

Development Management Report

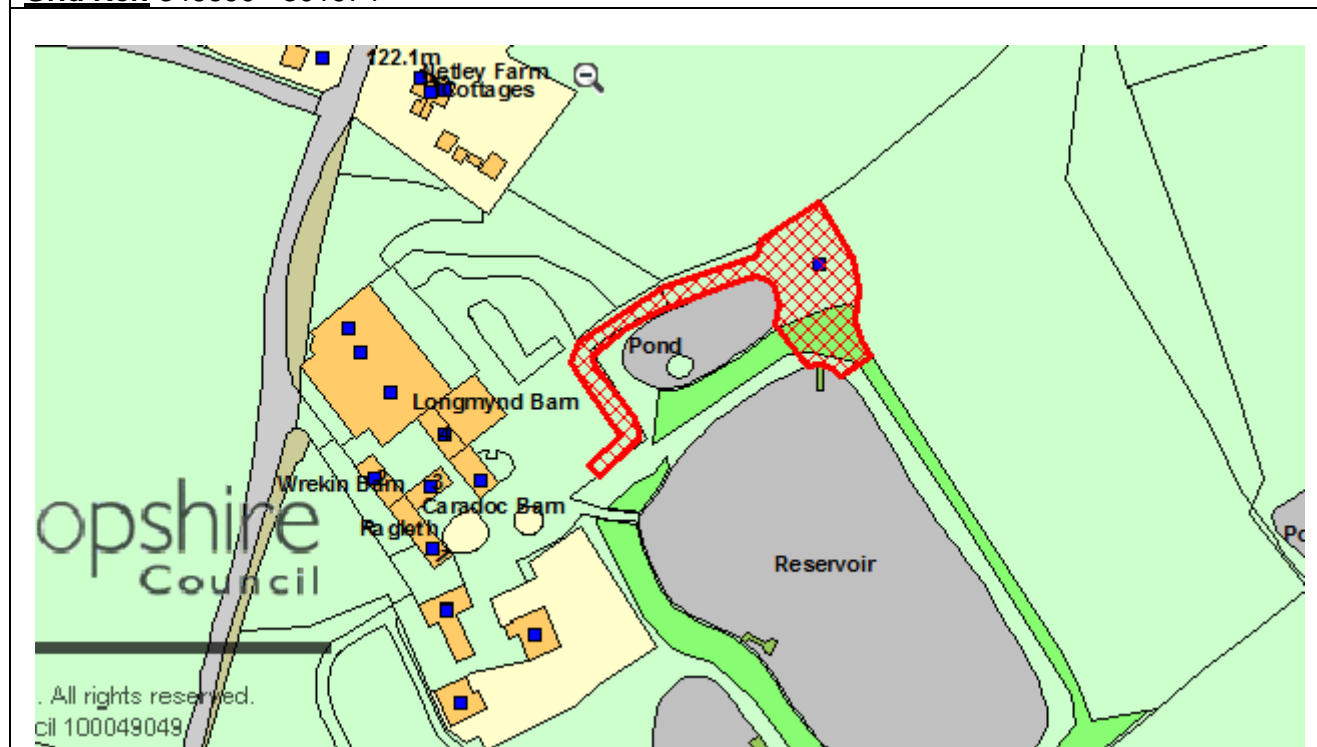
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Summary of Application

Application Number: 20/00802/FUL	Parish:	Condover
Proposal: Erection of 1No. holiday let lodge		
Site Address: Proposed Holiday Let At Netley Old Hall Farm Dorrington Shrewsbury Shropshire		
Applicant: Mrs Kelly Homden		
Case Officer: Frank Whitley	email: planning.southern@shropshire.gov.uk	

Grid Ref: 346690 - 301974



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Recommendation:- Refuse, subject to expiry of departure advertisement period (04-08-2020)

Recommended Reasons for refusal

1. It is acknowledged that the holiday let lodge proposed would make a small contribution to the economic objective of sustainable development through the users support of the rural economy. However, it would be a permanent and substantial new build development contrary to the adopted Core Strategy, in particular the presumptions of CS5, CS16 which seek to focus tourist related development on the re-use of existing buildings. The development is contrary to MD11 of the adopted SAMDev Plan, which limits new holiday accommodation development to either caravans or the conversion of appropriate rural buildings. The proposed development, by reason of its substantial built form and setting impact on heritage assets would fail to make a positive contribution to the character of its setting and the countryside contrary to the environmental objective of sustainable development set out in the National Planning Policy Framework and Development Plan policies, CS5, CS6, CS17, MD2 and MD13.

2. To the extent the existing wedding business is considered rural diversification, the requirement for the provision of new, additional accommodation has not been fully justified. The development does not sufficiently relate to an established and viable tourism enterprise in the countryside where accommodation is required, contrary to CS16 and MD11 of the adopted Core Strategy and SAMDev Plans.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the Erection of 1No. holiday let lodge. The application follows 19/05115/OUT. That application was made only in outline was withdrawn on the grounds of Officer advice that a determination could not be made without further detail relating principally to appearance and layout. Further details are now submitted.
- 1.2 The holiday let lodge is to be set out on two floors consisting of:
Ground floor: Four en-suite double bedrooms, dressing room, gallery landing, computer gaming room, food preparation/store, communal kitchen/living/dining/lounge, and external covered terrace.
Basement: Cold store, staff w.c/shower, hall, porch, garage.
- 1.3 The elevational treatment would include a mix of dual pitched and mono pitched roofs, extensive full height aluminium framed glazing and a chimney stack with a monopitch cowl feature. The external finishes would be a combination of facing brick and rendered blockwork for the walls, with metal composite upstand roofing. The vehicular access and hard standing finishes would be tarmac and permeable gravel and paving.
- 1.4 The application is supported by a heritage impact assessment, planning and design and access statement and business plan.

1.5 As far as can be ascertained from the business plan, the lodge is to offer high quality accommodation to groups or individuals. Professional chefs may offer cookery tuition in the communal kitchen, dining and living areas.

2.0 **SITE LOCATION/DESCRIPTION**

2.1 Netley Old Hall is accessed via a relatively narrow lane with passing places @1.7km to the SW of the A49 at Dorrington.

2.2 Netley Old Hall Farm consists of a former farmhouse (Grade 2 listed) and a group of historic farm buildings which are now used for residential/holiday let purposes. Adjacent is a large modern farm building now used for commercial purposes.

2.3 In the extensive grounds are three amenity lakes (illustrated Lakes A-C on the submitted block plan), with further managed paddocks, hedgerows and lines of trees.

2.4 The proposed holiday let lodge is to be located somewhat detached from the main group of buildings (@115m), adjacent to Lane A and Lake B. Access would be by way of a gravelled driveway from the former farm buildings around the side of Lake A. Lake B adjacent is not a natural feature and is slightly elevated above Lake A, held behind a raised bank. Therefore due to topography, the holiday lodge would be built up from existing ground levels, to take advantage of views over Lake B.

2.5 Netley Old Hall has an established wedding venue business dating from the late 2000s. A marquee was initially erected as part of the business and approved retrospectively in 2010 for a period of two years only. Another application in 2012 extended the permission - a further application in 2015 approved the marquee still further for five years.

2.6 A permanent wedding venue and function building was approved in August 2018 to replace the marquee, designed specifically for that purpose (ref 18/00246/FUL). With that, 15 small holiday lodges were approved in the adjacent paddock, primarily to be available for wedding guests, though not expressly limited for that purpose. Neither replacement marquee building or lodges have yet been constructed.

2.7 The current proposal is intended to build on the established wedding business, though is also described in the application as a more general "leisure" proposal, and "expansion of holiday lettings".

2.8 The site for the proposed holiday lodge was previously approved for one of two log cabins in 2015 (ref 15/00255/FUL). The second log cabin in that permission was to be positioned at the far end of Lake B. The planning permission has not been implemented and since expired. However a smaller log cabin was also approved and built adjacent to Lake C in 2006 (SA/06/0746/F).

2.9 The site is not within the Shropshire Hills AONB.

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. The Principal Planning Officer, the Chair and Vice -Chair of the South Planning Committee have discussed how the application should be determined. With regard to relevant material planning considerations and the views of the Locally Elected Member it has been agreed the application should be determined by Committee.

4.0 Community Representations

Consultee Comment

4.1 Parish Council- support

At its remote meeting on 15th April 2020, Condover Parish Council resolved to support this planning application. No further reasons have been given.

4.2 Conservation- objection

We had provided comments on an earlier outline planning application 19/05115/OUT similarly proposing the development of an executive holiday lodge to the east of the historic farmstead comprised of Netley Old Hall farm where it is understood that this earlier application has been withdrawn in favour of a full planning application now being submitted.

We would reiterate our background comments which are also similar to those made on an earlier application 18/00246/FUL for the erection of holiday lodges associated with the established wedding venue business on the wider site, as follows: The application site is in a picturesque rural location south-west of the settlement of Dorrington. The property is occupied by a number of traditional historic buildings including the Grade II listed Netley Old Hall, a late 16th Century farmhouse, which is set back from the main highway amongst a number of traditional agricultural ranges, most of which have been converted to residential and other mixed uses, as well as several more modern structures.

We would also reiterate the following policies and legislative requirements with respect to heritage matters which would be applicable to this proposal: Local Shropshire Council Core Strategy policies CS5 (Countryside and Greenbelt), CS6 (Sustainable Design and Development) and CS17 (Environmental Networks), SC SAMDEV policies MD2 (Sustainable Design), MD7(a) (Managing Development in the Countryside) and MD13 (The Historic Environment), as well as legislatively

there is the need to fully consider Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as revised where the Act requires the need to pay special regard to the preservation of listed buildings and their settings.

We had also previously noted that additionally as the proposed development is within a primarily rural context and would be read against a largely rural landscape, this type of development could have a significant impact on the landscape character of the area.

With this full application now submitted, a Heritage Impact Assessment has been prepared to address the requirements of paragraph 189 of the NPPF as well as local policy MD13 where this is acknowledged and where this describes the proposed executive lodge building, its positioning within the immediate and wider setting of Netley Old Hall and refers to the position of another listed building to the south-east of the property, Netley Hall.

The HIA describes the proposed holiday lodge as a visually contemporary complex which incorporates intersecting pitched roofs and which uses projection and recession to create an organic assembly in a subdued and low-slung form. The HIA notes the positioning of this recreational type building will use the stepped land and be nestled into the corner of the manmade lake which were created here and which form the immediate landscape of this area to the east and north-east of the Old Hall. The HIA concludes that the building has been designed in a form and location which would be discreet in this landscape and while the proposal will incur some change within the setting of the listed buildings this does not constitute harm which would render it unacceptable.

In the main we do not disagree with this conclusion however there are some issues which haven't been fully addressed with this application and which require some further consideration.

The plans submitted are relatively basic elevational drawings which do not fully illustrate what the proposed lodge will look like within this lakeside position there are no materials or finishes indicated on the plans however the application form notes these will be facing brick, rendered blockwork and metal composite roofing with much glazing. For a lakeside recreational lodge type building these do not seem to be the appropriate materials to create a discreet and benign low key building within this landscape and could result in a building which would compete with and dominate the landscape and with the heritage buildings nearby. It is suggested that more natural materials and recessive finishes more likely found in this type of lakeside position would result in a less dramatic and bold building which should be avoided here. To keep the building low-slung as described, the high chimney features are also recommended to be removed. Further information on landscape screening is also necessary in the form of a landscape plan where this screening should also appear natural within this setting.

Should the application be approved in this or a revised form we recommend that conditions are added to fully agree external materials and finishes and landscaping and surface finishes for driveway areas are also agreed.

4.3 **SUDS- no objection** informatives only

4.4 **SC Highways- no objection**

From a highways perspective it is considered that the addition of a single holiday let would be unlikely to significantly impact on the surrounding highway network. The proposed new access is internal to the site.

4.5 **Affordable Housing- no objection**

4.6 **Trees- no objection**

The site is in a secluded location within a rural area with a reasonable level of tree cover. Although there is the potential to impact on the trees adjacent to the pond when creating the access drive, this is unlikely to have any significant impact on the wider amenity of the area and no objection is raised to the proposal.

4.7 **Ecology- objection**

A planning application on this site must be accompanied by an Ecological Impact Assessment of the land in and surrounding the proposed development and a discussion of any potential impacts resulting from the development.

4.8 **Shropshire Fire and Rescue- no objection**

Standard advice only

4.9 **Public Comments- none received**

A site notice has been posted on 16 March 2020

The planning application is scheduled to be advertised in the Shropshire Star as a departure from Policy on 14 July 2020

5.0 **THE MAIN ISSUES**

Principle of development

Historic Environment

Visual impact and landscaping

Ecology

6.0 **OFFICER APPRAISAL**

6.1 **Principle of development**

6.1.1 The NPPF seeks to build a strong, competitive economy, and in particular a prosperous rural economy at Para 83, which includes sustainable rural tourism and

leisure developments which respect the character of the countryside.

- 6.1.2 The NPPF also seeks to conserve and enhance the natural environment (Chapter 15) and the historic environment (Chapter 16).
- 6.1.3 CS5 states development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits.
- 6.1.4 CS16 seeks to deliver high quality, sustainable tourism and cultural and leisure development.
- 6.1.5 CS5 and CS16 do not rule out new build tourist related development but otherwise place a very strong emphasis on the conversion/replacement/re-use of suitable buildings in the countryside. New build development is generally limited to that which is required for community uses, infrastructure, agricultural development and/or essential rural occupational dwellings.
- 6.1.6 MD11 deals with development which is not related to a conversion. It states:
Holiday let development that does not conform to the legal definition of a caravan, and is not related to the conversion of existing appropriate rural buildings, will be resisted in the countryside following the approach to open market residential development in the countryside under Policy CS5 and MD7
- 6.1.7 MD11 therefore offers some scope in the countryside for caravan type development, or structures falling within the definition of a caravan.
- 6.1.8 There is no policy provision in either CS5, CS16, MD7 or MD11 for new build holiday development of the scale proposed in the countryside, hence the reason why the application has been advertised in the Shropshire Star as a policy departure.
- 6.1.9 CS5 also states that development proposals may be supported where they relate to:
Sustainable rural tourism and leisure and recreation proposals which require a countryside location, in accordance with CS16 and CS17.
- 6.1.10 Although CS16 is not as explicit in its requirements, proposals must be of an appropriate scale and character for their surroundings, be close to or within settlements, or an established and viable tourism enterprise where accommodation is required. Where possible, existing buildings should be re-used.
- 6.1.11 MD11 also states tourism, leisure and recreation development proposals that

require a countryside location will be permitted where the proposal complements the character and qualities of the site's immediate surroundings.

- 6.1.12 Since the business plan for the holiday lodge relies heavily on group cookery events and professional chef tuition, the proposal does not in itself require a countryside location. The proposal would plainly attract visitors for its countryside setting, but the desirable location for guests is not essential for its given purpose.
- 6.1.13 Small scale farm diversification is an example where new development for tourism may be supported by CS5. Such development is typically reversible, eg changes in use of land or buildings, or the erection of glamping pods or small chalets. However there is a presumption against permanent new build development for tourism in the countryside especially where it is larger scale and not supporting an existing farm business. Rather, for tourist development, CS5 places strong emphasis on the:

Conversion of rural buildings which take account of and make a positive contribution to the character of the buildings and the countryside

- 6.1.14 To the limited extent further accommodation is required to support the existing wedding business, it is noted in particular, this is essentially a separate holiday let business proposition, marketed for a different customer set. Plainly there may be some crossover, but that does not justify new development of this type in a countryside location, particularly where there are heritage impacts to mitigate. The proposal takes advantage of its countryside setting, but that setting is in itself not a requirement. By definition according to CS5, countryside development is harmful unless it falls into the exception criteria listed in CS5. In turn, proposals must also satisfy the requirements of CS16 and CS17.
- 6.1.15 The applicant has been asked to clarify why existing buildings in the group of historic buildings around Netley Old Hall Farm would not suffice, in order to bring alignment with CS5 and CS16 in terms of re-use/conversion. They are illustrated in the submitted location plan as Longmynd Barn, Caradoc Barn, Ragleth and Wrekin Barn. They are within the blue boundary line of the location plan which defines land under the control of the applicant. Yet in the planning statement (Para 2) the application states "the listed former farmhouse and surrounding buildings are used for a mixture of business and residential uses which are not under the ownership of the applicant". It is not fully understood why existing buildings cannot be re-used or converted as an alternative.
- 6.1.16 A business plan has been provided which forecasts a build cost of @£580,000 (including CIL fees). Turnover is predicted @£200,000/year, and the new build lodge (and associated costs) to have effectively paid for itself after 10 years. This is based on £750 per night and an occupancy rate of 60% over the year.
- 6.1.17 Further information has been provided which emphasises the success of the lakeside lodge (2006 planning permission). The lakeside lodge has a 90%

occupancy rate and the ability to arrive by helicopter using an on-site helipad is an added draw. On that account, the business plan states the predicted 60% occupancy rate for the proposed lodge is a “conservative occupancy rate”. If the success of the lakeside lodge is partly due to the existence of a helicopter pad, one could reasonably expect holiday lodge guests and chef to arrive by helicopter also.

- 6.1.18 The case officer takes the view that even if forecast income proves to be correct, there remains the fundamental issue over establishing the principle of development.
- 6.1.19 There remains a risk that if the development does not reach predicted returns, the development would effectively become a new build dwelling in a countryside location, which is currently contrary to the Council’s settlement strategy as per CS1, CS5 MD1 and MD7a. The holiday let lodge would be conditioned to limit its use for holiday lets only. Unlike small farm diversification schemes where development land can more easily be reinstated where holiday accommodation is through the stationing of structures which meet the definition of a caravan, the proposed holiday lodge is of a built form unlikely to be demolished should the business fail or not meet expectations, and for which an alternative use will be sought. The lodge would not lend itself to becoming an affordable dwelling, due to location, size, form and layout, which would otherwise in principle be the only policy complaint alternative in the Council’s current settlement strategy for residential development.
- 6.1.20 Taking all matters above into consideration, it is not considered the principle of development is established.

6.2 Historic Environment

- 6.2.1 CS17 and MD13 together seek to ensure Shropshire’s heritage assets will be protected, conserved, sympathetically enhanced and restored.
- 6.2.2 A heritage impact assessment has been submitted which concludes the proposal will incur some change within the setting of Netley Old Hall but it does not constitute harm which would render it unacceptable in terms of the NPPF.
- 6.2.3 The Conservation Officer has stated in the main she does not disagree with this conclusion. However the Conservation Officer also adds that the proposed development is within a primarily rural context and would be read against a largely rural landscape. Accordingly, this type of development could have a significant impact on the landscape character of the area, which would amount to less than substantial harm. With that in mind the Conservation Officer points out there are some issues which have not been addressed.
- ☐ Concerns have been raised:
- ☐ Elevation drawings are basic and do not fully illustrate what the proposed lodge will look like within the lakeside position.
 - Facing brick, rendered blockwork, rendered composite roofing, much glazing could result in a building which would compete with and dominate

- ☞ the landscape and with the heritage buildings nearby
- ☞ Chimney features should also be removed to keep the building low-slung.

Further landscaping is required.

6.2.4 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as revised where the Act requires the need to pay special regard to the preservation of listed buildings and their settings. On balance the proposal is found contrary this requirement, resulting in less than substantial harm with no sufficient public benefit to weigh against that harm in the context of paragraph 196 to the NPPF and to Development Plan policies CS6, MD2, CS17 and MD13, due to its substantial built form and setting impact on the historic environment.

6.3 Visual impact and landscaping

6.3.1 The lodge is to be @8.5m high, with the top of the chimney extending 1m above. Notwithstanding the comments of the Conservation Officer above, there will be limited visual impact in its wider setting, at least from public locations. Marginal glimpses of the roof of the building may be possible from the public road, but against the context of larger buildings in the vicinity, harm will be limited. There are two footpaths passing to the NW and NE, (70-80m) though harm will be limited, particularly due to tall leylandii type screen on the site boundary and groups of other buildings in the vicinity.

6.3.2 As regards potential wider landscape impacts, it should be noted a Landscape and Visual Impact Assessment (LVIA) was carried out in respect of the 15 lodges and permanent event/function building approved to replace the marquee (18/00246/FUL). The LVIA concluded some, but insufficient harm to warrant refusal on landscape impact grounds. Compared to the event/function building, the holiday let lodge is less prominent. Accordingly, wider landscape impacts are not considered significant. Nevertheless, according to CS5, development should maintain and enhance countryside vitality and character. CS17, MD12, MD13 also seek similar enhancements wherever possible which are considered especially important in this countryside and historic setting. The proposed development fails to provide any enhancement of its context.

6.4 Ecology

6.4.1 The application is not supported by an ecology impact assessment, contrary to the consultation comments of the Council's ecologist as set out above. However, the case officer again refers to the earlier application for the permanent event/function building ref 18/00246/FUL. That application was supported by an ecology impact assessment dated January 2018, which, within its scope, covered the site of this holiday lodge application. The Council's ecologist agreed in that case that permission could be granted for 18/00246/FUL, subject to conditions and informatives. It is noted the lakes are stocked with fish and are unlikely to contain Great Crested Newts. It is therefore concluded that in respect of ecology issues, the absence of an ecology impact assessment should not constitute a reason for refusal. Evidence from the previous ecology impact assessment suggests no

conflict with CS17 and MD12.

7.0 CONCLUSION

- 7.1 It is acknowledged that the holiday let lodge proposed would make a small contribution to the economic objective of sustainable development through the users support of the rural economy. However, it would be a permanent and substantial new build development contrary to the adopted Core Strategy, in particular the presumptions of CS5, CS16 which seek to focus tourist related development on the re-use of existing buildings. The development is contrary to MD11 of the adopted SAMDev Plan, which limits new holiday accommodation development to either caravans or the conversion of appropriate rural buildings. The proposed development, by reason of its substantial built form and impact on the setting of heritage assets would fail to make a positive contribution to the character of its setting and the countryside contrary to the environmental objective of sustainable development set out in the National Planning Policy Framework and Development Plan policies, CS5, CS6, CS17, MD2 and MD13.
- 7.2 To the extent the existing wedding business is considered rural diversification, the requirement for provision of new, additional accommodation has not been fully justified. The development does not sufficiently relate to an established and viable tourism enterprise in the countryside where accommodation is required, contrary to CS16 and MD11.
- 7.3 Being contrary to the provisions of CS5, CS16 and MD11, the proposed development is effectively new residential development in the countryside, contrary to the Council's settlement strategy and policies CS5, MD1, CS1, MD3, and MD7a
- 7.4 There are considered to be no other material considerations of sufficient weight to justify a departure from the adopted Development Plan in this case.
- 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:
National Planning Policy Framework
National Planning Practice Guidance

Shropshire Core Strategy and SAMDev Plan Policies:

- CS1 Strategic Approach
- CS5 Countryside and Green Belt
- CS6 Sustainable Design and Development Principles
- CS13 Economic Development, Enterprise and Employment
- CS16 Tourism, Culture and Leisure
- CS17 Environmental Networks
- CS18 Sustainable Water Management
- MD1 Scale and Distribution of Development
- MD2 Sustainable Design
- MD7a Managing Housing Development in the Countryside
- MD7b General Management of Development in the Countryside
- MD11 Tourism Facilities and Visitor Accommodation
- MD12 The Natural Environment
- MD13 The Historic Environment

RELEVANT PLANNING HISTORY:

19/05115/OUT Outline application for the erection of 1No executive holiday lodge (to include access) WDN 24th January 2020

11. Additional Information

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

<p>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)</p> <p>Heritage Impact Assessment</p> <p>Planning, Design and Access Statement</p>
<p>Cabinet Member (Portfolio Holder)</p> <p>Councillor Gwilym Butler</p>
<p>Local Member</p> <p>Cllr Dan Morris</p>