



Appeal Decision

Site visit made on 21 January 2022

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th February 2022

Appeal Ref: APP/L3245/W/21/3281081

The Old Canal Warehouse Building, Moors Lane, St Martins Moor, St Martins, Oswestry SY10 7BQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dr and Mrs Butler against the decision of Shropshire Council.
 - The application Ref: 21/00083/FUL, dated 7 January 2021, was refused by notice dated 12 March 2021.
 - The development proposed is change of use and conversion of the Old Canal Warehouse Building into a dwelling.
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Decision

1. The appeal is allowed, and planning permission is granted for change of use and conversion of the Old Canal Warehouse Building into a dwelling at Moors Lane, St Martins Moor, St Martins, Oswestry SY10 7BQ, in accordance with the terms of the application ref: 21/00083/FUL, dated 7 January 2021 and subject to the conditions in the schedule at the end of this document.

Main Issue

2. The main issue in this appeal is whether the proposal would provide adequate private internal and external amenity space for future occupants.

Reasons

3. The appeal building is a former 2 storey warehouse located next to the Llangollen branch of the Shropshire Union Canal. It is at a point where a bridge carries the B5069 over the canal. The warehouse is believed to have been approved for construction by the Shropshire Union Canal Company in June 1865. It has a corrugated iron roof and brick walling at ground floor level with timber batten walls above. The Council advises that in terms of policy the building is considered as a non-designated heritage asset. It is within the open countryside, but close to a group of dwellings at Moors Lane. There are bus stops near the site on the B5069 providing links to nearby St Martins with its shops and facilities, as well as further afield to Shrewsbury and Wrexham.
4. The Council has not objected to the design proposals for the building. A structural survey was submitted by the appellants. This confirmed that the building would be suitable for conversion without substantial rebuilding or reconstruction. The report indicated that external insulation would be necessary. The Council has advised that a condition would be required in order to ensure no significant impact on the character and appearance of the building

as a non-designated heritage asset and that insulation, and other external works, could be carried out sympathetically. I see no reason to disagree, because primarily the external appearance of the building would be retained. Subject to a condition, as mentioned above, it could be enhanced in a sensitive manner to reflect the original utilitarian character and appearance of the building.

5. There is a difference between the Council and the appellants regarding the amount of floorspace which would be created by converting the building to residential use. The Council states that the proposed internal living space would be around 27 m² at ground floor level and 18.6 m² at first floor level; i.e. a total of 45.6 m². The appellants have measured the proposed floorspace as 57.87 m².
6. The Council has advised that it has not formally adopted the national space standards for housing, but does refer to them for guidance as well as its *Type and Affordability of Housing* supplementary planning document. Core Strategy policy CS6, amongst other things, requires development to be consistent with national good practice standards. The national space standards indicate a minimum requirement of 50 m² for a single person 1 bedroom property and 58 m² for a 2 person 1 bedroom property. If the appellants' calculations are correct then the minimum floorspace for a 1 person 1 bedroom property would be exceeded. However, if the Council's figures apply, then the property would only be marginally less than the 50 m² requirement by around 4.4 m². The appellants have provided visualisations which demonstrate that a kitchen and living room could be laid out at ground floor level with a bedroom and bathroom at first floor level.
7. The private external amenity space would be limited to a small area of grassland between the appeal building and the canal towpath. This would not normally be acceptable having regard to Shropshire SAMDev Plan policy MD2 which refers to the provision of open space for development, considered holistically, of at least 30 m² per person. It would also conflict with guidance in the Council's *Type and Affordability of Housing* supplementary planning document which indicates that developments must not provide minimal outside amenity space. However, the location would give future occupants direct access to the extensive canal towpath, with its opportunities for walking and visiting facilities along the route.
8. Having regard to the principle of residential development, although the site is in the countryside and not a community hub/cluster designation, Core Strategy policy CS5 indicates that the conversion of rural buildings which take account of, and make a positive contribution to, the character of the building and countryside will be supported. SAMDev Plan policy MD7 provides support for open market residential conversions in the countryside where the building is of a design and form which is of merit for its heritage value, as is the case with the appeal building. Core Strategy policy CS11 aims to ensure that new housing development meets the priorities in national and local housing strategies, meeting general and specialist housing needs. Whilst no specific local need has been identified, and no affordable housing contribution is required, the proposal would still add a small unit to the housing stock through the conversion of an existing building. Taking into consideration the limited

scale of the development, I find no conflict with Core Strategy policy CS11 regarding the type and affordability of housing.

9. Paragraph 80 of the National Planning Policy Framework (the Framework) also advises that new isolated homes in the countryside should be avoided unless there are special circumstances. The proposal would meet two of the listed circumstances by involving the re-use of a redundant building and enhancing its immediate setting.

Other Matters

10. The St Martins Parish Council objected to the proposal on the grounds of proximity to the road and canal, and no suitable parking or access for deliveries. However, although the Highway Authority raised concerns it did not object to the proposal, whereby a car parking space would be provided next to the building with access from Moor Lane.
11. The Canal and River Trust welcomed the principle of re-use of the building which could help secure long term use and maintenance of the premises, and stating that it was important that the conversion was sensitive to its historic character. The Trust recommended that further details be submitted in the event of permission being granted regarding the proposed detailing and materials to be used in the elevations and openings, in the interest of safeguarding the character of the historic building. The Shrewsbury & North Wales Branch of the Inland Waterways Association also supported the proposal, providing the character was retained. The appellants submitted a Heritage Impact Assessment with the application which concluded that the proposal would ensure the future of the presently redundant non-designated heritage asset with no significant impact on its character or significance.
12. The building was granted renewed permission for business use in 2013 although this was not implemented, leaving the building disused and subject to deterioration. The appellants submitted a report assessing possible alternative uses, which demonstrated that office, workshop and self-catering accommodation would be very unlikely to be viable.

Conditions

13. In addition to the standard condition for the timescale of development I have included a condition to confirm the approved plans. Conditions requiring the submission of external material samples and details of external services to be attached to the building are imposed in order to ensure that the appearance and heritage value of the building is maintained and enhanced. Conditions are also included to ensure that any protected species are not harmed and that provision is made for bat roosting and bird nesting in the interests of biodiversity. Finally a condition is imposed to avoid any harm to wildlife from external lighting sources.

Planning Balance

14. The proposal is to convert a neglected building which is part of the history of development alongside the Shropshire Union Canal. The proposed residential use would secure the future of the building through a sensitive design approach and would provide a modest unit of accommodation, in accordance with the

approach in development plan policies and the Framework which seek to protect heritage assets.

15. In view of the amount of floor space proposed there is potential conflict with Core Strategy policy CS6 and national good practice standards. The amount of private amenity space would be low, contrary to SAMDev Plan policy MD2 and guidance in the *Type and Affordability of Housing* supplementary planning document. However, I consider that, in the particular canal-side locational and heritage circumstances of this proposal, the benefits of securing the future of the building and providing a small residential unit would outweigh any harm from failing to meet the private amenity space and floor space standards used as guidance and cited by the Council.

Conclusion

16. I have taken all other matters raised into account. For the reasons given above, I conclude that the appeal should be allowed subject to conditions.

Martin H Seddon

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 20008 P-01 site location and block plan, p-02 proposed block plan, P-10 proposed floor plans, P-20 proposed elevations shutters open and P-21 proposed elevations shutters closed.
- 3) Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
- 4) Details of exterior soil and vent pipes, waste pipes, rainwater goods, boiler flues and ventilation terminals, meter boxes, exterior cabling and electrical fittings shall be submitted to and approved in writing by the Local Planning Authority before the commencement of works. The development shall be carried out in accordance with the approved details.
- 5) Prior to commencement of development (or each phase of development with prior agreement of the Local Planning Authority), an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall be appointed to ensure that the great crested newt reasonable avoidance measures method statement set out in the Ecological Impact Update by Susan Worsfold (June 2020) are adhered to. The ECW shall provide brief notification to the Local Planning Authority of any pre-commencement checks and measures completed on site.

- 6) Where any protected species licences amend previously approved mitigation scheme[s] then a revised updated and amended mitigation scheme, and a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Works will then be carried out strictly in accordance with the proposed new approved ecological measures and timetable.
- 7) Prior to first occupation/use of the building, the makes, models and locations of bat boxes shall be submitted to and approved in writing by the Local Planning Authority.
- 8) A minimum of 1 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site prior to first use of the development. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.
- 9) Prior to first occupation/use of the buildings, the makes, models and locations of bird boxes shall be submitted to and approved in writing by the Local Planning Authority.
- 10) A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for house sparrows (32mm hole, terrace design) and swallows (swallow nesting cups) shall be erected on the site. The boxes shall be sited at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect (under eaves of a building if possible) with a clear flight path, and thereafter maintained for the lifetime of the development.
- 11) 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/or sensitive features, e.g. bat and bird boxes, trees, and hedgerows. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.