



<u>Committee and date</u>
Southern Planning Committee
31 May 2022

Item
Public

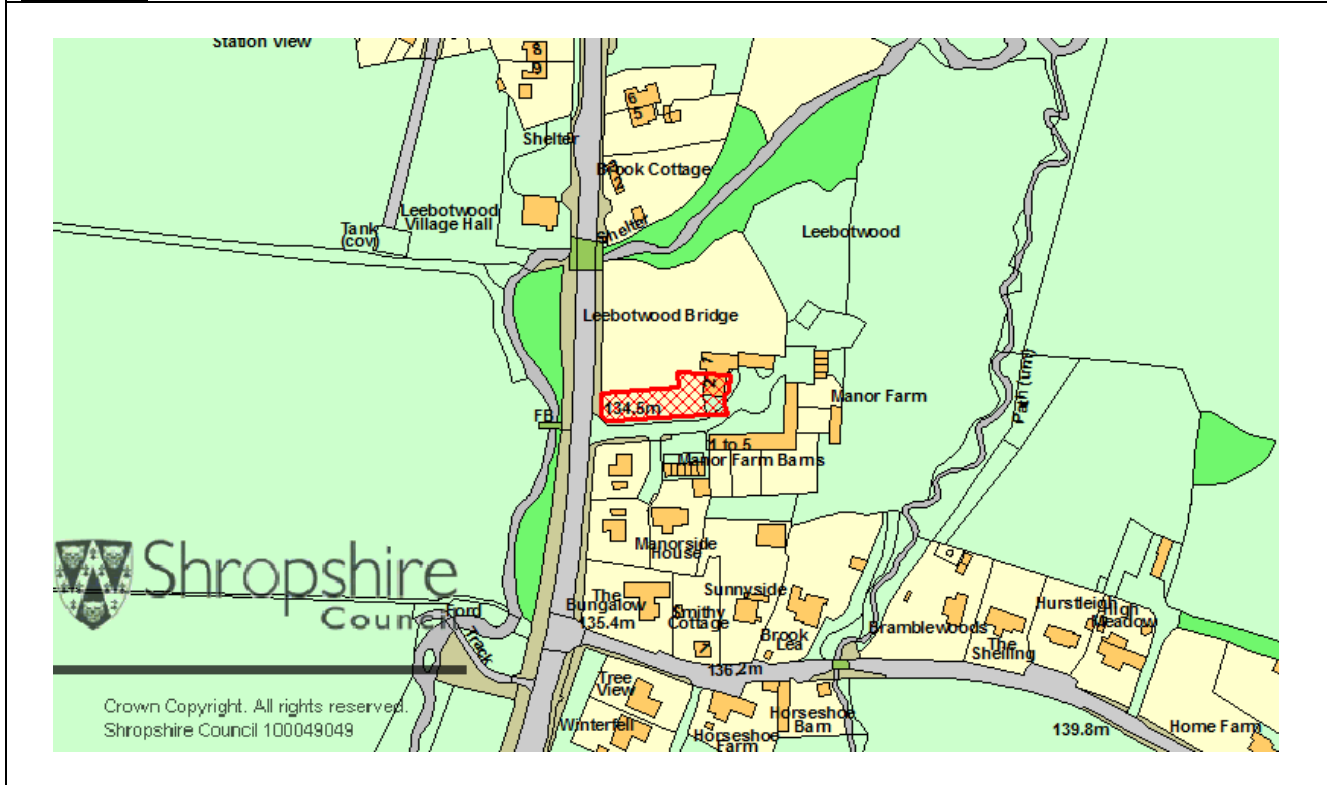
Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 22/00642/LBC	Parish: Leebotwood
Proposal: Replacement of 8No. windows and 3No. doors	
Site Address: 2 The Farm Leebotwood Church Stretton Shropshire SY6 6NA	
Applicant: Shropshire Council	
Case Officer: Karen Rolfe	email : historic.environment@shropshire.gov.uk

Grid Ref: 347636 - 298580



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.

Recommended Reason for Approval

The approved works are acceptable on heritage grounds and will not have an adverse impact on the special architectural and historic character or the setting of the listed building and are considered to be in accordance with local and national policies with respect to the historic environment including Core Strategy Policies CS6 and CS17, MD2 and MD13: The Historic Environment (SAMDev Adopted Plan), Planning Practice Guidance and the National Planning Policy Framework (NPPF), as well as in accordance with the requirements of Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

REPORT

1.0 THE PROPOSAL

- 1.1 This listed building consent application is limited to the replacement of 8 windows and 3 doors with painted timber hardwood replacement window and doors where this affects Number 2 The Farm in Leebotwood. This is a large Grade II listed traditional red brick farmhouse dating from the early 18th Century and mid-19th Century with some 20th Century additions. The farmhouse is in the ownership of Shropshire Council and is divided into 2 dwelling units which are occupied by tenants. Number 2 The Farm comprises the southern most range of this large building.
- 1.2 As outlined in the agent's Statement, the proposal to replace these existing windows and doors has been made as they have been assessed as being degraded beyond reasonable repair. The Conservation Officer requested a window and door survey to be prepared which the agent has done, supported by annotated photographs and assessment of the level of degradation, where the normal benchmark for consideration of replacement of original or historic window units is more than 60% degraded. In this case referring to the conditions chart that was prepared, there are two early or original timber casements extant at the property, and these are more than 70% degraded, with the remaining windows being of more modern construction and also at a high level of disrepair.
- 1.3 The replacement windows will be hardwood timber painted bespoke replacement units to match the original timber casements at the farmhouse. Joinery details have been supplied for the windows and the doors and these are considered to be acceptable as submitted.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Number 2 The Farm comprises the southerly most range of a large Grade II listed red brick former farmhouse positioned within the rural settlement of Leebotwood which is about 4 miles north of Church Stretton. The building was the farmhouse to Manor Farm which consisted of the farmhouse and large traditional outbuilding

ranges to its south and south-east, where these have been residentially converted. The farmhouse has in the past been divided into 2 dwelling units. The building is listed under list entry number 1366711.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

3.1 The application is presented to Committee as it does not comply with the Council's scheme of delegation as the development as proposed is not in consideration of a statutory function.

4.0 Community Representations

Consultee Comment

Parish Council - No comments received at the time of preparation of this report.

Public Comments

None received.

5.0 THE MAIN ISSUES

Principle of development
Siting, material and design of the replacement windows
Visual impact

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The principle of this window and door replacement program affecting Number 2 The Farm is acceptable given the excessive degraded state of the existing windows and the doors at this traditional property, which is tenanted. While there is a loss of 2 original multi-paned painted timber casement windows, these two windows are over 70% and 80% degraded respectively which is beyond the standard benchmark of 60% degraded, below which repair is recommended. The remaining windows are of more modern construction and there is no objection to their replacement given their modern design and poor overall quality. The doors being replaced are not original to the farmhouse and again are over 60% degraded and therefore suitable for replacement.

6.2 Siting, material and design of the replacement windows

6.2.1 The replacement window joinery is a bespoke hardwood painted timber multi-paned casement unit to match closely to the existing original casements in this range of the farmhouse. The windows will introduce double glazing to improve the thermal performance of the windows for this tenanted property. The replacement doors are paint grade hardwood to match the existing door designs at the farmhouse. The joinery details are satisfactory as submitted.

6.3 Visual impact

6.3.1 It is expected that there will be a visual enhancement to this range of the farmhouse as the existing windows are unsightly given their state of degradation and there will be replacement of modern units with a more traditional design.

7.0 CONCLUSION

Due to decay beyond reasonable repair the replacement of the existing windows and doors with bespoke painted hardwood traditional joinery units is considered acceptable in this case. The works will enhance the appearance and thermal performance of this listed building and safeguard it for future and long term use. Having considered the detailed plans submitted it is considered that the application meets the requirements of the National Planning Policy Framework (NPPF) as well as the legislative requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Policies CS6 and CS17 of the Core Strategy as well as Policies MD2 and MD13 of the SAMDev, and Historic England Guidance on traditional windows, and there is no objection on heritage grounds to the works proposed.

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:
NPPF

Core Strategy and Saved Policies:
Core Strategy policies CS6 and CS17
SAMDev Plan policies MD2 and MD13

RELEVANT PLANNING HISTORY:

SA/97/0070 Conversion of outbuildings into garages and living accommodation and change the use of paddock to domestic curtilage. PERCON 25th June 1997

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=R73AKMTD07V00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Councillor Ed Potter
Local Member Cllr Dan Morris
Appendices APPENDIX 1 - Conditions

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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 18 of the Planning (Listed Buildings and Conservation Areas) 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; to ensure that the development is carried out in accordance with the approved plans and details; and to ensure the satisfactory preservation of the Heritage Asset.

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

3. If hitherto unknown architectural evidence of historic character that would be affected by the works hereby permitted is discovered, an appropriate record, together with recommendations for dealing with it in the context of the scheme, shall be submitted for written approval by the Local Planning Authority.

Reason: To ensure architectural features are recorded during development.