

TWC/2017/0923

Brook Lodge, Kynnersley House Farm, Kynnersley, Telford, Shropshire, TF6 6DX
Removal of condition 3 of planning permission W2006/1225 to allow the existing
annex to be used as a separate dwelling ***AMENDED PLANS RECEIVED***

APPLICANT

Mr N Maddox

RECEIVED

07/11/2017

PARISH

Kynnersley

WARD

Edgmond and Ercall Magna

OFFICER Matthew Thomas

**KYNNERSLEY PARISH COUNCIL HAS REQUESTED THAT THIS APPLICATION
BE DETERMINED BY MEMBERS OF THE PLANNING COMMITTEE**

OBJECTIONS RECEIVED: YES

1.0 THE PROPOSAL

- 1.1 This application seeks planning permission for the removal of condition 3 of planning permission reference W2006/1225 to allow an existing annexe associated with 'Brook Lodge', Kynnersley House Farm to be used as a separate unit of accommodation.
- 1.2 Condition 3 of planning permission reference W2006/1225 reads "The development hereby permitted shall only be used as an integral part and incidental to the enjoyment of Unit F, as shown on the approved plans, and shall not at any time be occupied as separate residential accommodation".
- 1.3 Until recently, the annexe was occupied by a dependent relative of the applicant however circumstances have since changed and the annexe is now vacant. In order to allow an alternative use of the accommodation, the applicant is seeking permission for the removal of the aforementioned condition so that it may be used as a separate unit of accommodation. This is an existing annexe and no internal or external alterations are required.
- 1.4 Together with the application form and accompanying plans, the application is supported by a Planning Statement and Land Registry title plans.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site is situated within an established complex of barn conversions located within Kynnersley House Farm centrally located in the small village of Kynnersley.
- 2.2 The subject property comprises an existing single bedroom annexe, associated with 'Brook Lodge', one of the 8 barn conversions built circa 2006. The annexe is constructed from brick and tile and sits above a group of 5 garages with ground floor access to the side.

- 2.3 An area of private amenity space located to the south of the garage block would be provided for the proposed unit whilst Brook Lodge would retain the private amenity space which is immediately adjacent to the rear of the property as well as the nearby paddock. Two car parking spaces and a garage are available for use of the annexe whilst three parking spaces and a garage are provided for Brook Lodge.
- 2.4 Kynnersley lies approximately 4.5 miles to the north-east of Wellington and 7 miles west of Newport. The village is a mix of traditional and modern properties, including Duke of Sutherland style dwellings, numerous barn conversions as well as farm buildings. The village has a Church, Village Hall, a village shop and a limited bus service.

3.0 RELEVANT PLANNING HISTORY

- 3.1 W2005/0851 – Conversion of existing farm building in to 8 dwellings – Full Granted (31/01/2006)
- 3.2 W2006/1225 – Conversion of garage block and store to garage block with bedroom/en-suite over – Full Granted (24/11/2006)

4.0 PLANNING POLICY CONTEXT

- 4.1 National Planning Guidance:
National Planning Policy Framework
- 4.2 Telford & Wrekin Local Plan (2011-2031)
SP3 Rural Area
SP4 Presumption in favour of Sustainable Development
HO10 Residential development in the Rural Area
BE1 Design Quality

5.0 SUMMARY OF CONSULTATION RESPONSES

Standard consultation responses

- 5.1 Kynnersley Parish Council: Object
- Condition 3 was included in the planning approval to 'ensure proper control of the development and to avoid any future fragmentation of the curtilage'. This needs to remain in place to protect the unique character of the barn conversions and village as a whole – nothing has changed and therefore the application should be refused
 - Kynnersley is not identified as an area suitable for development
 - The plan included is incorrect with regards to the parking spaces and the number of spaces

5.2 Highways: No Objection

- It is clear that there are parking issues within the development however due to its location it is unlikely to have a negative impact on the adopted highway

5.3 Shropshire Fire Service: Comment – include Fire Authority informative

Neighbour consultation responses

5.4 Following neighbour consultation, 4 letters of objection (including 2 letters from the same neighbouring property) were received and the issues raised have been summarised below:

- Condition 3 was imposed to ensure proper control of development and to avoid any future undesirable fragmentation of the curtilage – there is no need for this change to be granted
- Already an existing lack of on-site car parking – this proposal will only exacerbate this issue
- Inaccurate information/inaccurate plans – there are 2 spaces for the annex and 3 spaces for Brook Lodge – not three as described
- Kynnersley has met its quota for new housing under the current plan
- Property would be unsuitable for people with disabilities or older people
- Decisions should be made bearing in mind the impact it will have on the people directly affected
- Concerns regarding vehicular access to Shiloh Barn
- Lack of on-site car parking space for visitors

Following receipt of amended plans a second round of consultation was undertaken where 3 letters of objection were received raising the following issues:

- Lack of on-site car parking
- Inadequate access for emergency vehicles
- Current approved communal parking arrangements do not represent an effective design – it does not work for all units when all spaces are used
- The area for the additional spaces is currently slabbed and is not wide enough for parking spaces
- Monthly maintenance of the whole development is paid for equally across the units – i.e. when additional stone needs to be ordered, all units pay an equal amount
- Brook Lodge has approved use of 5 of the 21 total spaces
- This application seeks to change the parking scheme for the site without any consultation or approval from fellow residents that Brook Lodge shares the development with

6.0 PLANNING CONSIDERATIONS

6.1 Having regard to the development plan policy and other material considerations, the planning application raises the following main issues:

- Background information/Planning history
- Principle of development
- Implications of the removal of condition no.3 on neighbouring properties
- Car parking & highway safety

Background information/Planning history

6.2 Planning permission was granted in November 2006 for the conversion of a garage block and store to a garage block with bedroom/en-suite accommodation above. At this time the building was considered worthy of retention as part of the wider barn conversion complex. Condition 3 of this approval required this accommodation to remain incidental to the enjoyment of Unit F (now known as Brook Lodge) in order 'to ensure proper control of the development and to avoid any future undesirable fragmentation of the curtilage'.

6.3 Incidentally, as is noted within the supporting documentation, permitted development rights were removed from the whole of the site under planning permission reference W2005/0851 "to enable the LPA to control the development and so safeguard the character and visual amenities of the area, and to ensure that adequate private open space is retained within the curtilage of the building". Therefore, preventing alterations and additions to any of the buildings, and the outside areas thus preserving the appearance of the site.

6.4 The subject building is detached from Brook Lodge. The annexe itself is accessed at ground floor level at the end of a row of 5 garages. The ground floor comprises a small kitchen and a staircase up to first floor level where there is a sitting room, one bedroom, a bathroom and a separate storage area. There is a small window in the side elevation serving the sitting room and 4 roof lights provide daylight to the remaining rooms. The Local Planning Authority (LPA) understands that the annexe building was, up until recently, used by a dependent relative of the applicant and owner of 'Brook Lodge', however circumstances have since changed and the annexe is now vacant.

6.5 The applicant has submitted this current application after receiving pre-application advice from the LPA in June 2017. At this time officers confirmed that support could be offered for the proposal however this advice was provided prior to the formal adoption of the Telford & Wrekin Local Plan (2011-2031).

Principle of development

6.6 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the adopted

development plan unless material considerations indicate otherwise. The Development Plan comprises the recently adopted Telford & Wrekin Local Plan (TWLP) which was recently adopted in January 2018. The National Planning Policy Framework (NPPF) is also a material planning consideration.

- 6.7 Policy HO10 (Residential development in the Rural Area) of the TWLP supports a limited amount of infill housing in 5 rural villages and this also includes the conversion of non-residential buildings for residential use. Outside of these identified settlements, development is strictly controlled. Kynnersley is not one of these villages identified as suitable for new development and therefore, given that the proposed development will result in an existing annexe becoming a self-sufficient and standalone dwelling, the proposal is a departure to the local plan.
- 6.8 This is a well-established unit of accommodation, built over 10 years ago having previously been considered worthy of conversion as part of the wider barn conversion complex. Condition 3 was imposed to the decision notice 'to ensure proper control of the development and to avoid any future undesirable fragmentation of the curtilage'.
- 6.9 The proposed site plan allows for adequate parking provision for the unit, including two allocated car parking spaces immediately outside as well as one of the garages beneath for storage. There is a small private garden area to the end of the building which is to be allocated for use of the residential unit. Access to this garden will be via the existing shared parking courtyard.
- 6.10 Notwithstanding the above, the building is not located within one of the identified rural settlements identified in policy HO10 and does not qualify for exceptional circumstances such as a being a building of exceptional quality or provision of an agricultural workers dwelling. The wording of the condition allows uses ancillary to Brook Lodge, which could include guest accommodation, other dependent relatives, office study, home gym etc. Insufficient justification has been provided to warrant the removal of condition no.3 of the original planning permission, contrary to policy HO10. The Local Planning Authority considers the proposal would also result in undesirable fragmentation of the curtilage which the condition sought to control.

Implications of the removal of condition no.3 on neighbouring properties

- 6.11 Officers have taken all neighbour responses in to consideration together with the objections received from the Parish Council. It is evident that the main concern relates to the adequate provision of on-site car parking which will be discussed below. Other concerns relate to the principle of development, Kynnersley not being identified as a suitable development for new residential accommodation and the potential impact of development on the character of the area.
- 6.12 There are no internal or external alterations proposed and given this is a small single bedroom unit of accommodation, the future potential to develop the

building further is restricted by its very nature. Given there will be no external alterations, the potential impact on the character of the area will be negligible.

- 6.13 The building has a single first floor window in the north facing side elevation only with all other sources of daylight being received from 4no. roof lights. Accordingly, there will be no adverse impacts on the living conditions of the occupants of neighbouring properties by virtue of any loss of privacy. Given this is a single bedroom unit of accommodation only, it is unlikely to require more than 2 car parking spaces at most and this is no different to its previous use. The applicant has successfully demonstrated this provision of parking spaces and no objections have been raised by the Local Highways Authority.

Car parking & highway safety

- 6.14 One of the main areas of concerns within the letters of objection received from 3 neighbouring properties is the provision of on-site car parking and whether or not the accompanying plans accurately depict existing and current provisions. Amended plans have been received during the course of this planning application together with title deeds provided by the Land Registry. Any disputes between land ownership are a civil matter and do not form part of the considerations of this planning application.
- 6.15 Drawing no. PL.05 Rev 01 (Proposed Site Plan) clearly demonstrates that there are 3 allocated car parking spaces for 'Brook Lodge' as well as an allocated garage. The existing annexe also has the benefit of one of the garages and allocated parking for two vehicles to the front. The available parking for 'Brook Lodge' and the annexe is compliant with the parking standards of the TWLP. There are no physical changes proposed to warrant additional levels of car parking for either property and therefore the overall impact on existing car parking and highway safety will be negligible.

7.0 CONCLUSIONS

- 7.1 Whilst there would be no adverse impact on the character and appearance of the area or on living conditions of neighbouring properties, Kynnersley is not identified within local planning policy as a village suitable for new residential accommodation and therefore the proposed development is a departure to the local plan. Whilst it is acknowledged that the external and internal appearance of the building would remain unaltered, insufficient justification has been provided to warrant the removal of condition no.3 of the original planning permission and the Local Planning Authority considers the proposal would result in undesirable fragmentation of the curtilage thus being contrary to local planning policy.

8.0 RECOMMENDATION

- 8.1 Based on the above conclusions it is **RECOMMENDED** to **REFUSE** **PLANNING PERMISSION** for the removal of Condition 3 of W2006/1225