

AGENDA ITEM



Committee and date

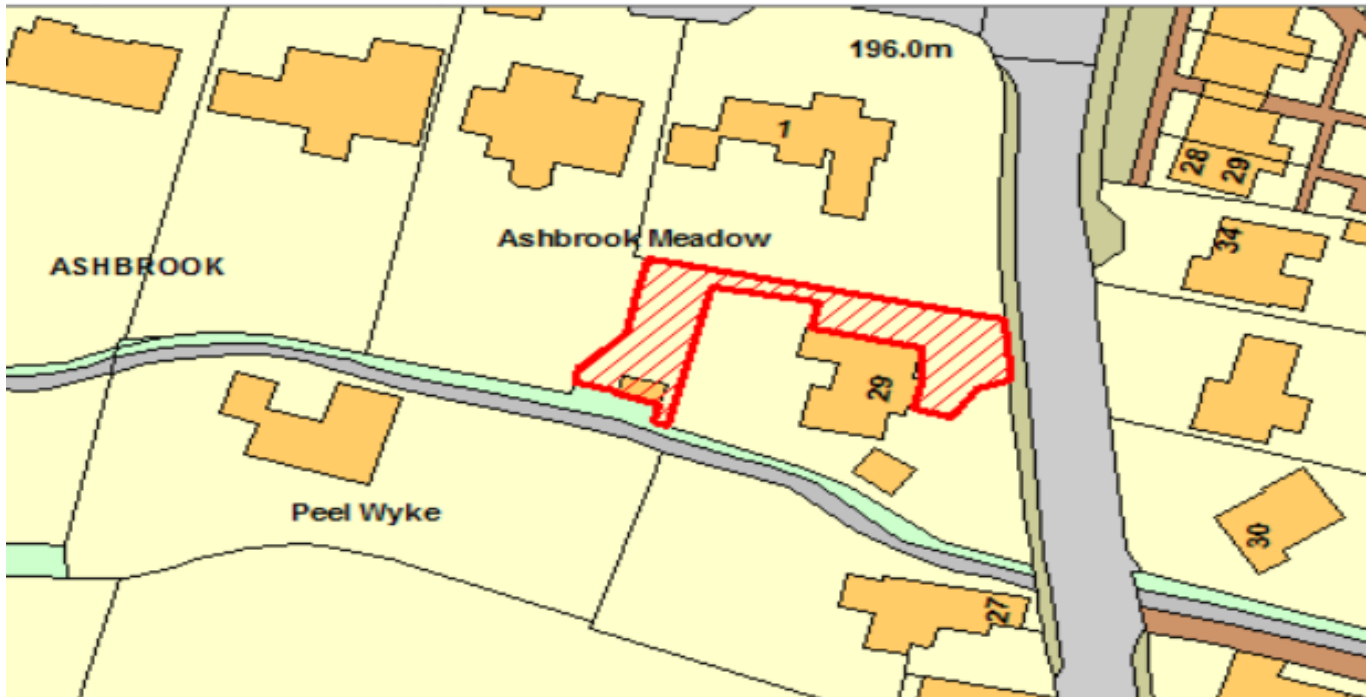
Development Management Report

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

Summary of Application

Application Number: 23/00414/FUL	Parish:	Church Stretton
Proposal: Proposed change of use of ancillary domestic outbuilding (annex) to holiday let accommodation.		
Site Address: Ashbrook House 29 Shrewsbury Road Church Stretton Shropshire SY6 6JB		
Applicant: Mr P Hodgkinson		
Case Officer: Helen Tipton	email: helen.tipton@shropshire.gov.uk	

Grid Ref: 345322 - 294088



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

REPORT

1.0 THE PROPOSAL

1.1 The application proposes the change of use of an ancillary domestic outbuilding to holiday let accommodation.

1.2 The scheme succeeds the following applications:

- 20/05399/FUL - The erection of one holiday let at the site, which was withdrawn in February 2021.
- 21/01065/CPL - A Lawful Development Certificate application, seeking a legal determination on the proposed erection of a domestic outbuilding. The use of the structure as a study and home gym, along with its dimensions and position within the grounds were found, in April 2021, to meet the criteria for permitted development.

2.0 SITE LOCATION/DESCRIPTION

2.1 Ashbrook House is a two-storey detached dwelling, situated in a relatively central location of Church Stretton Town. Situated within the Shropshire Hills Area of Outstanding Natural Beauty (AONB) and the town's conservation area, the property is approached from the adjacent B5477 / Shrewsbury Road and is positioned to the west of it, with vehicular access made from the north-eastern corner. Meanwhile, a small watercourse runs along the southern perimeter.

The driveway, parking and turning areas are concentrated to the front and northern sides of the dwelling, whilst the gardens extend mostly rearwards / west, before backing on to neighbouring gardens. The existing outbuilding, which is the subject of this application, is positioned within the rear garden area of the domestic curtilage.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

3.1 The Local Member requested the application be referred to the Planning Committee within 21 days of electronic notification of the application and this has been agreed with the Planning Services Manager, in consultation with the committee Chair and Vice Chair. The town council also express views contrary to delegated officers and so the matters raised warrant the committee's full consideration.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 Shropshire Council Highways - no objection.

4.1.2 Shropshire Hills AONB - comment.

No site-specific comments are provided, although this indicates neither an objection or lack of objection to the scheme. In reaching its decision, the local planning authority must still satisfy its legal duty to take into account the purposes of the AONB designation, planning policies concerned with protecting the landscape and the statutory AONB Management Plan. The Partnership also reserves the right to make a further, detailed response.

4.1.3 Shropshire Fire and Rescue - comment.

An informative comment refers to Shropshire Fire and Rescue Services Fire Safety Guidance, which is available online.

4.1.4 Shropshire Council Drainage - comment.

The site falls within Flood Zone 3 of the Environment Agency map and a Flood Risk Assessment statement is provided, which is satisfactory. An informative comment is given in relation to the incorporation of flood resistance measures in the building and for the use of Sustainable Drainage Systems (SuDS).

4.1.5 Shropshire Council Archaeology - no comment.

4.1.6 Shropshire Council Conservation - no objection.

The proposal relates only to the change of use of an existing building and the principle of the erection of the building. Its design does not form part of this application. The change of use to a holiday let does not, in itself, raise any further visual or physical character impacts upon the conservation area than the current situation. As such we cannot raise any objections to the current change of use application on conservation grounds.

4.1.7 Church Stretton Town Council - objection.

- Based on the planning history, the current application must be considered in the same light as the planning application that was withdrawn in February 2021, (20/05399/FUL) and inappropriate development in residential gardens should be resisted. The scheme cannot be said to enhance the conservation area. Additionally, a self-contained holiday let here would not respect the existing pattern of development or retain and enhance important views and landmarks, in accordance with SAMDev Plan policies MD2, MD12 and MD13 of the Council's SAMDev Plan.
- The site maintains an ancient open boundary, over the adjacent watercourse, with the neighbouring property, (Peel Wyke), to the rear. It is unclear how this boundary will be maintained, with a constant rotation of visitors that may not respect this boundary. The development does not safeguard residential amenity and would not meet with Core Strategy Policy CS6.

4.2 Public Comments

4.2.1 The application was advertised by way of notice at the site, as well as in the local press and the details are publicly available online.

Six separate public objections have been received, including a response from the Strettons Civic Society; the full text of these can be viewed online, although they are summarized as follows:

- Concerns over inadequate parking arrangements and an increase in traffic movement.
- Residential amenity concerns in terms of overlooking / privacy, noise, fumes / smells and light pollution.

- The town is already saturated with holiday accommodation.
- The adjacent watercourse presents a potential hazard to young or vulnerable visitors.
- The building and its use would de-value neighbouring properties.
- Any inappropriate behaviour or trespass could not be overseen and corrected, since the owner does not live on site.
- Insufficient notification of the development given to neighbours by the local planning authority and the applicant has not approached neighbours about the scheme.
- The application description refers to the existing building as an 'annex', although it cannot be considered as such.
- The plans do not appear to be correct, as the actual wall of the building is only a few feet from our fence.
- The building's visual impact on the conservation area.
- Detrimental impact on a mature tree and wildlife.
- Procedural concerns, with the development demonstrating a cynical disregard for neighbours and the planning system.
- No evidence to confirm the building has been in use for its originally intended purpose.

Applicant's summarised response:

Reassurance that a holiday let business here would be overseen and managed responsibly, respecting the law and neighbour's amenity.

Collection of a 'damage' deposit is being proposed that could be withheld in the event of any complaints received in relation to noise or damage, although this is expected to be unnecessary.

Contact details, including a 24-hour telephone number would be provided to all neighbours, enabling them to report any disturbance.

Visitors would receive clear guidance and advice, including how to manage noise and an instruction list with site rules provided at the time of booking.

Written guidelines also provided on-site.

It is proposed that any external lighting would be at a low level, to avoid any possibility of light pollution.

5.0 THE MAIN ISSUES

Principle of development

Residential amenity

Highway safety

Fire safety

Flood risk

Other matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The issuing of the lawful development certificate (21/01065/CPL) in April 2021, permitted the construction of the building for ancillary, domestic use and concluded that, amongst other criteria, the outbuilding would be two metres or more from the boundary of the curtilage of Ashbrook House, for which the submitted plans concur. It is also acknowledged that a planning enforcement enquiry was raised in June 2021, whereupon it was identified that no breach of planning control had taken place in respect of the siting or construction of the building. As such, the building itself is not in contention and consideration must only be given to its proposed use. Therefore, matters of siting, design, layout, visual or environmental impacts from construction of the building cannot be scrutinised or revisited under the current proposals and since permitted development does not require express planning consent, whether or not the ancillary use of the building was implemented is not in question.

6.1.2 The Council's Core Strategy Policy CS16 supports the provision of high-quality visitor accommodation in accessible locations, served by a range of services and facilities and wherever possible, for existing buildings to be re-used. It also supports development that promotes opportunities for accessing, understanding and engaging with Shropshire's landscape, cultural and historic assets, including the Shropshire Hills AONB and rights-of-way network. Recognising the established use of the existing premises, the re-use of a building and noting its town centre location within the AONB and Longmynd hills, the scheme would constitute a highly sustainable form of development, contributing to and benefitting the local visitor economy. It should be noted that, in this situation, policy does not extend to the requirement of considering the amount of other guest accommodation already in existence in the local area. For the above reasons, the principle of development is accepted.

6.2 Residential amenity

6.2.1 Although there is a potential for some disturbance from noise, smells and / or external lighting, this would be no more so than the existing arrangements, since the main occupiers would already be able to hold private gatherings within the grounds and have friends and family stay at their home at any time. In any event, any unacceptable disturbance could be treated in the same way as any other improper behaviour and brought to the attention of the Council's Public Protection team or other authorities, as appropriate.

6.2.2 With two small bedrooms proposed, the building could only, physically accommodate a small group of people at any given time and since there would be little difference in this and a modest house extension, it is unlikely that the increased number of guests to the property would compromise the existing living conditions of neighbours. However, for clarity and enforceability and to avoid an over-intensive use of the site, conditions would restrict the number of holiday units

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- to one, whilst also ensuring the accommodation is managed from the existing dwelling, (Ashbrook House), used only by holidaymakers and / or for existing ancillary use.
- 6.3 Highway safety
- 6.3.1 The Council's Highways team consider that the proposed off-street parking facilities and access are adequate, without the change in use detrimentally affecting highway safety.
- 6.4 Fire safety
- 6.4.1 The Shropshire Fire and Rescue Service's comments are generic and their interests are subject to other legislation which need not be duplicated by the planning system.
- 6.5 Flood risk
- 6.5.1 Entirely new built development, proposed for holiday or other residential accommodation in areas with a potential high risk of flooding would require a sequential test to be carried out in accordance with Part 14 of the National Planning Policy Framework. The purpose would be to steer such development to areas with the lowest risk of flooding and, for this reason it was unlikely that the first proposed application, (20/05399/FUL, which was withdrawn) would have been supported, particularly where there is other, similar development locally available with a lower flood risk.
- 6.5.2 However, it should be noted that some minor development, including certain householder applications and changes of use would not be subject to the sequential test and since this scheme does not propose a new building and relates only to the change of use of an existing building, it would not be subject to the same policy constraints.
- 6.6 Other matters
- 6.6.1 Public consultation has been carried out by the local planning authority in accordance with the government's statutory requirements.
- 6.6.2 Trespass and the safety of visitors attending the site would not be material planning matters.
- 6.6.2 Government guidance is clear that effects on property values are not a planning consideration and neither is there any statutory requirement for applicants to engage in their own neighbour consultation.

7.0 CONCLUSION

The development is acceptable in principle given the town centre location and the fact that it would reuse an existing outbuilding. There would be no undue or insurmountable concerns regarding residential amenity, highway safety, fire or flood risk and so the application accords with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions to reinforce the critical aspects of the scheme.

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:
Core Strategy and Saved Policies:

National Planning Policy Framework
CS6 - Sustainable Design and Development Principles
CS7 - Communications and Transport
CS11 - Type and Affordability of housing
CS16 - Tourism, Culture and Leisure
CS18 - Sustainable Water Management
MD2 - Sustainable Design
MD11 - Tourism Facilities and Visitor Accommodation
SPD Type and Affordability of Housing
Settlement: S5 - Church Stretton

RELEVANT PLANNING HISTORY:

13/02168/TCA Removal of 3no Conifer Trees within Church Stretton Conservation Area
NOOBJC 3rd July 2013
20/05399/FUL Erection of one unit of holiday let accommodation WDN 22nd February 2021
21/01065/CPL Application for a Lawful Development Certificate for the proposed erection of an outbuilding. LA 9th April 2021
SS/1978/345/P/ Erection of two private garages. PERCON 28th July 1978

11. Additional Information

AGENDA ITEM

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Ashbrook House

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RPD6AXTDM2C00>

List of Background Papers
Cabinet Member (Portfolio Holder) - Councillor Richard Marshall
Local Member Cllr David Evans Cllr Hilary Luff
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, drawings and documents as listed in Schedule 1 below.
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 development hereby permitted shall only be used:
 - a) by holidaymakers whose main residence is elsewhere and/or
 - b) for purposes in connection with and ancillary to the enjoyment of the existing dwelling, (known as Ashbrook House), situated on the land edged in blue on the submitted location plan as a single dwelling unit.In the event of (a), the existing dwelling, situated on the land edged in blue on the submitted location plan, shall provide the requisite supervision and management of the holiday accommodation enterprise. The owner/operator shall maintain an up-to-date register of occupiers and their main home addresses and shall make this information available to the local planning authority at any reasonable time.
At no time shall the development be occupied as permanent, unrestricted accommodation or

as a separate, primary place of residence.

Reason: To define the permission, in the interests of residential amenity and sustainable tourism development and to avoid the establishment of a permanent dwelling unit, without further consideration of the relevant planning issues.

4. The number of holiday accommodation units erected or stationed at the site outlined in red and blue on the approved location plan shall not exceed one.

Reason: To define the consent and avoid an over-intensive use of the site, in the interests of visual and residential amenity.

Informatives

1. 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:
<https://www.shropshirefire.gov.uk/safety-at-work/planning-applications>
2. In order to control/attenuate surface water at source and avoid increasing the risk of flooding at the site or elsewhere, the incorporation of sustainable drainage systems (SuDS), such as soakaways, designed in accordance with BRE Digest 365, water butts, rainwater harvesting, permeable paving, attenuation and grey water recycling should be considered.
You may also wish to consider incorporating flood resistance measures into the development, such as flood resistant doors, non-return valves, solid floor tiles, raised electrical sockets, air brick covers, floor guards, non-permeable skirting boards etc.
3. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.