

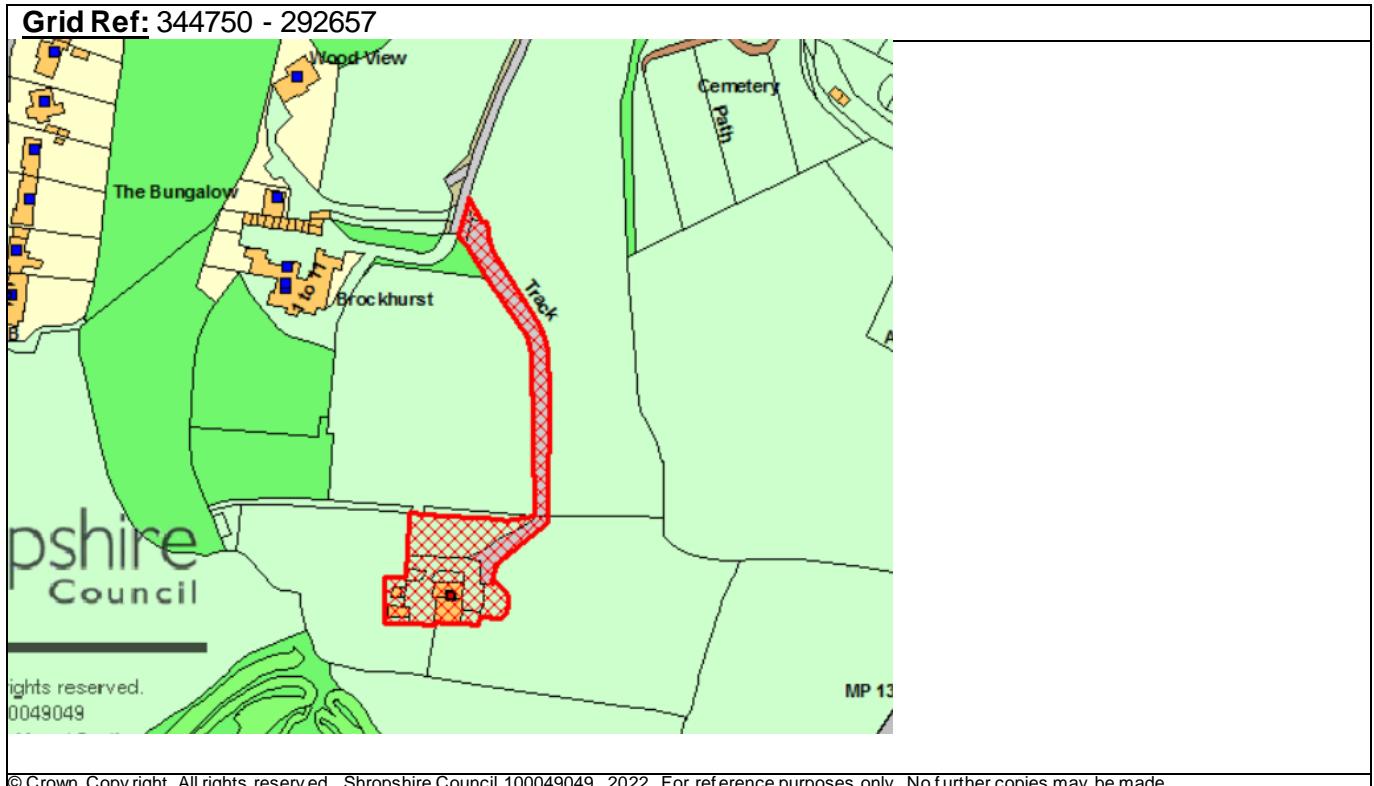
Committee and date
Southern Planning Committee
9th May 2023

Development Management Report

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

Summary of Application

<u>Application Number:</u> 23/00820/FUL	<u>Parish:</u>	Church Stretton
Proposal: Conversion of agricultural outbuilding to form one dwelling and installation of package treatment plant (resubmission).		
Site Address: Barn to the Rear of Brockhurst Church Stretton Shropshire		
Applicant: Mr & Mrs James & Stephanie Smith-Pearse		
Case Officer: Elizabeth Attwood	email: elizabeth.attwood@shropshire.gov.uk	



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Recommendation:- Refuse

Recommended reason for refusal

1. The conversion of the modern utilitarian block work building, which is not a heritage asset worthy of retention through conversion to an open market dwelling is contrary to adopted planning policy and is therefore unacceptable in principle and would result in an open market dwelling in an unsustainable location in the open countryside. The Council has a robust five-year housing land supply within settlements designated for development and so the housing policies of the Development Plan must be attached full weight. The proposed scheme would deliver very modest economic and social benefits in that it would contribute one open market dwelling to the overall housing stock with some additional local spending that might help to support local businesses and limited environmental benefits in the form of additional soft landscaping and the possible installation of solar PV panels on the roof, and rainwater recycling. Nevertheless, the proposal would result in a new dwelling in the open countryside for which there is no policy support in the adopted Development Plan. The proposed development is deemed to be contrary to Core Strategy Policy CS5 and SAMDev Policies MD1 and MD7a, and the adopted SDP Type and Affordability of Housing. There is no fallback position of converting the existing barn under permitted development rights as these do not exist as the barn is located within an Area of Outstanding Natural Beauty.

2. The site is located in an unsustainable location distant from any meaningful services. The site is not served by any regular public transport, and the closest bus stop is over 1km away. The lack of footway or lighting along the lanes leading to the B5477 (Ludlow Road) limit its attractiveness for pedestrians/cyclists especially during the hours of darkness. Therefore, resulting in future occupants of the property being heavily reliant on the private car for a considerable amount of their journeys to access services and amenities in Church Stretton. The proposed development is therefore contrary to Core Strategy Policy CS6 which seeks to create sustainable development and Government guidance contained within the National Planning Policy Framework (NPPF) 2021.

REPORT

1.0 THE PROPOSAL

1.1 Conversion of agricultural outbuilding to form one dwelling and installation of package treatment plant (resubmission).

1.2 The proposed development will create a 4 bedrooomed/2 bathrooomed dwelling, with a dressing room, hallway, an open plan kitchen/dining room, a utility, WC and living room on the ground floor and a mezzanine floor above the north wing. The proposed sewerage treatment plant will be located to the east of the proposed dwelling.

1.3 The application is a resubmission of refused application 22/03300/FUL for the

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Conversion of agricultural outbuilding to form one dwelling; erection of detached 3-bay garage building and installation of package treatment plant.

22/03300/FUL was refused for the following 3 reasons;

1. *The building subject to the planning application is not considered to be a heritage asset worthy of retention through conversion therefore its conversion to open market residential purposes would not accord with the provisions of policy MD7a of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (Adopted 17/12/2015).*

2. *It is considered that a detached garage of the scale and design proposed would detrimentally affect the rural amenities and character of the area and the landscape and scenic beauty of this part of the Area of Outstanding Natural Beauty. This would be contrary to the provisions of policies CS6 and CS17 of the Core Strategy, MD2 and MD12 of the Shropshire Council Site Allocations and the National Planning Policy Framework (2021).*

3. *It is considered that the siting of the detached garage will lead to less than substantial harm to the significance of the Scheduled Monument through development within its setting which is not outweighed by the public benefits. The proposal therefore contravenes the provisions of policies CS6 and CS17 of the Shropshire Core Strategy (2011), MD2 and MD13 of the Site Allocations and Management of Development Plan (2015) and the provisions of the National Planning Policy Framework (2021).*

1.4 This application differs from the previously refused scheme in that the proposed triple garage and attached lean to bin/log store has been omitted for the proposed development. Therefore, the only consideration now is whether the building is considered to be a heritage asset worthy of retention through conversion to an open market dwelling.

1.5 Other planning history on the site comprises;
Application SS/1/8688/P/ Conversion of building to a dwelling and stable was refused on 09.04.98
Application SS/1/06/18776/F Change of use of agricultural building to storage of model railway items was approved on 21.11.06

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site form existing farm buildings that once supported the main house of Brockhurst to the north (but which is now divided up into 11No flats). Both the agricultural buildings and the main building are accessed off an unclassified road to the south of the Ludlow Road (B 5471). The access track to the application buildings is partially tree lined on the west side. There are also several trees around the fields that these buildings are located in. This access track is a

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relatively new addition as it does not show up on the Council's records in 1999. Neither are the farm buildings historical as they do not appear on the 2nd edition historical mapping.

- 2.1.2 The buildings subject to the planning application is single storey comprising a flat roof section and a larger pitched roof section. The construction includes a concrete frame with concrete block infills, the pitched roof part of the building is finished with corrugated sheeting. There is also another mono pitch building is of a substantially wooden construction. The Planning Statement refers to the barn as being redundant, however the HIA states; The long-established current use of the site involves use of woodworking machinery, external storage of materials and frequent activity of agricultural vehicles. The Structural Report also notes that the building is in use in terms of storage. Both reports also contain photographs which show that the building is still in use.
- 2.1.3 To the south of the buildings is the Scheduled Ancient Monument (SAM) of Brockhurst Castle, whilst to the east beyond fields is the main railway line between Hereford and Shrewsbury. The A49 is to the east of the railway. The application site is within the Shropshire Hills Area of Outstanding Natural Beauty.
- 2.1.4 To the west of the buildings which are sited on a raised area of ground along with the SAM and Brockhurst itself, the ground drops away to the valley beyond. Beyond Brockhurst to the west it is also steeply sloping and there is an ancient woodland between the main building and the dwelling units that front onto the Ludlow Road here.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The proposed development is not considered to accord with the requirements of the Council's relevant adopted policies. However, the Ward Councillor has called in the application for a determination of the application by Committee under the terms of the scheme of delegation to officers as set out in Part 8 of the Council Constitution.

- 4.0 Community Representations
4.1 Consultee Comments

SC Highways - No Objection subject to the development hereby approved being constructed in accordance with approved details.

SC SUDs – no objections - pre commencement condition in respect SWS and FWS suggested.

SC Affordable Houses - The agent is required to complete and submit an affordable housing proforma to ensure that the correct affordable housing contribution is being proposed. Any permission should be subject to a S106 to

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secure the contribution.

SC Conservation (Historic Environment) – The building in question is not of an age or traditional construction to be considered a heritage asset worthy of retention through conversion, therefore, the proposal would not accord with policy MD7a of the SAMDev in this instance and we would have no further conservation comments to make.

SC Archaeology (Historic Environment) – to be reconsulted

SC Ecology – No objection. Conditions and informatics have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

Historic England – The revised application has excluded a detached garage that would have contributed to an overall level of harm that the development proposal would have caused to the significance of the nearby site of Brockhurst Castle, National Heritage List for England ref: 1010724. The current proposal is therefore an improvement than 22/03300, although would still have some impact upon the nearby Castle site through development within its setting.

Ancient Monuments Society – no response received

Shropshire Hills AONB Partnership – neutral and advises that the planning authority has a legal duty to take into account the purposes of the AONB designation in making this decision, and should take account of planning policies which protect the AONB, and the statutory AONB Management Plan.

Public Comments

Church Stretton Parish Council – objects. Full comments can be accessed via [23/00820/FUL | Conversion of agricultural outbuilding to form one dwelling and installation of package treatment plant \(resubmission\) | Barn To The Rear Of Brockhurst Church Stretton Shropshire](#)

However, the main objections are;

- Outside the Town Development Boundary
- Represents an isolated development within the AONB
- Close to and within the proximity of a Heritage Asset
- Creation of Precedent

A Site Notice has publicised the application. Five representations have been received. Full comments are available at the above link however comments are summarised below;

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Strettons Civic Society – The Written Ministerial Statement (WMS) does not carry sufficient weight to override the development plan which carries prime importance in determining the application. We conclude that there are no overriding material considerations in this case and as the proposal does not involve a heritage asset it fails to comply with policy MD7a of the adopted Shropshire SAMDev Plan.

Neighbour comments

- Landscaping on this site is particularly important in this sensitive area, with its proximity to the adjacent Heritage Site but no details have been provided at this stage.
- The conversion will transform the redundant barn on a brownfield site
- The house will not increase the size of the building
- The building will make it more in keeping with the agricultural nature of the area.
- An Eco house should set standards
- It will bring a young family to the area using local shops and schools.
- The existing agricultural buildings are unattractive, and their use can on occasions give rise to noise and smoke disturbance. Conversion to a single-family dwelling as proposed would improve the outlook from our property and garden and reduce disturbance.
- If planning consent is granted, we feel that conditions should be imposed to minimise light pollution, ensure a good standard of landscaping is adopted and wildlife is not disturbed.

5.0 THE MAIN ISSUES

Principle of development

Siting, scale and design of structure and impact upon the character and appearance of the Area of Outstanding Natural Beauty

Heritage Considerations

Highway safety

Ecology

Residential Amenity

Affordable Housing

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) also advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF is a material consideration that constitutes guidance for local planning authorities as a material consideration to be given weight in

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determining applications.

- 6.1.2 A key objective of both national and local planning policy is to focus new residential development in locations which promote economic, social and environmental sustainability. The Development Plan for Shropshire comprises the Core Strategy 2011 and the SAMDev Plan 2015. The Local Plan is in the process of being reviewed, however it is not yet adopted hence the adopted policies still carry full weight. Specifically, Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 seek to steer new housing to sites within market towns, other 'key centres' and certain named villages ('Community Hubs and Clusters'). These are identified in the Council's adopted Site Allocations and Management of Development (SAMDev) Plan. Therefore, isolated or sporadic new housing in open countryside (i.e. on sites outside the named settlements) is generally regarded as unacceptable unless there are exceptional circumstances, or other relevant material considerations which outweigh the statutory priority to be given to the local development plan.
- 6.1.3 Policy CS4 of the CS sets out how new housing will be delivered in the rural areas by focusing it in Community Hubs and Community Clusters, which are identified in Policy MD1 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) 2015. Policy MD1 of the SAMDev identifies those settlements that fall within a Community Hub or Community Cluster. Policy CS11 of the CS seeks to ensure that development creates mixed, balanced and inclusive communities.
- 6.1.4 Policy CS5 only allows new development in the open countryside where it maintains and enhances countryside vitality and character and improves the sustainability of rural communities. This aligns with paragraph 79 of the NPPF. Policy CS5 also provides a list of particular development that it relates to including dwellings the conversion of rural buildings.
- 6.1.5 Policy CS5 is complemented by Policy MD7a, which goes on to state that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Clusters. In the case of open market residential conversions, requiring planning permission, the conversion of buildings to open market use will only be acceptable where the building is of a design and form which is of merit for its heritage/landscape value, minimal alteration or rebuilding is required to achieve the development and the conversion scheme would respect the significance of the heritage asset, its setting and the local landscape character.
- 6.1.6 Under the current adopted SAMDev Plan, Brockhurst lies outside any Development Boundaries. It is therefore open countryside, and the principle of a new open market dwelling here would therefore be in conflict with Core Strategy Policy CS5 and SAMDev Policies MD1 and MD7a.
- 6.1.7 Recent appeal decisions support the Council's position that it has a sufficient five-

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year supply of housing land, and consequently that its policies on the amount and location of residential development should be regarded as up-to-date, and that there is no pressing need to bring forward sites outside the designated settlements unless one of the CS5/MD7a exceptions is met.

- 6.1.8 Local policies do not expressly prohibit new market housing on ‘windfall’ sites outside the designated settlements, where they were considered to accord with the National Planning Policy Framework (NPPF) presumption in favour of sustainable development.
- 6.1.9 In this instance, however, it is difficult to argue that the creation of a new dwelling would be environmentally sustainable given the site’s distance from any services, the lack of a safe pedestrian route or regular public transport services, the absence of any community services or facilities nearby, and therefore the occupants would be heavily reliant on a motor vehicle to access any amenities.
- 6.1.10 Moreover, the economic benefits (e.g. in terms of boosting housing supply, generating construction jobs & local spending) would be modest and equally applicable to other developments in more policy compliant locations.
- 6.1.11 The Planning Statement refers to 3 Nissen huts associated with WW2 being on the site, and an historic barn formally associated with Monks living in nearby in Brockhurst. However, the existing modern barn ‘which was adapted to its current form in 2006’, has no architectural or historic merit. For avoidance of doubt, the barn is described below in paragraph 6.1.13.
- 6.1.12 SC Conservation (Historic Environment) has confirmed that the building in question is not of an age or traditional construction to be considered a heritage asset worthy of retention through conversion, therefore, the proposal would not accord with policy MD7a of the SAMDev Plan, or the criteria noted in paras 2.27 - 2.29 of the adopted Shropshire Type and Affordability of Housing SPD 2012.
- 6.1.13 The modern construction materials and utilitarian appearance of the building is described in the submitted Structural Survey as noted pointed below;

The front elevation is concrete block walls between precast concrete units and corrugated sheeting above eaves level to the gable. There is a steel frame to form the structural opening for a pedestrian access door and a roller shutter door.

Right-hand Side Elevation

The right-hand side elevations consist of four bays of the precast units and infill block wall.

Left-hand Side Elevation

The infill blocks to the lower side are hollow, several blocks are broken exposing the inner cells. Part way up the wall the hollow blocks are laid on edge with newer

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blocks over to eaves level.

Rear Elevation

The rear elevation is made up of several sections, to the left-hand side the walls are the precast units with block infill and a steel frame for a personnel door.

Ceiling/Roof

The roof is corrugated metal sheet supported on timber rafters and purlins spanning between king post trusses supported off the precast units.

- 6.1.14 Accordingly, the conversion of the modern utilitarian building to a residential use is contrary to adopted planning policy and is therefore unacceptable in principle and would result in an open market dwelling in an unsustainable location in the open countryside.
- 6.1.15 The planning statement also talks about conversion of former agricultural buildings to residential use under Schedule 2 Part 3 Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2012 (GPDO) which, subject to limitations, permits the conversion of former agricultural buildings to dwellinghouses under permitted development i.e. without the need to apply for full planning permission.
- 6.1.16 This legislation is not deemed relevant in this instance as Class Q specifically excludes buildings which are located in an AONB. Therefore, there is no 'fallback position' which needs to be considered as a material planning consideration, and as such the authority is obliged to consider all relevant planning policies of the Development Plan.
- 6.1.17 The possibility of including solar panels on the roof and recycling rainwater is noted and laudable. Likewise, the use of high insulation values, however this would be required by Building Regulations and should not be seen as an exceptional circumstance which outweighs the conflict with the adopted planning policies in terms of the principle of an open market dwelling on this unsustainable open countryside site.
- 6.1.18 If approved, this development would undermine other elements of the development strategy for the County such as to direct development to areas with greatest access to facilities.
- 6.1.19 Therefore, the proposal is fundamentally unacceptable. The proposal would not be a suitable site for housing, with regard to the Council's housing strategy and would fail to accord with Policy CS4 of the Core Strategy and Policies MD1& MD3 of the SAMDev regarding the scale and distribution of housing development in the area.
- 6.2 Siting, scale and design of structure and impact upon the character and appearance of the Area of Outstanding Natural Beauty

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6.2.1 Section 12 of the NPPF places an emphasis on achieving good design and Policy MD2 expects development proposals to contribute to and respect locally distinctive or valued character and existing amenity value. Policy CS6 deals with Sustainable Design and Development Principles. This requires that all development is designed to a high standard which respects and enhances local distinctiveness, and which mitigates and adapts to climate change. The development should also protect, conserve, and enhance the natural, built and historic environment and be appropriate in scale, pattern and design considering the local context and character having regard to national and local design guidance. Policy CS17 particularly notes that all development should have regard to the Shropshire Hills AONB. Policy MD12 seeks the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration. Furthermore, para 176 of the NPPF states that; '*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.*'

6.2.2 The single storey form of the existing building would be retained as part of the conversion. The shape of the windows provides a vertical emphasis to the design. Externally the palette of materials includes wooden cladding. None of these elements of the proposal are objectionable in the rural context of this development and it is acknowledged that they would contribute towards an improvement to the visual amenity of the immediate area. In reaching the conclusion above regard has also been taken of the Shropshire Hills AONB Management Plan 2019-24 including policies P1 and P4.

6.3 Heritage Considerations

6.3.1 Chapter 16 of the NPPF, policies CS17 & MD13, Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 and Historic England's guidance on The Adaptive Reuse of Traditional Farm Buildings (HEAN 9) and Adapting Traditional Farm Buildings Best Practice Guidelines are relevant in determining this application.

6.3.2 To the south of the farm buildings is the Scheduled Ancient Monument (SAM) of Brockhurst Castle. A HIA is submitted with the planning application and in terms of the impact on the SAM it concludes that the development would be less than substantial and would likely constitute an enhancement to the existing permitted use of the site.

6.3.3 Historic England (HE) consider that the current proposal is an improvement to 22/03300/FUL, although it would still have some impact upon the nearby Castle site through development within its setting. HE previously considered that the

biggest impact to be the additional peripheral structures which come with a residential property i.e. garden sheds, greenhouses, children's play equipment etc. They therefore recommended that if planning permission is granted the council formalise by planning conditions or other agreement, the limitation of permitted development rights for the development so that the rural agricultural nature of the setting is retained.

6.3.4 In this regard, Schedule 2 Part 1 Class E of the GPDO permits the erection of buildings incidental to the enjoyment of the dwellinghouse (sheds, outbuildings, swimming pools & oil tanks etc), without the need to apply for planning permission. However, these permitted development (PD) rights do not apply in this instance due to the development's location within the AONB.

6.3.5 Nevertheless, many of the activities and structures (e.g. trampolines, climbing frames, swings, washing lines), which generally take place within a residential curtilage would not comprise development such that they could not be controlled by a planning condition. It is acknowledged that there are currently agricultural type activities and storage presently occurring outside the buildings, which would cease as a result of the development. This type of agricultural activity is not unusual or out of character in a rural setting. However, the domestication of the proposed 0.1ha site and the resultant items of domestic paraphernalia and clutter could adversely impact upon the rural and historic setting of the nearby SAM, but this could not be controlled.

6.4 Highway Safety

6.4.1 Policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic to be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car-based travel reduced. It seeks to achieve safe development and where the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated.

6.4.2 Paragraphs 110 - 111 of the NPPF states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and that:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

6.4.3 In this respect, the property is fairly remotely located and is accessed by a private track. The potential change in traffic associated with the proposed barn conversion of what is already experienced in the area is considered unlikely to have a material impact on the adjoining public highway.

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6.5 Ecology

6.5.1 SC Ecology have reviewed the submitted Ecological Impact Assessment carried out by Churton Ecology (January 2022), which found the site to support habitats of low biodiversity value. Bats and breeding birds are considered to be important ecological features of the site however no further surveys were recommended. In the event a bat is found during works, works must stop and NE or a licensed ecologist must be contacted for advice on how to proceed.

6.5.2 SC Ecology require biodiversity net gains at the site in accordance with the NPPF and policy CS17. Accordingly, conditions could require the installation of bat boxes/integrated bat tubes and bird boxes to enhance the site for wildlife by providing additional roosting and nesting habitat.

6.6 Residential Amenity

6.6.1 The proposal will create a generous 4 bed (8 person) property on a large 0.1ha plot (excluding the access drive), with additional pastureland.

6.6.2 Given the separation distances between the site and the existing dwellings in the area (the closest being approx. 114m to the northwest), there will be no impact upon residential amenity.

6.7 Affordable Housing

6.7.1 Paragraph 64 of the National Planning Policy Framework provides that "affordable housing should not be sought for residential developments that are not major developments". Major development is defined within the NPPF as 'for housing, development where 10 or more homes will be provided, or the site has an area of 0.5 ha or more'.

6.7.2 The application form indicates a site area of 0.5 ha and therefore is considered to constitute a major development and Council Policy at CS11 will apply. Policy CS 11 requires all new residential development to contribute towards affordable housing. The Type and Affordability of Housing Supplementary Planning Document provides the details for such contributions.

6.7.3 The agent is required to complete and submit an affordable housing proforma to ensure that the correct affordable housing contribution is being proposed. Any permission should be subject to a S106 to secure the contribution.

7.0 CONCLUSION

7.1 The conversion of the modern utilitarian block work building, which is not a heritage asset worthy of retention through conversion to an open market dwelling is contrary

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to adopted planning policy and is therefore unacceptable in principle and would result in an open market dwelling in an unsustainable location in the open countryside. The Council has a robust five-year housing land supply within settlements designated for development and so the housing policies of the Development Plan must be attached full weight. The proposed scheme would deliver very modest economic and social benefits in that it would contribute one open market dwelling to the overall housing stock with some additional local spending that might help to support local businesses and limited environmental benefits in the form of additional soft landscaping and the possible installation of solar PV panels on the roof, and rainwater recycling. Nevertheless, the proposal would result in a new dwelling in the open countryside for which there is no policy support in the adopted Development Plan. The proposed development is deemed to be contrary to Core Strategy Policy CS5 and SAMDev Policies MD1 and MD7a, and the adopted SDP Type and Affordability of Housing. There is no fallback position of converting the existing barn under permitted development rights as these do not exist as the barn is located within an Area of Outstanding Natural Beauty.

The site is located in an unsustainable location distant from any meaningful services. The site is not served by any regular public transport, and the closest bus stop is over 1km away. The lack of footway or lighting along the lanes leading to the B5477 (Ludlow Road) limit its attractiveness for pedestrians/cyclists especially during the hours of darkness. Therefore, resulting in future occupants of the property being heavily reliant on the private car for a considerable amount of their journeys to access services and amenities in Church Stretton. The proposed development is therefore contrary to Core Strategy Policy CS6 which seeks to create sustainable development and Government guidance contained within the National Planning Policy Framework (NPPF) 2021.

For the reasons set out above in this report, the proposal is unacceptable and unsustainable development is therefore recommended for refusal.

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.

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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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Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990

The Adaptive Reuse of Traditional Farm Buildings (HEAN 9) and Adapting Traditional Farm Buildings Best Practice Guidelines

Core Strategy and Site Allocations and Management of Development (SAMDev) Plan:

Core Strategy

CS1 Strategic Approach

CS3 The Market Towns and Other Key Settlements

CS4 Community Hubs and Community Clusters

CS5 Countryside and Green Belt

CS6 Sustainable Design and Development Principles

CS11 Type and Affordability of Housing

CS17 Environmental Networks

CS18 Sustainable Water Management

SAMDev Plan

MD1 Scale and Distribution of Development

MD2 Sustainable Design

MD3 Delivery of Housing Development

MD7a Managing Housing Development in the Countryside

MD12 Natural Environment.

MD13 Historic Environment

SPD on the Type and Affordability of Housing

Shropshire Hills AONB Management Plan 2019-24

RELEVANT PLANNING HISTORY:

22/03300/FUL Conversion of agricultural outbuilding to form one dwelling; erection of detached 3-bay garage building and installation of package treatment plant REFUSE 30th January 2023

SS/1/8688/P/ Conversion of building to a dwelling and stables REFUSE 9th April 1998

SS/1/06/18776/F Change of use of agricultural building to storage of model railway items.

PERCON 21st November 2006

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11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RQJX3NTDMP600>

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 Richard Marshall

Local Member
Cllr David Evans
Cllr Hilary Luff