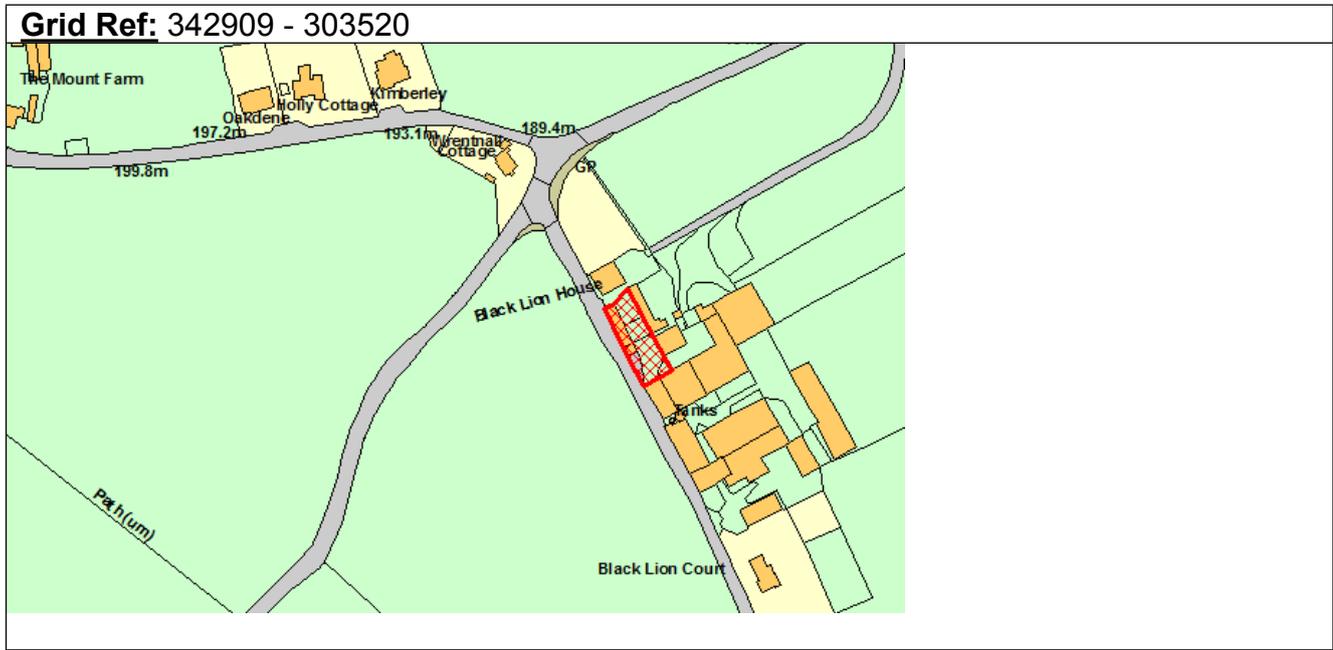


## Development Management Report

Responsible Officer: Tim Rogers  
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### Summary of Application

<b>Application Number:</b> 19/03076/VAR	<b>Parish:</b>	Church Pulverbatch
<b>Proposal:</b> Variation of Condition No. 2 attached to planning permission 11/05008/FUL dated 18 January 2012 to regularise the internal construction and configuration and to reflect changes to the applicants business plan		
<b>Site Address:</b> Holiday Lets at Black Lion House Church Pulverbatch Shrewsbury Shropshire		
<b>Applicant:</b> Mr & Mrs Dan Morris		
<b>Case Officer:</b> Sonia Kizito	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	



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

## REPORT

### 1.0 THE PROPOSAL

1.1 This application seeks Variation of Condition No. 2 attached to planning permission 11/05008/FUL dated 18 January 2012 to regularise the internal construction and configuration and to reflect changes to the applicants business plan.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The site is located to the north of the settlement of Church Pulverbatch. The building to which the application relates is located within the curtilage of Black Lion House. It is located to the South of the farmhouse, with farmyard to the East and highway 'Harolds Bank' running immediately along the West side of the building.

The surrounding area is agricultural in character. The yard is surrounded by fields and the nearest neighbouring property, Corner Cottage, is located approximately 300 metres. The farmstead has been identified and classified by the Councils Historic Farmsteads Characterisation Project.

### 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

##### 4.1.1 Drainage:

"We have no comment from the drainage and flood risk perspective, regarding the Variation of Condition No. 2 attached to planning permission 11/05008/FUL dated 18 January 2012 to regularise the internal construction and configuration and to reflect changes to the applicants business plan."

##### 4.1.2 SC Affordable Houses

"No objection. There are no implications for affordable housing associated with this proposal."

##### 4.1.3 SC Conservation:

"I'm relatively happy with the revisions to the fenestration/rooflights now. The

original planning application in 2011 had an external materials condition which should also be applied here – this should include making sure the windows and doors are flush fitting painted timber (as originally indicated on the approved drawings), rainwater goods should be metal and the flue should be finished in a matte black metal”

#### 4.1.4 Shropshire Fire and Rescue Service

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Services Fire Safety Guidance for Commercial and Domestic Planning Applications which can be found using the following link: <https://www.shropshirefire.gov.uk/safety-at-work/planning-applications>

#### 4.1.5 SC Ecology: No objection

“A European Protected Species licence was granted in 2012. Conversion works were carried out under the ecological supervision of Churton Ecology and mitigation measures have been put in place. I am satisfied that no further information is required to support the VAR application.”

## 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 This VAR application proposes further alterations beyond those approved under planning application 11/05008/FUL affecting a linear roadside barn on the Black Lion Farm farmstead. The variation seeks to regularise the internal construction and configuration of this property.

### 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 planning permission reference 11/05008/FUL. The current application seeks to vary condition 2 (approved plans) of planning permission reference 11/05008/FUL in order to allow for internal construction and configuration.
- 6.2.3 The principle of the alterations to the dwelling has been established through the extant planning permission 11/05008/FUL.
- 6.3 Design, Scale and Character
- 6.3.1 There is a general presumption in favour within the development plan policy for alterations to dwellings, provided they comply with the relevant criteria of Core Strategy Policy CS6 and SAMDev Policy MD2 which seeks to ensure development is sympathetic to the size, mass, character and appearance of the original property and surrounding area. In addition, Part 12 'Achieving well-designed places' of the revised NPPF (2019) emphasises good design as being a core aspect of sustainable development.
- 6.3.3 The site is located in the countryside and Policy CS5 is therefore relevant. CS5 advises that proposals for the conversion of rural buildings will be supported where they take into account and make a positive contribution to the character of the buildings and the countryside.
- 6.3.4 Officers have consulted the Council's Conservation officer who has assessed the amended plans and has no objection provided original conditions are attached to the decision notice. In addition, the Ecology Officer has been consulted and is satisfied with the supporting information submitted with this application.
- 6.3.5 Officers therefore consider that the proposal meets the relevant criteria within the NPPF, CS5, CS6 and MD2 and is therefore acceptable in principle.
- 6.3.6 In addition, the conditions included in the original permission will still 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.
- 6.4.3 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, 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:

Core Strategy and SAMDev

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

MD2 - Sustainable Design

### RELEVANT PLANNING HISTORY:

11/05008/FUL Conversion of barns to two holiday lets GRANT 18th January 2012

19/03076/VAR Variation of Condition No. 2 attached to planning permission 11/05008/FUL dated 18 January 2012 to regularise the internal construction and configuration and to reflect changes to the applicants business plan PCO

10/00248/FUL Application to erect a calf rearing unit in a different position and orientation to that approved under planning permission 07/1291/F (retrospective) (amended description) GRANT 22nd March 2010

10/00532/FUL Application under section 73a of the Town and Country Planning Act 1990 for erection of double garage for agricultural workers dwelling (amendment to previously approved Ref. 09/0046/F) (Retrospective)

WDN 9th April 2010

10/00654/AMP Proposed Non Material Amendment to Planning Permission SA/08/1156/F to include insertion of 2 rooflights, a solar panel and the repositioning of 2 rooflights (amended description). REFUSE 9th March 2010

10/02246/FUL Erection of an agricultural workers dwelling to include glazed link and garage (amended description) GRANT 9th May 2011  
 10/03863/FUL Erection of an agricultural building for use as a calf nursery unit GRANT 30th November 2010  
 11/00511/FUL Installation of 54 photo voltaic panels to south facing roof of the northern calf rearing building GRANT 18th March 2011  
 PREAPP/11/01288 Conversion of redundant farm buildings NOOBJC 23rd August 2011  
 11/05008/FUL Conversion of barns to two holiday lets GRANT 18th January 2012  
 14/01599/AGR To erect a solid roof over existing manure store PPREQN 24th April 2014  
 17/01785/FUL Erection of building to house a two bay garage and two stable complexes ancillary to the use of the domestic dwelling. WDN 8th June 2017  
 17/03658/AGR Erection of an agricultural building for the storage of machinery and fodder (amended description) PNR 1st September 2017  
 19/03076/VAR Variation of Condition No. 2 attached to planning permission 11/05008/FUL dated 18 January 2012 to regularise the internal construction and configuration and to reflect changes to the applicants business plan PCO  
 SA/75/0954 Alterations and additions to existing dwelling to provide garage, toilet and shower room and formation of a vehicular access. PERCON 16th December 1975  
 SA/97/0233 Erection of a lean-to to existing agricultural building. PERCON 22nd April 1997  
 SA/01/0308 Removal of condition no.10 from permission no. 99/796/OUT/742/75 dated 15/12/1999, to remove the agricultural occupancy restriction. REFUSE 13th June 2001  
 SA/09/0046/F Erection of a detached double garage to serve dwelling approved under planning permission ref: 08/1156/F dated 12th November 2008 PERCON 25th March 2009

## 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) Councillor Gwilym Butler
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 pertaining to 11/05008/FUL and as hereby varied.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

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

2. Prior to their installation to the development hereby approved, details and samples of all new external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the agreed details.

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the area.

3. Prior to first occupation of the development hereby approved, a total of 3 artificial nests, such as Schwegler 1FB bird box, 2H robin box, Schwegler bird houses or sparrow terraces (or direct woodcrete equivalents of the above) shall be erected on the site, in locations first to be agreed with the Local Planning Authority, and thereafter retained for the lifetime of the development.

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

4. Prior to the first occupation of the dwelling/building, provision of nesting opportunities for swallows shall be provided on the site to which this consent relates in accordance with details to have first been submitted to and approved in writing by the local planning authority. The agreed works shall be retained for the lifetime of the development.

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

5. Prior to the first occupation of the holiday lets hereby approved, the vehicular access shall be constructed in accordance with the details indicated in Drawing No. P.05 Rev A received 4th January 2011 and shall thereafter permanently be retained as shown.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

6. No joinery works shall commence until precise details of all external windows and doors to be provided in the development hereby approved have been 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. The development shall be carried out strictly in accordance with the agreed details.

Reason: In order to provide a development with a satisfactory appearance.

7. Prior to first occupation of the holiday lets hereby approved, the landscaping of the site shall be carried out in accordance with the details indicated on Drawing No. P.05 Revision A.

Reason: In the interests of visual amenity.

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

8. All gutters, downpipes, soil and vent pipes and other external plumbing shall be of cast iron, cast aluminium or style to replicate these materials.

Reason: In order to provide a development with a satisfactory appearance.

9. Notwithstanding the provisions of Schedule 2 part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order modifying, revoking or re-enacting that Order), no development shall take place under Classes A, B, C, D, E, or G, within the curtilage of the building hereby approved without the prior consent in writing of the Local Planning Authority.

Reason: To maintain the appearance and character of the development.

10. a) The holiday home shall be occupied for holiday purposes only;  
b) The holiday home shall not be occupied as a person's sole or main place of residence;  
c) The holiday home owner shall maintain an up-to-date register of the names of individuals, groups or families that stay at the holiday home, and their duration of stay, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To ensure that approved holiday accommodation is not used for permanent residential accommodation.

11. The building shall be used for holiday accommodation only and shall not be used as the sole, primary or permanent residence of any occupier.

Reason: To prevent the establishment of a permanent residential planning unit in an area where new dwellings would not normally be permitted, which would be contrary to Policy CS5 of the Shropshire Core Strategy, and to avoid any adverse impact upon the residential amenities of the existing dwelling.

12. No one individual or family/group shall occupy the proposed unit of accommodation for more than 4 consecutive weeks in any calendar year.

Reason: Unrestricted residential use of the building would be contrary to Policy CS5 of the Core Strategy.

13. Roof flue venting pipes shall be coloured and maintained matt black for the lifetime of the development hereby approved.

Reason: To maintain the character and visual appearance of the development.