



Committee and date

Central Planning Committee

8 October 2015

Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 15/03019/COU	Parish:	Smethcott
Proposal: Change of use from ancillary residential accommodation and stabling to form two holiday let properties		
Site Address: Batchcott Hall Batchcote Church Stretton Shropshire SY6 6NP		
Applicant: Mr & Mrs T Hunt		
Case Officer: Aileen Parry	email: planningdmc@shropshire.gov.uk	

Grid Ref: 343839 - 298703



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks planning permission for a change of use from ancillary residential accommodation and stabling to form two holiday let properties. An additional two parking spaces to the existing two parking spaces is also proposed.
- 1.2 The barn and its group of out buildings has planning for conversion into a single dwelling with ancillary living accommodation in part of the out buildings and stables, tack room W/C and oil storage under planning permission reference 12/03722/FUL.
- 1.3 The D&A advises that the applicants “wish to create a haven for holidaying couples, providing them a welcoming base from which to explore the Shropshire Hills by foot and bicycle. The accommodation will fulfil the highest standards possible in ecology and sustainability, whilst maintaining the agricultural vernacular, with an added focus on flora to encourage bees and birdlife.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Batchcott Hall is located a short distance from Picklescott. The immediate area surrounding the site comprises Batchcott Hall on one side and a three sided courtyard of converted barns on the other.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to officers.

4.0 COMMUNITY REPRESENTATIONS

- 4.1 - Consultee Comments
- 4.1.1 SuDS
No objection. Informative recommended.
- 4.1.2 SC Ecology
Informative recommended.
- 4.1.3 SC Highways
No comments received.

4.2 - Parish Council

Following the Parish Council's comments on the application previously submitted for a Variation of the original planning application, the Parish Council are now aware that the applicant has a private agreement with other residents to maintain the private roadway leading to this site.

However, the Parish Council still feel; that the site is too small to accommodate a family home and two holiday lets sharing very little amenity space within the ownership of the applicant.

- Shropshire Fire And Rescue Service

- 4.3 As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Services Fire Safety Guidance for Commercial and Domestic Planning Applications which can be found using the following link: <http://www.shropshirefire.gov.uk/planning-applications>

Specific consideration items to be included as an informative on any permission granted.

- Public Comments

- 4.4 Five neighbours have been consulted. One objection has been received the main points of which concerned on-site management, shared driveway costs, privacy of Batchcott Hall and its gardens. These have subsequently been withdrawn after discussions with applicant by the objector.

5.0 THE MAIN ISSUES

Principle of development

Amenity impact on neighbouring units and locality

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 It is considered by officers that the proposal complies with CS6 and CS16 of the Core Strategy, and the Town and Country Planning (Use Classes) Order 1987 (as amended).

- 6.1.2 Class C3 is dwellinghouses which contains both main dwellings and holiday lets. There is therefore no change in Class.

6.2 Amenity impact on neighbouring units and locality

- 6.2.1 It is felt that permitting the change of use from ancillary accommodation to holiday let accommodation will result in not more of an impact on the adjacent buildings and their uses. The holiday lets are considered will bring additional tourism to the area and therefore promoting Shropshire as a tourist destination as required under CS16.
- 6.2.2 The comments provided by the Parish Council are noted but for holiday lets there is no requirement to have amenity space on a par with a dwelling. Officers consider that the use as holiday lets infers that individuals using the facilities will not reside at the premises but use it as a base for touring and sightseeing in the area and county.
- 6.2.3 Officers consider that there will be no detrimental impact to the highway safety of the road. It is also noted that the concerns raised by an objector, as provided in 4.4 above, have now been resolved by discussion between the objector and the applicant.

7.0 CONCLUSION

It is considered that the proposal complies with the relevant criteria under the Town and Country Planning (Use Classes) Order 1987 (as amended) Class C3, and Core Strategy CS6 and CS16 and is therefore acceptable in principle.

It is therefore recommended that members support this application and grant planning permission for a change of use from ancillary residential accommodation and stabling to two holiday lets.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- ② 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.
- ② 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 three months 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

Contact: Tim Rogers (01743) 258773

Core Strategy and Saved Policies: CS6 and CS16
Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended)

RELEVANT PLANNING HISTORY:

12/03722/FUL Conversion of existing derelict barn into a dwelling GRANT 29th April 2013
15/01739/AMP Variation of Condition No. 2 (approved plans) attached to Planning Permission 12/03722/FUL dated 29th April 2013 for the conversion of existing derelict barn into a dwelling GRANT 7th August 2015
15/02251/VAR Variation of Condition No. 2 (approved plans) attached to Planning Permission 12/03722/FUL dated 29th April 2013 for the conversion of existing derelict barn into a dwelling to allow alterations to the plans and use of ancillary residential accommodation as two holiday lets (amended description). WDN 15th July 2015
10/04172/FUL Conversion of redundant agricultural building to residential/work use, two outbuildings to workshops and demolition of two outbuildings GRANT 22nd November 2010
11/01983/VAR Removal of condition numbers 3 and 11 attached to planning permission reference 06/0652/F dated 16th August 2006 to allow the holiday let accommodation to be used as a permanent residence WDN 11th October 2011
11/03036/FUL Change of use of 3 existing holiday let units into 3 residential dwellings (one of which to be affordable) NPW 7th September 2011
11/03762/COU Change of use of 3 no. holiday lets into 3 no. dwellings with one reserved for affordable housing GRANT 20th July 2012
11/04368/FUL Installation of 42 roof mounted PV Solar Panels on an agricultural building GRANT 15th February 2012
12/02729/VAR Removal of condition no.16 attached to planning permission 10/04172/FUL to allow implementation of the residential part of the permission prior to the completion and operation of the work element REFUSE 21st December 2012
12/03722/FUL Conversion of existing derelict barn into a dwelling GRANT 29th April 2013
14/03861/OUT Outline application for the erection of 1No dwelling (all matters reserved) REFUSE 4th December 2014
15/01739/AMP Variation of Condition No. 2 (approved plans) attached to Planning Permission 12/03722/FUL dated 29th April 2013 for the conversion of existing derelict barn into a dwelling GRANT 7th August 2015
15/02251/VAR Variation of Condition No. 2 (approved plans) attached to Planning Permission 12/03722/FUL dated 29th April 2013 for the conversion of existing derelict barn into a dwelling to allow alterations to the plans and use of ancillary residential accommodation as two holiday lets (amended description). WDN 15th July 2015
15/03020/LBC Change of use of existing outbuildings from ancillary residential accommodation and stabling, tack room etc to 2 holiday lets NPW 7th August 2015
SA/90/0955 Conversion of stables and garage into a holiday cottage. PERCON 21st April 1992

Appeal

15/02312/REF Outline application for the erection of 1No dwelling (all matters reserved)
INPROG

11. ADDITIONAL INFORMATION

Contact: Tim Rogers (01743) 258773

[View details online:](#)

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) Cllr M. Price
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Local Member Cllr Tim Barker

Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

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 91(1) of the Town and Country Planning 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 and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

3. The premises shall only be used for the purposes of a holiday let accommodation within Use Class C3 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Order in any statutory instrument revoking or re-enacting that Order, and for no other purposes within that Order.

Reason: To maintain the character of the area.

4. The units of holiday accommodation hereby permitted shall not be occupied or used other than in accordance with the criteria set out below:

- (i) the building shall be used for holiday accommodation only;
- (ii) the units of holiday accommodation shall not be occupied as a person's sole, or main place of residence;
- (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of the units of holiday accommodation on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

The register required in (iii) above shall normally be collected by the site owner or his/her nominated person.

Reasons: To ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation.

Informatives

1. The applicant should consider employing measures such as the following:

Water Butts

Rainwater harvesting system

Permeable surfacing on any new driveway, parking area/ paved area

Attenuation

Greywater recycling system

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

2. All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

3. As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Services Fire Safety Guidance for Commercial and Domestic Planning Applications which can be found using the following link:
<http://www.shropshirefire.gov.uk/planning-applications>

Specific consideration should be given to the following:

Dwelling Layout Inappropriate Holiday Let Accommodation

It should be noted that due to the proposed use of the premises and the proposed open plan nature of the layout of the premises, this poses a significant risk to the occupants in case of fire. Although this proposal would conform to current Building Regulations if used as a single private dwelling, due to the proposed use as Holiday Let Accommodation the premises would fall within the scope of The Regulatory Reform (Fire Safety) Order and as such would not appear to comply with this legislation.

Therefore the Fire Authority would advise an improvement in the means of escape arrangements and the applicant is requested to consider the following advice that may go some way to alleviate the above issue. A separate fire protected means of escape should be provided from all bedrooms that don't pass through an area of higher fire risk. Further advice can be found on our website www.shropshirefire.gov.uk

Sprinkler Systems - Residential Premises

When determining the fire safety strategy for the application, it is important that the intervention of the fire service and the response time is included in the process. This is of particular importance if the project provides housing for members of the community in remote rural areas or with mobility issues.

Integrated Risk Management Plan (IRMP) response standards have been introduced for every postcode in Shropshire. The applicant should be mindful that the response time for an appliance with 5 firefighters to SY6 6NP will be within 20 Minutes. In a fire

situation this time period could be crucial to the safety of the occupants and also influence the success of firefighters in restricting the spread of fire within the building. The benefit of installing a correctly designed sprinkler system which can detect and control a fire at an early stage of development will rapidly reduce the rate of production of heat and smoke. Evidence suggests that where fire sprinkler systems have been fitted, fire deaths have almost been eliminated, fire injuries reduced by over 80%, and a significant improvement in fire fighter safety achieved. In addition, property damage has been reduced by over 80%.

Accordingly, It is recommended that consideration is given to the installation of a sprinkler system that conforms to the 'BS 9251:2005 - Sprinkler Systems for Residential and Domestic Occupancies - Code of Practice' published by the British Standards Institute.

Further guidance on residential sprinkler systems can be obtained by contacting the British Automatic Sprinkler Association Ltd on 01353 659187 or their web site www.basa.org.uk

Access for Emergency Fire Service Vehicles

It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of the building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter.

THE BUILDING REGULATIONS, 2000 (2006 EDITION) FIRE SAFETY APPROVED DOCUMENT B5. provides details of typical fire service appliance specifications.