

Development Management Report

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Summary of Application

Application Number: 20/02691/FUL	Parish:	Clungunford
Proposal: Erection of potting shed		
Site Address: 2 Rectory Court Church Road Clungunford SY7 0PN		
Applicant: Mr Jason Simpson		
Case Officer: Trystan Williams	email : planning.southern@shropshire.gov.uk	

Grid Ref: 339625 - 278734



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Recommendation: Grant permission subject to the conditions set out in Appendix 1

REPORT

1.0 THE PROPOSAL

1.1 This 'householder' application seeks full planning permission to erect a detached outbuilding, specifically a potting shed, within the curtilage of the above dwelling. Measuring 6.096 x 3.020 x 2.4 metres, it would have weatherboarded walls under a pent roof, the latter partially glazed and otherwise covered with corrugated bitumen sheeting. The building would also feature a wood-burning stove with external flue.

2.0 SITE LOCATION/DESCRIPTION

2.1 The property is one of five apartments within a converted red brick Victorian rectory north of the B4367 Church Road in the conservation area of Clungunford village. The house is set back in extensive and well-treed grounds which have been subdivided between the flats, albeit with all five co-owning the freehold, along with some communal areas. The proposed outbuilding would be sited in Flat 2's garden towards the front southwest corner, though separated from the road by a communal belt of trees. This continues along the west boundary with the neighbouring property, which is the current rectory to the Grade II*-listed Church of St. Cuthbert beyond. Further dwellings opposite include a Grade II-listed pair of semi-detached timber-framed cottages.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 In accordance with the Council's adopted 'Scheme of Delegation', the planning committee must determine this application because it is made by and concerns the property of a Council officer who ultimately reports to the Planning Services Manager.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee comments

4.1.0 Clungunford Parish Council – No response.

4.1.1 Shropshire Council Historic Environment (Archaeology) - no objection:
No comments

4.1.2 Shropshire Council Historic Environment (Conservation) - no objection:
The proposed shed's modest scale and form mean it is unlikely to be readily visible, and hence its impact on the wider conservation area should be negligible.

4.1.3 Shropshire Council Ecology - comment:
The site is within the water catchment of the River Clun and upstream of its Special Area of Conservation (SAC). The proposals have therefore been assessed against the Conservation of Habitats and Species Regulations 2017. However, since a development of this nature would not result in any additional foul drainage discharge, there is no pathway by which the SAC might potentially be affected.

4.1.4 Any permission granted should include 'informatives' advising on the statutory protection afforded to nesting birds, and on measures to protect wildlife in general.

4.1.5 Shropshire Council Tree and Woodland Amenity Protection - no objection:
Given the building's siting and scale, its arboricultural implications are marginal,

and insufficient to warrant refusing permission or imposing conditions.

4.2 **Public comments**

4.2.1 None

5.0 **THE MAIN ISSUES**

- Principle of development
- Siting, scale, design and impacts on historic environment
- Impact on residential amenity
- Ecology

6.0 **OFFICER APPRAISAL**

6.1 **Principle of development**

6.1.1 The Council's 'Type and Affordability of Housing' Supplementary Planning Document (SPD) accepts the principle of additions to existing dwellings. It does not specifically reference detached outbuildings, but these pose no fundamental policy conflict provided they are genuinely ancillary domestic in nature. This would include use in connection with the private enjoyment of domestic gardens, whilst in this case the proposed log burner is not considered problematic on the understanding that it would merely provide comfort whilst horticultural tasks are carried out during the winter months. Moreover, the building's scale and construction are not conducive to other uses, and this can be reinforced by condition.

6.2 **Siting, scale, design and impacts on historic environment**

6.2.1 The SPD requires additions to be in scale and character with the original dwelling and its surroundings. Under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council must have particular regard to the desirability of preserving the special architectural or historic interest and setting of listed buildings, and to preserving or enhancing the character and appearance of conservation areas. This is reflected by Part 16 of the National Planning Policy Framework (NPPF), the Council's Core Strategy Policies CS6 and CS17, and Policy MD13 of the its Site Allocations and Management of Development (SAMDev) Plan, which attach great weight to protecting designated heritage assets.

6.2.2 Here, as noted by the consultees, the building's discreet position amongst established and retained tree cover, its small scale and simple, unobtrusive design would avoid it being publicly visible, or otherwise detracting from the conservation area or the settings of the nearby listed buildings. Neither would it be overly prominent in relation to the former rectory itself, or have any archaeological implications.

6.3 **Impact on residential amenity**

6.3.1 The development would also be reasonably well screened from the neighbouring properties, including the other apartments and private garden spaces within Rectory Court. Thus overlooking and overshadowing would not be significant, and neither should emissions from an ordinary domestic log burner prove problematic.

6.4 **Ecology**

6.4.1 The Ecology Team's comments ruling out significant effects on water quality in the River Clun SAC effectively discharge the Council's statutory duty under the

Habitats Regulations. Meanwhile the recommended informatives are sufficient to safeguard protected and priority species in this instance.

7.0 CONCLUSION

7.1 The development is acceptable in principle on the basis of it being restricted to ancillary domestic use. Its small scale, subordinate design and discreet siting would avoid it harming the historic environment or residential amenity, and there are no significant concerns regarding ecology. The application therefore accords with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions to reinforce the critical aspects.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk management

8.1.1 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

8.2.1 Article 8 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst 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.

8.2.2 Article 1 also requires that the desires of landowners must be balanced against the impact of development upon nationally important features and on residents.

8.2.3 This legislation has been taken into account in arriving at the above decision.

8.3 Equalities

8.3.1 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

9.1 There are likely financial implications if the decision and/or imposition of conditions are 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.

10.0 BACKGROUND

Relevant Planning Policies:

Central Government Guidance:

National Planning Policy Framework

Shropshire Local Development Framework:

Core Strategy Policies:

CS6 - Sustainable Design and Development Principles

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

CS18 - Sustainable Water Management

SAMDev Plan Policies:

MD2 - Sustainable Design

MD12 - Natural Environment

MD13 - Historic Environment

Supplementary Planning Documents:

Type and Affordability of Housing

Relevant Planning History:

SS/1979/717/P/ – Conversion into five flats, erection of two private garages, and alterations to existing vehicular access (permitted February 1980)

19/00117/FUL – Erection of extension to dwelling, following demolition of existing conservatory (withdrawn February 2019)

20/00878/FUL – Erection of single-storey extension following demolition of existing conservatory (withdrawn May 2020)

11.0 ADDITIONAL INFORMATION

View details online: <https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

List of Background Papers:

Application documents available on Council website

Cabinet Member (Portfolio Holder): Cllr Gwilym. Butler
Local Member: Cllr Nigel Hartin
Appendices: Appendix 1 – Conditions and Informatives

APPENDIX 1 – CONDITIONS AND INFORMATIVES

STANDARD CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out in strict accordance with the approved plans and drawings listed below.

Reason: To define the consent and ensure a satisfactory development, in accordance with Policies CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

CONDITIONS RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

3. The external materials and finishes of the development hereby permitted shall be as specified on the planning application form and shown in the submitted photograph entitled 'Impression of external look of potting shed upon completion', i.e.:
 - unstained waney-edged timber weatherboarding; and
 - glazed/'Coroline' (or equivalent) corrugated bitumen roof sheets.
 These shall thereafter be retained for the lifetime of the development.

Reason: To define the consent and ensure that the external appearance of the development is satisfactory, in accordance with Policies CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

4. The development shall only be used for purposes in connection with and ancillary to the enjoyment of the existing dwelling on the site as a single dwelling unit. At no time shall it be occupied as a separate dwelling or used for commercial or business purposes.

Reason: To safeguard the residential amenities of the area, in accordance with Policies CS6 and CS11 of the Shropshire Local Development Framework Adopted Core Strategy.

INFORMATIVES

1. 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, containing eggs or chicks or on which fledged chicks are still dependent. If possible all demolition, clearance and/or conversion work associated with the approved scheme should be carried out outside the nesting season, which runs from March to September inclusive. If it is necessary for work to commence during the nesting season a pre-commencement inspection of buildings and vegetation for active nests should be carried out. If vegetation is not obviously clear of nests an experienced ecologist should be called in to carry out the check. Only if no active nests are present should work be allowed to commence.
2. Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected against killing, injury and trade by the Wildlife and Countryside Act 1981 (as amended). Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are also protected from trade, whilst the European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during the course of development works to ensure that these species are not harmed.
 - If piles of rubble, logs, bricks, other loose materials or other potential wildlife refuges would be disturbed, this should be carried out by hand during the active season (March to October) when the weather is warm.
 - Any grass should be kept short prior to and during construction, in to avoid creating wildlife habitats which would then need to be disturbed.
 - All storage of building materials, rubble, bricks and/or soil should be either on pallets or in skips or other suitable containers, in order to avoid use as refuges by wildlife which could then become trapped.
 - Wherever possible any trenches formed as part of the construction work should be excavated and closed during the same day in order to prevent wildlife becoming trapped. If it is necessary to leave a trench open overnight it should be sealed with a close-fitting plywood cover or provided with a means of escape in the form of a shallow-sloping earth ramp, board or plank. Any open pipework should be capped overnight, and all open trenches or pipework should be inspected for trapped animals at the start of each working day.
 - Any reptiles or amphibians discovered should be allowed to disperse naturally. If large numbers are present, advice should be sought from an appropriately qualified and experienced ecologist.
 - Should a hibernating hedgehog be found, it should be covered over with a cardboard box and advice should be sought from either an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (tel. 01584 890 801).
3. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework Paragraph 38.

