

Development Management Report

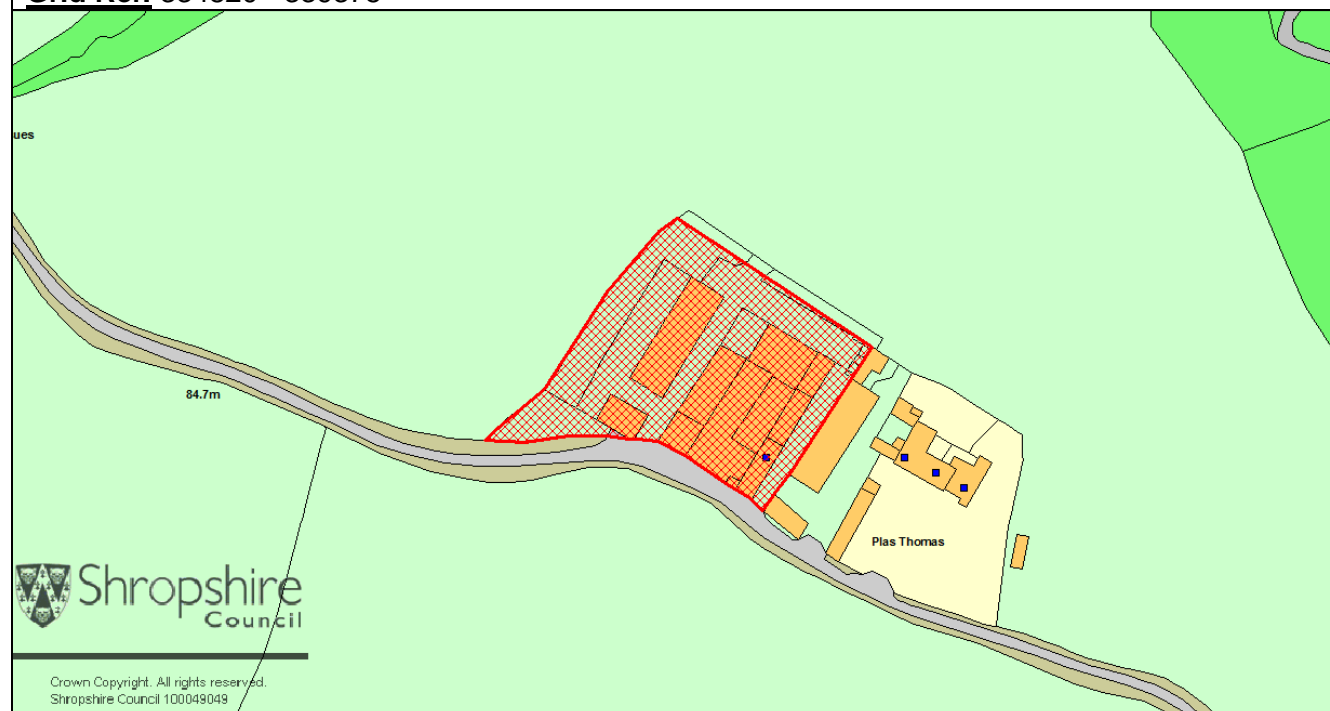
Responsible Officer: Tim Rogers

Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

<u>Application Number:</u> 19/03658/FUL	<u>Parish:</u>	Ellesmere Rural
<u>Proposal:</u> Change of use of former hay barn to one residential unit, demolish existing modern sheds, erect a garage building and associated infrastructure works		
<u>Site Address:</u> Plas Thomas Farm Dudleston Ellesmere Shropshire		
<u>Applicant:</u> Mr R Blackwood		
<u>Case Officer:</u> Melanie Williams	<u>email:</u> planning.northern@shropshire.gov.uk	

Grid Ref: 334820 - 339375



Recommendation:- Refusal

The principle of conversion to an open market dwelling is considered to be in accordance with policies CS5 of the Core Strategy, MD7a of SAMDev and the adopted SPD. However in this instance the scheme involves extensive new structural work and the addition of features that are not considered to be in keeping with the agricultural character and form of the existing former agricultural building and in particular in relation to the site as a whole. As such the development is considered contrary to Policies CS5, CS6 and CS17 of the Shropshire Core Strategy, Policies MD2, MD7a and MD13 of the SAMDev and the overall aims and objectives of the NPPF.

REPORT**1.0 THE PROPOSAL**

- 1.1 Change of use of former hay barn to one residential unit, demolish existing modern sheds, erect a garage building and associated infrastructure works.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site forms part of a traditional working farmyard located in open countryside alongside an unclassified public highway.
- 2.2 The building in question was earmarked for demolition in a recent planning approval (ref: **16/01689/FUL**) for conversion of the barn opposite.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This application does not meet the criteria for delegated decisions as set out in the Council's adopted 'Scheme of Delegation' given the support from the Parish Council is contrary to the officer's recommendation. The application was considered at the Council's Planning Committee Agenda Setting Meeting and deemed appropriate to be heard by the Planning Committee.

4.0 Community Representations

- Consultee Comments

Shropshire Council Conservation:

Objection

Following our previous comments the amendments and submitted supporting statement are noted.

Whilst the removal of the openings disturbing the ventilation holes to the north east elevation is welcomed, the other issues raised have not been addressed satisfactorily in order to accord with the relevant policies set out in our previous response. The concerns in relation to both proposed the treatment of infilled openings and location of the garage structure therefore remain.

With regard to the garaging, it is noted from the historic map layer that there was no building in this location and the projecting the building further to the south further creates an overly dominant feature of what should be an ancillary building. The

idea/proposed rationale for a courtyard is understood but the proposal is not reflective of the historic farmstead layout in this case in its current layout. We would therefore maintain the recommendation that the structure should be set back within the site further, or at the very least in line with the north east gable of the building where it is noted from the historic map layer there appears to have been a wall in line with the gable.

The comments in respect of the infill sections are noted. Whilst the comments regarding the character of the building are acknowledged in this regard, the heritage impact assessment confirms that the north west elevation would have been solid walling and in this regard the openings on this elevation belie the original character. We would therefore maintain that this should be amended and infilled accordingly to more closely reflect the character of the original building (either brick or cladding). The traditional openings are acknowledged to the south east elevation (noted on the plans as also being north west), though it is considered that the glazing should be simplified further to reduce the extent of division in order to minimise the visual impact, and this would accord with the local examples shown (some of the other examples appear as visually detrimental and disruptive to the simple former agricultural buildings given the extent of division of the glazing shown), where the simple of rhythm of the existing bays should be retained.

The proposed recessed walling to front to include ventilation holes pattern, piers and gating is domestic in character and entirely incongruous to the character and setting of the buildings and should be removed. It is noted that there was historic walling abutting the road here where this should be retained with the access point to the left side of the barn utilised with parking located to the rear. Otherwise it should be left as an open access, where any sound historic bricks should be set aside and used elsewhere on the site such as infill walling to the rear elevation.

In its current form, it is recommended that the proposed scheme is harmful to the character and setting of the former agricultural buildings and we would maintain that this does not accord with the requirements of local policies CS5, MD7a and MD13 in respecting the heritage assets and avoiding harm to their significance and setting, where such harm should be considered within the context of para 197 of the NPPF by the decision taker.

Conditions: None at this time pending further amendments.

Shropshire Council Highways:

No objection subject to the development being constructed in accordance with the approved details and the following conditions and informative notes.

Shropshire Council Ecology:

No objection subject to conditions and informatives

Shropshire Council Drainage:

No objection subject to informatives

Shropshire Council Affordable Housing:

If the works to convert the out building/barn to a residential dwelling is significant then no affordable housing contribution will be payable in this instance

- Public Comments

Ellesmere Rural Parish Council:

Support No objections to the scheme were made.

5.0 THE MAIN ISSUES

- Principle of development
- Heritage Status
- Conversion details & consideration
- Visual and amenity impacts

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Core Strategy policy CS6 requires development to be designed to a high quality using sustainable design principles. It seeks to ensure that development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design to its local context. New development is also required to safeguard residential and local amenity.
- 6.1.2 Policy MD2 of the Council's adopted SAMDev Plan similarly requires development to contribute to and respect locally distinctive or valued character and existing amenity value by:
- i. Responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses, streetscape, building heights and lines, scale, density, plot sizes and local patterns of movement; and
 - ii. Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion; and
 - iii. Protecting, conserving and enhancing the historic context and character of heritage assets, their significance and setting, in accordance with MD13;
- 6.1.3 Policy CS17 (Environmental Networks) seeks to ensure that all development 'protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment.
- 6.1.4 SAMDev Policy MD7a deals with applications for the residential conversion of buildings in the countryside to residential use and states that these will only be acceptable where the building is of a design and form which is of merit for its heritage/ landscape value, minimal alteration or rebuilding is required to achieve

the development and the conversion scheme would respect the significance of the heritage asset, its setting and the local landscape character.

- 6.1.5 Policy MD13 seeks to ensure that Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored by: 1. Ensuring that wherever possible, proposals avoid harm or loss of significance to designated or non-designated heritage assets, including their settings.
- 6.1.6 Paragraph 197 of the National Planning Policy Framework (amended 2019) states that 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

6.2 Heritage Status

- 6.2.1 Therefore the starting point for any conversion scheme would be to establish whether the existing building is considered a heritage asset.

6.2.2 Previous Application

- 6.2.3 The previous application which required this building to be demolished as part of the proposal submitted observations as to why this building could no longer be considered a heritage asset due to elevational damage and structural additions as follows:

"The side wall has suffered from extreme movement; at eaves level (500mm out) and also midway up the wall where it has 'bellied' as revealed by a visual inspection and the presence of a wide horizontal crack along the mortar bed running along much of the length of the wall. The brickwork forming part of the ventilation hole has also collapsed due to this movement.

The building has been much modified in the C.20 with the insertion of steel posts, in effect converting it to a steel framed open storage building. The original brick side walls/columns have all been removed and only the substantial roof remains. This is constructed of sawn soft wood timber and judging by it's regularity and late trusses, probably dates to the early part of the C.20.

As such the building has little of its original character surviving."

- 6.2.4 However Shropshire Council Conservation had reservations regarding this and did feel that the building was worthy of retention as it was considered a non-designated heritage asset.

The building proposed to be demolished would appear to be of late C19 construction, and was likely constructed between 1880-1900 as an open sided hay barn of some significant scale. The building does appear to have been altered to some extent (i.e. replacement of brick columns with steel), however the building

does appear to remain largely in its original form, retaining existing walls, roof structure and layout- and therefore does not appear to have been as significantly altered as indicated within the supporting statement. The building is therefore of some architectural and historic interest, and particularly due its scale represents the scale and affluence of agriculture in this part of north Shropshire during the C19 and early C20, and therefore is an important element within the historic rural landscape.

However, it is acknowledged that its scale and specific historic purpose would mean practical conversion and re-use would be challenging. The structural issues identified within the supporting statement, as well as the impact of the building on the residential amenity of the adjacent units are also appreciated.

It is therefore appreciated that the retention of the building may be weighted against these issues in the balance of planning judgement.

- 6.2.5 Therefore overall it was considered by the previous Case Officer that the economic benefits outweighed the loss of this building in order to make a more suitable re-use of the more traditional farm building considered more appropriate for re-use as residential. This building was therefore permitted to be removed as part of this previous approval.

6.2.6 Details of the existing barn

- 6.2.7 This existing barn is a long mostly open sided structure with a slate roof. The building although dating from the late 1800s has obviously undergone some structural changes mostly consisting of the removal of much of the original walls leaving the southeast elevation open sided throughout and $\frac{3}{4}$ of the northwest elevation also open sided. The traditional gable walls remain intact along with part of the north-western wall also being in situ. It is also noted that the roof appears to be structurally in good condition.

- 6.2.8 The agent has commented in the latest supporting statement that conflicting advice has been received in terms of the principle of conversion. As stated previous the starting point in determining whether the principle of conversion is acceptable would be whether the building constitutes a heritage asset. Therefore the previous comments from the Conservation Team (6.2.4), subsequent supporting details submitted by the agent for the latest application and the buildings existing state need to be considered as a whole.

- 6.2.9 From this it could be concluded that part of the building may be considered a heritage asset and worthy of retention without significant structural repair. This being the gable adjacent to the roadside and part of the NW wall; the rest has been significantly altered over time (the exception being the opposite gable 30m away). Therefore it is argued that the principle of conversion is acceptable in terms of its heritage status but only for part of the barn.

6.3 Conversion details and consideration

- 6.3.1 The original proposal was for the conversion of the whole of the barn to residential with a new building to be situated between this and the adjacent conversion provided for garaging. This has since been amended removing the new building and amending the barn conversion to accommodate this garaging at the northern end. The scheme is now to convert part of the barn to residential incorporating the traditional section at the southwest of the barn plus the same length again (i.e. 3 existing bays) and the remainder left as covered void for garage/car parking.
- 6.3.2 The conversion will provide a 2 storey 5 bedroomed dwelling with 3 of the bedrooms at first floor level and 2 to be situated on the ground floor. Also on the ground floor an open plan kitchen and dining area are to be provided and a large lounge space within the central bays. The remainder of the first floor at the southern end has been marked as a study, snug and storage areas.
- 6.3.3 The elevations of the proposal would leave the traditional gables and part existing NW wall largely untouched, retaining the historic features and re-using the existing openings. The rest of the building conversion proposes a number of materials to be used in the open bays; the central 3 bays will be glazed throughout with timber infill panels for the remainder first floor bays and glazing at ground floor on the southern extent.
- 6.3.4 Other proposals at the site would include the demolition of the central modern barns (with the retention of the roadside boundary wall). Plus alterations the access and landscaping.
- 6.3.5 From examination of the proposal drawings it is felt the level of construction plus infilling required is considered to be excessive, the building would require significant alteration and rebuilding to achieve the residential property indicated. It is felt that that in addition to the glazing proposed it introduces new features which would not protect or enhance the local historic context and character of the existing barn complex and their surroundings.
- 6.3.6 The proposed design of the building would be similar in appearance to the existing however, it is suggested that significant work may still be required to convert it due to its current openness. The heritage impact assessment confirms that the north west elevation would have been solid walling and in this regard the openings on this elevation belie the original character. Therefore it is felt that the current infilling does not reflect the character of the original building.
- 6.3.7 As a consequence the character of the building would be substantially changed. Whilst the applicant has attempted to retain some of the features in the new build it is considered that the infill sections within the bays do not show adequate respect to the original building or its surroundings.
- 6.3.8 The proposal does not therefore accord with Local Plan policies, particularly

SAMDEV policy MD7a which states that: In the case of market residential conversions, requiring planning permission, the conversion of buildings to open market use will only be acceptable where the building is of a design and form which is of merit for its heritage/ landscape value, minimal alteration or rebuilding is required to achieve the development and the conversion scheme would respect the significance of the heritage asset, its setting and the local landscape character.

- 6.3.9 The proposed new development is deemed to be harmful in terms of its siting, scale, design and materials and as such is considered to be contrary to current development plan policies in respect of design and the historic environment. The proposal would conflict with the provisions set out within Core Strategy Policies CS5, CS6 and CS17 and SAMDev Policies MD2, MD7a and MD13.

6.4 Visual and amenity impacts

- 6.4.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.
- 6.4.2 It is not considered that the proposed development would amount to any visual harm, nor require any mitigation landscaping. The proposed development would see the conversion of an existing agricultural building, that whilst introducing significant domestic fenestration and detailing, would not harm the local amenities by way of the building being, in the most part, hidden from public vantage points.
- 6.4.3 However this building was erected directly in front of the original 'threshing barn' range, approximately 16 metres to the west. If this building is retained then it would obscure the original, restored building and would also completely obscure the occupant's outlook. This was one of the reasons the building was to be demolished as part of the previous application.
- 6.4.4 This was highlighted to the agent during the determination stage who stated that the current owner is intending on living in the current conversion and using the adjacent building as annexe accommodation. They are willing to enter into a Legal agreement tying the adjacent building to the new dwelling.
- 6.4.5 In light of this it is felt that the proposal may not have any negative impact on neighbouring properties, as there are no other neighbours that would be affected by the proposal. The nearest is beyond the barn opposite which as mentioned already had permission for residential conversion.

7.0 CONCLUSION

The principle of conversion to an open market dwelling is considered to be in accordance with policies CS5 of the Core Strategy, MD7a of SAMDev and the adopted SPD. However in this instance the scheme involves extensive new structural work and the addition of features that are not considered to be in keeping with the agricultural character and form of the existing former agricultural building and the site as a whole. As such the development is considered contrary to Policies

CS5, CS6 and CS17 of the Shropshire Core Strategy, Policies MD2, MD7a and MD13 of the SAMDev and the overall aims and objectives of the NPPF.

As such the proposal is recommended for REFUSAL.

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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

MD2 - Sustainable Design

MD7A - Managing Housing Development in the Countryside

MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

15/00263/PMBPA Application for Prior Approval under Part3, Class (MB) of the Town & Country Planning (General Permitted Development) (Amendment & Consequential Provisions) (England) Order 2014 for the change of use from agricultural use to residential use PPPMBZ 15th May 2015

15/03138/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 23rd December 2015

16/01689/FUL Conversion of farm buildings to create 3 dwellings; installation of package treatment plant; formation of vehicular access, parking areas; demolition of outbuildings GRANT 28th June 2016

PREAPP/18/00069 Retention of stables and hay barn, demolition of modern agricultural sheds and the creation of a new improved access to create a single dwelling. Amendments to previously approved application numbered 16/01689/FUL) PREAIP 15th March 2018

18/05583/FUL Change of use of existing former hay barn to form a single residential unit, new access off the highway and associated infrastructure works WDN 24th January 2019

19/00920/DIS Discharge of Condition 4 (Retained and removed buildings), Condition 5 (External joinery) , Condition 6 (EPS), Condition 7 (Boundary and Landscaping) for 16/01689/FUL (as amended) DISAPP 26th March 2019
19/03658/FUL Change of use of former hay barn to one residential unit, demolish existing modern sheds, erect a garage building and associated infrastructure works PDE

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 Steven Davenport
Appendices None