1.0 THE PROPOSAL

1.1 This application proposes the conversion of an existing building to a residential dwelling and of a stable block to form a boarding kennels.

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- 1.2 The scheme includes the subdivision of the internal space to provide a lounge, kitchen and two bedrooms on the ground floor and a hall and staircase which would lead to two additional bedrooms within the roof space created with the installation of three dormer windows and three roof lights. The scheme, with the exception of the dormer windows and roof lights largely utilises the existing openings found in the building.
- 1.3 Turning to the proposed boarding kennels information submitted with the application indicates that the kennels would comprise of a mix of 2 and 3 dog kennels. The submitted plan shows that there would be 8 x 2 dog kennels and 1 x 3 dog kennels. A DIY livery business has operated from the site for some time.
- 1.4 In support of the application the applicant states that she proposes to live on site to monitor the dogs on a regular basis and that the applicant needs to live in close proximity to the kennels in order to meet the individual health, safety and welfare of each dog and, in respect to the viability of the business it is unlikely that many dog owners would be content to leave their dog in the care of someone who was not around to check on their dog between the hours of 6pm and 8am.
- 1.5 The applicant also intends to offer day boarding at the kennels in order to support potential clients who use the halfpenny green airport and/or visit the area during cycle or other events.
- 2.0 SITE LOCATION/DESCRIPTION
- 2.1 The site falls within open Green Belt countryside to the south east of the village of Claverley. It is accessed directly from a Class C road via a stone track which runs along the south eastern boundary belonging to White Cross farmhouse and there is a second access off Pear Tree Lane to the north. The character of the area is of sporadic development located along the roads between minor settlements such as Broughton to the north west and Heathton to the north.
- 2.2 The site is known as White Cross farm stables and comprises 10 acres of paddocks separated with post and rail fencing a yard with 7 blockwork and timber stables, a field shelter, tack room and store. There is a further barrel roofed building used as a hay store. There are also two dilapidated railway carriages used for storage, a chicken house. There is a mobile home with 2 gas bottles connected and a garden shed, enclosed with post and rail fencing located in one of the paddocks along the hedge to the south west of the application building. There is a trampoline, children's swing, football net and various other items of domestic paraphernalia located in the paddock adjacent the mobile home.
- 2.3 It would appear that White Cross farm has been split up and sold off over the last few years and is now in 3 different ownerships; the farmhouse, 10 acres and stables (the application site) and the adjacent field belonging to a local farmer.

2.4 Planning History

2.4.1 Planning permission (BR/80/0097) was granted permission for the use of land as riding school and stables in 1980. Permission was subsequently approved for the siting of a mobile home and installation of a septic tank (BR/93/0074).

2.4.2 The applicant's mother advised (during the course of a previous application – 17/03790/PMBPA) that the site was previously a DIY livery yard and her daughter has kept horses there since 2012; it came up for sale in 2014 which is when she (the applicant's mother) purchased it. White Cross stables has a Facebook page advertising livery.

2.4.3 The building proposed for conversion to the accommodation comprises a 230mm thick solid brickwork structure with an asbestos sheet gable roof supported by two light weight steel trusses supporting angle purlins. It has a rectangular footprint of 103 sq.m and the proposed curtilage extends to 778sq.m.

2.4.4 An Enforcement Appeal in respect of when this building had been converted to a residential use without planning permission was refused in 1992. The Inspector describes the unauthorised use of the building stating that; *“On the day of my inspection I found that the subject barn was portioned off along one side into 4 enclosed sections, with open stalls or compartments along the rear and other side. The enclosed sections comprised a wc with a small wash hand basin; a kitchen with, among other things, refrigerator, Baby Belling cooker, cupboard, dining table and chairs, but no sink; a living room with easy chair, table and convector heater; and a bedroom with a single bed, easy chair, bookshelves, television and calor gas heater. The open compartments in the barn were in use for domestic and other storage.”*

2.4.5 Other evidence in respect of the appeal notes that; the then owners of the adjacent White Cross Farmhouse stabled their horses at White Cross Farm for 6 months (until mid-1988) and during this time there were horses stabled in the barn in 3 stables, in 1988 some partitioning was added creating an office then more partitions for living (bedroom and lounge) were added during winter 1988 – 89.

2.4.6 Furthermore, the Inspector confirmed that one of the previous owners (Mr HJ Beards) of the site (who had been living rough in the barn) ran a DIY livery stable business.

2.4.7 More recently planning permission was approved under application 10/02883/FUL for the building to be converted to a holiday let for use in conjunction with the stable block. Conditions were discharged under application 11/00791/DIS. Planning permission was also granted under application 11/01032/FUL for the formation of a vehicular access to highway.

2.4.8 Subsequently an application was submitted (17/03790/PMBPA) seeking a legal

determination for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use of an agricultural building to a residential dwelling. This was refused for the following reasons:-

1. Insufficient information was submitted with the application to demonstrate that the building and surrounding land within the curtilage of the building, as outlined on the submitted Site Location Plan, is or was used solely for an agricultural use as part of an established agricultural unit on or prior to 20th March 2013, or for the period of at least 10 years before the date development under Class Q begins. It was not therefore possible to determine whether the limitations of the Order, under Q.1(a) have been complied with.
2. The extent of the curtilage indicated on the application forms and Proposed Block Plan went beyond that which is permitted under Class Q and the definition of curtilage contained within Paragraph X of the Order.
3. Insufficient information was submitted to demonstrate that the proposed structural works would be reasonable and within the scope of Q (b) and Q.1(i) (aa), and no details in respect of water, drainage, electricity, gas or other services have been provided in respect of Q.1(i)(i)(bb). Accordingly, insufficient information accompanies the application to demonstrate that the proposal will comply with Q.1 (i) (i) (aa)(bb).
4. The proposal included the construction of three dormer windows on the rear roof plane. Hence, the external dimensions of the proposed dwelling would be greater than that of the existing building contrary to Q.1 (g).

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council has objected contrary to the Officer recommendation and the Ward Member has requested that the application is determined by the Planning Committee. The Area Manager in consultation with the chairman have considered this request and have concluded that the application does raise issues which warrant consideration by the Planning Committee.

4.0 Community Representations

- Consultee Comments

4.1 Claverley Parish Council - Objects.

Whilst Claverley Parish Council likes to encourage new business within the parish,

it is felt this application in its current form cannot be supported and therefore the Parish Council objects.

1. This is an equestrian / kennelling business and as such is not an agricultural enterprise. The farm house and land have both been sold off many years ago.

2. The application is for a three bedroom house yet the plans are for a 4 bedroom house.

3. No provision has been made for sound proofing the proposed kennels to prevent noise disturbance to local properties.

4. The building for conversion is not suitable to accommodate the scale of plans proposed (more suited to a 2 bed bungalow with non-habitable loft).

4.2 SC Highways – No objection, makes observations

4.3 SC Regulatory Services – (08.04.2019.)

I have examined the amended noise management plan and consider it to be appropriate.

4.4 SC Regulatory Services – (06.03.2019.)

I have examined the submitted noise management plan the bulk of which is suitable. However I would request that the following changes are made: the rock wool insulation needs to be specified as a high density rock wool, and the kennel entrance needs to include 2 sets of doors to make a small lobby area so as to prevent noise escape during entry and exit of the kennel premises.

4.5 SC Regulatory Services – (10.12.2018.)

Given the proximity of the development to existing residential dwellings I have concerns with respect to possible noise impact from the proposed dog boarding activity. The structure and design of the existing building to be converted to kennelling is I believe not currently suitable with respect to adequate containment of noise. Additionally, suitable controls with respect to noise management during operation of the proposed business will be necessary, particularly with respect to exercising the dogs and customer arrivals/departures. I would therefore request that if permission is granted that the following condition is attached.

Prior to use of the dog kennels a noise control scheme shall be submitted for written approval to the planning Authority. The noise control scheme must include full details of suitable measures to improve the sound insulation of the building and

full details of operational controls to minimise noise impact. Upon approval the scheme shall be fully implemented and adhered to at all times during operation of the business.

The applicant should be made aware that I am willing to meet on site with them and their agent to discuss suitable content of the noise control scheme if they wish.

4.6 SC Drainage – No objection, recommend informatives.

4.7 - Public Comments

Site notice displayed/dated 11.10.2018. Expired 01.11.2018. One letter sent.

Two representations received objection to the proposal on the following grounds:

There is already dog breeding kennels at the end of the field at the rear of White Cross Farmhouse which is in sight and noise from barking dogs can be heard. Approx. 100 metres from rear of our property.

The application for the 9 dog kennels is approximately 30 - 40 metres away from White Cross Farmhouse, therefore, noise disruption from barking dogs, people working and increased number of vehicles would be unbearable.

Paragraph 13 of the application states that there is sufficient outside space for the exercising of the dogs. However, the plans do not state or show where this exercise area is to be located. This is a major concern to the occupiers of White Cross Farmhouse due to the fact their garden backs directly onto the large field and at the side of Whitecross Farm, therefore, if this land is used for exercising the dogs it would be in direct view of White Cross Farmhouse and cause noise disturbance to our own pets and children.

In the planning statement in paragraph 16 it states that it is intending to offer day boarding kennels for clients who use Half Penny Green Airport or for Cycling and other events. Therefore, there would be an unbearable increase in noise from traffic, people and dogs not only in vehicles but also possibly on foot. It could be the case whereby people drop off their dogs and decide to park their cars in the narrow lanes adjacent the site.

Access to the proposed kennels would either be via the entrance of White Cross Farm to the left of White Cross Farmhouse or the entrance of White Cross Farm to the rear of White Cross Farmhouse which means all traffic to the kennels would come past White Cross Farmhouse.

Having dog kennels right next door to White Cross Farmhouse would greatly devalue it. With the noise and smell of the dogs, increased traffic, increase in people coming and going from the kennels, and possibly an increase in workforce

at the kennels.

Would harm the idyllic location, peace and quiet and beautiful views.

Would lead to an unbearable increase in traffic on the narrow lanes in this area.

The proposed boarding kennels would be a source of much noise in the surrounding area from barking dogs.

No objections for the conversion of the barn solely for residential use.

It is stated that the nearest kennels are over an hour away yet I found at least 4 ranging from 10 to 30 minutes from the site.

It is stated that the impact on house prices and as this is not a planning matter and it therefore cannot be considered when determining this proposal. Feel this is wrong and outdated, how can the possible financial implication good or bad not be taken into consideration.

The existing dog breeders already give rise to noise issues in the area.

Question on where the dogs will be kept from 07:30 till 23:30 hrs have not been answered, besides the 1hour exercise the dogs will get are they then to be lock in their cage for the rest of the day or is there going to be some kind of caged exercise area to be built.

Note that whilst the applicants 3 dogs are well behaved and trained, they bark at the slight noise and if anyone approaches' the applicants property which will have a knock on effect of the dogs in the kennels hearing this will cause them to bark as well.

5.0 THE MAIN ISSUES

Principle of development

Green Belt

Impact on openness of the Green Belt

Development in the Open Countryside Considerations

Access

Impact upon the character and appearance of the area

Neighbour Amenity

Ecology

Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The proposal is for a kennels/live-work unit comprising a dwelling and separate boarding kennels, as such it would be *sui-generis* in nature. The plans show a 4 bedroom house although, the agent confirms that, in reality the smaller bedroom on the ground floor is likely to be utilised as an office as part of the building. It is also proposed to be the home to the applicant, her daughter and also her mother, so it is considered that 3 bedrooms and an office is a reasonable amount of space. Whilst there is a residential aspect, it does not sit within the policies pertaining to housing development and as such, it is considered as a form of mixed use comprising economic development with associated restricted occupancy housing.

6.1.2 Para 83 of the NPPF ('Supporting a prosperous rural economy') states that policies should enable; the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings, and the development and diversification of agricultural and other land-based rural businesses. Furthermore, planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.

6.1.3 Core Strategy Policy CS13 ('Economic Development, Enterprise and Employment') states that the Council will plan positively to develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities. This policy specifically supports home based enterprise and live-work schemes.

6.1.4 SAMDev Policy MD4 states that Employment development will be managed in accordance with spatial strategies CS1-CS5 and economic and employment strategy CS13.

6.1.5 Core Strategy Policy CS1 sets out the strategic approach to development, and states that in the rural area, outside of the hub and cluster settlements, development will primarily be for economic diversification and to meet the needs of the local communities for affordable housing; this proposal therefore is in alignment with this policy.

6.1.6 Policies CS2 and CS3 focus on Shrewsbury and the Market Towns and Key Centres respectively and so are not applicable in this case.

6.1.7 Policy CS4 states that in the rural area, communities will become more sustainable by focussing private and public investment in the rural area into Community Hubs

and Community Clusters, and not allowing development outside these settlements unless it meets policy CS5.

- 6.1.8 Core Strategy Policy CS5 states that new development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt. It sets out the basis for the control of development in the countryside and makes provision for the conversion of suitable rural buildings for employment, residential and other appropriate uses such as community or heritage facilities. Priority is given to conversions for economic type uses and residential conversions to provide affordable housing to meet a local need (including agricultural workers' dwellings).
- 6.1.9 Furthermore, policy CS5 sets out a number of examples of types of development that would be considered acceptable in this context, which include small scale new economic development diversifying the rural economy. Such development is expected however to take place primarily in recognised named settlements or be linked to other existing development and business activity and the applicant to demonstrate the need and benefit for the development. With specific reference to the conversion of rural buildings the policy makes reference to small scale economic development/employment generating use, including live-work proposals being acceptable in principle on the countryside and Green Belt.
- 6.1.10 SAMDev Policy MD7b, refers to the general management of development in the countryside and provides support for the re-use of existing buildings. Furthermore, para. 3.68 the explanatory text confirms that the NPPF positively encourages flexible working practices including the integration of employment and residential uses. Policy MD7a does however suggest that Permitted Development rights are removed for such conversions.
- 6.1.11 As such, this provides a justification for their retention and conversion and the 'principle' of the proposed development is acceptable.
- 6.2 Green Belt
- 6.2.1 The NPPF Section 13 – Protecting the Green Belt supports the re-use of buildings provided that the building is of a permanent and substantial construction where it preserves the openness of the Green Belt and where it does not conflict with the purposes of including land within it.
- 6.2.2 Para. 134 sets of the five purposes, which are:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and

other urban land.

- 6.2.3 Policy MD6, amongst other matters, acknowledges the limited exceptions set out in the Framework in respect of new development within the Green Belt, including the re-use of buildings of permanent and substantial construction. Para 3.49 of the supporting text explains that in the Green Belt the normal countryside Policies CS5 and MD7a and MD7b apply, with Green Belt Policy MD6 providing an additional policy layer that reflects the extra protection afforded to Green Belts.
- 6.2.4 Whilst it is noted that a Structural Appraisal has not been submitted as part of this application one undertaken in respect to the 2010 application to convert the building into tourist accommodation. Whilst this was carried out some time ago it is considered that the condition of the building to be converted into a dwelling has not deteriorated significantly the walls of the building are in relatively good order and the floor appears to be concrete, rubble and earth. The brickwork external walls are generally noted to be in a sound stable condition. The stable building, proposed to be converted to the kennels is a blockwork building with a profile metal roof and the works proposed involve noise insulation, and internal subdivision however a visual inspection of the building confirms that the building is capable of the conversion as proposed without the need for major reconstruction.
- 6.2.5 Given the planning history of the site and from a visual inspection of the buildings it is accepted that the buildings subject of this application are of a permanent and substantial construction. Therefore, in light of the Framework's exceptions, their conversion would not be inappropriate development provided the overall development preserves the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt. These factors are considered in detail below.
- 6.3 Impact on openness of the Green Belt
- 6.3.1 There is no intention to extend the existing buildings. There is no additional ground floor space or massing to be considered. The works proposed to the existing buildings would not affect the openness of the Green Belt.
- 6.3.2 The proposals do not show an extended curtilage; the existing hardstanding will provide parking and manoeuvring space. The surrounding land and paddocks outlined in blue, whilst in the control of the applicant, are not part of this application. It is acknowledged however that the submitted Noise Management Plan involves the exercising of the dogs individually on the field furthest from any potential receptors, along with a number of other noise mitigation proposals.
- 6.3.3 The use of the building as a dwelling house accrues permitted development rights which could be used to extend the property as well as add mass through erection of outbuildings within the site curtilage. These would affect the openness of the Green Belt and it is advisable to restrict this through a condition removing permitted development rights to preserve the openness of the Green Belt.

- 6.3.4 The second test concerns assessment of the proposals against the purposes of including land within the Green Belt. These are set out above in paragraph 6.2.1.
- 6.3.5 **To check the unrestricted sprawl of large built - up areas.**
- 6.3.6 The site is located in a relatively isolated position in respect of any main settlement, however it is located within a small cluster of properties. Nevertheless, the area cannot be described as 'built up'. As the proposal only concerns the conversion of an existing buildings with no significant amount new development proposed, then it is considered that the proposals would not lead to unrestricted sprawl of a large built up area. The proposal is, therefore, consistent with this purpose.
- 6.3.7 **To prevent neighbouring towns merging into one another.**
- 6.3.8 The Framework does not define what constitutes a town, but it does refer to a distinction between towns and villages elsewhere within the Green Belt section. For the same reason as above, the proposed development will not result in neighbouring towns merging into one another. It is considered that the proposal is consistent with this purpose.
- 6.3.9 **To assist in safeguarding the countryside from encroachment.**
- 6.3.10 The proposals relate to a conversion of existing buildings with only a small amount of new/replacement built form proposed. There will be no encroachment into the countryside above what already exists. As such, the proposals are considered to be consistent with this purpose.
- 6.3.11 **To preserve the setting and special character of historic towns.**
- 6.3.12 The application site is not located within a conservation area and nor is it situated close to listed buildings. It is located a considerable distance from any historic towns and could not be considered to adversely affect the setting or character of those towns. As such, it would satisfy this requirement.
- 6.3.13 **To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.**
- 6.3.14 The application site does not comprise land that is either derelict land or other urban land. There is no linkage between this scheme and any other development proposal that concerns such land either. However, as it concerns the re-use of existing buildings which occupy a stable yard and as such the relevance of this purpose is considered to be minimal.

6.3.15 The proposed development is considered to be consistent with all of the purposes of including land within the Green Belt and it is, therefore, considered to be appropriate development.

6.4 Development in the Open Countryside Considerations

6.4.1 Policy MD7b also supports the reuse of existing buildings and suggests that conditions should be used to control the uses. It also acknowledges the changing needs and effects of agricultural and other related businesses in the countryside are a particular local issue, in particular the impacts of large scale agricultural buildings.

6.4.2 As noted previously, the NPPF positively encourages flexible working practices including the integration of employment and residential uses. The existing buildings are permanent and substantial and therefore, an alternative use is required, and officers consider that the proposed boarding kennels business would be acceptable in this location. (Neighbour impacts are considered in detail below.)

6.5 Access

6.5.1 The site is rurally located served by means of a Class III road, which in terms of its layout is rural in its nature being typically of single vehicle width. In support of the application the applicant states that they wish to open a smaller scale boarding business, with larger than average and more homely type kennels, to offer dogs a comfortable and luxury experience which will in itself help to eliminate stress that dogs might experience in standard kennels. They contend that there is an unmet demand for kennels locally, particularly during the summer. On balance, given the small scale of the business it is considered that it is unlikely that the proposed change of use would significantly adversely affect highway safety or local conditions, especially when considering the extant equine use of the site.

6.5.2 The site is served by two separate accesses which are proposed to be maintained. Originally it was intended that one would be used for the DIY livery and that the other used for the dwelling and boarding kennels, with the dwelling serving as the reception/point of contact for clients dropping off and collecting their dogs from the site. However during the course of the application and as a result of consultation with the Councils Public Protection Officer the applicants have confirmed, in the submitted Noise Management Plan, that the access to the site, by boarding kennels customers, would be via the existing access used for the livery stables, which is located away from potential sensitive noise receptors at White Cross Farmhouse. Ample car parking and turning space can be provided within the site.

6.6 Impact upon the character and appearance of the area

6.6.1 In addition to Green Belt policies which aim to protect the openness of the GB, policy CS17 seeks to protect and enhance the high quality and local character of Shropshire's natural environment and advises that development should not adversely affect the visual value of this asset. SAMDev policy MD12 is also concerned with protecting the visual amenity of Shropshire.

6.6.2 As noted above, the proposals relate to a conversion of existing buildings with only a small amount of new/replacement built form proposed. There will be no encroachment into the countryside above what already exists and the development would be viewed within the context of the existing livery stable yard. Furthermore Permitted Development Rights could be removed to prevent extension to the dwelling it is also considered necessary to remove PD in respect of outbuildings / sheds to preserve the rural character of the immediate surroundings and Green Belt openness to ensure compliance with policies CS17 and MD12.

6.7 Neighbour Amenity

6.7.1 Core Strategy Policy CS6 seeks to ensure that all development safeguards residential and local amenity. One of the key issues with respect to residential amenity in this case is dog vocalisations, chiefly barking, but this may also include whining, howling and yelping. Barking is acknowledged to be audible over extended distances. This may also be exacerbated by the number of dogs which may contribute to extended barking frenzy, giving rise to potentially severe noise nuisance at neighbouring dwellings. The nearest residential property is located immediately to the northwest of the application site. Concern has been raised regarding the noise and disturbance from barking dogs, people working and increased number of vehicles, caused by the proximity of the proposed boarding kennels from barking dogs, people working, the increased number of vehicles and the use of the access to the west of the site.

6.7.2 During the course of the application and as a result of discussions with the SC Public Protection Officer (Regulatory Services) amendments have been made to the scheme. The amendments include: the existing openings in the front and rear elevation of the building being blocked up using concrete blocks; a new opening for a lobby door being restricted to the far end of the building, the elevation furthest from the neighbouring properties; the new windows being restricted to the rear (south) elevation of the building. The walls are proposed to be beaded and 75mm high density rock wool used to insulation in-between the beading and the walls finished using acoustic plaster board. A similar approach is proposed to be used to help insulate and sound proof the ceiling, or alternatively a suspended acoustic ceiling may be utilised. Furthermore solid concrete block partitions would be utilised between the separate kennels rather than metal sheet to reduce potential noise impact. Ancillary activities are proposed to take place separate from the main kennel duties and a desk separating off the kennels from the reception area is proposed to be put in place to reduce the potential for the dogs to become agitated by people entering and leaving the building.

6.7.3 Additionally the submitted Noise Management Plan contains strategies which have been designed to minimise and manage the potential occurrence of dog noise. These include:

- The applicant will implement a regular daily routine to minimise stress to the dogs that might lead to barking.

- Dogs will be exercised and given opportunity to socialise with applicant and other dogs on a daily basis to minimise anxiety that might lead to barking.

- Dogs will be confined to their individual cages from 11:00pm to 7:30am. The kennel will be securely locked and any stimulant that might disturb sleep (electric lights, radios, etc) removed. Staff will not disturb the dogs overnight unless there is an emergency.

- The applicant will live on-site and will attend to any incidence of excessive barking or noise in a timely manner.

- The times when dogs are to be picked up and dropped off will be limited to between 7.30 and 9.30 in the morning and 4.00 and 6.00 in the evening. Access to the site, by customers, will be via the access used for the stables, which is located away for potential receptors.

- The applicant will also offer a drop off/pick up which will help to limit the potential number of vehicles visiting the site.

- Dogs will be walked and exercised one at a time and will be walked from the kennel to the furthest field and exercised within this field. Exercising the dogs one at a time should effectively reduce potential noise and the use of the furthest field means that should there be noise it will be taking place away from potential receptors.

6.7.4 Further concerns have been raised by local residents, these are addressed below.

6.7.5 That the kennels will be facing White Cross Farmhouse. This issue has been addressed in the conversion works proposed which involve bricking up the current stable doors and making the entrance to the side of the building, furthest away from the adjacent existing residential dwelling along with a lobby to minimise noise pollution.

6.7.6 Concern has been expressed about dogs being walked together and barking with excitement because of this. As is set out in the proposal the dogs would be walked one at a time.

6.7.7 Another comment sets out that walking all of the dogs' one at a time will take a considerable amount of time and that this would not be a realistic prospect. In support of the application the applicant confirms that she previously worked at a boarding kennels for four years and has valuable knowledge and experience. The boarding kennels where she was employed housed 80 dogs and 40 cats with only 6 workers. Even when full, every single animal was tended to and every dog went for a walk. It is considered that there is no reason why this arrangement could not

be made viable.

- 6.7.8 Local residents have also questioned where the dogs would be kept from 07:30 till 23:30 hrs and whether there would be some kind of caged exercise area to be built. This has been taken up with the applicant who has confirmed that:

“the dogs will be kept in the kennels at all times, except upon arrival, departure and when they are being walked/exercised. As set out in the noise management plan they will be exercised one dog at a time, away from the nearby residential receptors. The kennels will be appropriately sound proofed and so limiting the potential for noise impact. The dogs will be checked up regularly during the day time, and there will a monitoring system put in place in the evening.”

- 6.7.9 A comment has been made on the fact that the development would impact upon house prices, this is not a planning matter and therefore cannot be considered when determining this proposal.

- 6.7.10 In the light of consultation with the SC Public Protection Officer it is considered that, subject to the development being implemented and operated in accordance with the amended details and the noise management plan submitted, there should be no undue loss of residential amenity. Furthermore should noise be an issue, this would be a matter which would be subject to separate legislation and licensing, administered by the SC Regulatory Services.

6.8 Ecology

- 6.8.1 Policies CS17 and MD12 and section 118 of the NPPF seek to protect, preserve and enhance ecology and biodiversity. Given the nature of the works proposed and the buildings involved, it is considered that ecological interests would be adequately protected through the use of an appropriate informative

6.9 Drainage

- 6.9.1 Core Strategy policy CS18 seeks to achieve a reduction in surface water run off by the use of sustainable drainage systems within developments. The application proposes the use of a soakaway drainage system for surface water drainage and the foul drainage is proposed via a septic tank system.

7.0 CONCLUSION

- 7.1 The proposed development would represent an acceptable employment generating reuse of rural buildings and is appropriate development within the Green Belt open countryside. The existing access to the north of the site is suitable for the proposed uses of the site and there will be no adverse impact upon highway safety, visual amenity, or the biodiversity and ecology on the site or surrounding area. Furthermore subject to the development being implemented and operated in accordance with the amended details and the noise management plan submitted, there should be no undue loss of residential amenity. Accordingly, the proposal is considered to be acceptable and is therefore recommended for approval with

conditions.

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

Shropshire Core Strategy policies:
CS1 Strategic Approach
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS13 Economic Development, Enterprise & Employment
CS17 Environmental Networks
CS18 Sustainable Water Management

SAMDev policies:
MD2 Sustainable Design
MD4 Managing Employment Development
MD6 Green Belt
MD7b General Development in the Countryside
MD12 Natural Environment

RELEVANT PLANNING HISTORY:

09/03359/FUL Barn conversion to create 3 bedroom holiday let WDN 18th January 2010
10/02883/FUL Barn conversion to create 3 bedroom holiday let GRANT 15th September 2010
11/00791/DIS Discharge of Conditions relating to 10/02883/FUL DISPAR 26th August 2011
11/01032/FUL Formation of vehicular access to highway and construction of new agricultural drive GRANT 14th July 2011
BR/79/0725 The use of land as riding school and stables REFUSE 6th December 1979
BR/79/0050 The erection of an agricultural worker's bungalow REFUSE 1st May 1979

15/02245/FUL Conversion of agricultural building to residential dwelling APPRET
 16/04151/CPL Application for Lawful Development Certificate for the proposed erection of a single storey double garage with rear storage and rear gymnasium LA 8th November 2016
 17/03790/PMBPA Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to residential use REN 6th October 2017
 BR/79/0250 The erection of an agricultural hay barn and implements store GRANT 31st May 1979
 BR/80/0646 The formation of a new vehicular access at OS 2148 GRANT 7th October 1980
 BR/80/0097 The use of land as riding school and stables GRANT 12th March 1980
 BR/82/0188 Use of barn as three holiday flatlets including a new roof at higher level to provide a first floor, new windows, dormers and chimneys PPREV 11th May 1994

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=PF7OSXTDGE000>

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 Tina Woodward
Appendices APPENDIX 1 - Conditions

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.

3. Before the relevant parts of the work are commenced details of the any new external materials to be used in the conversion of the buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the buildings and the visual amenity of the area.

4. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and neighbour amenity. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species, to protect the character of the area and neighbour amenity.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

5. Before the buildings hereby approved are first occupied/brought into use the foul and surface water drainage arrangements shall be installed in full in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

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

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

6. (1) The boarding kennel business floorspace of the live/work development shall be finished ready for use/occupation before the residential floorspace is occupied and the residential use shall not precede commencement of the boarding kennel business use;

(2) The boarding kennel business floorspace of the live/work development shall not be used for any purpose other than for purposes as a boarding kennels with or without modification.

(3) The residential floorspace of the live/work development shall not be occupied other than by the operators of the business floorspace or any resident dependants.

(4) The area designated as boarding kennel business floorspace, shall at no time be used as residential accommodation, either separately from or in connection with the residential floor area identified on the approved plans, and shall be kept available for commercial uses at all times. The live work areas are designated as shown on the approved plans.

Reason: To enable the Local Planning Authority to control the development in order to safeguard the objectives of countryside and Green Belt Policy and for the avoidance of any doubt.

7. The development hereby approved shall be implemented and operated in accordance with the Amended Noise Management Plan received 25.03.2019.

Reason: To protect neighbour amenity.

8. Notwithstanding the provisions of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order modifying, revoking or re-enacting that Order), no extensions, garage, carport, or other building shall be erected within the application site without the prior consent in writing of the Local Planning Authority.

Reason: To maintain the scale, appearance and character of the development and to safeguard the openness of the Green Belt countryside.

Informatives

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

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

Shropshire Core Strategy policies:

CS1 Strategic Approach

CS5 Countryside and Green Belt

CS6 Sustainable Design and Development Principles

CS13 Economic Development, Enterprise & Employment

CS17 Environmental Networks

CS18 Sustainable Water Management

SAMDev policies:

MD2 Sustainable Design

MD4 Managing Employment Development

MD6 Green Belt

MD7b General Development in the Countryside

MD12 Natural Environment

2. 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 38.

3. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

4. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.

5. All bat species found in the UK are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

If any evidence of bats is discovered at any stage then development work s must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

Breathable roofing membranes should not be used as it produces extremes of humidity and bats can become entangled in the fibres. Traditional hessian reinforced bitumen felt should be chosen.

6. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal, scrub removal, conversion, renovation and demolition work in buildings, or other suitable nesting habitat, should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre -commencement inspection of the vegetation and buildings for active bird nests should be carried out. If

vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only when there are no active nests present should work be allowed to commence. No clearance works can take place with 5m of an active nest.

If during construction birds gain access to any of the buildings/vegetation and begin nesting, work must cease until the young birds have fledged.

7. Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of nonnative species.

8. The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

9. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the councils website at: <http://new.shropshire.gov.uk/media/5929/surface-water-managementinterim-guidance-fordevelopers.pdf>.

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed. Preference should be given to drainage measures which allow rainwater to soakaway naturally.

Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

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