



Committee and date

South Planning Committee

28 August 2019

Development Management Report

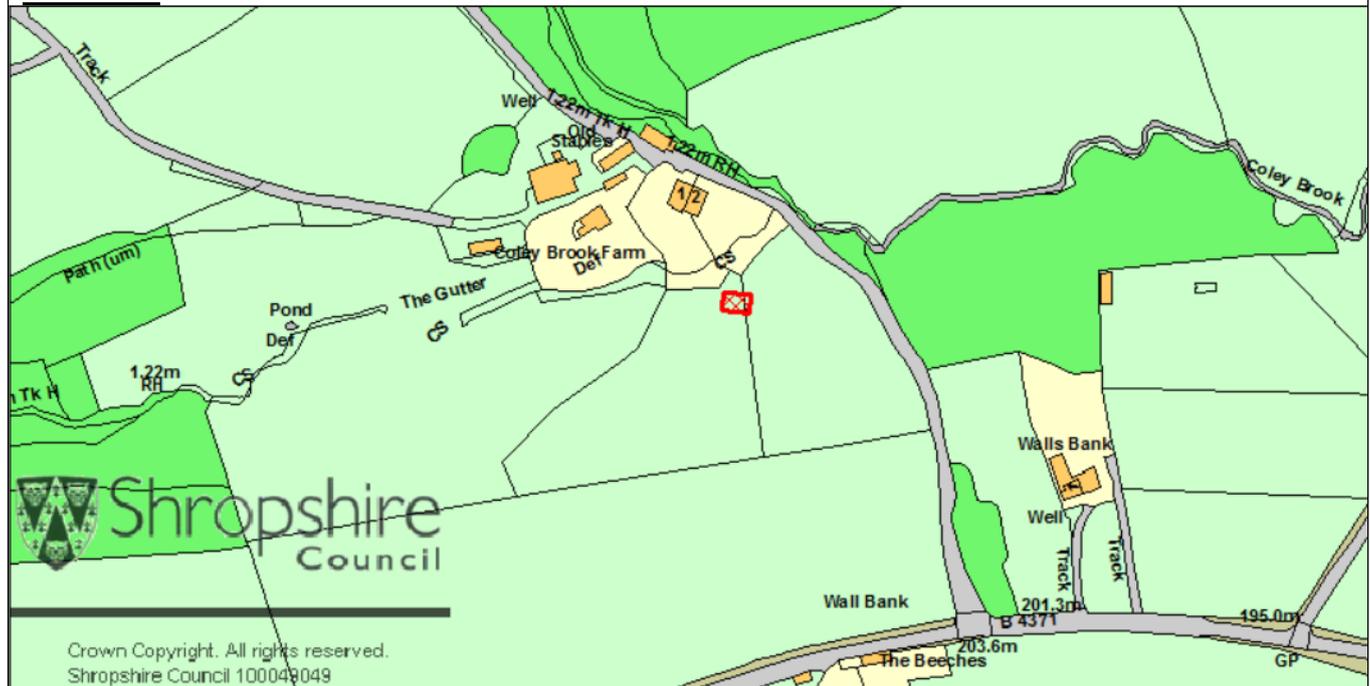
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Summary of Application

Application Number: 19/02201/FUL	Parish: Rushbury
Proposal: Erection of a building to house stables, tack room and store	
Site Address: Gutter Farm Wall Under Heywood Church Stretton Shropshire SY6 7JA	
Applicant: Mr David Hartill	
Case Officer: Cathryn Robinson	email: planningdmc@shropshire.gov.uk

Grid Ref: 349854 - 293074



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Contact: Tim Rogers (01743) 258773

Recommendation:- Permit, subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks permission for the erection of a building to house stables, tack room and store.
- 1.2 The building would measure approximately 13m in width by approximately 11.5m in length with a height to the ridge of approximately 5m and is proposed to be located in a field to the south of the dwelling which the structure would serve. The building would provide for 3 stables, a tack room and storage area and is proposed to be constructed with concrete panels, and timber boarding under a fibre cement roof.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Gutter Farm sits some 1k North-West of the village of Wall under Heywood. The detached dwelling sits within a cluster of buildings, including a former agricultural barns and rural outbuildings. The property is accessed via a private access track protruding from the B4371. To the south of the dwelling lies a field where it is proposed to sit the building subject to this application. There is a separate access to this field from the track. A neighbouring property lies adjacent to the applicant dwelling and to the north west of the application site.
- 2.2 The development site falls within the Shropshire Hills Area of Outstanding Natural Beauty (AONB).

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Town Council have provided views contrary to the Officers recommendation. This has been discussed with the Local Member whom is also seeking a committee determination for this application. The application has been discussed by the Chair and Vice Chair of planning committee, who confirm a committee determination to be appropriate in this case as there are material planning considerations which warrant committee assessment.

4.0 Community Representations

4.1 Consultee Comments

- 4.1.1 Rushbury Parish Council: Object:
This application was reviewed by the parish councillors at their meeting on 15 July 2019. Concerns expressed over proposed structure appearing to be excessive in height and size in proportion to the land that is suggested for its siting.

It is also noted that in the Application Form ref:IAP00042157-001 under section: Assessment of Flood Risk it states that the proposal in not within 20 meters of a watercourse. Concern expressed that this may not be the case and that it may be within that distance with further concerns raised in relation to the soakaway or disposal of liquid waste or materials.

This was also the first occasion that the councillors were aware of a case where covered accommodation is required for a horse box.

Whilst there was discussion that a structure of this nature being used for agricultural purposes may not be out of keeping, it was noted that this property does not appear to be a farm for the keeping and use of livestock and is a farm in name only.

In view of these concerns, the councillors object to the application in its current form.

4.1.2 Cardington Parish Council (adjoining parish council):

Members of the Parish Council have carried out a site visit and have no objection to this application.

4.1.3 Shropshire Hills AONB Partnership:

The Shropshire Hills AONB Partnership notes that this application affects the nationally designated area and provides general advice on legal and policy considerations for decisions affecting the AONB. The AONB designation remains a matter for the Council to take fully into consideration, fulfilling its statutory duty in respect of the AONB, in reaching a decision on the application.

4.2 Public Comments

4.2.1 This application was advertised via notice at the site. At the time of writing this report, two representations had been received in response to this publicity objecting to the proposal. The main concerns are surmised as follows –

- Building considered wholly disproportionate to its intended use
- Building is industrial its appearance
- Proposed location is open and high profile as opposed to discreetly sited alongside a boundary
- Building would despoil the AONB
- An extant permission for stabling exists for the property, thus there is concern for excessive stabling provision at this site

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Impact on visual amenity and the wider AONB
Neighbouring amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Policy CS5 of the Shropshire Core Strategy: 'Countryside and Green Belt' strictly controls development in the countryside, permitting only those on appropriate sites which maintain and enhance the countryside vitality and character. This is reiterated within SAMDev MD7b: 'General Management of Development in the

Countryside' which support proposals for agricultural buildings, dependent on their scale and type being consistent with its required purpose and the nature of the existing site, with emphasis on proposals being fully compliant with CS6 and MD2 with no unacceptable impacts upon the surrounding environment or residential amenities.

- 6.1.2 Alterations and development are acceptable in principle providing they meet the relevant criteria of Shropshire Core Strategy Policy CS6: Sustainable Design and Development Principles; this policy seeks to ensure any extensions and alterations are sympathetic to the size, mass, character and appearance of the original property and surrounding area. Policy MD2: Sustainable Design of the Site Allocations and Management of Development (SAMDev) Plan additionally seeks to achieve local aspirations for design where possible. Section 7 of the National Planning Policy Framework reinforces these goals at a national level, by requiring development to display favourable design attributes which contribute positively to making places better for people, and which reinforce local distinctiveness.
- 6.1.3 Shropshire Core Strategy Policy CS17: Environmental Networks is 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 natural, built and historic environment and does not adversely affect the visual, ecological, geological, heritage or recreational values and function of these assets. MD12: The Natural Environment of the Site Allocations and Management of Development (SAMDev) plan seeks to conserve and enhance Shropshire's natural assets, such as its AONB.

6.2 Siting, scale and design of structure

- 6.2.1 Proposed is the erection of a building to house stables, tack room and store. Occupying an internal footprint of some 145m², the proposal is of notable scale. The applicant has confirmed that the building is intended to accommodate their horse box lorry, alongside a tractor and other small farm implements alongside the required stabling accommodation. Though relatively large, the building is relatively modest in accounting for its proposed uses. Equally, in comparison to rural agricultural buildings, the building is not out of character in terms of scale; though not intended exclusively for agricultural use, the building – in its overall design and silhouette – is consistent with a modern farm construction, thus would not look unduly alien at this location. Indeed, an outbuilding measuring some 120m² of agricultural character is located some 80m North of the development site thus providing some visual context for the development proposed.
- 6.2.2 In terms of siting, the building – when viewed on plan form – appears somewhat isolated. Upon studying the site context in further detail, this siting allows an adequate turn circle for the aforementioned equipment to enter and exit the building; some 9m separates the North elevation of the building from the access gate. Moving the building closer to the existing tree cover, to offer a context against which the building would be read against, is an option to consider; however – due to the need for the building to be perpendicular to said vegetation in order to provide access – the building would appear more prominently from the right of way to the East being directly opposite it rather than an angled viewpoint. Equally, the

sloping land and overhead power line running through this field pose as constraints that the current proposal do well to avoid. Accordingly, on balance, the siting of this proposal is deemed acceptable.

6.3 Impact on visual amenity, the wider AONB and neighbouring amenity

6.3.1 The development site falls within the Shropshire Hills AONB. Additionally there are numerous public footpaths located within 100m of the development site, which provide potential for close to medium range views of the development site. Accordingly, visual amenity must be carefully considered prior to the permitting of development at this location.

6.3.2 Standing at some 5.4m in height, the building is of notable height; the applicant has confirmed that the height will be necessary to store the aforementioned machinery. The building sits on lower ground than the neighbouring properties some 50m North. Thus, comparatively within the street scene, the visual impact of the proposal is not considered detrimental. Equally, in terms of the local topography, the land climbs quite suddenly South and South-West; this offers a context against which the building shall be read.

6.3.3 In terms of overall design and appearance, the building is consistent with the typical design of rural outbuildings. Weather boarding – as opposed to corrugated sheeting – works to soften the overall appearance of the building and help it better blend into the landscape. The building will not appear unduly isolated where the applicant keeps chickens in the vicinity of the site, and domestic paraphernalia from the property curtilage some 20m away; a cluster of former agricultural and domestic buildings sit within some 40m, thus seeing this development not unacceptably sporadic.

6.3.4 In terms of neighbouring amenity, the proposal is intended to store existing implements and stable horses under the applicants' ownership. Installing stables on site, within easy walking distance of the main house, will reduce the number of vehicular journeys needed to be made by the applicant to tend to the horses wherever currently stabled. Though bringing the horses to site shall come with some disturbance, it's considered that loss of the vehicular movements will result in a generally neutral neighbour amenity impact.

6.4 Other matters

6.4.1 The public representation references an extant permission - SA/01/1110/F – which permitted stabling associated with Gutter Farm. This posed concern for the potential implementation of both stables, and potential changes of use of the buildings or capacity to run a commercial equestrian enterprise. Having assessed the extant permission, it is noted that the land associated with the previous stable permission is no longer within the ownership of the occupiers of Gutter Farm. Notwithstanding this, conditions shall be attached against any approval here granted ensuring that the stable building shall remain only for the private use of residents of Gutter Farm and shall not be used for commercial activity.

7.0 CONCLUSION

7.1 On balance, the works are judged to be in scale and character with the locality, and of no demonstrable harm in terms of neither residential nor visual amenities. The application therefore accords with the principal determining criteria of the relevant development plan policies and approval is recommended.

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

Core Strategy and SAMDev Policies:

CS5 - Countryside and Greenbelt
CS17 - Environmental Networks
MD2 - Sustainable Design
MD7B - General Management of Development in the Countryside
MD12 - Natural Environment

RELEVANT PLANNING HISTORY:

13/03336/FUL Conversion of semi detached bungalows into single dwelling including re roofing, external render and insulation, new dormers and bay, timber cladding and stonework and additional en suite internal alterations and stairwell GRANT 4th October 2013
18/04545/FUL Erection of a 3 bay stable block and hay barn APPRET
19/02201/FUL Erection of a building to house stables, tack room and store PCO
SA/77/0350 Erection of two dwellings. PERCON 12th July 1977
SA/77/0806 Erection of a pair of semi-detached bungalows for agricultural workers. (Ref. Outline application No. S77/350/206/77 dated 12th July 1977). PERCON 11th October 1977
SA/05/0912/F Erection of first floor accommodation, raising roof and erection of a two storey extension in association with changing a pair of semi detached bungalows into a single dwelling PERCON 7th September 2005
SA/01/1110/F Erection of a 4 bedroom detached dwelling following demolition of existing pair of semi-detached bungalows, conversion of existing out building to one holiday let, erection of a stable block and alterations to existing access. PERCON 21st November 2001
SS/1/02/13118/F Alterations to (existing) vehicular access. PERCON 15th April 2002

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=PRK4Q4TDMB800>

List of Background Papers

Cabinet Member (Portfolio Holder)
Councillor Gwilym Butler

Local Member

Cllr Cecilia Motley

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. The materials to be used in the construction of the external walls shall consist of concrete panels and weatherboarding left naturally to weather. The roofing materials shall consist of fibre cement sheet roofing in natural grey colouring. The development shall be carried out in complete accordance with the approved details and remain so for the lifetime of the development.

Reason: To ensure that the external appearance of the development is satisfactory.

4. The stables hereby approved shall be used for purely private purposes in conjunction with the dwelling known as Gutter Farm and not for any commercial use. The stables shall remain associated with Gutter Farm for the lifetime of the development.

Reason: To safeguard the amenity of the area and to safeguard the amenities of nearby residential properties.

Informatives

1. 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.

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