

AGENDA ITEM



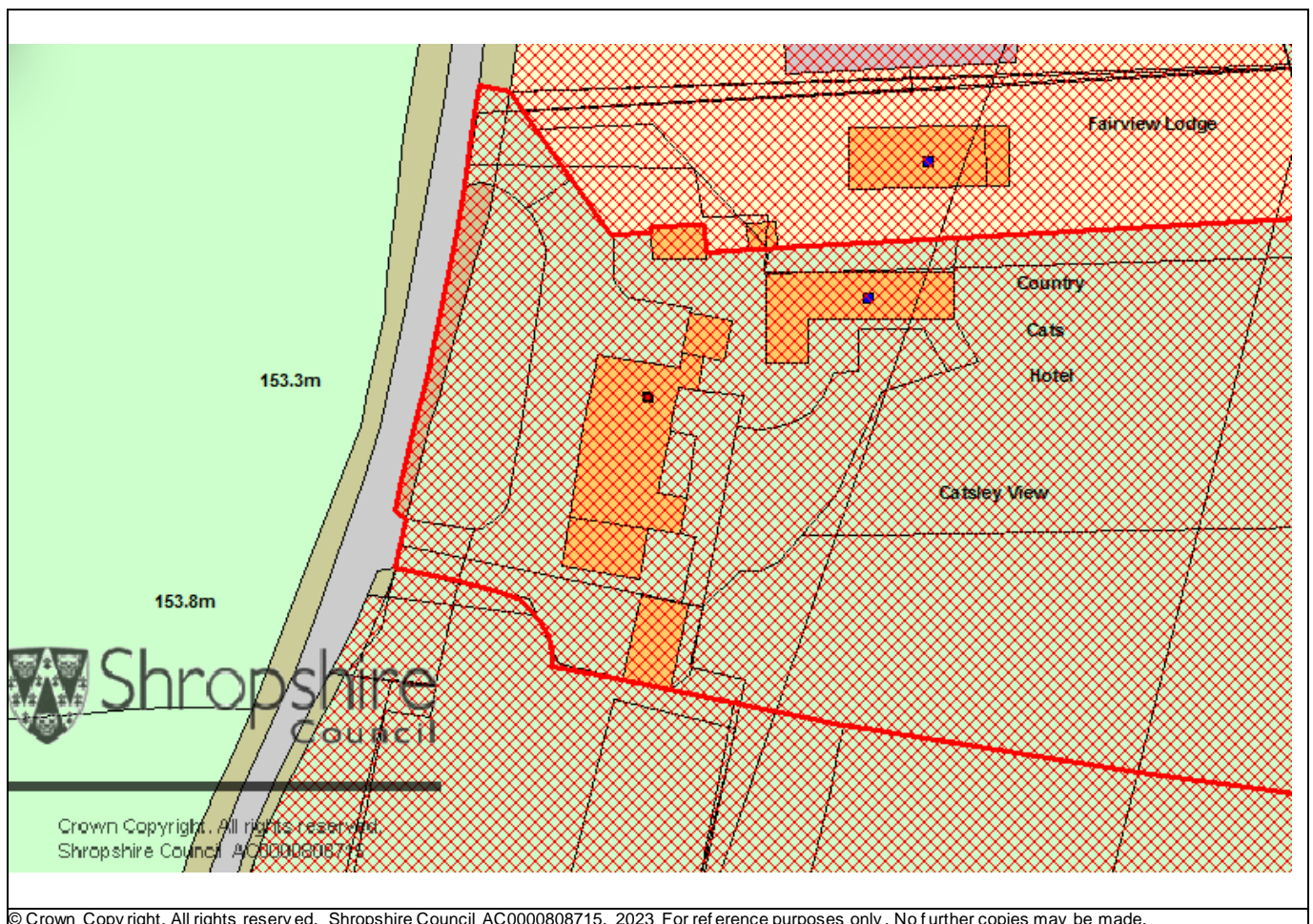
Committee and date
Southern Planning Committee
25th June 2024

Development Management Report

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

Summary of Application

<u>Application Number:</u> 24/01556/FUL	<u>Parish:</u>	Kinlet
<u>Proposal:</u> Change of use of land to domestic, demolition of existing cattery building and erection of a domestic outbuilding		
<u>Site Address:</u> Catsley View Meaton Lane Meaton Kinlet Bewdley		
<u>Applicant:</u> Mr Jamie Himsley		
<u>Case Officer:</u> Mandy Starr	<u>email:</u> mandy.starr@shropshire.gov.uk	
<u>Grid Ref:</u> 370846 - 279003		



Recommendation: - Refuse .

Recommended reasons for refusal

1. The proposed domestic outbuilding by virtue of its scale and size is considered to be excessive as it would not be read as subordinate to the existing dwelling and this would result in harm to the character and appearance of this rural area contrary to the requirements of Policies CS6 and MD2 of the local development plan policies and the NPPF.
2. The proposed design which includes the provision of extensive floor-to-ceiling glazing and decking would result in the building having an appearance that would be tantamount to the erection of a new dwelling in the open countryside which would be contrary to both national and local planning policies CS5, MD7a and the NPPF
3. The proposed outbuilding would have a different roof profile compared to the existing cattery building and as the ground slopes to the east the proposed new building would be more prominent than the cattery building and this would result in overshadowing and loss of light to the neighbour's property given that some of the site would need to be re-profiled to level the

site. Insufficient information has been provided to fully assess the proposed level changes or how the proposed development would relate to the neighbour's party boundary and the proposal is contrary to the local development plan policies CS6, MD2 and the NPPF

4. Insufficient ecological information has been provided to demonstrate that the development will not cause an offence under the 2017 Conservation of Habitats and Species Regulations (as amended) in relation to Bats contrary to the local development plan policies CS17, MD12 and the NPPF and secondly there is also a requirement to demonstrate biodiversity losses and gains including the provision for a 10% net gain for the development; as required by the local development plan policies and NPPF and utilising the DEFRA Statutory Biodiversity Metric/Small Sites Metric recent BS 8683:2021 'Process for designing and implementing Biodiversity Net Gain' and good practice guidance i.e. 'Biodiversity Net Gain ' Good Practice Principles for development', CIEEM, 2016.

REPORT

1.0 THE PROPOSAL

- 1.1 The proposal is to change of use of land to domestic, demolition of existing cattery building and erection of a domestic outbuilding
- 1.2 The proposal firstly seeks to change the northern end of the property into new domestic curtilage, now that the former Cat Hotel business has ceased trading. As a result, the former staggered timber cattery building of some 107m² and with a height ranging from 2.7m to 3m high would be demolished and the site cleared.
- 1.3 Engineering works are proposed to re-profile this sloping land site, to create a platform to erect a new domestic outbuilding in the same location as the former cattery for the applicant's use only. This new building would have a floor area of 178m² including a small overhang with decking beyond and it would have a pent roof height with a height of between 3m and 3.9m and eaves of between 2.6m and 3.5m high.
- 1.4 The proposed new building would be used as a home gym, home office and recreational room for the applicant's family and friends.
- 1.5 The new building would be constructed of corrugated metal on the north elevation facing onto the adjacent mobile home, whilst the sides and part of the frontage would be stone and cedar cladding. The principal elevation would be mostly floor to ceiling glazing as would part of the east elevation, whilst the west elevation would be provided with 3No large windows. The roof would be a 5% single ply extensive green roof.

2.0 SITE LOCATION/DESCRIPTION

2.1 Catsley View is situated on the east side of Meaton Lane adjacent to a mobile home park to the north with the nearest mobile home being Fairview Lodge. The cattery building lies to the northeast of the existing bungalow and is at right angles to it and has its own access off Meaton Lane which is shared with Fairview Lodge.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council have submitted a view contrary to officers
3.2 The two local ward members have requested that this application be presented to the Southern Planning Committee.
3.3 The application was presented to the Southern Committee Agenda Setting Meeting on 30 May 2024, where it was resolved that the application be presented to Planning Committee.

4.0 Community Representations

Consultee Comment SC Ecology – 10 May 2024

Additional information is required in relation to bats and Biodiversity Net Gain. In the absence of this additional information (detailed below), recommends refusal since it is not possible to conclude that the proposal will not cause an offence under the 2017 Conservation of Habitats and Species Regulations (as amended).

Biodiversity Net Gain

A planning application on this site should also be accompanied by information demonstrating biodiversity losses and gains, utilising the DEFRA Statutory Biodiversity Metric/Small Sites Metric and with accompanying documentation in line with BS 8683:2021 'Process for designing and implementing Biodiversity Net Gain' and good practice guidance i.e. 'Biodiversity Net Gain' Good Practice Principles for development', CIEEM, 2016. The development must demonstrate at least a 10% net gain in biodiversity.

SC Historic Environment – 8 May 2024

No comments

SuDS – 23 April 2024

This is a Minor Development and the site is not located within the SuDS Consultation Area. The development is unlikely to significantly increase flood risk and therefore recommend an informative

Public Comments

Kinlet Parish Council – 14 May 2024

It was a majority decision to recommend this application for approval.

The site notice was displayed on 3 May 2024 and it expired on 24 May 2024

5.0 THE MAIN ISSUES

Principle of development
Siting, scale, design of structure and visual impact
Residential Amenity
Ecology

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Alterations and extensions to dwellings are acceptable in principle providing they meet the relevant criteria of Shropshire Adopted Core Strategy Policy CS6: Sustainable Design and Development Principles; CS17 Environment Networks; CS18 Sustainable Water Management. As for the SAMDev both Policy MD2 and MD12 are relevant here and deal with Sustainable Development and the Natural Environment respectively

6.2 Siting, scale, design of structure and visual impact

6.2.1 There is no in principle objection to the proposed change of use of the land from a former cattery to additional domestic garden or the erection of a suitably sized outbuilding for the applicant's own domestic use.

6.2.2 However, there is a requirement that such ancillary outbuildings should be read as being subordinate to and in scale with the existing dwelling. In this case the chalet bungalow appears to have a footprint of some 184m², whereas what is now proposed would have a floor area of some 178m² which is almost the same size as the footprint of the dwelling and is considered to be excessive.

6.2.3 Officers also have concerns about the overall size of this building compared to the existing bungalow which, due to its design and scale, has the appearance of a contemporary dwelling. Furthermore, given that there is an existing vehicular access into this part of the property, there is concern that this building could be separated off from the bungalow at a later date to create a separate curtilage. Given that this property is sited in a rural area, new open market dwellings would be contrary to policy.

6.2.4 In terms of the visual impact, this new outbuilding would be much more visible than the cattery building as it would be higher and extend further down the garden on a level platform and this would make it more visible from the highway as it has a

shared access with Fairview Lodge to the north and also from the public footpath to the east when looking west towards Meaton Lane.

- 6.2.5 In assessing the site plan, it is noted that there are already a number of different outbuildings on this property, but no details have been provided stating what they are all used for and whether some of them could be removed in order to reduce the impact of the new building in this rural location.

6.3 Residential Amenity

- 6.3.1 Fairview Lodge next door is a mobile home that lies to the north of the current cattery building behind an existing fence. Although the mobile home is set back from Meaton Lane, there is an expanse of amenity space behind part of the cattery building.
- 6.3.2 The proposal to site both a larger and higher building (compared to the current cattery building) to the south of this mobile home, is likely to result in some loss of amenity to the occupiers of the mobile home by way of loss of light and overshadowing, especially as the new outbuilding would be sited on a levelled site compared to the existing building and would have a higher roofline, extending above the fence line by some 180mm along its entire length.
- 6.3.4 It is therefore considered that this proposal would result in loss of amenity to this neighbouring property and be contrary to policy.

6.4 Ecology

- 6.4.1 The Council's Ecologist has considered the submitted information and takes the view that this proposal meets the trigger point for requiring a bat survey, prior to determination and secondly that Biodiversity Net Gain (BNG) requirements are also required here.
- 6.4.2 As a bat survey has not been submitted, it is not possible to conclude that the proposal will not cause an offence under the 2017 Conservation of Habitats and Species Regulations (as amended).
- 6.4.3 In respect of the Biodiversity Net Gain requirements, this application should also be accompanied by information demonstrating biodiversity losses and gains, utilising the DEFRA Statutory Biodiversity Metric/Small Sites Metric and with accompanying documentation in line with BS 8683:2021 'Process for designing and implementing Biodiversity Net Gain' and good practice guidance i.e. 'Biodiversity Net Gain ' Good Practice Principles for development', CIEEM, 2016. The development must demonstrate at least a 10% net gain in biodiversity.
- 6.4.4 Furthermore, no BNG details has been submitted either and therefore insufficient information has been provided to assess the BNG impacts on this proposal having regard to requirement to provide at least 10% net gain in biodiversity as set out in the above legislation.

7.0 CONCLUSION

- 7.1 The proposed domestic outbuilding by way of its scale and size is not subordinate to the existing dwelling as it would be of a size that is almost commensurate with the footprint of the chalet bungalow which would result in harm to the character and appearance of this rural area contrary to the requirements of Policies CS6 and MD2 of the local development plan policies and the NPPF.
- 7.2 In addition, the proposed design includes the provision of extensive floor-to-ceiling glazing and decking which would result in the building having an appearance tantamount to the erection of a new dwelling in the open countryside which would be contrary to both national and local planning policies CS5, MD7a and the NPPF.
- 7.3 The proposed outbuilding would also have a straight roof profile that is unlike the existing cattery building where the ground slopes to the east and therefore concern is raised that because this proposed new building would be higher than the cattery building, that this would result in the potential for overshadowing and cause loss of light to the neighbour's amenities given that some of the ground here would need to be re-profiled to level the site and that the neighbouring property is to the north of the application site. Therefore, insufficient information has been provided to fully assess these level changes and how the proposed development would relate to the neighbour's party boundary as such the proposal is considered to be contrary to the local development plan policies CS6, MD2 and the NPPF.
- 7.5 Insufficient ecological information has been provided to support this scheme given that this proposal would meet the trigger point for a bat survey and secondly there is also a requirement to demonstrate biodiversity losses and gains including the provision for a 10% net gain for the development; as required by the local development plan policies and NPPF and utilising the DEFRA Statutory Biodiversity Metric/Small Sites Metric recent BS 8683:2021 'Process for designing and implementing Biodiversity Net Gain' and good practice guidance i.e. 'Biodiversity Net Gain ' Good Practice Principles for development', CIEEM, 2016.

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

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Southern Planning Committee - 25th June 2024

Catsley View

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

CS18 - Sustainable Water Management

MD2 - Sustainable Design

MD12 - Natural Environment

RELEVANT PLANNING HISTORY:

BR/75/0186 The erection of a brick skin and provision of a pitched tiled roof GRANT 5th June 1975

BR/77/0036 The erection of a replacement private garage and domestic store GRANT 19th March 1977

22/03453/FUL Application under Section 73A of the Town and Country Planning Act 1990 for the erection of a replacement barn GRANT 21st November 2022

23/02531/FUL Erection of a fodder Barn GRANT 28th July 2023

24/01186/FUL Change of use of land to domestic, demolition of existing cattery building and erection of a domestic outbuilding NPW 19th April 2024

24/01556/FUL Change of use of land to domestic, demolition of existing cattery building and erection of a domestic outbuilding PDE

BR/97/0484 ERECTION OF A CAT BOARDING UNIT GRANT 9th September 1997

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SC5H19TDH7R00>

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 Chris Schofield

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Southern Planning Committee - 25th June 2024

Catsley View

Local Member

Cllr Gwilym Butler

Cllr Simon Harris

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